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Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



CS/NG

17 November 2022

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To: Cllr Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge,
Chris Bithell, Helen Brown, Paul Cunningham,
Adele Davies-Cooke, Carol Ellis,
Gladys Healey, Dave Hughes, Paul Johnson,
Richard Jones, Hilary McGuill, Ted Palmer,
Mike Peers, Dan Rose and Antony Wren

Dear Sir / Madam

NOTICE OF REMOTE MEETING
PLANNING COMMITTEE
WEDNESDAY, 23RD NOVEMBER, 2022 am **1.00 PM**

Yours faithfully

Steven Goodrum
Democratic Services Manager

Please note: This will be a remote meeting. Public speakers have been asked if they would like to address the Committee in English or Welsh. The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting held on 26 October 2022.

- 5 **ITEMS TO BE DEFERRED**
- 6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

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

REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 23 NOVEMBER 2022

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	062368	062368 - Full application - Change of use of land for stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room at Gladstone Way, Hawarden, Flintshire (Pages 11 - 24)
6.2	062255	062255 - A - Demolition and erection of new Poultry Buildings and Associated Infrastructure at Racecourse Poultry Farm, Pantasaph (Pages 25 - 40)
6.3	FUL/000077/22	FUL/000077/22 - Full application - Erection of 21 dwellings with adoptable highway access (Re-submission of previously Approved 055398) at Rhewl Fawr Road, Penyffordd, Holywell (Pages 41 - 52)
6.4	FUL/000358/22	FUL/000358/22 - Full application - Conversion of former redundant public house to form 11no apartments (Pages 53 - 66)
6.5	FUL/000412/22	FUL/000412/22 - Full application for demolition of single storey rear and conservatory - proposed 2 storey extension (Pages 67 - 74)
Item No	File Reference	DESCRIPTION
<u>General Matters</u>		
6.6	063500	063500 - General Matters - Development of land to provide Lodge/Chalet to include single storey & two storey lodges and a site office (Pages 75 - 90)

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote.

At County Council and Planning Committee meetings, speakers' times are limited. A bell will be sounded to alert that the speaker has one minute remaining.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at:

<https://flintshire.public-i.tv/core/portal/home>

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PLANNING COMMITTEE
26 OCTOBER 2022

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 26 October 2022

PRESENT: Councillor Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Helen Brown, Paul Cunningham, Carol Ellis, Dave Hughes, Paul Johnson, Richard Jones, Hilary McGuill, Ted Palmer, Mike Peers, Dan Rose and Antony Wren

APOLOGIES: Councillors Adele Davies-Cooke and Gladys Healey

IN ATTENDANCE: Chief Officer (Planning, Environment & Economy), Service Manager - Strategy, Senior Engineer - Highways Development Control, Team Leader Development Management South Team, Senior Planning Officers, Solicitor and Democratic Services Officers

20. DECLARATIONS OF INTEREST

Councillor Anthony Wren declared a personal interest on agenda item 6.5 (FUL/ 000358/22) as a member of Connah's Quay Town Council.

21. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated prior to the meeting and were appended to the agenda item on the Council's website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=5229&LLL=0>

22. MINUTES

The minutes of the meeting held on 31 August 2022 were confirmed as a correct record, as moved and seconded by Councillors Bernie Attridge and Mike Peers.

RESOLVED:

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

23. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) advised that no items were recommended for deferral.

24. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)

RESOLVED:

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

25. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There was one member of the public present at the start of the meeting.

(The meeting started at 1pm and ended at 3.25pm)

.....
Chairman

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

PLANNING COMMITTEE ON 26 OCTOBER 2022

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
FUL/ 000011/22	Connah's Quay Town Council	Redevelopment and expansion of former UPM Shotton Paper Mill site comprising 82 hectares of new paper factory buildings and processing plant and associated landscaping, offices, access and parking at Shotton Paper Mill, Weighbridge Road, Deeside	-	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation.
61722	Hawarden Community Council	Full application partly in retrospect for the reconfiguration of existing approved gypsy traveller site to allow an additional 9 static caravan pitches at Magazine Lane, Ewloe	Martin Rooney (Applicant) spoke in support of the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation. Condition 8 to be amended to read 'details of <i>an acceptable</i> proposed means of disposal for foul drainage.'
062820	Hawarden Community Council	Erection of 130no dwellings comprising bungalows, houses and two storey apartments with own access, new access road, associated external works and landscaping at land adjacent to 1 Liverpool Road, Ewloe	Mark Edwards (Resident) spoke against the application. Comments by a third party objector were set out in the late observations.	That planning permission be refused in accordance with the officer recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
062760	Queensferry Community Council	The use of land for the stationing of caravans for residential purposes, and the formation of hardstanding and detached and semi-detached dayrooms at Sisters Yard, Station Road, Sandycroft	Nathaniel Green (Agent) spoke in support of the application. A statement was read out on behalf of the Local Member, Councillor Christine Jones.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation, with the following additional conditions: <ul style="list-style-type: none"> • Site Access details provided within 3 months. • Visibility sightline to be provided within 6 months. • Access Gates repositioned to point 5 metres from edge of carriageway • Parking and turning on site to be provided. • Positive means to prevent surface water runoff to highway to be provided. • Bin collection point details to be provided within 6 months.
FUL/ 000358/22	Connah's Quay Town Council	Conversion of former redundant public house to form 11no apartments at 315 High Street, Connahs Quay	Pete Lloyd (Agent) spoke in support of the application. Comments by the Local Member, Connah's Quay Town Council and a third party were set out in the late observations.	That the application be deferred for one cycle to allow for full consultation and investigation of additional parking at the rear of the building.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
063335	Hope Community Council	Part demolition of existing dwelling and residential development comprising of 7 detached dwellings and associated roads and drainage works at Foxfield, Fagl Lane, Hope	<p>Michael Forgrave (Applicant) spoke in support of the application.</p> <p>Janet Hilton (Resident) spoke against the application.</p> <p>A statement of objection was read out on behalf of Hope Community Council.</p> <p>Comments by a third party objector were set out in the late observations.</p>	That planning permission be refused in accordance with the officer recommendation.
FUL/ 000143/22	Buckley Town Council	Continued siting of portable building for use as ancillary changing facilities at Hawkesbury Little Theatre, Mill Lane, Buckley	<p>A statement objecting to the location was read out on behalf of Pam Willoughby (Resident). Comments from third parties were summarised in the late observations.</p> <p>Speaking in support of the application were Pete Lloyd (Agent), Councillor Charles Cordery (Buckley Town Council) and Councillor Carol Ellis (Local Member).</p>	That the application be deferred to consult with the Theatre Trust and to undertake a Members' site visit prior to the application being re-presented to Committee.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
LBC/ 000351/22	Buckley Town Council	Listed Building Application - Siting of portable building for use as ancillary changing facilities at Hawkesbury Little Theatre, Mill Lane, Buckley	As above.	As above.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **23rd NOVEMBER 2022**

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

SUBJECT: **FULL APPLICATION- CHANGE OF USE OF LAND FOR STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES, TOGETHER WITH THE FORMATION OF HARDSTANDING AND UTILITY/DAY ROOM ANCILLARY TO THAT USE**

APPLICATION NUMBER: **062368**

APPLICANT: **MRS MARY GALLAGHER**

SITE: **LAND AT GLADSTONE WAY, HAWARDEN**

APPLICATION VALID DATE: **13TH JANUARY 2021**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES- CONCERNS REGARDING THE ACCESS**

1.00 SUMMARY

1.01 This is a full application for the Change of Use of land for stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use at Land At Gladstone Way, Hawarden, Flintshire, CH5 2BT

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

- 2.01
1. Time Limit
 2. In accordance with approved plans
 3. The siting, layout and design of the means of site access shall be in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
 4. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 2 of Welsh Government Circular 005/2018.
 5. Submission of full foulwater drainage scheme

3.00 **CONSULTATIONS**

- 3.01 **Local Member(s):** Councillor H Brown: Requested that the application be referred to Planning Committee on the grounds that the site is in Green Barrier & outside of the settlement boundary and there is no unmet need. Also requested a Committee Site Visit due to concerns regarding the access.

Cllr G Brockley - No response at time of writing

Hawarden Community Council: Raise an objection on the grounds that the land sits in a Green Barrier area/outside settlement boundary. No requirement for further residential land for caravans. Request to go to Planning Committee

Community and Business Protection: no adverse comments regarding this proposal.

Highways (DC): The road from which access to the site is derived is adopted highway. The existing gated access to the site does not appear to be of sufficient width to allow for a vehicle towing a caravan to easily enter exit the site. Any planning permission should include a condition requiring access details.

Natural Resources Wales: Recommend that permission should only be granted if a suitable drainage scheme can be secured otherwise, object to this planning application.

Dwr Cymru/Welsh Water: As the applicant intends utilising a private treatment works, the applicant should contact Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public seweragetreatment works is preferred we must be re-consulted on this application.

4.00 PUBLICITY

4.01 25 Neighbour Notifications were sent to nearby properties and a Site Notice was displayed. One letter of support has been received which is summarised as follows:

1. Represents needed provision for G&T sites

15 letters of objection have been received and those objections are summarised as follows:

1. Too many sites in Flintshire
2. Existing Anti-Social Behaviour locally
3. Land drainage issues
4. Impact upon public footpath
5. Impact upon local services
6. Impact upon local ecology
7. Traffic generation
8. Issues arising from further development of site in future

5.00 SITE HISTORY

5.01 No relevant history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- STR1 New Development
- GEN1 General Requirement for Development
- GEN4 Green Barrier
- D2 Design
- HSG14 Gypsy Sites
- AC 13 Access and Development
- EWP16 Water Resources

National Planning Policies:

- Welsh Government Circular 005/2018 'Planning for Gypsy, Traveller and Show people Sites'
- Planning Policy Wales Edition 11 (February 2021)
- Future Wales 2020 - 2040

6.02 It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The

Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation

7.00 PLANNING APPRAISAL

7.01 Site Description

The application site is located on the western side of Gladstone way, close to the A494 Queensferry interchange, with the site being accessed by a lane off Gladstone Way. A pair of cottages are located at the end of the access lane and neighbours the site. Further housing is located to the eastern side of Gladstone Way. The A494 dual carriageway sits at the northern boundary of the site and the Queensferry Interchange located just beyond the North-Eastern boundary of the site. Remains of a former cottage and well sit within the site and these would be undisturbed by the proposal. The site is well screened by existing vegetation. The site is close to, but outside of the settlement boundary of Queensferry and is located within the Green Barrier.

7.02 Proposed Development

This application is for the use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use. The proposal is for a single pitch consisting of one static caravan, one touring caravan and a day/utility room.

7.03 Principle of Development

The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. More recently Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Show people Sites which reflects provisions contained in the Housing (Wales) Act 2014, to ensure local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system.

7.04 UDP policy HSG14 also acknowledges the requirement for development plans to make adequate provision for the accommodation needs of gypsy families, but this policy predates the 2014 Act as well as Circular 005/2018, both of which place a different emphasis on assessing applications for Gypsy and traveler sites. Whilst the LDP has a similar criteria-based policy to the UDP, it is still subject to the findings of the LDP Examination which has resulted in its two criteria a. and b. being deleted as they do not comply with the guidance in the above circular.

7.05 As these criteria relate to the need to demonstrate a proven need for a Gypsy and Traveler site, as well as there being no suitable alternatives elsewhere, as these are also the first two criteria in UDP policy HSG14 they are no longer valid considerations and cannot be

taken into account. Welsh Government raised this matter in their representations to the LDP Examination Inspector, highlighting that the Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for gypsies and travelers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The Circular clearly states that criteria-based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites.

- 7.06 The Council has an approved Gypsy and Traveller Accommodation Assessment (2016) that is still extant for the purposes of the LDP Examination evidence base and for Development Management purposes. This shows a plan period identified need for 19 additional pitches. In addition, the LDP has made suitable site-specific provision to meet this need, made via site allocations as extensions to three existing Gypsy and Traveller sites, 1 of which is Council owned and the others in private ownership. Given that the Council is very close to adopting its LDP two of these allocated extensions have already been granted planning permission or there is a resolution to grant subject to issuing the decision. A further application is being prepared for submission on the Council owned site.
- 7.07 Suitable provision to meet the level of identified need has therefore been identified in the LDP, however circular 005/2018 also states that criteria based policies are required in development plans, to cater for what is in effect new or windfall demand for pitches given that the 2016 GTAA represents a point in time assessment, , and the UDP and LDP have similar criteria based policies. This allows for flexibility which national policy requires in order to meet unidentified need that may arise within the life of the plan, and which this proposal represents.
- 7.08 Paragraph 7 of the Circular advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals, the guidance reference a 'Wales of cohesive communities'. Paragraph 8 goes on to advise that '*Housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities*'. In particular the guidance requires that '*...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community*'.
- 7.09 Paragraph 12 recognises that '*Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage*'. Paragraph 14 explains that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure 'that accommodation

needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met’.

- 7.10 Paragraph 36 explains that ‘*when identifying sites the planning authority should work with the Gypsy and Traveller Community*’. Paragraph 37 explains that ‘issues of site sustainability are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks’.
- 7.11 Whilst the Circular advice supersedes criterion a. and b. of policy HSG14 of the UDP, on the basis that this would be unduly restrictive to applications such as this, the other UDP policy criteria are still relevant. These are in line with the Circular and essentially seek to assess the suitability of the location of the proposed gypsy and traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first. That said, the Circular goes on to state that ‘Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries’
- 7.12 The circular itself provides expanded guidance at paragraph 37 in respect of the sustainability of sites and the site should be assessed in this context. Whilst not an exhaustive list, the items to consider when assessing whether or not a site is suitable includes:
- *opportunities for growth within family units;*
 - *the promotion of peaceful and integrated co-existence between the site and the local community;*
 - *access to health and education services;*
 - *access to utilities including water, waste water disposal and waste collection services;*
 - *access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);*
 - *suitable nearby or on-site safe play areas;*
 - *contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments;*
 - *not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in line with guidance contained in TAN 15, given the particular vulnerability of caravans; and*
 - *regard for areas designated as being of international, national and local importance for biodiversity and landscape*
- 7.13 The site is located within a designated Green Barrier in the Flintshire Unitary Development Plan. Policy GEN4 provides guidance in respect of development within green barriers but since the adoption of the

UDP, national guidance has been updated in the form of PPW11. The purposes of a green barrier are to:

- prevent the coalescence of large towns and cities with other settlements;
- manage urban form through controlled expansion of urban areas;
- assist in safeguarding the countryside from encroachment;
- protect the setting of an urban area; and
- assist in urban regeneration by encouraging the recycling of derelict and other urban land.

7.14 PPW11 advises that the construction of new buildings in a green barrier is inappropriate unless it is for one of a number of specified purposes, none of which specifically include Gypsy / Traveller development. However, PPW11 also goes on to state 'Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of the designation'. In this context it is necessary to look at this particular proposal which sits on the very edge of the green barrier and set immediately against an urban backdrop, well defined and well screened by trees and vegetation. I do not consider, by its scale or nature, that the proposal would unacceptably harm the character and openness of the Green Barrier, or lead to a coalescence of settlements. As discussed above open countryside locations can be considered to be appropriate for this form of development.

7.15 The advice and guidance within this circular provides the framework when determining this types of planning applications. In my view the principle of this development as a windfall site is acceptable. The site is a sustainable location for new development given the availability of services and facilities and also proximity to other settlements in Flintshire, and Deeside specifically, appropriate for the level of development proposed and in addressing a specific housing need.

7.16 Best Interests of Children

As the residents of the site include children the proposal has been assessed with due regard to their best interests. The Best Interests of the Children is a primary consideration for this application. Across the entire site, there are 3 school age children in total, who currently live on the site or are proposed to live on the site.

7.17 The site is proposed for a single extended family, which consists of the mother and father as well as their children, three of which are school aged and one is a baby. There are also two grandchildren of pre-school age as part of the extended family. The intention is for the

school aged children to attend local schools. They attend schools in the vicinity of their current site.

