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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

28 November 2018

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

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 5TH DECEMBER, 2018** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

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

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A G E N D A

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 7 November 2018.

5 **ITEMS TO BE DEFERRED**

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

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

REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)
TO PLANNING COMMITTEE ON 5 DECEMBER 2018

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	058544 - A	058544 - A - Full Application - Residential Development of 30 No. Affordable Apartments for People aged Over 55 Associated Access, Parking and Demolition of Former Albion Hotel at Albion Social Club, Pen y Llan, Connah's Quay. (Pages 11 - 28)
6.2	058124 - A	058124 - A - Outline Application for the Erection of an Affordable Dwelling at Bayonne, Hafod Road, Gwernaffield (Pages 29 - 38)
6.3	058516 - A	058516 - A - Full Application - Conversion of Disused Chapel to 2 No. Dwellings and Erection of 1 No. Detached Dwelling at Roman Catholic Presbytery, Brunswick Road, Buckley. (Pages 39 - 48)
6.4	058881 - A	058881 - A - Application for Approval of Reserved Matters Following Outline Planning Permission Ref: 057943 at Acrefield, Erw Ffynnon, Queen Street, Treuddyn (Pages 49 - 58)
6.5	058359 - A	058359 - A - Full Application - Change of Use from Land to Touring Caravan/Tent Site at Old Tavern Llanerch-y-Mor, Holywell. (Pages 59 - 68)
6.6	058984 - A	058984 - A - Variation of Condition No. 3 Attached to Planning Permission Ref: 045739 at Hendre Quarry, Denbigh Road, Hendre (Pages 69 - 86)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.7	056267	056267 - Appeal by Mr. P. Mallen Against the Decision of Flintshire County Council to Refuse Planning Permission for Change of Use From Agricultural Land to Vehicle Storage Compound to the Rear of Existing Motor Facility at Queensferry Motor Auctions, Station Road, Queensferry - DISMISSED. (Pages 87 - 92)

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PLANNING COMMITTEE **7 NOVEMBER 2018**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 7 November 2018.

PRESENT: Councillor David Wisinger (Chair)

Councillors: Marion Bateman, 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, and Neville Phillips

APOLOGIES: Councillors: Sean Bibby and Owen Thomas

IN ATTENDANCE:

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

The Senior Solicitor advised that he had received notification that Councillor Dave Mackie wished to speak on agenda item 6.4 (058296).and Councillors Helen Brown and George Hardcastle wished to speak on agenda item 6.7 (058806).

32. DECLARATIONS OF INTEREST

Councillor Mike Peers, declared a personal and prejudicial interest in agenda item number 6.4 – Full Application – Erection of 30 No. 2 and 1 Bedroom Apartments (Over 55's), and 3 No. Houses (Total Scheme 100% Affordable Housing), Associated Access and Parking, Including Demolition of Former Public House at Boars Head Inn, Holywell Road, Ewloe, as a family member was employed by one of the joint applicants.

Councillor Peers also declared a personal and prejudicial interest in agenda item number 6.5 - Full Application - Erection of 14 No. Dwellings and Associated Works at Withen Cottage & Cheshire Lane, Alltami Road, Buckley, as he was Chair of Governors at Mountain Lane Primary School, Buckley He said he would speak for three minutes and leave the room before the debate and vote.

Councillor Neville Phillips, on the advice of the Senior Solicitor, declared a personal and prejudicial interest in agenda item 6.5 - Full Application - Erection of 14 No. Dwellings and Associated Works at Withen Cottage & Cheshire Lane, Alltami Road, Buckley, as he was a governor at Elfed High School, Buckley, and Chairman of the Premises Committee of the School.

Councillor Carol Ellis, on the advice of the Senior Solicitor, also declared a personal and prejudicial interest in agenda item 6.5 - Full Application - Erection of 14 No. Dwellings and Associated Works at Withen Cottage &

Cheshire Lane, Alltami Road, Buckley, as she was a governor at Elfed High School, Buckley, and a member of the Sports and Social Committee of the School. Councillor Ellis said she would speak for three minutes and leave the room before the debate and vote.

33. LATE OBSERVATIONS

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

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4358&Ver=4&LLL=0>

34. MINUTES

The draft minutes of the meeting held on 3 October 2018 were submitted and confirmed as a correct record.

RESOLVED:

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

35. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) recommended that agenda item number 6.3 – (058359) - Full Application - Change of Use from Land to Touring Caravan/Tent Site at Old Tavern, Llanerch-y-Mor, Holywell, be deferred. The Chief Officer explained that he recommended the application be deferred to seek a solution to address the issue of foul sewerage from the site.

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

RESOLVED:

That agenda item number 6.3 - (058359) - Full Application - Change of Use from Land to Touring Caravan/Tent Site at Old Tavern, Llanerch-y-Mor, Holywell, be deferred.

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

RESOLVED:

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

37. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 8 members of the public and one member of the press in attendance.

(The meeting started at 1.00pm and ended at 4.06 p.m.)

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Chairman

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PLANNING COMMITTEE ON 7 NOVEMBER 2018

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
058311	Mostyn Community Council	Full Application – Proposed siting of 26 static holiday caravans together with additional and supplementary landscaping at Pennant Park Golf Club, Mertyn Downing Lane, Maes Pennant, Holywell.	Mr P Jones, the agent, spoke in support of the application.	That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendation.
058733	Caerwys Town Council	Full Application – Extension of existing holiday park to allow for the relocation of approved static and touring caravans to facilitate improvements to the layout of the existing park together with the creation of an area for 6 glamping pitches and additional landscaping at Barlows Caravan Park, Pen y Cefn Road, Caerwys.		That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendation.
058359	Mostyn Town Council	Full Application – Change of use from land to touring caravan/tent site at Old Tavern, Llanerch-y-Mor, Holywell.		DEFERRED to investigate outstanding issues in relation to surface water and waste water management
058296	Hawarden Community Council	Full Application – Erection of 30 No. 2 & 1 bedroom apartments (over 55's), and 3 No. houses (total scheme 100% affordable housing), associated access	Councillor Joyce Angell, on behalf of Hawarden Community Council, spoke against the application	DEFERRED to explore with developer whether the issues raised by Committee Members in relation to design, parking, and highways matters could be overcome.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
		and parking, including demolition of former public house at Boars Head Inn, Holywell Road, Ewloe.	<p>Mr C Sparrow, the applicant, spoke in support of the application.</p> <p>Councillor Dave Mackie, as local Member, spoke against the application</p>	
058229	Buckley Town Council	Full Application – Erection of 14 No. dwellings and associated works at Withen Cottage & Cheshire Lane, Alltami Road, Buckley.	<p>Councillor Carol Ellis, as local Member, spoke against the application and left the room prior to discussion and vote on the application.</p> <p>Mrs A Forshaw spoke against the application</p> <p>Councillor David Ellis, on behalf of Buckley Town Council, spoke against the application.</p> <p>Councillor Mike Peers, as local Member, spoke against the application and left the room prior to discussion and vote on the application.</p>	<p>Refused against the officer recommendation on the following grounds:-</p> <p>The development is unacceptable as the access would introduce vehicular manoeuvring across a Safe Route to School.</p> <p>The traffic calming proposed will not overcome the concern for the safety of pedestrians using that Public Footpath.</p>
058254	Cilcain	Full Application – Erection of		That planning permission be granted

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
	Community Council	accommodation in connection with gun dog training centre at Gaer Go, Cefn Road, Cilcain.		subject to the conditions set out in the report and in line with the officer recommendation.
058806	Hawarden Community Council	Full Application – Installation of a roof-mounted solar array at Aston WPS, Church Lane, Aston.	Mr D Anderson, the agent, spoke in support of the application. Councillor George Hardcastle, as local Member, spoke against the application.	That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendation.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH DECEMBER 2018**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT OF 30 NO. AFFORDABLE APARTMENTS FOR PEOPLE AGED OVER 55 ASSOCIATED ACCESS, PARKING AND DEMOLITION OF FORMER ALBION HOTEL AT ALBION SOCIAL CLUB, PEN Y LLAN, CONNAH’S QUAY.**

APPLICATION NUMBER: **058544**

APPLICANT: **ANWYL CONSTRUCTION LTD & PENNAF HOUSING**

SITE: **ALBION SOCIAL CLUB, PEN Y LLAN, CONNAH’S QUAY**

APPLICATION VALID DATE: **14th JUNE 2018**

LOCAL MEMBERS: **COUNCILLOR J B ATTRIDGE**
COUNCILLOR A P SHOTTON

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for the demolition of the former Albion Social Club and Hotel to facilitate the erection of a single apartment building to provide 30no. self-contained units of affordable living accommodation for those aged 55years and over. The proposal also includes an access and parking, together with cycle and refuse

storage.

The proposed scheme would create a form of development both in layout and design terms which would lead to an overall betterment of the site and improve the residential amenity of existing properties. The redevelopment of the former social club site will bring about an immediate enhancement to the locality, reduce opportunities for crime and antisocial activity, and create an attractive living environment whilst securing affordable housing within Connah's Quay meeting a proven need and promoting socially inclusive communities.

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

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

- a) An off-site commuted sum of £733.00 per unit in lieu of on-site provision for recreational improvements at Central Park, Connah's Quay
 - b) A payment of £8,600 for a scheme to upgrade the eastbound bus stop facility at The Swan
 - c) To secure the Affordable housing provision in perpetuity. The S.106 agreement will control that the scheme is 100% affordable with the precise means, methods and tenures to be specified within the S.106
 - d) Restrict occupancy to 55 and over
1. Time Commencement
 2. In accordance with plans
 3. Materials to be submitted and approved
 4. Scheme for Hard and Soft landscaping including boundary treatment and surfacing of roadways and parking and turning areas and implementation
 5. Finished floor levels to be submitted and approved prior to development
 6. A drainage scheme for the disposal of foul, surface and land water including an assessment of the potential for the disposal of surface and land water by sustainable means, to be submitted and thereafter implemented.
 7. No demolition to be undertaken during bird nesting season
 8. Design of access
 9. Forming and construction of means of access to be approved by the Local Planning Authority
 10. Facilities to be provided and retained for the parking and turning of vehicles
 11. Positive means to prevent surface water run-off onto the highway

12. Travel Plan and Transport Implementation Strategy (TIS) prior to first use of development
13. Construction Traffic Management Plan

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 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 J B Attridge

No response at time of writing.

Councillor Aaron Shotton

Requests the application be heard at Planning Committee and that a site visit is undertaken for the following reasons:

- The application lacks sufficient parking places and contravenes the Council's own parking policies;
- The application does not sufficiently address the impact upon the setting of the three listed buildings immediately adjacent to the application and the applicants claim of natural screening is disputed by local residents;
- The application fails to address sufficiently the proposed development impacts upon the habitat of protected species (bats) in the vicinity of the proposal; and
- The application will have a severe impact upon the amenity and privacy of dwellings immediately adjacent to the proposed development.

Connah's Quay Town Council

The Town Council is concerned in relation to the development overlooking neighbouring properties and would therefore request a site visit.

The Town Council is also concerned regarding the number of flats and/or apartments being developed in the town.

Highways Development Control

The proposals include a slightly amended access to the site of the former Social Club and as described within the Transport Statement, the development has the potential to reduce the number of vehicular movements into and out of the site. The amended access will impact on the layout of the existing layby; construction of these off-site highway works are likely to require a Section 278 style Highway Agreement.

SPGN11 Parking, suggests a maximum parking provision of 1 space per unit plus 1 additional space per 3 units for visitors ie. a total parking provision of 1.33 x no of units. In this instance, the provision of 32no. spaces falls below the maximum permitted number of 40. The Transport Assessment however, shows the site to be located in an area provided with adequate footway links and an effective bus service.

In order to encourage the use of sustainable forms of transport, the Transport Statement suggests the provision of a Residential Travel Plan; the provision, approval and implementation of such a plan should be covered by an appropriately worded condition.

The nearest bus stops to the site are located outside The Swan, approximately 150m to the east and west of the site access. The westbound stop is provided with a shelter, marked bus bay and raised boarding kerbs but the eastbound has only the marked bay. An increased reliance on the bus service by older, possibly less agile residents would justify a requirement for improved facilities at the eastbound stop.

Any consent shall be subject to a Section 106 agreement covering the funding of the bus stop improvements. The estimated cost of installing raised boarding kerbs, a shelter and remarking the bus bay of the eastbound stop at The Swan is £8600.

No objection subject to conditions covering:

- Design of access
- Forming and construction of means of access to be approved by the Local Planning Authority
- Facilities to be provided and retained for the parking and turning of vehicles
- Positive means to prevent surface water run-off onto the highway
- Travel Plan and Transport Implementation Strategy (TIS) prior to first use of development
- Construction Traffic Management Plan

Community and Business Protection

No adverse comments to make.

Housing Strategy Manager

The application is to develop 30no 1 and 2 bed apartments for the over 55's in Connah's Quay within the social rented market. In terms of housing need, 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 social housing register demand for 1 bed and 2 bed flats for people aged over 50 in Connah's Quay:

1 bed general needs = 72
2 bed general needs = 26
1 bed sheltered = 8
2 bed sheltered = 3

The application to provide 1 and 2 bed apartments in Connah's Quay for over 55's is therefore acceptable.

Ecology

The application is supported by an Ecology Assessment. No evidence of bats have been found. Given the location of the building (built up and well lit) it is not considered of high potential for bats, but it does have opportunities for nesting birds.

Recommends that demolition avoids the bird nesting season unless suitable checks have been undertaken (condition) and that a Note to Applicant is added with regards to the protection of bats.

Aura

In accordance with Planning Guidance Note no.13 POS Provision, the Council should be seeking payment of £733.00 per dwelling in lieu of on-site provision. This figure relates to the development being solely affordable housing. Should any part of the development be non-affordable properties, then the figure should be £1,100.00 per dwelling for those properties.

The payment would be used to enhance Central Park, Connah's Quay, taking into consideration the age group identified, the off-site contribution would be earmarked for recreation improvements at Central Park. For clarity this would take the form of access improvements, seating areas and improvements to the Multi use games area.

Working with planning policy, we have considered previous pooled contributions and we confirm that thresholds have not been exceeded with regard to Central Park Area.

Education

In accordance with SPGN no.23 the exemptions are "housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement for the occupation by those 55 years and over). Therefore there is no Education contribution sought.

Welsh Water/Dwr Cymru

The developer has indicated that foul flows are to be disposed of via the public sewerage system and that further work will be required to

confirm the method of surface water run-off disposal. Dwr Cymru/Welsh Water advise that consideration will need to be given to the incorporation of sustainable methods of drainage into the scheme in line with Welsh Government's *'Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems'* (2017).

These drainage arrangements are acceptable in principle. Dwr Cymru/Welsh Water requests that conditions and advisory notes are attached to any grant of planning permission.

Natural Resources Wales

No objection.

Clwyd Powys Archaeological Trust

There are no archaeological implications, however, the eastern stone boundary wall, may be part of the curtilage of the adjacent listed church and vicarage, however, it is noted that it is to be preserved within the proposed development scheme.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

13no. objections on the grounds of:

- Enough flats /apartments in this area
- Not enough parking spaces
- Need for pensioners bungalows and town houses
- The height of the building would have an impact on the privacy of the surrounding properties
- The development is on a busy road and access is adjacent to a layby which is regularly used by the church and other residents. This restricts the visibility from the access onto a busy road.
- Will lead to further on-street parking
- Overlooking of rear gardens
- Concern that more apartments will lead to an increase in crime
- Loss of light
- Over dominance
- Will lead to an increase in noise
- Impact on the character and appearance of the area
- Pedestrian safety due to the increased traffic

5.00 SITE HISTORY

5.01 054607 – Erection of 33 no. Apartments with associated car parking [Approve subject to S106 Legal Agreement 20.04.16]

053425 – Erection of 36 no. Apartments in 6 three and four storey blocks with associated access and car parking [Withdrawn 24.09.15]

046886 – Erection of a smoking shelter [File Closed 29.01.10]

Extension to existing sports and social club [Approved 03.09.91]

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

GEN1 – General Requirements for New Development

GEN2 – Development Inside Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

WB1 – Species Protection

HE2 – Development Affecting Listed Buildings and their Settings

AC13 – Access and Traffic Impact

AC18 – Parking Provision

HSG3 – Housing on Unallocated within Settlement Boundaries

HSG8 – Density of Development

HSG10 – Affordable Housing within Settlement Boundaries

SR5 – Outdoor Plan Space and New Residential Development

S11 – Retention of Local Facilities

Planning Policy Wales 9th Edition (November 2016)

TAN 11 – Noise

Supplementary Planning Guidance Note 2 : Space around Dwellings

Supplementary Planning Guidance Note 11: Parking Standards

Local Planning Guidance Note 13: Open Space Requirements

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the demolition of the former Albion Social Club and Hotel in order to facilitate the erection of a single apartment building to provide 30no. self-contained units of affordable living accommodation for those aged 55years and over. The proposal also includes an access and parking, together with cycle and refuse storage.

