

# Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

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

27 September 2017

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

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 4TH OCTOBER, 2017** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins  
Democratic Services Manager

## **WEBCASTING NOTICE**

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

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

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

## **AGENDA**

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting held on 6<sup>th</sup> September 2017.

5 **ITEMS TO BE DEFERRED**

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

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

**REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**  
**TO PLANNING COMMITTEE ON 4<sup>th</sup> OCTOBER 2017**

<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>		
6.1	057263 - A	Full Application - Erection of New Retail Units with Associated Access, Car Parking, Servicing and Landscaping Arrangement and Amendments to the Existing Car Park at Flint Pavillion Sports Centre, Earl Street, Flint (Pages 11 - 22)
6.2	057316 - R	Full Application - Erection of Two Detached Residential Dwellings at Groomsdale Cottage, Groomsdale Lane, Hawarden (Pages 23 - 32)
6.3	057296 - A	Application for Removal of Condition No. 6 (Temporary Access) and Variation of Condition No. 8 (Opening Hours) Following Grant of Planning Permission 056664 at Coppy Farm, Cilcain Road, Gwernaffield (Pages 33 - 42)
6.4	056859 - A	Full Application - Erection of Detached Dwelling and Garage at The Spinney, Huxleys Lane, Hope. (Pages 43 - 50)
6.5	057129 - A	Full application for the change of use from C3 to C4 to a 4 bed (small) House of Multiple Occupation (HMO) at 8 Wellington Street, Shotton, Deeside. (Pages 51 - 58)
6.6	057318 - A	Full Application - Proposed 17.5 m Jupiter Single Stack Column Installed on New D6 Root Foundation and Associated Works at Muirfield Road, Buckley (Pages 59 - 68)
6.7	057070 - A	Full Application – Erection of single storey extension to side and rear of dwelling at 18 Moorfield Road, Hawarden. (Pages 69 - 76)
6.8	053325 - A	Outline Application for the Erection of 10 No. Dwellings at Siglan Uchaf, Ruthin Road, Gwernymynydd. (Pages 77 - 88)
6.9	057261 - A	Full Application - Erection of 4 Storey Extra-Care Building to Accommodate 44 No. Single Bed Apartments and 11 No. Two Bed Apartments with Supporting Accommodation at Ysgol Fabanod Perth y Terfyn, Halkyn Road, Holywell (Pages 89 - 100)
6.10	056742 - A	Full Application - Residential Development for 160 No. Dwellings and Associated Gardens and Car Parking at Maes Gwern, Mold. (Pages 101 - 128)
6.11	057115 - A	Full Application - Erection of 5 No. Dwellings at 120 Shotton Lane, Shotton. (Pages 129 - 138)
6.12	057225 - A	Full Application - Proposed Double Storey Rear Extension and Internal Alterations at 13 Kiln Lane, Hope. (Pages 139 - 146)
<b>Item No</b>	<b>File Reference</b>	<b>DESCRIPTION</b>
<b><u>Appeal Decision</u></b>		
6.13	051143	Appeal by Nant y Ffrith Energy Limited Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of Wind Turbine up to 77 m Vertical Tip Height with Associated Crane Pad, Substation Building, Formation of New Track and New Entrance Junction off Unclassified Road and Provision of Temporary Construction Compound at Mount Farm, Ffrith - DISMISSED. (Pages 147 - 152)
6.14	055579	Appeal by Mrs Hannah Fargher Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use to House in Multiple Occupation at 24 The Brackens, Buckley - ALLOWED. (Pages 153 - 158)
6.15	056672	Appeal by A. Fryer & J. Phillips Against the Decision of Flintshire County Council to Refuse Planning Permission for the Outline Application for Residential Development at Bryn y Baal Road, Bryn y Baal, Mold - DISMISSED. (Pages 159 - 166)

<b>6.16</b>	056043	Appeal by Lloyd Homes Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 8 No. Dwellings, Garages and Associated Access at Llwyn Onn, Lixwm - DISMISSED. (Pages 167 - 172)
-------------	--------	--



## **PLANNING COMMITTEE** **6<sup>th</sup> SEPTEMBER 2017**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 6<sup>th</sup> September 2017

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

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

**APOLOGIES:** Councillors: Ian Dunbar and Dave Hughes.

### **ALSO PRESENT:**

The following attended as local Members:

Councillor David Williams for agenda item 6.1 (056694)

Councillor Chris Dolphin for agenda item 6.2 (057185)

### **IN ATTENDANCE:**

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

## **23. DECLARATIONS OF INTEREST**

None.

## **24. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting and were appended to the agenda on the Flintshire County Council website:  
<http://modgov:9070/documents/s44891/Late%20Observations.pdf>

## **25. MINUTES**

The draft minutes of the meeting held on 26<sup>th</sup> July 2017 were submitted.

### **RESOLVED:**

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

## **26. ITEMS TO BE DEFERRED**

The Chief Officer (Planning and Environment) recommended that agenda item number 6.3 – Full Application – Erection of a Single Storey Extension to Side and Rear of Dwelling at 18 Moorfield Road, Hawarden be deferred. He explained that at the site visit some Members had viewed the

property from the garden next door whilst other Members had not. The Senior Solicitor added that there was a lack of consistency, in terms of which Members of the Committee had viewed the application site from the garden next door during the site visit, and that this had taken place in the absence of the Chair. In the circumstances it was advisable that the item be deferred to that another site visit could take place and that Members of the Committee could then remain together and in the presence of the Chair during that visit. It was recommended that the item be considered at the meeting in October with another site visit arranged.

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

**RESOLVED:**

That agenda item number 6.3 – Full Application – Erection of a Single Storey Extension to Side and Rear of Dwelling at 18 Moorfield Road, Hawarden be deferred.

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

**RESOLVED:**

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

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

On commencement of the meeting, there were 17 members of the public and no members of the press in attendance.

(The meeting started at 1.00pm and ended at 3.52pm)

.....

**Chairman**

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

## PLANNING COMMITTEE ON 6<sup>TH</sup> SEPTEMBER 2017

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
056694	Penyffordd Community Council	Full Application – Construction of 32 No. Dwellings Including New Vehicle Access Point, Public Open Space, Car Parking and Landscaping at Hawarden Road, Penyffordd	Mr. M. Krassowski, agent for the applicant, spoke in support of the application.  Mr. A. Wight spoke against the application.  Councillor David Williams, as local Member, spoke against the application.	That planning permission be refused against the officer's recommendation on the grounds that it was outside the settlement boundary in the open countryside and would result in the loss of best and most versatile agricultural land.
057185	Whitford Community Council	Outline Application for the Erection of 1 No. Dwelling at Land Adjacent to Bryneithin, Gorsedd	Mr P. Erasmus, the applicant, spoke in support of the application.  Councillor Chris Dolphin, as local Member, spoke in support of the application.	That planning permission be refused in accordance with the officer's recommendation.
057070	Hawarden Community Council	Full Application – Erection of a Single Storey Extension to Side and Rear of Dwelling at 18 Moorfield Road, Hawarden	Deferred until October.	Deferred until October. A further site visit to also take place.
056692	Penyffordd Community	Application for Discharge of Section 106 obligation following		That the Section 106 obligation be discharged in accordance with the officer's

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
	Council	Grant of Planning Permission – P/12/24844 at Bannel House, Chester Road, Penymynydd		recommendation.
057084	Queensferry Community Council	Full Application – Extensions and Alterations to Create an 11 Bedroom House in Multiple Occupation at Pentre House, Chester Road, Pentre	Mr. N. Gittins, the applicant, spoke in support of the application.	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation and subject to an additional condition that a scheme be submitted in writing in respect of the storage of refuse to which the Council needed to approve in writing before commencement of the development.
057278	Penyffordd Community Council	Full Application – Erection of First Floor Extension at 1 William Close, Penyffordd		That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation.
<b>Appeal Decisions</b>				
055827	N/A	Appeal by Mr. Peter Barlow Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Replacement Shed at Maes Mynan Quarry, Denbigh Road, Afonwen – Allowed	N/A	That the decision of the Inspector to allow the appeal be noted.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
055866	N/A	Appeal by Mr. J. Davies Against the Decision of Flintshire County Council Following the Refusal of Outline Planning for Erection of One Dwelling on Land Side of Bryn Goleu, Rhydymwyn Road, Gwernaffield – Dismissed	N/A	That the decision of the Inspector to dismiss the appeal be noted.
055924	N/A	Appeal by Mr S. Thomas Against the Decision of Flintshire County Council Following the Refusal of Planning Permission for Outline Planning for Erection of One Dwelling at Land Adjoining Coed Duon Nursing Home, Halkyn Road, Holywell – Dismissed	N/A	That the decision of the Inspector to dismiss the appeal be noted.
056201	N/A	Appeal by Mr. C. Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of First Floor Extension Over Existing Bungalow at 86 Windsor Drive, Flint – Allowed	N/A	That the decision of the Inspector to allow the appeal be noted.

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>th</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF NEW RETAIL UNITS WITH ASSOCIATED ACCESS, CAR PARKING, SERVICING AND LANDSCAPING ARRANGEMENT AND AMENDMENTS TO THE EXISTING CAR PARK AT FLINT PAVILION SPORTS CENTRE, EARL STREET, FLINT**

**APPLICATION NUMBER:** **057263**

**APPLICANT:** **HOLLINS MURRAY GROUP**

**SITE:** **FLINT PAVILION SPORTS CENTRE, EARL STREET, FLINT**

**APPLICATION VALID DATE:** **18.07.17**

**LOCAL MEMBERS:** **COUNCILLOR D COX**  
**COUNCILLOR M PERFECT**

**TOWN/COMMUNITY COUNCIL:** **FLINT**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the erection of new retail units with associated access, car parking, servicing and landscaping arrangements and amendments to the existing car park at land off Earl Street, Flint. The application site is within a town centre of a main town as defined by the Flintshire Unitary Development Plan. The proposed development on an existing car park will lead to a reduction in the number of spaces available for the retail park however the submitted parking survey shows that even with the new development

car park occupancy at peak times would be under 90%. The development would generate noise from deliveries however the proposed noise mitigation in the form of the acoustic fence and proposed servicing and opening hours would mitigate any adverse impacts.

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

- 2.01
1. Time commencement
  2. Plans
  3. Delivery hours 7.00 - 22.00 Monday to Sundays
  4. Opening hours 09.00 - 20.00 Monday to Saturdays 10.00 - 17.00 Sundays (6 hours)
  5. Noise mitigation – acoustic barrier implementation and specification
  6. Land contamination assessment
  7. Parking
  8. Construction Traffic Management Plan
  9. Prior to commencement - Travel Plan and Transport Implementation Strategy
  10. Public Art
  11. Materials
  12. Drainage – land, surface and foul
  13. Landscaping - implementation and maintenance
  14. Details of hard landscaping materials paving, benches
  15. Lighting

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor D Cox

No response received at time of writing.

Councillor M Perfect

No response received at time of writing.

Flint Town Council

Supports the principle of the scheme. However do have concerns about pedestrian safety and that measures should be incorporated in the scheme to provide segregation of pedestrian and vehicle movements. Landscaping and its management is also important to the amenity of the area and should be conditioned.

Highways Development Control Manager

No objection subject to conditions covering;

- Parking
- Construction Traffic Management Plan



- Travel Plan and Transport Implementation Strategy

#### Public Protection Manager

##### Noise

The noise report indicates that noise from the new units and associated deliveries would cause a moderate impact on some nearby residential properties.

Therefore, as outlined in the noise report the following mitigation measures should be included in any planning permission that is granted :-

- An acoustic barrier of 3m in height should be constructed as set out in the noise assessment modelling.

n.b. The acoustic barrier should be constructed from close boarded, overlapping timber with a minimum thickness of 15mm. BS5228 states that the overall attenuation of a noise barrier will be limited by transmission over and around the barrier, provided that the barrier material has a mass per unit of surface area in excess of 7kg/m<sup>2</sup> and there are no gaps at the joints.

The noise report indicates that with the noise barrier installed the noise from the development will have no impact upon any nearby residential properties.

##### Land Contamination

According to records held by this department, the site was once occupied by part of a viscose rayon manufacturing site and it is understood that a number of different wastes were disposed in areas around the site and that a tank used to store chemicals; specifically carbon disulphide, used in the process was buried in the ground somewhere within the site and may still be in-situ.

Require a condition for land contamination assessment prior to commencement of development.

##### Clwyd Powys Archaeological Trust

The existing car park lies outside the medieval town boundary of Flint in an area which is not known to contain any medieval or later settlement activity. OS mapping indicates an empty area situated between the former Gas Works to the north and an Old Coal Shaft to the south. The site has subsequently been developed in later 20<sup>th</sup> century as a car park. The potential for well preserved sub-surface archaeology of any period is expected to be low and no archaeological intervention is required.

##### Welsh Water/Dwr Cymru

No objections subject to conditions covering foul, land and surface water drainage.

Natural Resources Wales

No objection.

Business Development

Supportive of this application as the associated new job creation will generate additional economic growth within an existing retail park environment. The only caveat is that there remain sufficient parking for wider public use.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice and Neighbour Notification

1 representation supporting the proposal as long as there are toilets in the scheme.

1 representation supporting the proposal although is concerned about the loss of parking.

2 objections on the grounds of;

- Loss of parking will lead to more on-street parking which is already a problem. Need resident only parking
- Will directly overlook my property and block the light
- Noise and disruption from delivery lorries

**5.00 SITE HISTORY**

5.01 047514 Outline - Erection of a retail unit and alterations to existing car park layout. Approved 14.07.10.

039519 Outline - Erection of new retail unit and alterations to existing car park layout. Approved 01.08.05.

**6.00 PLANNING POLICIES**

- 6.01 STR1 – New Development  
STR 5 - Shopping Centres and New Development  
GEN1 – General Requirements for New Development  
GEN2 – Development inside Settlements  
AC13 – Access  
AC18 – Parking  
S1 – Retail and Commercial Allocations  
S6 – Large Shopping Developments  
D1 - Design Quality, Location and Layout  
D2 – Design  
D3 – Landscaping  
D4 – Outdoor Lighting  
D6 – Public Art

Planning Policy Wales Edition 9

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection of new retail units (open A1 food/non-food use) with associated access, car parking, servicing and landscaping arrangements and amendments to the existing car park at land off Earl Street Flint.

#### Site Description

The 1.4 hectare application site is currently in use as a car park which serves the existing retail park. The site is bounded to the north by the Asda store and its car park and to the west by the existing retail park at a lower level. To the east of the site are residential properties located off Earl Street and the vacant site of the former Flint Social club. To the south is the existing road into the retail park, opposite which is Flint Pavilion Leisure Centre.

There is an existing service access across the northern boundary of the site which serves the existing retail units to the north and west. There is also an existing pedestrian link along the eastern boundary of the site to the town centre between two hedgerows.

#### Proposed Development

It is proposed to erect four retail units which total 3,584sqm which will serve as an extension to the existing retail park. The four units comprise;

- Unit A 140 sqm (1,585 sqft) non-food retail
- Unit B 140 sqm (1,585sqft) non-food retail
- Unit C 905 sqm + 78 sqm mezzanine – The Food Warehouse (9730sqft) food retail
- Unit D– 2,321sqm Home Bargains (25,000 sqft) non-food

Vehicular access to the site would be through the two existing points of access off the existing access road that serves the site. The existing service access to the north would be utilised to serve the proposed development and a staff parking area of 10 spaces. The loading bay is to the north of the site in order to serve the rear of the proposed units. 111 car parking spaces, 20 cycle stands and 6 motor cycle parking spaces would also be provided.

The site is at a higher level than the retail units to the west and north therefore a retaining wall would be required along these boundaries. There are existing steps between the site and the adjacent retail units which would remain. Pedestrian access from the site would link to

existing paths to the town centre which would be re-routed through the site. The acoustic fencing and security fence would run along the eastern edge of the eastern unit.

The shop fronts would be a mixture of glazing, brown and red brick and metal panelling. The brick and panelling would continue along the side and rear elevations. Soft landscaping is proposed in the form of tree and shrub planting along the northern boundary between the service road and the loading bay, along the eastern boundary pedestrian link adjacent to the residential properties, along the western edge of the site and within the car parking areas along with benches.

The proposed opening hours would be 09.00 to 20.00 Mondays to Saturdays and 10.00 to 17.00 hours for a 6 hour period on a Sunday. The proposed servicing hours are 07.00 hours to 22.00 hours Mondays to Sundays.

The application was accompanied by a;

- Planning and Retail Statement
- Pre-application Consultation Statement
- Design and Access Statement
- Transport Assessment
- Travel Plan
- Noise Assessment
- Landscaping Scheme

It is anticipated that the scheme would generate 90-120 local full time equivalent jobs.

#### Principle of Development

The site is situated outside the core retail area but within the town centre boundary and Flint settlement boundary as defined by the Adopted Flintshire Unitary Development Plan. The Core Retail area is approximately 190m north-west of the Core Retail Area boundary at Church Street. Outline consent has previously been granted on the site for a 2,044 sqm retail unit which was not implemented and has since expired.

Policy S6 of the UDP Large Shopping Developments deals with proposal of this nature. It states;

*“Proposals for large shopping developments in excess of 500 square metres should be located within town, district and/or local centres. Where it is satisfactorily demonstrated that the proposal cannot be accommodated within an existing centre and/or is out of scale with the shopping centre, the proposed development should be located on a sequentially preferable edge of centre site. Out-of-centre developments will only be considered appropriate where there is no sequentially preferable, suitable and available site nearer to a town,*

*district or local centres. In all cases such developments will be permitted only where:*

- a. it is not directly, or when considered together with any other committed schemes, detrimental to the vitality, attractiveness and viability of existing town, district, or local centres within the development's catchment area;*

The site has had previous consents for retail uses which have not been implemented. Flint is a main town and the scale of the development is appropriate for the scale of the town.

- b. the site is within the settlement boundary;*

The site is within the settlement boundary of Flint.

- c. the site has been evaluated and found to be appropriate in accordance with the sequential approach where first preference should be given to town centre locations followed by edge of centre sites then by district and local centres and only then out of centre locations;*

The site is in a town centre location. There are no other sites within the core retail area.

- d. the site is located conveniently to minimise users' dependence on private transport and to maximise the potential for journeys by foot, cycle and public transport;*

The site is located within walking distance of the residential properties of Flint Town centre and public transport; bus stops (100 metres) and the train station (600 metres).

- e. the development would not, through the generation of traffic, have an a significant adverse impact upon the local highway network or the quality of the local environment; and*

The proposed development is within an existing retail and leisure area and would benefit from linked trips to the other facilities. The transport impacts of the development have been assessed through a Transport Assessment.

- f. outside defined town centres a need for the proposal has been demonstrated.*

The site is not outside a defined town centre.

#### Draft Flint Strategy and Masterplan

The Council has produced a draft Strategy and Masterplan for the town which includes this site. The Spatial Framework identifies improved pedestrian links to Flintshire Retail Park as a key aim and identifies new retail floor space on the application site.

Planning Policy Wales and TAN4 set out national policy in respect of retail planning. Both advocate a town centre first approach. Need for the development does not need to be demonstrated as this is a town centre location. Consideration has been given to the availability of

sites within the Core Retail Area however none were identified.

Local and national planning policy guidance is supportive of retail proposals in town centres and therefore there is no objection in policy terms to the proposed development. The proposal would see the redevelopment of a brownfield site within the town centre in a sustainable location which is supported by both national and local policies. The proposed development is for food and non-food with two stated end users, one being convenience and one being non-food. The other two units are proposed to be non-food. There is no need to condition the type of goods sold as the site is in the town centre.

### Parking

The development will result in a reduction in the number of car park spaces provided in the retail park as a whole from the current provision of 857 to 590 (an overall loss of 267 spaces). There are 388 spaces in the application site car park at present which will be reduced to 121 spaces.

The application is supported by a Transport Assessment including a car park occupancy assessment. At present the maximum weekday accumulation occurs on a Wednesday between 12.00-12.15 and results in 61% occupancy of the car park. The maximum Saturday usage occurs between 14.00-14.15 with a 43% occupancy. The evidence presented (based on current usage surveys) indicates that the peak period car park occupancy rates will increase but an adequate level of availability will remain. The weekday peak would increase to 89% occupancy with the new development and 63% occupancy on the weekend. This is therefore considered to be acceptable. The proposed development is likely not to be visited in isolation as visitors will make linked trips to the other units on the park and within the town centre. The land is privately owned and therefore cannot be classed as a public car park although it does currently serve a function for town centre users.

The retail park is within walking distance of the train station (600 metres) and other public transport opportunities with bus stops within the retail park (100 metres) and along the A548 (400 metres) within a suitable walking distance. These stops offer up to 7 services per hour in the peak period to Chester, Flint and Rhyl.

20 cycle stands are also proposed within the new development. The retail park is also within walking distance of the residential areas within Flint town centre. The proposal would upgrade the existing pedestrian route through the site into Earl Street which links to the town centre. This includes off site signage through fingerpost signs.

The Transport Assessment also indicates that additional traffic generated by the proposed development will not unduly impact on the operation of the nearby junctions or site accesses. The location of the

site is well positioned in relation to sustainable transport facilities (bus and train) and to active travel opportunities (pedestrian and cycle).

The application includes a Framework Travel Plan with a proposal to upgrade to a working document prior to opening of the first unit. Framework Travel Plans are used for speculative development or where an end user is not known; as such the document is lacking the detail required. At present only two occupiers are known. The developer should submit a Full Travel Plan including targets and clear outcomes along with measures to ensure that these can be achieved once all the retailers are known.

### Noise

A noise report has been submitted with the planning application. It indicates that noise from the new units and associated deliveries would cause a moderate impact on some nearby residential properties. The former Flint Social club site has planning permission for 8 dwellings 051264 which was approved 05.11.14. This is a terrace of 8 houses which fronts Earl Street. Consideration of these potential residents therefore needs to be taken into account. To mitigate this an acoustic barrier of 3m in height is proposed to be constructed on the site boundary along the east adjacent to the service bay.

The noise report indicates that with the noise barrier installed the noise from the development will have no impact upon any nearby residential properties. Due to the length of the rear gardens of the residential properties it is considered that the visual impact of the barrier is acceptable.

### Public Art

Policy D6 of the Flintshire Unitary Development Plan and Supplementary Planning Guidance Note 30 requires the incorporation of public art in all major publicly accessible developments. The application site is in a prominent location on the entrance to a retail park. There are opportunities within the public realm area for incorporation of public art or for something on the side of the building which runs adjacent with the footpath link to the town centre to create an attractive pedestrian environment.

## **8.00 CONCLUSION**

- 8.01 The application site is within a town centre of a main town as defined by the Flintshire Unitary Development Plan. The proposed development would be sustainable development within a town centre. While the proposed development on an existing car park will lead to a reduction in the number of spaces available for the retail park, the submitted parking survey shows that even with the new development car park occupancy at peak times would be under 90%. The

development would generate noise from deliveries however the proposed noise mitigation in the form of the acoustic fence and proposed servicing and opening hours would mitigate any adverse impacts.

#### Other Considerations

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

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

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

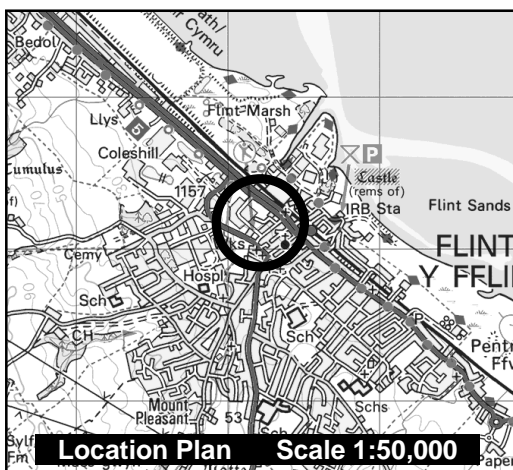
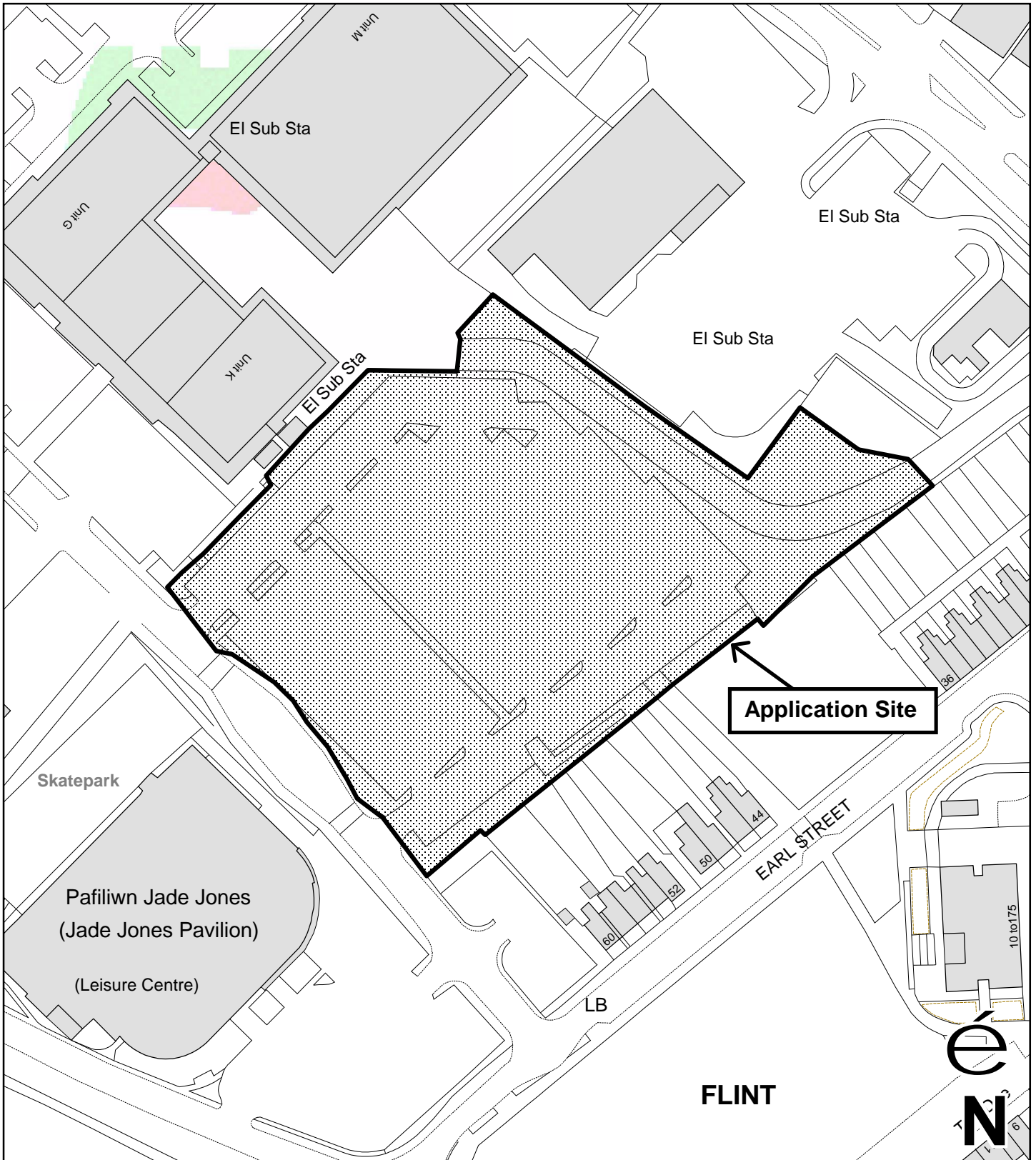
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

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

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



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





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

**Legend**

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 2473

Planning Application **57263**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF TWO DETACHED RESIDENTIAL DWELLINGS AT GROOMSDALE COTTAGE, GROOMSDALE LANE, HAWARDEN**

**APPLICATION NUMBER:** **057316**

**APPLICANT:** **MR A MILLS & MS A SAUNDERS**

**SITE:** **GROOMSDALE COTTAGE, GROOMSDALE LANE, HAWARDEN**

**APPLICATION VALID DATE:** **01.08.17**

**LOCAL MEMBERS:** **COUNCILLOR J AXWORTHY**  
**COUNCILLOR D MACKIE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN**

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

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the erection of two dwellings on land adjacent to Groomsdale Cottage, Groomsdale Lane, Hawarden. The site is in the green barrier and open countryside. No 'very specific circumstances' have been demonstrated to allow inappropriate development to be justified in this location. The proposed development is therefore contrary to national and local planning policy and does not represent sustainable development.

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

- 2.01
1. The proposed development is for residential development on a site outside the settlement boundary in the open countryside and the proposed development does not meet any of the exceptions in Policies STR1, STR4, HSG5 and GEN3 of the Flintshire Unitary Development Plan.
  2. The proposed residential development would constitute inappropriate development in the green barrier and would contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier contrary to Policies, GEN4 and the requirements of Planning Policy Wales Edition 9. The proposed development would therefore not constitute sustainable development contrary to the principles in Planning Policy Wales.

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor J Axworthy  
No response received at time of writing.

Councillor D Mackie  
No response received at time of writing.

Hawarden Community Council  
No objection.

Highways Development Control Manager  
Groomsdale Lane from which access to the dwellings would be derived does not form part of the adopted highway network nor is it likely to be adopted. Therefore, there is no objection and no comments to make on highways grounds.

Public Protection Manager  
No adverse comments to make.

Welsh Water/Dwr Cymru  
As the applicant intends utilising a septic tank facility no comments to make.

Airbus  
No aerodrome safeguarding objection to the proposal.

Wales and West Utilities

There is apparatus along the site frontage. They should be contacted prior to any construction.