- 7.18 Whilst there are no overriding serious medical issues and the children are of good health two of the children are required to visit Wrexham Maelor for regular check ups as a result of ongoing health issues. And it would be to their benefit to have a stable base in which to live.
- 7.19 The benefits of enabling the provision of a stable and secure environment is a material consideration in the planning balance. This has been accepted by planning inspectors with due regard to the rights to respect for family and private life as identified in Article 1 and Article 8 of Protocol 1 of the European Convention on Human Rights.
- 7.20 It is acknowledged that children would live on the site, were permission to be granted, and the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well-being of the children.
- 7.21 There is also a national and international obligation continued in article 3(1) of the United Nations Convention of the Rights of the Child (UNCRC)

"In all actions concerning children, whether undertaken by public or private or social welfare institutions, courts or law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

- 7.22 These considerations are therefore a primary material consideration in the site assessment. The implications of the applicant, their family and the families of those living on site having a settled base for the educational/health needs of the children needing to be considered and weighed in the balance as a primary consideration. In these circumstances I consider that the best interests of the children would be best served by occupation of the site.
- 7.23 Design and impact upon local living conditions
Design guidance is published in the Welsh Government document 'Designing gypsy and traveller sites' (May 2015.) The application is of a relatively small scale and proposes the installation of an individual pitch which includes a day/amenity building. This building will provide for bathroom and kitchen facilities . The amenity buildings are to be single storey approximately 3.9m high, 2.6m to the eaves, approx. 3.4m in width and 4.8m in length. The buildings are proposed to be constructed of an interlocking tile roof with brick wall construction. A permeable hard core area is proposed on the eastern portion of the site as a base for the caravans and to provide independent parking provision clear of the highway and provides for turning facilities within the site. I consider the proposed layout and facilities offered is in accordance with the aforementioned guidance.

- 7.24 The site is well screened by the existing hedgerow on all boundaries. Given the sites location away from other residential properties, other than its two neighbours, as well as the limited scale of the proposal it will not have an unacceptable impact upon the living conditions of existing residents of the area by adverse impact upon privacy, traffic or parking problems.
- 7.25 Drainage
Foul drainage for the development is to be discharged to a private sewerage system. In these circumstances Welsh Government Circular 008/2018 advises that a full and detailed consideration should be given to listed environmental criteria in order to justify the use of private sewerage. In this instance, no information has been submitted. The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. In particular, the submitted application fails to show that disposal of foul effluent from the proposed package treatment plant would be effective at this location as the developer has not submitted any porosity/percolation testing results which would normally be required to demonstrate this. Nor are there calculations for the specific size of the proposed soakaway.
- 7.26 However the Circular advises that, a planning authority should consider whether it is possible, in a practicable and sustainable manner, to overcome by means of a condition potential issue the lack of a formal drainage solution might present and which would otherwise justify the refusal of permission.
- 7.27 The applicant has indicated that they would be willing to accept a condition requiring sufficient information to demonstrate that the proposed foul drainage solution is appropriate for the location. I consider that this gives sufficient satisfaction for the Local Planning Authority that appropriate drainage will be provided for the development and will not put the applicant to needless expense if planning permission is not granted. I consider that subject to the imposition of this condition the proposal accords with policies GEN1 and EWP16.
- 7.28 Access
The site is served by adopted highway, albeit a narrow access road serving the two cottages at the end of the lane. There is adequate land within the site to ensure that sufficient parking exists to serve the development. Highways Development Control have noted that presently the gated access to the site offers insufficient width to allow for a vehicle towing a caravan to easily enter exit the site. As such they have requested a condition be imposed requiring details of a

revised access point. Sufficient land appears to be available to accommodate this and as such I consider this condition to be a valid suggestion and recommend that it is included on any permission.

7.29 There is a public footpath close to the site further down Gladstone Way but it is unaffected by the development. The route to the pedestrian walkway that allows access over the trunk road runs past the site but it again unaffected, this route is not part of the public footpath.

8.00 **CONCLUSION**

The use of the site for a single pitch Gypsy and Traveller site is acceptable in principle and will meet a newly arising need for traveller sites across the County not captured by the 2016 GTAA. The site layout is acceptable and will not give rise to any adverse impacts upon local amenity or living conditions. There are no objections with regards to drainage, access or other technical matters. The proposal is acceptable and I 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.

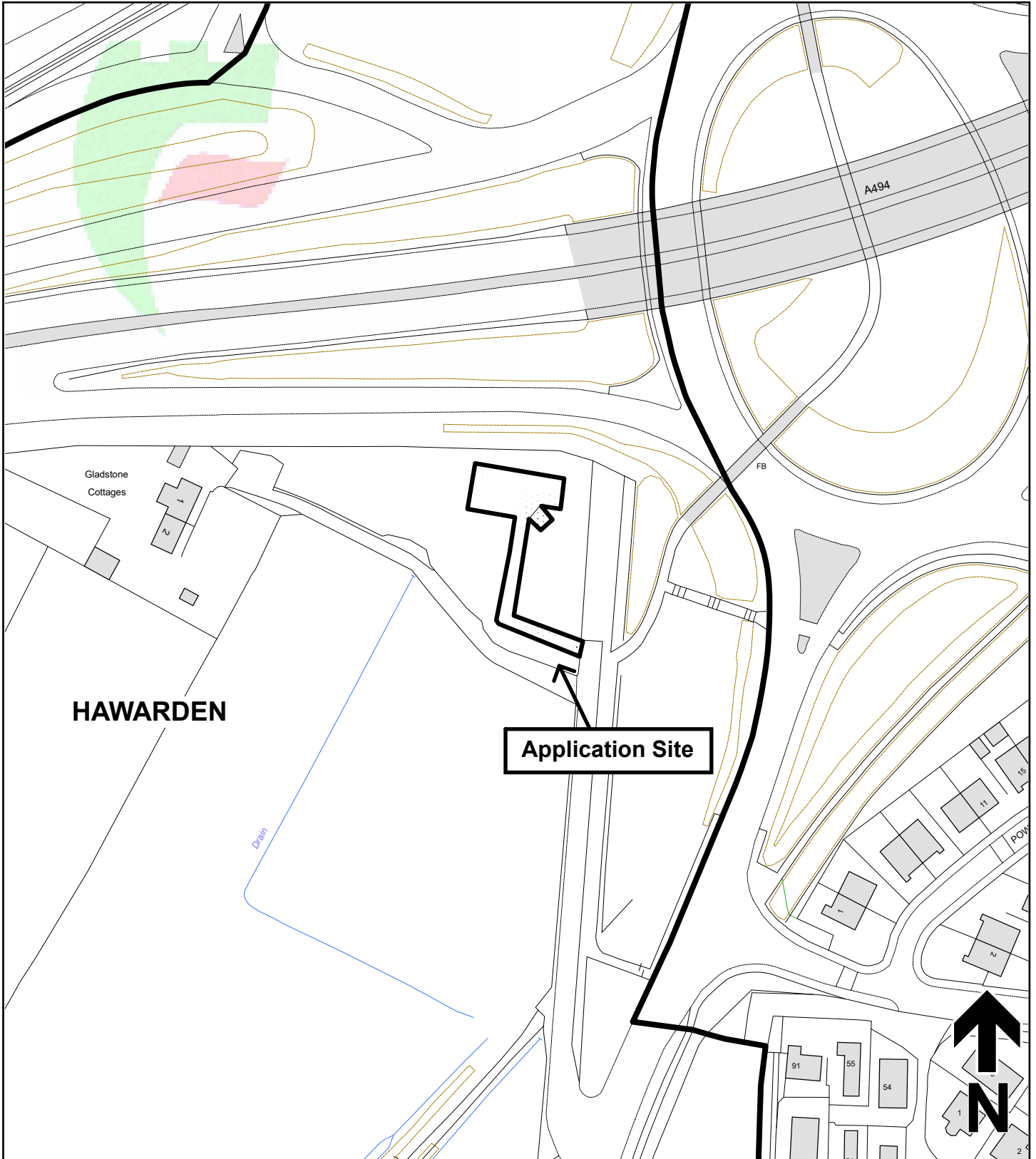
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

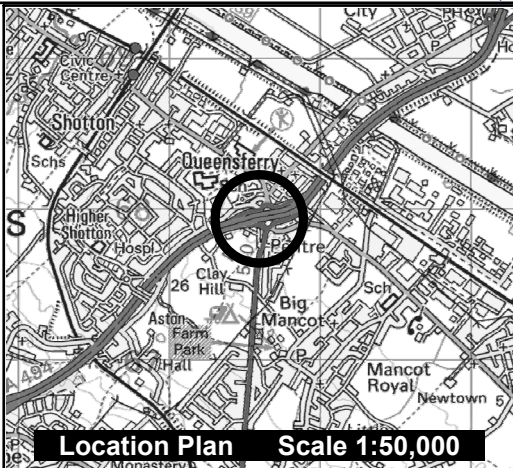
Contact Officer: James Beattie
Telephone: 01352 703262
Email: james.beattie@flintshire.gov.uk

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HAWARDEN

Application Site



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 3167

Planning Application **62368**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **23rd NOVEMBER 2022**

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

SUBJECT: **DEMOLITION AND ERECTION OF NEW POULTRY BUILDINGS AND ASSOCIATED INFRASTRUCTURE**

APPLICATION NUMBER: **062255**

APPLICANT: **MR S AKRILL**

SITE: **RACECOURSE POULTRY FARM, BABELL ROAD, PANTASAPH**

APPLICATION VALID DATE: **3rd MARCH 2021**

LOCAL MEMBERS: **COUNCILLOR S COPPLE**

TOWN/COMMUNITY COUNCIL: **YSCEIFIOG TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

This is a full planning application to expand Racecourse Poultry Farm through the demolition and replacement of 8 no. existing buildings with the erection of 3 no. larger buildings. The new buildings will accommodate up to 171,000 bird places an increase of 56,600 birds from the 114,400 that is currently permitted at the farm. In addition, the proposal includes the following associated infrastructure:

- Feed silos;
- Biosecurity link corridors to include control rooms;
- Site office;

- Site car parking;
- Gas tanks;
- Clean water storage tank;
- Dirty water storage tank;
- Pumphouse;
- Generator;
- Attenuation pond;
- Switch room;
- Substation;

- 1.01 The 3 no. poultry buildings will measure approximately 24.3m x 109.7m (80ft x 360ft), with an eaves height of 2.40m and a ridge height of 5.80m. The development will be served by 6 no. feed bins which will be located at the west gable end of the buildings.
- 1.02 The scale and type of development proposed is such that the proposal falls within Schedule 2 of the Environmental Impact Regulations and has the potential to have significant environmental impacts. The applicant has provided significant information with regards to pollution control and ammonia/manure management to address any possible concerns. In addition, matters including highway safety, landscape character and impact on heritage assets have been assessed and mitigated for.
- 1.03 The proposal will provide a betterment in many areas to the current operation and built form that exists on the site. The proposal is considered acceptable in both local and national planning policy contexts. The application is therefore recommended for approval subject to the conditions set out at Paragraph 2.01.

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

2.01 Conditions

1. Time Limit on Commencement
2. Compliance with Approved Plans
3. Materials
4. Manure Management Plan
5. Air Quality Assessment
6. Noise Assessment

3.00 CONSULTATIONS

Local Member - Councillor S Copple: No objections to the proposal

Ysceifiog Town Council: No objection but request that the following is given consideration:

- Introduction of parking restrictions on the Babel Road for vehicles entering or leaving the farm (to reduce the impact of disturbance to adjacent residents) and;
- That the stockpiling of hen manure from the farm on fields adjacent to residential property is to be stopped.

CADW: No objection to the proposed development regarding the scheduled monuments. The application is supported with a Heritage Assessment and states that because the proposed buildings are larger than the existing buildings there would be some increase in visual impact in views from the scheduled monument. However, it is noted that the changes will not alter the way that the scheduled monument is experienced, understood and appreciated. Therefore, it is concluded that the proposed development will not increase any adverse impact of the poultry farm on the setting of the scheduled monument.

Community and Business Protection: Confirms that no land contamination assessment is required and therefore there are no observations to be made, nor is a condition requiring the assessment of land contamination required. Initial concerns with regards to noise and air pollution but these have been overcome through the submission of additional information and can be adequately conditioned

Natural Resources Wales: Initially raised concerns with regards to the lack of information supplied with the application. The applicant has provided significant details with regards to protected species, ammonia levels and manure management. Based on the inclusion of the mitigation measures as proposed NRW withdraw their objection and are satisfied with the proposal.

Conservation: The Councils Conservation Officer confirms that the site is located adjacent to Bryn y Gwnt, which is a Building of Local Interest (BLI), and there is a Scheduled Ancient Monument (SAM) on the opposite side of the road (Offa's Dyke: Section N & S of the Circle on Holywell Racecourse and Circle and Round Barrow). Conservation do not consider that the proposed development would have an adverse impact on either the BLI or SAM.

Highway Development Control: Additional information has been provided by the applicant and subject to the inclusion of conditions the application is considered acceptable from a highways perspective.

4.00 PUBLICITY

21 Neighbour Notifications were sent to neighbouring properties and a Site Notice was displayed. The application was also publicised by way of Press Notice.

At the time of writing two responses have been received largely in support of the development. These are summarised as follows:

1. the replacement would improve the visual aspect of the site; and
2. to protect the privacy of the dwelling, reduce noise and odour from the site a planting scheme including mature trees, bushes and hedges along the

border in included.

5.00 SITE HISTORY

5.01 050925 – Replacement poultry building – Approved 01.08.2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- STR1 New Development
- GEN1 General Requirements for Development
- GEN3 Development in the open countryside
- GEN5 Environment Assessment
- L1 Landscape Character
- D1 Design quality, location and layout
- D2 Design
- D3 Landscaping
- TWH2 Protection of Hedgerows
- AC13 Access and Traffic Impact
- AC18 Parking provision and new development
- RE2 New Agricultural and Forestry Buildings
- RE3 Intensive Livestock Units

6.02 National Planning Policies

- Planning Policy Wales (11th Edition, February 2021)
- Future of Wales: The National Plan 2040
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 6 – Planning for Sustainable Rural Community
- Technical Advice Note 11 – Noise
- Technical Advice 12 – Design
- Technical Advice 18 – Transport
- Technical Advice 23 – Economic Development
- Technical Advice 24 – Historic Environment

7.0 PLANNING APPRAISAL

7.01 Proposal and Site Description

The application site known as Racecourse Poultry Farm is an existing farm of 2.1 hectares (5.2 acres) situated approximately 1.2km south of the village of Gorsedd.

7.02 The site is accessed off Babell Road and is surrounded to the south, east and west by open countryside. Two detached dwellings are located to the north and north-west of the site with sporadic individual dwellings in the wider locality.

- 7.03 The proposal seeks to expand Racecourse Poultry Farm through the demolition and replacement of 8 no. existing buildings with the erection of 3 no. larger buildings. The new buildings will accommodate up to 171,000 bird places which equates to an increase of 56,600 birds from the 114,400 that is currently permitted at the farm.
- 7.04 In addition, the proposal includes the following associated infrastructure:
- Feed silos;
 - Biosecurity link corridors to include control rooms;
 - Site office;
 - Site car parking;
 - Gas tanks;
 - Clean water storage tank;
 - Dirty water storage tank;
 - Pumphouse;
 - Generator;
 - Attenuation pond;
 - Switch room;
 - Substation;
- 7.05 The 3 No. poultry buildings will measure approximately 24.3m x 109.7m (80ft x 360ft), with an eaves height of 2.40m and a ridge height of 5.80m. The development will be served by 6 no. feed bins which will be located at the west gable end of the buildings.
- 7.06 The replacement buildings are to be built in a typical modern construction consisting of dwarf concrete walls supported on strip foundations with an internal concrete floor poured over continuous DPM. The insulated roof will be insulated to 200mm fibre glass, with the walls containing 100mm insulation to achieve a U-value not less than 0.4 W/m² °C thus eliminating condensation on the inner linings and minimising solar heat gain.
- 7.07 The buildings will be clad with trapezoidal sheet cladding for the walls and roof. The finished colour of the side and gable walls and roof will be grey. The feed bins will be galvanised and the same colour to match the buildings. At the gable ends, timber weatherboard cladding will be used.
- 7.08 The proposed buildings will have pan feeders, non-drip nipple drinkers and modern thermostatically controlled hot water fuelled space heaters to heat the building which will be fuelled by gas. The ventilation in the proposed buildings will be thermostatically controlled with a combination of 16 offset ridge chimneys and 6 gable fans.
- 7.09 The system will be alarmed for high and low temperatures, feeding system failure and power failure and will be linked to an 'auto dial' computer system which alerts personnel via mobile phone to any system failures. A backup generator will also be available in the event of failure in power supply. The proposed units will produce

standard birds, based on a 40-day growing cycle, with 5-7 days at the end of each cycle for cleanout and preparation of the buildings for the incoming flock. On average, there will be 7 crops per annum.