7.02 The proposed scheme would create a form of development both in layout and design terms which would lead to an overall betterment of the site and improve the residential amenity of existing properties. The redevelopment of the former social club site will bring about an immediate enhancement to the locality, reduce opportunities for crime and antisocial activity, and create an attractive living environment

whilst securing affordable housing within Connah's Quay meeting a proven need and promoting socially inclusive communities.

7.03 Site Description

The application site lies within Connah's Quay and is situated off Church Street, extending for 0.29 ha. It is bound to the north west by the residential properties on Pen y Llan Street which are in the form of terrace housing with associated rear back yards and shared passageway. To the north east the site is bounded by Osbourne Court which are semi-detached houses. To the east of the site is St.Mark's Church and The Vicarage which are both Grade II Listed Buildings. To the south of the site are detached residential properties.

7.04 The site is currently occupied by the Albion Social Club which is a large two storey building occupying the south west of the site and abuts the boundaries of existing residential properties on Pen y Llan Street. The building has previously been extended to create two storey hotel accommodation forming the north western boundary with the alley way between the rear yards of Pen y Llan Street and the site boundary. The remainder of the site is car parking. The site as a whole has fallen into disrepair.

7.05 Proposed Development

It is proposed to demolish the former Albion Social Club and Hotel building, to facilitate the erection of a 3 storey apartment building to provide 30no. self-contained units of affordable living accommodation for those aged 55 years and over. The proposed building will be made up of 12 no. 1 bed and 18 no. 2 bed apartments with one allocated car parking space per unit. The communal areas within the building will provide areas for mobility scooter storage and charging facilities along with elevators to access all three floors.

7.06 It is proposed to provide 32 resident car parking spaces, 2 of these being designated as disabled bays. The proposed amenity areas will include provision for cycle shelters and a refuse store. The proposed building will include the use of red brick and render throughout.

7.07 Planning History

The available planning history for the site dates back to 2015 and shows there have been 2 applications submitted for 36 no. apartments which was withdrawn, and a more recent application for 33 no. apartments contained within 6 no. 3 storey blocks was submitted in November 2015 ref: 054607.

7.08 Application ref: 054607 was heard at planning committee on the 20th April 2016 and resulted in a resolution to grant planning permission subject to the completion of a Section 106 Agreement. Whilst this remains outstanding, the principle of apartment style development at this site has been established and considered acceptable. This is recognised as a 'fallback' position.

- 7.09 Issues
The main issues are the scale and nature of the development, impact on the setting of Listed Buildings and residential amenity, and highways impacts.
- 7.10 Principle of Development
The site is situated within Connah's Quay, which is a town and designated as a Category A settlement within the Flintshire Unitary Development Plan. The site was formerly used as a hotel and social club which is now vacant. The loss of the facility under policy S11 is accepted as the site is within a town centre with other such facilities available.
- 7.11 The site is a brownfield site located in a sustainable location and is therefore in accordance with the principles of Planning Policy Wales in terms of complying with the principles of sustainable development. The application site is predominately surrounded by residential properties, therefore the proposed residential use is considered to be appropriate in this location.
- 7.12 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 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. The principle of residential development is again acceptable.
- 7.13 Impact on Listed Building and wider design matters
The surrounding area presents a variety of house types, ranging from traditional two storey terraced housing and semi-detached properties, to three storey apartment blocks, all of which are not uncommon within in an urban setting. Given the linear built form which travels along Church Street, built development here, is not without precedent. However, where this site differs is that it lies adjacent to St. Mark's Church with the Vicarage to the rear, which is a large two storey house with outbuildings set within in its own grounds. St Mark's Church and the Vicarage are Grade II Listed Buildings.
- 7.14 The dense and well established trees within the confines of St Mark's Church abutting the site boundary, provides the site with a significant visual screen when viewed from the roadside. It is not disputed that the site lies within the setting of St Mark's Church and the Vicarage, CADW defines setting "*as the surroundings in which a historic asset is understood, experienced and appreciated.*" Although both the asset and proposed development would be seen together from the roadside, there is a degree of inter-visibility between the application site and the grounds of the asset, and I would argue that the strong

gothic architectural character of St Mark's Church and masonry boundary wall combined with the established screening provides a clear demarcation between the two.

7.15 The layout, scale and form of the proposed development would see the apartment building set away from the roadside, for which St Mark's Church dominates. The formal entrance to St Mark's Church, the masonry wall along its south eastern boundary, and the substantial physical presence of the heritage asset itself, not to mention the visual screening, all combine to reinforce the setting to which the asset is experienced. Despite the contemporary design approach, it is not considered that the proposed development would detract from this as the architectural design is not of the same calibre to that celebrated in the heritage asset. This is not to say that the design of the proposed development is not of quality, instead it respects the significance and does not attempt to overpower the heritage asset. It brings a clear distinction between old and new and demonstrates how both can complement each other. In this respect, the proposal would not harm the significance of the setting of the heritage asset which continues to remain a strong feature within the townscape.

7.16 Scale and Massing

Concerns have been raised over the massing of the building, being three storeys in height, finished with a flat roof. It is considered that had the development proposed a pitched roof to conform to the norm, the scale and height of the building would inevitably be greater and run the risk of the proposed development dwarfing the site and its surroundings. As mentioned above, three storey buildings are seen elsewhere within the immediate vicinity of the site and the townscape, such development is considered to be compatible with the character of the surrounding area and that it responds to the urban context.

7.17 I consider that through the use of quality design much of the impact of the building is mitigated, with the choice of materials and fenestration details providing a visual break. Due to the orientation of the proposed building away from the roadside and adjacent properties I consider that the building's scale and massing is acceptable in this location, and would not adversely impact upon the character and appearance of the area or neighbouring amenity. As has been mentioned previously, it has been established that this site is considered suitable for apartment style development.

7.18 Impact on living conditions for neighbouring residents

The proposed building has been located on the footprint of the former Social Club extending onto areas that was previously hardstanding and parking. This is considered to minimise the impact on the existing residential properties by removing all built development from the north western boundary and also respecting the listed buildings to the south east.

- 7.19 The current accommodation for the Albion Social Club and Hotel is situated on the boundary with the alley way separating the site with the rear yards of Pen y Llan Street. The existing accommodation is 10 metres from the habitable rooms of the existing buildings and has habitable rooms which directly overlooks the existing properties. The proposed building therefore greatly improves the residential amenity of these residents by moving the built form further away from the existing properties, removing any overlooking. The side elevation closest to the properties of Pen y Llan Street has been kept blank, the north west elevation which drops back to the centre of the site has habitable rooms facing towards the properties but these have separation distances of 24 metres from any habitable room. This is a further improvement to the previously approved scheme which provided a separation of 22 metres. It is therefore considered that the proposed scheme accords with Supplementary Planning Guidance Note 2: Space around Dwellings.
- 7.20 Housing Need and Affordability
The proposal is 100 % affordable and being promoted by a social landlord. Policy HSG10 in the Unitary Development Plan states that where there is a demonstrable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing housing proposals.
- 7.21 There is a clear and identified need for over 55 social housing within the social housing register. Whilst the Housing Manager has specified a preference for General need provision the proposal has been designed on the basis of meeting the identified over 55s need.
- 7.22 It is considered that whilst a general need is the preferred option, the provision of over 55 affordable units, which meets an identified need in the locality, is compliant with Policy HSG10 in the Unitary Development Plan.
- 7.23 Ecology Matters
An ecology assessment has been submitted with the application, undertaken by Ecological Design Consultants (EDC). Whilst the site is not considered to be of high potential for bats, being in a built up and well-lit area, there are opportunities for nesting birds to be using the building. It is therefore recommended that no demolition work should take place during bird nesting season, unless suitable checks are undertaken, and I propose a condition to this effect.
- 7.24 I am content that concerns in respect of ecology at the site are adequately addressed via the condition outlined in paragraph 7.23, above and therefore conclude that the development would not unacceptably impact upon the favourable conservation status of locally recorded protected species.

- 7.25 Drainage
Dwr Cymru/Welsh Water have confirmed that the proposed drainage provision, namely foul flows are to be disposed of via the public sewerage network and that further work is required to confirm the method of surface water runoff disposal. There are no problems envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. However, a condition will be imposed requiring the full details of the drainage scheme to be submitted and thereafter implemented following approval by the Local Planning Authority.
- 7.26 Access & Parking
The site currently has a use as a hotel and social club with a large car park and has the potential to be used for another use within the same Use Class for hotels (C1) or social club (A3) which would generate similar vehicle movements.
- 7.27 The proposed access would provide a pedestrian crossing point and footway linking with the existing footway provision along Church Street. The existing singular access is to be utilised following improvements to allow for vehicles to pull in clear of the carriageway. Sufficient manoeuvring space is provided within the site for vehicles to turn and to avoid reversing out onto the highway. The improvements are likely to impact on the existing layout of the adjacent layby which would necessitate the need for off-site works requiring additional agreements. Such works include new hatching to the right of the site in order to avoid the access being blocked. It is not considered that the proposal would create any issues with regard to pedestrian safety.
- 7.28 The proposal has 32 parking spaces with one for each apartment unit and 2 designated for disabled users. The level of car parking is below the maximum parking standards as set out in Supplementary Planning Guidance Note 11, which suggests a maximum parking provision of 1 space per unit plus 1 additional space per 3 units for visitors ie. a total parking provision of $1.33 \times \text{no of units}$. In this instance, the provision of 32no. spaces falls below the maximum permitted number of 40.
- 7.29 The Transport Statement May 2018 submitted in support and undertaken by Prime Transport Planning, however, justifies the position as the site is located within Connah's Quay which is a main settlement within the Flintshire Unitary Development Plan. The site is also shown to be located in an accessible area providing adequate footway links and is served by an effective bus service. The nearest bus stops are approximately 150 metres east and west of the site entrance, located outside and opposite The Swan. There is also access to the rail network from Shotton Station which is approximately 2km away and is accessible by public transport. Whilst objections in respect of lack of parking have been received, the

opportunities of accessing other means of transport are immediately available from the site which would help to reduce the use and dependency of the private car, and promote sustainable transport choices.

7.30 As mentioned above, the nearest bus stops to the site are located outside The Swan, approximately 150m to the east and west of the site access. The westbound stop is provided with a shelter, marked bus bay and raised boarding kerbs but the eastbound has only the marked bay. It is recognised that there is an increased reliance on the bus service by older, possibly less agile residents, and therefore improvements to the facilities at the eastbound stop to install raised boarding kerbs, a bus shelter and remarking the bus bay would be justified in this case. It is therefore considered reasonable to request a payment of £8,600.00 for a scheme to improve the eastbound stop facilities at The Swan, secured by Section 106 Legal Agreement.

7.31 Highways raise no objections to the proposed use subject to conditions.

7.32 Education

The proposed development is for 30 no. 1 and 2 bed apartments for Over-55s. In accordance with Supplementary Planning Guidance No. 23: Developer Contributions to Education, the exemptions are “housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement for the occupation by those 55 years and over). Therefore there is no Education contribution sought.

7.33 S106 Contributions and CIL Compliance

The infrastructure and monetary contributions that can be required from proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 ‘Planning Obligations’. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

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

7.34 An off-site commuted sum of £733.00 per unit in lieu of on-site provision to improve facilities at Central Park, Connah’s Quay is required. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.

7.35 A payment of £8,600.00 towards a scheme to improve the existing eastbound bus stop facility at The Swan to install raised boarding, a bus shelter and to remark the bay is required. There have not been 5 contributions towards this project to date.

7.36 It is considered that the contributions required meet the Regulations 122 tests.

7.37 Other Matters

Concern has been raised that bungalows are required, there is a proliferation of flats and they are likely to give rise to increased crime. There is no planning policy requirement which controls the type and volume of residential accommodation. There is also no evidence to substantiate that flats or apartments generate greater levels of crime than any other residential use. The matter of increased noise has been raised but there is no evidence to substantiate that the volume of noise from this development would be significantly greater than any other use in this urban location.

8.00 CONCLUSION

The proposed scheme would create a form of development both in layout and design terms which would lead to an overall betterment of the site and improve the residential amenity of existing properties. The redevelopment of the former social club site will bring about an immediate enhancement to the locality, reduce opportunities for crime and antisocial activity, and create an attractive living environment whilst securing affordable housing within Connah's Quay meeting a proven need, and promoting socially inclusive communities.

It is therefore considered that the proposal complies with policy. Accordingly, I recommend that planning permission is granted subject to conditions and the completion of a legal agreement as set out within paragraph 2.01 of this report.

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

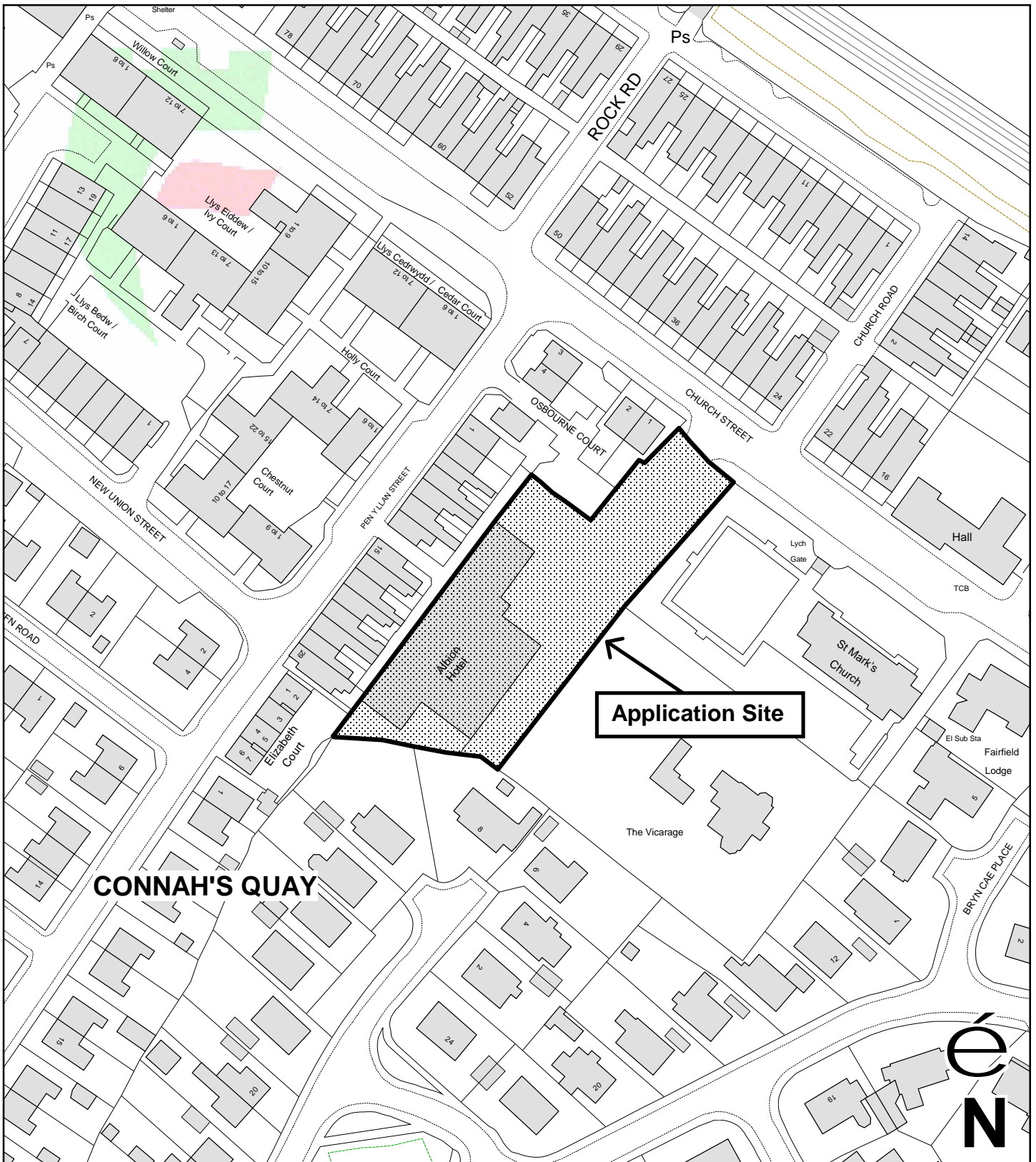
National & Local Planning Policy

Responses to Consultation

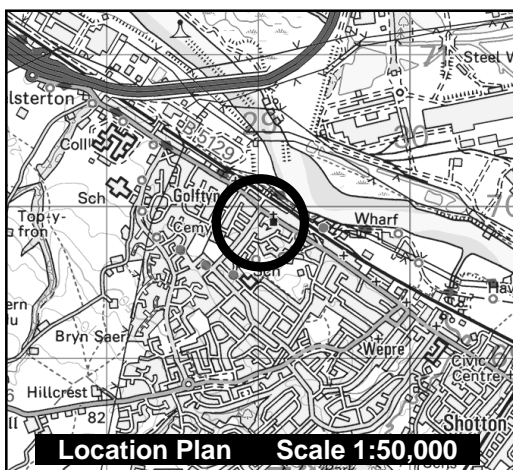
Responses to Publicity

Contact Officer: **Katie H Jones**
Telephone: **01352 703257**
Email: **katie.h.jones@flintshire.gov.uk**

