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**TO: Councillor: Alison Halford (Chair)**

Councillors: Bernie Attridge, Marion Bateman, Chris Bithell, Helen Brown, David Cox, Carol Ellis, Jim Falshaw, Fred Gillmore, Patrick Heesom, Raymond Hughes, Grenville James, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips OBE, Gareth Roberts, Carolyn Thomas, Owen Thomas, David Wisinger

Your Ref /  
Eich Cyf

Our Ref / Ein Cyf <sup>ST</sup>

Date / Dyddiad 11/01/2011

Ask for / Gofynner am Tracy Waters

Direct Dial / Rhif Union 01352 702331

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **ALYN & DEESIDE MEETING ROOM, COUNTY HALL, MOLD** on **WEDNESDAY, 19 JANUARY 2011** at **14:00** to consider the following items.

Yours faithfully

Democracy and Governance Manager

**AGENDA**

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES**  
To confirm as a correct record the minutes of the meeting held on 08/12/2010 (copy enclosed).
4. **REPORT OF HEAD OF PLANNING**  
The report of the Head of Planning is enclosed.

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Mae'r Cyngor yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg

**REPORT OF THE HEAD OF PLANNING  
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 19 January  
2011**

<b>ITEM NO</b>	<b>FILE REFERENCE</b>	<b>DESCRIPTION</b>
<b><u>Appeal Decision</u></b>		
4.1	047469	Appeal by Admiral Taverns against the decision of Flintshire County Council to refuse outline planning permission upon land to the side of 'The Stag Inn', High Street, Bagillt, Flintshire.

<b>ITEM NO</b>	<b>FILE REFERENCE</b>	<b>DESCRIPTION</b>
<b><u>Recommend Approval</u></b>		
4.2	047535	Outline Application - Residential Development at Glan y Don, Holywell
4.3	047645	Full application - Erection of a wall with electric gates to provide secure yard and extension of existing agricultural building for hay storage and general agricultural purposes at Platt farm, Lower Mountain Road, Penyffordd.
4.4	047735	Full Application - Change of use from light industrial to self catering tourist accommodation (2 units) including alteration and extension to existing building adj. to Nant y Gain, Pentre, Cilcain, Mold
4.5	047841	Full Application – Erection of 48 No. dwellings together with associated roads and sewers on land adjacent to Clydesdale Road, Drury, Buckley
4.6	047993	Full Application - Conversion of first floor to form 4 No. self contained apartments and erection of pitched roof over existing flat roof at 79 Chester Road West, Shotton, Deeside
4.7	047996	Full Application - Conversion of and alteration and extension to existing farm outbuilding to provide short-term letting holiday accommodation at Ynys Hir Farm, Picton Road, Picton, Holywell
4.8	048046	Full application for a change of use and new shop front at 9-11 High Street, Holywell
4.9	048083	Full Application - Erection of 5 No. detached dwellings/garages, extension to existing sound embankment to facilitate water harvesting scheme and re-alignment of public footpath 112 at land to the south of The Larches, Ewloe.

<b>ITEM NO</b>	<b>FILE REFERENCE</b>	<b>DESCRIPTION</b>
<b><u>Recommend Refusal</u></b>		
4.10	047886	Outline Application - Erection of a dwelling. 53 Chester Road, Buckley

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**8 DECEMBER 2010**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 8 December 2010.

**PRESENT: Councillor A.M. Halford (Chair)**

Councillors: J.B. Attridge, M. Bateman, R.C. Bithell, D.L. Cox, C.A. Ellis, J.E. Falshaw, P.G. Heesom, R. Hughes, G. James, C.M. Jones, R.B. Jones, W. Mullin, M.J. Peers, N. Phillips, H.G. Roberts, C.A. Thomas and D.E. Wisinger.

**SUBSTITUTES:**

Councillor: H.D. Hutchinson for H. Brown and G.H. Bateman for F. Gillmore.

**ALSO PRESENT:**

Councillor D. McFarlane and P.R. Pemberton attended as local Members to speak on agenda item 4.4. Councillor Q.R.H. Dodd attended as local Member to speak on agenda item 4.5.

Councillor Eng. K. Armstrong-Braun.

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning and Environmental Strategy Manager, Senior Engineer- Highways Development Control, Section Manager Minerals & Waste Planning, Team Leaders, Senior Planners, Principal Solicitor and Committee Officer.

**175. DECLARATIONS OF INTEREST**

Councillor W. Mullin declared an interest in the following application:-

**Agenda item 4.4 – Outline application – Residential development together with formation of a new access at Development Securities PLC, Broughton Park, Broughton (038189)**

Councillor C.A. Thomas declared an interest in the following application:-

**Agenda item 4.6 – Application for the determination of new conditions – First periodic review at Hendre Limestone Quarry, Denbigh road, Hendre (045739)**

Councillor M.J. Peers declared an interest in the following application:-

**Agenda item 4.11 – Full application – Erection of 20 No. dwellings on land adjacent to Adlans and Langdale, Knowle Lane, Buckley (047722)**

In line with the Planning Code of Practice:-

Councillors J.B. Attridge and P.G. Heesom declared that they had been contacted on more than three occasions on the following application:-

**Agenda item no. 4.3 – General Matters Application – Outline Application – Provision of an overnight lorry park including access details for a maximum of twenty vehicles together with toilet and washing facilities at Park View Garage, Crossways Road, Caerwys (045933)**

**176. LATE OBSERVATIONS**

The Chair allowed Members an opportunity to read the late observations which had been circulated at the meeting.

**177. MINUTES**

The draft minutes of the meeting of the Committee held on 10 November, 2010 had been circulated to Members with the agenda.

**RESOLVED:**

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

**178. ITEMS TO BE DEFERRED**

The Development Manager advised that deferment of the following applications was recommended:

**Agenda item 4.19 - Full application – Change of use and refurbishment of existing chapel and attached cottage together with the erection of a single storey extension at Chapel House, Llyn-Y-Pandy, Pantymwyn (043689)** – to allow the applicant to review the current plans and have a meeting to discuss a further proposal.

**Agenda item 4.20 - Listed building application – refurbishment of existing chapel and attached cottage together with the erection of a single storey extension at Chapel House, Llyn-Y-Pandy, Pantymwyn (046390)** – to allow the applicant to review the current plans and have a meeting to discuss a further proposal.

The Principal Solicitor also reminded Members that the intended site visit had not taken place and so it would not be appropriate to determine the application until that had occurred.

On being put to the vote, both applications were deferred.

**179. TO INFORM MEMBERS OF THE INSPECTORATE'S DECISION ON A PLANNING APPEAL AGAINST REFUSAL OF PLANNING PERMISSION BY FLINTSHIRE COUNTY COUNCIL AT CROWN BACH FARM, LLYN HELYG, LLOC (047104)**

**RESOLVED:**

That the decision of the Inspector to dismiss this appeal be noted.

**180. APPEAL DISMISSED – ENFORCEMENT NOTICE SERVED REQUIRING THE REMOVAL OF THE TOURING CARAVAN (2 NO.) STATIC CARAVANS/MOBILE HOMES USED FOR RESIDENTIAL ACCOMMODATION, ASSOCIATED DOMESTIC SERVICES, DECKING AREA, STORAGE SHED AND ANY OTHER DOMESTIC PARAPHERNALIA, LAND AT LLYN HELYG, LLOC (ENFORCEMENT 92199)**

**RESOLVED:**

That the decision of the Inspector to dismiss this appeal be noted.

**181. GENERAL MATTERS APPLICATION – OUTLINE APPLICATION – PROVISION OF AN OVERNIGHT LORRY PARK INCLUDING ACCESS DETAILS FOR A MAXIMUM OF TWENTY VEHICLES TOGETHER WITH TOILET AND WASHING FACILITIES AT PARK VIEW GARAGE, CROSSWAYS ROAD, CAERWYS (045933)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer explained that the application had been refused at the November meeting of the Committee and the two reasons for refusal had been drafted and were reported at paragraphs 1 and 2 on page 27. He said that Members were requested to confirm the wording of the reasons for refusal and explained that officers had sought external advice from consultants on the second reason who had indicated that this reason would be difficult to defend on appeal. It was therefore recommended that the second reason for refusal be withdrawn and that the refusal be based on reason 1 only. The officer added that the reason(s) for refusal would need to refer to any relevant Structure Plan First Alteration or Delyn Local Plan policies.