Public Open Spaces Manager

A contribution of £1100 per dwelling would be required in lieu of on-site open space.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice and Neighbour Notification

2 objections on the grounds of;

- Loss of privacy to house and garden opposite
- Impact on highway safety
- Impact on light to garden
- Site is in the green barrier
- Outside the settlement boundary
- Loss of trees and hedgerow would impact on rural setting of the area
- Public footpath 113 runs down Groomsdale Lane to public footpaths 114 & 115. The traffic generated by two more dwellings will add to the danger for users of the public footpaths
- An ecological survey should be undertaken
- Impact on wildlife

**5.00 SITE HISTORY**

5.01 None.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development In the open Countryside

GEN4 – Green Barriers

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

TWH2 – Protection of Hedgerows

WB1 - Species Protection

AC2 – Pedestrian Provision and Public Rights of Way

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG5 – Limited Infill Development Outside Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development  
EWP16 – Water Resources  
IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales Edition 9  
Technical Advice Note 1 Joint Housing Availability Studies 2015

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This is a full planning application for the erection of two dwellings on land adjacent to Groomsdale Cottage, Groomsdale Lane, Hawarden.

### Site Description

7.02 The application site is situated to the south west of the settlement of Hawarden. The site is bounded by a road side hedgerows to the northern boundary. To the west is an existing dwelling known as Groomsdale Cottage. The site is planted with a variety of ornamental trees. Further to the east of the site is Hawarden golf club.

### Proposed Development

7.03 This is a full planning application for 2 five bedroom two storey detached houses with attached garages and driveways.

7.04 The site is promoted as being appropriate for housing development due to the presumption in favour of sustainable development and weight to be attached to increasing housing, as expressed through recent appeal decisions.

### Principle of Development, open countryside and Green Barrier

7.05 The site is located outside the settlement boundary of Hawarden in the adopted UDP and is also within the green barrier GEN4(11).

7.06 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

7.07 Policy GEN4 sets out the designated green barriers in the plan area. This only permits development within these areas for specific circumstances. The only form of new housing development permitted in green barriers is criteria d) limited housing infill development to meet proven local housing need or affordable housing exceptions schemes provided that it would not contribute to the coalescence of

settlements and unacceptably harm the open character and appearance of the green barrier.

- 7.08 Notwithstanding policy GEN4 of the UDP, there is considerable guidance on green barriers (wedges) in PPW. This guidance identifies that housing development is 'inappropriate' development within a green barrier and that there is a presumption against such development within a green barrier. Furthermore, para 4.8.15 identifies that there must be '*very exceptional circumstances*' where '*other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge.*'
- 7.09 In terms of site history and context, the site has been promoted for development through the UDP but was not recommended for inclusion within the settlement boundary by the Inspector who commented as follows; (5237 Settlement boundary rep):  
*"The area would extend the urban form into the surrounding countryside and I do not consider it would amount to a rounding off of this part of Hawarden."*
- 7.10 In terms of the green barrier the Inspector commented (17620);  
*"The area between the southern side of Hawarden; the A55 to the south; Ewloe to the west and the A556 to the east has an open landscape. Whilst some of the area that is the subject of this objection has been developed it still retains a generally open character that has more in common with the adjacent countryside than the urban area of Hawarden. Removing this area from the green barrier would weaken its function of safeguarding the countryside from encroachment."*
- 7.11 In terms of allocating the land for housing the Inspector commented 4701 "*...I do not support including the land to the east of this site within the settlement boundary. Amending the settlement boundary to include this land would be an illogical situation. Removing this site from the green barrier would diminish its function of safeguarding the countryside from further encroachment.*"
- 7.12 It is accepted that PPW sets out in paragraph 4.2.2 that a general reference to '*The Planning System provides for a presumption in favour of sustainable development...*'. More detail is offered in para 4.2.4 of PPW whereby in circumstances where the relevant development plan policies are considered outdated or superseded, '*there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development*'.
- 7.13 It is also accepted that an objective of the planning system is to increase the supply of housing land where there is a deficit. Specific advice is set out in para 6.2 of TAN1 '*... 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’.*

- 7.14 The site is in the green barrier and open countryside. The circumstances around the inclusion of the site within the green barrier have not changed since the Inspectors report. Having regard to the purpose of the green barrier at this location and the site and surroundings and poor relationship to existing built form, it is considered that the proposal will harm the openness of the green barrier and therefore undermine its purpose. The contribution that the proposed 2 dwellings will make to housing land supply must therefore be judged as to whether it represents the ‘very exceptional circumstances’ specified in PPW for inappropriate development to be justified in a green barrier.
- 7.15 Insufficient justification has been put forward for releasing a site which forms an integral part of a green barrier. The only justification is the lack of a five year land supply. In the absence of such justification for this development proposal it is not considered how it can meet the very exceptional circumstances in PPW. An important principle which has been picked up by Inspectors in a number of recent appeal decisions is that housing land supply does not justify housing on inappropriate sites or in inappropriate locations.
- 7.16 The most relevant appeal decision is 056672 (APP/A6835/A/17/3175048) at Bryn y Baal Road, Bryn y Baal which was for outline residential development in the green barrier adjacent to a Category B settlement. The Inspector concluded that;  
*“The lack of a 5 year supply of housing land, and that the need to increase the supply of housing land warrants considerable weight, provided the development would comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced. However, the proposal is for inappropriate development in the green barrier, and PPW advises that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. That demanding balance would not be achieved in this case, and I conclude that the development would be contrary to development plan and national policy.*
- 7.17 Policy HSG5 infill permits development provided that it meets a proven local need and meets the criteria of the policy. In this case no evidence has been put forward to demonstrate that there is a local need which this dwelling would satisfy. Furthermore it is not considered that the proposal meets with the remainder of the policy. Criterion a of the policy states development may be permitted if it “comprises a small gap within a clearly identifiable group of houses within a continuously developed frontage”. While there is a dwelling



to the west of the site, to the east there is a significant gap before the golf club, which in any event is set back some distance from the road.

- 7.18 No evidence of any identified local housing need for the development has been put forward and therefore there are no exceptional circumstances to outweigh the harm from inappropriate development in the green barrier. It does not meet the requirements of the infill policy and it would unacceptably harm the open character and appearance of the green barrier.

Other Matters

- 7.19 Objections have been raised regarding the impact of the dwellings on the dwelling opposite in terms of privacy. The proposed dwellings would not directly overlook the dwelling opposite due to their siting and the windows are set back 12 metres from the road.

**8.00 CONCLUSION**

- 8.01 The site is in the green barrier and open countryside. No 'very exceptional circumstances' have been demonstrated to allow inappropriate development to be justified in this location. The proposed development is therefore contrary to national and local planning policy and does not represent sustainable development.

8.02 Other Considerations

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

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

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

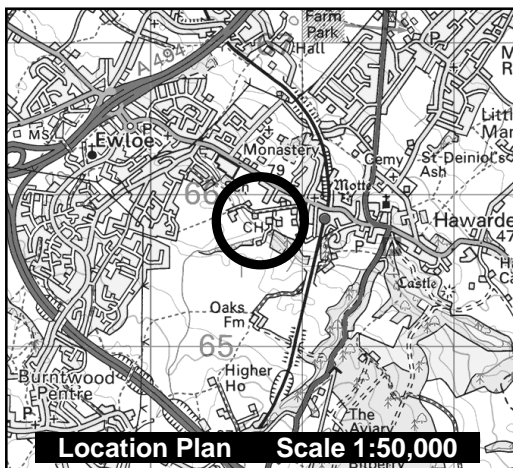
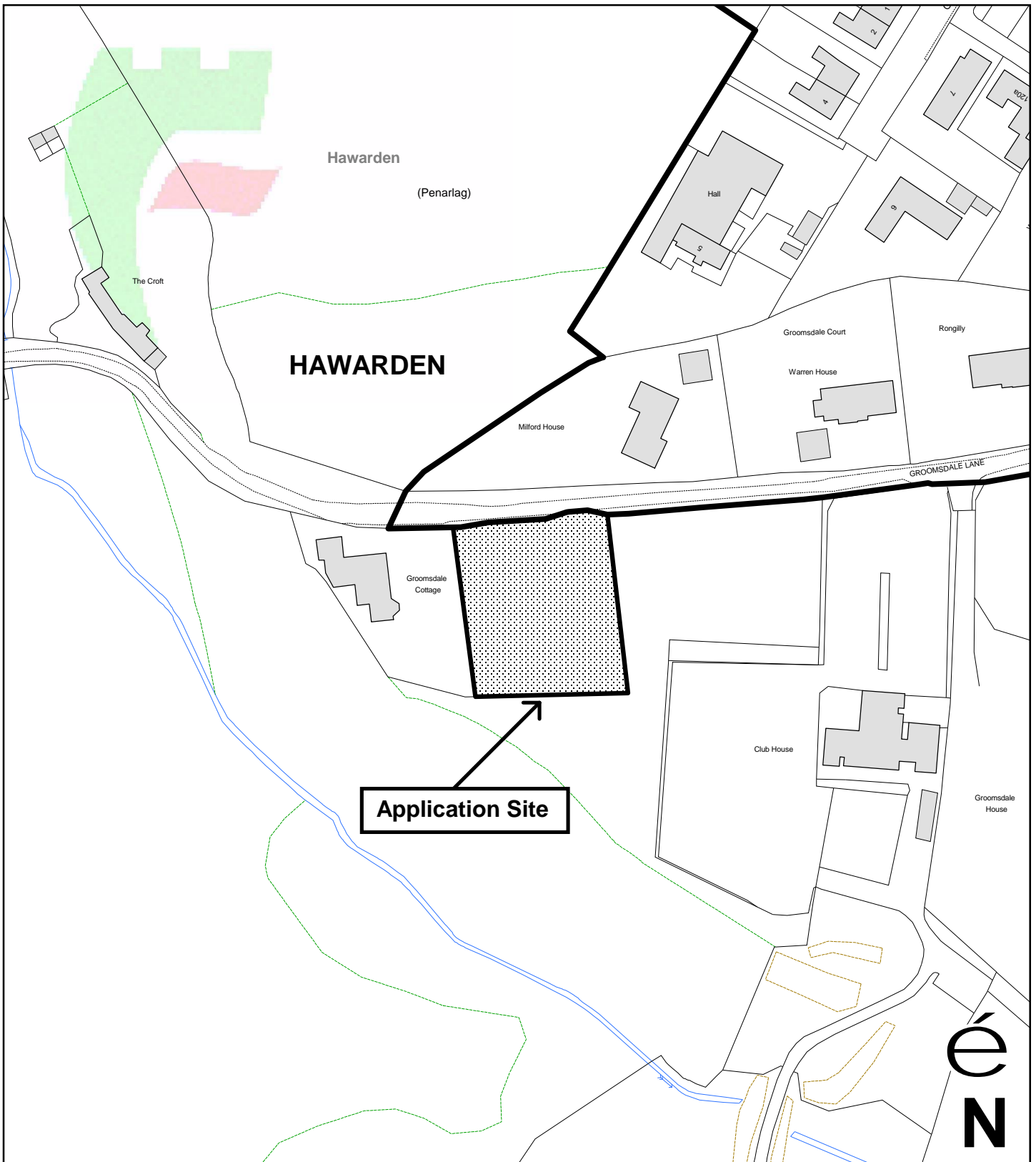
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
National & Local Planning Policy



Responses to Consultation  
Responses to Publicity

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



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

**Legend**

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:1250
OS Map ref	SJ 3065
Planning Application	<b>57316</b>

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **APPLICATION FOR REMOVAL OF CONDITION NO. 6 (TEMPORARY ACCESS) AND VARIATION OF CONDITION NO. 8 (OPENING HOURS) FOLLOWING GRANT OF PLANNING PERMISSION 056664 AT COPPY FARM, CILCAIN ROAD, GWERNAFFIELD**

**APPLICATION NUMBER:** **057296**

**APPLICANT:** **MR & MRS DICKIN**

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

**APPLICATION VALID DATE:** **20.07.17**

**LOCAL MEMBERS:** **COUNCILLOR A DAVIES COOKE**

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST AS THE CONDITIONS WERE IMPOSED BY PLANNING COMMITTEE**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is an application for the removal of condition no. 6 (temporary access) and variation of condition no. 8 (opening hours) following grant of planning permission 056664 for the erection of a farm shop and access at Coppy Farm Gwernaffield.

The retention and use of the new access for all traffic is considered to be acceptable in terms of highway safety, residential amenity and its impact on the open countryside. It is not considered that the increase in opening hours would have a significant detrimental impact

on residential amenity.

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

2.01 All conditions relating to 056664 other than the removal of condition 6 and the variation of condition 8 to Monday to Sunday 08.00 – 18.00 including Bank Holidays.

**3.00 CONSULTATIONS**

3.01 Councillor A J Davies-Cooke  
Requests committee determination as the conditions were imposed by Committee.

Gwernaffield and Pantymwyn Community Council  
No response received at time of writing.

Highways Development Control Manager  
While condition 6 is not a highway condition, it is agreed that the use of the new access represents a highway gain and we are supportive of its retention to serve the farm should the farm shop cease to operate.

Public Protection Manager  
The continued use of the new access road for farm traffic will tend to improve the amenity of nearby residents. In addition the relatively small amount of traffic using the new access to the shop will not significantly affect the amenity of residents on Sundays and Bank Holidays. No adverse comments to make.

**4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification  
The majority of the objections relate to the principle of the development and are therefore not relevant to this planning application so are not listed in detail. 14 objections on the grounds of;

- No justification to extend the opening hours
- The increase in opening hours is significant and would have a significant impact on residential amenity
- Lack of evidence this is a farm shop
- The access road was specifically only to the farm shop and not for farm use
- Why is the existing access substandard now when it has been used for many years before
- Conditions imposed by committee should not be varied or removed
- Potential for conflict between farm traffic and users of the farm shop which the new access was intended to prevent

- There is no evidence that essential items will be sold in the shop
- There are plenty of nearby shops in Mold and local petrol stations that sell essential goods on Sundays and Bank Holidays
- Residents without access to a car can have home delivery
- No need for a shop at these times
- Sets a precedent for further development if the access is permanent
- Concern about the location of the access if permanent as it is directly opposite a residential drive
- It is not a working farm therefore there is no farm traffic
- Longer hours will increase the traffic in the area
- There are no problems with the current access
- If the existing access is substandard then it should be brought up to the relevant standard
- The road should not be permanent
- The traffic in Gwernaffield is much busier on weekends and Bank Holidays as people are off work and use the golf club
- The increased opening hours will lead to increased use of the access which is in a dangerous locations
- The hedge should be cut back on the existing access and this would improve it

1 letter of support from an adjacent resident on the grounds of;

- Not opposed to the proposed use, opening hours or new access
- I do not want the lane at the side of my property used for access to the farm shop and the farm as over the years;
  - A large cattle wagon got stuck by a tree
  - On three occasions large vehicles have hit the wall of my property
  - My property gets covered in mud and dust due to the proximity to the lane
  - My windows open out into the lane and drivers have to close them to get past

## **5.00 SITE HISTORY**

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

056664 Erection of farm shop and associated works, formation of new vehicular and pedestrian access. Approved 16.06.17

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
STR1 – New Development

GEN1 – General Requirements for Development  
GEN3 – Development in the open countryside  
AC13 – Access and Traffic Impact  
AC18 – Parking Provision and New Development  
S4 – Small Scale Shopping Development  
L1 – Landscape Character  
TWH2 – Protection of Hedgerows  
RE4 – Small Scale Rural Enterprise  
RE5 - Small scale Farm Diversification  
D1 – Design Quality Location and Layout  
D2 – Design  
D3 - Landscaping  
WB1 – Species Protection  
MIN8 – Protection of Mineral Interests

Planning Policy Wales: Edition 9 November 2016  
TAN6 – Planning for Sustainable Rural Communities  
TAN18 - Transport

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is an application for the removal of condition no. 6 (temporary access) and variation of condition no. 8 (opening hours) following grant of planning permission 056664 for the erection of a farm shop and access at Coppy Farm Gwernaffield.

### **7.02 Site Description**

Coppy Farm is located on the eastern edge of the village of Gwernaffield. Access to the farm is off Cilcain Road between the residential properties of 1 Ash Grove and Woodville. The farm complex is bounded by a number of dwellings to the south west and south east. To the north, west and east of the farm is agricultural land. The application site is the front garden of the farm house and is bounded by a row of pine trees and a dry stone wall to the east.

### **7.03 Proposed Development**

Permission was granted at Planning Committee on 7<sup>th</sup> June 2017 for the erection of farm shop and associated works, formation of new vehicular and pedestrian access. The access track was proposed to be solely for use by the farm shop and Planning Committee conditioned that the access should be removed if the farm shop use ceased. This application seeks to remove that condition as it is proposed that the new access track would be used for all farm traffic. They state that the benefits of this would be the new access would provide improved visibility at the junction with Cilcain Road while the existing access and track is substandard. It is stated that there are therefore highway safety benefits. Directing farm traffic to the new access would also remove any noise and disturbance for adjacent occupiers of the existing farm access track therefore improving their



residential amenity.

- 7.04 The previous application requested the opening hours for the farm shop of Monday to Friday 08.00 – 18.00; Saturday 08.00 – 14.00; Closed on Sundays and Bank Holidays. A condition was therefore imposed on the permission with those hours. The applicants have reconsidered the proposal and now wish to extend the opening hours to Monday to Sunday 08.00 – 18.00 including Bank Holidays. This is because they wish to serve Gwernaffield with essential day to day items including milk, bread and newspapers.
- 7.05 The access would be closed off with a gate and the internal layout of the site would be altered with access through the shop area to the farm.
- 7.06 Highways  
At the time of the original application the highways development control manager raised no objection to the proposed new access track nor for it to remain permanently. The existing access to the farm was considered unsuitable for increased vehicle use by the proposed farm shop due to inadequate visibility. The proposed access meets the required visibility sightlines following evidence from speed surveys. There are passing places within the access track to cope with vehicles coming in both directions.
- 7.07 The use of the access by the farm is historical. It would not be possible to improve visibility at the existing access due to the visibility splays being over third party land and the width being restricted by third party land on either side.
- 7.08 Impact on residential amenity  
The location of the existing access directly passes residential properties in close proximity within 1 metre. This has implications for residential amenity given the nature of vehicles that use the farm. Although some residents claim traffic associated with the farm is limited the adjacent resident has given reports of the issues that it has caused to this property. The closure of this access to vehicles would therefore improve their residential amenity. This would be restricted internally at the farm.
- 7.09 The permitted opening hours are Monday to Friday 08.00 – 18.00; Saturday 08.00 – 14.00; Closed on Sundays and Bank Holidays. These were proposed by the applicants in the previous application and therefore imposed as a condition. This was not because longer opening hours were not considered acceptable. The proposed operation is small in scale. It is now proposed to open at 08.00 – 18.00 seven days a week including Bank Holidays. It is considered that the longer opening hours on Saturdays and opening on Sundays and Bank Holidays is acceptable given the same scale nature of the proposal. Public Protection raise no issues with the proposed hours

in terms of them causing a nuisance to nearby residents.

- 7.10 The proposed access is approximately 30 metres from the nearest residential property and crosses a field. It is therefore considered that the increased use of the proposed access would have minimal impact on residential amenity. It is therefore not considered that the level of activity would be significant or would have an adverse impact on the adjoining residents.
- 7.11 Impact on the Landscape  
Conditions on 056664 require the details of the fencing and surfacing of the access to be submitted. This would control its appearance and ensure it is rural in nature. This would reduce any impact on the open countryside.
- 7.12 Other Matters Raised in Representations  
The permission for a new access track does not set a precedent for future development of the land which has been put forward as a candidate site for consideration as part of the Local Development Plan Process. The access track will be designed to be agricultural and conditioned to be in keeping with the rural area in terms of fencing and surfacing.
- 7.13 Many of the issues raised have been in relation to the principle of the development. This was established by the granting of consent 056664.
- 7.14 Questions have been raised about the nature of the shop not being a true farm shop and the farm not being an active farm in relation to the proposed extend opening hours. While the proposed development is described as a farm shop, the permission does not restrict the nature of the goods to be sold as it complied with Policy S4 for small scale shops in settlement boundaries.

## **8.00 CONCLUSION**

- 8.01 The retention and use of the new access for all traffic is considered to be acceptable in terms of highway safety, residential amenity and its impact on the open countryside. It is not considered that the increase in opening hours would have a significant detrimental impact on residential amenity.

### **8.02 Other Considerations**

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

The Council has acted in accordance with the Human Rights Act 1998

including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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

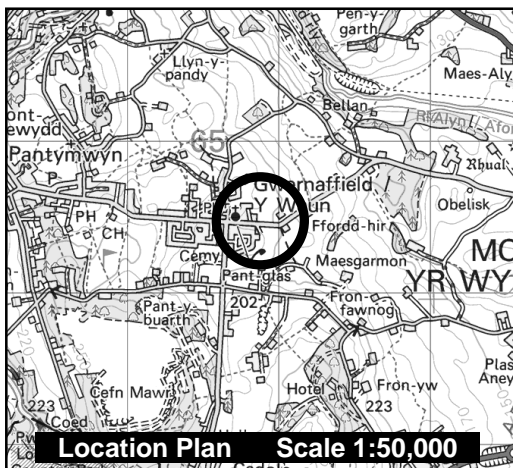
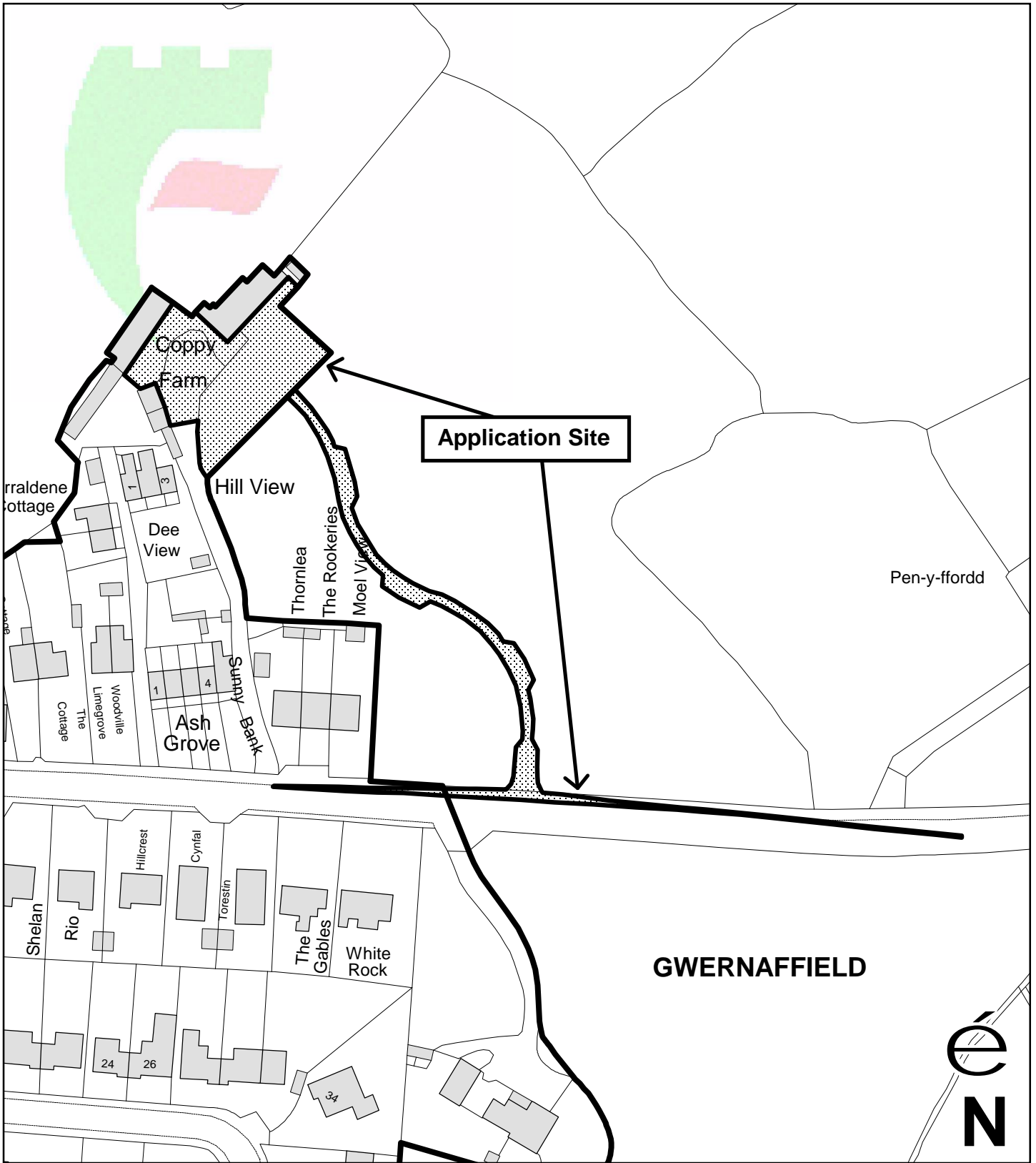
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

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

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

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

This page is intentionally left blank



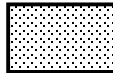

**Application Site**

**GWERNAFFIELD**



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

**Legend**

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:1250
OS Map ref	SJ 2064
Planning Application	<b>57296</b>

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF DETACHED DWELLING AND GARAGE AT THE SPINNEY, HUXLEYS LANE, HOPE**

**APPLICATION NUMBER:** **056859**

**APPLICANT:** **MR DARREN COOPER**

**SITE:** **THE SPINNEY, HUXLEYS LANE, HOPE**

**APPLICATION VALID DATE:** **04.05.17**

**LOCAL MEMBERS:** **COUNCILLOR G HEALEY**

**TOWN/COMMUNITY COUNCIL:** **HOPE**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO OVERDEVELOPMENT AND IMPACT ON PRIVACY**

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

### **1.00 SUMMARY**

1.01 This is a full planning application for the erection of a single dwelling garage on land adjacent to The Spinney, Huxley's Lane, Hope. The principle of a dwelling on the site has been established by 053479. It is considered that a two storey dwelling is not out of character with the surrounding area and would not give rise to significant adverse impacts on the surrounding area.

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

- 2.01
1. Time commencement
  2. Plans
  3. Materials – brick to be agreed
  4. Site levels
  5. Remove permitted development rights
  6. Landscaping
  7. Drainage – foul, surface water and land drainage

### **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor G Healey

Asked for committee determination and a site visit on the grounds that two-storey development is an overdevelopment of this particular site and is not in keeping with the neighbouring properties. It overlooks the Spinney and is an infringement of privacy.

Hope Community Council

Opposed as it is not in keeping with the surrounding buildings. The Council would support the building of a bungalow but not a house.

Highways Development Control Manager

No objection.

Public Protection Manager

No adverse comments to make.

Clwyd Powys Archaeological Trust

There will be no direct impact to the scheduled or unscheduled remains of Wat's Dyke as the new house and garage lie to the west of the former bank and buried ditch.

CADW

The line of Wat's Dyke runs immediately to the west of the application area but at this point is not designated. The designated sections for the Dyke are located some 26m to the northeast (FL172 Wat's Dyke: Section N of Carlton Grange) and 38 m, to the south west (FL118: Wat's Dyke: Section N of Bryn Estyn). However intervening buildings and vegetation block all views between the designated section of the Dyke and the proposed development. As such the proposed development will not have any impact on the setting of any scheduled monument.

Welsh Water/Dwr Cymru

No objection subject to drainage conditions.

Public Rights of Way

Public Footpath 61 abuts the site but is unaffected by the development.



## **4.00 PUBLICITY**

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

The development affects a public right of way.

#### Initial scheme

3 objections on the grounds of;

- While they support a new dwelling being built on the land it is not considered that the proposed two storey dwelling is not in keeping with the character and appearance of the area. Brick would be more in keeping than render. The style of the dwelling is also out of character with the area.
- Outline consent was for a single storey dwelling only
- Impact on the privacy of the adjacent dwellings
- Overlooking of rear gardens
- The adjacent Beeches are 1.5 metres lower than the application site
- Surface water concerns

#### Re-consultation on amended house type

4 objections on the grounds of;

- While the height has been reduced our initial comments still stand and it should be a single storey dwelling
- Impact on right to light
- Impact on privacy
- Impact on the character of the area
- Overlooking to gardens

A further letter of objection was received on behalf of the owners of three of the dwellings on the Lane stating their concerns as;

- The proposal seriously & negatively impacts the character, the balance and appearance of the area due to it bordering two bungalows, this is contrary to the outline planning that was agreed by all the stakeholders.
- The proposal is completely contrary to the outlining planning
- The proposal also doesn't follow the 053479 application on height & staying below the 5.5 m ridge height restrict imposed, staying all on one level.
- The siting or location of this proposal suggests 4-5 bedroom house which breaches the privacy of the SPINNEY property with windows looking directly into our garden of our property, and damages its own value
- The proposal is not in keeping with the surrounding dwelling which are bungalows, it affects the light for the dwelling directly behind this building

## **5.00 SITE HISTORY**

5.01 053479 - Outline application for the erection of a dwelling. 21.05.15

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

STR1 - New Development

STR4 - Housing

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 – Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

AC2 – Pedestrian Provision and Public Rights of Way

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

EWP16 – Water Resources

Planning Policy Wales Edition 9

Technical Advice Note 1 Joint Housing Availability Studies 2015

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection of a single dwelling including garage on land adjacent to The Spinney, Huxley's Lane, Hope.

### **7.02 Site Description**

The application site is located off Huxleys Lane off Hawarden Road Hope. The application site is part of the garden of The Spinney which is a bungalow located to the north of the application site. There is a detached garage on the site. To the west of the site is the residential development of the Beeches which are two storey detached dwellings. To the south of the site is a two storey dwelling known as the Woodlands. To the east of the application site is a single storey cottage Bryn Tudor.

### **7.03 Proposed Development**

It is proposed to erect a two storey detached dwelling and detached garage with access off Huxleys Lane. A new driveway would be created for the new dwelling and a new driveway for The Spinney.

### **7.04 Principle of Development**

The application site is within the settlement boundary of Hope, Caergwrle, Cefn-y-Bedd and Abermorddu which is a Category B settlement in the adopted unitary development plan. HSG3 allows for housing on unallocated sites within settlement boundaries. Formal

monitoring of growth within these settlements ended in 2015, however as of April 2015 the growth rate of the settlement was 9.6% Outline permission was granted in May 2015 for a dwelling on the site. The principle of development has therefore been accepted.