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CONNAH'S QUAY



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

Legend

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

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Map Scale	1:1250
OS Map ref	SJ 2969
Planning Application	58544

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH DECEMBER 2018**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF AN AFFORDABLE DWELLING AT BAYONNE, HAFOD ROAD, GWERNAFFIELD.**

APPLICATION NUMBER: **058124**

APPLICANT: **MR & MRS JONES**

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

APPLICATION VALID DATE: **25th MAY 2018**

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

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

REASON FOR COMMITTEE: **S106 REQUIREMENT OUTSIDE DELEGATED POWERS**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is an outline application for the erection of a single dwellinghouse on land adjacent to Bayonne, Hafod Moor, Gwernaffield. The site is located outside a recognised settlement boundary, and is within both the open countryside and the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

The application proposes the delivery of an affordable ownership dwelling in accordance with the local need evident in Gwernaffield.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 to secure the following :-

- a) To ensure the dwelling remains as an affordable ownership unit in perpetuity, and subject to the following conditions;
1. Outline – Reserved Matters
 2. Outline – Time Limit
 3. The submission of reserved matters shall include details of existing and proposed site levels and, where appropriate, proposed finished floor levels of the building(s) and details of a minimum of two bedrooms.
 4. Drainage Scheme for the methods of disposal of foul, surface and land drainage to be submitted and approved
 5. Facilities to be provided and retained for the parking and turning of vehicles

If the Obligation pursuant to a Section 106 of the Town and Country Planning Act (as outlined above) is not completed within six months of the committee resolution, the Chief Officer (Planning, Environment and Economy) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms A J Davies-Cooke

In response to a consultation for preliminary views supports the proposal.

Gwernaffield Community Council

No response at time of writing.

Highways Development Control

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

Community and Business Protection

No adverse comments to make.

Housing Strategy Manager

The application is for 1 market dwelling in a rural area where policy HSG11 applies. In terms of evidence of need in Gwernaffield, the Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. The need for affordable housing in Gwernaffield is as follows:

Size	Social Rent	Affordable Rent	Affordable Ownership
1 Bed	19	1	-
2 Bed	36	3	1
3 Bed	23	1	3
4 Bed	12	1	-

As demonstrated above, there is a need for affordable housing in the area.

Welsh Water/Dwr Cymru

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

AONB Joint Advisory Committee

The Joint Committee Advises that the site is outside any recognised settlement. The committee is concerned that the dwelling is intended as open market housing without any reference to meeting local need as required by current UDP policy. In addition, the application states there are no trees or hedges on the site, which is incorrect. In this context, the Joint Committee is seriously concerned that the proposal will have a harmful impact on the character of the AONB and objects to the application.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

7 no. letters of objection have been received, raising the following grounds:

- The site is a greenfield site outside the settlement boundary;
- The site is within open countryside and an Area of Outstanding Natural Beauty;
- The proposal would be out of character within its rural location;
- The proposed access is on an un-adopted track which has limited passing places and is maintainable by the existing properties along Hafod Moor;
- The proposal would lead to additional traffic on Hafod Moor and threaten pedestrian and other road users safety;
- Emergency services access could be adversely affected by the

- increased traffic generated;
- Surface water drainage problems;
- Noise impacts from the development;
- The proposal would set a precedent for other similar proposals to come forward.

5.00 SITE HISTORY

5.01 No relevant planning history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development

STR4 Housing

STR7 Natural Environment

GEN1 General Requirements for New Development

GEN3 Development in the Open Countryside

TWH1 Development Affecting Trees & Woodlands

L1 Landscape Character

L2 Area of Outstanding National Beauty

AC13 Access and Traffic Impact

HSG4 New Dwellings Outside Settlement Boundaries

HSG5 Limited Infill Development Outside Settlement Boundaries

HSG11 Affordable Housing in rural areas

Planning Policy Wales 9th Edition (November 2016)

Local Planning Guidance Note 2 : Space around Dwellings

Local Planning Guidance Note 11: Parking Spaces

7.00 PLANNING APPRAISAL

7.01 Site Description

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

7.02 Proposed Development

The application seeks outline permission with all matters reserved

apart from access for the erection of a detached dwelling.

The proposed development is to deliver an affordable ownership dwelling.

It is advised that the proposed dwelling will have the maximum overall dimensions of 17.3m (length), 18.4m (width) and 7.95m (height). An illustrative plan showing the siting of the proposed dwelling within the plot has been submitted.

7.03 Principle of Development

The site is located within open countryside and is outside a recognised settlement boundary as defined by the Flintshire Unitary Development Plan (UDP). The site also lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. Policies STR1, GEN3, HSG4 and HSG5 essentially restrict the type of development permitted outside settlement boundaries. The application does not relate to an essential farm or forestry worker under Policy HSG4 or a rural enterprise dwelling as defined in Planning Policy Wales and TAN 6.

UDP policy GEN3 Development in the Open Countryside states in criterion b). that “small scale infill development comprising of one or two housing unit(s) within a clearly identified group of dwellings may be permitted where the proposal would satisfy the requirements of policy HSG5”. Policy HSG5 goes on to state that such housing should meet a “proven local housing need” and then defines the nature of such need in its reasoned justification.

For clarity, Policy HSG5 *Limited Infill Development Outside Settlement Boundaries* reads as follows:

Outside settlement boundaries infill development for one or two housing unit(s) may be permitted, provided that the proposal is to meet a proven local need and:

- a) Comprises a small gap within a clearly identifiable small group of houses within a continuously developed frontage;*
- b) Does not constitute, or extend existing ribbon development, and does not create fragmented development; and*
- c) Respects adjacent properties and the surrounding area in terms of its siting, form, design and scale, and does not represent overdevelopment of the site.*

The Site benefits from natural screening provided by the existing hedgerow and trees. The relatively exposed position of the site enables views of it from various nearby public viewpoints. Whilst the settlement of Gwernaffield has a strong cohesive form, Bayonne and its neighbouring dwellings are physically separated from the centre of Gwernaffield by some distance. The site thus appears as a

constituent part of an isolated cluster of dwellings and ancillary buildings situated within the open countryside. The group comprises of 12 established dwellings on Hafod Moor, circulated within a defined cluster. The proposed dwelling would be situated between two existing properties of similar form, scale and alignment, with frontage access obtained from the lane. The site would therefore appear as 'infill' development, as it would not materially extend the existing cluster of dwellings into the open countryside.

The application site is considered to be capable of accommodating a modest sized dwelling reflecting a similar scale and massing with neighbouring properties. The application is in outline form with only the access as a consideration at this stage. All other aspects relating to landscaping, scale, layout and appearance are reserved matters and would be examined in a further application to determine their acceptability. With reference to the indicative plan provided, it is considered that the proposal would respect adjacent properties and the surrounding area in terms of its siting. It is not considered that the proposal will result in the overdevelopment of the site.

7.04 Local Need

The application is in accordance with Policy HSG5 in that it would result in the provision of a dwelling for a proven local need. Consultations have been carried out with the Housing Strategy Manager who confirms that there is a need for affordable housing within the Gwernaffield area.

Despite the application only providing a single dwelling, the application is seeking to meet the demand by providing a dwelling for affordable ownership. It is anticipated that this dwelling would be a 3 bedroom property and a condition would be imposed to ensure the dwelling would have a minimum of two bedrooms to ensure it meets the specified need. The single dwelling would therefore meet the current demand and attempt to alleviate the pressure in delivering a supply of affordable housing in rural areas.

The application has demonstrated a commitment to provide a dwelling for a proven local need which is supported by the Housing Strategy Manager. As such, should the Local Authority resolve to grant planning permission, a Section 106 Legal Agreement will be necessary as this will ensure the property being delivered for a proven local need will be for affordable ownership and remain so in perpetuity.

7.05 Access and Highway Safety

There have been objections received in relation to highway safety with reference to the potential dangers as a result of the additional point of access/egress for this development and the bearing this has on emergency services gaining access in the event of an emergency. The application has been the subject of consultation with the Council

Highways Officers and given the outline nature of the application, no objections have been raised on the grounds of highway safety and the proposal complies with Policy AC13.

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

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

All matters are reserved apart from the access, the indicative dimension and layout plan would suggest that the majority of the existing trees would need to be removed in order to accommodate the dwelling. The height and density of the trees are considered to assist in reducing the visual prominence of the cluster of houses as a whole. However, it is considered that an appropriate landscaping scheme would mitigate the loss, and further enhance the natural screening and allow the dwelling to assimilate to the immediate area. It is considered that the proposed dwelling would materially increase the density of the built form by infilling an existing gap within the cluster. The proposal would not lead to further encroachment of new development into the open countryside beyond the existing cluster, but would be contained within the defined group of dwellings at Hafod Moor. The proposal is therefore not considered to unacceptably harm the character and appearance of the immediate area and this part of the AONB.

7.07 Other matters

Concerns have been raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows from new development. Dwr Cymru/Welsh Water have been consulted upon the drainage aspects of the proposal. They advise that a condition is imposed requiring the submissions of a surface and foul water drainage scheme for the site.

Concerns have also been raised regarding the impact of the proposal on the residential living conditions of neighbouring properties. As the proposal is in outline form it is not possible to consider issues relating to privacy and overlooking as if the application were approved these would be examined in a later reserved matters application.

Further concerns have been raised relating to the development setting a precedent for further proposals. Each planning application has to be considered on its own merits in accordance with the relevant planning policy at that time.

Also concerns were raised about the noise during development. Although it is acknowledged there may be some noise and disturbance during any development this matter alone does not attract enough weight in the matter balance to recommend a refusal.

8.00 **CONCLUSION**

Having regard to sustainability considerations and the need to ensure opportunities for affordable housing in rural areas is at the heart of both UDP policies and national guidance in PPW providing that a genuine need is evident. It is considered that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements. The proposal is considered to comply with the relevant planning policies and I therefore recommend accordingly.

8.01 **Other Considerations**

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

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

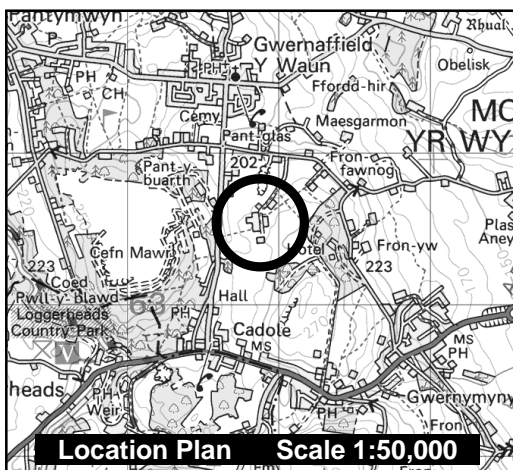
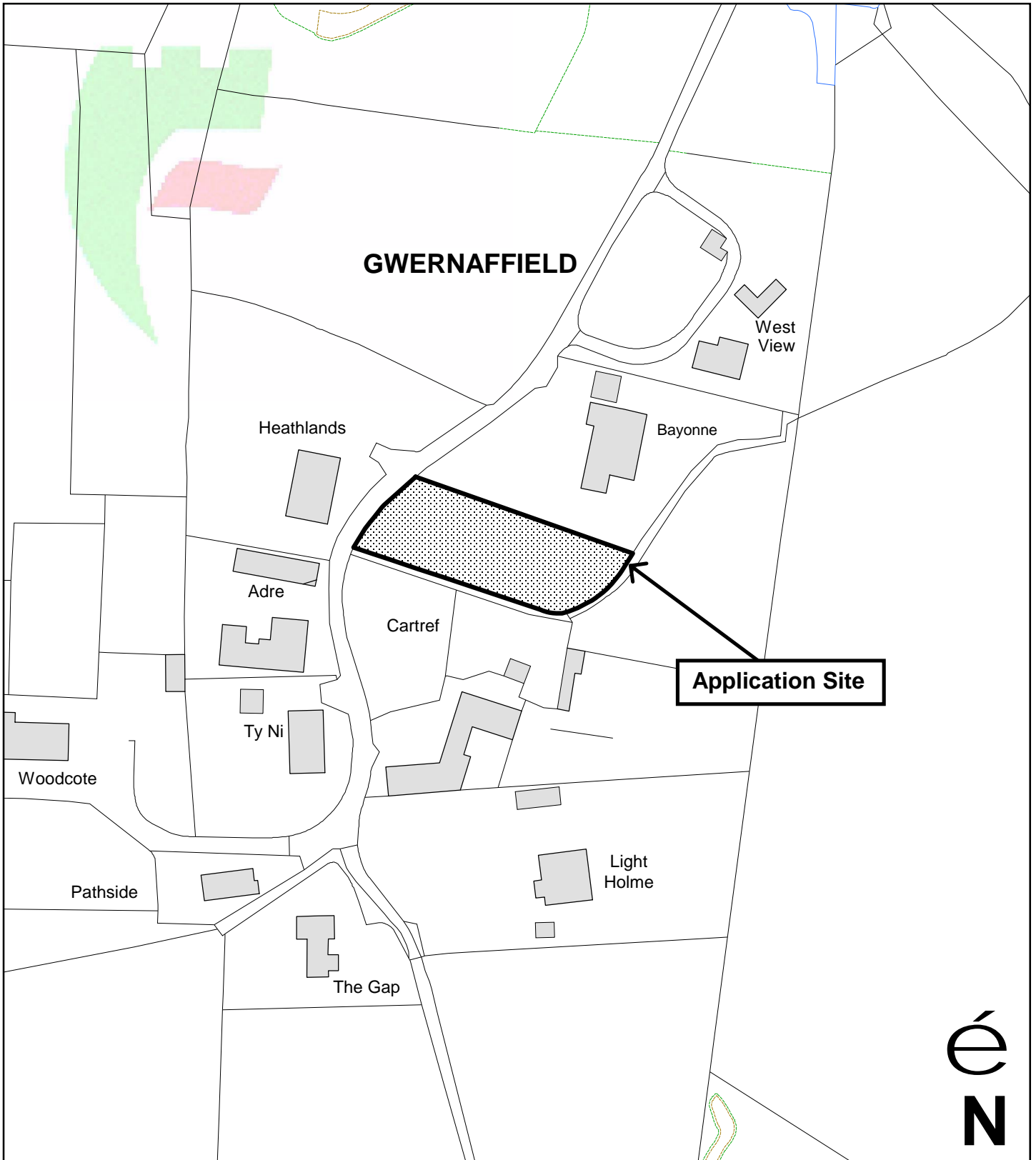
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Katie H Jones
Telephone: 01352 703257
Email: katie.h.jones@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 2063

Planning Application **58124**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH DECEMBER 2018**

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

SUBJECT: **FULL APPLICATION – CONVERSION OF DISUSED CHAPEL TO 2 NO. DWELLINGS AND ERECTION OF 1 NO. DETACHED DWELLING AT ROMAN CATHOLIC PRESBYTERY, BRUNSWICK ROAD, BUCKLEY.**

APPLICATION NUMBER: **058516**

APPLICANT: **MR S METCALFE**

SITE: **ROMAN CATHOLIC PRESBYTERY, BRUNSWICK ROAD, BUCKLEY.**

APPLICATION VALID DATE: **14TH JUNE 2018**

LOCAL MEMBERS: **COUNCILLOR M J PEERS**
COUNCILLOR D HUTCHINSON

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN CONCERNS ABOUT ADEQUACY OF ACCESS TO SERVE PROPOSED DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the conversion of the disused former Roman Catholic Chapel which fronts onto Brunswick Road, Buckley into 2 No dwellings, together with the erection of a new dwelling in place of the disused former Sunday School building to the east of the Presbytery, which is proposed to be demolished to facilitate redevelopment.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on-site recreational provision with the commuted sum payment being used to enhance toddlers play provision at the Forest Walk Play Area.