Councillor J.B. Attridge moved the recommendation made at the last committee meeting and said that the highway concerns were not solely related to the issue of vehicles going through Caerwys. They also concerned the impact on school children using the bus pick up point at the entrance to the site and access and egress into the site. The proposal was duly seconded. Councillor P.G. Heesom felt that the highway issues had been

dealt with and he felt that the recommendation in the report should be approved.

The Principal Solicitor reminded Members that all the report was seeking was to go forward with reason 1 as the reason for refusal and to withdraw reason 2; the proposal received so far put forward both reasons for refusal. Councillor R.B. Jones felt that the second reason could be reworded. The Principal Solicitor suggested that if this was the case, delegated powers could be given to the Head of Planning to come up with a form of wording and further advice could, if necessary, be sought from Highways consultants. Following a discussion, Councillor P.G. Heesom moved the recommendation in paragraph 7.01 of the report and this was duly seconded.

In response to comments from some Members, the officer explained that four highway consultants had been consulted and they had advised that the second reason was difficult to successfully defend.

Councillor M. Bateman queried whether all applications which were refused against officer recommendation would be resubmitted to the following committee and in response the Head of Planning explained that where there was a risk that the reasons for refusal could not be successfully defended, it was right to let the Committee know.

On being put to the vote, the proposal to accept the recommendation in the report was LOST.

Councillor R.B. Jones then proposed that the wording in the second reason be amended to reflect that the application had been refused also due to the management of traffic in relation to the access and egress and the impact on the health and safety of bus users, specifically school children.

The Principal Solicitor reminded Members that they had agreed the minutes of the previous meeting where reason no. 2 was set out as referred to in this report. He reiterated the suggestion that delegated authority be given to the Head of Planning to decide a form of wording to include the management of traffic in relation to the access and egress and the impact on the health and safety of bus users specifically school children. He added that further consultation with Highways consultants might need to be undertaken and a further report submitted to a future Committee meeting for consideration. Councillor J.B. Attridge then withdrew his proposal and the proposal of Councillor R.B. Jones was seconded.

**RESOLVED:**

That the first reason for refusal be agreed but that the second reason be redrafted and the Head of Planning be given delegated authority to decide on a form of wording to include the management of traffic in relation to the access and egress and the impact on the health and safety of bus users, specifically school children in the vicinity of the site.

**182. OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT TOGETHER WITH FORMATION OF A NEW ACCESS AT DEVELOPMENT SECURITIES PLC, BROUGHTON PARK, BROUGHTON (038189)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting. Councillor W. Mullin, having earlier declared an interest in the application, left the meeting prior to its discussion.

Councillor R.C. Bithell proposed deferral of the application which was duly seconded. Councillor P.G. Heesom referred to the Unitary Development Plan (UDP) and said that Members needed to be aware of the risks deferral could bring to the UDP. He said that the UDP could be called in by the Assembly and the default policy would prevail which would enable this application to include over 300 houses on the site.

Councillor Bithell said that the reasons for requesting deferral were that the issues on the highway aspect had not been fully discussed and consideration needed to be given as to whether the section 106 agreement would benefit the local schools.

The officer explained that the Section 106 agreement could be amended to make specific reference to Broughton Infants and Junior Schools and explained that advice had been sought from consultants on highways issues. He highlighted paragraph 7.10 of the report and added that the Mouchel report had confirmed that there were no highway issues in the Broughton area; Highways had carried out significant work in preparation of reporting the item.

The Planning and Environmental Strategy Manager explained that the application had been deferred at the October meeting due to consideration of the UDP at County Council which had been held in November, and the issues raised had now been dealt with. On the issue of density, the Council had capped it at 25 per hectare and the Planning and Environmental Strategy Manager added that it was within the remit of the Committee to restrict the density through condition.

Councillor J.B. Attridge said that concerns raised by Broughton & Bretton Community Council included access to school and drainage issues, both of which he felt had not been dealt with. The Planning and Environmental Strategy Manager reiterated his earlier comments that there was nothing to prevent the application being determined today.

**RESOLVED:**

That the application be deferred to allow issues on the highway aspect to be fully discussed and to allow consideration to be given as to whether the proposed section 106 agreement would benefit the local schools.

**183. FULL APPLICATION – ERECTION OF 23 NO. DWELLINGS AT ARGOED SERVICE STATION, MAIN ROAD, NEW BRIGHTON (045048)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the consultation and publicity which had been undertaken and said that the main issues for consideration were the access, drainage, affordable housing provision and layout. He said that concerns had been raised about the increase in traffic and the adequacy of the access but following consultation with the Traffic Section, the access was considered adequate. He highlighted paragraphs 7.08 and 7.09 of the report and said that the site was on the edge of the green barrier and asked Members to note that the density was slightly below what was suggested in the policy for the settlement. Welsh Water had initially raised objections about the drainage but had changed their view as none of the dwellings would be occupied before 31 March 2015 or completion of upgrade works at the waste water treatment works. The issue of affordable housing had been considered and it was recommended that a commuted sum of £254,000 be provided in lieu of on site provision.

Councillor K. Evans-Leigh of Argoed Community Council spoke against the application on the grounds of access, highway safety, drainage and the overbearing nature of the site. She referred to the cars from the site exiting onto an already busy road at the start of the 30 mile per hour zone and added that traffic turning right into the site from the Mold direction would cause safety issues. She felt that crossing the road would be difficult for pedestrians and said that the access would cause problems for the houses already there and would result in an increase in traffic noise. She also felt that affordable housing provision should be made on site.

The local Member, Councillor Q.R.H. Dodd said that he disagreed with all of the reasons put forward by Argoed Community Council and said that there was sufficient affordable housing in the area. He said that all of the issues had been covered in the report and asked the Committee to approve the application.

Councillor R.C. Bithell said that he was not opposed to the application but queried whether it was a premature application as condition 3 specified that the dwellings could not be occupied until 31 March 2015 or completion of the works at the waste water treatment works.

Councillor M.J. Peers referred to paragraph 7.15 of the report and queried why the seven affordable dwellings were not to be provided on site. He also referred to paragraph 7.17 on education contributions and queried why a request for a financial contribution was not being made. Councillor P.G. Heesom said that the commuted sum for the seven dwellings equated to £36,000 per dwelling and said that he felt that the application should not go forward as it was. He said that the application should be refused due to the



failure to accommodate the affordable housing element on site, and the failure to progress the educational requirement. He felt that the application should be further considered.

In response to the comments made, the Planning and Environmental Strategy Manager felt that all issues concerning the application had been fully addressed. The drainage issue could be dealt with by condition and the developer could accelerate the process with Welsh Water. On the issue of affordable housing, he said that there was a need to be flexible and the sum of £254,000 was a significant contribution which would allow the authority to give equity loans of up to 30% of the purchase price of other homes in the area, where there was an identifiable need in accordance with planning policy. He added that the affordable housing register showed that there was no further need for affordable housing in the settlement. On the issue of education contributions, he explained that Education colleagues were consulted at the correct time but did not respond and only when the application was ready to come to Committee did they request a contribution. Requiring such a condition at this late stage might jeopardise the affordable housing payment. He felt the scheme was good.

Councillor H.G. Roberts felt that the vehicular movements from the site would not be any greater than the traffic generated by the former garage.

Councillor R.C. Bithell proposed the recommendation for approval as he felt that the scheme would facilitate affordable housing provision generally. This was duly seconded. Councillor J.B. Attridge moved a further proposal that the seven affordable dwellings be provided on site; this proposal was duly seconded and on being put to the vote was CARRIED.

**RESOLVED:**

That planning permission be granted subject to the applicants entering into a section 106 agreement, providing a unilateral undertaking in respect of £25,300 in lieu of the provision of on site play facilities within the locality; and securing seven affordable dwellings on site and the conditions detailed in the report of the Head of Planning.

**184. APPLICATION FOR THE DETERMINATION NEW CONDITIONS – FIRST PERIODIC REVIEW AT HENDRE LIMESTONE QUARRY, DENBIGH ROAD, HENDRE (045739)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Councillor C.A. Thomas, having earlier declared an interest in the application, left the meeting prior to its discussion.