7.10 The use of the proposed buildings is for the rearing of day-old broiler chickens through to finished table weight.

7.11 The scale and type of development proposed mean that this application falls within Schedule 2 of the Environmental Impact Assessment Regulations.

7.12 Main Issues:

The main issues to be considered in determination of this planning application relate to:-

- a) Principle of the development
- b) Highways
- c) Heritage
- d) Landscape
- e) Flood Risk & Drainage (Surface and Foul)
- f) Ecology
- g) Ammonia
- h) Noise, Odour & Dust

7.13 Principle of the Development.

The application site Poultry Farm has an extant and long history associated with agricultural purposes. Policies RE2 and RE3 of the Flintshire Unitary Development Plan are the most appropriate policies to consider this application against. In particular Policy RE3 which relates to intensive livestock farming states:

Development associated with the intensive rearing or accommodation of livestock, including the extension or conversion of existing buildings, will be permitted only if:

- it is located at least 400 metres away from a settlement boundary or protected building unless satisfactory mitigation measures can be implemented;
- it is designed and sited so as to minimise any environmental impact including the character and appearance of the site and surroundings; and
- the highway network (including site access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposal.

7.14 There is little national guidance on this form of development. PPW generally adopts a positive approach towards a thriving agricultural sector. However, on p123 there is a section stating 'Rising levels of airborne pollution: 'SoNaRR reports increases in air pollution across a range of pollutants from urbanisation, road traffic and intensification of agriculture.' Matters of pollution are considered in full later in the report but are considered acceptable.

- 7.15 TAN6 has a section on livestock units but it is mostly about a 400m buffer between such development and neighboring land uses / protected buildings. But, this proposal is based on redevelopment / expansion of existing facility rather than a new facility and therefore the proposal is considered acceptable.
- 7.16 It is understood that the UK poultry industry provides an integrated supply chain; breeding, farming and food manufacturing. Poultry is half the meat eaten in the UK and is growing. It is on course to grow 1 billion birds every year. The gross value-added contribution (GVA) is £5.5 billion per year and the tax contribution to the Exchequer is over £1.2 billion per year. The industry directly employs over 38,000 people and it does not receive subsidies through the common agricultural policy.
- 7.17 With the continued focus on COVID-19, Brexit, food tariffs and prices, food security and reducing food miles, the efficient volume production of quality UK bred and reared chickens has become a clear driver for the poultry industry.
- 7.18 As the existing buildings have outlived their usefulness, there is a need to replace them with modern alternatives. The site is located outside of any settlement boundary, within an area where agriculture and agricultural processes are common and to be promoted. Matters including Highway Safety, Ecological Impacts and Historical Assets are all dealt with later in the report but in terms of principle the application is compliant with those considerations. Therefore, the principle of redevelopment of the modern efficient units is acceptable.
- 7.19 Highways
The site is accessed off a minor road leading to Gorsedd to the North and Babel to the South. To the North, this road meets with the A5026 which is the main route between the North Wales Expressway and Holywell. The North Wales Expressway is a main access route across North Wales and provides access to the English/Welsh border and then onto the M56 to the East, whilst to the West provides access to Colwyn Bay and further North West Wales.
- 7.20 All traffic to the Poultry Farm will come from destinations served by the A55 (North Wales Expressway) and then via A5026 to the north of the site.
- 7.21 Public Footpath 89 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.
- 7.22 The data on crashmap.co.uk shows that no incidents have been recorded within the vicinity of the site. On this basis, there is no evidence to suggest there is an existing road safety issue and no specific road safety mitigation measures are required as a result of the development proposals.
- 7.23 The existing facility generates a total of 90 HGV/tractor & trailer trips per crop (180 two-way movements) over a 7-week flock cycle whilst the proposed broiler unit will generate 117 HGV/tractor & trailer trips per crop (234 two-way movements) over a flock cycle of 7 weeks.

- 7.24 It is considered that the increase in traffic movements over a 7-week flock cycle would not result in a detrimental impact on the capacity or safety of the existing highway network.
- 7.25 For the reasons outlined above, the proposals satisfy policies AC13 and AC18 of the adopted Flintshire Unitary Development Plan.
- 7.26 Heritage
The site is located adjacent to Bryn y Gwynt, which is a Building of Local Interest (BLI), and there is Scheduled Ancient Monument (SAM) on the opposite side of the road (approx. 140m away), reference FL006, Offa's Dyke: Section N & S of the Circle on Holywell Racecourse, and Circle and Round Barrow.
- 7.27 In addition, there are 6 listed buildings located within the Pantasaph Conservation Area, approximately 650m to 700m north-east of the site.
- 7.28 The EA concluded that the proposed development will not have any impact on the setting of the scheduled monument. However, 3 proposed buildings are larger than the 8 buildings they would replace, resulting in a slightly increased visual impact in views from the scheduled monument. The slightly increased visual impact would not alter the way that the scheduled monument is experienced, understood and appreciate.
- 7.29 As such, it is considered that the existing buildings already have a negative impact on the Schedule Ancient Monument, but the replacement buildings would not have any further detrimental impact than what exists.
- 7.30 The listed buildings within Pantasaph Conservation Area are sufficiently remote to ensure there will be no harm to the listed buildings or their settings from the development.
- 7.31 It is accepted that there is no identified archaeological remains within the proposed development site. This view is confirmed by Clwyd-Powys Archaeological Trust. In having regard to the above, the proposals satisfy policies HE1 and HE6 of the adopted Flintshire Unitary Development Plan.
- 7.32 Landscape
There are no statutory landscape designations surrounding the site. The application site is set within a landscape of predominantly large open arable fields and grassland with scattered trees, field hedgerows and drains.
- 7.33 The site falls within National Landscape Character Area 12 – Clwydian Range as defined in the Flintshire Unitary Development Plan. It is accepted that there would be a temporary detrimental impact on landscape character during construction, but this is reversible.
- 7.34 The operational impacts on the landscape character would be minor and localized due to the 3 replacement buildings being larger than the existing 8 buildings. This

change would be for the duration of the development but must be considered against the impact of the existing built form development.

- 7.35 There would be no loss of distinctive landscape features, such as the field vegetation beyond the building platform and hard-standing areas, or field boundaries.
- 7.36 To address the localized change to the landscape, hedgerows and banks would be restored where they are sparse or eroded. There would be new native hedge bank creation and local hedge species planting on the northern boundary to the site. To break up the length of the building's groups of field maple, whitebeam, oak and fruiting trees would be planted.
- 7.37 For the reasons outlined above the impact on landscape character is limited. The proposals satisfy policy L1 of the Flintshire Unitary Development Plan.
- 7.38 Flood Risk and Drainage (Surface Water & Foul)
The proposed development is located entirely within Flood Zone A and B in accordance with TAN15 which indicates that the risk of flooding from rivers and sea is low. Therefore, the Annual Exceedance Probability of the site flooding is less than 0.1%. As the site is classified as Flood Zone A or B, a Flood Consequences Assessment is not required.
- 7.39 Foul and surface water drainage arrangements are separated. There is currently a Surface Water Drainage system that terminates at a storage tank, and a Foul Drainage system that terminates with a cesspit.
- 7.40 Calculation of total Nitrogen and Phosphate produced from the proposed poultry unit and all other sources of nutrient imported or produced on the holding are crucial to considering the environmental impacts of the development. The applicant has provided a manure management plan and associated nutrient management plan which have been assessed by Natural Resources Wales. It is considered that subject to the imposition of the mitigation measures as proposed the details are acceptable.
- 7.41 All foul (dirty) water will be directed to a sealed containment system, negating any potential for ground or surface water pollution. Dirty water will be removed from the storage tank via a vacuum tanker and taken off site by a registered contractor for water treatment.
- 7.42 A sustainable surface water management strategy has been designed to eliminate any risk of surface water flooding at the proposed development for rainfall events with Annual Exceedance Probability of 1.0% or higher, including the latest climate change allowance.
- 7.43 Surface water will be contained and directed to an attenuation basin for storage and controlled release. There is an existing brook approximately 650m to the east

of the site. Discharge of controlled runoff to the brook shall be considered via an existing ditch leading to the ditch.

7.44 For the reasons outlined above the impact on flood risk and drainage is limited. The proposals satisfy policies GEN1 and EWP17 of the Flintshire Unitary Development Plan.

7.45 Ecology

The habitats within and bordering the development site and construction zone comprise bare ground, buildings and short managed grassland. The grassland comprises nutrient enriched improved grassland with some areas of species poor semi-improved grassland. The site is bounded by intact species-poor hedges on all sides and there are trees scattered across the site

7.46 The surrounding land use is predominantly arable and pasture with the soil in the area being mainly calcareous and PH 8 alkaline.

7.47 There was evidence of nesting birds and breeding birds in the trees and hedgerows on site. Also, the existing building and trees do not have potential for roosting bats. However, hedgerows provide linear foraging corridors for bats.

7.48 Therefore, to avoid a detrimental impact on bats using the site, there shall be no increased light spillage on to the hedges or boundary trees with bat roost features. Lighting will be restricted to the interior of the site and should be kept to a low level and should be adequately conditioned.

7.49 Clearance of potential reptile habitats should be undertaken between mid-March and mid-June on a warm (above 13oC), dry day and with little wind. This is because the majority of amphibians would be in breeding ponds/standing water and therefore less likely to be in terrestrial refuges.

7.50 For the reasons outlined above the impact on protected species is considered to have adequately considered and mitigated against. The proposals satisfy policies WB1 and WB5 of the Flintshire Unitary Development Plan.

7.51 Ammonia

Agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). NRW assesses the air quality impact a unit may have on Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

7.52 The detailed atmospheric modelling report submitted in support of the proposal ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses at Racecourse Farm, Pantasaph in Flintshire.' by AS Modelling & Data Ltd. dated 13th August 2020) indicates that the poultry unit will exceed the 1% process contribution for Comin Helygain A Glaswelltiroedd Treffynnon SSSI/Mynydd Helgain SAC.

- 7.53 Notwithstanding the above, the proposed new units would improve Ammonia levels through the new efficient modern agricultural buildings. As such there is betterment from the proposals that the impact that currently exists. It is also noted that the application proposes other mitigating measures and the justification of the use of heat exchangers. Accordingly, it is considered that the details are acceptable.
- 7.54 Noise, Odour & Dust
Noise generated from the buildings is likely to be from the birds and the unit's ventilation scheme.
- 7.55 The birds are permanently housed (and not in a free-range system where outdoor roaming may occur during daylight hours) and the buildings are insulated, therefore noise levels are considered too low to assess.
- 7.56 The noise emissions of the replacement poultry unit's ventilation scheme during the day, evening and night will be low, and there will be an overall decrease in the overall extract fan noise emissions compared to the existing units. This is subject to Attenuators being fitted to the roof and west gable end fans that meet the insertion losses and the construction of a 2m high close boarded timber fence to mitigate the noise impact to the nearest dwellings.
- 7.57 The following sources have been identified as contributing to a potential medium - high risk odour source from:
- Compound feed selection
 - Feed delivery and storage
 - Ventilation techniques
 - Litter conditions and management
 - Carcass storage and disposal
 - Drinking water systems
 - Final depletion
 - Cleanout (litter removal)
 - Dirty water generation and storage (washout)
 - Litter/manure
 - Dust build up
- 7.58 Odour levels are all expected to be significantly less than current levels generated. However, at one of the receptors along Babell Road, the predicted odour concentrations exceed the Environment Agency's benchmark but are below the range where UKWIR research suggests that a significant proportion of complaints occur. Overall, the scheme will result in considerable betterment compared to existing provisions.
- 7.59 The main sources of dust are the birds, their food and the floor litter. The particles of dust inside the building are emitted to the atmosphere via the ventilation system.

7.60 The impact of undertaking the proposed development would result in a reduction of total dust deposition at the three closest receptors. However, beyond these three closest receptors, the predicted total dust deposition rates are expected to be slightly higher reflecting the impact of greater bird numbers and the use of high-speed ridge fans to provide ventilation. It is considered that these levels can be managed through the imposition of a condition requiring that a management plan for the control of dust levels be submitted and approved.

7.61 Design

The 3 no. poultry buildings will measure approximately 24.3m x 109.7m (80ft x 360ft), with an eaves height of 2.40m and a ridge height of 5.80m. The development will be served by 6 no. feed bins which will be located at the west gable end of the buildings.

7.62 The replacement buildings are to be built in a typical modern construction consisting of dwarf concrete walls supported on strip foundations with an internal concrete floor poured over continuous DPM. The insulated roof will be insulated to 200mm fibre glass, with the walls containing 100mm insulation to achieve a U-value not less than 0.4 W/m² °C thus eliminating condensation on the inner linings and minimising solar heat gain. The buildings will be clad with trapezoidal sheet cladding for the walls and roof. The finished colour of the side and gable walls and roof will be grey. The feed bins will be galvanised and the same colour to match the buildings. At the gable ends, timber weatherboard cladding will be used.

7.63 The new buildings would be built on the same footprint of the existing buildings. Whilst the agricultural building would have a utilitarian appearance, they would be an improvement on the 8 individual buildings and to the overall appearance of the site.

7.64 For the reasons outlined above the design is considered to be an improvement on the existing built form across the site and it is considered that the proposals satisfy policies L1 and L2 of the Flintshire Unitary Development Plan.

8.0 CONCLUSION

8.01 This application seeks planning permission for the proposed demolition of existing buildings at Poultry Farm, Pantasaph and the erection of three new buildings with associated infrastructure. The new development will facilitate an increase in the total number of birds housed at the site to a total of 171,000.

8.02 Whilst the scale of the development is significant, consideration needs to be given to the existing operation of the site and the functionality of the now outdated buildings.

8.03 The development has the potential to give rise to significant environmental impacts including pollution, landscape character and highway safety. However, the applicant has engaged with the Council and statutory consultees to overcome any concerns and the proposal is considered compliant with both local and national planning policy. I therefore recommend accordingly.

9.0 LIST OF BACKGROUND DOCUMENTS

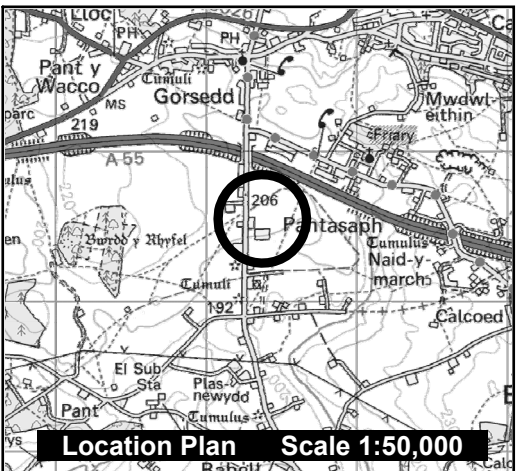
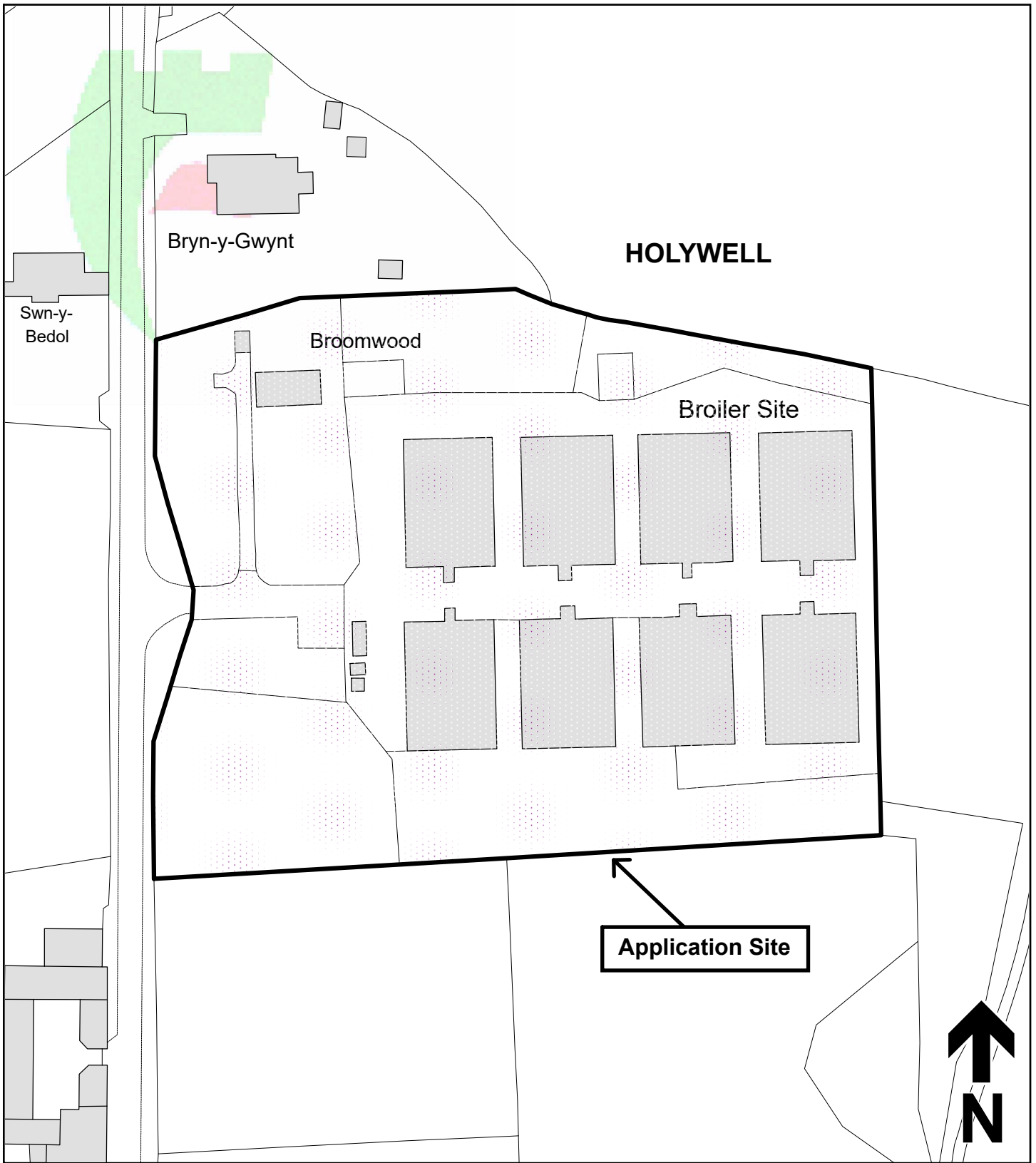
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation Responses to Publicity