Conditions

1. Time Limit on Commencement.
 2. In accordance with approved plans.
 3. Materials to be submitted and approved.
 4. No surface/land drainage to connect into main public sewage system.
 5. Construction Traffic Management Plan to be submitted and approved.
 6. Appropriate bat/bird mitigation to be undertaken where necessary.
- 2.02 If the Obligation pursuant to Section 106 of the Town & Country Planning Act (as outlined above) is not completed within six months of the committee resolution, the Chief Officer (Planning & environment) be given delegated authority to **REFUSE** the application.

3.00 CONSULTATIONS

- 3.01 Local Members
Councillor M J Peers
No response at time of preparing report.

Councillor D Hutchinson
Request site visit and planning committee determination in order to assess adequacy of access to serve the proposed development.

Buckley Town Council
The following comments are made in relation to the planning application:

- a) Request consultation with the highway department on access /parking arrangements
- b) Request confirmation that the developer is the sole owner of the site in question

Highways Development Control
No objection to the application on highway grounds.

Community and Business Protection

No adverse comments

Welsh Water/ Dwr Cymru

No objection. Recommend the imposition of a condition to ensure that no surface water/land drainage connects to the public sewerage network.

Natural Resources Wales

Request the submission of a bat survey to the satisfaction of the Local Planning Authority.

Council Ecologist

Following the submission of a bat survey consider that there is no evidence of bats and limited potential for their presence. Should evidence be found however, bird and bat boxes have been proposed as enhancements which are welcomed, and should be considered as part of any permission.

Public Open Spaces Manager

Request the payment of a commuted sum of £1,100 per dwelling in lieu of on-site recreational provision, the monies being used to enhance toddler play provision at the Forest Walk Play Area.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

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

- Inadequacy of access to the site which is obtained from an unadopted road.
- Conflict with existing vehicular movements.

Letter received from Mark Tami MP which raises concerns regarding the adequacy of highway / parking arrangements for the properties.

5.00 SITE HISTORY

5.01 None relevant

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy 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 WB1 – Species Protection
Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

Additional Guidance

Planning Policy Wales (PPW)

Supplementary Planning Guidance Note 2 – Space About Dwellings

7.00 PLANNING APPRAISAL

7.01 Introduction

The former Roman Catholic Chapel, the subject of this application, is located on the northern side of Brunswick Road, Buckley approximately 5 m to the west of its junction with Coppa View and Daisy Hill Road.

7.02 The site is located within the settlement boundary of Buckley as defined in the Flintshire Unitary Development Plan where the principle of residential development is normally considered to be acceptable subject to the safeguarding of relevant amenity considerations.

7.03 Proposed Development

This full application proposes:-

- a. the conversion of the disused former Roman Catholic Chapel which fronts onto Brunswick Road, Buckley and is now vacant into 2 No dwellings, and
- b. the erection of a new dwelling measuring approximately 6 m x 18 m x 7.5 m high in place of the disused former Sunday School building at this location, which is proposed to be demolished to facilitate redevelopment. It is proposed that the new dwelling be constructed having facing brick external walls to match that used on the Chapel.

7.04 Whilst the former Chapel has a frontage directly onto Brunswick Road and occupies a key focal point with the street scene, there is restricted parking along the site frontage, with car parking provision to the rear of the site which is accessible from Daisy Hill Road.

7.05 Main Planning Issues

It is considered that the main planning issues in relation to this application are as follows:-

- a. Principle of development having regard to planning policy.
- b. Proposed scale of development and impact on character of site/surroundings.
- c. Adequacy of access to serve the development; and impact on

privacy/amenity of occupiers of existing and proposed dwellings.

- d. Impact on privacy/living conditions.
- e. Ecological implications associated with demolition/conversion.

7.06 Principle of development

The site is located within the settlement boundary of Buckley as defined in the Flintshire Unitary Development Plan which is classified as a Category A settlement. The principle of development for general housing market demand, is considered to be acceptable at this location subject to the safeguarding of relevant amenity considerations.

7.07 Scale of Development/Impact on Character of Site/Surroundings.

The character of existing development in proximity to the site is defined by a mix of detached and semi-detached properties set within a range of different depths of residential curtilages. It is considered that the scale/form/design of the development proposed which would ensure retention of the former chapel and replacement of the former timber Sunday School Building, would be reflective of and sympathetic to this existing character and would not represent overdevelopment at this location.

7.08 Adequacy of Access

The concerns/objections relating to the potential level of vehicular usage from Daisy Hill Road which is in private ownership and not adopted, having a detrimental impact on the privacy/amenity of occupiers of existing properties are noted. It would appear that the Chapel has historically had a legal right at access to parking at the rear of the site from Daisy Hill Road. Consultation on the application has been undertaken with the Highway Development Control Manager who advises that:-

“The access to the rear of the site is not adopted and therefore the interest from a highway perspective focusses specifically to the vehicular movement through the access prior to where it meets with the adopted highway (Brunswick Road). Given the number of properties that the access currently serves and existing permitted use on the site (D1 – Non-residential institutions) which could be continued without requiring planning permission, it is considered that the scale of development as proposed would not result in a net highway gain and no significant increase in use of the access point on to the highway network”.

- 7.09 It is however recognised that the configuration of the access which is obtained past existing properties, is such, that in order to minimise the impact of development during construction works on the privacy/living conditions of occupiers of existing properties, that any permission is subject to the imposition of a condition requiring the submission/approval of a Construction Traffic Management Plan.

This will enable the hours of work and timing of deliveries and main construction traffic arrivals to be controlled in order to seek to address the concerns highlighted”.

7.10 Impact on Privacy/Living Conditions

Of particular importance in consideration of this application is ensuring that the privacy/living conditions of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development. Having regard to the development proposed no direct overlooking of existing properties is proposed and the privacy/living conditions of existing/proposed occupiers would be safeguarded having regard to Supplementary Planning Guidance Note 2 – Space About Dwellings. There is also sufficient outlook for each habitable room and adequate garden spaces to serve the scale of development.

7.11 Ecology

Progression of the application has been protracted pending the submission of a bat survey which has been undertaken in respect of both buildings to assess the impact of development on any species which may be present. The survey confirms that there is a lack of evidence of bats and limited potential for their presence a view supported by the Council Ecologist. In the event of evidence being found bird/bat boxes have been proposed which are welcomed as part of the development and can be controlled by the imposition of a planning condition.

8.00 **CONCLUSION**

In conclusion, it is my view that the proposed scale/form of development would be sympathetic to the character of the site and surroundings and help to safeguard the retention of the former Roman Catholic Chapel. Consultation on the application has been undertaken with the Highway Development Control Manager who raises no technical objection to the proposed development on highway grounds. It is however considered that due to the configuration of the private road to existing properties from which their individual access is derived, that controls over vehicular movements to serve the development during construction works and hours of operation are required from a safety and amenity perspective. I therefore recommend accordingly.

8.01 Other Considerations

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

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

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

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

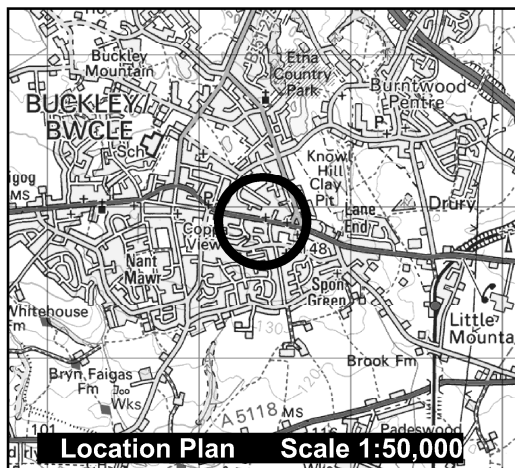
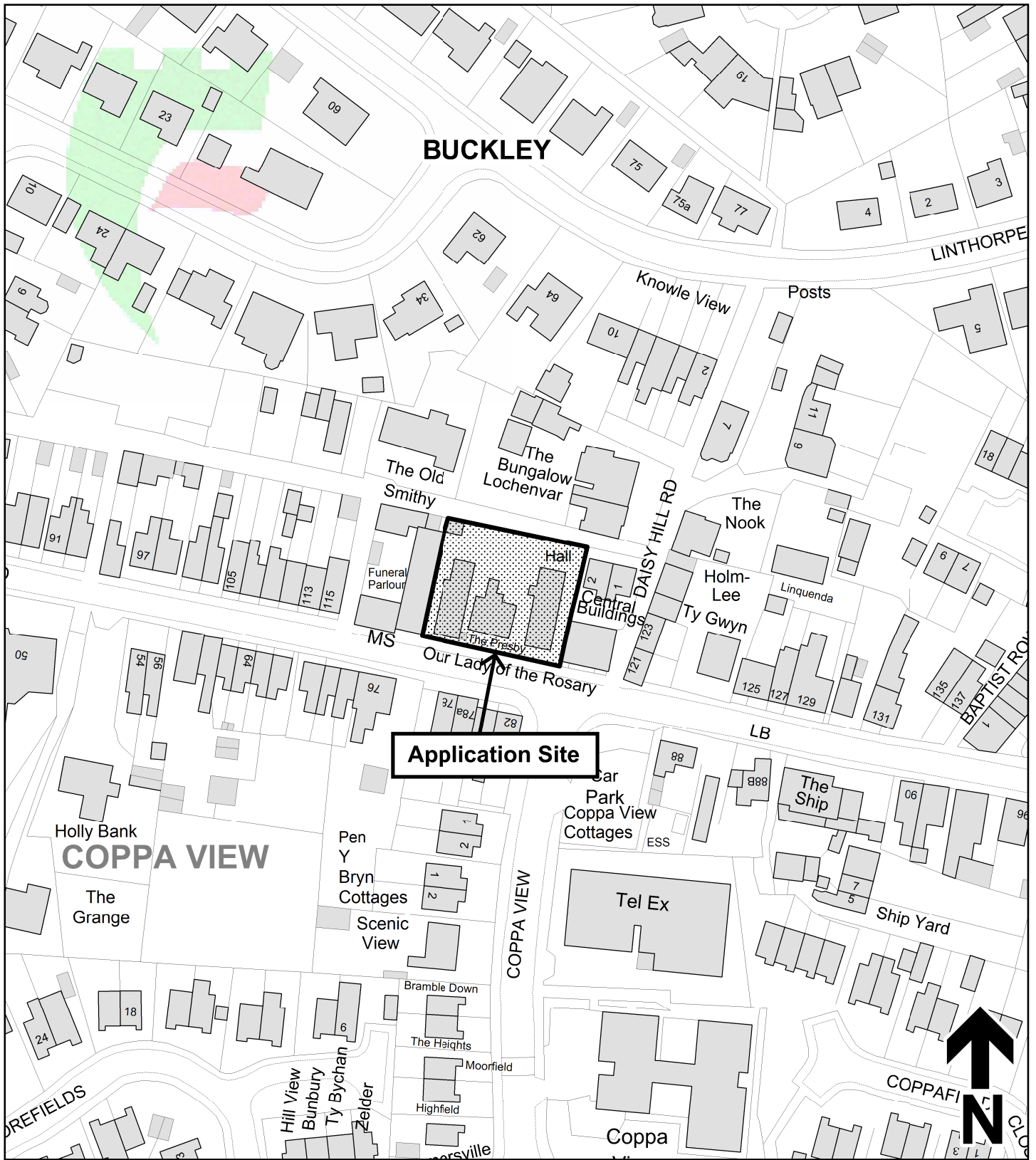
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.




LIST OF BACKGROUND DOCUMENTS

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

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 <p>Sir y Fflint Flintshire COUNTY COUNCIL</p>	<p>Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>						
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<p>Legend</p> <ul style="list-style-type: none">  Planning Application Site  Adopted Flintshire Unitary Development Plan Settlement Boundary 	<table border="1"> <tr> <td>Map Scale</td> <td>1:1250</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 2863</td> </tr> <tr> <td>Planning Application</td> <td>58516</td> </tr> </table>	Map Scale	1:1250	OS Map ref	SJ 2863	Planning Application	58516
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH DECEMBER 2018**

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

SUBJECT: **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE PLANNING PERMISSION REF: 057943 AT ACREFIELD, ERW FFYNNON, QUEEN STREET, TREUDDYN.**

APPLICATION NUMBER: **058881**

APPLICANT: **MR BRUCE THORTON**

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

APPLICATION VALID DATE: **22/8/2018**

LOCAL MEMBERS: **CLLR C. THOMAS**

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

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

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is for the approval of reserved matters for the erection of a single storey dwelling to the rear of Acrefield, Erw Ffynnon, Treuddyn. The main issues for consideration with this application are appearance, layout, landscaping and scale.

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

- 2.01
1. Timescale
 2. In accordance with plans
 3. Foul/surface water discharges to be drained separately

4. No surface water to connect into public sewerage system
5. No land drainage to discharge into public sewerage system
6. Parking and turning area to be provided
7. Replacement of hard and soft landscaping if damaged or destroyed within 5 years of implementation of development

3.00 CONSULTATIONS

3.01 Local Member: Cllr Carolyn Thomas

Raises the following concerns:

- Principle of development and its effect of the character of the area.
- Loss of habitat.
- Application is in contravention of a historic legal agreement. Requests that a condition is imposed requiring the removal of the agreement prior to commencement.
- Concerns regarding parking on Queen Street and requests that a condition is imposed restricting the occupants right to park on Queen Street.
- Concerns regarding damage to the shared access and requests that a condition is imposed requiring the applicant to be responsible for repairs.
- Concerns regarding both times of construction and construction traffic. Requests that a condition is imposed a requiring the application to be responsible for repairs.
- Concerns regarding the loss of existing boundary treatments due to the proximity of development.

Trueddyn Community Council

Raises the following concerns:

- All utility vehicles should be facilitated on site, not parking on Queen Street or reversing onto Queen Street.
- The ambiguity needs to be resolved to how this planning application has been handled.
- Planning should not take place because of the legal agreements put in place.
- Planning consent sets a precedent which can irreversibly change the character of the area.

Highways Development Management

No objection subject to conditions

Community and Business Protection

No Objection

Welsh Water/Dwr Cymru
No objection subject to conditions

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

4.02 Two responses raising the following points:

- Proposal appears to be larger scheme proposed at outline
- The size of the property would be disproportionate to the land it sits on in comparison with the other surrounding properties and out of character with the area.
- Concerns regarding ownership of access and the responsibilities in relation to repair and maintenance.
- Requests a condition regarding the removal of the section 52 agreement prior to development.
- Concerns regarding light pollution from external lighting
- Concerns regarding parking on Erw Ffynon in contravention of an existing covenant.
- Restrictions should be placed on the hours of construction and number of days per week.
- Noise should be kept to a minimum during construction
- Concern that large construction vehicles could damage the neighbouring properties.
- Concerns regarding existing boundary treatments.

5.00 SITE HISTORY

5.01 **4/9/12806** – Layout of roads and sewers and building plots – Consent 7th February 1984

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

057943 – Outline application for the erection of 1 No. detached dwelling – Approved 26/6/2018

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 AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG3 – Housing on Unallocated Sites Within Settlement

Boundaries
Policy HSG8 – Density of Development

Additional Guidance
Local Planning Guidance Note 2 – Space About Dwellings

7.00 PLANNING APPRAISAL

7.01 The Proposal

This application is for the approval of reserved matters for the erection of a single storey dwelling on land to the rear of Acrefield, Erw Ffynnon, Queen Street, Treuddyn. This site was previously part of the residential curtilage of Acrefield.

7.02 The Site

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

7.03 Site History

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

7.04 The applicant, should permission be granted, may have to make arrangements to have the agreement varied or discharged prior to commencement of development, but this is immaterial to the consideration of this application. This is because any application to discharge or modify a Section 52 Agreement can be made to the Lands Tribunal under section 84 of the Law of Property Act 1925. The Lands Tribunal is capable of discharging or modifying a Section 52 Agreement without the consent of any signatories to that agreement.

7.05 Main Issues

This is for the approval of reserved matters for the erection of a single storey dwelling to the rear of Acrefield, Erw Ffynnon, Treuddyn. The main issues for consideration with this application are impact on residential living conditions and visual impact. In addition objection have been raised in relation to habitat loss, drainage and the effect of construction on residential living conditions.