7.05 Impact on the character of the area

Residents have raised concerns about a two storey property in this location. There are a number of dwelling types on Huxleys Lane and in the surrounding area to the west. These are a mixture of single and two storey properties of varying architectural styles.

7.06 While The Spinney and the adjacent cottage Bryn Tudor are single storey dwellings; Woodlands and the properties on The Beeches are all two storey properties. The properties on the road frontage with the A550 are also a mixture of single storey and two storey.

7.07 It is therefore considered that a two storey property is not out of character with the area. The originally proposed design of the dwelling was out of context with its site and surroundings, however, following discussions with the applicant this has been amended to a simpler designed property set in to the ground. The external finish of the property was proposed to be render however it is considered that as the majority of the dwellings in the area are brick that this would be more appropriate. This can be dealt with by condition. It is considered the design of the dwelling is in keeping with its surroundings.

7.08 Impact on Residential Amenity

The proposed dwelling has been orientated to minimise any impacts on the adjoining properties. The principle elevations face north towards the Spinney and south towards Woodlands, however the siting of the dwelling does not directly overlook either property. The separation distances between the Spinney and the proposed dwelling are 22 metres. The separation between the Woodlands and the proposed dwelling is 19 metres however again there is no direct overlooking between habitable windows. There are no windows to habitable rooms on the side elevations which face 28 The Beeches and the Bryn Tudor. There is also a single storey garage between the proposed dwelling and Bryn Tudor. The siting of the dwelling therefore complies with Local Planning Guidance Note 2: Space Around Dwellings.

7.09 Other Matters

There is a public right of way which runs along the eastern boundary of the site but outside the application site. This has been blocked with the current domestic hedgerow however the creation of the new driveway to The Spinney provides an opportunity for this to be reopened. This is outside the application site. The creation of the new driveway to the Spinney would not require planning permission as it is a new access to a private drive.

## **8.00 CONCLUSION**

8.01 The principle of a dwelling on the site has been established by 053479. It is considered that a two storey dwelling is not out of character with the surrounding area and would not give rise to significant adverse impacts on the surrounding area.

### **8.02 Other Considerations**

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

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

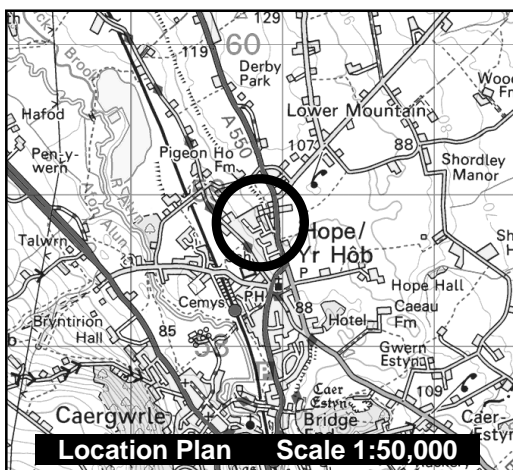
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

### **LIST OF BACKGROUND DOCUMENTS**

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

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



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 Licence number: 100023386.  
 Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 3058

Planning Application **56859**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **CHANGE OF USE FROM C3 TO C4, A 4 BED (SMALL) HOUSE OF MULTIPLE OCCUPATION AT 8 WELLINGTON STREET, SHOTTON**

**APPLICATION NUMBER:** **057129**

**APPLICANT:** **MR LAKHANI**

**SITE:** **8 WELLINGTON STREET, SHOTTON, CH5 1AH**

**APPLICATION VALID DATE:** **15<sup>TH</sup> JUNE 2017**

**LOCAL MEMBER:** **CLLR D EVANS**

**TOWN/COMMUNITY COUNCIL:** **SHOTTON TOWN COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST - IMPACT ON RESIDENTIAL AMENITY**

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

### **1.00 SUMMARY**

1.01 This is a full application made in retrospect for the change of use of a 3 bedroom dwelling house to a 4 bedroom house of multiple occupation.

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

2.01

1. Time Limit on Commencement
2. In accordance with approved plans
3. Details of a cycle store to be submitted and approved prior to commencement.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Cllr D Evans

Objects to the application as the street is already suffering due to the number of vehicles in the street and the location of bedrooms on the grounds floor are not conducive to a terraced street setting.

Shotton Town Council

No Response

Highways Development Control

No Objection subject to condition in relation to cycle storage

Pollution Control

No Objection

### **4.00 PUBLICITY**

#### **4.01 Neighbour Notifications**

No response at the time of writing.

### **5.00 SITE HISTORY**

#### **5.01 None relevant**

### **6.00 PLANNING POLICIES**

#### **6.01 Flintshire Unitary Development Plan**

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

AC18 - Parking Provision and New Development

SPG2 Space around dwellings

### **7.00 PLANNING APPRAISAL**

#### **7.01 Proposal**

The proposal is for the change of use of an existing 3 bedroom dwelling house into a 4 bedroom House of Multiple Occupation.

The proposed conversion changes one room at ground floor level



7.02 from a living room to a bedroom. In other respects the layout of the house remains the same, with no additional windows.

Site

7.03 The site is located within the settlement boundary for Shotton as shown in the Flintshire Unitary Development Plan. It is located on a residential street primary consisting of terraced properties.

Principal of Development

7.04 The proposal is within the settlement boundary for Shotton and proposal a residential use of an existing dwelling. The principle of the proposal it is therefore acceptable as it makes the most efficient and effective use of existing housing stock and the conversion of existing buildings within the settlement in accordance with Policy STR4 and GEN2.

Main Issues

7.05 The main issues are considered to be the impact of the development upon the character of the area with regard to living conditions of future neighbours, living condition of occupiers and parking.

Impacts on local character with regard to living conditions of

7.06 The lawful use of the building is a large private dwelling house of which the external appearance would be largely unaltered. There would be no material change to the appearance of the building which would harm the character of the area.

7.07 Furthermore the proposal would also ensure the property retained existing amenity space and separation distances from neighbouring houses. There would be no change from the outlook of the existing windows of the residential use to the outlook of the proposed residential use.

7.08 The proposed use is a residential use which operates at a level of intensity only slightly increased to that which might reasonably be expected if it remained as a large private dwelling. However, as the Inspector notes in the appeal decision at 23 The Brackens, which is reported on the agenda for this meeting, the character of an area may change with the introduction of a number of HMO's. However, there is no evidence of other HMO's in the vicinity of the site which would give rise to a cumulative effect of multiple HMO's causing a detrimental change to the character of the area

7.09 The proposal would not adversely affect the character of the area as it would physically harmonise with the site and surroundings as there would be no material change to its current appearance as a dwelling, house and it is thereby compliant with GEN1. Furthermore, as there are no new windows proposed the overlooking of any neighbouring properties is unaltered as the existing living room, which is considered as a habitable room in SPG2, would be converted to a bedroom,

which is also considered as habitable. No greater increase in interface distance is required so there is no impact on the character of the area with regard to the living conditions of occupiers.

Living conditions of future occupiers.

- 7.10 The proposal would utilise 3 existing bedrooms and provide a fourth bedroom as ground floor which was previously used as a living room. The rooms are of reasonable size and each has an outlook and natural light. Every occupant would have access to a bathroom and kitchen either on the same floor or one floor below. Concerns have been raised regarding the appropriateness of a ground floor room being used as a bedroom in a terraced property. There are no planning policies or guidance which state that a bedroom on the ground floor of a terraced property is unacceptable.

Parking and impact on the highway

- 7.11 There is no highways parking standard for this type of development in the Local Planning Guidance Note covering parking. Highways have not objected to the proposal. The appeal decision for No 24 The Brackens, which is elsewhere on the agenda refers to local concerns regarding on-street parking issues but in the light of the fact that there are no objections from the Highways Authority it is considered that the development would not exacerbate on street-parking or increase the vehicular movement to the extent that highway safety or the free flow of traffic is materially harmed. In order to promote a sustainable means of transport and reduce reliance on travel by car, a condition will ensure a cycle store is provided. The site is also located close to the public transport links available within Shotton.

**8.00 CONCLUSION**

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

**8.01 Other Considerations**

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

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

The Council has had due regard to its public sector equality duty

under the Equality Act 2010.

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

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

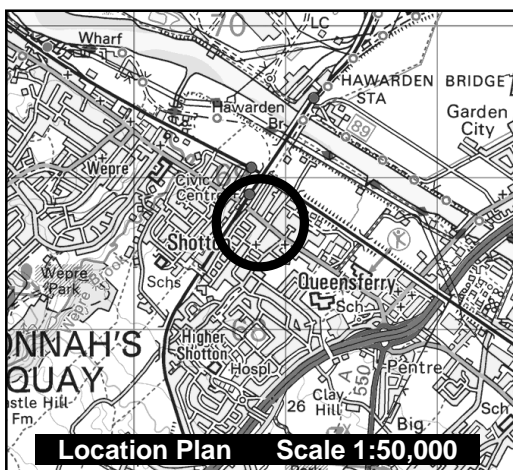
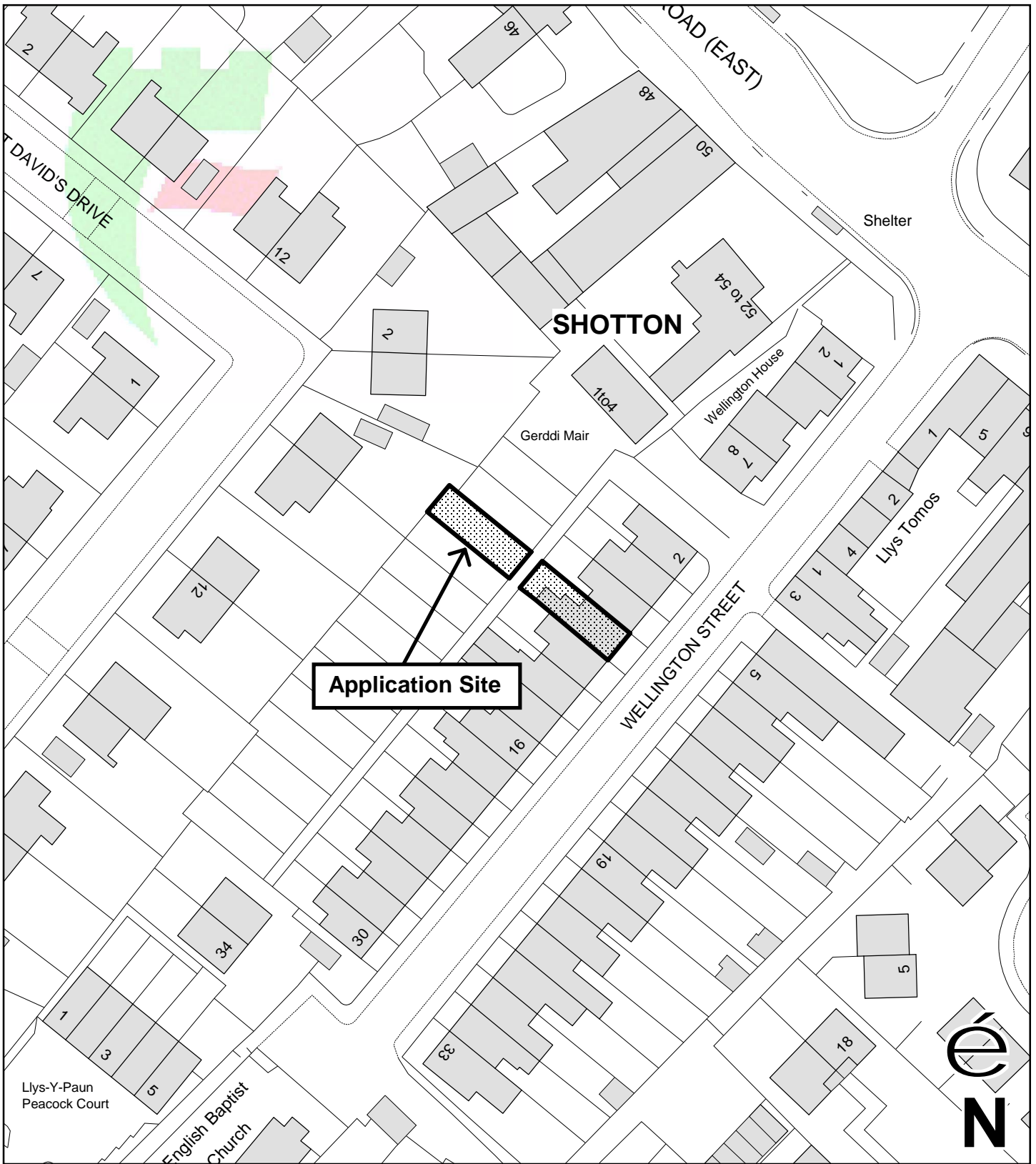
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

**Contact Officer:** Mr D McVey  
**Telephone:** 01352 703266  
**Email:** Daniel.mcvey@flintshire.gov.uk

This page is intentionally left blank



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:750

OS Map ref SJ 3068

Planning Application **57129**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED 17.5 M JUPITER SINGLE STACK COLUMN INSTALLED ON NEW D6 ROOT FOUNDATION AND ASSOCIATED WORKS AT MUIRFIELD ROAD, BUCKLEY.**

**APPLICATION NUMBER:** **057318**

**APPLICANT:** **CTIL & VODAFONE LTD**

**SITE:** **MUIRFIELD ROAD, BUCKLEY.**

**APPLICATION VALID DATE:** **18<sup>TH</sup> JULY 2017**

**LOCAL MEMBERS:** **CLLR C ELLIS**

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST CONCERNS REGARDING RESIDENTIAL AMENITY AND SAFETY**

**SITE VISIT:** **AWAITING CONFIRMATION**

### **1.00 SUMMARY**

1.01 This is a full application for the erection of a 17.5m high monopole and associated works at Murfield Road, Buckley. The proposal is to improve the level of coverage in the vicinity.

The main issues to consider are the impact on residential amenity and the impact on the highway network.

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

- 2.01 1. Time Limit.  
2. In accordance with plans.  
3. Land to be restored after site is no longer in use for telecommunications

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Carol Ellis: Request planning committee determination due to the proximity to residential homes and concerns raised regarding safety.

#### Buckley Town Council

Raise the following observations/concerns:-

- 1 health risk to residents.
- 2 Proximity to residential homes.
- 3 Ascetical look so close to the entrance to the estate.
- 4 Any interference to current installations/providers.

#### Highways Officer

No objection

#### Head of Public Protection

No Objection

#### Airbus

No Objection

### **4.00 PUBLICITY**

#### 4.01 Site Notice and Neighbour Notification

No response at the time of writing

### **5.00 SITE HISTORY**

- 5.01 No relevant history

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

AC22 - Location of Installations

GEN 1 – General Requirements for Developments

GEN 3 – Development in the Open Countryside

#### Planning Policy Wales (Edition 9)

Technical Advice Note 19: Telecommunications (2012)



## **7.00 PLANNING APPRAISAL**

- 7.01 This application is for the erection of a 17.5m high monopole and associated works. Telecommunication developments benefit from a comprehensive level of permitted development, with most development falling under the prior approval process outlined within the Town and County Planning (General Permitted Development) Order 1995. In this case, due to the height of the proposed development being over 15m, full planning permission is required.
- 7.02 Planning Policy  
Flintshire County Council's Unitary Development Plan seeks to control the location of telecommunication installation via Planning Policy AC22. This Policy requires that any new telecommunication facilities in a sensitive area, such as the A.O.N.B or adjacent to a listed building, are subject to a feasibility study which would assess if suitable alternatives are available.
- 7.03 As the proposed mast is not within a sensitive area it is not necessary for the applicants to have considered alternative locations before selecting this site. However, the applicant has submitted a short assessment of available alternatives in the locality which show that the nearest alternative could not be brought forward for a number of reasons.
- 7.04 Technical Advice Note: 19 Telecommunications provides advice on the material planning considerations to be taken into account as part of determining a planning application. Particular reference is made to the potential impact on public health which is discussed in further detail below.
- 7.05 Visual Impact  
Planning permission would not be required for a similar type of development with a maximum height of 15m. Due to its increased height the proposed mast will be more prominent than one which could be erected under the prior approval process. However, the additional impact is such that the development will not have a significantly greater or detrimental impact upon the street scene and surrounding townscape. Views of the mast from the wider locality are largely obscured by buildings and by mature vegetation.
- 7.06 The plans also show 3no. equipment cabinets, however these do not require planning permission and fall under the prior approval process.
- 7.07 Public Health  
Concerns have been raised by the local member in relation to potential harm to public health. However, there is statutory requirement that applications for the type of telecommunications development proposed need to be accompanied by a declaration that the equipment will operate in full compliance with the International

Commission on Non-Ionizing Radiation Protection ICNIRP guidelines. TAN:19 states that where transmissions from a proposed base station meet the ICNRP guidelines it is unnecessary for a Local Planning Authority to consider health concerns when determining a planning application. The application documents include a Declaration of Conformity with ICNIRP Public Exposure Guidelines.

7.08 In light of the above, and given that there is no demonstrable harm on public health arising from the above development, I have given concerns about the impact on public health limited weight.

7.09 Coal Mining

The site does not fall within a Coal Authority informative area therefore an advisory note will be added providing advice on the working within areas with a history of mining activity.

**8.00 CONCLUSION**

It is considered that the proposed telecommunications equipment is in accordance with the relevant planning policies. The siting of equipment meets both Local and National Planning Policy, and the additional height would not have an adverse impact on the residential amenity of adjoining dwellings

8.01 Other Considerations

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

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

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

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

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

**Contact Officer:** Mr D McVey  
**Telephone:** 01352 703266  
**Email:** [daniel.mcvey@flintshire.gov.uk](mailto:daniel.mcvey@flintshire.gov.uk)

## ICNIRP Compliance

The addition of new technologies and mast sharing affects ICNIRP compliance – a higher minimum mast height is required in some cases.

6. Site Selection Process – alternative sites considered and not chosen (Enclose map highlighting all alternatives that have been considered by the operator)

It is imperative to consider that the previous application was withdrawn on 15/5/2017 following objection from the LPA of the proposal due its close proximity to the listed church (Application Reference DJM/056581). THIS SITE HAS ALSO NOW BEEN DISCOUNTED.

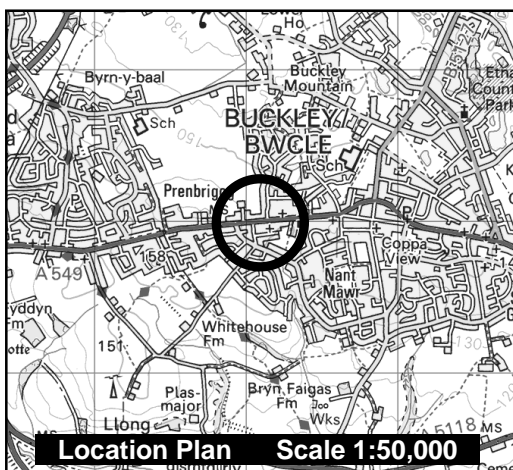
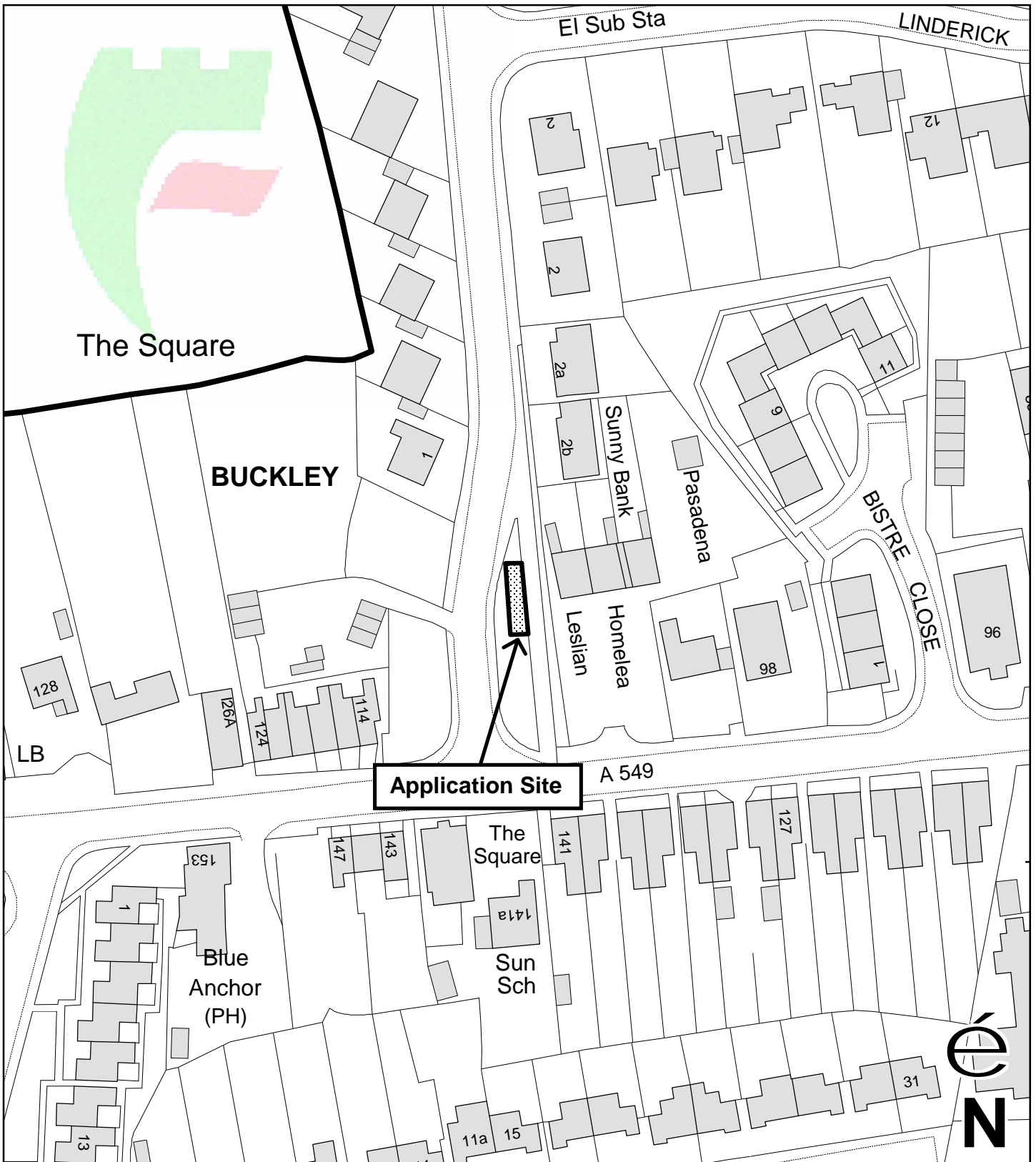
Site <sup>3</sup>	Site Name and address	NGR	Reason for not choosing <sup>4</sup>
GF - Greenfield	Myrtle Farm Myrtle Farm Myrtle Road Buckley Flintshire CH7 2NS	Eastings  Northings	SP (Site Provider) using farm for redevelopment so shown no interest at present
GF - Greenfield	Pen-Brigog Farm Pen-Brigog Farm Buckley Flintshire CH7 2NT	Eastings  Northings	Council not engaging, after many attempts numerous phone calls and letters have been issued with no response
GF - Greenfield	Land Behind Leisure Centre Buckley Leisure Centre Mill Lane Buckley Leisure Centre Clwyd CH7 3HB	Eastings  Northings	After many many calls and letters, SP shown no interest
GF - Greenfield	Land Lying South of Muirfield Road Land Lying South of Muirfield Road Buckley Flintshire CH7 2NW	Eastings  Northings	After many many calls and letters, SP shown no interest
RT - Roof	Emmanuel Church Emmanuel Church Mold Road Buckley Flintshire	Eastings  Northings	No feasible design solution
GF - Greenfield	Bistre Car Sales 59 Mold Road Buckley	Eastings	No space within grounds to locate a telecommunications

<sup>3</sup> ETS – Existing Telecomm site, ES – Existing Structure, RT – Roof Top, GF – Greenfield

<sup>4</sup> SP – Site Provider, RD – Redevelopment Not Possible, T – Technical Difficulties, P – Planning, O – Other

	Flintshire CH7 2JA	Northings	equipment. This would take up half of the car park with it being so small
RT - Roof Top	Old Emmanuel Church 1 Bistre Close Buckley Flintshire CH7 2 HZ	Eastings  Northings	Building currently being sold and could not gain new SP contact details to gain any interest
	Spar Petrol Station 72 Mold Road Buckley Flintshire CH7 2NJ	Eastings  Northings	Streetworks site - After visiting the site, the pavement outside the petrol station would be too narrow to house telco equipment and would cause obstructions to public accessing and exiting the petrol station
GF - Greenfield	Emmanuel Church Emmanuel Church Mold Road Buckley Flintshire	Eastings  Northings	Carpark which belongs to church is for visitors only and is fully capacitated so no room to house telco equipment.
GF - Greenfield	White Lion Pub Mold Road Buckley Flintshire CH7 2NH	Eastings  Northings	Carpark which belongs to pub is for visitors only and is fully capacitated so no room to house telco equipment

This page is intentionally left blank



	Planning & Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow
	<p>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.          Licence number: 100023386.          Flintshire County Council, 2017.</p>
<p><b>Legend</b></p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</p>	<p>Map Scale 1:1000</p> <p>OS Map ref SJ 2764</p> <p>Planning Application <b>57318</b></p>

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF A SINGLE STOREY EXTENSION TO SIDE AND REAR OF DWELLING AT 18 MOORFIELD ROAD, HAWARDEN**

**APPLICATION NUMBER:** **057070**

**APPLICANT:** **MR R PLATT**

**SITE:** **18 MOORFIELD ROAD, HAWADEN, CH5 3EZ**

**APPLICATION VALID DATE:** **2<sup>ND</sup> JUNE 2017**

**LOCAL MEMBERS:** **CLLR H BROWN**  
**CLLR G HARDCASTLE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN COMUNNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST – IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY**

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

### **1.00 SUMMARY**

- 1.01 Members will recall this item was deferred at the September 2017 meeting to enable a second site visit to be carried out.
- 1.02 This is a full application for the erection of a single storey side and rear extension at 18 Parkfield Road, Broughton. The proposal is considered to comply with Policies GEN1, D2, AC18 and HSG12 of the Flintshire Unitary Development Plan. And Local Planning Guidance Notes 1, 2, and 11.

### **2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,**

## **SUBJECT TO THE FOLLOWING:-**

- 2.01
1. Time limit.
  2. In accordance with plans.
  3. Facilities to be provided and retained within the site for parking.

### **3.00 CONSULTATIONS**

- 3.01 Cllr H Brown  
Has formally requested Committee determination and a Committee site visit be made.

Cllr G Hardcastle  
No response at time of writing.

Hawarden Town Council  
Objects to the proposal on the basis of overlooking windows and inadequate parking.

Highways Development Management  
No objection subject to conditions.

Head of Public Protection  
No objection.

Welsh Water/Dwr Cymru  
No objection subject to an informative note.

Airbus  
No Objection

### **4.00 PUBLICITY**

- 4.01 Neighbour Notification

8 Letters of objection were received which raised the following objection to the proposal:

- The plans do not accurately show the proposal.
- Existing parking is not adequate.
- Proposed parking is out of keeping with the street.
- Proposal is out of character with surrounding properties.
- Garden room is unnecessary.
- Deeds restricted the owner from using the property of a business use.
- Erection of a kennel will cause an increase in noise, smell and vermin.
- All bedrooms do not require en-suites.
- Construction traffic for kennels causing a highway danger.

- Proposed extension will cause loss of light and view to neighbouring bedroom window.
- Proposed extension will affect the outlook from the neighbouring garden.
- Proposal will devalue neighbouring property.
- Increase in the number of visitors and children.
- Loss of privacy due to sky lights facing a bedroom window.

## **5.00 SITE HISTORY**

5.01 None relevant

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 STR1 – New Development  
 STR8 – Built Environment  
 GEN1 – General Requirements for Development  
 D1 – Design Quality, Location and Layout  
 D2 – Design  
 HSG12 – House Extension and Alternations  
 AC18 Parking Provision and New Development.

6.02 National Planning Guidance  
 Technical Advice Note 12 Design

6.03 Local Planning Guidance  
 Local Planning Guidance Note No. 1 Extensions and Alterations to Dwellings  
 Local Planning Guidance Note No. 2 Space Around Dwellings.  
 Local Planning Guidance Note No. 11 Parking Standards.

## **7.00 PLANNING APPRAISAL**

7.01 The application site is located within Hawarden as defined in the Flintshire Unitary Development plan. The property consists of a detached bungalow constructed of brick under a tiled roof with a flat roof garage to the side.

7.02 The application is for a single storey side extension, indicating a family room, kitchen extension and garden room on the ground floor and a bedroom on the first floor in the loft space. The proposal also includes a number of windows on the front and rear of the existing dwelling, however these are permitted development and do not require planning permission. The application also includes an amended parking layout which shows 3no car parking spaces to the front of the dwelling.

7.03 Scale  
 In terms of scale the extension measures 3.7 metres wide to the front

widening to 5 metres at the rear being approximately 0.5 metres off the boundary line. The extension measures 12 metres in length extending from the rear elevation 5 meters.

7.04 The area at ground floor level is approximately 51m square metres while the first floor having an area of 13 square metres giving an overall total for the extension of 64 square metres additional floor area.

7.05 The original dwelling had an approximate floor area of 97.5 square metres with the additional permitted development alterations to the first floor bringing the overall dwelling to 152 square metres.. The proposed extension would add a further area of 64 square metres which is an increase of approximately 41%. The proposed extension in terms of scale is therefore in compliance with LPG 1 House Extensions to Dwellings which states that houses should not be more than 50% of the original floor space. Furthermore, the proposal complies with the first principle of Policy HSG12 as the extension is subsidiary in scale and form.