The Section Manager Minerals & Waste Planning explained that the report was before Committee due to the requirement for a Section 106 legal agreement to set out specific blasting arrangements and to carry forward any

previous legal obligations that applied to the site. He highlighted the publicity which had been undertaken and the planning policies which had been considered for the application. He detailed the planning appraisal and explained that it must be recognised that this application was for a review of existing planning permissions and was not an assessment of the suitability of the development at a given location. The Section Manager Minerals & Waste Planning added that a suite of modern conditions was proposed, the majority of which were agreed with the applicant.

Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That planning permission be granted subject to a section 106 legal agreement to set out specific blasting arrangements; to carry forward any previous legal obligations that applied to the site; and to the conditions detailed in the report of the Head of Planning.

**185. FULL APPLICATION – RESIDENTIAL DEVELOPMENT CONSISTING 58 NO. TWO STOREY DWELLINGS, OPEN SPACE, ROADS AND ALL ASSOCIATED WORKS AT 142 HIGH STREET, SALTNEY (046381)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

Mr. T.D. Walker said that in principle he was not against development of the site but had concerns about the increased traffic generation. He said that along with service vehicles the number of traffic movements could be an additional 180 movements per day. He commented that there were two well used bus stops close to the proposed site entrance and this along with parked cars on the High Street resulted in traffic gridlock. Mr. Walker added that traffic had greatly increased since the opening of Morrisons supermarket. He could not accept the comment in the report that the traffic growth for the area had been confirmed to have remained static or decreased.

Mr. T. Astle, the agent for the applicant, spoke in support of the application and said that it was important when considering this application to note the acknowledgment in the report that traffic was not a problem. He said that the application currently had extant permission and concluded that it was the developer's intention to create affordable housing of a high standard.

Councillor D.E. Wisinger proposed refusal of the application which was duly seconded. Councillor D.E. Wisinger said that he had worked in the area for 30 years and that he did not believe the comments in the report that traffic had remained static or reduced and added that the access to the site was inadequate. He said that he was not against the development but felt that vehicles should go in through one entrance and exit through another.

Councillor W. Mullin concurred with the comments and said that driving along at peak times in this area was dangerous. He also agreed that alternative access and egress should be considered.

The Senior Engineer - Highways Development Control said that Highways comments had been reported and they were happy to support the application adding that there was no question about highway capacity.

Councillor P.G. Heesom felt that there were still a lot of unresolved issues relating to the site adjacent to this site and also raised concern about the access from the site onto the High Street. The officer drew Members' attention to paragraphs 7.17 and 7.18 of the report on highway implications.

On being put to the vote, the proposal to refuse the application was LOST.

**RESOLVED:**

That planning permission be granted subject to the applicant entering into a section 106 obligation, unilateral undertaking or advance payment of a commuted sum for maintenance of the open space for ten years of £60,000 and to control the provision and first and subsequent occupation of the proposed affordable dwellings and to the conditions detailed in the report of the Head of Planning.

**186. FULL APPLICATION – ERECTION OF 14 NO. APARTMENTS AND PARKING FOR RESIDENTIAL DEVELOPMENT AT FORMER LEASOWE GARAGE, WALKERS CARPET SHOP AND STORAGE, HOLYWELL ROAD, FLINT (046618)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer drew Members' attention to the comments of Flint Town Council and detailed the publicity which had been undertaken with one letter of objection being received. The main issue in considering the application was that the site was on the edge of the Flint Conservation Area but the officer explained that the application did not adversely affect it. The imposition of a condition due to the potential for contamination was reported in paragraph 7.14.

Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That planning permission be granted subject to the applicant entering into a Section 106 obligation, unilateral undertaking or advance payment of a

commuted sum in lieu of on site play provision (payment of £10262) and to the conditions detailed in the report of the Head of Planning.

**187. FULL APPLICATION – ERECTION OF DWELLING (PLOT 97) AT FORMER BRONCOED WORKS SITE, WREXHAM ROAD, MOLD (047376)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 6 December, 2010. The usual consultations had been undertaken and the responses received detailed in the report.

The officer explained that the application had been deferred at the previous meeting of the Committee to allow a site visit to be undertaken to assess the impact of the proposal development on the privacy/amenity of occupiers of nearby residential properties.

Councillor H.G. Roberts proposed refusal of the application which was duly seconded. He said that the two neighbouring bungalows were at a much lower level than the proposed dwelling and would reduce the amenity enjoyed by residents of the bungalows. Councillor R.C. Bithell concurred that the development was unacceptable due to its overbearing nature.

The local Member, Councillor G.H. Bateman, queried why the site had been omitted from the reserved matters application for the erection of 96 dwellings which was permitted in November 2008. He also asked what was the reason for refusing the application under delegated powers in February 2010 for the erection of a dwelling on this plot. In response, the officer explained that he had been unable to obtain an answer as to why the site had been omitted from the application permitted in November 2008. He added that the application had been refused in February 2010 due to the inclusion of first floor habitable windows which overlooked the neighbouring properties.

On being put to the vote, the proposal to refuse the application was CARRIED due to the overbearing impact on adjoining properties.

**RESOLVED:**

That planning permission be refused due to the overbearing impact on adjoining properties.

**188. FULL APPLICATION – PROPOSED ERECTION OF DAIRY COW CUBICLE BUILDING AND NEW SLURRY LAGOON AT CARREG LLECH FARM, FFORDD CARREG Y LLECH, TREUDDYN (047704)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 6 December 2010. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

Councillor Ms. J. Smith from Treuddyn Community Council spoke against the application. She said that the Community Council was aware of the need for a slurry lagoon but added that this caused problems as the site was in the centre of the village. She understood that the volume of the lagoon would be three times the size of the current one and commented on the increased odours and noise. The cow shed was in addition to the existing building and much concern had been raised about the increased traffic as a result of the application. Councillor Ms. Smith added that the additional height of the new building had an impact on the amenity of nearby residents.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded.

The local Member, Councillor C.A. Thomas, said that this was an emotive issue and commented that the publicity notices had not been put in the correct place and added that nearby residents had not received notification of the application.

In response, the officer said that a publicity notice had been placed on the entrance to the site but plans had been found to be incorrect. When corrected plans had been submitted, nearby residents had been consulted. He added that the new lagoon was further away from the neighbouring properties and that spreading of the slurry could only take place during certain periods.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

**189. FULL APPLICATION – ERECTION OF 20 NO. DWELLINGS ON LAND ADJACENT TO ADLANS AND LANGDALE, KNOWLE LANE, BUCKLEY (047722)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Councillor M.J. Peers, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the consultation which had taken place and explained that seven letters of response had been received with the principal issues being highways and traffic impact and the loss of an employment site. He highlighted paragraphs 7.05 to 7.09 of the report which detailed the scale, house types, site layout and amenity. The site was situated opposite Mountain Lane School and the officer explained that the retention of a lay-by had been negotiated along with improvement of visibility on the highway. He said that every effort had been made to ensure that there was no conflict between vehicles and pedestrians and added that the area was busy for 10 to 20 minutes twice a day at school opening and closing time. The site had been

used for industry but any concerns about contamination could be dealt with by conditions. It was reported that on site play provision was not required due to the close proximity of existing facilities and the suggested sum in lieu of such provision was highlighted in paragraph 7.15. A financial contribution would also be required from the developer to ensure adequate provision at Mountain Lane Primary School; this would be £17,500.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded.

Councillor N. Phillips raised concern about the number of applications which were providing a financial contribution to Mountain Lane Primary School. The Head of Planning responded that the matter of Section 106 contributions generally was being considered by the Planning Protocol Working Group.

**RESOLVED:**

That planning permission be granted subject to the applicant entering into a section 106 obligation in lieu of on site play provision (payment of £22,000) and a financial contribution of £17,500 towards the improvement of educational facilities at Mountain Lane Primary School, Buckley and to the conditions detailed in the report of the Head of Planning.

**190. RETROSPECTIVE FULL APPLICATION FOR THE ERECTION OF BUILDING AND STORAGE OF TWO COMMERCIAL VEHICLES ON LAND SIDE OF BRYN CELYN, HOLYWELL (047752)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 6 December 2010. The usual consultations had been undertaken and the responses received detailed in the report.