7.06 Design, scale, layout and appearance

The proposed dwelling is located towards the north-western boundary of the site with a floor area of approximately 200sqm which is similar to the indicative scheme proposed with the outline application. This is a similar spatial arrangement and scale to the dwelling to the south east of the site, Acrefield. The proposed single storey dwelling will measure approximately 2.5m to the eaves and 5m to the ridge.

7.07 The surrounding dwellings are a mixture of types and architectural styles, with both single storey and two storey dwellings, with a variety of materials used. The dwelling has been designed to be in keeping with the properties located off Erw Ffynnon which are predominantly single storey bungalows. In addition the proposed sure of white render and grey interlocking roof tiles is considered to be in keeping with the surrounding properties

7.08 Impact on existing and proposed living conditions

The proposed layout accords with private amenity spaces guidelines set out in Local Planning Guidance Note 2: Space Around Dwelling, providing a significant area of private amenity space to both the front and rear of the dwelling.

7.09 The proposed dwelling is located close the northern western boundary of the site next to an established hedge line. The property to the north west of the site, 'Kerryville' is in excess of the 22m separation distance guidelines within Local Planning Guidance Note 2: Space Around Dwelling. The existing boundary treatments ensure that there is no loss of privacy to the private garden spaces of these dwellings.

7.10 The property to the south east of the site, Acrefield, is approximately 13m from the proposed dwelling at its nearest point. This proposed elevation of the new dwelling closest to Acrefield consists of four windows, two of which fall short of the separation distance guidelines within Local Planning Guidance Note 2: Space Around Dwelling, being between 15m and 17m from existing dwelling. However, the boundary between the two single storey properties consists of a close boarded timber fence of approximately 2m in height, which is to be retained as part of the development. Given that there is no significant change in levels between the sites, it is considered that there will be no loss of privacy to either the habitable rooms or private amenity space of Acrefield.

7.11 Landscape

It is intended that the mature landscape boundaries are retained as part of the proposed development. Given that the proposed dwelling, garage and areas of hard standing are to be within close

proximity to the existing hard and soft boundary treatments, a condition has been imposed requiring the applicant to replace any boundary treatments which are damaged or die within 5 years of the implementation of the proposed development.

7.12 Access

Details matters in relation to access were considered within the outline application with Highways Development Control raising no objection to the proposed access. Objection have been received in relation to access for construction vehicles accessing the site leaving debris or damaging the road surface of both Queens Street and the private access to Erw Ffynnon. Given the proposed scale of development, it is considered that any impacts in relation to construction vehicles accessing the site will be short lived. Although it is acknowledged there will be some disturbance this is not anticipated to be of such a scale to attach any significant weight in the overall planning balance.

7.13 In addition concerns have been raised regarding the parking of construction and domestic vehicles on both Queens Street and Erw Ffynnon. It is considered that a condition requiring a traffic management plan for the proposed development would be unreasonable considering the scale of development. However highways development management have requested that a condition be included requiring an area for the parking and turning of vehicles be provided prior to occupation. The existing shared access known as Erw Ffynnon does not fall within the ownership or either the Council nor the Applicant and therefore its use cannot be conditions as part of any permission.

7.14 Ecology

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

7.15 Concerns have also been raised regarding the proximity of the proposed development to the existing boundary hedges and the potential for boundary treatments to be damaged by the development. The proposed driveway is located 85cm from the boundary and it is therefore considered that the proposal will have no effect on the existing boundary treatment.

7.16 Drainage

A number of concerns have been raised regarding surface and foul water discharge, however Welsh Water have confirmed that this can

be dealt with by a number of conditions and raises non objection to the proposal.

7.17 Other Matters

A number of conditions have been proposed by both the local member and third parties in relation to the shared access, construction traffic, and the section 52 agreement. These conditions have been considered and for the reasons outlined in the relevant sections above, is it considered that these conditions would be either unnecessary or unreasonable.

- 7.18 Further concerns have been raised in relation to light pollution created from external lighting and noise during construction. Any external lighting proposed is likely to be domestic in scale and have very limited impact. Similarly, it is acknowledged that with all development there is likely to be some disturbance, including some noise but this is not normally of the level and duration to cause harm. These matters do not attract significant weight in the overall planning balance.

8.00 CONCLUSION

It is considered that the proposed dwelling would be and compliant with both planning policy and supplementary guidance. The proposed design along with the existing boundary treatments ensure that the proposal will have no significant adverse impact on the residential amenity of the adjoining residents nor on the character of the area. As such the application is recommended for approval subject to the conditions outlined within paragraph 2.01 of this report.

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

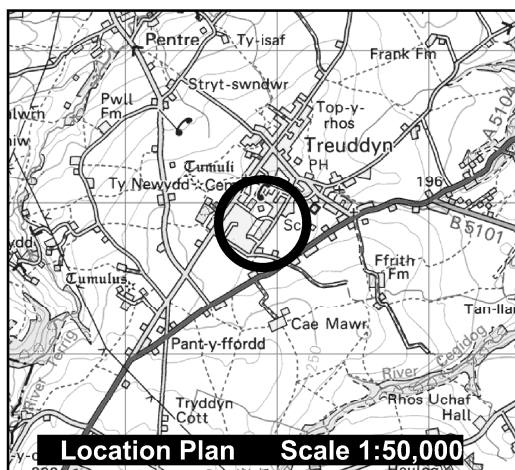
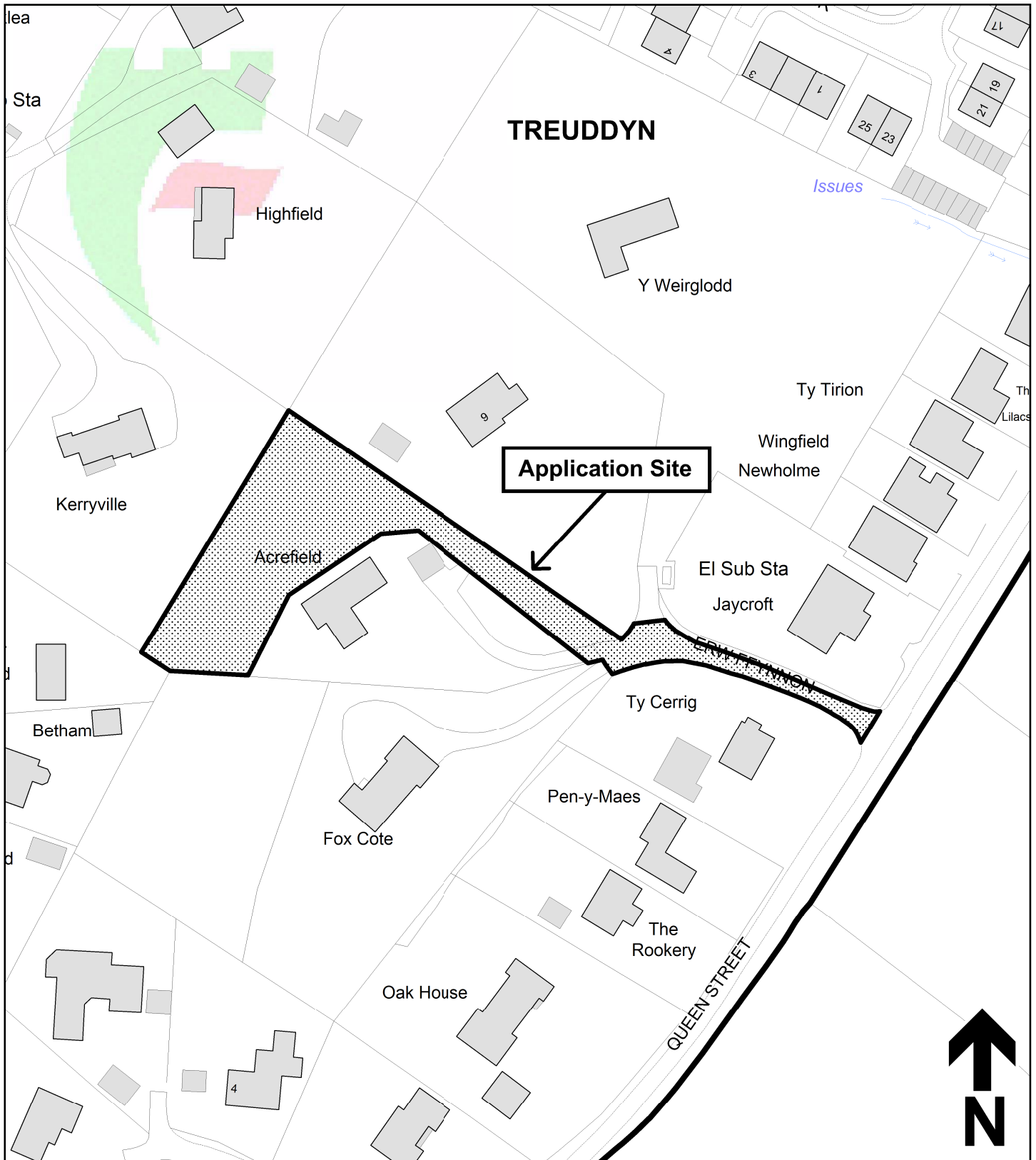
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation



Responses to Publicity

Contact Officer: Mr D J McVey
Telephone: 01352 703266
Email: Daniel.McVey@Flintshire.gov.uk



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

Legend

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

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Map Scale	1:1250
OS Map ref	SJ 2457
Planning Application	58881

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH DECEMBER 2018**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE FROM LAND TO TOURING CARAVAN/TENT SITE AT OLD TAVERN, LLANERCH-Y-MOR, HOLYWELL**

APPLICATION NUMBER: **058359**

APPLICANT: **MRS K RONEY**

SITE: **THE OLD TAVERN, LLANERCH-Y-MOR, HOLYWELL**

APPLICATION VALID DATE: **13TH APRIL 2018**

LOCAL MEMBERS: **CLLR P HEESOM**

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

REASON FOR COMMITTEE: **OVER SCHEME OF DELEGATION AND AT THE LOCAL MEMBERS REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application was deferred from the Planning Committee meeting on 7th November 2018 to seek further information with regarding to surface and waste water management. This information has now been received.

This application seeks planning permission for the change of use of land for the siting of 55 no. touring caravan pitches with services and additional landscaping on land to the rear of The Old Tavern, Llanerch-y-mor, Holywell. The main issues for consideration in this application are the principle of development at this location, the potential visual impact on the open countryside, impact on residential amenity and the listed building, flood risk, and access.

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

2.01 Conditions:

1. Time limit on commencement of development
2. In accordance with plans
3. Development to be restricted to holiday accommodation only and
4. Not for permanent residential occupation
5. No storage of caravans
6. Scheme of hard and soft landscaping to be agreed
7. Landscape management scheme to be submitted and agreed
8. Siting, layout and design of the means of access to be submitted and agreed
9. The proposed access shall have a visibility of 2.4m x 120 in both directions
10. Visibility splays shall remain free from obstructions
11. Facilities shall be provided for the parking and turning of vehicles
12. Positive means to prevent run off of surface water shall be submitted and agreed
13. Details of the play area / beer garden are to be submitted and approved
14. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
15. Details of the construction of hardstanding's shall be submitted and agreed.
16. A drainage scheme shall be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member – Cllr P Heesom

Request planning committee for the following reasons:

- The proposals accordance with policies safeguarding the proposed direct access and egress on to the main distributor route the A548 east and west, with designated emergency access provision in view of its proposed use.
- The proposals compliance with policies on the camping and occupying of contaminated land
- The proposed use in the immediate proximity of a graded listed building.

Mostyn Community Council

No objection to proposed development

Highways DC

No objection to the proposal subject to the conditions outlined above in section 2

Pollution Control

No objection to the proposal however requests an advisory note informing the application of the requirement to carry out fire risk assessments.

Dwr Cymru/Welsh Water

No objection subject to conditions

Natural Resources Wales

Given that the flood risks at the site are likely to be low, Natural Resources Wales have no flood risk objections to the development proposals.

CPAT

No objection to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, and Neighbour Notification

Two letters have been received which raises the following points:

- Proposal should include secure fencing and screening
- Proposal should be for touring caravans solely and not permeant pitches

One letter of support has been received stating any enterprise which enables this local landmark to be returned to the thriving business it once was, and a touring caravan park would seem an ideal way of drawing visiting families to the locality.

5.00 SITE HISTORY

5.01 057846 - Change of used of land to touring caravan/tent site.
Withdrawn

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR6 – Tourism
Policy GEN1 – General Development Considerations
Policy GEN3 – Development Outside Settlement Boundaries
Policy T6 – Touring Caravan sites

Policy T7 – Camping Sites
Policy AC13 – Access and Traffic Impact

6.02 Planning Policy Wales
Technical Advice Note 13: Tourism.

6.03 It is considered the proposal generally complies with the above planning policies.

7.00 PLANNING APPRAISAL

7.01 The Proposals

The applications seeks planning permission for a change of use to a touring caravan and camping facility with ancillary buildings/structures at The Old Tavern, Llanerch-y-mor, Holywell. The proposed development is further detailed as follows:

- The site extends to approx. 2.1 hectares
- Would accommodate up to 55 pitches with 50 of these on hard standing
- One service block would be provided for showering/toilet facilities together with disposal points
- The applicant has submitted a revised plan indicating a reduced area for the proposed pitches near to the listed building

7.02 The sites consists of the car park to the existing public house along with an area with 3no. static caravans. The remainder of the site has previously been used for a number of unlawful uses, however the site has not been cleared and therefore reverted to agricultural land.

7.03 Principle of Development

The application site is located in open countryside as defined in the adopted UDP where policies seek to strictly control new development. The site has no national or local landscape designation.

7.04 It is considered the main issue to be assessed in relation to the proposal is the principle of development in this location, impact upon the adjacent listed building and detailed matters relating to impacts on residential amenity, visual amenity, and effect on the local highway network.

7.05 Planning Policy Wales sets out objectives for tourism and these seek to encourage sustainable tourism development with additional detailed guidance on touring caravan proposals contained in TAN13 on Tourism. Policy STR6 of the adopted UDP provides the strategic context and allows for development which enhances tourism in the county, whilst Policy GEN3 sets out development which may be acceptable in such

locations and criterion g includes tourism.

Policy T6 of the FUDP contains further detailed advice in relation to touring caravan sites. This policy is permissive of new touring caravan sites but only where:

7.06

- The proposal would not have a significant adverse impact on the amenity of others
- The scale of the proposal is appropriate to the characteristics of the site and the locality
- The proposal would not have an adverse impact on features or areas of landscape, nature conservation or historic value
- The schemes incorporates substantial integral and structural landscaping
- It is close proximity to and can be easily accessible from the local highway network
- It is used for touring caravan purposes and any touring caravans are removed from the site for periods when not in use
- Any essential service buildings that are needed can be provided within existing buildings or appropriately sited and well-designed small new buildings.

Policy T7 of the FUDP permits tent camping sites provided that the proposal occupies an inconspicuous or well screened site or can be assimilated into the landscape; any essential service buildings can be appropriately provided and there would be no adverse impact upon landscape or nature conservation interests.

7.07

In principle the proposed development is considered to accord with national policy advice and the policies in the adopted UDP in regards to tourism development i.e. it is permissible development subject to the impacts detailed later in this report being assessed as acceptable.

7.08

Impact upon Listed Building

The application site lies behind and to the side of a Grade II listed building, Yr Hen Dafarn which is located to the south of the A548 coast road in a semi-rural location. The building was listed in 1962 and is an early building dating from the late 16th or early 17th century. Whilst the proposal does not involve alterations to the listed building itself, it does impact on its setting, wrapping around two sides of the curtilage to the listed building and on the setting of the listed building in a wider landscape context.

7.09

The existing static caravans are proposed to be moved further away from the listed building, the number of plots on the northern part of the site (to the west of the listed building) has been reduced and a play area / green space is proposed adjacent to the beer garden in this location instead. These alterations are a significant improvement on the initial scheme and reduce the impact on the setting of the listed building, although from a distance there will still be an impact and therefore the

7.10

landscaping scheme will be an important element.

- 7.11 In summary the Conservation Officer is of the opinion that, although the scheme will have an impact on the setting of the listed building in the wider landscape, this can be acceptably mitigated by an appropriate landscaping scheme and the relocation of the existing static caravans further away from the listed building. This along with the amendment of the proposal to remove 5 pitches is considered to reduce the impact on the listed building sufficiently.