7.06 Design

The proposed extension is modest and replaces an existing detached garage. A number of objections have been received which state that the proposed extension is out of keeping with the area as none of the surrounding dwellings have been extended in this manner. The objections also state that the number of velux windows is out of keeping. The proposed design is considered to harmonise and respects the host dwelling, appearing subservient. The lack of a similar extension on surrounding dwellings does it itself create a reason for refusal with the surrounding dwellings having a mix of differing alterations. The design of the proposed extension therefore complies with the second principle of Policy HSG12.

7.07 Separation Distances and impact on people living nearby

The neighbouring occupier at No 16 has objected to the distance which would be created between his existing first floor habitable bedroom windows and the proposed extension. At present the bedroom window of the objectors house looks out onto 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 etc. The proposed extension would still result in a flank wall being presented to the neighbouring occupier at No 16. The fundamental difference would be the flank wall would be 3.7 metres closer, however the separation distance between the window and the flank wall will be 3m. Whilst the proposed extension may reduce the outlook from the neighbouring habitable room, this is not considered to be materially more harmful than the

current arrangement and would not outweigh in the planning balance the positive attributes of the proposal. The arrangement is not dissimilar to application number 055618 which Planning Committee visited in November 2016

7.08 Due to the south-easterly orientation of the proposed extension which is a dormer style construction, the effect of the proposal would not significantly alter the existing light levels within the room which is at first floor level and any minor reduction would be confined mainly to the evening. It is considered that this would have a limited impact on the reasonable enjoyment of that room by any occupier. In terms of overshadowing, it is expected that for a limited period of time during the evening there might be overshadowing in a small part of the garden area between the two properties. It is considered that the proposal would have a negligible effect of the main, useable area of the garden lying towards the rear of the dwelling. Overall the proposed extension would not cause any greater harm to the occupier's reasonable enjoyment of that first floor bedroom at No 18 than is already created by the existing arrangement.

7.09 Therefore the proposal complies with the third principle of Policy HSG12 as it would not have an unacceptable impact on people living nearby.

7.10 Highways

A number of objections have been received in relation to highway safety and parking requirements for the proposed development. Following the receipt of an amended plan showing the creation of 3 spaces off the highway which meets the requirement of the LPG guidance note, the Highways Officer has raised no objection to the proposal subject to the conditions outlined above.

7.11 Other Matters

A number of objections have been raised in relation to construction traffic, potential business use, devaluation of property, increase in vermin and the necessity of development. With regards to the scale and nature of the development proposed, to the extent to which any of these concerns are material considerations, it is considered that very little weight should be attached to these concerns.

**8.00 CONCLUSION**

It is considered that the proposed development is compliant with the relevant policies and guidance. The harm which would arise by the increase in proximity of the flank wall of No 18 towards No 16 is not considered materially more harmful than the existing arrangement. The development proposed will not adversely impact upon highway safety nor will it unacceptably impact on the living conditions of the occupants of the adjoining residential property or the character of the area in a manner that would warrant refusal of the application

## 8.01 Other Considerations

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

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

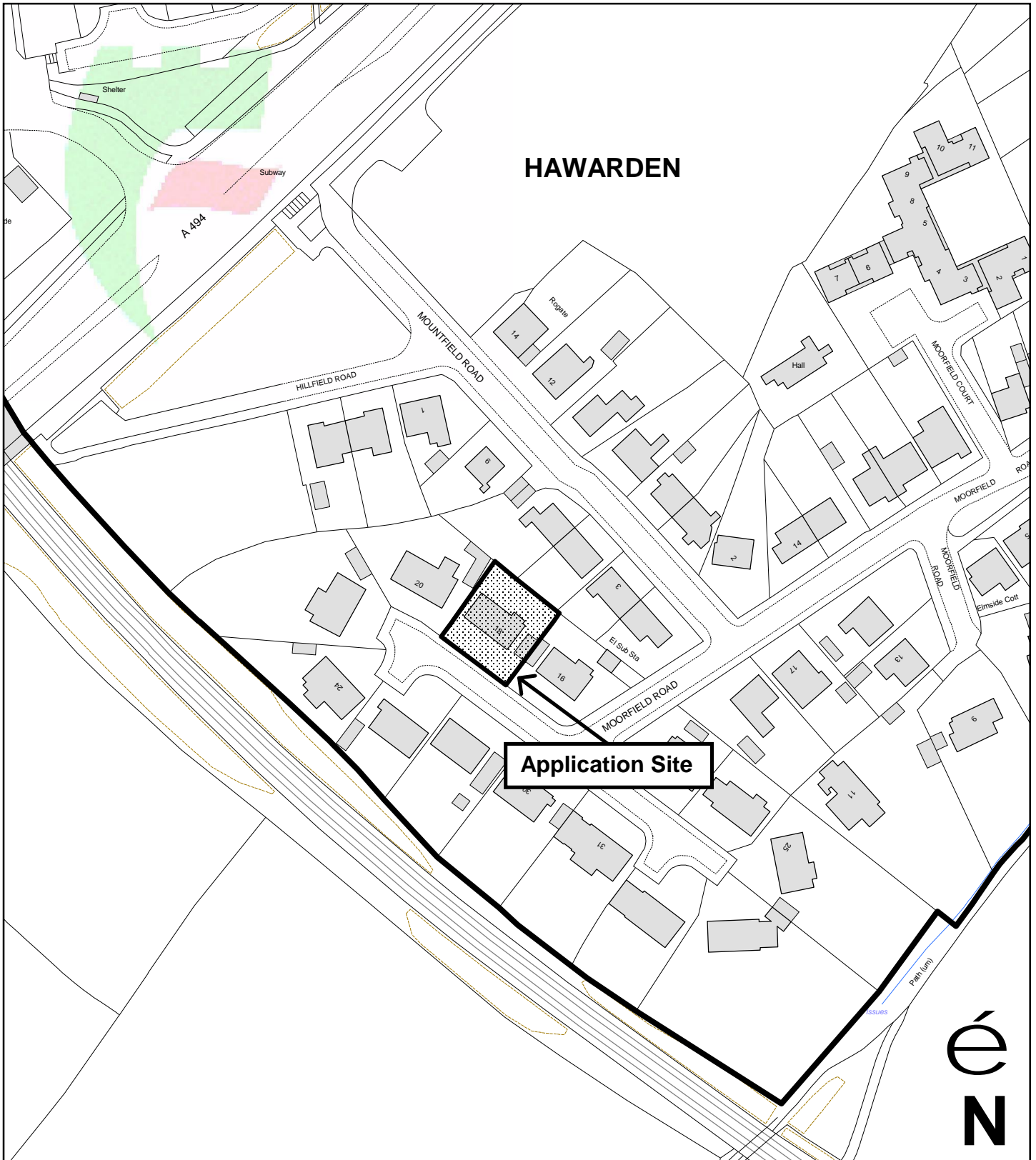
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

### **LIST OF BACKGROUND DOCUMENTS**

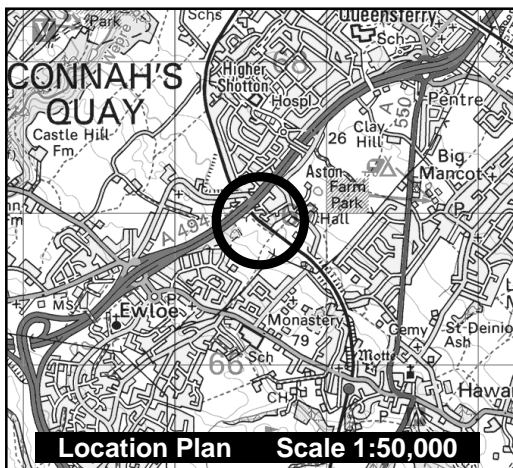
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** Mr Dan McVey  
**Telephone:** 01352 703266  
**Email:** Daniel.McVey@flintshire.gov.uk



# HAWARDEN

**Application Site**



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

### Legend



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 Licence number: 100023386.  
 Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 3067

Planning Application **57070**

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **OUTLINE APPLICATION FOR THE ERECTION OF 10 NO. DWELLINGS AT SIGLEN UCHAF, RUTHIN ROAD, GWERNYMYNYDD.**

**APPLICATION NUMBER:** **053325**

**APPLICANT:** **MR & MRS PRICE**

**SITE:** **SIGLEN UCHAF,  
RUTHIN ROAD,  
GWERNYMYNYDD.**

**APPLICATION VALID DATE:** **25<sup>TH</sup> MAY 2015**

**LOCAL MEMBERS:** **COUNCILLOR K. HUGHES**

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

**REASON FOR COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBER**

**SITE VISIT:** **YES, LOCAL MEMBER REQUESTS IN ORDER THAT COMMITTEE ARE ABLE TO VIEW THE PROPOSED POINT OF ACCESS**

### **1.00 SUMMARY**

- 1.01 This is an outline application with all matters except for access, reserved for subsequent approval. It proposes the erection of 10 No. dwellings on land adjacent to Siglen Uchaf, Ruthin Road, Gwernymynydd.
- 1.02 Whilst all other matters are Reserved, the applicant has provided an indicative series of drawings indicating how the site may be developed. Members are reminded that these details are purely indicative.

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

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

1. Ensure the payment of a commuted sum equivalent to £1100 per dwelling in lieu of on site play and recreation provisions. Such sum to be paid to be used as a contribution towards the enhancement of existing recreation facilities at Heol-y-Wern Children's Play Area, Gwernymynydd. Such sum to be paid upon occupation of 50% of the approved dwellings.

2.02 Conditions

1. Outline - Time limit
2. Outline - Details of reserved matters
3. In accord with approved plans
4. Outline - Submission and approval of site levels
5. Access visibility of 4.5m x 120 in both directions.
6. Submission of detailed siting, layout and design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads road prior to commencement.
7. Access width to be 6.0 metres
8. Scheme for parking & turning facilities to be submitted & agreed.
9. Land contamination investigation prior to any development.
10. Remediation scheme to be submitted and agreed prior to any sites works. Implemented prior to occupation of any dwelling approved.
11. Wheel washing facilities to be provided for the duration of construction works.
12. Scheme for comprehensive drainage system to be submitted and agreed. No drainage to connect to trunk road drainage system.
13. Materials and finish colours to be submitted and agreed.
14. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.
15. Scheme for enhanced glazing to be submitted and agreed.
16. Site is crossed by public sewer. No development within 3 metres either side.
16. Garage fronts to be 5.5m behind footway or 7.3m from edge of carriageway.
16. Access gradient to be 1 in 24 for minimum of 10m and a maximum of 1 in 15 thereafter.

2.03 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning

be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### Councillor Kevin Hughes

Requests that the planning application be determined by the Planning Committee with a site visit due to concerns over the highway access, foul and surface water disposal and the historical legacy of the mining use of the site.

##### Gwernymynydd Community Council

Objects to the proposal for the following reasons:

- Highway safety issue with the proposed access/egress point onto the busy A494;
- Inadequate visibility is demonstrated;
- There would be surface water run-off onto neighbouring properties, particularly the Haulage Yard which already suffers from flooding – the proposals dwellings would exacerbate the problem;
- There would be a problem with the foul water system as a result of adding further dwellings to an already overstretched main;
- Concern expressed with regard to underlying mine shafts and the stability of the ground;
- The application suggests that the proposed development site is a brownfield site, whereas the Community Council considers Siglen Uchaf to be a small holding; and
- The development does not accommodate an open space/play area facility, which is contrary to Flintshire County Council's planning policy.

##### Highways DC

No objection subject to the imposition of conditions.

##### Pollution Control

No objections. However, records indicate that the site is in an area of extensive lead mining. Therefore, recommend that a condition for a contaminated land site investigation is attached to any approval. In addition to this it is requested that conditions are considered for a scheme of enhanced glazing as the site is adjacent to a busy main road.

##### Public Open Spaces Manager

In accordance with Local Planning Guidance Note No. 13 'Public Open Spaces', the Authority is seeking an off-site capital contribution of not less than £1,100 per dwelling in order to enhance existing recreation provision at the existing children's play area at Heol-y-Wern, Gwernymynydd.

Dwr Cymru/Welsh Water

No objections. Recommends the imposition of a condition requiring proposed drainage scheme to be submitted and agreed. Request the imposition of a note in relation to the proximity to a public sewer.

Natural Resources Wales

No objections. Considers the proposals would not adversely impact upon the nearby AONB.

Airbus

No aerodrome safeguarding objection to the proposal.

Coal Authority

Advises that standard advice applies. Accordingly, The Coal Authority raises no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Welsh Government - Transport

No objections. Requests the imposition of conditions in relation to the submission and agreement of access details, access width, parking and turning facilities, wheel wash during construction phase and highway visibility splays.

SP Energy Networks

SP Energy Networks have plant and apparatus within the area of the proposed development, the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the electrical apparatus.

Wales & West Utilities

No objections to the proposal, however, apparatus may be at risk during construction works and the promoter of the works should be advised to contact Wales & West Utilities directly.

AONB Joint Advisory Committee

No objection to the principle of residential development. Considers a lower density proposal will, subject to the details, have a less urbanising impact than the previously refused scheme. Welcomes the retention of trees and hedges. Considers some provision of affordable housing should be sought.

**4.00 PUBLICITY**

- 4.01 This application has been publicised by way of the publication of a Press Notice, display of a Site Notice and Neighbour Notification letters. The application has been the subject of consultation on 3 occasions and 8 No. letters of objection have been received from local residents on the following grounds:

- Potential for parking on the roadside;
- Highway safety due to additional traffic and the access being located on the brow of a hill;
- Effect of additional drainage on lower properties;
- Contaminated land;
- Lacking detail re surface water and a sustainable urban drainage system should be implemented;
- The access/egress point onto the A494 will add more danger to an already busy road;
- Mine shafts in the area;
- Inconsistency of power supply to village; and
- In bad weather conditions there is an existing problem with vehicles not being able to access their properties and having to park in the lay-by. This problem will be exacerbated by the development when the new dwellings are inaccessible due to bad weather, resulting in the A494 being blocked.

4.02 1 No. letter of support has been received citing the visual betterment to the area from the proposed development and the provisions of houses in close proximity to Mold.

## **5.00 SITE HISTORY**

### **5.01 043076**

Residential development of 24 no. dwellings and associated works  
Withdrawn 19/3/2008

### **042344**

Demolition of existing buildings and erection of 24 no. two-storey detached dwellings and associated works including ground remodelling  
Withdrawn 30/3/2007

### **048850**

Erection of 18 No. dwellings and associated works  
Refused 22.2.2013  
Appeal DISMISSED 1.5.2014

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR7 – Natural Environment

Policy STR9 – Welsh Language and Culture

Policy STR10 – Resources

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy TWH1 – Development Affecting Trees and Woodlands  
Policy L2 – Area of Outstanding Natural Beauty  
Policy AC13 – Access and Traffic Impact  
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries  
Policy HSG8 – Density of Development  
Policy D1 – Design Quality, Location and Layout  
Policy SR5 – Outdoor Playing Space and New Residential Development

6.02 Local/Supplementary Planning Guidance Notes

SPGN 4 - Trees and Development  
SPGN 13 - Open Space Requirements

6.03 National Planning Policy

Planning Policy Wales Edition 9 November 2016  
Technical Advice Noise 11: Noise

**7.00 PLANNING APPRAISAL**

7.01 Site and its Surroundings

The site comprises some 0.9 hectares of land to the east of Siglen Uchaf. The site at its southern edge is below the level of the A494 (T) and then rises up to the hedgerow denoting the settlement boundary at the rear of the site. The site is bounded to the west by Ty Newydd and to the east by a haulage yard adjacent to Fernleigh, above which is a freestanding bungalow 'Rockland'. Mature trees which are the subject of Tree Preservation Orders are located to the north western end of the site.

7.02 The Proposed Development

This outline application proposes the development of this 0.9 hectare site for the purposes of residential development. All matters of detail, with the exception of matters relating to access are reserved for future consideration. Indicative details submitted suggest that the site could be developed for approximately 10 No. detached dwellings, together with the creation of a new vehicular access.

7.03 The Main Issues

I consider the main issues for consideration in the determination of this application to be;

- The principle of development having regard to planning policy;
- Access and highway safety;
- Amenity Impact;
- Impact upon trees; and
- Public Open Space.

7.04 The Principle of Development

The site is located within the settlement boundary of Gwernymynydd which was identified within the adopted Flintshire Unitary Development Plan as a Category B settlement. Policy GEN2 identified a presumption in favour of the development of such sites but noted that in the case of unallocated 'windfall sites' there are limitations imposed via policy HSG3.

7.05 Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development would be permitted in Category B settlements where it did not conflict with the planned housing provision for the County, as set out in the UDP, and does not conflict with Policy GEN1. Having regard to criteria b) of HSG3, growth within Gwernymynydd at April 2015 stood at 4.2%. Taking account of further commitments of 23 units, over the plan period, growth of only 6.4% was provided for. The bringing forward of such windfall sites is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing in that housing development should be primarily directed towards such settlements. Members will also be aware that the granting of windfall sites such as this will assist the council in maintaining a supply of housing land as it moves towards the completion of its Local Development Plan.

7.06 Members are reminded that as this site is located within the settlement boundary, albeit not allocated for residential development, the requirements of developers as set out in the Council's Developer Guidance Note : Speculative Housing Development Proposals, do not apply to this site. It is considered therefore that the proposal accords with Policies GEN 2 and HSG3.

7.07 Access and Highway Safety

There have been objections received in relation to highway safety with reference to the busy A494 and potential dangers as a result of the additional point of access/egress for this development. The application has been modified during the course of consideration to include matters relating to the proposed point of access as a matter for consideration at this stage. During consultation with both the Council Highways Officers and Welsh Government's Transport Officers it has been confirmed that subject to the imposition of conditions in respect of the construction details of the access, a minimum width of 6 metres, visibility splays of 4.5m x 120m in both directions, provision of off-road parking and turning facilities and the use of a wheel wash during construction, the proposals are considered acceptable and would not be detrimental to highway safety. Accordingly, there are no objections raised on the grounds of highway safety and the proposal complies with Policy AC13.

7.08 Amenity Impacts

Gwernymynydd is a village made up of varying house types and the immediate area is urbanised with a mix of forms of dwellings in the area, ranging from suburban semi-detached houses to the south side

of Ruthin Road to more traditional farm houses and steadings to the north. The indicative details provided with the proposal provide for 10 No. detached dwellings. Although the plans are indicative the indicated layout is achievable and the dwellings shown, in terms of scale and layout would not seem incongruous with the character of built form in the locality. The proposed dwellings would accord with the Council's Local Planning Guidance Note with regards to private amenity space and space about dwellings. The proposed dwellings are set back from the A494 and at a lower level before rising in line with existing land gradient to the rear of the site, which is reflective of the built form in the rest of the village. Taking these factors into account, and recognising that the details in this respect remain the subject of further submissions and agreement, I consider the proposal would not impact unacceptably upon either visual or residential amenity. It is therefore considered the proposal could broadly comply with Policies STR1, HSG8 and D1 and SPGN 2.

#### Impact upon Trees

- 7.09 There are 4 No. Tree Preservation Orders on the application site, two on the rear boundary, one centrally located within the site and one on the left-hand side of 'Siglen Uchaf'. The centrally located Sycamore, by virtue of its location, has the potential to be damaged as a result of this development. However, the indicative layout provided in connection with this application illustrates that the proposed dwellings and roads can be sited in order to ensure that the tree is protected and in addition, those amendments would result in the tree being a main visual feature when entering the site from the A494. Existing boundary hedges are generally retained and the proposed development will be further augmented with new planting across the site, such planting details will form part of the Reserved Matters application. A condition is suggested to be imposed to require tree and hedge protection measures and therefore the proposal would comply with Policy TWH1.

#### Public Open Space

- 7.10 Consultations with the Public Open Spaces Manager has revealed that rather than formal provision within the site for play, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community. The consultation has established that the sum requested should be used in connection with a project to enhance the existing play and recreation offer at the nearby Heol-y-Wern children's play area.

- 7.11 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.

- 7.12 Accordingly and in line with the emerging SGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 per dwelling is sought via a S.106 agreement to satisfy this



requirement. The proposal would therefore comply with Policy SR5 and LPGN 13.

Other matters

7.13 Concerns have been raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows from new development. Both Natural Resources Wales and Dwr Cymru/Welsh Water have been consulted upon the drainage aspects of the proposal. They both advise that a condition is imposed requiring the submissions of a surface and foul water drainage scheme for the site. No objection to the proposals has been raised by Dwr Cymru/Welsh Water in relation to system capacity concerns.

7.14 Concern has also been raised in respect of the historical mining and contamination legacy upon the site. The Pollution Control Officer has advised that due to historical mining activities within the area, a condition should be placed upon any grant of planning permission requiring a site investigation being undertaken to identify any potential contaminants from this use and indeed all previous uses and if found identify how these can be remediated against. I propose to condition accordingly. In view of the fact that remediation measures can result in levels changes as a consequence of potential cover system, I also propose to condition that proposed site levels are submitted as part of the Reserved Matters application. The Coal Authority have not raised any objection to the proposals.

7.15 Issues raised in respect of the consistency of the power supply to the village are not reflected in the responses of the power suppliers who have been consulted upon this matter and no issues in this regard have been highlighted.

**8.00 CONCLUSION**

8.01 I consider that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend accordingly.

8.02 Other Considerations

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

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

8.04 The Council has had due regard to its public sector equality duty

under the Equality Act 2010.

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

**LIST OF BACKGROUND DOCUMENTS**

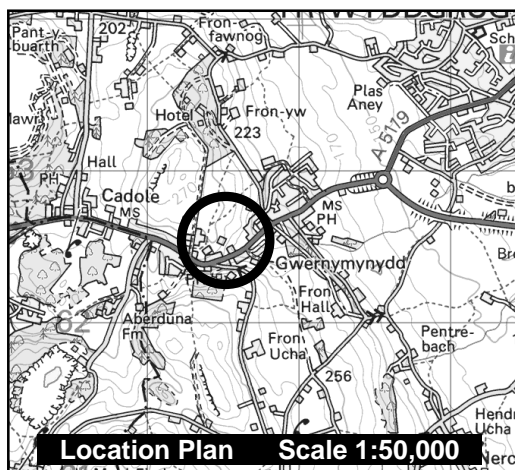
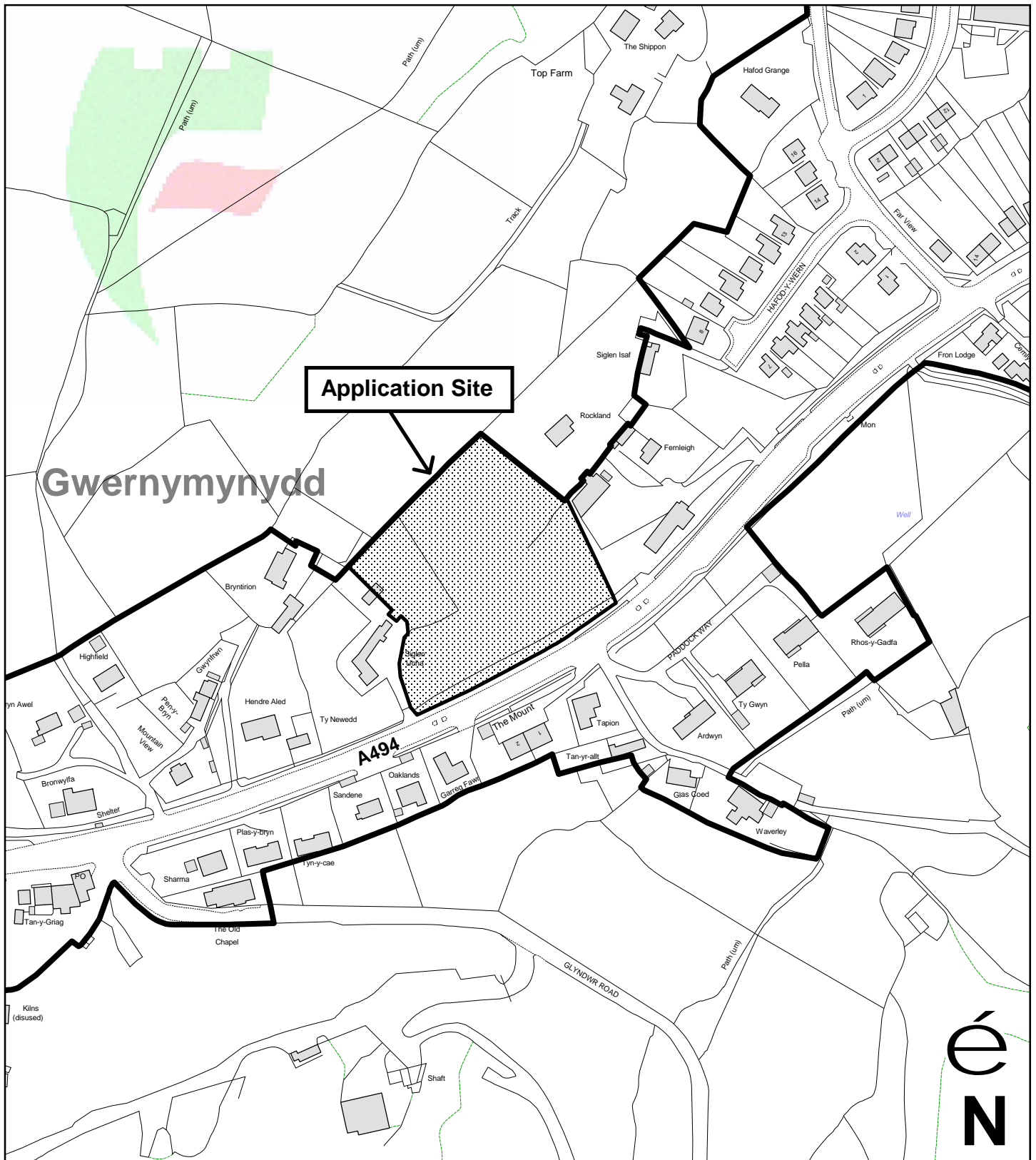
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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



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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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

Map Scale 1:2500

OS Map ref SJ 2162

Planning Application **53325**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 4 STOREY  
EXTRA-CARE BUILDING TO ACCOMMODATE 44  
NO. SINGLE BED APARTMENTS & 11 NO. TWO  
BED APARTMENTS WITH SUPPORTING  
ACCOMMODATION AT YSGOL FABANOD PERTH  
Y TERFYN, HALKYN ROAD, HOLYWELL.**

**APPLICATION  
NUMBER:** **057261**

**APPLICANT:** **WALES & WEST HOUSING ASSOCIATION**

**SITE:** **YSGOL FABANOD PERTH Y TERFYN, HALKYN  
ROAD, HOLYWELL**

**APPLICATION  
VALID DATE:** **16<sup>TH</sup> JULY 2017**

**LOCAL MEMBERS:** **COUNCILLOR T. PALMER**

**TOWN/COMMUNITY  
COUNCIL:** **HOLYWELL TOWN COUNCIL**

**REASON FOR  
COMMITTEE:** **SCALE OF PROPOAL EXCEEDS DELEGATED  
POWERS**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of an extra care facility comprising 55 apartments and associated parking at the site of the former Ysgol Perth-y-Terfyn, Holywell.
- 1.02 The proposals have been the subject of the statutory Pre-Application Consultation (PAC) process and the application is accompanied by a PAC report which summarises this process.

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

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

1. Time limit on commencement
2. In accordance with approved plans
3. All external materials to be submitted and approved
4. Boundary details to be submitted and approved
5. Landscaping scheme to be submitted and approved
6. Implementation of landscaping scheme.
7. Drainage scheme to be submitted and agreed.
8. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to the retention of affordable housing.
9. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to public open space and recreation.
10. Tree and hedgerow protection measures to be implemented before any other work is undertaken.
11. All trees works to be undertaken in accordance with scheme to be submitted and agreed. Ecologist to be present during all tree and demolition works. If any protected species discovered, works to cease and suitable scheme of mitigation to be submitted, agreed and thereafter implemented.
12. Visibility sight lines as per approved plan to be provided for duration of site works and thereafter retained.
13. Parking and turning to be provided prior to first use and retained thereafter.
14. Scheme for closure of existing access to be submitted and agreed prior to first use.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor T. Palmer  
No response at time of writing.

Holywell Town Council  
No objection. Considers that some improvements to footways linkages and road crossings to Town Centre would be beneficial.

Highways DC  
No objection subject to the imposition of conditions.

Pollution Control  
No adverse comments

Housing Strategy Manager

Fully supports the proposals and advises that the Council are supporting the scheme through the provision of grant funding from Welsh Government to assist in delivery of the scheme.

Public Open Spaces Manager

No response at time of writing.

Dwr Cymru/Welsh Water

No objection subject to the imposition of a condition requiring the submission and agreement of the proposed drainage scheme. No surface water to discharge to the public system.

Clwyd Powys Archaeological Trust

Advises that there are no archaeological implications as a consequence of the proposal.

**4.00 PUBLICITY**

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

**5.00 SITE HISTORY**

5.01 No previous relevant history. Previous site history relates to the previous use of the site as a school and concerns the siting of a mobile classroom and formation of external play areas.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR4 - Housing

Policy STR8 - Built Environment

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy TWH1 - Development Affecting Trees & Woodlands

Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries

Policy HSG8 - Density of Development

Policy HSG9 - Housing Mix and Type

Policy HSG10 - Affordable Housing within Settlement Boundaries

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Supplementary/Local Planning Guidance Notes:

SPGN9 - Affordable Housing

SPGN11 - Parking standards

SPGN12 - Access for All

**7.00 PLANNING APPRAISAL**

**7.01 Site and Surroundings**

This 0.9 hectare site occupies a prominent position on Halkyn Road which is one of the main approaches to Holywell town centre from the east. It is presently the site of the former Ysgol Perth-y-Terfyn which, as a consequence of the development of Ysgol Maes-y-Felin elsewhere in the town, has been declared surplus to requirements by the Local Education Authority.