Councillor J.B. Attridge proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

**191. OUTLINE APPLICATION – ERECTION OF 8 NO. DWELLINGS AT 148-162 MOLD ROAD, MYNYDD ISA (047898)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The Development Manager explained that the access to the site was between two existing dwellings. He detailed the previous applications on the site and said that in 2008 the erection of 6 dwellings had been allowed on appeal.

Mr. S. Edwards spoke against the application, saying that even though Mold Road was a 30 mile per hour zone, a high volume of traffic exceeded this limit. He spoke of cars which parked on the road where the access to the site was proposed and said that the report did not include any traffic calming measures on Mold Road. He felt that the proposed entrance was too close to two existing bus stops and was also too narrow.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded.

Councillor R.C. Bithell felt that shaving off parts of two semi detached dwellings to form the entrance to the site was deplorable. He referred to an earlier application which had a condition that the dwellings could not be occupied until March 2015 or upon completion of upgrade works at the waste water treatment works and queried why Welsh Water had not requested the same condition on this application; he felt that this was inconsistent.

The Development Manager said that the principle of development had been agreed and that Welsh Water had made comments on the application. However, they had only requested the imposition of conditions in respect of proposed foul, surface and land water drainage schemes.

In response to a question from Councillor H.G. Roberts about whether the access would only permit one car in and one out at a time, the Senior Engineer - Highways Development Control said that the access provided adequate width for two vehicles. She added that the road had a 30 mile per hour restriction and the eight properties which were proposed would be no more onerous on the highway than the six dwellings granted on appeal.

Councillor R.C. Bithell suggested that the application be deferred to enquire of Welsh Water why they had put forward different conditions on two applications using the same waste water treatment works; this was duly seconded. The Planning and Environmental Strategy Manager suggested that it would be better to do this outside of dealing with this application and advised that a meeting with Welsh Water was to be held in the New Year when the inconsistencies could be raised. The Chair suggested that a letter be sent to Welsh Water advising them of this issue.

On being put to the vote the proposal to defer the application was LOST.

**RESOLVED:**

- (a) That planning permission be granted subject to the conditions detailed in the report of the Head of Planning; and

- (b) That a letter be sent to Welsh Water about the inconsistencies in dealing with conditions on two applications which used the same waste water treatment works.

**192. FULL APPLICATION FOR CHANGE OF USE FROM A1 (RETAIL) TO A2 (FINANCIAL AND PROFESSIONAL SERVICES) AT 32A HIGH STREET, HOLYWELL (047935)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 6 December 2010. The usual consultations had been undertaken and the responses received detailed in the report.

Councillor P. York from Holywell Town Council spoke against the application explaining that in 2006 the Town Council had fully supported an application to develop the site but nothing had materialised. He felt that regeneration of the site was a priority but felt that the application had failed to meet Policy S7a and S7b of the Unitary Development Plan.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded.

Councillor H.G. Roberts felt that the criteria in the policy had been met and that if the application was refused, it would be won on appeal with costs awarded against the authority. He spoke of the number of empty shops in the area and commented on the dilapidated condition of the application site; it was preferable that the site was occupied.

Councillor R.C. Bithell understood the concerns raised by Councillor York but said that the owner had tried to find a use for the property and had marketed it for over four years without success. Councillor R.B. Jones felt that the retail use of the site should be maintained and should not be changed to non-retail.

The officer confirmed that the relevant policy criteria had been satisfied, hence the recommendation for approval.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

**193. FULL APPLICATION FOR THE ERECTION OF A TEN METRE HIGH TILT OVER, COLLAPSIBLE CCTV COLUMN WITH INFRARED CAMERA AT FLINTSHIRE COUNTY COUNCIL, COUNTY HALL, MOLD (047944)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.



Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

**194. SUBSTITUTION OF 4 NO. DETACHED HOUSES IN LIEU OF THE PREVIOUSLY APPROVED APARTMENT BLOCK, FLYOVER UNIT AND PAIR OF SEMI-DETACHED DWELLINGS (PLOTS 34-42), LAND REAR OF BON ACCORD, HOLYWELL ROAD, EWLOE (048009)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the main issues to consider which were the impact on the range of house types and the affordable housing contribution. It was reported that the house types which were requested to be substituted were the affordable housing element of the original application. She explained that the development of this site and the provision of the road access to the Yowley Road site facilitated the development of the adjacent site with an access to adoptable standard for affordable housing and would allow the housing association more flexibility in the type of houses on the site. The officer added that a commuted sum had been secured through a section 106 agreement for the sum of £241,000 in lieu of on site affordable housing provision and the developer was still committed to providing this sum even though the number of units on the site had reduced from 47 to 42.

Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded.

Councillor J.B. Attridge referred to the commuted sum of £241,000 in lieu of on site affordable housing provision and said that it was reported that the sum would not be ringfenced to the Ewloe area but would be towards the facilitation of affordable housing across Flintshire. Councillor Attridge felt that the affordable housing should stay in Ewloe and that the substitution of house types should not be permitted.

The Planning and Environmental Strategy Manager explained that this application provided a balance of on site and off site affordable housing provision as it would allow for the adjacent site to be developed to provide the affordable housing and a commuted sum would also be received. He added that this situation allowed for flexibility which could be applied to other areas of Flintshire.

**RESOLVED:**

That planning permission be granted subject to an amendment to the Section 106 agreement to remove the reference to the plot numbers but to secure £241,000 as a commuted sum for affordable housing and to the conditions detailed in the report of the Head of Planning.

Councillor J.B. Attridge indicated that he wished it be recorded in the minutes that he had voted against the granting of permission.

**195. FULL APPLICATION – ERECTION OF CONSERVATORY WITH TILED ROOF AT ROSE VIEW, HIGH STREET, BAGILLT (048033)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

**196. FULL PLANNING APPLICATION FOR THE EXTERNAL RE-CLADDING OF THE FRONT ELEVATION ENTRANCE AREA OF DEESIDE LEISURE CENTRE, CHESTER ROAD WEST, QUEENSFERRY (048066)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

**197. OUTLINE APPLICATION – ERECTION OF TWO DWELLINGS AT GREYSTONES, MOLD ROAD, CEFN-Y-BEDD, WREXHAM (047020)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. An amended recommendation, drafted since the preparation of the report, was circulated at the meeting.

Dr. A.H. Clements spoke against the application and referred to road safety and highway concerns in the area. He said that the measured sight lines were inappropriate and added that turning right into the Ffrwd Road (near the entrance to the site) was difficult. He spoke of the high vehicles which had to use the centre of the road when passing under the nearby railway bridge and said that vehicles leaving the proposed site could be faced with large vehicles on the wrong side of the road due to its narrowing width by the proposed site entrance. He added that Ffrwd Road was often flooded due to a stream which crossed the application site.

Mr. B. Dewey, the agent for the applicant, spoke in support of the application and said that he was surprised to see the recommendation of refusal adding that his comments had not been recorded in the report. He referred to policy HSG3 of the UDP which had been referred to in the reason for refusal and commented on the 108 units which the authority had proposed for the area but which were removed at a County Council meeting in November 2010. He said that in his opinion two additional dwellings in a settlement of 1700 houses would not have an adverse impact on the area.

Councillor P.G. Heesom proposed the recommendation for refusal which was duly seconded.

The Planning and Environmental Strategy Manager said that the deletion of the 108 houses had affected whether the settlement would grow above or below the growth band identified in policy HSG3. He added that until the consultations on the proposed changes to the Unitary Development Plan had been completed, the authority did not know how to apply Policy HSG3; the consultation period ended on 28 February 2011. The Planning and Environmental Strategy Manager added that the agent had been made aware of this but had indicated that the application should be considered at this Committee meeting.

**RESOLVED:**

That planning permission be refused for the reason(s) detailed in the report of the Head of Planning.

**198. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 5.55 p.m.

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

There were 35 members of the public and 2 members of the press in attendance.