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **62255**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **23rd NOVEMBER 2022**

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

SUBJECT: **ERECTION OF 21 DWELLINGS WITH ADOPTABLE HIGHWAY ACCESS**

APPLICATION NUMBER: **FUL/00077/22**

APPLICANT: **BLACK DOVE DEVELOPMENTS LIMITED**

SITE: **LAND AT RHEWL FAWR ROAD, PENYFFORDD, HOLYWELL**

APPLICATION VALID DATE: **25TH MAY 2022**

LOCAL MEMBERS: **COUNCILLOR GLYN BANKS**
COUNCILLOR G MADDISON

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

REASON FOR COMMITTEE: **DUE TO THE SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the proposed erection of 21 dwellings on land at Rhewl Fawr Road, Pen-y-Ffordd. The application site is located on a parcel of land accessed off Cwrt-y-Glower, within the defined settlement boundary.
- 1.02 The main issues to consider in determination of the application are the principle of development, highway safety and impact on amenity.
- 1.03 Planning permission was granted for the development of 23 dwellings on the same land which only very recently expired. The granting of this permission is materially important and affords significant weight. On balance the principle of development is considered acceptable.

- 1.04 Matters including highway safety, drainage and impact on existing residential amenity have been considered at length and are considered acceptable.
- 1.05 I therefore recommend that planning permission is granted subject to condition and the applicant entering into a Section 106 Agreement in relation to Public Open Space.

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:
- To provide a Public Open Space Contribution of £23,100 in lieu of on-site play provision

Conditions

1. Time limit on commencement
2. Compliance with approved plans
3. Materials
4. Levels
5. Scheme for the parking and turning of vehicles
6. Details of the internal road layout
7. Surface water run-off
8. Construction Management Plan
9. No surface water discharge
10. No tree works unless qualified ecologist present to ensure no adverse impacts upon nesting birds or roosting bats.
11. Tree and hedgerow protection to be submitted, agreed and implemented prior to works commencement.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 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(s) Councillor G Banks & Councillor G Maddison:**
No response received at time of writing report

Town/Community Council: Objections raised on the grounds that all conditions on the original application have not yet been met. In

addition, the original application 053603 was for 8 houses and 1 special needs bungalow. This would now appear to have increased to 21 dwellings. Condition No.4 regarding foul and land drainage run-off does not appear to have been satisfied.

Highways: No objections raised but recommends the imposition of conditions

Community and Business Protection: No objections raised

Welsh Water/Dwr Cymru: No objection subject to the inclusion of a condition relating to surface water

Natural Resources Wales: No objections raised

Coal Authority: Standard developer advice applies

Education: Due to existing capacity at the nearest Primary and Secondary schools no education contribution is sought with regards to this development.

4.00 PUBLICITY

4.01 35 Neighbour Notifications were sent to neighbouring properties and a Site Notice was also displayed. 4 letters of objection have been received and are summarised as follows:

1. Drainage implications for existing properties
2. Highway safety including point of access and traffic volumes
3. Lack of amenities in the village
4. Loss of residential amenity
5. Concerns with the integrity of the applicant

5.00 SITE HISTORY

5.01 055398 - Erection of 23 dwellings with adoptable highway access – Approved 15.12.2016

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR4 - Housing Policy GEN1 - General Requirements for Development
- Policy GEN2 - Development inside settlement boundaries

- Policy HSG3 - Housing on unallocated sites within Settlement boundaries
- Policy HSG8 - Density of Development Policy
- HSG9 - Housing Type and Mix Policy
- HSG10 - Affordable Housing within Settlement Boundaries Policy
- D1 - Design Quality, Location and Layout Policy
- D2 - Design Policy
- D3 - Landscaping Policy
- TWH1 - Development Affecting Trees and Woodlands Policy
- TWH2 - Protection of Hedgerows Policy
- AC13 - Access and Traffic Impacts Policy
- AC18 - Parking Provision and New Development Policy
- SR5 - Outdoor Playing Space and New Residential Development

Supplementary Planning Guidance Notes

- SPGN No 2. Space Around Dwellings
- SPGN No 3. Landscaping
- SPGN No 4. Trees and Development

National Planning Policy

- Planning Policy Wales Edition 11
- Future Wales: The National Plan 2040

7.00 PLANNING APPRAISAL

7.01 Site Description

The site is a 1ha area of land, roughly trapezoidal in shape and occupies a position within the settlement of Pen-y-Ffordd as defined within the FUDP. The site slopes gently downhill from a high point in the northwest to southeastern boundaries with the newly constructed properties at Cwrt-y-Glowyr. The site is presently vacant, semi improved pasture land with access derived via a field gate from Cwrt-y-Glowyr.

7.02 The site is surrounded on 3 sides by existing residential development. The linear form of development to the north follows Ffordd Picton and comprises a mix of single and 2 storey dwellings. The afore mentioned dwellings at Cwrt-y-Glowyr abut the application site to the southeast. The dwellings and garden areas at the northern end of Coed Mor, along with a communal garage area, form the southern boundary. Boundaries to the west abut further areas of agricultural land which are within open countryside. Boundaries are formed by hedgerows which have developed into expanses of scrub projecting into the site. A small stream is in evidence within the area of the northwestern boundary.

- 7.03 The character of built form in the area varies, comprising mainly detached and semi-detached 2 storey and single storey dwellings to the north and east, whereas terraces and semi-detached properties dominate built form to the south.
- 7.04. Proposed Development
The application is for a proposed development of 21 two storey dwellings which will consist of 2 different sized houses with associated parking, access road and amenity spaces. An area of 600m² adjacent to the western boundary will be left as grassland and scrub to provide a natural habitat resource, including one of the two existing mature trees.
- 7.05 The dwellings will vary in size with 16no. three bedroom dwellings and 5 no. two bedroom detached dwellings. This mix will provide a great degree of affordability to a wider range of housing in the area. The properties are afforded between 51 and 240 square metres of private amenity space. 3 Car parking spaces will be provided for each of the dwellings and are located adjacent or in close proximity to the dwelling entrance.
- 7.06 Principle of Development
The site lies within the settlement boundary of Pen-y-Ffordd in the adopted UDP which is a category C settlement. Policy HSG3 requires that in such settlements any additional dwellings are to meet a proved local need for affordable housing.
- 7.07 Planning permission has previously been granted for housing on the site (reference 055398) which has only expired within the last year and this application is a resubmission of that approved scheme. The previous permission is for market housing rather than affordable housing and the case for this is set out by the case officer in the committee report. Extracts from that report are set out below:
- 7.08 *The site is located within the settlement boundary of Pen-y-Ffordd which is defined as a Category C settlement within the adopted FUDP. Policy GEN2 identifies a presumption in favour of the development of such sites but identifies that in the case of unallocated 'windfall sites' there are limitation imposed via policy HSG3.*
- 7.09 *Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development will be permitted in Category C where it is designed to meet proven local needs, where it does not conflict with the planned housing provision for the County, as set out in the FUDP, and does not conflict with Policy GEN1. The bringing forward of such windfall sites is consistent with the strategic aims of the FUDP.*
- 7.10 *Members will recall that the development approved upon that parcel of land to the southwest of the site also formed a parcel of unallocated*

land within the settlement boundary. Permissions granted in respect of this land provide for 19No. dwellings and one special needs bungalow. The developer of the site is Tai Clwyd.

- 7.11 *Accordingly, these dwellings will be affordable via the suite of affordability options available to an RSL. The development of this site has therefore provided for 100% affordable housing.*
- 7.12 *I am mindful of HSG3 in my consideration of this application but I do not attribute overriding weight to it in this case. The land is identified as vacant land but within the settlement boundary within the FUDP.*
- 7.13 *There is therefore a presumption in favour of development as a matter of principle. Policy HSG3, where it refers to local needs housing, must be read in tandem with Policy HSG10 which sets out the context for affordable housing within the settlement boundaries. This policy is predicated on the basis of an identified need.*
- 7.14 *I am of the view that the need within Pen-y-Ffordd is adequately catered for via the affordable units under development at Cwrt-y-Glowyr. I am also mindful of other historic RSL development further to the west along Rhewl Fawr Road and the large areas of Council housing within the settlement as a whole.*
- 7.15 The planning history for this site is materially significant, and although now expired, the fact that this is by a matter of months, the recent planning permission holds weight in the planning balance.
- 7.16 Given the previous grant of permission, the units from this site have been counted as part of the committed provision to be made by the LDP and this is also an important consideration in the re-approval of this very recently lapsed permission, in order to ensure that there is no immediate shortfall to be found in the plan's housing provision, as the Council approaches adoption of the plan.
- 7.17 Furthermore, consultation with the Councils Housing Strategy team demonstrates that there is a very low local need for affordable housing in the Pen-y-Ffordd area. The provision within the settlement boundary and surrounding areas for affordable housing appears to be sufficient and it would therefore be unreasonable to require that this site be altered from a market scheme.
- 7.18 The consistent approach, in the absence of evidenced local need is to allow this site to be developed as market dwellings, in line with the previous planning permission. Accordingly, it is considered that the principle of development is acceptable.
- 7.20 Design
This application varies slightly from that previously approved in terms the layout and a reduction in the number of dwellings to 21 in total. The

surrounding village of Penyffordd is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form but has no overall dominant local vernacular. The proposed development is considered visually acceptable.

- 7.21 The layout takes full account of the existing dwellings adjacent to the site by maintaining separation distances which are in line with Council standards on space about dwellings and overlooking to secure privacy and amenity as well as respecting the private gardens of adjacent houses. The previous planning permission for this site secured additional boundary treatment details by way of a condition and I consider it important to re-impose that condition to safeguard amenity. The revised layout is such that separation distances and amenity spaces are adequate and therefore there is no need to restrict permitted development rights.
- 7.22 Notwithstanding representations made by residents, I consider the proposals provide an adequate and appropriate response to the design issues raised in connection with the consideration of this application.
- 7.23 Highway Safety
Access to the site is derived from the residential cul-de-sac of Cwrt-y-Glower. Three parking spaces per dwelling are provided which is in fact above the levels as set out in policy AC13 of the FUDP. Highways Engineers have assessed the proposal and raise no objections in terms of road layout, access or parking provision.
- 7.24 Whilst the concerns of local residents with regards to an increase in traffic levels in the village are noted, with no objections on highway safety grounds it is considered that the proposal is compliant with policies AC13 and AC18 of the Flintshire Unitary Development Plan.
- 7.25 Public Open Space
The proposals do not provide for on-site public open space intended for formal recreation and play. Consultation with Aura Leisure has revealed that rather than formal provision within the site for play, and in accordance with the previous planning permission, a commuted sum should be sought to be utilised in connection with projects for play and recreation within the community.
- 7.26 The consultation has established that the sum requested should be used in connection with a project to upgrade existing play facilities at the nearby Coed Mor children's play area to the south of the site.
- 7.27 In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

- 7.28 Education Contributions
Having regard to SPG23: Developer Contributions to Education, the development would not give rise to any contribution requirement at either Primary or Secondary School level as there is sufficient capacity within the schools in question.
- 7.29 Education colleagues have confirmed that the nearest primary school (Ysgol Bryn Garth C. P). has a surplus of spaces for additional pupils. The proposals would give rise to an additional 6 pupils. Accordingly, no contribution is sought for primary educational purposes as a consequence of this development.
- 7.30 The capacity at the nearest secondary school (Ysgol Treffynnon). Also has a surplus of spaces for additional pupils. The proposals would give rise to an additional 4 pupils. Accordingly, no contribution is sought for secondary educational purposes as a consequence of this development.
- 7.31 Drainage
With regards to drainage Welsh Water confirm that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. It appears that the application proposes to utilise permeable paving, and the applicant is advised that a service corridor should be provided around public sewers to allow access to these assets which would be included as a note on the decision notice.
- 7.32 Welsh Water also note that the applicant proposes to discharge surface water to a nearby watercourse and offer no objection to this in principle.
- 7.33 Concerns have been raised by local residents with regards to existing drainage capacity issues in the village and the potential of flooding from the site. The site is not in a recognised flood zone and there is no evidence provided that the proposed development will exacerbate problems. The application will be subject to SAB approval which will suitably deal with surface water discharge.
- 7.34 Ecological Matters
The application is supported by a Preliminary Ecological Appraisal which confirms that the site is not subject to any statutory or non-statutory designations. However, the site's western hedgerow boundary is likely to serve a landscape-scale role in connecting the nearby woodland to the wider landscape, and so is ecologically valuable green infrastructure when evaluated in the wider context. The site also has supporting value for protected species.
- 7.35 The site has the potential to support protected species such as foraging bats, nesting birds, great crested newts, reptiles and hedgehogs. All other protected species are likely absent from the site, due to unsuitable

habitats, levels of disturbance, species range, and/or landscape context.

7.36 Although avoidance measures and mitigation measures will likely reduce any impact on protected species it is recommended that for security conditions relating to works to trees and the hedgerow be imposed.

7.37 Other Matters

Representations from a local resident raise concern with the integrity of the applicant and the fact that the previous planning permission lapsed. Neither of these matters are planning related or are material to the consideration of this application.

7.38 In addition Llanasa Community Council raise concerns that the applicant has failed to adhere to conditions. The previous application has now expired and by virtue so have the attached conditions.

7.39 Finally, they raise concerns that the scale of the development has altered significantly to the 21 dwellings as proposed in application 056303. This is a different development parcel to the one subject of this application.

8.00 CONCLUSION

This application seeks planning permission for the proposed development of land at Rhewl Fawr Road, Penyffordd. Planning permission was granted for residential development of 23 dwellings on this land which has only just lapsed. The planning history is crucial in determination of this application both in terms of the principle of development and the housing commitment levels as put forward in the draft LDP. In addition, low local housing need evidence is such that market dwellings would be acceptable still in this location. In terms of consistency there are no material changes in circumstances since the granting of planning permission previously.

Matters including highway safety, drainage, ecological implications and public open space contributions have been assessed and are considered acceptable.

Concerns raised by residents in relation to residential amenity have been considered but the proposal complies with both local planning guidance and supplementary planning guidance.