Scale

- 7.12 The scale of the proposal, together with the number, siting, layout of units and circulation roads are appropriate to the characteristics of the site and locality. It is considered that with careful management of the existing landscape and topography along with the agreement of a suitable scheme of supplementary planting, that the scale of the proposals are acceptable and will not have a detrimental impact on the characteristics of the locality.

Landscape Impact

- 7.13 Although the site is located within the open countryside, it is not governed by any landscape or green barrier designation. The application site is located on a slighting sloping site which raises to the rear of the site. The site benefits from established screening by way of mature vegetation along with the public house. The development site is not visible from the majority of the main highway networks other than the existing access. The proposed utility block is reasonably modest in scale and appropriate for the site and its setting due to the existing manmade and natural screening. I am therefore satisfied that subject to a suitable condition requiring a landscape and management plan for the site, the proposals can be successfully assimilated into the landscape without causing a detrimental visual impact on the locality.

Highways Safety

- 7.14 Highways Development Management are satisfied that subject to appropriately worded conditions, outlined in section 2 above, the development would not be detrimental to highway safety.

Flood Risk

- 7.15 The Old Tavern building and entrance to the proposed development is partially located within C1 and located within tidal flood extents of Flood Zone 2. The proposed caravan / tent pitches are to be sited on land elevated above the tidal flood plain and so tidal flood risks to the development, over its development lifetime, are likely to be low.

- 7.16 There is an un-named watercourse running along the western edge of the application. The limited Flood Consequences Assessment submitted in support of the application considers that the flood risks to the development from this source is considered low. The updated

surface water flood map, which could be used to interpret potential fluvial flood outlines from the ordinary watercourse, indicates that potential flood waters are likely to be routed in a north westerly direction away from the development site.

- 7.17 Given that the flood risks at the site are likely to be low, Natural Resources Wales have no flood risk objections to the development proposals.

Drainage

- 7.18 A scheme has been submitted indicating that surface water drainage will be dealt with via two soakaways with further drainage achieved by the use of semi-permeable bases for the caravans. Detailed specification of the proposed means of surface water drainage along with the construction of the bases will be required prior to commencement by condition. The disposal of both foul and waste water will be dealt with via connecting to the existing public sewerage network.

Land Contamination

- 7.19 The site has previously been used for a number of unlawful uses relating to the storage of scrap material. Since a change in ownership of the site, all scrap material has been removed and the unlawful use has ceased. As part of the application, Pollution Control have been consulted who have raised no objection to the proposed development.

8.00 CONCLUSION

- 8.01 The proposals overall creates a development of high quality tourism accommodation. A sympathetic scheme of additional landscaping will serve to ensure the proposed development is well integrated into the wider landscape and mitigate any impacts upon the adjacent listed building. The scheme serves to meet the increasing expectations which visitors have of the North Wales Tourism industry and in this part of the County, this sector is a significant employer. Accordingly, I consider that subject to the conditions set out in Section 2 of this report Planning Permission should be granted.

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

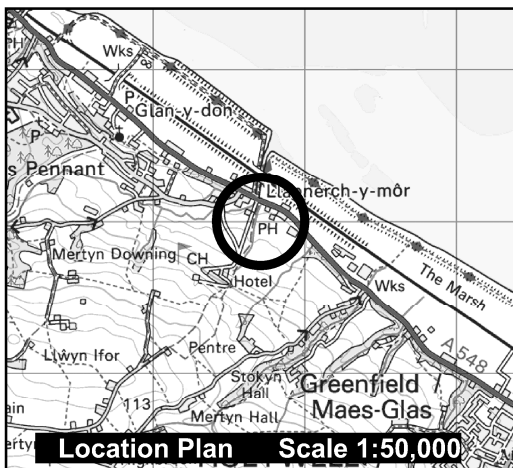
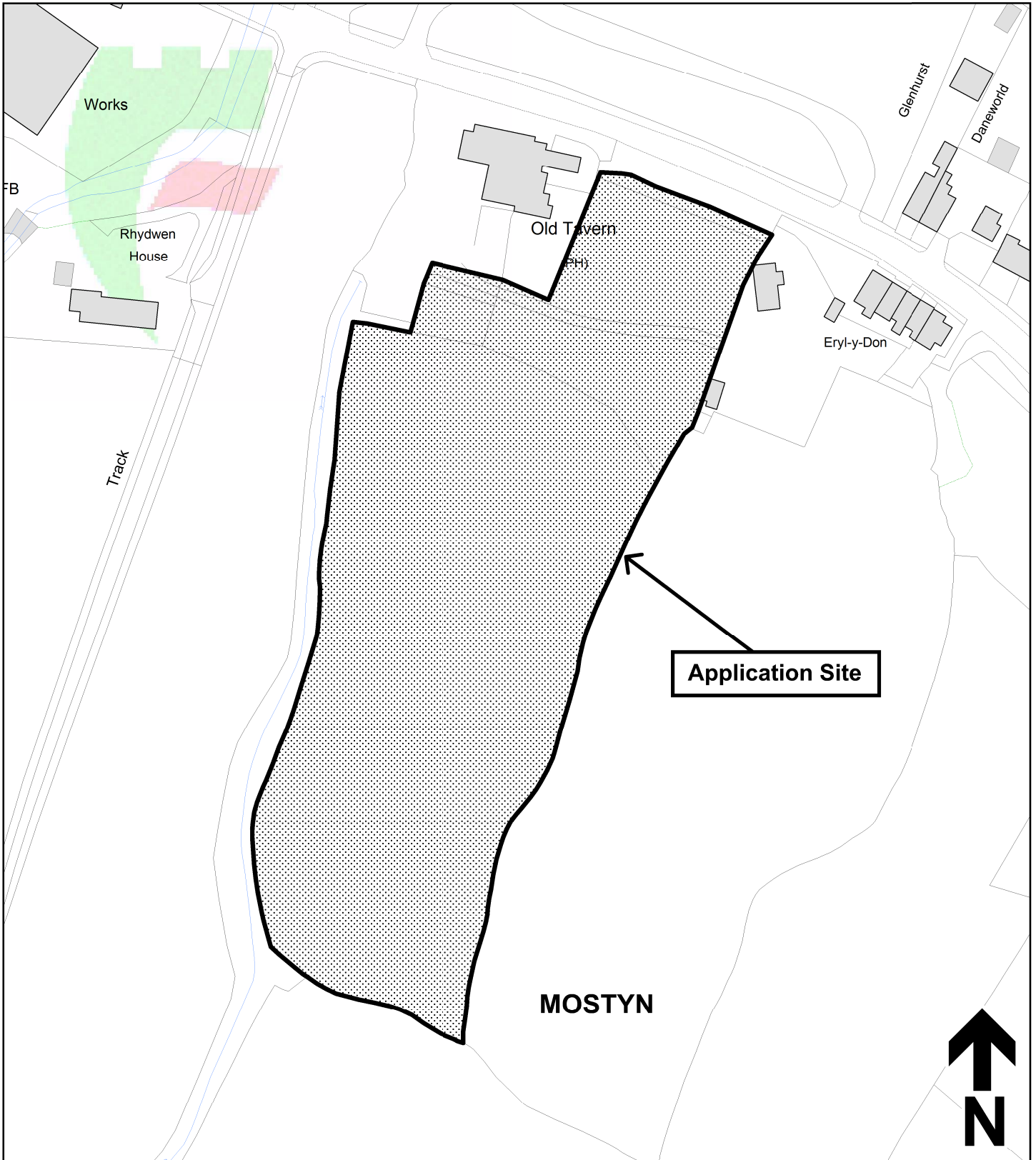
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity



Contact Officer: Mr. D. McVey
Telephone: (01352) 703266
Email: Daniel.McVey@Flinshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

Legend

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

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Map Scale 1:1500

OS Map ref SJ 1779

Planning Application **58359**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5 DECEMBER 2018**

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

SUBJECT: **VARIATION OF CONDITION NO. 3 ATTACHED TO PLANNING PERMISSION REF: 045739 TO EXTEND THE LIFE OF THE PLANNING PERMISSION FROM 2020 TO 2030**

APPLICATION NUMBER: **058984**

APPLICANT: **TARMAC TRADING LIMITED**

SITE: **HENDRE QUARRY, DENBIGH ROAD, HENDRE**

APPLICATION VALID DATE: **28 AUGUST 2018**

LOCAL MEMBERS: **COUNCILLOR COLIN LEGG**
COUNCILLOR OWEN THOMAS

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

REASON FOR COMMITTEE: **DEED OF VARIATION TO EXISTING SECTION 106 AGREEMENT IS REQUIRED**

SITE VISIT: **NONE REQUESTED**

1.00 SUMMARY

1.01 Tarmac Trading Limited have applied under Section 73 of the Town and Country Planning Act 1990 to vary Condition No. 3 of planning permission 045739 at Hendre Quarry to effectively extend the life of the quarry from 31 December 2020 to 31 December 2030, with a consequential extended end date for the completion of restoration to 31 December 2032.

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

2.01 The applicant to enter into a supplemental Section 106 Agreement to

attach the current agreement entered into under Section 106 of the Town & Country Planning Act 1990 (as amended), which provides for a higher blast limit compared to the conditional requirement (condition 9) at a residential property owned and leased by the applicant, to the permission arising from this application.

- 2.02 Conditions including:
1. Approved plans
 2. Duration of the permission to 31 December 2030
 3. Time limit for completing the restoration 31 December 2032
 4. Hours of working
 5. Hours of working (asphalt plant)
 6. Control of dust
 7. Dust mitigation
 8. Control of blast vibration
 9. Blast limit
 10. Blast monitoring
 11. Control of Noise during operational hours
 12. Control of Noise for maintenance outside working hours
 13. Control of noise for maintenance during weekend/public holiday daytime hours
 14. Control of noise for temporary operations
 15. Noise monitoring and reporting
 16. Noise monitoring for asphalt plant (Sunday/Bank holidays)
 17. Vehicle cleaning
 18. Withdrawal of permitted development rights
 19. Colour of fixed plant
 20. Lighting on plant
 21. Pollution control and Ground water
 22. Drainage and surface water control
 23. Soil stripping and storage
 24. Storage of top soil
 25. Storage of subsoil and overburden
 26. Management of Perimeter Woodland
 27. Maintenance of Perimeter Woodland
 28. Grassland monitoring
 29. Progressive Restoration of final quarry benches
 30. Recording and monitoring of restoration on final quarry benches
 31. Detailed scheme for progressive restoration
 32. Early Cessation
 33. Removal of fixed plant and machinery
 34. Fiver year Aftercare scheme
 35. Annual aftercare reporting
 36. Implementation of aftercare
- 2.03 If the supplemental Section 106 is not completed within six months of the date of the Committee Resolution, the Chief Officer (Planning, Environment and Economy) be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

Local Members

- 3.01 Councillor Colin Legg agreed to the determination of the application under delegated powers.
- 3.02 Councillor Owen Thomas - at the time of writing the report, no comments have been received.

Community Councils

- 3.03 *Halykn Community Council* – Providing that the application complies with planning policy, then no objections are raised. However, concern was raised in relation to the ‘heavy quarry blasting’ aspect which does cause disturbance to residents in the surrounding properties. The Community Council requests that these concerns could be taken into consideration when considering the application.
- 3.04 *Cilcain Community Council* – has no objection in principle to the application. However, the Community Council maintains that any planning permission should include planning conditions to alleviate the following highway concerns:
- (a) Quarry wagons exiting the Quarry at the A541 junction, and turning left towards Mold are forced to cross over the A541 centre line. Therefore, consideration should be given to the realignment of the quarry exit junction to improve the exit radius. Realignment of the junction may require widening of the side road, involving extending the highway culvert at this location. The exit road is not wide enough at present to accommodate a wagon exiting the side road at the same time as a wagon from Mold doing a right turn manoeuvre into the side road.
- (b) Loaded wagons leaving the quarry and turning left towards Mold deposit a white limestone laden water on the carriageway. The Council appreciates that the Quarry owner does arrange for a daily mechanical sweeper to clean the carriageway from the quarry exit as far as the entrance to the Antelope industrial estate. However, consideration should be given for the daily sweeping operation to be extended to cover the carriageway and footway as far as the Rhosesmor junction. In wet weather conditions the surface of the footway is extremely slippery. The grey coloured roadside verge between the quarry exit and Rhydymwyn and this slippery footway are considered to be a blight on the village.
- 3.05 *Head of Assets and Transportation* – does not object to the application. Operation of the quarry was considered by a ROMP review in 2011, this resulted in the implication of a significant number of planning conditions. There would appear to be no changes or proposed changes to the operation of the quarry since this review and no operational concerns have been raised; as such I raise no objection to the application.

I am aware of concerns raised by the Community Council. The quarry has no direct access onto the A541 but accesses via the unclassified County road linking between the A541 and the B5123. Land within the vicinity of the A541 junction is not within the control of the applicant or of the highway authority and delivery of any improvement would not be practical even if justifiable.

- 3.06 *Head of Public Protection* – has no adverse comments to make
- 3.07 *Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW)* – does not object to the proposal as is not likely to adversely affect biodiversity or protected species. The application confirms that the extension of time would not have new significant adverse effects on the environment. Provided that the remaining conditions on the current permission are adhered to, NRW have no objections to the extension of time of the operations.
- 3.08 *Dŵr Cymru/Welsh Water* – have no objection to the planning application but have requested that any drainage conditions attached to the original planning permission be included in the new consent should planning permission be granted.
- 3.09 *Clwyd-Powys Archaeological Trust* – the variation of condition would have no implications for archaeology at this location.

4.00 PUBLICITY

- 4.01 This application was advertised on 26 September 2018 by way of site notice and neighbour notification letters were dispatched to neighbouring residential properties. The application was re-advertised in the same regard on 9 October 2018 as there was a typographical error on the original notice and letters.
- 4.02 Two letters of representation have been received which raise concerns in relation to the effects of blasting at the quarry and the impact on residential properties and the amenity of these neighbouring residents.

5.00 SITE HISTORY

- 5.01 Mineral extraction at Hendre Quarry has taken place since the start of the 20th century, formalised by an initial planning permission granted in 1948. Between 1948 and 1969 a series of planning permissions were granted for extensions to the original quarry. A 'consolidation application' was submitted in 1992 (ref 3/768/92) and subsequently permitted in 1993 which was designed to provide a comprehensive working scheme for the overall quarry covering the areas permitted by the earlier permissions.

- 5.02 Condition 1 of the 1993 permission imposed a requirement that mineral extraction should cease on or before 31st December 2020, based upon assumptions at the time regarding reserves and future rates of output.
- 5.03 An initial 15 year review of the 1993 'consolidation permission' at Hendre Quarry was duly submitted in November 2008. Flintshire County Council determined the application on 22 December 2011 with the issuing of an updated schedule of 37 planning conditions.
- 5.04 The updated schedule of conditions imposed the same end date for quarrying operations as set out on the original 1993 permission by imposing Condition 3 which states: *"Mineral extraction shall cease at the Site on or before 31 December 2020. Restoration of the Site, in accordance with the details set out in the Application and as may be approved under Condition No 32, shall be completed by 31 December 2022 or within 2 years of the date of the final cessation of mineral extraction at the Site, whichever is the earlier. The dates of final cessation of mineral extraction and the completion of restoration shall be notified in writing to the MPA within one week of the said dates."*

6.00 PLANNING POLICIES

6.01 LOCAL PLANNING POLICY

Flintshire Unitary Development Plan (Adopted September 2011)

STR2 – Transport and Communities

STR7 – Natural Environment

STR10 – Resources

GEN1 – General Requirements for Development

GEN3 – Development in the Open Countryside

D3 – Landscaping

D4 – Lighting

TWH1 – Trees and Woodland

TWH3 – Woodland Planting and Management

WB1 – Species Protection

WB5 – Undesignated Wildlife Habitats

AC13 – Access and Traffic Impact

MIN1 – Guiding Mineral Development

MIN2 – Minerals Development

MIN3 – Controlling Minerals Operations

MIN4 – Restoration and Aftercare

EWP12 – Pollution

EWP13 – Nuisance

6.02 GOVERNMENT POLICY/GUIDANCE

Planning Policy and Guidance

Planning Policy Wales Edition 9 (including Minerals Planning Policy)

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 11 – Noise

Technical Advice Note 18 – Transport

- 6.03 Minerals Planning Policy and Guidance
Minerals Technical Advice Note 1: Aggregates (2004)
Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings (1993)
Minerals Planning Guidance Note 14: Review of mineral planning Permissions (1995)
Regional Technical Statement for North Wales 1st Review (2014)

7.00 PLANNING APPRAISAL

Introduction

- 7.01 The details of the proposed development will be outlined below, along with a description of the site and location, site constraints and the issues that will be assessed within the main planning appraisal.