.....  
**Chair**

**SUMMARY OF DECLARATIONS MADE BY MEMBERS  
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S  
CODE OF CONDUCT**

<b>PLANNING AND DEVELOPMENT CONTROL COMMITTEE</b>	<b>DATE: 8<sup>TH</sup> DECEMBER 2010</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillor W. Mullin	Residential development together with formation of a new access at Development Securities PLC, Broughton Park, Broughton (038189)	182
Councillor C.A. Thomas	Application for the determination of new conditions – first period review at Hendre Limestone Quarry, Denbigh Road, Hendre (045739)	184
Councillor M.J. Peers	Erection of 20 No. dwellings on land adjacent to Adlans and Langdale, Knowle Lane, Buckley (047722)	189

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.1**

**REPORT TO:**        **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :**             **19 JANUARY 2011**  
**REPORT BY:**      **HEAD OF PLANNING**  
**SUBJECT :**         **APPEAL BY ADMIRAL TAVERNS AGAINST THE DECISION  
OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE  
PLANNING PERMISSION UPON LAND TO THE SIDE OF 'THE  
STAG INN', HIGH STREET, BAGILLT, FLINTSHIRE.**

**1.00 APPLICATION NUMBER**

1.01    047469

**2.00 APPLICANT**

2.01    Admiral Taverns

**3.00 SITE**

3.01    Land side of The Stag Inn,  
          High Street,  
          Bagillt,  
          CH6 6ED

**4.00 APPLICATION VALID DATE**

4.01    01/06/2010

**5.00 PURPOSE OF REPORT**

5.01    To inform Members of the Inspector's decision in relation to the above appeal. Planning Permission was refused by The Head of planning under powers delegated to him on the 15th July 2010. The appeal was lodged on the 24th August 2010 and was proposed to be dealt with via the Written Representations method. The appeal was **DISMISSED**.

**6.00 REPORT**

Introduction

6.01    The application was an outline application with all matters of detail reserved for future consideration. The Inspector considered the application on the basis of whether this form of development was acceptable having regard to the applicable policies relating to housing development in settlements where the planned growth has been exceeded.

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Date: 11/01/2011

- 6.02 In considering the appeal the Inspector had regard to the Development plan and to the provisions of the Flintshire Unitary Development Plan. He noted the significantly advanced state of the UDP through the Development Plan process and accordingly gave it considerable weight in his determination.

Issues

- 6.03 The Inspector considered the main issues in this case to be whether or not the proposal conflicts with policies designed to control the provision of housing and the effect of the proposal on the living conditions of its residents.

Policy

- 6.04 The Inspector noted that Policy HSG3 of the Flintshire Unitary Development Plan (UDP) indicates that housing on unallocated sites within settlement boundaries in category B settlements such as Bagillt, infill development would only be permitted where certain criteria are met. In this case the policy states that, where a development proposal would cumulatively result in more than 15% growth since 2000, the development should be justified on the grounds of housing need.

- 6.05 The Inspector acknowledged that the thrust of the policy is to restrict the building of new houses to be within the targets set by the development plan, within a settlement hierarchy, and to provide a range of housing where there is a demonstrable need. He noted that this was supported by the most recent Joint Housing Land Availability Study as at 1 April 2008 (JHLAS), which shows that there is existing potential growth in housing within Bagillt of 18% over the 2000 level. The appellants argued that housing need should be considered in a broad context and indicated that they consider that the JHLAS shows that Flintshire has insufficient land to provide a five year supply.

- 6.06 In considering the respective cases, the Inspector noted that the appeal site is in a sustainable location within, an area of previously developed land and agreed that it may be possible that certain settlements, such as Bagillt, may be able to sustain growth above that indicated by the UDP. Nonetheless he reiterated that policy HSG3 relates to specific settlements and noted that the data indicates that there is already an over provision with Bagillt. He accepted that the alleged shortfall of housing land within the County was disputed by the Council and noted the considerable variation in the estimates provided.

- 6.07 However, notwithstanding the above, the Inspector considered that the assertion that further development could be directed to sites such as this was not based on a proper assessment of housing need within the settlement, or of the need for affordable housing, or of how that would affect the overall housing strategy and broader pattern of need within the County.

- 6.08 He concluded in this regard that the provision of a further five houses would lead to further growth in a situation where growth is already greater than the

indicated 15%, without justification based on a specific assessment of housing need, which was contrary to policy HSG3 and would result in the undermining of the housing strategy contained within the UDP.

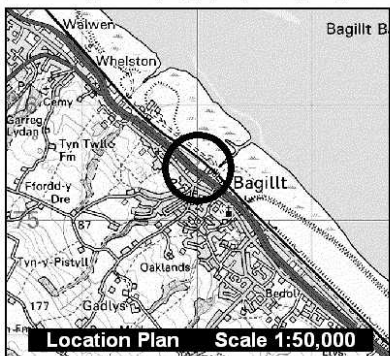
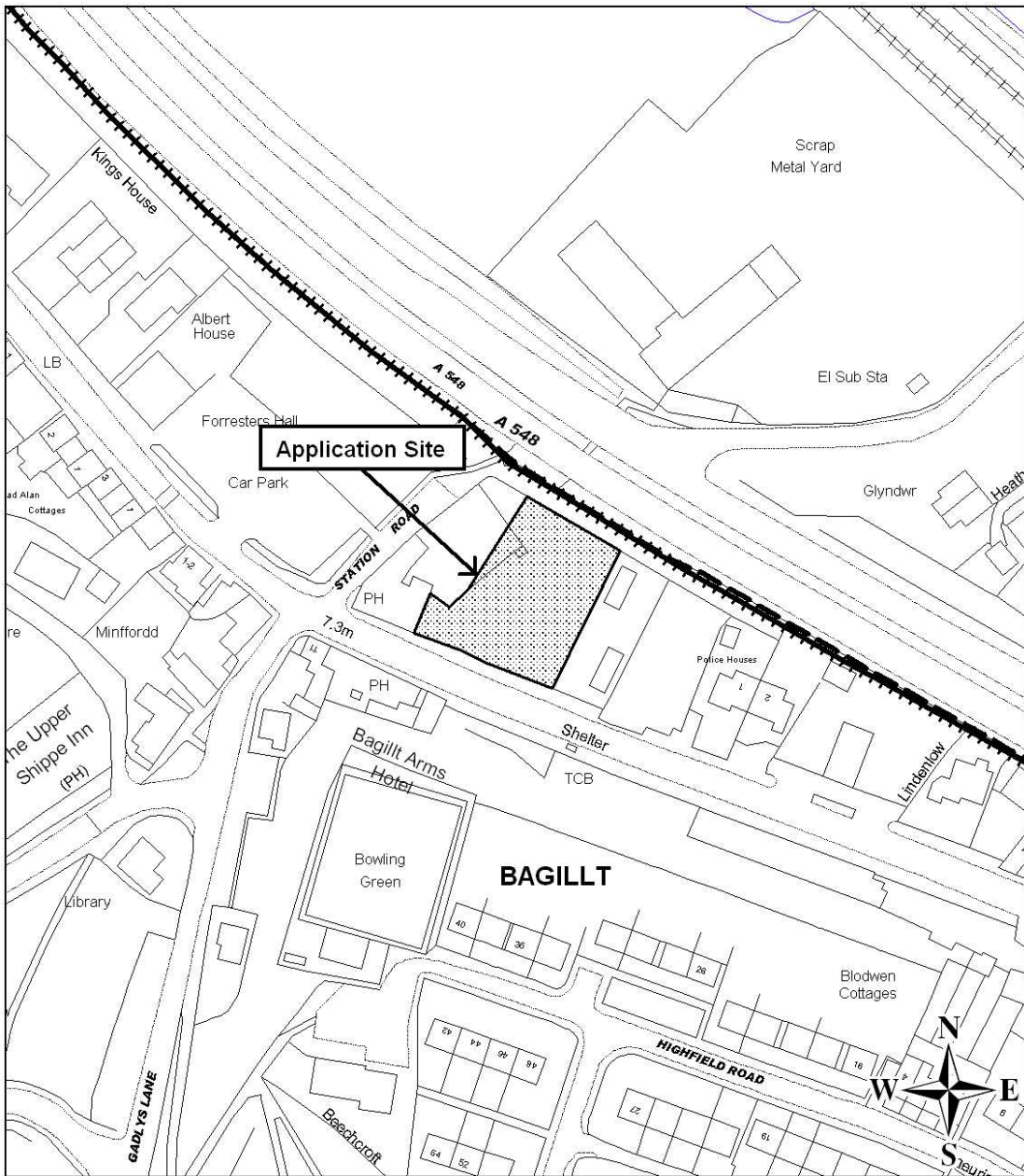
Other Material Considerations - Land Stability and Contamination

- 6.09 The Inspector noted the supplemental Information from the Coal Authority which illustrated that the appeal site has been subject to past coal mining activities at a shallow depth, and that as a consequence there may be instability. He considered the desk study provided by the appellant and its' recommendations. He noted that the risk of instability or indeed the presence of ground contamination on the site could only be ascertained by testing physical attributes of the materials involved. He considered this was required in order to provide an indication of the amount of support necessary to achieve stable and supported levels within the development, and effective methods of draining surface and sub-surface water. He noted that no such information had been submitted.
- 6.10 He concluded therefore that there is a reasonable potential for instability and that sufficient geophysical information has not been provided in order to properly asses that risk or the need for remedial works.