7.02 The site consists of the former school building itself and associated areas of hard surfacing previously used as the school yard. The south western edge of the site contains a large number of mature trees, together with mature trees upon the eastern boundary of the site. Established hedgerows are a feature of both eastern and western boundaries of the site. Stone and brick walls form a further hard boundary to the extreme southern and western boundaries of the site. A low brick wall with metal railing marks the north eastern boundary of the site with Halkyn Road.

7.03 The site slopes downhill from its boundary with Fron Park Road to the south west towards its north eastern boundary with Halkyn Road, with a fall of approximately 11 metres across the site. The site is generally flat across its north western and south eastern axis and is generally reflective of the topography of the surrounding area. The site is bounded to the south, east and west by residential properties. The bungalow, 'Lornell' abuts the northern boundary along with Halkyn Road. The Holywell Evangelical Church and Bodowen doctors surgery area located upon the land beyond.

**7.04 The Proposals**

The proposed development comprises an apartment block of 55No. 1 and 2 bedroom apartments. The accommodation is arranged over 4 floors with the building. The units are intended to provide extra care accommodation and proposed to be available via a social affordable rental scheme through the housing association. The premises also includes provision of communal facilities to support the assisted living arrangements. These include a café with communal space, mobility/buggy storage space and a laundry.

7.05 Vehicular access to the site would be off Halkyn Road with 24No. car parking spaces and 12 No. cycle storage spaces. The principal



pedestrian access to the building is derived from the car park although access to the café will also be facilitated from the street frontage. A pedestrian link between the site and Halkyn Road will provide access to the existing pedestrian linkages between the site and the nearby town centre and its facilities to the north and the surgery and community hospital to the east.

7.06 The Main Issues

I consider the main issues for consideration in the determination of this application to be;

- The principle of development having regard to planning policy;
- Design;
- Impact upon trees;
- Highway Impact;
- Drainage Issues; and
- Ecology Issues.

7.07 The Principle of Development

Within the UDP, Holywell is classified as a Category A settlement where most housing growth is expected to occur. The site is sustainably located with access to bus services and other local services and infrastructure. In addition, the site constitutes previously developed land and both national and local planning policies look to the redevelopment of such sites in preference to greenfield sites.

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

7.09 Design

The building seeks to create a new frontage to Halkyn Road to give this building a greater presence in the street scene than is presently the case with this site. The 4 storey form of the, together with the contemporary design, serves to create a distinctive focal point on the approached to the town centre from the east. The proposals to serve the site in vehicular terms from the site frontage ensures that the massing of that part of the building fronting the street, and its impact upon nearby dwellings in minimised. The street presence of the building is softened by the scheme amendment to retain and respect the established yew trees at the site frontage as part of the overall street scene creation.

7.10 The application was accompanied by a design statement and detailed discussions have taken place with the applicant to arrive at the current design. Whilst the building is four storeys in height, this must be viewed in the context of the topography of the area which slopes significantly from south to north. The building has been designed to take account of the slope and therefore I consider that 4 storey development would not appear incongruous in this location. In

addition, the area has a number of other 'status' buildings which have an element of verticality to them so the proposals would not appear alien in the street scene in this regard.

- 7.11 A palette of materials has been suggested for the external finishes of the building to enhance the visual impact of the building and to complement the character of the area. These include details such as render panels, a metal cladding system, and slate roofing. Windows are proposed to be grey coloured UPVC set within a zinc clad window surround. The exact specification and finish colours are as yet determined and therefore I propose to condition the submission and agreement of the same prior to their use.
- 7.12 The proposed scheme would redevelop a key site upon the edge of the town centre of Holywell in accordance with development plan policies. The proposed apartment building would not be out of character with the site and its surroundings and is of a modern design using quality materials which would enhance the overall appearance of the area.
- 7.13 Trees  
The south of the site contains an area of mixed mature woodland trees comprising a mix of coniferous species including Yew, Scots Pine and a range of broadleaved trees. A large number of specimen trees are located within this area, including tall mature evergreen oaks. Two mature yew trees are located upon the northern boundary.
- 7.14 The scheme has been developed with the intention of retaining the vast majority of trees within the site. Some removal of lesser quality trees upon the north eastern edge of the woodland has been identified as possibly being required. I propose to condition that any tree removal is undertaken in accordance with a scheme of works to be submitted and agreed. Also, I propose that should such works be required, a suitably qualified ecologist be present in order that potential impacts upon birds and/or bats can be avoided and/or mitigated. A condition will also be imposed requiring a scheme of tree protection measures to be submitted, agreed and implemented before any other works are undertaken.
- 7.15 Highway impact  
The proposals, being a form of assisted living, fall within Use Class C3. Local Planning Guidance Note 11 – Parking, requires that proposals of this ilk make provision for 1 car parking space per 4 units in addition to visitor spaces and emergency vehicle access. This equates to 24 car parking spaces. The proposals make this provision and therefore are in accord with the policy requirements in this regard.
- 7.16 It should however be noted that the site is located within 100m of the defined town centre and is therefore within easy walking distance of local bus links, leisure and education facilities and the town retail

centre. Accordingly the site is considered to be sustainably located in highway terms.

7.17 The proposals have been to subject of consultation with Highways DC who have assessed the proposals in terms of impact upon highway safety and have advised that there is no objection to the proposals, subject to the imposition of conditions. In coming to this view, regard has been had to the traffic generation associated with the site when the site functioned as a school.

7.18 Drainage Impact

The proposals have been the subject of consultation with both Dwr Cymru/Welsh Water and the Council's drainage engineers. It is not that the previous use of the site as a school generated both foul and surface water flows from the site and these flows were both discharged into the public system.

7.19 Data provided indicates that the proposed low rate per second as a consequence of the proposed development will be less than the flow rate which was associated with the school. In addition, investigation of the existing site drainage infrastructure has established that the existing pipework is in a poor state of repair with a number of fractures and collapses. The proposals will see foul and surface flows arising from the site discharged separately via the installation of a new site drainage system with replacement pipework. Foul water will discharge to the existing public sewer. The precise methods of surface water disposal will require agreement and therefore I propose to impose a condition requiring the submission and agreement of the precise drainage system in respect of both foul and surface water.

7.20 Ecology Issues

During the course of site investigation as a precursor to demolition of the existing buildings upon the site, I has become apparent that the school has bats within its roof space. As all bats are protected species I propose to modify my suggested condition in respect of trees works being supervised by a suitably qualified ecologist. The condition will be written to ensure that an ecologist is to be present before the commencement of and during all demolition work and if any bats are found during the course of works, all demolition work is to cease and an appropriate scheme of mitigation shall submitted for agreement. Thereafter the approved mitigation shall be undertaken in full before the first use of the scheme.

7.21 Other matters

No public open space is proposed as part of the development. Due to the type and size of the proposed development the Authority would not be seeking on site recreation provision. However, the scheme will still be required to address the Council's Policy and guidance requirements in relation to the need for the scheme to provide for the public open and recreation need of future occupiers.

- 7.22 As the Council own the application site, I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address the public open space and recreation issue is submitted and agreed.
- 7.23 In respect of affordable housing policies, although the applicant is a Registered Social Landlord and should operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing and, in this case, are proposing a scheme of 100% affordable housing, safeguards should still properly be sought to ensure the retention of the same in the future.
- 724 Therefore I propose to condition that no development is permitted to commence until a scheme detailing the methods via which the affordability of these units will be secured in perpetuity is submitted to and agreed in writing with the Local Planning Authority.

## **8.00 CONCLUSION**

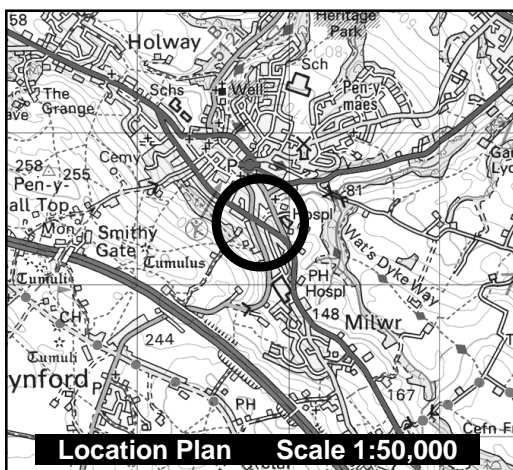
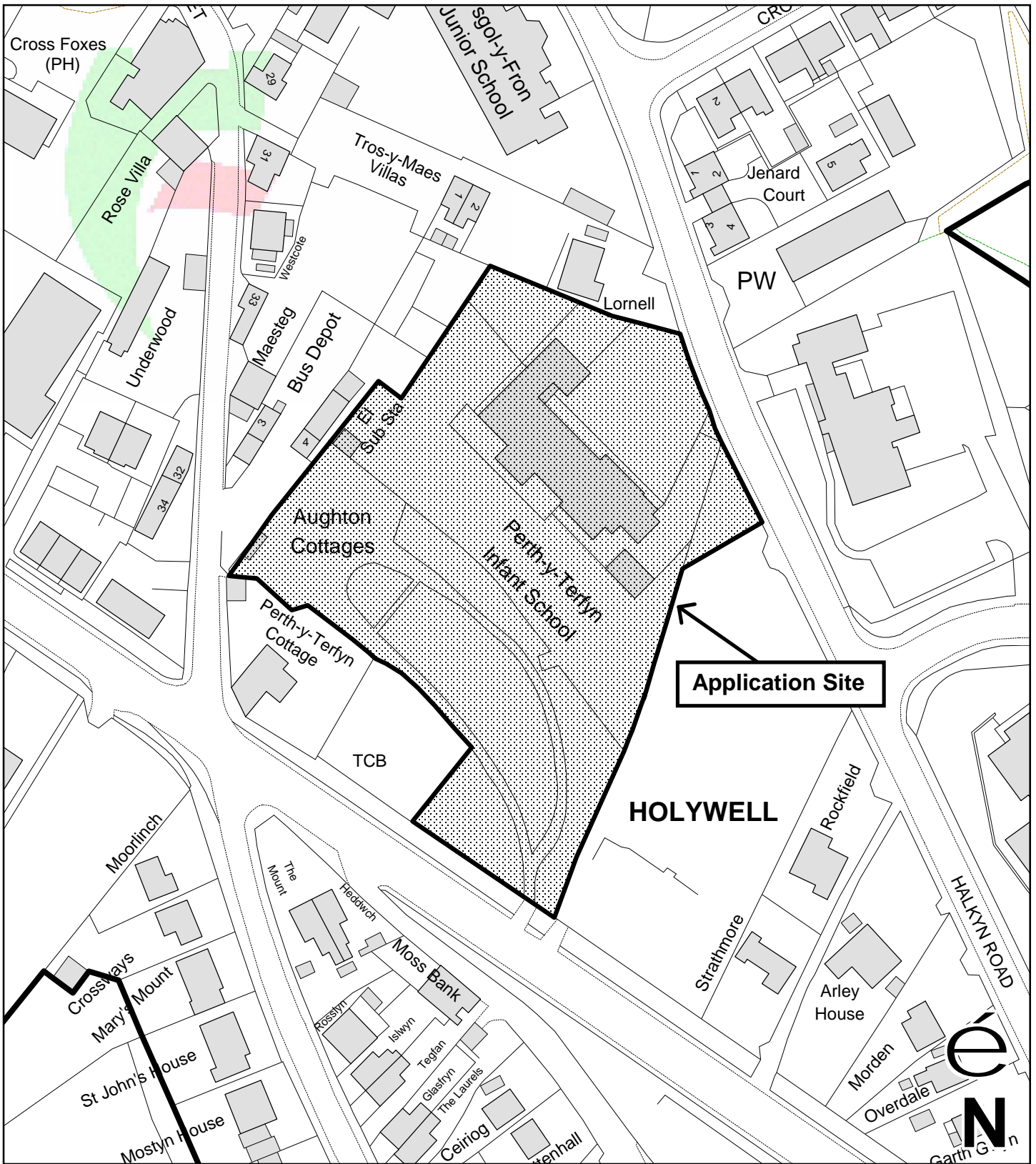
- 8.01 The proposed development is therefore considered acceptable in principle and detail subject to conditions of the form outlined in paragraph 2.01 above.
- 8.02 Other Considerations  
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.03 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

### **LIST OF BACKGROUND DOCUMENTS**

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

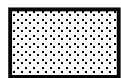
**Contact Officer:** David Glyn Jones  
**Telephone:** 01352 703281  
**Email:** david.glyn.jones@flintshire.gov.uk

This page is intentionally left blank



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 Licence number: 100023386.  
 Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 1875

Planning Application **57261**

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION – RESIDENTIAL DEVELOPMENT FOR 160 NO. DWELLINGS & ASSOCIATED GARDENS & CAR PARKING AT MAES GWERN, MOLD.**

**APPLICATION NUMBER:** **056742**

**APPLICANT:** **WATES RESIDENTIAL**

**SITE:** **LAND AT MAES GWERN, MOLD.**

**APPLICATION VALID DATE:** **24<sup>TH</sup> APRIL 2017**

**LOCAL MEMBERS:** **COUNCILLOR G. COLLETT**

**TOWN/COMMUNITY COUNCIL:** **MOLD TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF THE PROPOSALS ARE SUCH THAT IT IS OUTSIDE THE SCOPE OF POWERS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the development of the this site comprising 160 No. dwellings, together with the creation of vehicular and pedestrian access routes, provision of open space, car parking spaces and all other associated works.
- 1.02 The issues for consideration are the principle of development, design considerations, impact on residential amenities, highways considerations, impact upon ecology and trees, impact upon the historic landscape and drainage.

1.03 Members are advised that this proposal relates to a site which, whilst a site for the development of largely market housing, is a site within the Council's Strategic Housing and Regeneration Programme (SHARP).

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

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

Conditions

1. Time limit on commencement
2. In accordance with approved plans and details.
3. Samples of external materials to be submitted and approved
4. Landscaping scheme to be submitted and approved including boundaries and finished site levels. Shall provide details of levels relative to trees to be retained.
5. Implementation of landscaping scheme.
6. Drainage scheme to be submitted and agreed.
7. Notwithstanding the submitted details, a plan indicating the precise location of dwellings upon Plots 52 and 53 to be submitted and agreed.
8. Scheme for layout and design of site access to be submitted and agreed.
9. Forming and construction of the access not to commence until design agreed.
10. Visibility splays of 2.4m 43m in both directions to be secured without obstruction and retained.
11. Scheme for parking and turning of vehicles to be submitted and agreed.
12. Garage fronts 5.5m from footway or 7.3m from edge of carriageways.
13. Detailed layout, design, traffic calming, means of signage, highway drainage, lighting and footways to be submitted and agreed.
14. Scheme for surface water interception between site and highway to be submitted and agreed.
15. No development until Construction Traffic Management Plan submitted and agreed.
16. Travel Plan and Transport Implementation Strategy to be submitted and agreed.
17. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to meeting education infrastructure requirements..
18. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to the retention of affordable

- housing.
19. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to public open space and recreation.
  20. No development until an updated tree survey and assessment in respect of trees adjacent to the approved site access points has been submitted and agreed.
  21. Drainage scheme to be submitted and agreed.
  22. Tree protection measures implemented before any site works.
  23. No tree removal until bat survey undertaken and any mitigation submitted and agreed.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor G. Collett**

Offers the following observations:

- The revised plans have resulted in a reduced area for community gardens;
- Application site area has changed to include other land;
- Welcomes that badger setts in the area have been identified but considers proposal to safeguarded their location to be inadequate;
- Proposed development is at an unacceptable density;
- Has concerns in relation to site drainage; and
- Has concerns in respect of the potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents.

#### **Mold Town Council**

Offers the following comments:

- Application site area has changed to include other land;
- Area for protection of badgers setts should not also serve the purposes of Public Open Space and is inadequate;
- Concerns in respect of proposed drainage arrangements;
- Seeks upgrade of footpath along Maes Gwern to a cycle path;
- Considers the scheme should incorporate roof mounted solar PV as a renewable energy solution;
- Has concerns in respect of the energy performance of the dwellings;
- Considers a 3 storey apartment block would appear visually intrusive;
- Visual impact upon rural outlook should be mitigated to the eastern edge of the site;
- Considers footpath links between the site and adjacent recent development site should be re-introduced;

- Has concerns in respect of the potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents;
- Whilst the Council welcomes the concept of a village development, considers the scheme places amenities upon the site periphery and links to the town centre are poor other than by car; and
- Considers the dwelling designs to be unimaginative.

#### Highways DC

Notes that the scheme has been the subject of extensive pre-application engagement and advises that the majority of highway related matters are satisfactorily incorporated into the proposals. Notes that there are no public footpaths or bridleways within the immediacy of the site and therefore there are no impacts envisioned upon the same. Advises that there is no objection to the scheme and all matters requiring final agreement can be addressed by condition and requests the imposition of the same.

#### Pollution Control

No adverse comments.

#### 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;
- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;
- The SARTH currently has 1369 applications – 432 have identified Mold as one of the areas where they are seeking either a social rented house, bungalow or flat;
- There is a demand for both affordable rent and ownership products in Mold, with;
  - 16 applicants currently registered for affordable rent, primarily 1 and 2 bed properties; and
  - A further 41 applicants registered for 2 and 3 bed affordable ownership properties.

In view of the above, advises that the proposed affordable housing provision within the application would be acceptable and is supported.

Public Open Spaces Manager

Advises that the site is well located in respect of proximity to other community use facilities and therefore advocates a combination of on site recreation provisions and the payment of a commuted sum (£110,000) towards off site provisions or enhancement of existing facilities in the locality.

Advises that the proposed children's play area should be increased in size to 2500 sq.m. Advises that a commuted sum of £60,000 be paid to the council towards the supply and installation of play equipment.

Should other areas of Public Open Space be required to be adopted by the Council, a 10 year maintenance commuted sum would be required.

Enterprise & Regeneration

Whilst acknowledging the importance of retaining land allocated for employment purposes, advises that this site has been allocated for this purpose for many years and has remained undeveloped despite being marketed as an available site by the Council.

Considers that the site can be released for other forms of development given the unsuccessful marketing of the site.

Head of Lifelong Learning – Capital Projects & Planning Manager

Advises that there is insufficient capacity at the local primary school (Bryn Coch C.P School). Advises that the nearest Secondary School is the Alun High School Castell, which has sufficient capacity and would therefore not be affected by the proposals.

Welsh Water/Dwr Cymru

No objection subject to the imposition of conditions requiring the submission and agreement of the proposed drainage arrangements for the site.

Natural Resources Wales

No objection in respect of impacts upon protected species or having regard to flood risk.

Coal Authority

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

Airbus

No objection upon aerodrome safeguarding grounds.

CADW

Considers there is no impact by the proposals upon the nearby historic assets and therefore does not object.

#### CPAT

Considers that assessment of the impact upon nearby listed buildings should be undertaken.

#### The Ramblers

Objects to the proposals. Considers the proposals do not connect the development to the town. Considers the scheme does not link effectively with both existing and proposed walking and cycling links. Considers screening landscaping is required to the east.

#### Clwyd Badger Group

Concerned that insufficient regard has been had to the impacts of the proposed development upon nearby badger setts and the foraging areas associated with the same. Objects upon the basis that this development will increase the risk of conflict between humans and badgers as a consequence of foraging in the rear gardens of existing and proposed dwellings.

### **4.00 PUBLICITY**

4.01 This application has been publicised by way of the publication of a Press Notice, display of a Site Notice and Neighbour Notification letters. The application has been the subject of consultation on 2 occasions and 36 No. letters of objection have been received from local residents on the following grounds:

- Inadequacy of footpath and cycle path linkages;
- Existing Maes Gwern junction is inadequate to cater for additional traffic;
- Increased risk to highway and pedestrian safety as a consequence of increased traffic;
- Insufficient and inadequate vehicular and pedestrian access to the site from Maes Gwern
- Adverse impacts upon ecology;
- Inadequate detail in respect of drainage proposals and risk of offsite flooding;
- Increased risk of crime and anti-social behaviour. Proposed footbridge link to adjacent development site will serve as a crime 'escape route';
- Insufficient integration of public open space;
- Insufficient community infrastructure in the area;
- Inclusion of existing amenity areas within the site should not be permitted;
- Impacts of potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents;
- Proposals are overdevelopment;
- Insufficient affordable housing provision;
- Increased noise to the detriment of amenity;

- Proposals are contrary to national and local policies in respect land allocated for employment uses; and
- Proposals will adversely impact upon the continued operation of existing nearby commercial premises;

4.02 A single letter of support has been received which welcomes the inclusion of P.O.S areas along Maes Gwern but also queries the level of P.O.S provisions across the site.

4.03 A further letter has been received which neither raises objection nor offers support but welcomes the buffering of the site between the nearby listed building and seeks a drainage scheme to manage water flows from the site.

## **5.00 SITE HISTORY**

5.01 No previous history

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR4 - Housing

Policy STR8 - Built Environment

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy D4 - Outdoor Lighting

Policy TWH1 - Development affecting Trees & Woodlands

Policy TWH2 - Protection of Hedgerows

Policy WB1 - Species Protection

Policy HE2 - Development affecting Listed Buildings & their Settings

Policy HSG3 - Housing on Unallocated Sites in Settlement Boundaries

Policy HSG8 - Density of Development

Policy HSG9 - Housing Mix and Type

Policy HSG10 - Affordable Housing within Settlement Boundaries

Policy AC2 - Pedestrian Provision & Rights of Way

Policy AC13 - Access and Traffic Impacts

Policy AC18 - Parking Provision and New Development

Policy HE8 - Recording of Historic Features

Policy SR5 - Outdoor Play Space & New Residential Development.

Policy EM3 - Development Zones & Principal Employment Areas

Policy EM6 - Protection of Employment Land

Planning Policy Wales

- TAN5 - Nature & Conservation Planning
- TAN12 - Design
- TAN15 - Flood Risk
- TAN18 - Transport

Supplementary/Local Planning Guidance Notes:

- SPGN2 - Space Around Dwellings
- SPGN3 - Landscaping
- SPGN4 - Trees and Development
- SPGN6 - Listed Buildings
- SPGN8 - Nature Conservation and Development
- SPGN9 - Affordable Housing
- SPGN11 - Parking Standards
- SPGN12 - Access For All
- SPGN13 - Open Space Requirements
- SPGN23 - Developer Contributions to Education

**7.00 PLANNING APPRAISAL**

7.01 Site & Surroundings

The site comprises some 7.96ha of land comprising 5.71ha of land presently allocated for the purposes of employment development within the Flintshire UDP and a further 2.26ha of land comprising public open space. The site is located within the settlement boundary of Mold.

7.02 The site topography undulates but generally falls from west to east. There is a rise across the site to a high point in the middle of the site across both axis. The site occupies a position between areas with distinct character in terms of use and built form, namely residential to the north and commercial to the south

7.03 The site is bounded on all sides by significant and mature hedging and trees. Residential properties in the Upper Bryn Coch area abut to the north of the site across a woodland corridor of land through which a watercourse runs on a west to east axis. The southern wooded boundary also abuts a watercourse, with Maes Gwern itself and commercial premises located further to the south. The western edge of the site abuts a recently developed residential site at the western end of Upper Bryn Coch. The eastern boundary abuts the playing fields associated with Mold Alun High School and another field between the site and Trebierdd House.

7.04 The Proposals

The proposals provide for the redevelopment of this site for the purposes of a residential development of 160 No. new dwellings, 48 No. of which are proposed to be affordable dwellings. These proposals seek to provide the following:

Market Housing



- 6 No. 2 bed terrace dwellings;
- 10 No. 2 bed semi-detached dwellings;
- 18 No. 2 bed apartments;
- 13 No. 3 bed semi-detached dwellings;
- 23 No. 3 bed detached dwellings; and
- 42No. 4 bed detached dwellings.

#### Affordable Housing

- 6 No. 1 bed apartments;
- 20 No. 2 bed terraced dwellings;
- 2 No. 2 bed bungalows;
- 6 No. 2 bed semi-detached dwellings; and
- 14 No. 3 bed semi-detached dwellings.

7.05 In addition, the proposals provide for some 0.42ha of play and public open space in addition to making provisions for the enhancement and management of a further 2.25ha of public open space upon the southern edge of the site.

7.06 2 No. points of vehicular access are proposed from Maes Gwern, 1 No. of which is the upgrade of the existing field gate access to the western end of the site. A second entirely new point of access is proposed towards the eastern edge of the site, through part of the existing wooded fringe in this location. A new 3m wide shared use path is proposed to be created along the southern boundary of the developable area, between it and the areas of public open space along the southern edge of the site. This route extends between the 2 proposed points of access and provides for linkages both into the newly developed area and the existing woodland area. A spur from this route extends northwards towards the boundary with the adjacent Alun School grounds. This link is intended to facilitate access for both children to the school and also for users of the adjacent leisure centre and associated recreation facilities.

7.07 The proposals also provide the creation of cycle link into the existing adjacent housing development to the north west of the site to connect into the existing development and facilitate links towards the north of the site.

#### 7.08 Main Issues

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

- The principle of the development in planning policy terms;
- Design considerations;
- Affordable housing;
- Highway impact;
- Ecology and trees;

- Historic asset impacts;
- Public Open Space requirements; and
- Education requirements.

7.09 The Principle of Development

The site lies within the settlement boundary of Mold which is a category A settlement in the adopted UDP. The site is also allocated for employment by virtue of policy EM2(4) which identifies the site for high quality employment B1 development, as part of Mold Business Park. Policy EM6 seeks to protect existing or allocated employment sites subject to satisfying certain criteria.

7.10 The residential development is being proposed as part of the Council's on-going SHARP programme. At a time when the Council cannot demonstrate a 5 year housing land supply, the proposed 160 dwellings will make a significant contribution to housing land supply on the edge of a main town which has a range of services and facilities and employment. However there is a potential conflict with the adopted UDP in terms of the loss of an employment allocation.

7.11 TAN1 advises that the housing land supply figure should be treated as a material consideration in determining planning applications for housing. Para 6.2 of TAN1 specifically advises that:

*'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'.*

7.12 A further consideration is the advice in para 4.2.2 of PPW that:

*'The planning system provides for a presumption in favour of sustainable development'.*

It is therefore necessary to look further into whether the proposal is in conflict with the development plan. Policy EM6 identifies that:

*'The establishment of non-employment or retail uses on existing or allocated employment land and buildings will be permitted only where:*

- *no other suitable site is available for the development proposed;*
- *the site or building is no longer considered to be suitable for employment purposes;*
- *it would not result in an unacceptable reduction in the supply and range of employment sites in the area; or*
- *the proposal would bring about the removal or satisfactory*

*relocation of a non - conforming or potentially polluting use from the site or building.'*

7.13 The current proposal would result in the loss of approximately 0.89 hectares of land allocated for employment use. In terms of employment land availability in Mold 6.4 hectares of land was allocated within the UDP, in addition to existing land available on the Broncoed Industrial estate and the Mold Business Park which is due to be actively marketed in the near future.

7.14 Consultation on the application has been undertaken with the Council's Economic Development Section who have advised that whilst it is important for employment land to be retained for the purposes of future economic growth, it is recognised that not all sites which have been allocated for this purpose remain of equal value for that purpose. The Council has recently reviewed its employment allocations which identifies that there is an adequate supply of land already available to meet future forecasted needs. This review proposes that sites best suited to modern high quality employment uses should be safeguarded and those sites which are unlikely to be as suitable could be released where it can be demonstrated that they are unsuited for employment use or have been unsuccessfully marketed for such a use. In this regard, the outcome of the review in respect of less suitable sites accords with the requirements of Policy EM6.

7.15 I am advised in response to consultation that the application site has been allocated for employment use for many years but has remained undeveloped despite it being marketed by the Council as being available. In addition, I am advised that there are adjacent areas of employment land within the vicinity of the site which remain vacant and available to accommodate any future employment growth which may be required.  
Accordingly, I consider the criteria to be satisfied in terms of Policy EM6 are met and the proposals would not fail by virtue of non-compliance with this policy.

7.16 Turning to the question of whether the proposals represent sustainable development, the site is on the edge of Mold which is a Category A settlement in the UDP on account of its size, accessibility, services and facilities and employment offer. The proposals, in effect, result in a mixed use development and could attract further market interest in the remaining employment sites on the south side of Maes Gwern. I consider therefore that it represents a sustainable location for housing development.

#### Design

7.17 The proposed design and layout of this scheme has been the subject of lengthy negotiation and discussion over the course of both pre-application engagement and the consideration of the application and

has been amended in line with comments arising from the consultation process. During the design stages in the development of this application a Design Commission for Wales workshop was held.

7.18 Subsequently a contextual appraisal was undertaken and design principles identified which informed a purely concept layout. This early stage work was the subject of a Design Review held to the Design Commission for Wales (DCW). This review was held on the 6<sup>th</sup> June 2016 and the comments arising from this review have, in part, influenced the development of the detailed proposals contained within this application. A copy of the Design Review Report is appended.

7.19 The comments of the Design Commission arising from the Design Review were largely positive. The rationale behind the scheme and the design aspirations for the scheme were clear. No issues were raised in respect of the scale or form of development as whole. The aim to achieve a 'Garden Village' design solution to this site was welcomed. Comments in relation to having regard to the Building for Life criteria have informed the design of this scheme. The impact of the car in the street scene is attempted to be mitigated by using areas of open green space to separate vehicles, pedestrians and built form. In recognising the edge of settlement location of the site, the scheme has sought to make and develop existing connections between the site and the surroundings to provide linkages via foot, cycle and the car. Provision is also made for linkages to the adjacent school and leisure centre.

7.20 The external appearances of the buildings utilise high quality detailing and materials in their composition. The use of render, brick, glazing and concrete roofing tiles all combine to reinforce the aim to create a visual appearance of a Garden Village. I am satisfied that these proposal represents an appropriate response to the challenge of creating a development which has a sense of place both within itself and in relation to the surrounding built form.

7.21 In terms of concerns in respect of the proposals amounting to an overdevelopment of the site, I note that the proposals provide for a density of development of 35 dwellings per hectare. This is completely consistent with both national and local planning policy guidance Policy HSG8 which seeks to make the most effective use of land when undertaking development. Proposals of this size and scale in a large town such as Mold would be expected to yield development at this density and therefore I consider the proposals are acceptable in this regard.