Details of the proposed development

- 7.02 Tarmac Trading Limited have applied under Section 73 of the Town and Country Planning Act 1990 to vary Condition No. 3 of planning permission 045739 at Hendre Quarry to effectively extend the life of the quarry from 31 December 2020 to a revised date of 31 December 2030, with a consequential extended end date for the completion of restoration to 31 December 2032.

Site Description and Location

- 7.03 Hendre Quarry is an established limestone quarry situated 5 km north west of Mold and north of the A541 Mold to Denbigh Road, which follows the wooded valley of the Afon Alun (River Alyn). The village of Hendre is located on either side of the A541 approximately 100 metres to the south west of the quarry, Rhydymwyn village also located on the A541 is to the south east of the quarry at a distance of 1.5 km. The village of Rhosesmor is located 2 km to the east of the quarry. The Quarry sits in the foothills of the Halkyn Mountain range which lies to the north.

- 7.04 The Quarry lies on the flanks of a deep valley in the “Hendre Gorge” and works into the hillside in a rural setting, with the small settlement of Hendre located to the south west, and isolated properties, a caravan park and farms surround the site. The site is visible from viewpoints to the south and south west of the quarry, including the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

- 7.05 A minor, unclassified road runs around the southern, western and northern perimeter of the Quarry. Screening mounds, with well-established trees, are located between this road and the operational Quarry area. The surrounding land use is predominantly pastoral, with cattle and sheep grazing in fields bounded by hedgerows and fences. On higher ground to the north, these fields give way to open

moorland grazed by sheep. There are substantial areas of woodland in valleys to the south, west and east.

Relevant Planning Constraints/Considerations

- 7.06 The Quarry is located within the open countryside, outside a settlement boundary and within a mineral safeguarding area as identified in the adopted Flintshire Unitary Development Plan.
- 7.07 The existing quarry does not lie adjacent to the nearby Halkyn Common and Holywell Grasslands Site of Special Scientific Interest (SSSI), Halkyn Mountain Special Area of Conservation (SAC). It is not within the Alyn Valley & Ash Woodlands SSSI and SAC. The site is not within, but is visible from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

Issues

Principle of Development and suitability of location

- 7.08 The principle of extracting limestone in this site, and in this location has been deemed acceptable by the historical mineral working at the site which planning permission was first granted in 1948. Subsequent planning permissions were granted which provides evidence that mineral extraction at this site represents an appropriate and established land use for this site. Furthermore, mineral extraction can only take place where the mineral is found to occur. The quarry site is also located close to strategic and regional road networks.

Need for aggregate

- 7.09 Minerals Technical Advice Note 1: Aggregates states that it is essential to the economic and social well-being of the country that the construction industry is provided with an adequate supply of the materials it needs, but not to the unacceptable detriment of the environment or amenity. Due to its location, it is considered that Hendre Quarry has a key strategic role in limestone product supply. The proposal does not seek any additional reserves, it seeks approval to extend the life of the consent so that those permitted reserves can be extracted. The permitted reserves at the site contribute to the site's landbank and the regional apportionment figure in which the calculations within the Regional Technical Statement are based for the region's managed aggregate system.

Need to vary Condition No.3 and to extend the time

- 7.10 The 1993 consolidation permission ref 3/768/92 imposed a requirement that mineral extraction should cease by 31 December 2020, based upon assumptions at the time regarding reserves and future rates of output.
- 7.11 The review of the 1993 permission granted in 2011 (reference 045739) imposed the same end date for quarrying operations as set

out on the original 1993 permission.

- 7.12 In the intervening years from 1993, when the original end date was set, there have been fluctuations in output from the quarry. The quarry was acquired by Tarmac in 1999 and production at Hendre Quarry ceased for some 3 years in the early 2000's whilst production was concentrated at the nearby Pant Quarry, Halkyn which is also operated by Tarmac. Production re-commenced in 2005 with a gradual increase in production before being closed again during 2009 due to the recession. Production then resumed from 2011, with the mothballing of Pant Quarry following geotechnical difficulties at Pant Quarry in late 2010, from which time Hendre Quarry has become Tarmac's major limestone producing unit in the area. However, this coincided with the 2008 and onwards recession, where output remained suppressed. Output levels have now recovered to an average of 700,000 tonnes per annum, but, as a result of the above, there remain permitted reserves of some 13 million tonnes yet to be extracted. Based on the existing production rate, and the remaining permitted reserves, taking into account some of the lower grade 'top rock' which can be used as restoration material, there is considered to be sufficient reserves to sustain quarrying operations for approximately 12 years.
- 7.13 In order to avoid the sterilisation of these currently permitted reserves, the applicant seeks to extend the life via this planning application 31 December 2020, to a new end date of 31 December 2030 (with a consequential new end date for completion of restoration to 31 December 2032).
- 7.14 Based on current output rates, the permitted reserves will not be fully worked out by the current end date and the application seeks and additional 10 years to extract the remaining permitted reserves.
- 7.15 The extension of time will therefore allow the permitted reserves to be exploited and contribute to the apportionment figure calculated for the region within the Regional Technical Statement. Should planning permission not be granted, reserves would have to be identified, allocated and released elsewhere in the Region.

Highways, Traffic, Transportation and Access

- 7.16 The Head of Assets and Transportation does not object to the application. There would appear to be no changes or proposed changes to the operation of the quarry since the 2011 review of the mineral permission, and no operational concerns have been raised.
- 7.17 Cilcain Community Council suggested that any planning permission should include conditions to alleviate their highways concerns. The comments regarding the junction of the unclassified road (which leads to the Quarry access road) with the A541 are noted. Notwithstanding the limitations referred to by the Community

Council within their response to this application, the junction has performed acceptably for many years. The junction with the A541 does not fall within land in the control of Tarmac. There is no land in Tarmac's control which could facilitate any highway or junction improvements. Given the fact that the junction is currently performing adequately, and in the context of historic activity at the junction, it would be unreasonable to require the Applicant to undertake junction improvements. Furthermore, it is considered that junction improvements are not considered to be necessary.

- 7.18 Output of the quarry has declined in recent years compared to the output in the 1990's. Furthermore, larger pay loads of vehicles have the effect of decreasing the vehicle movements associated with the quarry considerably.
- 7.19 Cilcain Community Council also requested planning conditions be imposed in relation to road sweeping along A541. Condition 17 of the extant planning permission reference 045739 requires vehicle cleansing on exiting the site, and sheeting of vehicles to ensure that no vehicle shall enter the public highway in a condition which is liable to cause deposits of mud, debris or deleterious materials on the public highway. Should planning permission be granted, this condition would be imposed.
- 7.20 Tarmac undertake, on a voluntary basis, measures to clean the public highway along the A451 to Rhydymwyn, generally as far as the entrance to the Antelope Industrial Estate located approximately 1 km from the access road. This distance is deemed to be sufficient to address any problems associated with detritus from quarry vehicles being deposited on the highway (noting also the internal site measures associated with the use of wheel cleaning equipment and the surfacing of the lengthy internal quarry roads). Continuing the road cleaning as far as the Rhosesmor junction (1.5km from the quarry access road) has not proven to be necessary on a regular basis, but the road is swept by Tarmac to that point on a weekly basis. In the unlikely event that any particular/extreme issues require more regular cleaning, then Tarmac would agree to in continuing the road sweeping to that position on a more regular basis than once per week. This could be discussed and agreed through the Quarry Liaison Committee. However, as noted above, for normal circumstances this is not deemed to be necessary. It is recognised that in the Autumn months there is additional detritus on the highway from leaf litter, particularly on the stretch of highway from the Industrial Estate to the Rhosesmor junction, but this is unrelated to the quarry. It is also understood that the Council's Streetscene department periodically sweeps the footway which commences in Rhydymwyn village given that the sweeper used by Tarmac is not suitable for sweeping the footway.

Nature Conservation, biodiversity and protected species

- 7.21 The application includes an updated habitat and protected species survey to establish if there have been any changes since 2008 when the Environmental Statement had been prepared for the ROMP review application.
- 7.22 The documentation submitted with the application confirms that the variation of the condition would not have new significant adverse effects on the environment. The existing effects are known and mitigated by a set of modern conditions applied to the existing consent. Having reviewed the Ecological Report, it is considered unlikely that the extension of time would have any impact on protected species. Provided that the conditions on the current permission are adhered to, NRW has no objection to the extension of time of the operations.
- 7.23 The County's Ecologist does not object to the extension of time. The Ecological Report is considered acceptable, but it does highlight the natural succession occurring within the grassland habitats around the quarry boundary. The Hendre Quarry Biodiversity Action Plan had Habitat targets to maintain grassland character by selective cutting where safe to do so. Condition 29 of the existing consent requires regular grassland monitoring but this, to date has been limited. The retention and effective management of the grassland would have additional benefits as a seed source and potential use of green hay which can be used on site for the required progressive restoration. The existing condition regarding grassland monitoring should be amended slightly to ensure more robust monitoring takes place. It is considered that a ten year delay in the completion of the approved restoration scheme would not result in any additional ecological effects. However, in order to ensure the retention of a succession of calcareous grassland habitats for as long as possible, the existing condition relating to pre-restoration grassland monitoring should be revised to help inform future restoration, aftercare and management measures.

Residential Amenity; Blasting

- 7.24 Halkyn Community Council have requested that concerns in relation to the 'heavy quarry blasting' reported to cause disturbance to local residents, be taken into consideration when considering the application. The one letter of objection received against the extension of time raised concerns in relation to the damage and stress on their property, which they feel is as a result of blasting at the quarry.
- 7.25 Since 2012, (when the Mineral Planning Authority started recording complaints electronically) the Mineral Planning Authority have only received complaints from three residents, amounting to only 6no. complaints in relation to blasting. As a result, there has been little cause to undertake our own monitoring. However, every blast is monitored by the blasting company on behalf of Tarmac. This data

has been provided to support the planning application.

- 7.26 The data confirms that in all instances, the recorded ground vibration at neighbouring Fron Farm located to the west of the quarry was below the conditional limit of 6mm/s peak particle velocity (ppv) at a 95 % confidence limit, and below the higher limit of 20mm/s ppv at a 95% confidence limit at nearby Gwrachen Farm which is permitted by a Section 106 Legal Agreement associated with the extant consent.
- 7.27 National Planning Policy for aggregates is set out in MTAN 1 and recommends a blast limit of 6mm/s ppv. Should planning permission be granted, this limit of 6mm/s ppv would continue to be imposed. Therefore, the current conditional limit of 6mm/s ppv proposed is in line with recommendations set at a national level.
- 7.28 The extant consent is subject to a Section 106 Legal Agreement which imposes a higher blast limit of 20mm/s ppv for the Gwrachen Farm, a property situated to the north of the quarry which is owned by the applicant. Should it be resolved to grant planning permission this must be subject to supplementary Section 106 Agreement to attach the agreement currently in place to the permission arising from this application.
- 7.29 The blast monitoring data provided by the applicant demonstrates that the quarry is operating in accordance with the blast limits set and imposed by the existing planning permission which would be transposed to any new development consent, should planning permission be granted. Any future complaints which may have been received by the Mineral Planning Authority, the Quarry or the Quarry Liaison Committee which meets twice a year would be investigated at the time they are received and action taken accordingly.
- 7.30 The effect of blasting at the quarry felt by local residents is from the blast causing ground vibration and what is known as air overpressure. Whilst all blasting operations undertaken by the quarry would be designed to minimise air overpressure, so far as is reasonably practicable, there are a number of factors outside of the control of the quarry which mean that predicting air overpressure levels are very difficult. As air overpressure is transmitted through the atmosphere, weather conditions such as wind speed and direction, cloud cover and humidity will all affect the intensity of the impact. Due to this unpredictability, planning conditions to control air overpressure are not considered to be enforceable. However, the results from monitoring undertaken by the quarry demonstrates that air overpressure at sensitive receptors (excluding the Gwrachen Farm) has been an average of 113 dB and over the past 6 months up to 119 dB, indicating that air overpressure from blasting at the quarry is unlikely to cause complaint in accordance with the suggested 120 dB outlined in British Standard 6472 "Guide to evaluation of human exposure to vibration in buildings". Air

overpressure can cause physical damage to properties at high level, this is typically at levels between 140 dB and 150 dB which is well above what is experienced at properties as a result of blasting at Hendre Quarry.

- 7.31 MTAN1 draws upon advice set out in British Standard 7385 Part 2, 1993 Evaluation and Measurement for Vibration in Buildings entitled "Guide to Damage Levels from Ground Borne Vibration in Buildings". The guidance sets out vibration limits to preclude the onset of damage to the types of structures encountered around quarries, including residential properties. It recognises that there is a major difference between the relatively low levels of vibration that are perceptible to people, and the far greater levels at which the onset of damage is possible. The guidance sets out the lowest vibration levels above which damage has been credibly demonstrated. Cosmetic damage, or hairline cracks in plaster or mortar joints, should not occur at vibration levels lower than 20mm/s ppv at a frequency of 15Hz and lower than 50mm/s ppv at 40Hz and above. This is significantly higher compared to the 6mm/s ppv limit which is set at Hendre Quarry. From the past six months monitoring data provided by the Quarry, the highest reading was measured at 3.55 mm/s ppv.
- 7.32 Further research has been undertaken by the United States Bureau of Mines which concluded that no damage to buildings has occurred in any of the published data at vibration levels less than 12.7mm/s ppv; again significantly higher than the levels set at Hendre Quarry, and that experienced from the blasting measurements provided.
- 7.33 To put the blasting data into perspective with by comparing this with everyday events which produce vibration; measurements taken at 1m from someone walking on a wooden floor gives a max ppv of 2.3mm/s ppv, a door slamming measured at 1m away on wooden floors gives a ppv of 5.3mm/s ppv and a foot stamp on a wooden floor measured at 1m away gives a ppv of 52.7mm/s and when measured at 6m away it diminishes to 5.6mm/s ppv.
- 7.34 The quarry company continually seeks to minimise blast vibration and air overpressure through blast design, and there is no evidence to prove that a continued ppv levels of 6mm/s can cause damage to properties. In the interests of local amenity, the quarry company try to blast at 12.45 pm on a given day (Monday to Friday), but precise timing can be delayed by operational issues and weather conditions.
- 7.35 The Quarry company could improve communication with regards to blasting through their Quarry Liaison Committee as has been effective at other quarries in the region.
- Residential Amenity; Noise and dust/air quality***
- 7.36 There have been no complaints received by the Mineral Planning

Authority or the Quarry in regard to noise levels arising from operations within the site. The time extension would not materially affect the way in which the quarry operates. The extant permission contains noise conditions which impose noise limits which would be imposed should planning permission be granted.

7.37 There have been no complaints received by the Mineral Planning Authority in regard to dust generated by any of the operations at the quarry. The company carries out all of the dust emission mitigation measures as specified by the conditions of the extant consent. This includes the use of a dust suppression bowser that is employed if there is a need to control dust such as in dry weather conditions, the use of a road sweeper that sweeps the quarry access roads and the adjacent public highway as required such as during dry weather periods. The road sweeper follows the route of the HGVs through the village of Rhydymwyn to clean the highway. Due to the increased output at the quarry, the road sweeper is in operation every day. Speed limits are also enforced on site. The drilling rigs are fitted with dust collecting equipment. There is a sheeting bay located on the quarry access road that allows all loaded haulage vehicles to sheet the load before leaving the Site. All HGVs leaving the quarry travel through the wheel wash that is located on the quarry access road.

7.38 The proposed extension of time would not materially affect the noise and dust output of the quarry operations as they would remain the same. Should planning permission be granted, the noise limits and dust control conditions would be transposed on any new permission.

Landscape and visual impact

7.39 In relation to landscape and visual impact, the extension of time would not materially affect the impact of the quarrying activities beyond that which has already been assessed and deemed acceptable by mitigation. There would be no physical changes or extension of area. Therefore, no further assessment of the landscape or visual impact of the quarry was required. This mitigation would be imposed by condition as per existing consent regarding grassland and woodland management, progressive restoration, aftercare and management.

7.40 The extension of time would not materially affect the approved quarry development and details of the restoration scheme. It would just delay the restoration of the site. All restoration and aftercare conditions remain relevant and up to date and would be unchanged, should planning permission be granted.

Archaeology

7.41 The extant consent contains a condition requiring the submission of a watching brief. The approved written schemes of investigation were implemented and approved. As the quarry has developed over the years, there are now no undisturbed areas within the

quarry site. Therefore this condition is no longer required and would not be included in any new development consent.