Conclusion on Appeal

- 6.11 Consequently for the reasons given above and having considered all other matters raised, the Inspector concluded that the appeal should be **DISMISSED**.

Contact Officer: Glyn D Jones  
Telephone:  
E-Mail: glyn\_d\_jones@flintshire.gov.uk



Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Key to Settlement Boundaries**

-  Delyn Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1250
Ordnance Survey Sheet	SJ 2275
Planning Application	<b>47469</b>



**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.2**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **OUTLINE APPLICATION - RESIDENTIAL DEVELOPMENT AT  
GLAN Y DON, HOLYWELL**

**APPLICATION NO:** **047535**  
**APPLICANT:** **WALES & WEST HOUSING  
ASSOCIATION**  
**SITE:** **LAND SIDE OF  
GLAN Y DON,  
HOLYWELL,  
FLINTSHIRE**  
**APPLICATION VALID DATE:** **14/06/2010**  
**LOCAL MEMBERS:** **COUNCILLOR S. R. BAKER  
ADJOINING WARD COUNCILLOR -  
COUNCILLOR MRS. R. DOLPHIN**  
**TOWN/COMMUNITY COUNCIL:** **HOLYWELL TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **SITE AREA EXCEEDS THE  
THRESHOLDS FOR WHICH  
DELEGATED POWERS TO  
DETERMINE EXIST.**  
**SITE VISIT:** **NOT REQUESTED BY THE LOCAL  
MEMBER.**

**1.00 SUMMARY**

1.01 This outline application proposes the residential development of a 1.93 hectare site on land to the west of Glan-y-Don Estate, Greenfield. All matters of detail are reserved for subsequent approval.

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

2.01 That conditional planning permission be granted subject to a S106 agreement, covering the following matters;

1. Open space provision - £763 per dwelling to enhance existing recreation facilities in the community;

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Date: 11/01/2011

2. Education provision - £3,500 per primary school pupil generated towards Ysgol Glan Aber.

#### Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Details of all external materials of dwellings to be submitted and approved.
4. Submission and approval of existing and proposed finished floor levels.
5. Landscaping proposals to be further submitted and agreed.
6. Code for Sustainable Homes "Interim Certificate" to be submitted before work commences.
7. Code for Sustainable Homes "Final Certificate" to be submitted before houses occupied.
8. Detailed design of access to be further submitted and approved.
9. No further site works until agreed access completed.
10. Access to be kerbed and formed to base layer and internal tangent point of entrance radii before any other site works.
11. Single access of A548. No other accesses to the site.
12. visibility plays to be free from obstruction.
13. 1.8m footway across site frontage.
14. Scheme for prevention of highway run off to classified road.
15. Access gradient to be agreed prior to any development.
16. Foul water and surface water discharges drained separately.
17. No surface water to connect either directly or indirectly to the Public Sewerage System.
18. Land drainage run-off not be permitted to discharge, directly or indirectly into Public Sewerage System.
19. No development to commenced until developer has proposed a scheme for comprehensive and integrated drainage of site had been approved in writing by the Local Planning Authority.
20. Boundary treatments to be submitted and agreed.
21. Removal of Permitted Development Rights.
22. Bat surveys prior to any tree removal. Mitigation as required implemented prior to first occupation of any dwellings.
23. Protective fencing along southern boundary before any development commences.
24. No development until all watercourse works submitted and agreed.
25. Scheme for enhanced glazing and acoustic barrier.
26. Submission and agreement of scheme for provision of affordable housing.

### **3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor S. R. Baker

No objections to a delegated determination. Notes that the matters of objection raised by local residents relate to the matters of detail which are in fact Reserved matters for subsequent consideration and agreement.

Holywell Town Council

No objections.

Head of Highways and Transportation

No adverse comments. Requests the imposition of conditions and notes.

Head of Public Protection

Requests the imposition of conditions in respect of the need for enhanced acoustic glazing and screens to private amenity areas.

Director of Lifelong Learning

Advises the nearest school, Ysgol Glan Aber, has only 1.92% surplus capacity and the numbers of children likely to be generated from occupation of this site will exceed the capacity. Therefore, a sum equivalent to not less than £3500 per child will be sought to assist with the provision of the facilities required to meet the increased educational need.

Dwr Cymru/Welsh Water

Requests the imposition of conditions in respect of foul, surface and land water drainage schemes. Also advises of a public sewer in the vicinity and the need for the same to be protected.

Environment Agency Wales

No objection subject to the imposition of conditions relating to the submission agreement and implementation of scheme in respect of proposed surface water drainage and any modification works to the existing watercourses.

Countryside Council for Wales

Considers submitted survey reports are acceptable and, subject to the recommendations detailed within the reports being incorporated into the detailed proposals for the site, raises no objection.

The Coal Authority

No adverse comments. Standing Advice applies.

#### **4.00 PUBLICITY**

- 4.01 The application has been publicised by way of the publication of a notice within the local press, the display of a site notice in the locality and neighbour notification letters sent to directly adjacent properties. Notification letters were sent out on the 15th June 2010. A site notice has been posted on a lamppost near the site on the 17th June 2010 with a press notice published in the Chronicle on the 24th June 2010.

- 4.02 At the time of writing this report, 12 No. letter of objection from third parties have been received. The letters raise the following matters of objection;

Increased traffic flow via a poor access and existing highway with consequent impacts upon vehicular and pedestrian safety;  
Adverse impacts upon residential amenity arising from noise and overlooking;  
Appropriateness of a residential estate access directly onto a busy roundabout;  
Concerns that existing estate road will act as access for plant and machinery with consequent implications for safety and impacts upon residential amenity;  
Loss of existing natural features and impacts upon the ecological value of the site; and  
Concerns that site produces Radon gas.  
Adequacy of existing drainage system.

## **5.00 SITE HISTORY**

### **5.01 035725**

Outline - Residential Development. Permitted 29<sup>th</sup> July 2003.

### **041221**

Renewal of 035725. Permitted 17<sup>th</sup> January 2007.

## **6.00 PLANNING POLICIES**

### **6.01 Clwyd Structure Plan First Alteration**

Policy B5 – Allocation of Land for Housing Development.

Structure Plan Second Alteration: Flintshire Edition

Policy GEN2 – General Development Requirements.

Policy HSG2 – Location of Housing Development.

Policy HSG5 – Allocation of Land for Housing Development.

Delyn Local Plan

Housing Policy 6 – Residential Development in the Countryside.

Landscape Policy 2 – Protection of Trees and Woodlands.

Landscape Policy 8 – Sites of Nature Conservation Importance.

Draft North Flintshire Local Plan

Policy d3 – Location and Layout.

Policy d5 – Landscaping.

Policy ac14 – Access and Traffic Impact.

Policy h1 – New Housing Sites.

Flintshire Unitary Development Plan Deposit Draft

Policy STR1 – New Development.

Policy STR4 – Housing.  
Policy GEN1 – General Requirements for Development.  
Policy GEN2 – Development Inside Settlement Boundaries.  
Policy D2 – Location and Layout.  
Policy TWH1 – Tree and Woodland Protection.  
Policy AC13 – Access and Traffic Impact.  
Policy HSG1 – New Housing Development Proposals.  
Policy HSG9 – Housing Mix and Type.  
Policy HSG10 – Affordable Housing within Settlement Boundaries.