7.22 The importance of the development being seen to sit in its context and respecting and engaging with the existing mature landscaped fringes of the site was identified as a key issue. In response, the scheme has provided for fringe properties to the south of the site,

abutting the wooded belt, to present a frontage to this area, thereby ensuring that these properties engage with both the area and the proposed footpaths and cycle ways through this space. The proposed location of the equipped play space along this site edge also ensures that this space has a degree of natural surveillance and engagement with the public realm. This will assist in ensuring that the site connects into surroundings. In addition, the proposed dwellings in the northwest corner of the site are arranged to engage with the proposed community orchard space in this area, which in turn relates to the area of public open space around the watercourse upon the adjacent development site. The proposal therefore complies with Policy D1 of the UDP.

#### Affordable Housing

7.23 Whilst the site is owned by the Council, it is proposed to be developed as a market dwellings site with a proportion of affordable housing provided upon site. Members will note from paragraph 7.04 that the scheme makes provision for 48 No. affordable dwellings. This provision indicates accommodation in a variety of forms and amounts to the provision of 30% of the overall scheme as affordable dwellings.

7.24 I am mindful that the affordable housing to be provided must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. Accordingly, safeguards should still properly be sought to ensure the retention of the same in the future.

7.25 Therefore I propose to impose a condition that no development is permitted to commence until a scheme detailing the precise means and methods via which the affordability of these units will be secured in perpetuity is submitted to and agreed in writing with the Local Planning Authority. The proposal is therefore capable of complying with policy HSG10 and SPG9.

#### Highway and Access

7.26 As outlined previously, the proposals make provision for the developed site to be served by two points of vehicular access, with a variety of linkages for pedestrian and cycle movement to also be created. Footpath linkages are provided to;

- provide access to the school to the east of the site;
- provide access to the existing footpath network along the southern edge of the site abutting Maes Gwern. This in turn allows easy access to the existing public right of way network via Footpath 11 which exist further to the east of the site;
- provide improved pedestrian links to the west to link into the top of Upper Bryn Coch. This in turn allows easy access into the existing public right of way network to the west of the site via Footpath 40 and to the north via Footpath 8 upon Upper Bryn Coch; and

- the improved linkages to Maes Gwern and Upper Bryn Coch in turn improve the accessibility to the cycle networks in the area.

7.27 The improved linkages to the north and east provide for easier access from the site towards the town centre. The scheme has responded to the comments arising from the Design Review and provides a layout with a hierarchy of streets providing a clearly legible arrangement of routes across the site.

7.28 The scheme has been the subject of extensive pre-application engagement and discussions between the developer and the Highway Authority and is accompanied by both a Transport Statement and Residential Travel Plan. These documents address the issues in respect of access to sustainable modes of travel and reduction in reliance upon the car. It is noted that bus services exist to the north of the site upon Ruthin Road which can be accessed on foot. Services are provided here at a frequency of 40 – 85 minutes.

7.29 The Travel Statement considers the capacity of the junction of Maes Gwern with Ffordd Nercwys and the subsequent junction between Ffordd Nercwys and Wrexham Road and concludes that the proposals will have no adverse impact upon either junction and therefore no impacts which would result in a detriment to highway safety.

Consequently, that there is no objection to the proposals in highways terms and the variety of methods of travel from the site comply with the aims of Policy AC2 and AC13.

7.30 Ecology and Trees

The main ecological features of this site are the mature hedges and trees which are present on all boundaries. Indeed the woodland to the south of the site form part of the Maes Gwern local wildlife site.

7.31 The application is accompanied by an Ecology Appraisal, Great Crested Newt EDNA survey and Arboricultural Impact Assessment (AIA). The EDNA report concludes that that the proposals have no implications with regard to the proposed development in relation to Great Crested Newt Newts.

7.32 These surveys and investigations have established that the woodlands to the north of the site are home to a large and established badger sett. This has necessitated a modification to the layout of the proposed site to provide for a 30m buffer between the sett and any built form. The proposals provides adequate opportunities for the badgers to migrate eastwards, westwards and southwards through and adjacent to the proposed development site. This includes the provision of a badger underpass in the vicinity of the most easterly of the two site accesses. This underpass facilitates access from the known badger foraging areas at the adjacent school fields and

landscaped boundary to the eastern edge of the site to the woodland and further open areas to the south of the site. The proposed green space at the north western corner of the site creates a further green link between the northern woodland corridor and the existing green space upon the adjacent development site on Upper Bryn Coch.

These proposals have been the subject of consultation with the County Ecologist who considers they make acceptable provisions to safeguard the badgers, this includes the use of public open space.

- 7.33 The majority of trees within and adjacent to the site are proposed to be retained and protected during the course of the development and the submitted AIA contains details of the protection measures to be installed before any site works are undertaken. I shall condition that
- 7.34 these measures are installed.

- The AIA does however identify that 3No. trees will require removal as they are either diseased or structurally unsound as a consequence of defects on the tree. The survey identifies that one of these trees has the potential to act as a roosting site for bats. Accordingly, I propose
- 7.35 to condition that this tree is surveyed for bats prior to removal and if they are discovered, a report be provided setting out the mitigation measures to be employed before the tree is removed.

- No objection is raised to these proposals by the Council's Arboriculturalist. However, it is noted that some of the proposals may impinge upon the root protection areas of certain trees, especially if levels changes are proposed. Accordingly, I propose that the
- 7.36 condition requiring the submission of landscaping details includes the proposed site levels in order that this impact can be avoided. In addition, a condition is required to provide an updated survey in respect of the trees in the vicinity of the proposed access points to ensure that there is no adverse impacts.

- Concerns have been raised in relation to the relationship between the crown spread of existing ash trees and the proposed dwellings upon plots 52 and 53. I am content that, notwithstanding the submitted
- 7.37 details, a layout can be produced which address this poor juxtaposition. Accordingly, I propose to condition that the permission does not include the plot layouts submitted and requires an amended plan in respect of these plots to be submitted and agreed. The proposals therefore satisfy the requirements of both policies WB1 and TWH1.

7.38 Historic Asset Impact

The application site is located within 2km of the following Scheduled Ancient Monuments, namely The Bailey Hill, Mold; Round Barrow at Pentrehobin; and Tyddyn Castle Mound. In addition the site is also located within 2km of the Historic Parks and Gardens at Pentrehobyn; Rhual; The Tower; and Leeswood Hall. The site is not located in any of the significant views from these sites and the topography,

vegetation and buildings between the site and the above historic features will provide significant screening. As such there will be no impact upon the settings of these assets.

- 7.39 The site is also located to the west of the Grade II listed Trebierdd House. When making a decision upon a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This addresses the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. Accordingly, decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.
- 7.40 Given that there remains a field parcel and the associated mature hedgerows and tree belts along the eastern boundary of this site and the field parcel between the site and the listed building, I am satisfied that there will be sufficient screening between the site to the extent that there will be no adverse impact upon the setting of this building. The proposal therefore complies with Policy HE2.
- 7.41 Education Contributions  
Consultation has highlighted a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development.
- 7.42 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at Secondary School level as there is sufficient capacity within the school (Mold Alun High School) both currently and following this development (if approved).
- 7.43 However, such capacity is not available at the nearest primary school (Ysgol Bryn Coch). The current capacity of the school stands at 599. However, there are presently 601 pupils attending the school. Accordingly the school has no surplus of spaces for additional pupils. The proposals would likely give rise to an additional 37 No. pupils. This further adversely impacts upon the capacity of the school. Accordingly, upon the application of the guidance, a sum of £453,5409 would normally be sought for educational purposes as a consequence of this development.
- 7.44 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this



issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards educational infrastructure where the proposals give rise to a potential impact.

7.45 Accordingly I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address the education infrastructure issue is submitted and agreed and therefore the proposal complies with the aims of SPGN23.

7.46 Public Open Space and Recreation

The proposals make provision for some 0.42ha of play and public open space as part of the development. This includes;

- a 0.04ha play area proposed to be equipped with play equipment;
- a 0.08ha area proposed to be utilised as community orchard space;
- a total of 0.29ha of public open space in 3 locations across the site.

7.47 Consultation has established that the assessment of the play and recreation requirements arising from this proposal is best undertaken upon the basis of a combination of on site provision and a commuted sum towards the enhancement of existing off site facilities. This recognises that the site lies in close proximity to the existing leisure centre and associated facilities at Mold Leisure Centre and the existing St. Mary's children's play area some 100m to the north of the site. Applying the criteria asset out in LPGN13, a contribution towards the enhancement of these facilities of £110,000 would normally be sought as a consequence of this development.

7.48 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards play and recreation facilities. Accordingly I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address this issue is submitted and agreed.

7.49 Concern has been raised in respect of the size of the proposed play area in relation to the overall size of the development. Whilst the play area is not of a size which would meet the guidance set out in LPGN, I am mindful of the close proximity of extensive facilities within easy walking distance which will satisfy this requirements for a wide range of ages. This being the case, I consider the proposals serve the

purposes of providing a facility on the site to meet the recreation needs of the smallest children, with the needs of older children being more than adequately catered for via existing. I also consider that the proposed P.O.S and the proposals to integrate with and enhance the P.O.S areas to the north of Maes Gwern will afford greater recreational opportunities for all ages. The proposal therefore complies with Policy SR5 and SPGN13.

7.50 Other matters

Drainage

Concerns have been raised by the local community in response to notification suggesting that that the application does not provide adequate information in respect of the proposed methods for the disposal of foul and surface water arising from the proposed development. In addition, concerns are raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows.

- 7.51 It should be noted that the site is not located within an area at risk of flooding and NRW advice to this effect in response to consultation. The application proposes the disposal of foul waters to the existing sewer network and surface water being discharged at greenfield rates into the adjacent watercourses. I am advised by both DCWW and NRW that the precise details in respect of the proposed drainage methods to be employed in connection with this site are best addressed via the imposition of a condition requiring the submission and agreement of the drainage proposals before the commencement of development. The relevant condition is therefore imposed.

7.52 Wind Turbine

Members will recall that planning permission remains extant for a wind turbine to be erected upon land to the south of Maes Gwern, opposite this site. Concerns have been raised in respect of the potential impact of the operation of this turbine upon the amenity of future occupiers of these dwellings. As the turbine is not and may not be erected its impacts may or may not occur in the manner in which concern has been raised. It is important to note that any potential future occupiers of these dwellings will occupy them in the knowledge that there is an extant permission for a turbine in the locality. This matter is therefore afforded very limited weight in the planning balance.

**8.00 CONCLUSION**

- 8.01 Having taken into account the applicable policy context in respect of this site and factoring all other material considerations into the planning balance, I have concluded that this proposal is acceptable for the reasons set out above. Accordingly, I recommend that planning permission should be granted subject to the conditions set

out in Para 2.01 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.

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

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

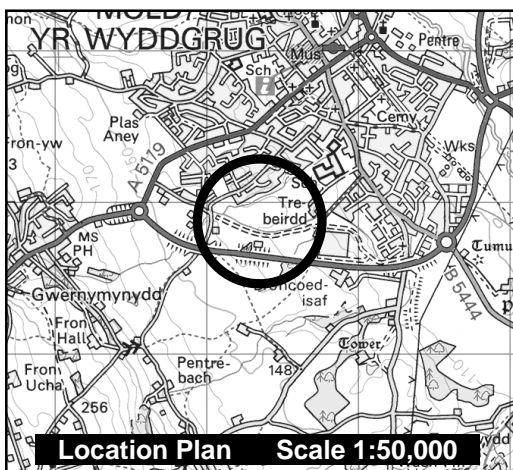
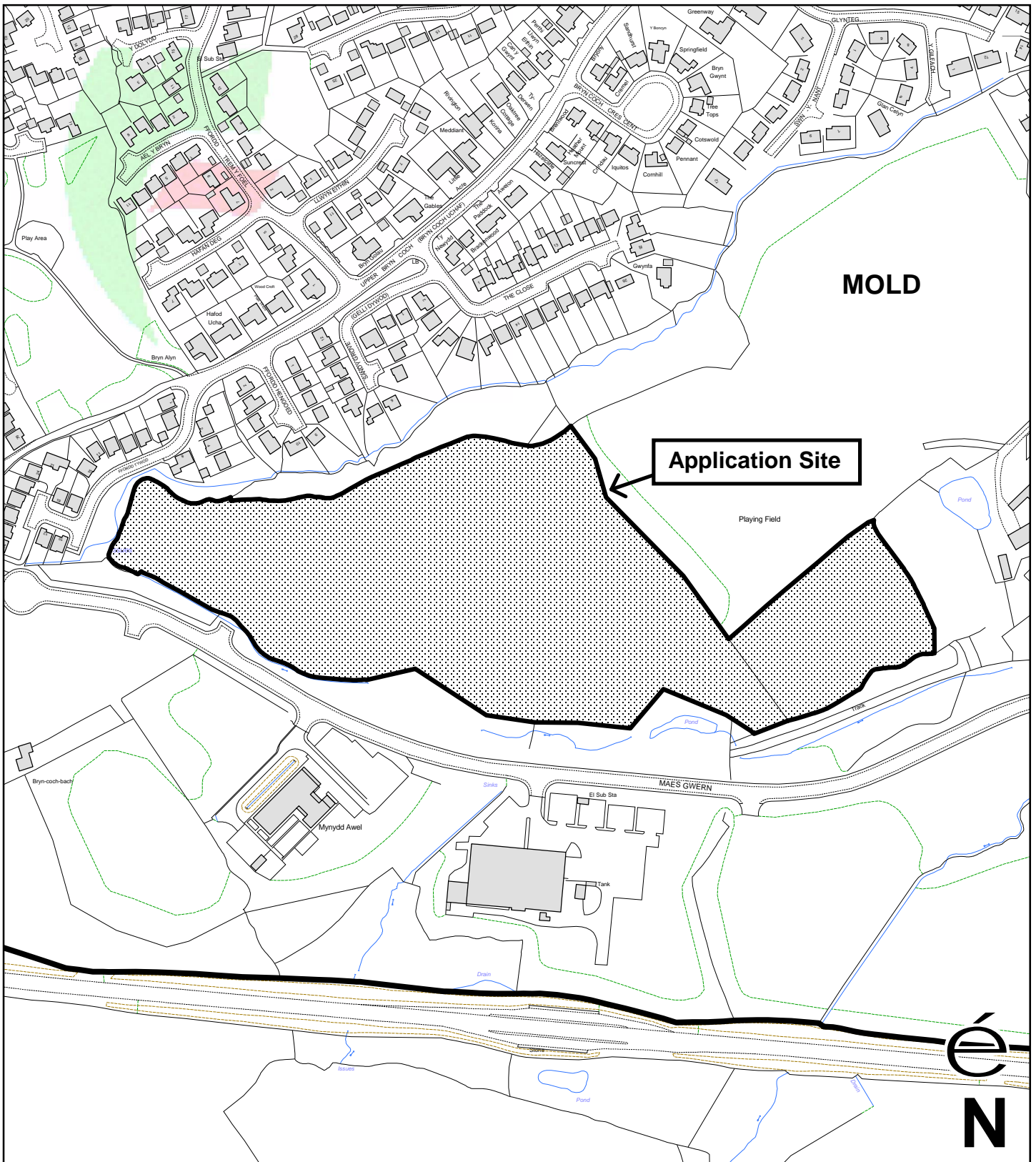
8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

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

This page is intentionally left blank



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

**Legend**

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 Licence number: 100023386.  
 Flintshire County Council, 2017.

Map Scale	1:3500
OS Map ref	SJ 2362
Planning Application	<b>56742</b>

This page is intentionally left blank

# Design Review Report

Maes Gwern, Mold

**DCFW Ref: 117**

Meeting of 6<sup>th</sup> June 2016



## Declarations of Interest

---

Panel members, observers and other relevant parties are required to declare **in advance** any interests they may have in relation to the Design Review Agenda items. Any such declarations are recorded here and in DCFW's central records.

### Review Status

**CONFIDENTIAL**

Meeting date	6 <sup>th</sup> June 2016
Issue date	15 <sup>th</sup> June 2016
Scheme location	Maes Gwern, Mold
Scheme description	Residential Development
Scheme reference number	117
Planning status	Pre-application

## Declarations of Interest

---

None.

## Consultations to Date

---

This is the second scheme within the SHARP partnership programme to be reviewed by the Design Commission for Wales but the first time that this particular site has been reviewed.

## The Proposals

---

The proposal is for residential development consisting of 144 units on 5.7 hectares of greenfield site on the edge of Mold. The land is currently vacant and has not previously been developed.

Under the SHARP programme, Wates Living Space has been appointed as the Development Contractor for Flintshire County Council.

## Main Points

---

We welcomed the opportunity to review proposals for this site at an early stage, following the DCFW training workshop with Flintshire County Council on design briefs which touched on the future of this site.

The site has a number of challenges being located on the edge of the settlement with limited opportunities for making connections into the existing development. However it also has a range of opportunities which can be captured to create a distinctive place.



## **Site and Context Analysis**

The pre-review material demonstrated that some analysis of the site and its context has been undertaken, but there is a gap in the interpretation of this information and its application to the design approach. Some of this interpretation was described in the discussion but needs to be recorded in a series of plans and diagrams which will inform the layout and framework for the site. The Site and Context Analysis Guide published recently by the Welsh Government provides further information that will be useful in undertaking this process

<http://gov.wales/topics/planning/policy/guidanceandleaflets/site-and-context-analysis-guide/?lang=en>

### **Vision**

The team set out their ambitions to create a distinctive place that raises the standard of residential development in the area. We support this ambition which will require a clear vision and some strong design ideas as well as the application of good urban design principles. Reference to 'Garden Village' was made by the team as a design ambition and this is welcomed. An understanding of and reference to precedent and case studies should be made to inform design development. We emphasise that realising the ambition will require a sound design approach.

### **Initial Layout Plan**

We welcome the early consultation on proposals for this site as there is still scope to influence the design and layout for added value. A layout was provided with the pre-review information which later emerged to be a testing layout to determine the number of units that might be accommodated on the site. Whilst this gave us something to talk around it can be misleading and can cloud the realities of what is proposed for the site. An early framework or concept plan that identifies initial ideas for the main design elements such as footpath connections, street hierarchy, frontages, location of public space and building orientation would provide a better starting point for discussion.

A danger of the testing layout is that elements creep into the final layout without due consideration. The layout as it stands has a range of design issues that would not be acceptable as a final layout but, on the basis of assurances that this is not the proposed layout, these will not be discussed in detail.

### **Connections**

Pedestrian and cycle routes through the site need to be considered on the basis of where people will be moving to and from. The creation of a pedestrian link to the north west is positive and should be well integrated into the layout so that it is a safe and attractive route.

The potential for a connection to the school via the playing fields should be explored as this will significantly reduce journey times for those living on the site. This may require a management approach where a gate/access provision is opened and closed at certain points of the day.

The benefits of a second access point into the site for vehicles should be explored. A hierarchy of streets will help to improve the legibility of the site and the design of streets can be used to increase character, identity and attractiveness.

### **Boundaries**

The development should positively address its edges rather than being inward looking. Rear boundaries alongside public spaces are unattractive and do not create a secure boundary to the properties. Consideration should also be given to the best approach to addressing the woodland edge of the site.

### **Public space**

The location and function of the public open space should be considered in the context of the vision for the site and the demographics of likely occupants. Well designed and integrated public and amenity space can enhance the setting of properties and add character to the development.

A landscape strategy will help to integrate existing features, such as the woodland, with the proposals including the potential for a footpath to the south perimeter of the site. The strategy should also take into account management and maintenance requirements and who will be responsible for what areas.

### **Topography**

The site levels are to be looked at in more detail. We support the aim of reducing the number of retaining structures and, where any do occur, using appropriate materials for the location. The benefits of the topography, including views, should be maximised. The option of split-level housing to manage the change in level should also be considered. In this regard; the team's confirmation that the application of standard house-types was not a requirement of the scheme is welcomed.

### **Sustainable design**

The approach to sustainable design should be considered from an early stage so that the orientation and other considerations fit with the approach. A sustainability strategy should inform both the site arrangement proposals and the development of dwelling types. It is important that the right expertise is available to achieve the desired sustainable performance. There is the potential to set a new standard in sustainable residential design in this area.

### **Noise**

Traffic noise was identified as a potential issue and the approach to dealing with this needs to be built into the design once the monitoring has been undertaken.

### **Building for Life**

The development should be aiming to achieve green for all of the 12 questions, although public transport connections may prove unachievable. The following points should be considered in relation to the Building for Life criteria.

- Connections: create safe and attractive pedestrian connections and consider how the development relates to the surroundings at the edge

- Facilities and services: connection to the school and other local facilities to be as direct as possible
- Public transport: how can links to bus stops be improved?
- Character: what will give the development a sense of character and distinctiveness in the layout? Can the design of the units respond to the local context in a contemporary way?
- Working with site and context: respect views, overlook woodland and open space and integrate the woodland
- Creating well defined streets and spaces: test the enclosure of the streets provided by the buildings. Do the buildings turn corners well?
- Easy to find your way around: establish a hierarchy of streets as well as legible routes through the development for all users
- Streets for all: consider how street design will prioritise pedestrians and cyclists
- Car parking: can a blend of approaches be used to minimise the dominance of cars?
- Public and private spaces: the public spaces and footpaths must be well overlooked and rear boundaries must be secure

### **Next Steps**

DCFW would welcome the opportunity to review the scheme again prior to a planning application being submitted as proposals for the site have not yet been seen. We encourage the development and design team to allow enough time for the design process which will require testing and iterations to establish the best approach. All of the points highlighted above should be considered as the design progresses and we would expect to see this process documented in a series of design development drawings. We support the ambition for this to be an exemplar of residential development and we look forward to seeing how the proposals develop to meet this ambition.

**Comisiwn Dylunio Cymru Design Commission for Wales is the trading name of DCFW LIMITED, a Private Limited Company established under the Companies Act 1985 and 2006, Company No: 04391072 incorporated in England and Wales. DCFW is a non-statutory consultee, a private limited company and a wholly owned subsidiary of the Welsh Government. Registered office: 4<sup>th</sup> Floor, Cambrian Buildings, Mount Stuart Square, Cardiff CF10 5FL T: 029 2045 1964 E [connect@dcfw.org](mailto:connect@dcfw.org). The comment recorded in this report, arising from formal Design Review through our Design Review Service, is provided in the public interest for the consideration of local planning authorities as a material consideration and other users of the Design Review Service. It is not and should not be considered 'advice' and no third party is bound or required to act upon it. The Design Review Service is delivered in line with DCFW's published**

**protocols, code of conduct and complaints procedure, which should be read and considered by users of the service.**

***A Welsh language copy of this report is available upon request.***

## Attendees

---

Designer:	Ian Sharrocks, Wates Construction, Principal Designer
Local Planning Authority:	Glyn Jones, Senior Planner Andy Roberts, Service Manager Strategy
Design Review Panel:	
Chair	Jamie Brewster
Lead Panellist	Jen Heal, Design Advisor, DCFW
Panel	Amanda Spence, Design Advisor, DCFW Carole-Anne Davies, Chief Executive, DCFW

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 5 NO. DWELLINGS AT 120 SHOTTON LANE, SHOTTON.**

**APPLICATION NUMBER:** **057115**

**APPLICANT:** **MR. FAULKNER**

**SITE:** **120 SHOTTON LANE, SHOTTON.**

**APPLICATION VALID DATE:** **14<sup>TH</sup> JUNE 2017**

**LOCAL MEMBERS:** **COUNCILLOR D. EVANS**

**TOWN/COMMUNITY COUNCIL:** **SHOTTON TOWN COUNCIL**

**REASON FOR COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBER IN ORDER THAT COMMITTEE MIGHT VIEW HIS CONCERNS ON SITE.**

**SITE VISIT:** **YES, AT THE REQUEST OF THE LOCAL MEMBER**

### **1.00 SUMMARY**

1.01 This is a full application for the redevelopment of the site for residential development consisting of the erection of 5 No. dwellings, together with the creation of 4 No. driveway access points.

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

2.01 That conditional permission be granted, subject to the following conditions;

1. Time limit – 5 years
2. In accordance with the approved plans
3. Samples of the proposed external finish materials to be

- submitted and agreed.
4. Siting, layout and design of the means of site access to be submitted to and agreed. No access to be formed until details agreed.
  5. Plot 1 access visibility to north west to be 2.4m x 43m. Details to be submitted and agreed prior to commencement of any site works. No obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway.
  6. Plot 5 access visibility to north east to be 2.4m x 43m. Details to be submitted and agreed prior to commencement of any site works. No obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway.
  7. Means of highway enclosure to be submitted and agreed prior to any other site works.
  8. The gradient of the accesses from the back of the proposed footway shall not exceed 1 in 12.
  9. A 1.8m wide footway to be provided along the site frontage has been submitted and approved.
  10. Scheme to replace weight restriction sign, post and illumination to be submitted and agreed.
  11. No development to take place until a Construction Traffic Management Plan has been submitted and agreed.
  12. No development shall take place until a scheme of hard and soft landscaping for the site has been submitted and approved.
  13. Implementation of landscaping and 5 years maintenance.
  14. Scheme for foul, surface and land drainage waters from the site has been submitted and approved. Scheme to for positive means to prevent the run-off of surface water from any part of the site onto the highway.
  15. No development to commence until a Construction Traffic Management Plan submitted and approved.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member: Councillor D. Evans**

Requests committee determination and site visit. No objection to the principle of development, acknowledging that permission presently exists for 5 dwellings. However, objects to the proposals due to the following;

- Highway safety impacts due to additional traffic and the access being located at the junction of three roads;
- Inappropriate access point on a dangerous bend;
- Increased risk to pedestrians;
- Poor visibility at proposed access points;
- Inappropriate density of development having regard to the locality; and
- Proposed dwellings inappropriate in relation to the character

of the area.

Adjacent Ward Member

Councillor S. Bibby

No objection to the principle of development but objects to the proposals due to the impact upon constituents upon Killins Lane in the following manner;

- Highway safety impacts due to additional traffic and the access being located at the junction of three roads;
- Inappropriate access point on a dangerous bend;
- Increased risk to pedestrians;
- Poor visibility at proposed access points; and
- Inappropriate density of development having regard to the locality.

Shotton Town Council

No response at time of writing.

Public Protection

No response at time of writing.

Highways (DC)

No objection subject to the imposition of conditions.

Dwr Cymru/Welsh Water

No response at time of writing.

Natural Resources Wales

No response at time of writing.

CPAT

Requests a condition requiring a building record to be undertaken prior to the commencement of any other site works.

Wales and West Utilities

No objections to the proposal, however, apparatus may be at risk during construction works and the promoter of the works should be advised to contact Wales & West Utilities directly.

Public Open Spaces Manager

No on site provision is required. Commuted sum of £5500 required to be spent at Central Drive Play Area, Shotton.

**4.00 PUBLICITY**

- 4.01 This application has been publicised by way of the display of a Site Notice and Neighbour Notification letters. 7 No. letters have been received which, whilst no objecting to the principle of development, raise concern in respect of the following matters;

- Potential for increased parking on the roadside;
- Highway safety impacts due to additional traffic and the access being located at the junction of three roads;
- Increased risk to pedestrians;
- Poor visibility at proposed access points; and
- Inappropriate density of development having regard to the locality.

## **5.00 SITE HISTORY**

### **5.01 054823**

Demolition of 2no. derelict cottages and erection of 5no. dwellings  
Withdrawn 1.3.2016

### **055144**

Demolition of 2no. derelict cottages and erection of 5no. dwellings  
Permitted 7.12.2016

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy STR1 - New Development

Policy STR4 - Housing

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy D5 - Crime prevention

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy HSG3 - Housing on unallocated sites inside settlements

Policy HSG8 - Density of Development

Policy SR5 - Outdoor playing space & new residential dev't.

### Local/Supplementary Planning Guidance Notes

SPGN 4 - Trees and Development

SPGN11 - Parking standards

SPGN 13 - Open Space Requirements

### National Planning Policy

Planning Policy Wales Edition 9 November 2016

## **7.00 PLANNING APPRAISAL**



- 7.01 The Site and Surroundings  
The site comprises a 0.11 hectare area of previously developed land within the settlement boundary of Shotton. The site was latterly the site of a pair of dilapidated cottages and their associated curtilage.
- 7.02 The topography of the site is such that it downhill towards Shotton Lane north to south. The site is situated within an area of residential development. The northern and western boundaries of the site abut existing residential garden spaces and these boundaries are formed by a mixture of timber fences with a small number of self-seeded trees. The western and southern site boundaries are open to the adjacent highway. There is presently no vehicular access is to the site.
- 7.03 The Proposed Development  
The proposals provide for the redevelopment of this site via the demolition of the cottages and the erection of 5No. new dwellings. These are proposed to take the form of 4No. 3 bed dwellings arranged in 2 pairs of semi-detached units and a single detached 4 bed dwelling. The proposals seek to create vehicular access in the form of 1No. shared driveway to serve one pair of semi-detached units from Killins Lane and individual driveway accesses to the remaining units from both Killins Lane and Shotton Lane.
- 7.04 Members should note that the principle of the development of this site for the purpose of erecting 5 dwellings has been established via permission granted under Ref: 055144.
- 7.05 The Main Issues  
The main issues for consideration in the determination of this application are:
- the principle of the development in planning policy terms,
  - design considerations and impact upon adjacent residential amenity;
  - highway impacts; &
  - Ecological Implications.
- 7.06 Principle of Development  
Within the UDP, Shotton is classified as a Category A settlement where housing growth is expected to occur. The site is sustainably located with access to bus services and nearby local facilities Accordingly, the principle of the development of this site is established via the policy presumption in favour of development of this type in this location.
- 7.07 Design and Amenity Impacts  
The proposals have taken their design influence largely from the form

of residential development which abuts the site, namely 2 storey semi-detached and detached dwellings. The application is accompanied by a design statement and detailed discussions have taken place with the applicant to arrive at the current layout and design. Whilst the scheme is high in terms of density, at 45 dwellings per hectare, this is reflective of both national and local planning guidance which seeks to make the best and most sustainable use of land and more importantly, does not look out of character with the existing adjacent built form.