Environmental Assessment

- 7.42 The application was screened negatively on 1 June 2018 in accordance with the provisions of the Town and Country Planning (Environmental Impacts Assessment) (Wales) Regulations 2017.
- 7.43 The Screening Opinion was based on the proposed change which would comprise an extension of time of operations. The screening opinion concluded that the change associated with the extended duration proposed, would not in itself give rise to significant environmental effects which would require consideration as part of an environmental statement. Therefore, the proposal would not require an environmental statement to be submitted as part of the application. The existing environmental effects of the quarry are already understood, and have been considered as part of the 2011 development consent. The operations of the quarry are regulated and mitigated by the existing schedule of planning conditions which would be imposed should planning permission be granted.

8.00 CONCLUSION

- 8.01 The environmental effects of the ongoing operations at Hendre Quarry were comprehensively assessed in the 2008 environmental statement which accompanied the Environment Act ROMP application, with detailed studies of landscape and visual effects, ecology, noise, blast vibration, air quality, geotechnics, and cultural heritage, together with studies of hydrology and hydrogeology, traffic, soil resources, and odour (relating to the approved asphalt plant). The recommendations of these studies informed the preparation of a comprehensive schedule of 37 planning conditions which were imposed as the outcome of the ROMP review (ref 045739). These conditions include detailed controls on the phased working scheme, hours of working, dust, blast vibration, noise, vehicle cleaning, ground and surface water management, archaeology, soil stripping and storage, management of perimeter woodland, grassland monitoring, and restoration and aftercare.
- 8.02 These conditions reflect best practice modern regulatory controls, which are proven to work effectively. No changes are proposed to the working scheme or to any of the existing controls which regulate the operation. The controls are regularly monitored by the Minerals Planning Authority and the company are operating the quarry in accordance with the planning conditions. The proposed change is confined to the end date of the quarrying operations. The only impact of the proposed extension of time would be a continuation of the existing mitigated effects, over a longer duration, and a delayed final restoration.

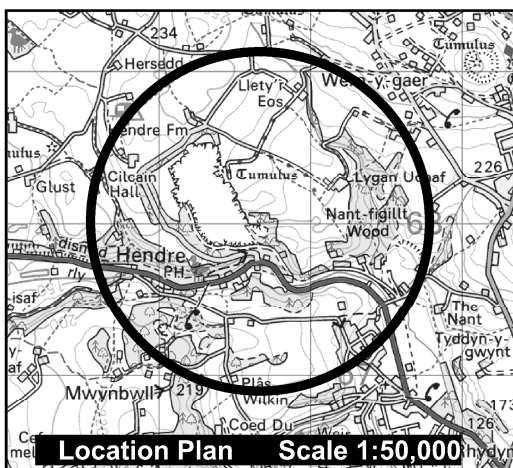
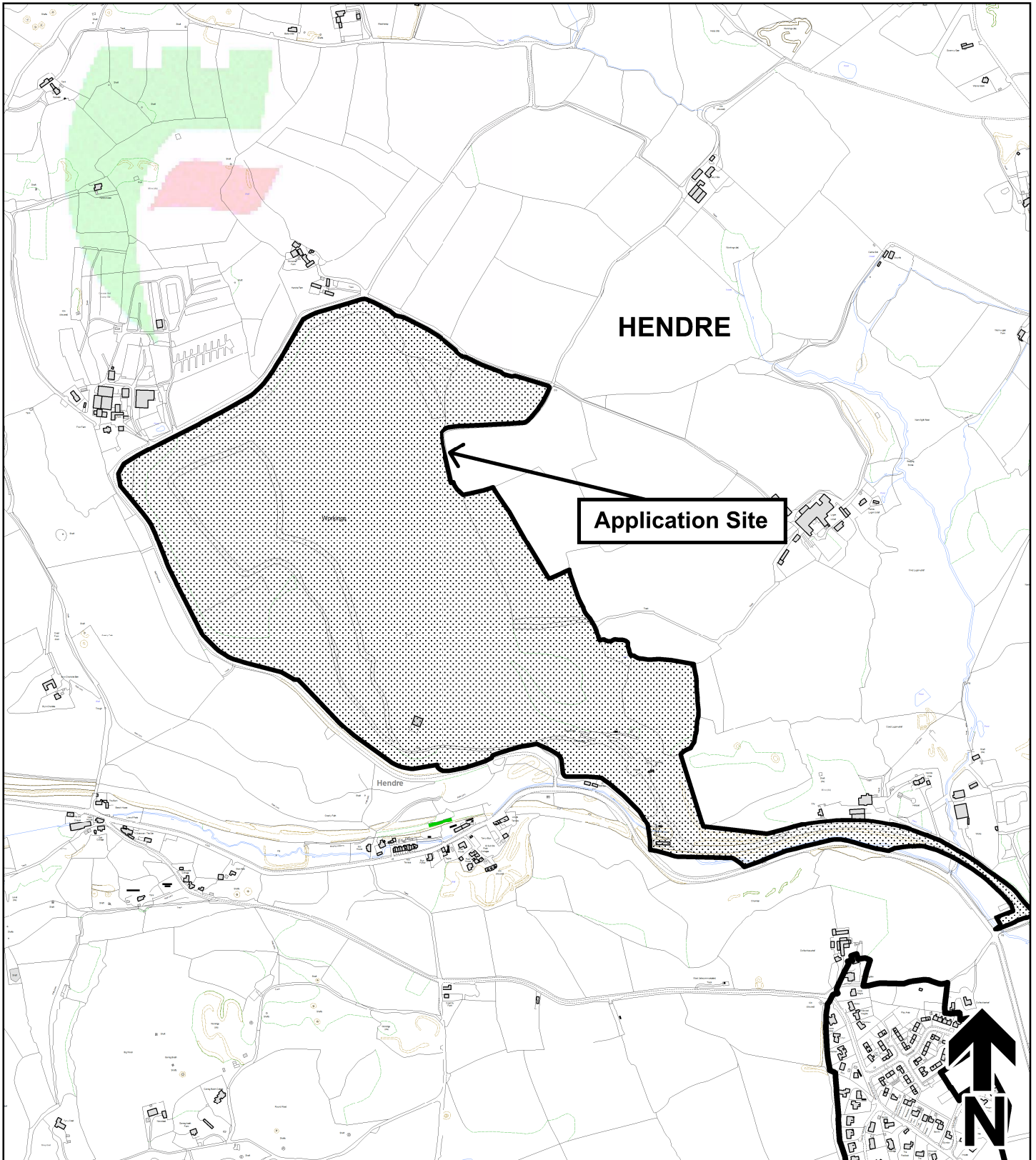
- 8.03 The proposed end date of 31 December 2030 has been calculated using the current output rates of the quarry, and the remaining 13 million tonnes of permitted reserves.
- 8.04 It is recognised that the change to the end date would have the consequence that the existing operations and related environmental effects would continue for a longer period. However, these effects are already effectively controlled by the existing schedule conditions which could continue in operation for the extended duration of the mineral extraction operations.
- 8.05 It is also recognised that the extension of time would delay the restoration of the site. However the approved scheme provides progressive restoration and therefore, the site would be restored progressively over the duration of the extended period.
- 8.06 The extension of time would allow for the 13 million tonnes of remaining permitted reserves to be extracted and worked in the existing quarry which contribute to the apportionment figure calculated in the Regional Technical Statement. Should planning permission not be granted for the extension of time, the remaining permitted reserves would remain unworked, and the apportionment would need to be acquired elsewhere. This would have major implications for the continuity of aggregate supplies in Flintshire, North East Wales and beyond into the North West Region of England.
- 8.07 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted subject to a supplementary Section 106 agreement to attach the current Section 106 legal agreement dated 13 September 2011 to permission arising from this application.
- 8.08 If the supplementary Section 106 agreement (as outlined above) is not completed within six months of the date of the committee resolution, the Head of Planning, Environment and Economy be given delegated authority to REFUSE the application.
- 9.00 Other Considerations**
- 9.01 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.

- 9.02 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.
- 9.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 9.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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Email: hannah.parish@flintshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **58984**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH DECEMBER 2018**

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

SUBJECT: **APPEAL BY MR. P. MALLEN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM AGRICULTURAL LAND TO VEHICLE STORAGE COMPOUND TO THE REAR OF EXISTING MOTOR AUCTION FACILITY AT QUEENSFERRY MOTOR AUCTIONS, STATION ROAD, QUEENSFERRY – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 056267

2.00 APPLICANT

2.01 Mr. P. Mallen – Wilsons Auctions Limited

3.00 SITE

3.01 Queensferry Motor Auctions
Station Road
Queensferry
Flintshire
CH5 2TB

4.00 APPLICATION VALID DATE

4.01 25th November 2016

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under delegated powers, to refuse to grant planning permission for the change of use of agricultural land to a vehicle storage compound upon land to the rear of the existing motor auction facility at Queensferry Motor Auctions,

Station Road, Queensferry, Flintshire.

The appointed Planning Inspector was Mr. C. Nield. The appeal was determined via the Written Representations method and was DISMISSED

6.00 REPORT

6.01 The Main Issues

The Inspector noted that the Local Planning Authority refused the application upon grounds of flood risk and character and amenity impacts. Accordingly the Inspector considered the mains issues to be;

- i) whether the development would be at significant risk of flooding and whether it would satisfy the TAN15 justification tests for less vulnerable development in a flood zone C1; and
- ii) whether the development would affect the character and amenity of the area.

6.02 Flood Risk

The Inspector noted the context of the site and its surroundings; its location of the site within a C1 flood zone and identified that residential development within such areas is defined within TAN15 as highly vulnerable development.

6.03 He noted the presumption against unjustified development in such locations, as set out in PPW and the guidance set out in TAN15. In particular he noted the tests set out within 6 and 7 which identifies that development will only be justified where it can be demonstrated that (in the context of the appeal proposal);

- a) the development is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; and
- b) it concurs with the aims of PPW and meets the definition of PDL (Previously Developed Land); and
- c) the potential consequences of a flooding event have been considered and found to be acceptable.

6.04 In respect of the first test he noted the appellants' arguments that the development would align itself with the aims of the Deeside Enterprise Zone, The Flintshire Regeneration Strategy 2009-2020 and drew support from the Flintshire Unitary Development Plan. However, the Inspector noted that the site did not constitute PDL, being agricultural land and therefore considered the test in this regard was not satisfied.

6.05 He considered the flooding consequences and noted that whilst the

site was within an area defended by the River Dee embankments, the Flood Consequences Assessment had failed to take account of a flood as a consequence of the defences being breached. The Inspector noted that in such a circumstance, the speed of inundation from flood waters would be rapid and the depth of flood waters in excess of 2 metres. Accordingly he concluded the test in this regard was not satisfied.

6.06 The Inspector concluded upon the issue of flood risk that the proposals failed to meet the justification tests and failed to demonstrate that the risks and consequences of the same would be acceptable. Consequently the proposals were in conflict with the guidance set out in TAN15 and policies GEN1 and EWP17 of the Flintshire Unitary Development Plan.

6.07 **Character and Amenity**

The Inspector noted the location of the site within an area of open countryside. He noted its current use as grazing land and noted that whilst the site is bounded by development on 2 sides and screened on 3 sides, the encroachment of development on the 4th side would be harmful to the character and amenity of the wider area. He concluded upon this issue that the proposals would be contrary to policies Gen3, EM4 and EM5 of the Flintshire Unitary Development Plan.

7.00 **CONCLUSION**

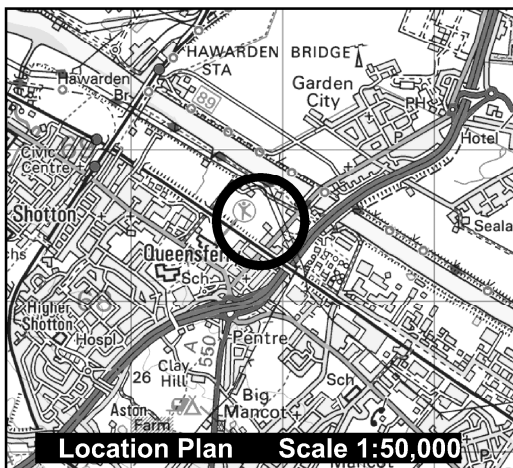
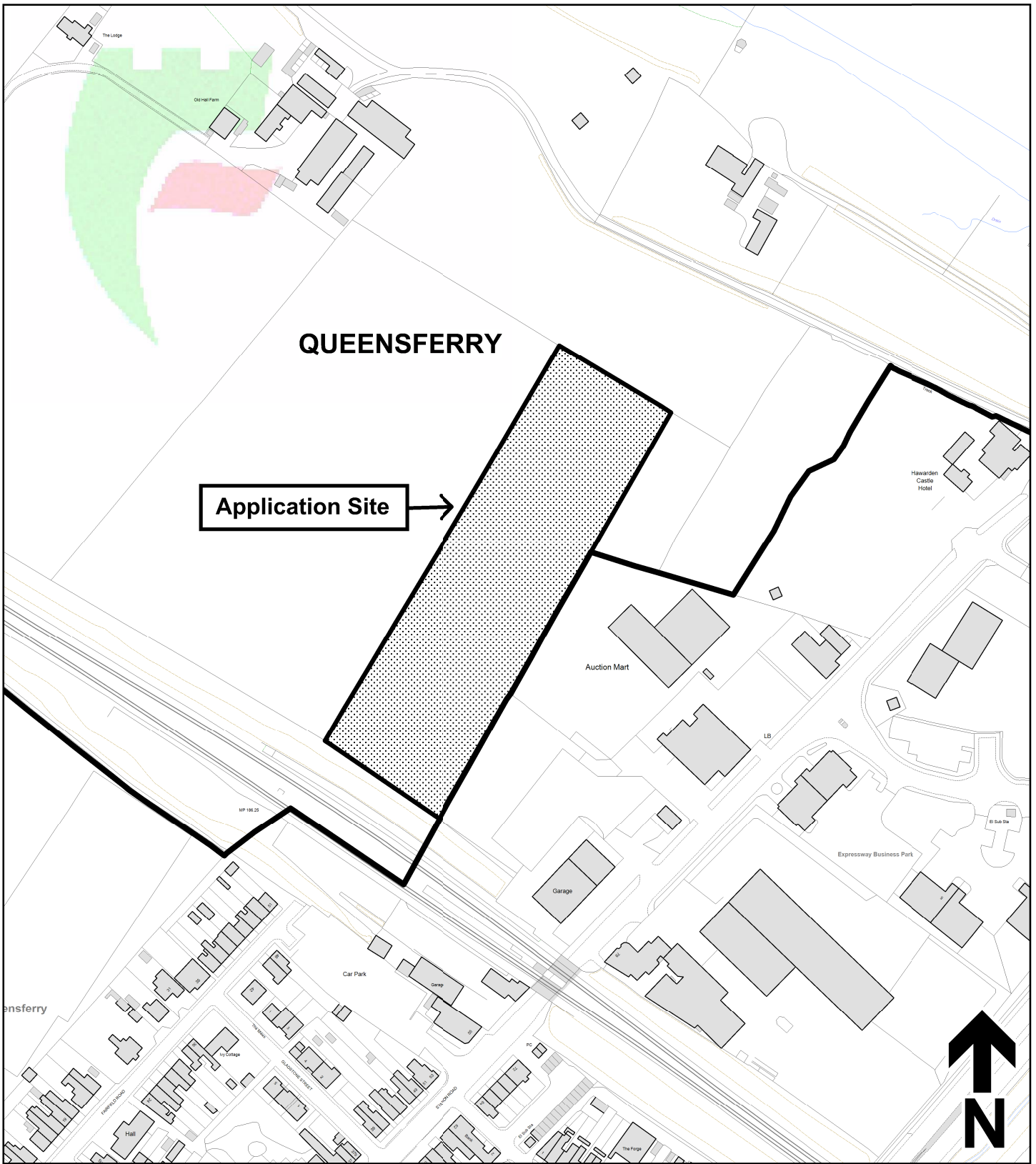
7.01 The Inspector considered the proposals failed to accord with the identified UDP policies and national guidance in respect of both issues. Accordingly, because of this failure to comply with these policies, the weight derived from other policies which seek to facilitate the expansion of existing businesses to the benefit of the local economy does not outweigh the harm and policy conflicts identified. Accordingly he **DISMISSED** the appeal.

LIST OF BACKGROUND DOCUMENTS

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

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Email: david.glyn.jones@aflintshire.gov.uk

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **56267**

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