8.01 Other Considerations

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

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

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

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

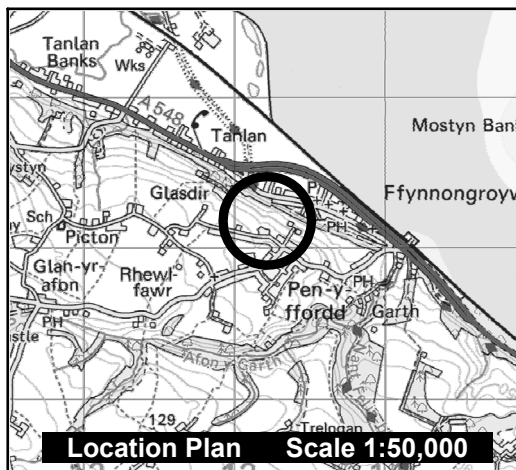
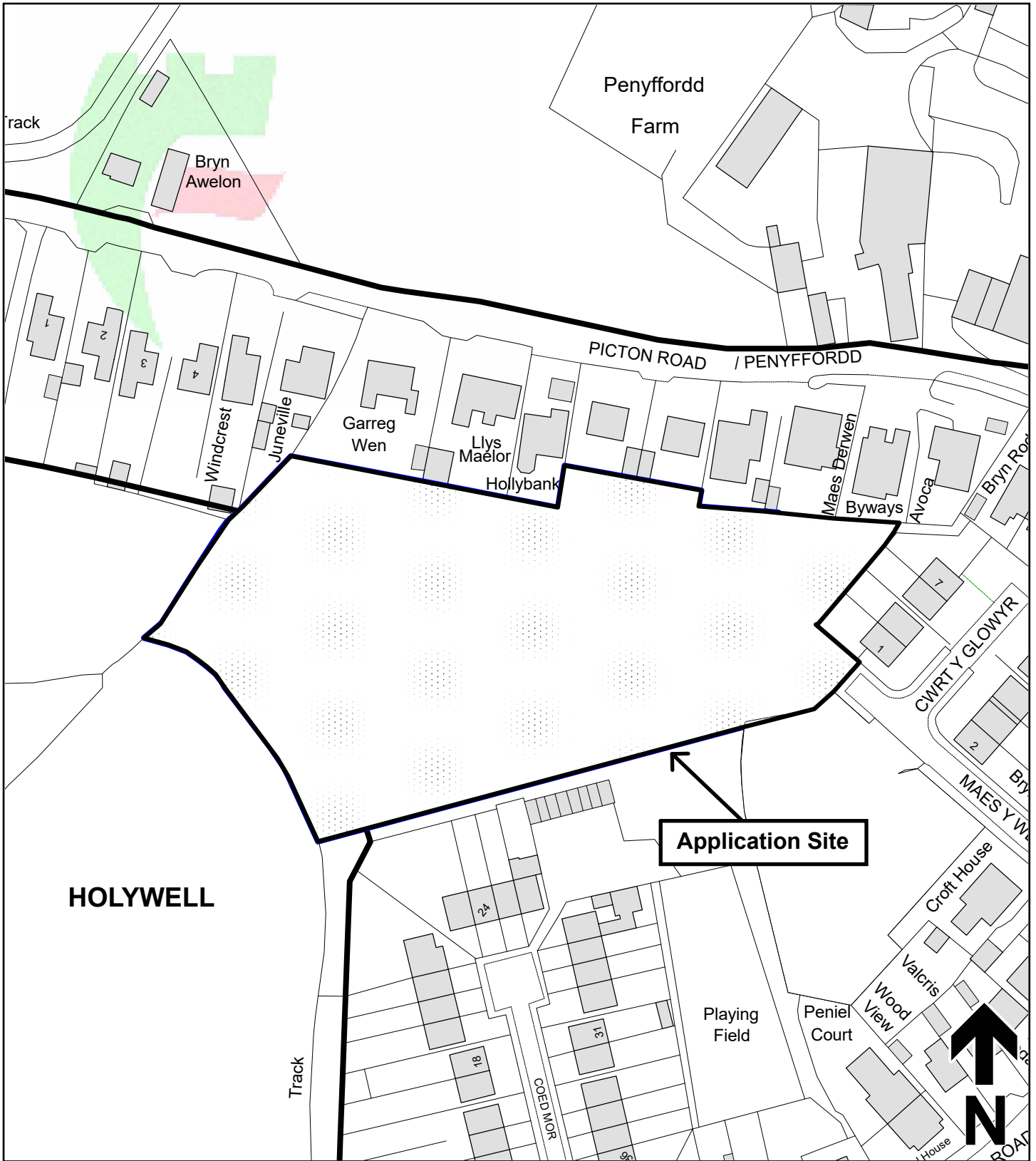
LIST OF BACKGROUND DOCUMENTS

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

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1382

Planning Application FUL/000077/22

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **23rd November 2022**

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

SUBJECT: **Conversion of former redundant public house to form 11no apartments**

APPLICATION NUMBER: **FUL/00358/22**

APPLICANT: **Chris Walsh**

SITE: **315, High Street, Connah's Quay, Flintshire, CH5 4DP**

APPLICATION VALID DATE: **16th August 2022**

LOCAL MEMBERS: **Councillor Attridge and Councillor Owen**

TOWN/COMMUNITY COUNCIL: **Connahs Quay Town Council**

REASON FOR COMMITTEE: **Request from Ward Councillor so that Committee can assess potential impacts in relation to the highway and parking and the appropriateness of the development for the area.**

REASON FOR DEFERRED: **The application was deferred from Planning Committee on 26/10/22 to allow for re-consultation with neighbouring properties.**

SITE VISIT: **Not required**

1.0 SUMMARY

- 1.1 This application seeks permission for the conversion of a former (now redundant) public house (The Hare and Hounds) to form 11 No. self-contained apartments at 315 High Street, Connah's Quay, Flintshire, CH5 4DP.
- 1.2 The application was deferred from Planning Committee on 26 October 2022 due to parking concerns and consultations. Neighbour Notifications have since been hand-delivered to neighbours and a further Site Notice has been displayed.

1.3 Following the deferral, the agent and Ward Councillor have met on site to discuss the proposed parking arrangements. The agent has confirmed that there are no changes to the proposed scheme.

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

2.1 Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Enhanced double glazing
4. Surface water

3.0 CONSULTATIONS

3.1 Local Member: Councillor Attridge: Following deferral from Planning Committee on 26 October 22 and the re-consultation with neighbouring properties, happy for the application to now be progressed to Planning Committee so that concerns raised by local resident in relation to parking and the number of apartments/HMOs in the area can be considered.

3.2 Local Member: Councillor Owen: No representation received at the time of writing.

3.3 Connah's Quay Community Council: No response at the time of writing.

3.4 Highways Development Control: No objection.

3.5 Community & Business Protection: No objections in principle to this application. One condition to be attached regarding to enhanced double glazing to the bedroom/living rooms windows with a view of the High Street.

3.6 Welsh Water/Dwr Cymru: No objection however attached conditions and Advisory Notes to any granted planning permission.

3.7 Natural Resources Wales: No objection to the proposed development as submitted and advises to provide advice on protected species.

3.8 North Wales Fire and Rescue Authority: The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation. Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue

Service, in accordance with the 2007 version of Approved Document B (Wales).

- 3.9 Housing and Communities: No objection. This application (11 additional homes) would assist with meeting the growing need and undersupply of housing in the Connah's Quay area for single people and couples of working age.

4.0 PUBLICITY

Press Notice, Site, Notice, and Neighbour Notification: No representations received at the time of writing.

5.0 SITE HISTORY

- 5.1 **042918** - Retrospective application for the erection of a timber pergola, decked area with balustrading and erection of new fence and gate to storage area. – **Approved 14/05/2007**

6.0 PLANNING POLICIES

6.1 Flintshire Unitary Development Plan

- STR1 New Development
- GEN1 General Requirements for Development
- GEN2 Development Inside Settlement Boundaries
- D1 Design Quality, Location and Layout
- D2 Design
- AC13 Access and Traffic Impact
- AC18 Parking Provision and New Development
- HSG3 Housing on Unallocated Sites Within Settlement Boundaries
- S11 Retention of Local Facilities

Supplementary Planning Guidance

- SPGN2 Space Around Dwellings
- SPGN11 Parking Standards
- Draft SPGN13 Outdoor plan space and New Development
- SPGN24 Retention of Local Facilities

National Planning Policies

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

- 6.2 It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development

Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation.

7.0 PLANNING APPRAISAL

7.01 This application seeks permission for the conversion of former redundant public house (Hare and Hounds) to form 11 no self-contained apartments at 315, High Street, Connah's Quay, Flintshire, CH5 4DP.

7.02 Site Description

The application site is a redundant Public House which ceased trading as of February 2022. The building has been constructed from brick walls supporting pitched timber framed roof sections covered with slate. The application site is located on the south side of the A548 (High Street) within the settlement boundary of Connah's Quay. The property fronts High Street and includes land to the rear of the building behind dwellings fronting Chapel Street and adjacent to Chapel Court (a block of residential apartments).

7.03 The surrounding area consists of a mix of residential and commercial units with Browns Furniture Warehouse being located immediately adjacent to application site to the west.

7.04 The main vehicular access to the property is directly from High Street into the car park/service area that runs along the frontage of the former Hare & Hounds PH and the adjoining furniture store. There is a secondary access from Chapel Street to the rear of property although this has not been used for public access. The car parking area in front of the building will provide space for six cars.

7.05 Proposed Development

Permission is sought for the conversion of the former redundant public house to form 11 No. self-contained apartments. The proposal seeks to provide accommodation over 4 floors (ground and three floors above) comprising of 8 one-bed apartments and 3 two-bed apartments. The proposed accommodation will consist of three apartments on each of the ground, first and second floors with two apartments proposed on the third floor. The apartments are designed to meet the requirements of the affordable housing market.

7.06 There are no additional windows proposed on any elevations just alterations with two windows on the third floor on the front and rear elevations being slightly enlarged. The proposal includes enhanced double glazing to the bedroom/living rooms windows with a view of the High Street to achieve a minimum sound reduction of around 34dB(A). The roof will be fixed where necessary with materials to match existing and all windows and doors will be replaced. The exterior of the building will be repainted and repaired where necessary.

7.07 A minimum of 4 No. Swift nesting boxes are to be installed under the eaves (so as to be unobtrusive) on the front elevation facing High Street and to the rear.

7.08 A bin store is sought to be located to the rear of the property on the rear boundary which seeks to be 3.4m x 3.4m.

7.09 The Main Issues

The main issues to be considered within the determination of this planning application are:

1. the principle of the development in planning policy terms,
2. the effects upon the visual appearance and character of the area
3. the effects upon the amenities of adjoining residents
4. the effects upon the highway

7.10 Principle of Development

The site is located within the settlement boundary for Connahs Quay, a category A settlement, as identified within the Flintshire Unitary Development Plan/ The conversion does not create tandem development or overdevelopment, does not conflict with the aims of the UDP.

Policy STR1 States that new development will be:

- a) generally located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location;
- b) required to incorporate high standards of design which are appropriate to the building, site and locality, maximise the efficient use of resources, minimise the use of non-renewable resources and minimise the generation of waste and pollution;
- c) required to create a safe, healthy and secure environment and protect standards of residential and other amenity;
- d) required to respect community identity and social cohesion including the adequacy and accessibility of community facilities and services;
- e) required to respect physical and natural environmental considerations such as flooding and land stability;
- f) required to minimise or negate pollution to air, water and land; and
- g) assessed in terms of a precautionary approach whereby development proposals that would have a significant and uncertain environmental, social, economic or cultural impact, will be refused, in the absence of the best available information which proves that the impact can be negated or mitigated through proper risk control measures.

The proposal is considered to comply with the criteria set out in STR1.

7.11 UDP Policy HSG3 Housing on Unallocated Sites Within Settlement Boundaries on unallocated sites within settlement boundaries, new housing, the change of use of non-residential buildings to dwellings, the renovation or replacement of existing dwellings, and infill development will be permitted provided that:

- a) in category C settlements it is the renovation or replacement of an existing dwelling or it is to meet proven local needs and cumulatively does not result in over 10% growth since 2000.
- b) in category B settlements it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need, and
- c) where a housing development is acceptable in principle in category A, B and C settlements:
 - i) it does not result in tandem development or overdevelopment in relation to the character of the site and surrounding area;
 - ii) it does not conflict with the UDP housing provision for the County over the Plan period; and
 - iii) the proposal complies with policy GEN1.

The site is located within Category A settlement (criterion c applies) and is considered to comply with criteria ci-ciii.

7.12 As the proposal will lead to the loss of a public house Policy S11 applies and states that development which will lead to the loss of a shop, post office or public house or other building which performs a social as well as an economic role will be permitted only where:

- a) similar facilities exist in the neighbourhood or village which are equally as conveniently accessible to local residents; or
- b) where this is not the case, the property has been advertised at a reasonable price for sale or lease in its existing use for a period of at least one year without success.

The proposal complies with criteria 'a'. Other public houses such as The Ship is located 0.06 miles away and Custom House which is 0.4 miles away.

7.13 With regards to access, Policy AC13 states that development proposals will be permitted only if:

- a) approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity; and
- b) safe vehicular access can be provided by the developer both to and from the main highway network.

The proposal complies with criteria 'a' and 'b' set out in Policy AC13.

- 7.14 Similarly, Policy AC18 states that all new development, including changes of use, must provide appropriate parking in accordance with Flintshire County Council Parking Standards, which will be applied as a maximum. Reduced requirements may be applied where:
- a) it is located in a town centre;
 - b) it lies within 300 metres of existing public car parks which have sufficient spare capacity and are accessible by all users;
 - c) on site parking is not required by the development;
 - d) the developer has entered into an agreement with the Local Planning Authority to contribute a commuted sum equivalent to the current cost of provision of non-operational parking spaces; and
 - e) alternative provision is made for the use of public transport, cycling and walking, or other arrangements such as formal car sharing or private bus services;
 - f) provided that surrounding residential or other areas would not suffer from an increase in on-street parking.

However, over generous parking can prevent higher density development, and may deter the use of more sustainable forms of travel. Further assessment of access and highways is discussed within a separate section below.

The proposal complies with criteria 'a, e, f'. A detailed assessment of access and highways is discussed in a separate section below.

- 7.15 Furthermore, with regards to design policies GEN1 and D1 state that development should harmonise with the site and surroundings in terms of the siting, scale, design, layout, use of space, materials, external appearance and landscaping.
- 7.16 In addition to the above policies, consideration has been given to the guidance with regards to space around dwellings contained in Supplementary Planning Guidance Notes 2.
- 7.17 Moreover, PPW11 introduces the concept of placemaking whose positive implementation through good design is to ensure peoples and community well-being. PPW states that good design is fundamental to achieving sustainable places and is not simply about the architecture of a building or development but the relationship between all elements of the natural and built environment and between people and places. It is considered that the proposal represents a sustainable re-use of a redundant building for a beneficial use and as such represents positive place making.

7.18 Housing

Housing and Prevention Services have confirmed that there is significant demand for housing in Flintshire as evidenced through a large increase in applicants accepted onto the Councils Common Housing Register, particularly for smaller affordable accommodation. The number of eligible applicants on the Council's Common Housing Register has increased significantly (71% up) over the last few years (approx. 1400 @ March 2020 – approx. 2400 October 2022). When considering all applicants on the Common Housing Register with a 1 bed need between the age of 18yrs – 59yrs Housing colleagues advise that there are presently 997 eligible applicants in need of housing. Of those applicants aged 18yrs – 59yrs who have identified Connah's Quay as an area for rehousing, there are 397 applicants (October 2022). Connah's Quay is one of the highest demand areas for 1-bed accommodation in Flintshire.

7.19 Housing colleagues have also confirmed that within the private rented sector across the County and including Connah's Quay, local lettings agents report a huge shortage of properties and high levels of competition as soon as properties come onto the market. Pre-covid, agents received an average of five enquiries per day for each new property. It is now commonplace for agents to receive 60 to 80 enquiries per property. Housing have confirmed that this application (11 additional homes) would assist with meeting the growing need and undersupply of housing in the Connahs Quay area for single people and couples of working age.

7.20 Access and Highways

A Highways Statement has been submitted in support of the application. There are no proposed changes to the existing access. The application proposes 6 spaces to be provided at front of the building.

7.21 For apartments, section C3 of SPGN no.11 suggests a maximum permitted parking level of one car park space per unit plus one space per two units for visitors. This would be a maximum provision of 17 spaces for the proposed development. This assessment does not however take into account the nature of tenure or location of the property which both have significant impact on parking demand.

7.22 The site is in a central location in close proximity to local community facilities with easy access to both rail and bus services, retail, employment and education. There are several bus stops along the High Street (a main bus route) and the nearest train station (in Shotton) is 0.9 miles away. Local pedestrian and cycle facilities make Active Travel viable options. The application is considered to be in a sustainable location allowing the facilitation of different modes of transport and reducing car-based travel. Highways were consulted as

part of the application process and raise no concerns or objections to the proposal.