- 7.08 A palette of materials has been suggested for the external finishes of the scheme to enhance the visual impact of the buildings and to complement the character of the area. I propose to condition the submission and agreement of samples to be used, albeit that the scheme proposes the use of brick and concrete roofing tiles.
- 7.09 The proposed scheme would redevelop a derelict site within the settlement in accordance with development plan policies. The proposals would not be out of character with the site and its surroundings and is of a design, utilising quality materials which would enhance the overall appearance of the area.
- 7.10 The scheme provides for dwellings with adequate separation distances not only to those dwellings abutting the site but also within the site itself. Particular regard has been had to the relationship of the proposed dwellings to the amenity areas of adjacent dwellings. The dwellings are arranged and sited such that they relate well to the adjacent dwellings and do not result in adverse overlooking. The properties achieve 11 metres of garden depth and all provide an area of private amenity space in accordance with LPGN 2 – Space around Dwellings. I am therefore satisfied that future occupiers of these units will have an adequate degree of amenity space.
- 7.11 Highway Impacts  
The proposals provide for the site to be served via four new points of vehicular access. These serve each of the pairs of semis, with off road car parking bays serving one of the dwellings off Shotton Lane. Car parking spaces are provided at a level in accordance with Policy AC18.
- 7.12 Concerns have been raised in respect of the proposed proximity of the access points to the junction between Killins Lane and Shotton Lane and the impact this would have upon both the safety of future occupants of the dwellings and users of the highway. Also raised are concerns in respect of pedestrian safety and the adequacy of footpath links across the site frontage.
- 7.13 The proposals have been the subject of consideration by the Highway Authority who do not raise any objection to the proposals, subject to the imposition of conditions. Amongst these conditions are the

requirements for visibility splays of 2.4m x 43m and the provision of a 1.8m footway across the site frontage.

#### Ecological Impacts

- 7.14 Given the dilapidated nature of the cottages which were upon the site, the potential for these to offer suitable habitat to bats and birds had been recognised and an a previously granted planning permission upon the site was accompanied by an appropriate assessment in respect of the same. These investigations established that the buildings did not offer any habitat or roosting sites for bats.

- 7.15 Members will note from the site visit that the original cottages have been demolished. This action is permitted under the previously approved scheme (055144).

#### Other matters

- 7.16 No public open space is proposed as part of the development. Due to the type and size of the proposed development the Authority would not be seeking on site recreation provision. However, the scheme will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for the public open and recreation need of future occupiers.

- 7.17 Accordingly the applicant would be invited to enter into a S.106 agreement, offer a Unilateral Undertaking or make advance payment of £5500, with such sum being used to enhance the facilities at the nearby Central Drive Children's Play Area. However, Members should note that a voluntary contribution of the required £5500 was paid by the applicant in respect of this matter in connection with the previously approved scheme (055144).

- 7.18 Accordingly, I do not propose to make the requirement to enter into a S.106 agreement a matter upon which permission should be conditional in this instance as the sum has already been paid to the Council for the same purpose. Members should be reassured that no situation can arise whereby both permission 055144 or any permission granted in connection with this application can both be implemented. The implementation of one prevents the implementation of the other.

- 7.19 Whilst CPAT have requested the imposition of a condition requiring a photographic recording survey to be undertaken, Members will have noted the original cottages have been demolished as part of a commencement pursuant to permission ref: 055144. Therefore such a condition cannot be imposed as such a condition cannot now be complied with under any permission which may be granted.

### **8.00 CONCLUSION**

- 8.01 I consider that the proposal is acceptable in both principle and detail

and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend accordingly.

8.02 Other Considerations

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

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

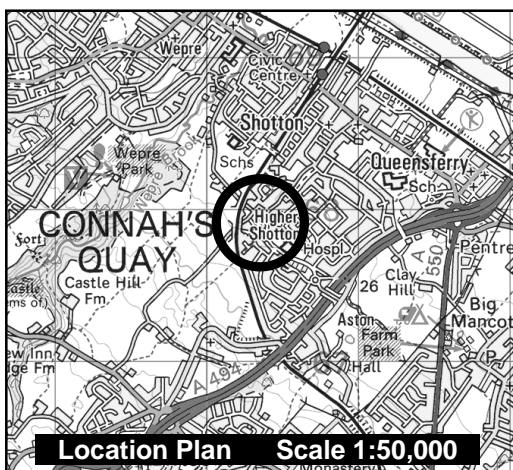
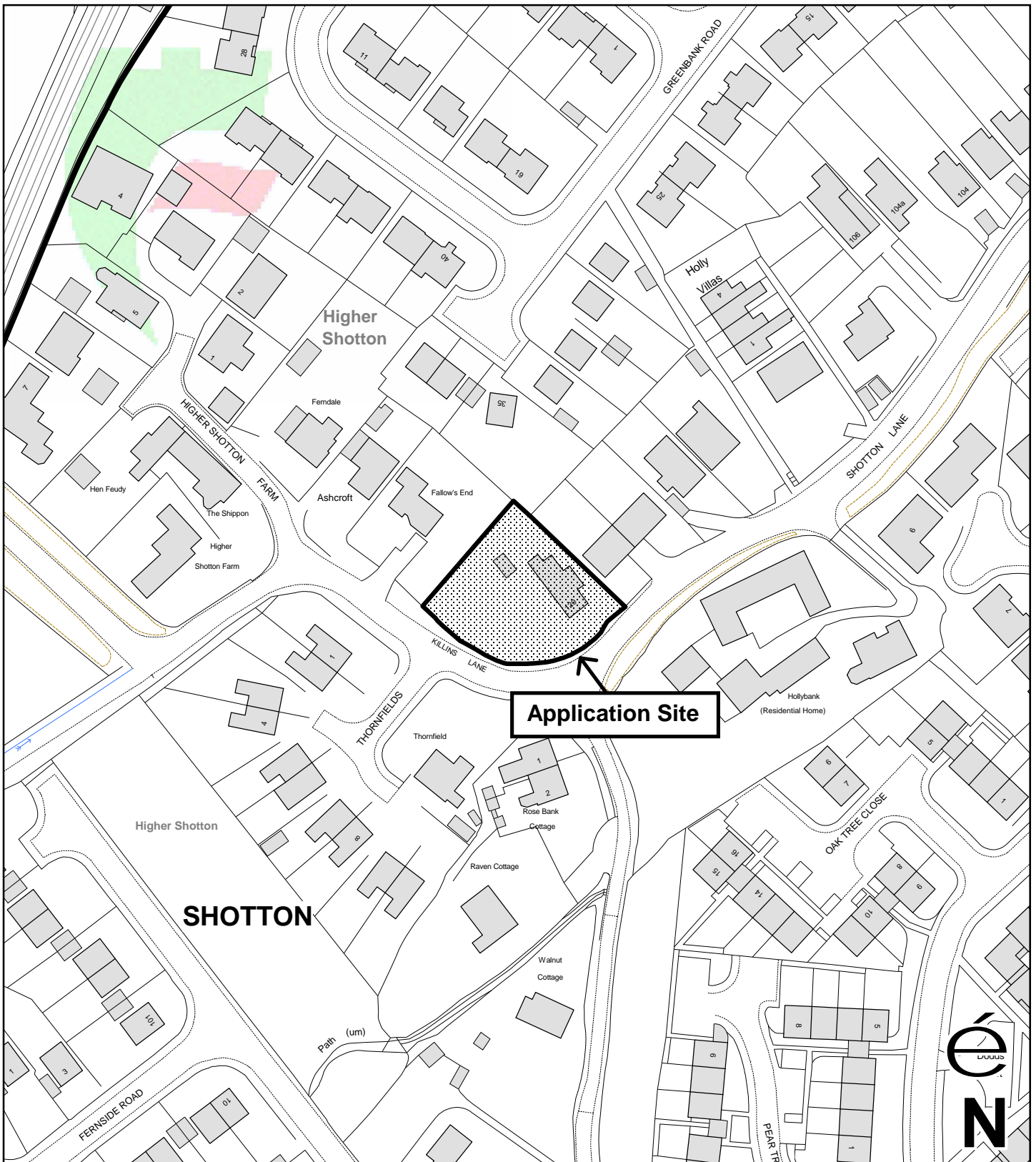
8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

**LIST OF BACKGROUND DOCUMENTS**



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

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



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

**Legend**

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 Licence number: 100023386.  
 Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 3068

Planning Application **57115**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED DOUBLE STOREY REAR EXTENSION AND INTERNAL ALTERATIONS AT 13 KILN LANE, HOPE**

**APPLICATION NUMBER:** **057225**

**APPLICANT:** **MR ANDREAS POWELL**

**SITE:** **13 KILN LANE, HOPE**

**APPLICATION VALID DATE:** **19<sup>TH</sup> JULY 2017**

**LOCAL MEMBERS:** **CLLR G HEALEY**

**TOWN/COMMUNITY COUNCIL:** **HOPE**

**REASON FOR COMMITTEE:** **OUT OF KEEPING WITH LOCALITY OVERSHADOWING**

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

### **1.00 SUMMARY**

1.01 This is a full application for extension to the rear and creation of space in the roof, including the raising of the existing roof level at 13 Kiln Lane, Hope.

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

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

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor G Healey- Objection- Overshadowing, out of keeping with area

#### Hope Community Council

Object due to character not being in keeping with other bungalows. Also concerns that it will impact the neighbours right to light

#### Head of Public Protection

No adverse comments

#### CPAT

There would be no sub-surface or direct impact upon the SAM

#### CADW

No objection

### **4.00 PUBLICITY**

#### 4.01 Neighbour Notification

One letter of objection received:

- Overshadowing
- Impact on privacy

### **5.00 SITE HISTORY**

5.01 No relevant planning history

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

GEN1- General Requirements for Development

GEN2- Development Inside Settlement Boundaries

HE6- Scheduled Ancient Monuments and other Nationally Important Archaeological Sites

HSG12- House Extensions and Alterations

SPG 1 House Extensions

### **7.00 PLANNING APPRAISAL**

#### 7.01 Proposal

The proposed development is a rear extension and introduction of



accommodation in the roof space to the rear of 13 Kiln Lane, Caergwrle. Essentially the proposal would convert an existing bungalow into a dormer bungalow with an increase of the height of the ridge line of one metre.

Principle of development

7.02 The site is located within the settlement boundary for Hope, as defined in the Flintshire Unitary Development Plan. It appears that the dwelling originally had a smaller garden area, but at some point in the past the majority of properties have purchased the agricultural land to the rear and extended the boundaries towards the road on their rear boundary. Both this area and the road are within the settlement boundary for Hope. It appears that the gardens were extended many years ago, and certainly before the plan period. As such I consider them to be residential garden area and therefore the original dwelling is a relatively small size in relation to its plot.

7.03 There are a number of similar sized extensions approved on Kiln Lane in the last few years, notably reference 052071, Ael y Bryn, Kiln lane, which is directly opposite the application site, and reference 048728, Watsmead, Kiln Lane, which is again in the vicinity of the application site.

7.04 Policy HSG12 states that any extensions should be subsidiary in scale and form. Although the proposed extension exceeds a 50% increase of the original floorspace, paragraph 5.3 of SPG1 explains that this general guideline is to prevent extensions deemed to be harmful to the character of the existing property and its locality. The form of extension is clearly characteristic of the area. As the plot size of the dwelling is large in size the proposal cannot be considered over-development.

7.05 Members will also recall the appeal (056201) at 86 Windsor Drive, Flint, reported on the September 2017 agenda, which allowed a similar proposal which formed 100% increase of extension of an existing bungalow which the Inspector determined was acceptable when there is a variety of built form in the area.

7.06 Whilst the extension exceeds the 50% guide figure for increases in floor area, the proposal respects the design and setting of the existing dwelling by maintaining gaps to the side and the resultant dwelling is in keeping with the prevailing scale and character of the dwellings in the locality. As such I consider the proposal to be in accordance with part a and b of Policy HSG12.

Impact upon neighbouring amenity

7.07 The neighbouring property to the north of the site, no. 11, is one of the few dwellings that have not extended their garden in the past. As such there is a concern that the extension will unacceptably impact upon the amenity of this property, including overshadowing, as well

as the possibility of adverse overlooking.

7.08 The resultant roof height is one metre higher than the existing roof apex. The proposal extends approximately 4.7 metres beyond the rear wall of the neighbouring property, and is set 1 metre away from the shared boundary. This is acceptable within the guidance contained within SPG1. The extension is orientated in such a way that the roof plane on the rear extension closest to No. 11 extends downs from ridge height to single storey eaves height. This mitigates against any overshadowing which would be considered to have an unacceptable impact on the reasonable enjoyment of the neighbouring patio area. In this regard the proposed single storey element of the extension is not dissimilar to what could be constructed under permitted development rights, which would allow a 4 metre projection, with the proposal extending a further 2.7 metres beyond this point. A permitted development extension would also extend beyond the existing rear boundary of the neighbour.

7.09 To conclude the proposal does not have an unacceptable impact on people living nearby and is in compliance with part C of Policy HSG12.

Impact upon streetscene

7.10 The majority of the proposal is on the rear of the property, with limited impact upon the principle elevation and street-scene. The proposal involves slightly raising the roof line by introducing a new apex. Given the range of different roof designs within Kiln Lane I do not consider this to be an incongruous feature. There is also a variation in roof height and ground levels within the street-scene and the application site. As such I do not consider that the proposal would cause detrimental harm to the street-scene and the proposal would therefore be compliant with part b of Policy HSG12.

Impact upon Scheduled Ancient Monument (SAM)

7.11 The application area is located some 6 metres from the boundary of SAM Wat's Dyke. The monument consists of a linear earthwork and a substantial bank. A section of the SAM runs along the rear of the gardens of properties on Kiln Lane.

7.12 CADW, who consider the impact of the proposal on the setting of the SAM, have confirmed that whilst the proposed extension brings the modern structure closer to the SAM, they consider that the development will only cause slight additional damage to the setting of the monument in comparison to the current situation.

7.13 CPAT consider that the propose development would have no sub-surface or direct impact on the SAM and do no object to the proposal.

**8.00 CONCLUSION**

In conclusion I consider the proposal to be in accordance with the aims of Policy HSG12 and SPG 1 House Extensions.

#### 8.01 Other Considerations

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

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

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

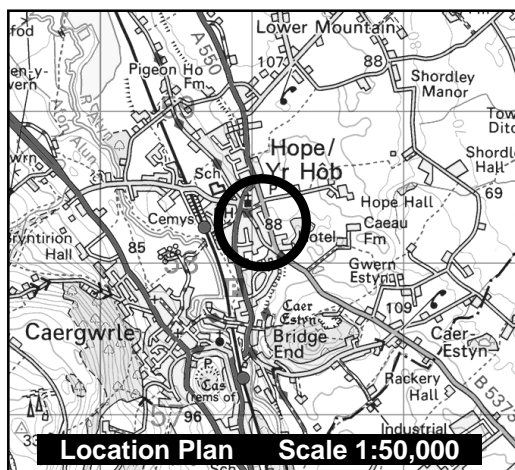
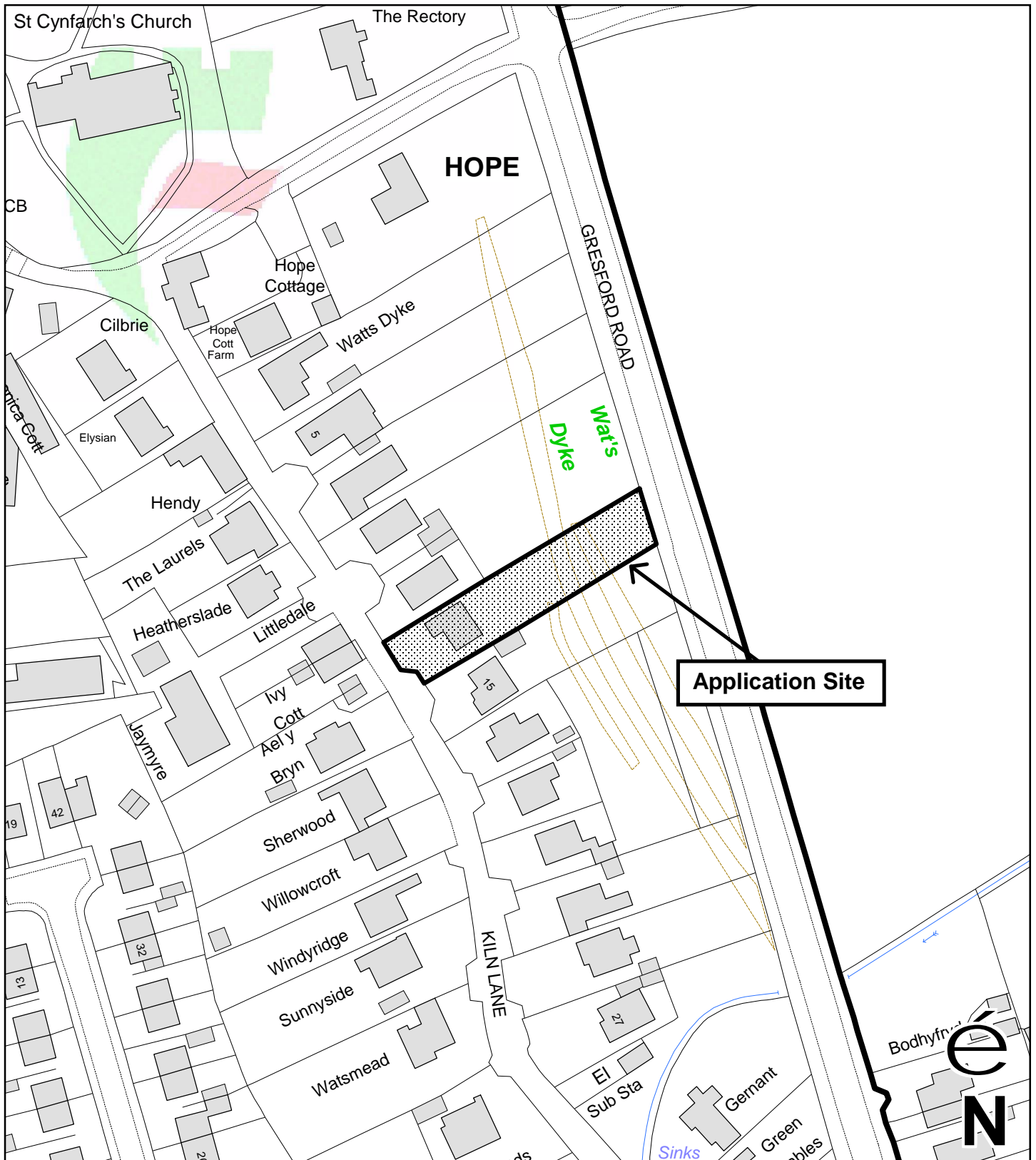
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

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

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

**Contact Officer:** James Beattie  
**Telephone:** (01352) 703262  
**Email:** james.beattie@flintshire.gov.uk

This page is intentionally left blank



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

**Legend**

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:1250
OS Map ref	SJ 3158
Planning Application	<b>57225</b>

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **APPEAL BY NANT Y FFRITH ENERGY LIMITED  
AGAINST THE DECISION OF FLINTSHIRE COUNTY  
COUNCIL TO REFUSE PLANNING PERMISSION  
FOR THE ERECTION OF WIND TURBINE UP TO  
77M VERTICIAL TIP HEIGHT WITH ASSOCIATED  
CRANE PAD, SUBSTATION BUILDING,  
FORMATION OF NEW TRACK AND NEW  
ENTRANCE JUNCTION OFF UNCLASSIFIED  
ROAD AND PROVISION OF TEMPORARY  
CONSTRUCTION COMPOUND AT MOUNT FARM,  
FFRITH – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 051143

### **2.00 APPLICANT**

2.01 NANT Y FFRITH ENERGY COMPANY

### **3.00 SITE**

3.01 MOUNT FARM, FFRITH

### **4.00 APPLICATION VALID DATE**

4.01 16.03.16

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision following an appeal into the refusal of planning permission at Planning and Development Control Committee on 12<sup>th</sup> October 2016 in accordance with the officer recommendation. The appeal was dealt with by written representations and the Inspector was Clive Nield. The appeal was **DISMISSED**.

## 6.00 REPORT

- 6.01 The main issue in this case is the possible effect on the safety of air traffic in and out of Hawarden aerodrome.
- 6.02 Aerodrome Safety  
The appeal site is some 13.1 km from Hawarden aerodrome and is offset just to one side of the extended centre-line of one of the runways. As a tall structure on high land it has the potential to affect the safety of planes flying in and out of the aerodrome. There are 3 possible areas of concern: radar line of sight; interference with instrument flight procedures, such as radio navigation and landing aides; and physical safeguarding.
- 6.03 So far as radar performance is concerned, the turbine would be close to the natural terrain blocking point and so would be unlikely to materially affect radar performance. However, Airbus Operations Limited, the owner and operator of the aerodrome, maintains that some effect is possible due to the unpredictable nature of radar performance. The Council has suggested a condition to address this concern with mitigation measures if found to be necessary, and the Inspector considered that would be sufficient to deal with any small residual risk.
- 6.04 The Civil Aviation Authority (CAA) has investigated the risks to instrument flight procedures, and all parties accept that these would not be affected. Thus the key issue is physical safeguarding, i.e. the safeguarding of corridor space for aircraft approaching and leaving the aerodrome when landing or taking off. This corridor is defined by "obstacle limitation surfaces".
- 6.05 The CAA is responsible for the certification of airports and has produced a manual CAP168, "Safeguarding of Aerodromes". That manual specifies that *"New objects or additions to existing objects should not extend above an approach surface, above a transitional surface or above a take-off climb surface, except when in the opinion of the CAA the new object or addition would be shielded by an existing immovable object"*. It is not disputed that the proposed turbine would penetrate these surfaces and that it is not shielded. Thus, it would fail to meet this test.
- 6.06 However, it is argued that Hawarden airport is unusual in having a great deal of high ground to the south west of the runway, i.e. in the area of the proposed turbine, and that some of the hills are higher than the turbine would be. It is noteworthy that the airport has been awarded an operating licence despite the presence of these physical obstacles, and the Appellant has drawn my attention to the introduction of CAP168, where it is explained that, where insurmountable obstacles exist, the CAA may accept alternative



means of compliance provided acceptable safety standards can be achieved.

- 6.07 The Appellant also argues that the turbine scheme has been modified to be lower than the nearby hills, including the highest hill, Pen Llan y Gwr. It further submits that, if procedures are in place so that it is safe to operate the airport at present, the addition of an object of lower height should not affect that safety. It is also pertinent that the CAA has advised that the turbine would not affect its continuing certification of the airport under safety regulations, and the Appellant argues that that is the definitive statement so far as safety is concerned.
- 6.08 The Inspector did not share the appellants interpretation. The CAA has also made it clear that it supports the aerodrome operator and that the operator is deemed to be the expert and competent authority in safeguarding the aerodrome. It also advises that, based on the information provided by the operator, the CAA has no reason to disagree with the operator's objection to the wind turbine development. The aerodrome operator has provided detailed evidence on the penetration of the obstacle limitation surfaces, and that evidence has not been disputed. There is also concern about the performance of the new transport aircraft, the A330-based Beluga, which is due to start flying in 2018 and which is likely to be an important user of the airport.
- 6.09 The Inspectors conclusion was that, whilst CAP168 makes provision for flexibility where insurmountable obstacles exist, that does not justify the same approach to flexibility for the introduction of new objects within the corridor defined by the obstacle limitation surfaces. Whilst such objects may be less of an intrusion than existing features, such as hills, they are an additional obstacle within the aircraft corridor space and so are detrimental to aircraft safety. In this case the proposed wind turbine would erode the operational safety of Hawarden Aerodrome, contrary to Policy AC12 of the adopted Flintshire Unitary Development Plan. Policy AC12 does not permit development that would prejudice the safe and efficient operation of Hawarden Airport.

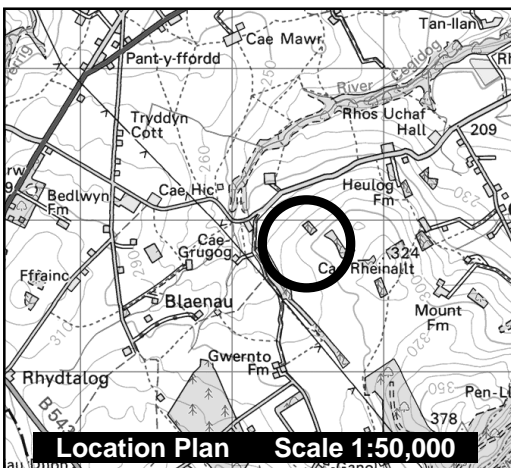
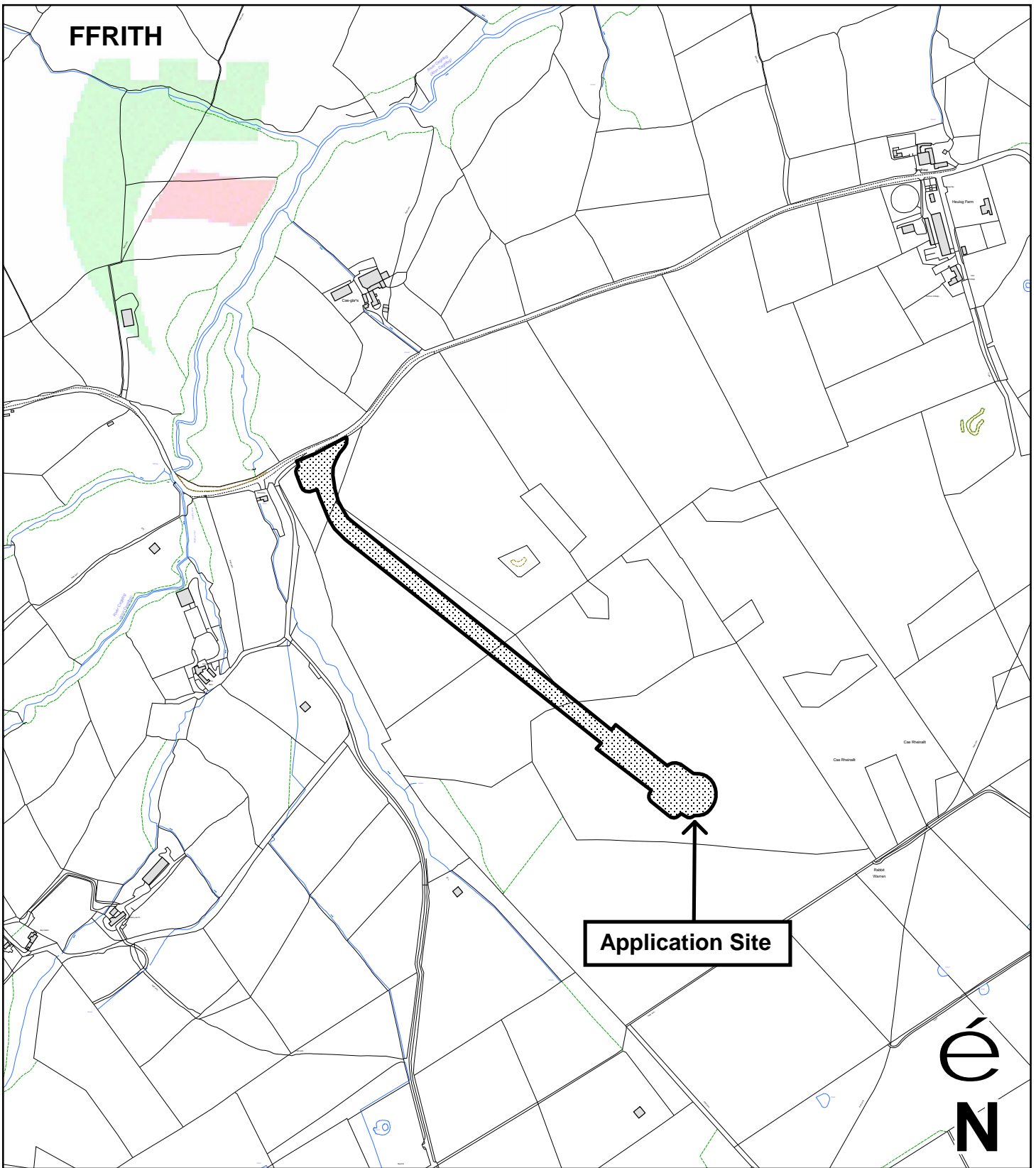
## **7.00 CONCLUSION**

- 7.01 The Inspector did not consider the renewable energy benefits of the proposed development would outweigh the harm caused to the safety of aircraft operations at Hawarden Aerodrome. On balance, he concluded that it would conflict with development plan and national policy, and for the reasons given above he concluded that the appeal should be **DISMISSED**.

## **LIST OF BACKGROUND DOCUMENTS**

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

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



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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

Map Scale 1:7500

OS Map ref SJ 2555

Planning Application **51143**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **APPEAL BY MRS HANNAH FARGHER, LIMELIGHT AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION AT 24 THE BRACKENS, BUCKLEY CH7 2RB**

**1.00 APPLICATION NUMBER**

1.01 055579

**2.00 APPLICANT**

2.01 Mrs Hannah Fargher, Limelight

**3.00 SITE**

3.01 24 The Brackens, Buckley CH7 2RB

**4.00 APPLICATION VALID DATE**

4.01 13 June 2016

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision on the appeal against the refusal of the above application. The application was refused against officer recommendation by Members at Planning Committee following a site visit. The appeal was dealt with at an Informal Hearing and was **ALLOWED**. An application of costs was made by the appellants which was refused. The Inspector was Richard Duggan.

**6.00 REPORT**

6.01 Background

This application was refused on 25 November 2017 on the basis the proposal would be out of keeping with the locality, increased risk to highway safety for local residents, compromise access for emergency service vehicles and adversely affecting the amenity of neighbouring occupiers.