- 6.02 The site is located outside the settlement boundary of Greenfield in the adopted Delyn Local Plan but is located within the settlement boundary of Greenfield within the Flintshire Unitary Development Plan.
- 6.03 The above cited policies relate, in the main, to the issue of residential development within settlement boundaries. They address issues of detail rather than matters of principle and as is demonstrated in the appraisal set out in Section 7 of this report that, notwithstanding the outline nature of the application, the proposal satisfies these matters of detail. Accordingly, I consider that the proposal generally complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This outline application proposes the development of this 1.93 hectare site for the purposes of residential development. Whilst the application is submitted in outline with all matters reserved for future consideration, the indicative details submitted suggest that the site could be developed for approximately 56 dwellings, together with the formation of a new point of vehicular access from the A548 to the north of the site.

### **7.02 Site Description**

The site comprises 2 distinct field parcels of gently sloping land and is located to the south of the Ship Inn between existing residential areas at Glan y Don and Bala Avenue. It is bordered to the north east by the A548, which is at a lower level than the application site. The site is currently in agricultural use. The site is roughly rectangular in shape and flat across its east/west axis with a significant slope from south to the northern boundary with the A548. The site is strongly bounded by existing mature and well established hedge and tree lines which broadly mark the southern, eastern and northern boundaries of the site as well as marking the position of a watercourse which flows along the boundary of the two field parcels. The character of built form in the area comprises mainly detached and semi detached 2 storey dwellings.

### **7.03 Planning Policy**

Members will note that the site is located within the settlement boundary of Greenfield, a category B settlement. Such settlements are identified to

experience growth of between 8 - 15% over the plan period. Policies GEN2 and HSG3 establish the broader principles of development within such locations. However, Members will recall that the Inspector appointed to hear the examination in public of the Flintshire Unitary Development Plan recommended changes to Policy HSG3, which were accepted by the Council. These changes sought to cap growth in Category B settlements at 15% with higher levels of growth only being considered if justified for local needs. Greenfield has experienced 12% growth over the plan period to date. However, Members should note that the expected yield from the development has already been counted as a commitment since the site had the benefit of an extant planning permission at the time of the draft UDP. Therefore the revised requirements of HSG3 would not apply to this proposal.

7.04 Proposed Development

The proposal is submitted as an outline application with all matters reserved for future consideration. Whilst the application is accompanied by information indicating layout and access, these details are indicative and illustrative only and do not form part of the proposals for Members consideration.

7.05 Main Planning Issues

It is considered that the main planning issues can be summarised as follows:-

- a) Principle of development having regard to the planning policy framework and other material considerations
- b) Biodiveristy and ecological issues
- c) Drainage and flood risk
- d) Contributions in respect of local educational need and play/open space requirements
- e) Impacts upon existing residential amenity

7.07 Planning Policy Framework

The applicable policy context relevant to this site is set out in paragraph 7.03 and Section 6 of this report. The applicable policies support the principle of this development. Members should note that the principle of development of the form indicated in this application was established via previously planning permissions.

7.08 Biodiversity and Ecology issues

The site lies approximately 500 to the south of the Dee Estuary SSSI, SAC and Ramsar site. However, given the distance between this area and the site, together with the scale of the proposed development and the segregation imposed by A548 Bagillt Road, no adverse impacts are envisaged. The site is also located within 1km of 5 candidate wildlife sites although no impact is anticipated in respect of 4 of these sites by virtue of the distance between the application site and the candidate sites. However, the Candidate Glan y Don Wildlife Site abuts the application site to the south and it is recommended that appropriate precautions are taken to ensure that

damage to the site is avoided by the erection of protective fencing between the wildlife site the development site. I intend to condition accordingly.

7.09 Given the greenfield nature of the site and the existence of strong hedgerows and their potential to afford good habitat for species and act as a wildlife corridors, the site has been the subject of a variety of surveys to ascertain the exact presence of species within the site boundaries. these surveys have established that the site does not provide habitat to any protected species. However, the potential for the existing mature trees to afford opportunities for bat roosts has been identified and therefore it is suggested that, should any such trees be proposed to be removed, a bat survey is undertaken beforehand and mitigation be agreed in advance of removal, should be removal be agreed to be necessary. I propose to condition to this effect. The surveys have also identified the potential for the site to be used as a foraging area for badgers. I consider however that the need to ensure permeability throughout the site for badgers is a matter which is best addressed as part of the consideration of matters such as layout and landscaping, both of which are Reserved Matters and will be addressed at the consideration of the same at that stage.

7.10 Adequacy of Foul/Surface Drainage and Flood Risk

Representations have been made to the effect that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of development. The proposals have been the subject of consultation with Dwr Cymru/Welsh Water who advise that, subject to the imposition of conditions in respect of the submission, agreement and implementation of detailed drainage schemes, there is no objection to the proposal upon drainage grounds.

7.11 The site is crossed by two existing watercourses. The potential for these to present a flood risk to the site has been assessed and, notwithstanding the outline nature of the application, it is considered that the risk can be adequately managed by ensuring that any modifications, diversion or culverting of the channel ensures that sufficient capacity to accommodate flows to cater for a 1:100 year climate change event. Furthermore, the site design can be arranged such that any flooding in a 1;1000 year event would not result in the flooding of properties. In response to consultation, the Environment Agency Wales has advised that subject to conditions in respect of the agreement of the proposed site drainage scheme and the prior agreement of any works affecting the watercourses, there is no objection to the granting of permission.

7.12 Education Contributions

As the application is submitted in outline only, it is not possible to calculate the exact number of school age children that the development of this site will give rise to the placement of. However, the nearest school is Ysgol Glan Aber which presently only has a surplus of 2 places. The development of this site is therefore highly likely to result in an over subscription to the school.

Therefore I am proposing that the educational need arising from this proposal is addressed by the developer entering into a S.106 agreement to pay the sum of £3500 per pupil, the exact details of which can be calculated at the time of the Reserved Matters application.

7.13 Open Space Provision

Consultation on this particular aspect has been undertaken with the Council's Head of Leisure Services. Having regard to the relationship of the site to existing open space provision it is considered that it would not be a requirement to provide on site play or recreation space but, given the potential for increased pressure on existing facilities that it would not be unreasonable to request a financial contribution to the maintenance/enhancement of these existing areas. It is therefore considered that a commuted sum payment would be required in this respect of £733 per dwelling (to reflect the affordable nature of the proposed dwellings and the fact that the proposal is submitted by a Housing Association). Again, the exact figure cannot be ascertained at this stage and therefore the wording of the agreement will reflect the commitment of the applicant to pay a sum equivalent to £733 per dwelling following the approval of a detailed scheme.

7.14 Amenity Impacts

Concerns have been raised in respect of impacts upon the amenity of existing residents arising from potential access to the site via the existing Glan y Don Estate and also as a result of noise from the nearby A548 affecting the proposed dwellings.

7.15 Whilst I appreciate the concerns of existing residents in respect of the potential for their estate road to be used as the site access, either permanently or during site construction works, it should be remembered that the application seeks only to establish the principle of development and no details in respect of access, or any another matter, are submitted for consideration. Accordingly, I propose to ensure that these concerns form part of the consideration of any subsequently detailed scheme which may be submitted for consideration.

7.16 I am advised by the Head of Public Protection, in response to consultation, that noise concerns and impacts upon amenity can be adequately addressed via the imposition of a condition requiring the submission, agreement and subsequent implementation of a scheme of enhanced glazing and the provision of acoustic barriers to private garden areas. I shall condition that the submission of these scheme should form part of the Reserved matters submissions.