7.23 Ecology

As part of the application a Protected Species Survey and Bat Activity Survey was submitted. The building was subjected to an internal and external survey on the 8th July 2022, the weather conditions were clear and dry.

7.24 The results from the survey state that no visible evidence of bats was found anywhere in or around the structure of the building that could be safely accessed, no droppings, feeding remains, staining, marking etc. There are some small roof voids probably no more than a metre high above some of the upper rooms and these have no access with sealed ceilings. Other sections that are not rooms can be accessed and these were generally full of dense hanging cobwebs.

7.25 However, due to some exposed sections of roof to the rear a bat emergence survey was recommended to confirm any presence/absence for the building. The bat emergence survey was carried out and concludes that no bats at all were observed exiting the pub and only one or two single pipistrelle bats were observed in the area. The first bat appeared to fly in from a north-east direction possibly from the far side of the road.

7.26 With regards to birds, there was evidence of birds nesting in the chimney structures and there is also some potential access for birds at the rear where the roof felt has fallen away below the roof overhang. The high nature of the building would be attractive to swifts which are a declining species. Four woodstone swift boxes will be installed under the eaves on the east elevation as shown below, these boxes should be marked on the submitted building plans. All breeding birds are protected under Section 1(1) and 1(2) of the Wildlife and Countryside Act 1981, as amended. This makes it an offence to damage, disturb, or obstruct access to nests during the bird breeding season (generally March to September). Natural Resources Wales have been consulted as part of the application process and raise no objections to the proposal.

7.27 Scale of Development

As outlined above, the proposal seeks to provide 11 apartments over four floors. The proposal does not seek to extend the property. The mix is consistent with the Local Housing Market Assessment within which the broad level of identified need indicates the greater single need is for one and two bedroom properties (45.6%). The HMO and Flat Developer Advice Note advises that adequate amenity space is required and accessible to all residents that is of high quality, well designed and fit for purpose. As such, there should be a minimum of 20m² of amenity space per flat, therefore, amenity space equating to

220m² would be required for a proposal of 11 apartments. The amenity space identified with this application at the rear of the site equates to over 330m² and therefore complies with policy relating to the HMO and Flat Developer Advice Note.

7.28 Character and Appearance

In terms of appearance, there are no external alterations proposed as part of the application other than upgrading of windows and repainting and repair works to the roof and the elevations. The proposals would enhance and improve the appearance of the building which has fallen into a state of disrepair in recent years. There is no one single or predominant design or character within the area. The proposal has been designed to be sympathetic to the existing property and the wider area and is considered to be compliant with the provision of policies GEN1, and D2 of the Flintshire Unitary Development Plan.

7.29 Living Conditions

The property is positioned between two existing properties: Browns Furniture and No. 22 Chapel Court. Nos. 5 – 13 Chapel Street are located to the north west of the site with Nos. 1 – 21 Chapel Court to the rear of the property. The impact of the living conditions of the occupiers of these properties is of fundamental importance in consideration of this application having regard to planning policy and Supplementary Planning Guidance 2 – Space Around Dwellings.

7.30 No representations have been received from the occupiers of neighbouring properties, however this does not negate the need to assess the proposal in terms of the potential impacts for those nearby residential properties.

7.31 There are no additional windows proposed as part of the application. The separation distances are 21m or more complying with the separation distances required are set out in SPGN2. There is no new build proposed and the buildings are all as existing. Therefore, there are no concerns with regards to loss of privacy. The separation distance between the application property and the block of flats at 1-21 Chapel Court is 24m at its closest therefore, meeting the required separation distances. Overall, it is considered that the proposal will not negatively impact the living conditions of the surrounding neighbours.

7.32 Other Matters

The Local Member had asked for the application to be considered by Planning Committee so that concerns regarding the proposal in respect of potential impacts on the local highway and parking can be looked at. The proposal seeks to formalise six parking spaces to the front of the application site. Given the location of the site and the close proximity to facilities and the public transport network, Highways have not raised any objections to the proposal. Both national and local planning policies encourage local authorities to support proposals which give

scope for reducing the reliance on car based travel and encouraging alternative and more sustainable modes of travel.

- 7.33 An additional concern regarding the disposal of waste from the apartments has been raised. A bin store will be provided to the rear of the property to allow for the appropriate disposal of all rubbish within allocated bins within the store room.
- 7.34 A further concern relates to inappropriate development in an area with excessive flats apartments and HMOs. There is considered to be a shortage of 1 and 2 bed accommodation and this proposal meets an identified housing need for the area. The site is considered to be an appropriate use of an existing building.
- 7.35 Finally, a concern has been raised regarding a serious ASB in the same area including 2 murders. However, this is not a planning matter nor relates to the development of flats.
- 7.36 Following deferral from Planning Committee on 26 October, the Local Member and the agent and applicant have met on site to look at the parking proposed for the site. Whilst the need for parking for private cars is acknowledged, given the sustainable location of the site and access to local amenities and the public transport network, and the need to reduce the reliance on the private car, the agent has confirmed that there are no changes to the proposed scheme.

8.0 CONCLUSION

To conclude, the proposal provides sufficient amenity space for the number of units and a sufficient amount of parking, located within a central location in close proximity to public transport and active travel. The proposal has been designed sympathetically using matching materials and would not have a detrimental impact on the character of the surrounding area. The proposed development would improve and enhance an existing building in the local area and bring it back into an appropriate use.

Given the location of the development, and with due regard to the relevant planning policies and to considerations of sustainability this site is considered to be an appropriate location for this form of development.

I recommend accordingly.

8.1 Other Considerations

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

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

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

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

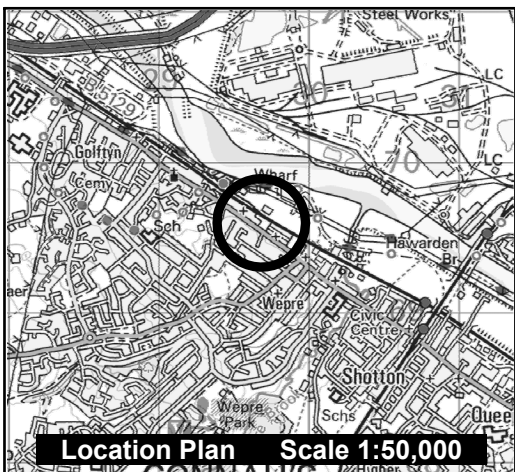
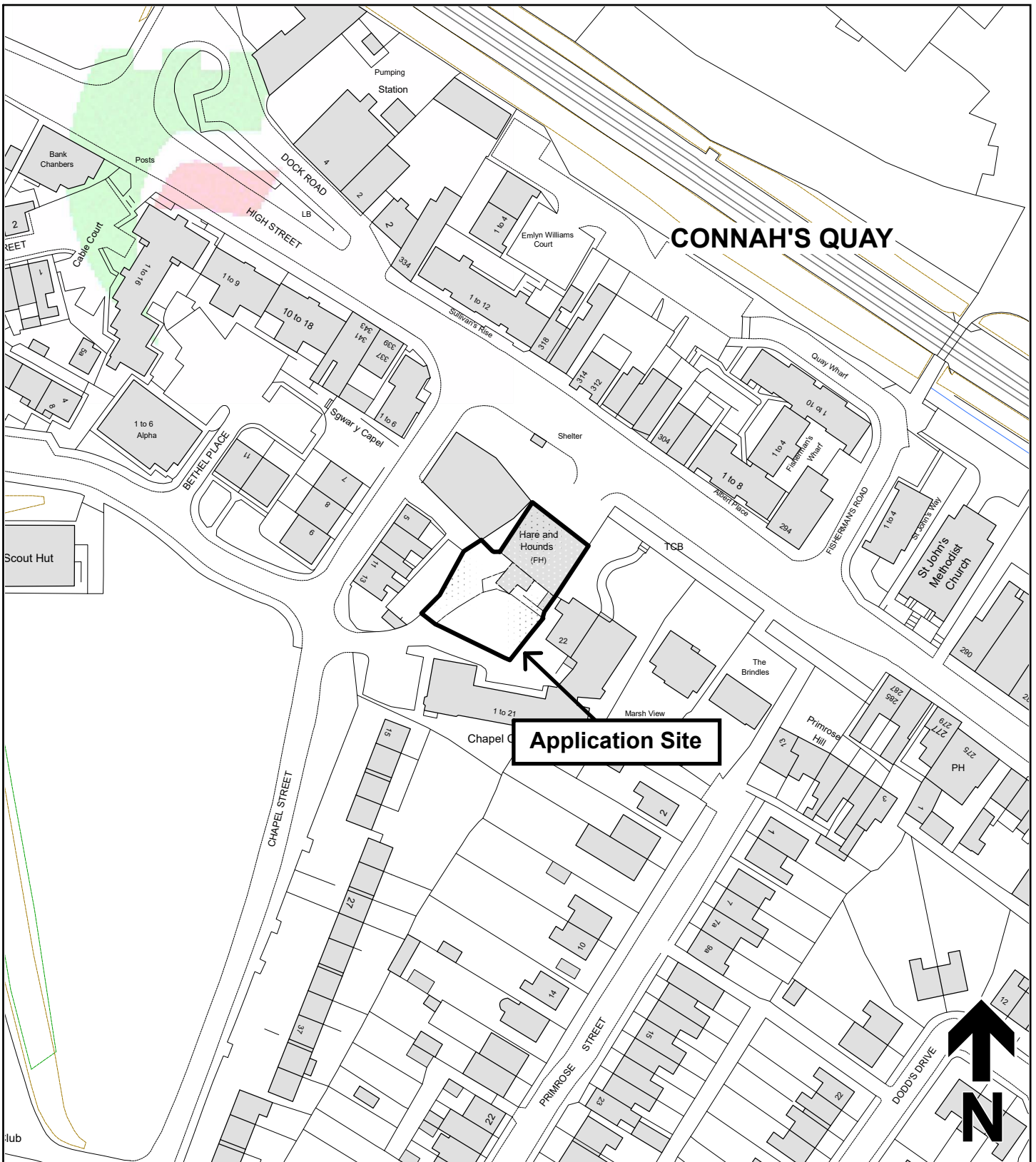
LIST OF BACKGROUND DOCUMENTS

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

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

Legend

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

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Planning Application FUL/000358/22

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **23rd November 2022**

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

SUBJECT: **Demolition of single storey rear extension and conservatory - Proposed 2 storey extension - similar to the application approved 037216**

APPLICATION NUMBER: **000412/22**

APPLICANT: **Claire & Chris Morter**

SITE: **Bryn Seion, Bryn Seion Lane, Soughton, Mold, CH7 6YY**

APPLICATION VALID DATE: **1st September 2022**

LOCAL MEMBERS: **Cllr Bateman and Cllr Thew**

TOWN/COMMUNITY COUNCIL: **Northop Community Council**

REASON FOR COMMITTEE: **Applicant is a member of staff within the Planning Department**

SITE VISIT: **Not required**

1.00 SUMMARY

1.01 This application seeks permission for the demolition of a single storey rear extension and conservatory and a proposed 2-storey extension at Bryn Seion, Bryn Seion Lane, Soughton, Mold.

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

- 2.01
1. According to plans
 2. Materials matching

3.00 CONSULTATIONS

3.01 Local Member: Cllr Bateman & Cllr Thew: No representation received at the time of writing.

Northop Community Council: No representation received at the time of writing.

Highways Development Control: No objection.

Community and Business Protection: No objection.

Ecology Officer: No representation received at the time of writing.

Natural Resources Wales: No objection.

Coal Authority: Standing advice to be provided to the applicant.

4.00 PUBLICITY

4.01 10 Neighbour Notifications were sent to adjacent/nearby properties. No representations have been received at the time of writing.

5.00 SITE HISTORY

5.01 061904 - Proposed extension to provide accommodation for disabled access and facilities – approved 10/06/2021

037216 - Two storey rear extension – approved 27/05/2004

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- GEN1 General requirements for development
- GEN2 Development Inside Settlement Boundaries
- D1 Design quality, location and layout
- D2 Design
- HSG12 House extensions and alterations

Supplementary Planning Guidance

- SPGN1 Extensions and Alterations to Dwellings
- SPGN2 Space around dwellings

National Planning Policies

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

6.02 It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation.

7.00 PLANNING APPRAISAL

7.01 This application seeks permission for the demolition of a single storey rear extension and conservatory together with a proposed 2-storey extension. The proposed extension is similar in scale and appearance application reference 037216 which was approved in 2004 (but not implemented).

7.02 Site Description

The application site consists of a 2-storey detached dwelling consisting of a mixture of natural stone and white render finish with a grey slate roof. The property is located at the end of Bryn Seion Lane and benefits from a private drive providing off street parking and a detached garage bounded by mature hedges surrounding the property. The surrounding area is predominantly residential in character and consists of a mix of 2-storey detached and semi-detached properties all of different size and design. The application site is located within the settlement boundary of Sychdyn and is not located within any designated areas.

7.03 Proposed Development

Permission is sought for the erection of a 2-storey rear extension. The proposal seeks to extend by 5m x 6.1m. The proposed height is approximately 6.3m to the ridge and 4m to the eaves designed with a gable end pitched roof. There is one large bi-folding door sought on the ground floor side elevation and two windows proposed on the first floor. The rear elevation seeks one door and one window on the ground floor and one window on the first floor. The proposed side elevation includes a new entrance door and small window on the ground floor and one small window on the first floor.

7.04 The Main Issues

The main issues to be considered within the determination of this planning application are:

1. the principle of the development in planning policy terms,
2. the effects upon the visual appearance and character of the area
3. the effects upon the amenities of adjoining residents

7.05 Principle of Development

Policy HSG12 of the Flintshire Unitary Development Plan states extensions or alterations to existing dwellings will be permitted provided that the proposal:

- is subsidiary in scale and form to the existing dwelling, and does not represent an overdevelopment of the site;
- respects the design and setting of the existing dwelling and surrounding area; and
- will not have an unacceptable impact on people living nearby.

It is considered that the proposal complies with the above criteria for Policy HSG12.

- 7.06 Furthermore, GEN1 and D1 states that development should harmonise with the site and surroundings in terms of the siting, scale, design, layout, use of space, materials, external appearance and landscaping.
- 7.07 In addition to the above policies consideration has been given to the guidance with regards to extensions and space around dwellings contained in Supplementary Planning Guidance Notes 1 and 2.
- 7.08 Moreover, PPW11 introduces the concept of placemaking whose positive implementation through good design is to ensure peoples and community well-being. PPW states that good design is fundamental to achieving sustainable places and is not simply about the architecture of a building or development but the relationship between all elements of the natural and built environment and between people and places.
- 7.09 Scale of Development
In terms of scale, the proposal is considered to be in keeping with the existing dwelling. The proposed two storey extension will reduce the size the garden slightly however includes the demolition of an existing single storey extension and conservatory. The proposal still provides adequate amenity space for the applicant to enjoy. The site benefits from amenity space to the side and rear of the property. SPGN2 states that for single bedroom dwellings a guideline of 30 square metres should be applied, rising to a guideline of 70 square metres for a three or more bedroom dwelling. The proposal will comply with SPGN2 and it is considered that the extension retains adequate amenity space and does not form overdevelopment of the site.
- 7.10 SPGN1 states as a general guide, house extensions should not be more than 50% of the original floorspace and extensions that are out of scale and character will not be permitted. However, the percentage increase figure will ultimately depend on the merits of each individual proposal and scenario. If the house is in a large plot there may be scope to extend beyond 50% whilst still maintaining the character of the existing property and the surrounding locality. The existing dwelling has a floor space of 111.6m². The proposed extension would provide an overall floorspace of 146.6m². The percentage increase proposed is 31.3% and therefore is compliant with planning policy. Overall, it is considered that the proposed extension is subsidiary in scale.
- 7.11 Previously approved applications (Refs 061904 and 037216) as outlined in the planning history above have not been implemented.

7.12 Character and Appearance

In terms of appearance, the proposal seeks to utilise similar materials to the existing dwelling and is designed to respect the character and appearance of the existing dwelling. The application site is located at the end of a Bryn Seion Lane and the proposed extension is not clearly visible to the street scene. Based on its scale and design it is considered that the proposal harmonises with the surrounding area and is in keeping with the character of the existing dwelling.

7.13 It is important to note that the site is within the settlement boundary and within a built up area with a mix of dwelling styles and sizes. The extension is not clearly visible. The plot and locality provides adequate parking and amenity space. The proposal is compliant with the provision of policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan.