6.02 Issue

The Inspector considered the main issues are the effect of the development on the character and appearance on the area, the living conditions of neighbours, and on highway safety.

6.03 Character and appearance

The Inspector noted the concerns of the Council that the increased use of the property would exacerbate late night activities, pressures on parking and a general increase in activity. Such matters were already considered to have resulted from the existing HMO and changed the quiet character of a family orientated neighbourhood.

The Inspector expressed there was no evidence to indicate that the introduction of the HMO had led to a detrimental change in the character of the area.

The Inspector also expressed they did not consider that the increase in parking area to the front of the premises would harm the appearance of the street. He concluded therefore that there was no material harm to the character and appearance of the area and the proposal did not conflict with Policies GEN1 and D1.

6.04 Living Conditions

The Inspector noted that occupation of a HMO can be different from that of a family dwelling where many activities are combined or shared.

The Inspector observed that the Council had a general position that occupiers of HMO's create noise and disturbance above that of other residents. The Inspector noted that there were no recorded complaints made to the police or environmental health about noise or anti-social behaviour from occupiers of the property.

The Inspector therefore concluded that was no technical evidence or substantive basis to conclude that the provision of this HMO would result in a loss of amenity to residents and therefore the proposal would not conflict with Policies GEN1 and D1 of the UDP.

6.05 Highways Safety

The Council raised concerns regarding on-street parking pressures in the area which result in cars parking partly on the pavement, which would be intensified by the development. The Council considered this would give rise to inability of emergency vehicles to access the supported living accommodation nearby.

The Inspector explained that he saw cars parked on pavements and

noted car's had to pull in to give way to other vehicles when passing. He also noted that the level of car ownership associated with 7 separate occupiers has the potential to be higher than a 6 bedroom family home and that the number of visitors could increase. The Inspector highlighted that the Highways Authority did not object to the proposal and he had no reason to conclude differently with the imposition of necessary conditions. The Inspector concluded that the proposal would not exacerbate on street-parking or increase vehicular movements to the extent that highway safety or the free-flow of traffic is materially harmed. The proposal does not therefore conflict with Policy AC13.

#### Other Matters

- 6.06 The Inspector noted residents' concerns regarding the transient nature of occupants but explained these are not material planning considerations.

#### **COSTS DECISION**

- 7.00 An application for costs was submitted on the grounds that the Council failed to show any substantive reason why the application should be refused. It was the appellant's opinion that the Council failed to produce evidence to support their decision and that the decision was based on unsubstantiated local opinion that was unsupported by professional advice. Therefore unnecessary costs had been incurred by the appellant in pursuing the appeal.

- 7.01 The Council's response set out that elected local members had set out their views based on local knowledge. Members were able to articulate in their statement and at the hearing that their decision to refuse the application was influenced by anecdotal evidence, by means of residents directly expressing their views to members and through the consultation process. These views were articulated by residents at the Planning Committee meeting and related to the agreed main reasons of character and appearance, living conditions and highways concerns and this was the evidence on which they based their concerns.

- 7.02 The Inspector noted that although the Committee's decision was taken contrary to professional and technical advice, its reasons for doing so were based on reasonable planning grounds. The Inspector emphasised that he was broadly satisfied that the Council's assessment was set in the context of the development plan and not wholly based on objections raised by local residents and made reference to both the written and oral evidence setting out the Council's full considerations.

#### **8.00 CONCLUSION**

- 8.01 The three main reasons for refusal which formed the main issues were all found to be compliant with current UDP Policy. In each case there was no technical evidence or substantive basis on which the Inspector could agree conflict with the relevant UDP policies.
- 8.02 With regards to the cost decision the Inspector gave considerable weight to the context of the appeal being set within the development plan and how written and oral evidence showed the application was not wholly refused on consideration of local objection.

**LIST OF BACKGROUND DOCUMENTS**

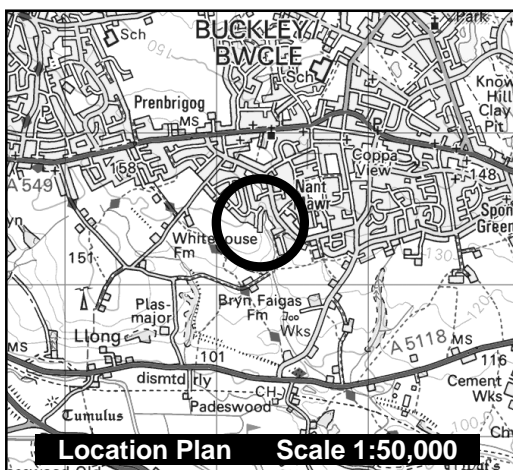
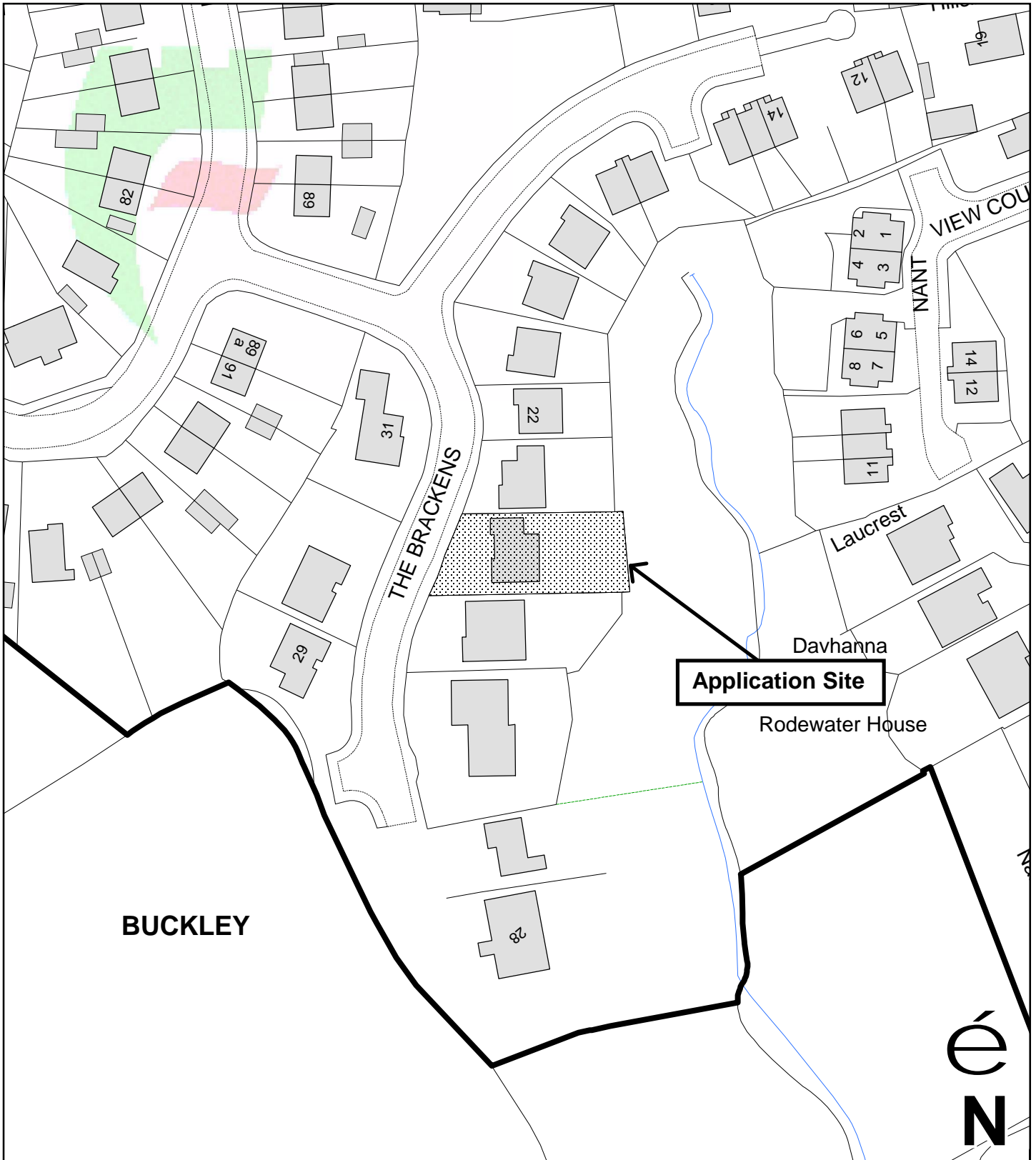
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:**

**Telephone:**

**Email:**





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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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

Map Scale 1:1000

OS Map ref SJ 2763

Planning Application **55579**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **APPEAL BY A. FRYER & J. PHILLIPS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT BRYN Y BAAL ROAD, BRYN Y BAAL, MOLD – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 056672

**2.00 APPLICANT**

2.01 A FRYER & J PHILLIPS

**3.00 SITE**

3.01 BRYN Y BAAL ROAD, BRYN Y BAAL, MOLD

**4.00 APPLICATION VALID DATE**

4.01 11.10.16

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision following the refusal of outline planning permission under delegated powers for residential development at Bryn y Baal Road, Bryn y Baal Mold. The appeal was dealt with by an Informal Hearing and the Inspector was Clive Nield. The appeal was **DISMISSED**.

**6.00 REPORT**

6.01 Introduction

The application was for outline permission with all matters reserved.

The application included an indicative block plan showing 5 residential units and a supplementary planning statement defining the parameters of the proposed development, i.e. the upper and lower limits for the height, width and length of each building. The Council's requirements for financial contributions in respect of the provision of public open space and educational facilities were discussed at the hearing and, as the Appellant does not intend to enter into any legal agreement on the latter, it was agreed the proposal should be for no more than 4 residential units. The Inspector considered the proposal on that basis.

- 6.02 The appeal site includes a length of public highway which has been disused by vehicles for many years and is now partially overgrown. It was replaced by a new road but the stopping-up procedures were never completed. The Council advises that these procedures would have to be carried out before any development took place. However, a representative of the Ramblers' Association has raised concerns about this and about the ownership of that land. So far as the current appeal is concerned the Inspector set those concerns aside as something that would have to be resolved before the reserved matters approval stage.

#### Issues

- 6.03 The main issues in this case are the effects of the proposed development on the green barrier and the surrounding area, the lack of a 5 years supply of housing land in the County, and the weight to be attributed to these in balancing harm and benefits.

- 6.04 The appeal site lies adjoining but just outside the settlement boundary and in an area designated in the adopted Flintshire Unitary Development Plan as a "green barrier". UDP Policy GEN4 says that development will only be permitted within green barriers where it meets certain specified criteria and provided it would not contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier. It is not disputed that the scheme would not meet any of the specified criteria, and so it would fall outside development plan policy.

- 6.05 Planning Policy Wales (PPW) also provides useful (and more up to date) policy guidance on development in green barriers. It refers to the establishment of Green Belts and to local designation such as green wedges; "green barriers" are taken to be the corresponding designation in Flintshire. PPW advises that "*when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply*" and "*Local Planning Authorities will attach considerable weight to any harmful impact which a development would have on a Green Belt or green wedge*". It is not disputed that the proposed development falls outside the list of purposes for which development is considered to be appropriate. Thus it would be inappropriate development in the

green barrier.

- 6.06 PPW further advises that *“inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge”*. This is a stringent and demanding test, and the planning balance is different to that applicable for land outside the green barrier.

**Green Barrier Harm**

- 6.07 The site lies within the Mold – Mynydd Isa/Sychdyn/New Brighton green barrier which was designated for the purpose of safeguarding the open countryside around these settlements and preventing the settlements from merging into one another. The development would comprise the construction of some 4 dwellings and associated works on a site that would protrude out into the rural gap between Mynydd Isa and New Brighton. As such it would be harmful to the rural character and appearance of the area and to the openness of the green barrier, and it would erode the gap between the 2 settlements, contrary to UDP Policies GEN3 (in respect of development in the open countryside) and GEN4 (in respect of development in the green barrier).

- 6.08 The site was considered as a potential development site at the UDP preparation stage but the UDP Inspector rejected it as it was considered to have more in common with the countryside than the settlement and to make a contribution towards the green barrier, “albeit it in a small way”. That situation has not changed. Although a relatively small site which is only a small part of the green barrier, the harm due to its development for housing would warrant considerable weight (in accordance with PPW advice).

- 6.09 In reaching this conclusion the Inspector took into account the present nature of the site, which is partially that of previously developed land used in the past in association with the nearby farmhouse and, more recently, unlawfully for the storage of builder’s materials, and partially as public highway, though now largely overgrown.

**Benefits for Housing Land Supply**

- 6.10 The adopted development plan, the Flintshire Unitary Development Plan, is now time-expired (end of 2015), and it is common ground that the Council cannot demonstrate a 5 years supply of housing land, as required by Welsh Government policy. When last assessed, in the August 2016 Joint Housing Land Availability Study, the supply had fallen to 3.7 years, substantially less than the 5 year requirement. Whilst the emerging Local Development Plan is under preparation and suitable housing sites are being assessed, it will be some years before it is adopted. In the meantime there remains uncertainty about the supply of suitable sites for housing. It is Welsh Government policy that, in the absence of a 5 year supply

6.11 of housing land, the need to increase the housing supply should be given considerable weight provided the development would otherwise comply with development plan and national planning policies. Furthermore, as the UDP is time-expired and there is no 5 year land supply, the weight attributed to relevant UDP housing policies should be reduced.

6.12 The Appellants have listed 5 recent appeal decisions for sites in Flintshire where the Inspectors have concluded that the need to increase the housing supply outweighs any harm caused, and they have drawn my attention, in particular, to the decision for a site at Issa Farm, Mynydd Isa (ref. APP/A6835/A/15/3137719), which they say is particularly relevant. However, although that site is situated just outside the settlement boundary and in the open countryside, it is not in the green barrier. Furthermore, that Inspector did not consider the development would represent a significant encroachment into the surrounding countryside or that it would significantly alter the character of the countryside. Thus, the conclusion drawn in that case on the balance of the arguments provides little help for the current appeal.

6.13 An appeal decision for a site at Shavington, Crewe (ref. APP/R0660/A/16/3157715), has also been referred to, as that site is in the “green gap” between Shavington and Crewe. However, that decision was based on English planning policies, which are different from those of the Welsh Government, and the conclusions drawn by that Inspector do not follow a sequence of logic that has any relevance to inappropriate development in a green barrier in Wales. Thus, that decision is also of little help.

## **7.00 CONCLUSION**

### **7.01 Conclusions**

The Inspectors conclusions are that the development would be harmful to the openness of the green barrier and to the character and appearance of the area and would erode the gap between Mynydd Isa and New Brighton. These harmful effects warrant considerable weight.

7.02 He also concluded that there is a lack of a 5 year supply of housing land, and that the need to increase the supply of housing land warrants considerable weight, provided the development would comply with development plan and national policies. If the site was not located in a green barrier, these arguments would be finely balanced. However, the proposal is for inappropriate development in the green barrier, and PPW advises that such development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm the development would do to the green barrier. That demanding

balance would not be achieved in this case, and he concluded that the development would be contrary to development plan and national policy.

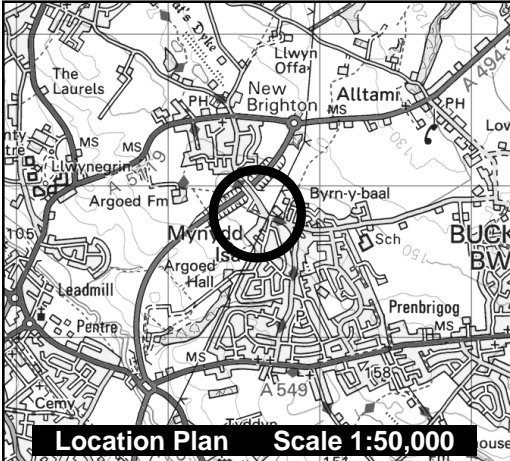
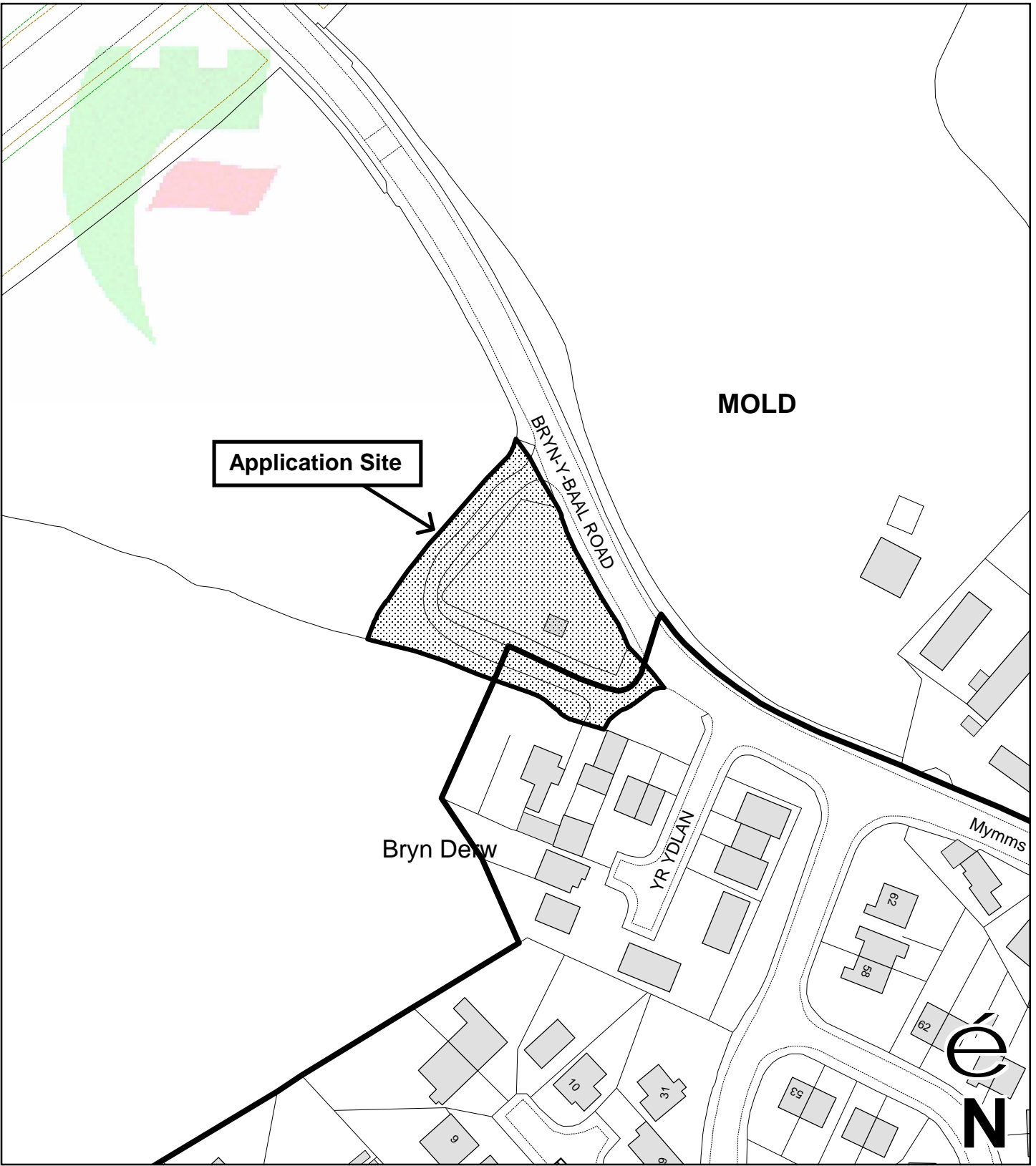
**LIST OF BACKGROUND DOCUMENTS**


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

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

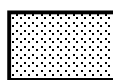

This page is intentionally left blank






**CYNGOR Sir y Fflint Flintshire COUNTY COUNCIL**  
 Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**

	Planning Application Site
	Adopted Flintshire Unitary Development Plan Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:1250
OS Map ref	SJ 2564
Planning Application	<b>56672</b>

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **4<sup>TH</sup> OCTOBER 2017**

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

**SUBJECT:** **APPEAL BY LLOYD HOMES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 8 NO. DWELLINGS, GARAGES AND ASSOCIATED ACCESS ON LAND ADJACENT TO LLWYN ONN, LIXWM, HOLYWELL, - DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 056043

**2.00 APPLICANT**

2.01 Lloyd Homes

**3.00 SITE**

3.01 Land adjacent Llwyn Onn,  
Lixwm,  
Holywell

**4.00 APPLICATION VALID DATE**

4.01 26<sup>th</sup> September 2016

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision following refusal of planning permission for the full application seeking permissions for the erection of 8 dwellings on land at Llwyn Onn, Lixwm.

5.02 The application was refused by the Chief Officer under delegated powers on the 19<sup>th</sup> January 2017. The appeal was dealt with by means of an exchange of written representations and was DISMISSED. The Inspector was Mr. C. Neild.

## **6.00 REPORT**

6.01 The Inspector considered there to be 3 main issues requiring consideration in this appeal. These were:

1. The locational sustainability of the proposals;
2. The impact of the proposals upon the surroundings and existing amenity; and
3. The weight to attach to the lack of a 5 year housing land supply in the County.

### 6.02 Sustainability

The Inspector noted the open countryside location of the proposed site and noted the policy context for exceptions to the presumption against development within such locations as set out in Policies GEN3 and HSG4 of the Flintshire Unitary Development Plan. He noted that the application did not satisfy any of these exceptions. He observed the relevance of Policy HSG3 to the appeal in so far as it was consistent with Policies GEN3 and HSG4 in requiring new dwellings in Category C settlements to be proven to meet a specific need.

6.03 The Inspector acknowledged that the growth intended over the plan period in Lixwm (0% - 10%) had been achieved and the proposals represented a further growth of 5.7%. He also noted that the plan period had expired. However, he noted that the sustainability principle remains and the location of development in smaller settlements is less sustainable. Whilst noting the lack of a 5 year housing supply, the Inspector based his determination in respect of the locational sustainability of the proposal upon the policies within the UDP and the national policies within Planning Policy Wales.

6.04 The site is not in a sustainable location, being outwith a Category C settlement with poor facility provision. The proposals are not advanced upon the basis of meeting any proven local need and therefore the Inspector concluded the proposals are contrary to the local and national policies which seek to promote sustainable development. Whilst he had regard to another appeal decisions brought to his attention by the appellant, he concluded that the proposals were different and the wider sustainability issues and policies were not commented upon in that case.

### 6.05 Impact upon surroundings and amenity

The Inspector considered both the views on the Council in its reason for refusal in respect of this issue, and the observations offered by third parties. He noted that whilst separation distances between the proposed dwellings and those existing dwellings to the north and east were in accord with the SPG on space around dwellings, he noted that garden depth were short of the 11 metres suggested. Whilst he concluded that the proposals in this regard would give rise to

overlooking and a reduced privacy in relation to that presently enjoyed, he did not consider that the overlooking was unacceptable.

- 6.06 The Inspector had regard to the appellants contention that whilst garden depths were less than the 11 metres suggested within the SPG, and adequate area of amenity space was provided. The Inspector was not persuaded by this argument and concluded that the development, in the context of its surroundings, would have the appearance of being far more intense than neighbouring developments and would therefore be unsympathetic to its surroundings.
- 6.07 He concluded the proposals were cramped and out of character with the site and surroundings to the detriment of neighbouring residential amenity and the visual amenities of the area as a whole, and therefore considered the proposals at loggerheads with the applicable policy context.
- 6.08 5 year housing land supply  
The Inspector accepted that the lack of a 5 year housing land supply was not disputed and noted the appellant's case rested upon the weight to attach to this situation in determining such appeals. He noted the advice within TAN1 in this regard and acknowledged a number of recent appeal decisions where Inspectors had found in favour of such proposals because of a lack of such supply.
- 6.09 However, the Inspector noted that that in those cases, and having regard to their particular circumstances, little or no harm would arise from the proposals in those cases and, there was no conflict with the policies of the development plan.
- 6.10 The Inspector identified in this case that this proposal does not accord with development plan or national policies in respect of locational sustainability and the protection of amenity. He considered that such matters must carry substantial weight in the planning balance and whilst he noted that the lack of 5 year housing land supply carries considerable weight, he concluded that it did not carry sufficient weight to outweigh the conflict with the development plan and national policy.
- 6.11 **Costs Application**  
The appellant sought costs upon the basis that he believed the council had acted unreasonably in not seeking to resolve matters in relation to the second reason for refusal and that as the application was already a re-submission of a previously refused scheme, continued criticism upon these points was unreasonable.
- 6.12 The Inspector noted that in his decision he had agreed with the Council in respect of this reason for refusal and claims the issues could have been resolved were speculative.

- 6.13 He also noted the appellants views that the series of appeal decisions to which he referred pointed to the incorrect interpretation of policy in respect of 5 year housing land supply such that its refusal upon this issue was unreasonable and incorrect.
- 6.14 The Inspector concluded that he had attributed the same relative weight as the Council in respect of this issue and found the appeals decisions referenced to be of little relevance to the circumstances of this appeal case.

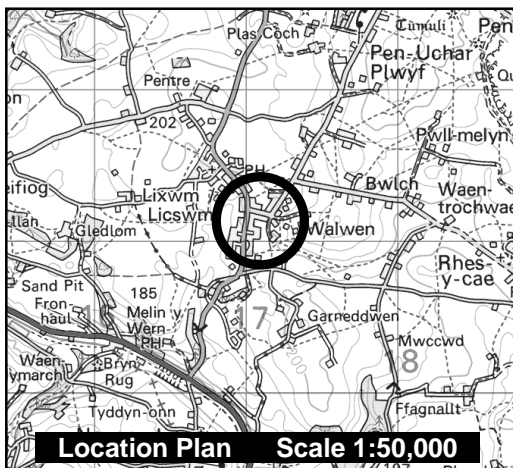
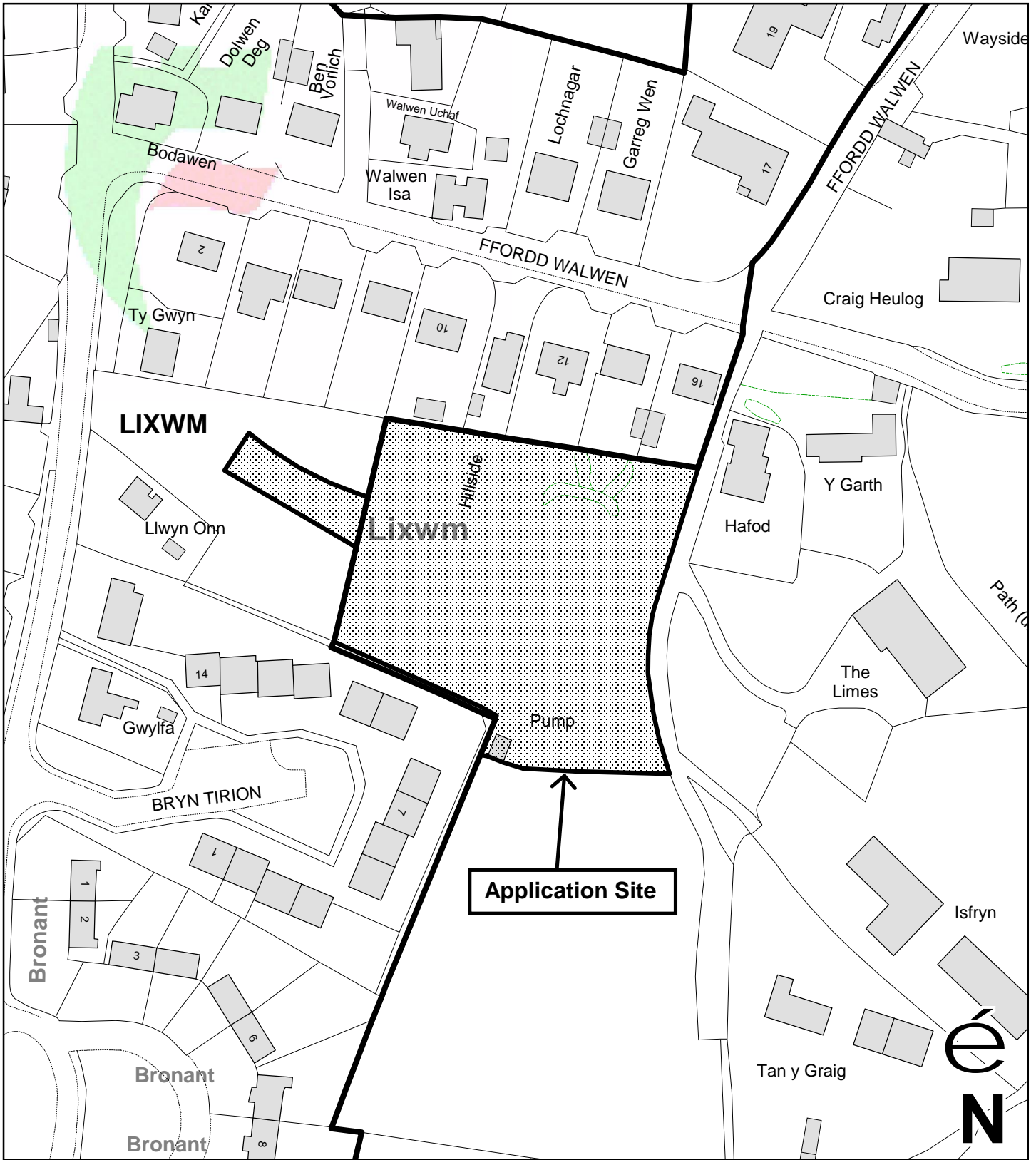
## **7.00 CONCLUSION**

- 7.01 For the reasons set out above, the Inspector concluded that the appeal should be **DISMISSED**. Furthermore, he did not accept the appellants claim that unreasonable behaviour had been demonstrated and **REFUSED** the claim for costs.

### **LIST OF BACKGROUND DOCUMENTS**

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

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



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 1771

Planning Application **56043**

This page is intentionally left blank