7.14 Living Conditions

The property is positioned between two existing properties (Bryn Seion Cottage and No. 6 Bryn Seion). The impact of the living conditions of the occupiers of these neighbouring properties is of fundamental importance in consideration of this application having regard to planning policy and Supplementary Planning Guidance 2 – Space Around Dwellings.

7.15 No representations have been received from the occupiers of neighbouring properties; however this does not negate the need to assess the proposal in terms of the potential impact towards such.

7.16 Having regard to Bryn Seion Cottage, due to the positioning of the application site the proposed extension is screened by the existing dwelling. The boundary consists of mature dense trees and hedges also providing additional screening. The proposed extension is not considered to be overbearing or cause any loss of privacy. Overall, the proposal will not have a negative impact on the living conditions of Bryn Seion Cottage.

7.17 Having regard to No. 6 Bryn Seion, the proposed extension is located approximately 4m from the shared boundary and 9m from the side elevation of the neighbouring property at its closest point. There is one small window on the first floor elevation of the proposed extension that would face No.6. but this window would relate to a non-habitable room (the landing). Therefore, there are no concerns with regards to overlooking or loss of privacy.

7.18 The proposal would also have a pitched roof sloping away from the neighbouring property thereby further mitigating any potential impacts. This, combined with separation distances achieved, is considered appropriate in design terms and overall potential impact. It is considered that the proposal will not have a negative impact on the living conditions of No. 6 Bryn Seion.

7.19 There are detached properties located to the rear of Bryn Seion, however, these properties have a separation distance of 21m or more from the proposed extension. The proposal is not considered to have a negative impact on the living conditions of those properties.

8.00 **CONCLUSION**

The proposed extension would not reduce the number of parking spaces at the site. The proposal is well designed to provide a balanced appearance using matching materials to deliver an aesthetically pleasing extension that would not have a detrimental impact on the character of the surrounding area and maintains adequate amenity space for the occupiers. The proposal has been designed carefully to limit any potential impacts on neighbouring properties. Therefore, the proposal is considered to comply with policies D1, D2, EWP17, HSG12 of the UDP and Supplementary Planning Guidance 1 and 2.

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.

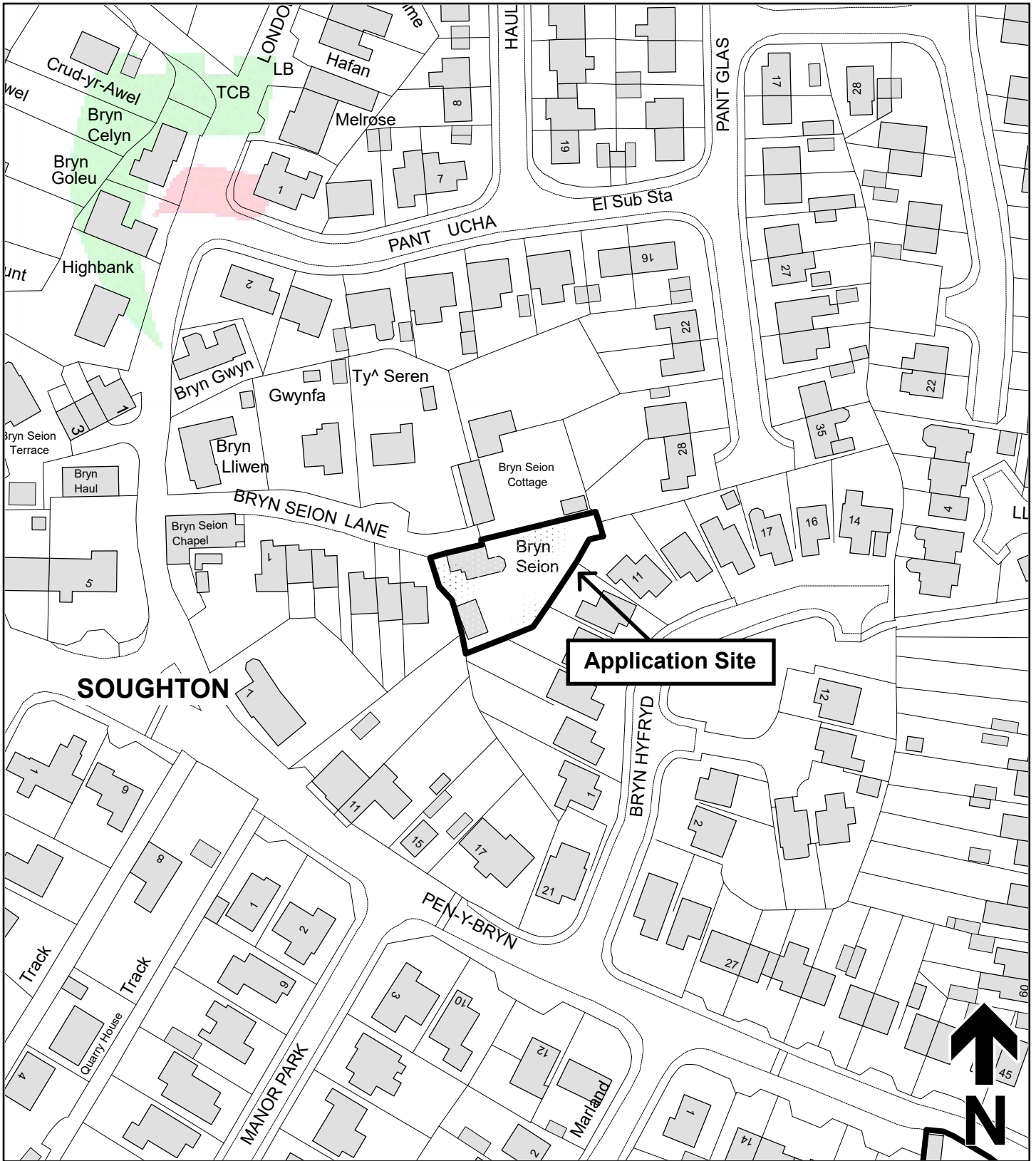
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Charlotte Lloyd-Randall

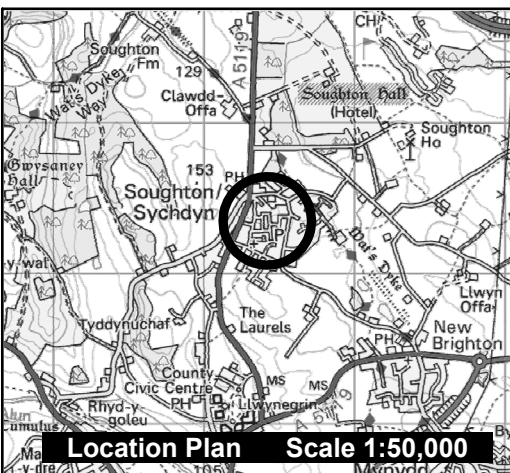
Telephone: 01352 703280

Email: charlotte.lloyd-randall@flintshire.gov.uk



SOUGHTON

Application Site



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 FUL/000412/22

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 23 NOVEMBER 2022**

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

SUBJECT **GENERAL MATTERS – APPEAL ON THE GROUNDS OF NON-DETERMINATION – OUTLINE DEVELOPMENT OF LAND TO PROVIDE LODGES/CHALETS INCLUDING SITE OFFICE**

APPLICATION NUMBER: **063500**

APPLICANT: **MR GIZZI**

SITE: **LAND AT NORTHOP COUNTRY PARK**

APPLICATION VALID DATE: **7/9/21**

LOCAL MEMBERS: **COUNCILLOR M BATEMAN**
COUNCILLOR L THEW

TOWN/COMMUNITY COUNCIL: **NORTHOP COMMUNITY COUNCIL.**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST GIVEN SITES SENSITIVE LOCATION WITHIN AN HISTORIC COUNTRY PARK.**

1.00 PURPOSE OF REPORT

For Members information this application is the subject of an appeal lodged and validated by Planning Environment Decisions Wales (PEDW) on the grounds of non-determination. The purpose of this report is to obtain Planning Committee resolution in respect of the approach to be adopted by the Council in respect of the appeal. PEDW have advised that the appeal is initially intended to be dealt with by the Written Representation procedure. Members are asked to endorse a recommendation that the proposal is supported subject to the imposition of conditions as referenced in paragraph 2.00 of this report with PEDW, advised accordingly.

1.01 **SUMMARY**

This outline planning application with all matters reserved for subsequent approval except for access and scale proposes the development of land at Northop Country Park, Northop with 24 No. lodges/chalets holiday park and a site office.

- 1.02 The application has been resubmitted following refusal of a recent outline application under 059999 in September 2020, for a 30 No. lodges/chalets development, site office with shop/convenience store and cycle hire facility. This application was refused on the grounds of concerns about scale/siting, and its associated impact on the Grade II Listed Soughton Hall Historic Park and Garden and Great Crested Newt (GCN) population, as referred to by statutory consultees at that time.

2.00 **RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS**

- 2.01
1. Outline – Time Limit
 2. Outline – Submission of Reserved Matters
 3. Materials to be submitted and approved
 4. Occupation of lodges/ chalets for holiday accommodation only
 5. Register of occupation to be kept / available to the Local Planning Authority
 6. Site /Finished Floor Levels to be submitted and approved
 7. Detailed landscaping specification to be submitted and approved
 8. Implementation of landscaping scheme
 9. Details of external lighting to be submitted and approved
 10. Details of parking /turning /unloading to be submitted and approved.
 11. Details of foul drainage connection point to be submitted and approved.
 12. Development to be undertaken in accordance with Great Crested Newt Management Plan
 13. Scheme for Giant Hogweed management to be submitted and approved.
 14. Scheme for bat mitigation /lighting to be submitted and approved
 15. Disposal of water from hot tubs to be undertaken via the public sewerage system or the transfer off site by registered operators.

3.00 **CONSULTATIONS**

3.01 **Local Member** Councillor M Bateman: Request Planning Committee determination given the sensitivity of the setting within an historic country park.

Councillor L Thew: Awaiting response at time of preparing report.

Northop Community Council: Object to the development on the basis of it having a significant impact on the historic park land

Highways Development Control: No objections. Recommend that any permission includes conditions in respect of parking, unloading and turning of vehicles, with the inclusion of highway supplementary notes upon any grant of permission.

Welsh Government (Economy – Trunk Roads): Following the submission of a noise survey in progression of the application, Welsh Government as highway authority for the A55 trunk road, does not issue a Direction.

Community and Business Protection: No adverse comments

Welsh Water/Dwr Cymru:

Note the intention to dispose of foul flows via the public sewerage system, to the west of the site. No objection subject to confirmation regarding the proposed point of connection.

Natural Resources Wales:

Recommend that any permission includes conditions in respect of Great Crested Newt (GCN) protection /mitigation and biosecurity in relation to Giant Hogweed management.

Clwyd – Powys Archaeological Trust (CPAT): No objections

Conservation: The site is located within the essential setting of the Grade II*Listed Soughton Hall Historic Park and Garden. Previous housing and leisure development have essentially altered the appearance of the landscape. In the context of these changes there is no objection to the principle of development subject to controls over design and landscaping which help to assimilate the development in the site and wider surroundings at this location.

Welsh Government – Land Quality Advisory Service (LQAS): A detailed Agricultural Land Classification (ALC) has been completed for the site in 2019. This survey has been

validated by the department and can be accepted as an accurate reflection of the land quality on the site. The survey concluded the site to be ALS subgrade 3a, 3b and non – agricultural land.

Council Ecologist: No objection to the development subject to the imposition of conditions to i) secure and safeguard Great Crested Newt (GCN and bat populations and ii) the management and removal of Giant Hogweed.

CADW: No objection. The proposed development will not have any impact on:-i) the setting of the registered historic parks and gardens of Lower Soughton Hall and Gwysaney and ii) registered scheduled monuments.

Welsh Historic Gardens Trust: No response received at the time of preparing report

4.00 PUBLICITY

4.01 41 Neighbour Notifications were sent to nearby properties and a Site Notice was displayed. The application was also publicised by a Press Notice.

38 No letters of objection received, the main points of which can be summarised as follows:

1. no change in circumstances since refusal of a previous application for a lodge/chalet development in 2020
2. proposal is contrary to the established planning policy framework
3. detrimental impact on the character of the site, wider surroundings and the Grade II*Listed Soughton Hall, Historic Park & Garden.
4. detrimental impact on ecology and habitats
5. safety concerns given relationship of site to existing golf course.
6. site should be retained for the development of a hotel as initially proposed.
7. disposal of water containing high chemical concentration from hot tubs could adversely impact on eco-systems

5.00 SITE HISTORY

5.01 1345/89 – Outline – Proposed 18-hole golf course with club house, 4500m² office accommodation, 42 detached dwellings, a 198 bed hotel with leisure facilities and a 9 hole golf course with an equestrian centre. Granted July 1991

98/30/1334 – This application which in part relates to the extant permission on this particular section of the site, was for the approval of reserved matters for the erection of a 198-bed hotel with ancillary conference and leisure facilities. The application also included details of the office blocks and 16 detached dwellings. Approved 25/5/99

98/30/1345/ – Outline application for hotel, leisure and golf development, housing and offices. Granted 22/7/91

051782 – Outline planning permission with all matters reserved for the erection of 3 tourist/leisure let accommodation units and associated works Withdrawn.

059999 – Outline with some matters reserved for the development of land to provide a lodge/chalet park to include single storey and two storey lodges, a site office with shop/convenience store and cycle hire facility. Refused 20/9/20

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- STR1 New Development
- STR6 Tourism
- GEN1 General Requirements for Development
- GEN3 Development in the Open Countryside
- GEN5 Environmental Assessment
- D1 Design Quality, Location and Layout
- TWH1 Development Affecting Trees and Woodlands
- L1 Landscape Character
- WB1 Species Protection
- HE5 Protection of Landscapes, Parks and Gardens of Special Historic Interest
- AC13 Access and Traffic Impact
- AC18 Parking Provision and New Development
- RE1 Protection of Agricultural Land
- T4 New Static Caravans and Chalets Holiday Sites
- EWP17 Flood Risk

Supplementary Planning Guidance (SPGN)

- Supplementary Planning Guidance Note 3 – Landscaping

- Supplementary Planning Guidance Note 4 – Trees and Development
- Supplementary Planning Guidance Note 8 – Nature Conservation and Development

National Planning Policies

- Planning Policy Wales (PPW) – Edition 11
- Future Wales- The National Plan 2040
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 12 - Design
- Technical Advice Note 13 – Tourism
- Technical Advice Note 18 - Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application with all matters reserved for subsequent approval except access and scale. The proposal relates to the principle of tourism development in the form of a 24 No lodge/chalet holiday park, with a mix of single and two storey accommodation types, and site office on land at Northop Country Park, Northop.

7.02 Site Description

The application site which amounts to approximately 2.4 hectares in area, is located within the grounds of the Northop Country Park and the setting of the Grade II* Listed Soughton Hall and separate Gwysaney Historic Park and Gardens. It is located to the south of the A55, at junction 33A, approximately 1.6 km to the west of Northop.

7.03 The site is accessed off the main arterial route through the country park It is located to the northwest of the existing housing, to the southeast of an existing commercial unit /office, and west of an existing vacant industrial unit. The golf course and public house on the site are also accessed from this arterial route.

7.04 The site is overgrown in parts with prominent tree lined boundaries. The area of the site closest to the existing commercial units, is less screened than its counterpart and separated by the expansive tree line running along a ditch through the centre on the site.

7.05 Planning History

By way of background planning history, an outline application illustrating the development of 30

lodges/chalets on the site, was refused under 059999 in September 2020, for the following reasons:

1. *The Local Planning Authority considers the proposal comprises an undesirable form of development, which by virtue of its scale and siting, would be at odds with the surrounding rural character. The proposal would result in an absolute change to a currently undeveloped area of land resulting in a significant expansion of built form into the countryside replica of an isolated modern housing estate. As such the proposal would be harmful to the character and appearance of the immediate and surrounding area and is therefore contrary to Policy STR7, GEN1 and T4 of the Flintshire Unitary Development Plan.*
2. *It is considered that the proposed development will have an adverse impact upon the zone of essential setting of the Grade II* Listed Soughton Hall Historic Park and Garden. It is considered that the proposed holiday lodge accommodation would be incongruous to the historical character and essential setting of the historic garden therefore conflicting with paragraph 6.1.18 of PPW10 which seeks to value, protect, conserve and enhance the special interest of parks and gardens and their settings. As such the proposal would be contrary to Policy HE5 of the Flintshire Unitary Development Plan.*
3. *The Local Planning Authority has been advised that there is insufficient information in relation to ecology matters concerning the protection of Great Crested Newt (GCN) populations. In the absence of further surveys and long-term compensation and mitigation, it has not been demonstrated that the proposed development will not be detrimental to the maintenance of the favourable conservation status of GCN. As such the proposal is contrary to Policy WB1 of the Flintshire Unitary Development Plan.*

7.06 Proposed development

This re-submitted application seeks to address the previous reasons for refusal in respect of application 059999. Although submitted in outline, the plans forming part of the application show a reduction in the number of units proposed on site from 30 - 24 lodges/chalets.

- 7.07 The application is supported by a series of reports, indicative sketches, site layout plans, lodge types, their footprints and sectional details and landscaping proposals for

13 No. single storey and 11 two storey chalets/lodges.

7.08 Within the site, the lodges / chalets would be sited in three No distinct areas, formed as a result of the position of the proposed access and existing / proposed tree planting which assist in creating the wooded concept for the lodge park.

7.09 Main Planning Considerations

The main planning considerations to be taken into account in determination of this application include: -

- i. the principle of development
- ii. scale /design/form
- iii. impact on the character of the landscape, in particular the Historic Park and Garden and Scheduled Ancient Monuments
- iv. adequacy of access
- v. impact on ecology / trees
- vi. impact on the living conditions of occupiers of nearby residential properties.
- vii. adequacy of drainage

7.10 Principle of development

The Northop Country Park is located in open countryside as defined in the Flintshire Unitary Development Plan. Consideration of the proposed development is principally undertaken having regard to Policy T4, where proposals for new static caravan / chalet holiday sites are required to satisfy the following criteria:

- a) the scale of the proposal together with the number, siting and layout of units, circulation roads and service buildings is appropriate to the characteristics of the site and locality;
- b) the scheme incorporates substantial internal and structural landscaping.
- c) the proposal would not have a significant adverse impact on features or areas of landscape, nature conservation or historic value.
- d) where appropriate, the site is easily accessible from the local highway network and is accessible by a choice of modes of travel, particularly by foot, cycle or public transport; and
- e) the proposal would not have a significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community in general.

It is also important to consider the proposed development in the context of the previous planning history on the site,

initially dating back to 1989 by virtue of an outline planning application for a mixed residential, commercial and leisure development, set within the country park.

- 7.11 The reserved matters relating to this outline planning permission were dealt with in two stages with it being proposed as part of a wider mixed development under 98/30/1334 that a proposed 200-bed hotel be developed on the site the subject of this current application. This element of the proposed development was never implemented.
- 7.12 Whilst the principle of tourism related development on the site by the erection of a hotel is established by virtue of the above extant permission approximately 20 years ago, the applicant's agent in support of the current application advises that "the current extant planning consent for a 198-bed hotel is not coherent with the current adopted UDP, and the proposed site is more conducive to a chalet/lodge park." The proposed development in my view continues with the spirit of the previously approved hotel by providing high quality tourist accommodation, whilst its scale and design are more appropriate to the characteristics of the site and locality, than the scale and massing of a 198-bed hotel building ensuring a preferential balance between the proposed development and its integration into the site and its surroundings.
- 7.13 Whilst the principle of a tourist use on the site is therefore established, there are no planning conditions or legal requirements for it to be developed for a hotel. The proposal for an alternative form of holiday accommodation on the site in the form of a lodge/chalet development is therefore acceptable recognising a) the timescale that has elapsed since the grant of outline permission b) change in economic circumstances during the intervening period and c) the current planning policy framework specifically Policy T4 of the UDP, which is addressed in further detail below.
- 7.14 Scale / Form / Design
The proposed number of lodges / chalets on the site has been reduced to 24 from the 30 units proposed in the previous planning application 059999. This reduced scale of development combined with suggested changes to the indicative layout through the introduction of smaller clusters of lodges/chalets, and retention of key landscape features with supplemental landscaping, provides for a less dense and more fluid layout form. As a result, this would overcome concerns previously expressed in relation to refusal reason 1 of 059999.
- 7.15 In addition, the site layout and associated building form would

it is also considered be more sympathetic to the site than the scale and massing of a 3 storey 198-bed hotel building that forms part of the extant permission for the site. It is considered that indicative form of the 2-storey chalet/lodge units could be assimilated into the landscape by siting them against the backdrop of site boundaries, trees, and landscape features in a loose and well-spaced layout as illustrated by the indicative layout provided with the application which can be secured at reserved matters stage. The current proposal is therefore considered acceptable having regard to criteria a & b of Policy T4 and Policies D1 & D2 of the UDP.

7.16 Impact on Historic Park and Gardens – Soughton Hall / Gwysaney Grade II* & Scheduled Monuments

The site is located within the essential setting of the Grade II* Listed Soughton Hall and separate Gwysaney Historic Park and Gardens. It is also located in close proximity to the following scheduled monuments:

- FL023 Llys Edwin Medieval Fortified House Site
- FL082 Wat's Dyke: Section from Coed Llys to Chester – Holywell Road
- FL083 Wat's Dyke: Section from Chester –Holywell Road to Soughton Farm
- FL084 Wat's Dyke: Section South – East of Clawdd Offa
- FL085 Wat's Dyke: Section North & East of New Brighton
- FL165 Taylor's Pottery
- FL166 Pinfold Lane Pottery

7.17 Consultation on the application has been undertaken with CADW, Welsh Historic Buildings Trust and the Council's Built Conservation Officer with no objections raised to the impact of development on landscape or scheduled monuments referenced above, from any of the heritage consultees. The response from CADW in particular is an important one as, along with the way the applicant has satisfied the other previous reasons for refusal, this represents a material change in planning circumstances in terms of the scale and impact of the proposed development since the last outline refusal. This is what distinguishes how the previous outline was determined from the recommendation here

7.18 In assessing the impact of the proposed development on the Grade II* Listed Soughton Hall and separate Gwysaney Historic Park and Gardens, no objections have been raised from the Council's Built Conservation Officer and CADW. It is

important to note that the Council's Built Conservation Officer considers that recent housing and leisure developments within the country park have already changed the character and appearance of the site, with estate roads, buildings and boundary treatment introducing a suburban feel to this former open countryside location. This has already resulted in a significant change to the essential setting of the historic parks and gardens which was clearly deemed as acceptable at the time when planning permission was granted for the elements of the site that are already developed.

7.19 It is the consistent view of the statutory consultees referenced above, that the proposed reduced/amended scale of development and the indicative layout and landscaping will not have any adverse impact on the Historic Park and Gardens, when considered in combination with the existing topography and vegetation cover which helps to screen the existing and proposed development. The proposal is therefore considered acceptable having regard to Policy HE5 – Protection of Landscapes, Parks and Gardens of Special Historic Interest and criterion c of Policy T4 of the Flintshire UDP together with Planning Policy Wales (PPW 11) CADW's guidance – Setting of Historic Assets in Wales May 2017. In addition, this overcomes concerns previously expressed in relation to the second reason for refusal on 059999 and represents a significant change in planning circumstances.

7.20 Highways

The Highway Authority have been consulted on the proposal and confirm that there is no objection to the principle of development or the proposed access arrangements being put forward. The imposition of a condition relating to facilities for parking, turning, loading and unloading is requested on any grant of planning permission.

7.21 In addition, and during progression of the application, a noise survey was also requested by Welsh Government (Economy – Trunk with it being concluded that there is no impact to / from the highway network, and as a result Welsh Government do not wish to issue a direction in this respect. The proposal from a highway perspective is considered acceptable having regard to criterion d of Policy T4 and AC13 & AC18 of the Flintshire Unitary Development Plan.

7.22 Impact on Ecology / Trees

Of particular concern in the assessment of the previous application submitted under 059999 related to the inadequacy of information to assess the impact of development on a Great Crested Newt (GCN) population – this forming Reason for Refusal 3 imposed on the planning

decision certificate.

- 7.23 This current application has been supported by additional ecological survey information and consultation has been undertaken with Natural Resources Wales (NRW) and the Council Ecologist. As a result, it has been confirmed that subject to the imposition of a condition to secure adequate Great Crested Newt mitigation, that the proposal is acceptable and addresses the previous reason for refusal 3 of planning application 059999.
- 7.24 The Council Ecologist is also of the view that additional mitigation is required to ensure that the impact on the bat population in the locality is secured including control over lighting within the site. This can be secured by condition.
- 7.25 Of additional concern to is the issue of Giant Hogweed Management within the country park with measures currently in place to seek to address this matter both on the application site and wider area.
- 7.26 It is considered that there is a need for a blanket approach to seek to control its spread, but care is required when securing its removal in the interest of health and safety this being undertaken in a managed environment. It is considered that this should be the subject of the imposition of a condition consistent with other developments within the locality where this approach has been adopted. This can also be secured by planning condition.
- 7.27 A tree survey report has also been submitted as part of the planning. Application to aid formulation of the design /layout advanced. As a result, the site layout secures the retention of existing trees and hedgerows and landscape features with additional supplemental landscaping. This is considered acceptable from both a visual and ecological perspective
- 7.28 Impact on the Living Conditions of Occupiers of Nearby Properties
A significant consideration in the assessment of this application is to ensure that the living conditions of occupiers of existing residential properties located in proximity to the site are safeguarded. The nearest residential property to the site is Springfield Cottage fronting onto the access road adjacent to and forming the sites eastern boundary, although the property is screened from the development by existing landscaping.
- 7.29 Consultation on the application has been undertaken with the Pollution Control Officer who has raised no objection to the

development, given the proposed tourism use and separation to the nearest residential property. There is however considered to be a requirement to control external lighting associated with the development which can be secured by condition.

7.30 Adequacy of Drainage

It is proposed that foul drainage from the site is disposed of to a public sewer to the west of the site. This is acceptable to Dwr Cymru/Welsh Water subject to confirmation on the precise connection point into the system which can be secured by the imposition of a planning condition.

7.31 A specific area of concern that has been raised by third parties focusses on the potential introduction of hot tubs associated with the chalets/lodges with the possible disposal of water with high concentrations of chemicals into the wider eco-system.

7.32 Whilst the introduction of these facilities does not constitute development as they are not classed as building or engineering operations, it is recognised by NRW, that it is important to ensure that the water does not adversely impact on protected species or their habitat, through entry from field drainage patterns. Whilst this is a situation that would fall to be controlled by separate legislation applied by NRW, it is recommended that a planning condition be imposed to seek to ensure disposal of water into the main foul drainage system or that it be disposed of off -site and not into field drainage ditches.

8.00 CONCLUSION

8.01 It is noted and accepted that the initial design ethos in support for a mixed development of the county park, was for the development of a 198-bedroom hotel on the site the subject of this application. This permitted use has been extant since 1991 and had the economic or viability case existed for a large hotel in this location, it is reasonable to expect that such a development would have occurred by now.

8.02 Significant economic changes in the intervening period have however resulted in reconsideration of those initial proposals, there also being no legal or other requirement for a hotel to be developed at this location, and nor can the Local Planning Authority require one to be built.

8.03 The current proposal for an alternative form of holiday accommodation therefore needs to be assessed having regard to the current national & local planning framework, and

the recent background of planning history in relation to the refusal of proposed 30 lodge/chalet development under 059999.

8.04 The reduced scale of development & amended site layout offers an acceptable and sympathetic form of development at this location. The application satisfactorily addresses the 3 reasons of refusal forming application 059999 in that it would also safeguard the integrity of the Historic Park and Gardens and Great Crested Newt population at this location. It is therefore recommended that planning permission be granted subject to the imposition of conditions as referenced in paragraph 2.00 of this report.

8.05 Other Considerations

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

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

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

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

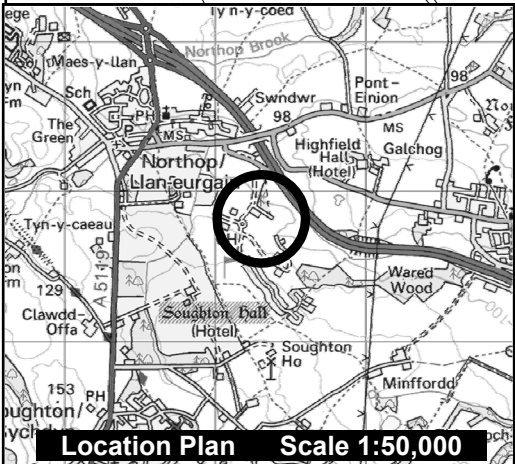
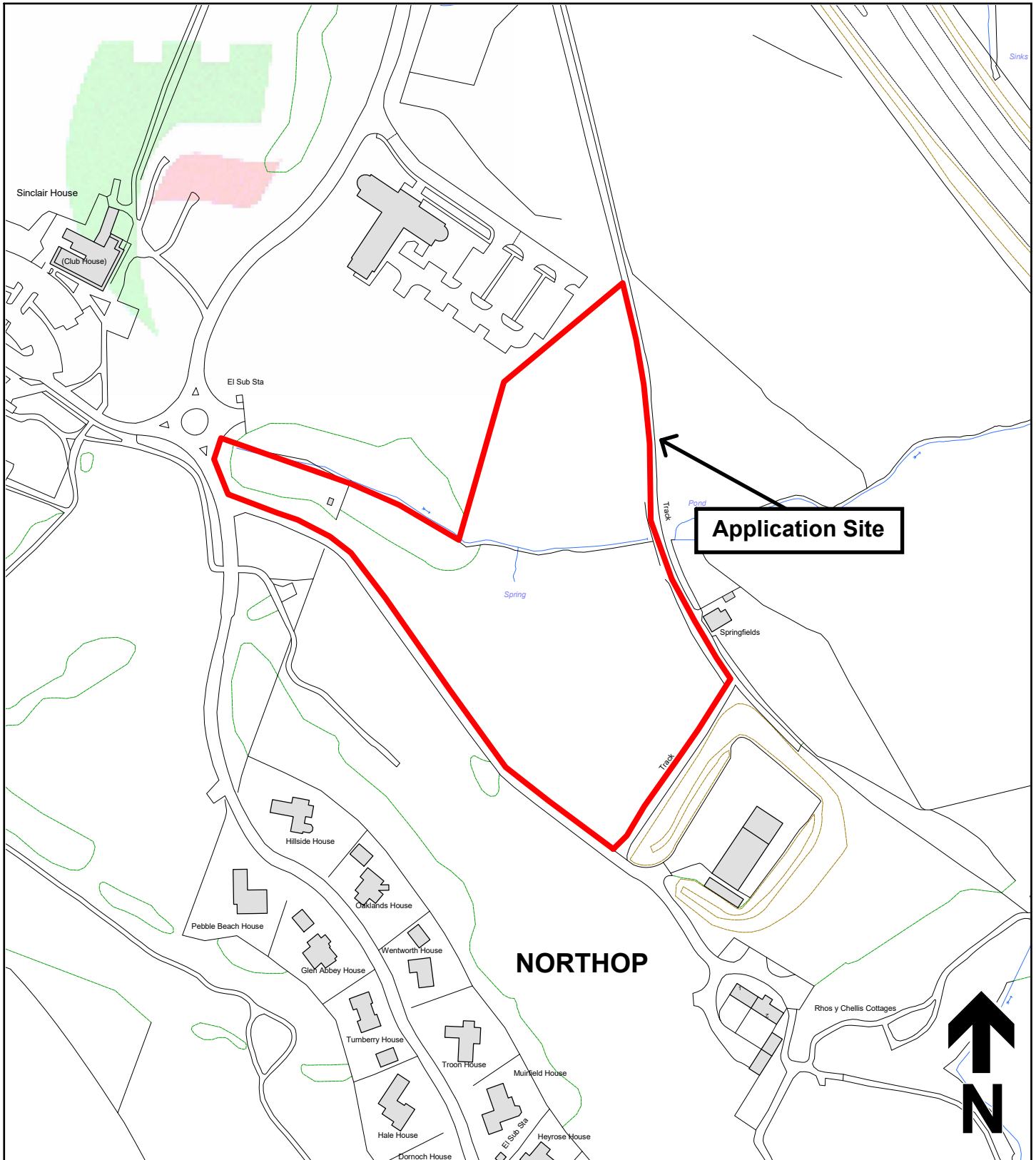
LIST OF BACKGROUND DOCUMENTS

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

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<p>Legend</p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</p>	<p>Map Scale 1:2500</p> <p>OS Map ref SJ 2567</p> <p>Planning Application 63500</p>	<p>Page 89</p>

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