7.17 Affordable Housing

By virtue of the site size and its expected yield, the development site exceeds both trigger points for the provision of affordable housing as set out in Policy HSG10. Members will appreciate that the applicant, being a Housing Association, is bound by its own rules of operation to provide



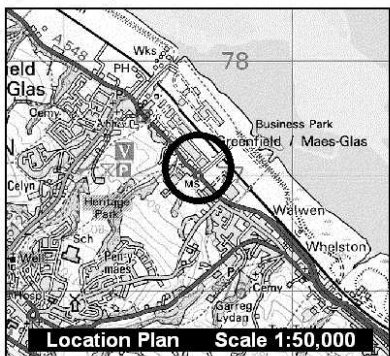
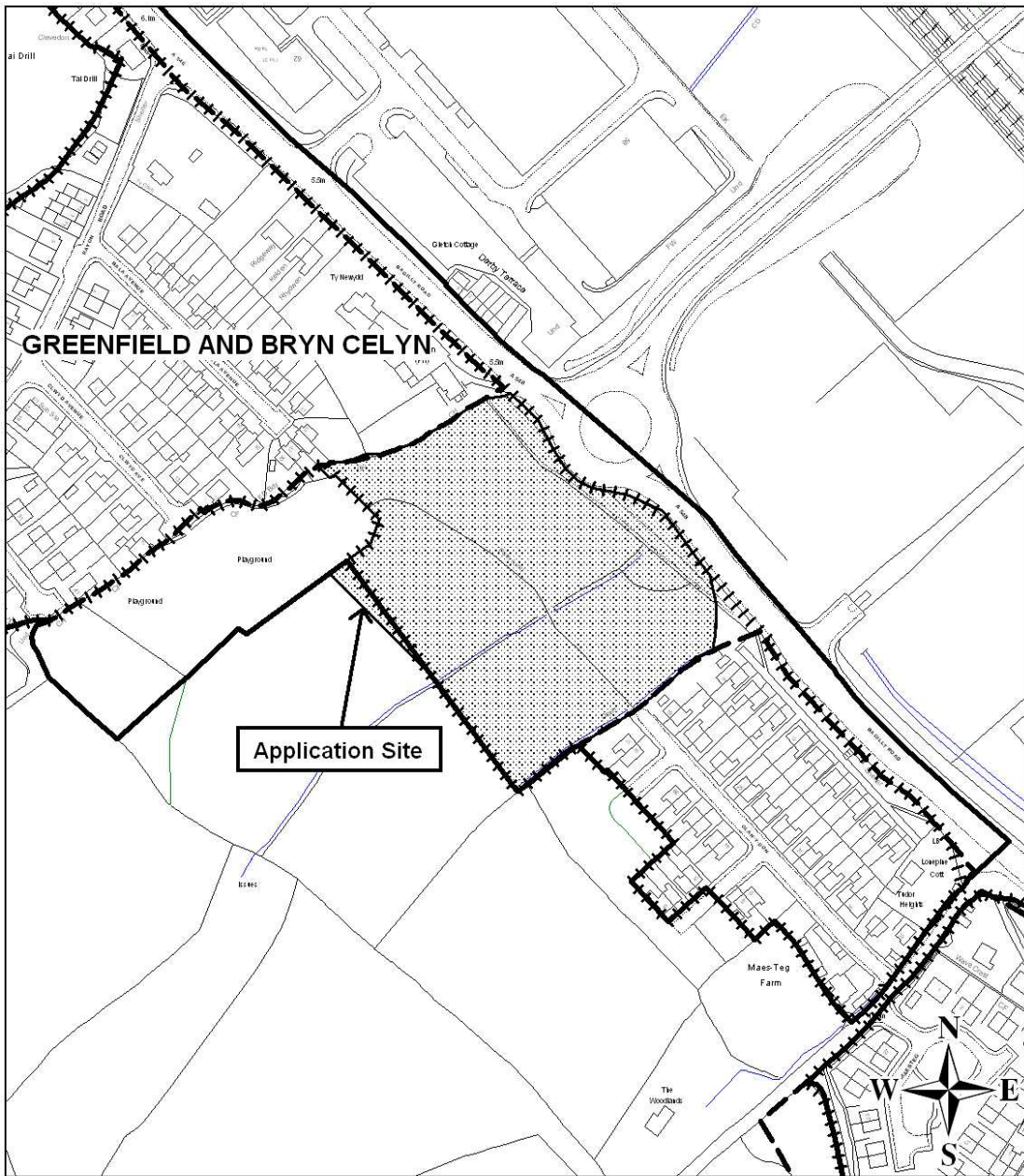
affordable housing only upon sites it develops. However, I am mindful of the fact that the site could be disposed of by the applicant to another developer who would not be bound by these terms. Accordingly, I propose to impose a condition requiring the submission and agreement of a scheme for the provision of affordable housing upon the site.

## **8.00 CONCLUSION**

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

8.02 In considering this planning application 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

Contact Officer: Glyn D Jones  
Telephone:  
E-Mail: glyn\_d\_jones@flintshire.gov.uk



	Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland						
	<p><b>Key to Settlement Boundaries</b></p> <ul style="list-style-type: none"> <li> Delyn Local Plan Settlement Boundary</li> <li> North Flintshire Local Plan Settlement Boundary</li> <li> Emerging Flintshire Unitary Development Plan Settlement Boundary</li> </ul>	<p><small>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2010.</small></p> <table border="1"> <tr> <td>Map Scale</td> <td>1:2500</td> </tr> <tr> <td>Ordnance Survey Sheet</td> <td>2076</td> </tr> <tr> <td>Planning Application</td> <td>47535</td> </tr> </table>	Map Scale	1:2500	Ordnance Survey Sheet	2076	Planning Application
Map Scale	1:2500						
Ordnance Survey Sheet	2076						
Planning Application	47535						

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.3**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - ERECTION OF A WALL WITH  
ELECTRIC GATES TO PROVIDE SECURE YARD AND  
EXTENSION OF EXISTING AGRICULTURAL BUILDING FOR  
HAY STORAGE AND GENERAL AGRICULTURAL  
PURPOSES AT PLATT FARM, LOWER MOUNTAIN ROAD,  
PENYFFORDD.**

**APPLICATION NO:** **047645**  
**APPLICANT:** **MR P. RYVAR**  
**SITE:** **PLATT FARM,  
LOWER MOUNTAIN ROAD,  
PENYFFORDD,  
CHESTER,  
CH4 0EU**  
**APPLICATION VALID DATE:** **15/07/2010**  
**LOCAL MEMBERS:** **COUNCILLOR MRS. C. HINDS,  
COUNCILLOR D.T.M. WILLIAMS**  
**TOWN/COMMUNITY COUNCIL:** **PENYFFORDD COMMUNITY  
COUNCIL**  
**REASON FOR COMMITTEE:** **IN LIGHT OF THE NEW EVIDENCE  
RECEIVED AND THE COMPLEX  
HISTORY OF THE SITE, CONSIDERS  
THAT IT IS APPROPRIATE THAT  
THE APPLICATION IS CONSIDERED  
AT PLANNING COMMITTEE IN THE  
INTERESTS OF TRANSPARENCY.**  
**SITE VISIT:** **YES**

**1.00 SUMMARY**

- 1.01 This application seeks full planning permission for the erection of a wall with electric gates to provide a secure yard and extension to existing agricultural building for hay storage and general agricultural purposes at Platt Farm, Lower Mountain Road, Penyffordd.

---

Date: 11/01/2011

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

2.01 Conditions

1. Time limit on commencement
2. In accordance with plans
3. Building to be used for the purposes of agriculture only

**3.00 CONSULTATIONS**

- 3.01 During the processing of the application, additional information was received relating to the justification for the extension to the agricultural building. As such a reconsultation exercise was undertaken, the responses to which are reported separately.

Original Consultation responses

Local Members

Councillor Mrs. C. Hinds:

Agrees to the application being dealt with under delegated powers

Councillor D.T.M. Williams:

Agrees to the application being dealt with under delegated powers. Wishes to be kept informed of any controversial issues that may arise during the application process.

Penyffordd Community Council:

The application is supported

Chief Highways and Transportation Engineer:

has no objection to the proposal and confirms no intention to make a recommendation on highway grounds

Chief Environment and Resources Officer:

No adverse comments to make regarding the proposals

Environment Agency:

No response at time of writing report

Airbus:

The proposed development does not conflict with safeguarding criteria. Accordingly has no aerodrome safeguarding objection to the proposal

Reconsultation responses

Local Members

Councillor Mrs. C. Hinds:

No further response received at time of writing report

Councillor D.T.M. Williams:

Has advised that on the basis of the new evidence received and the complex history of the site, considers that it is appropriate that the application is considered at Planning Committee in the interests of transparency.

Penyffordd Community Council:

No response received at time of writing report

Chief Highways and Transportation Engineer:

Has no objection to the proposal and confirms no intention to make a recommendation on highway grounds

Chief Environment and Resources Officer:

No adverse comments to make regarding the proposals

Environment Agency:

No response received at time of writing report

Airbus:

The proposed development does not conflict with safeguarding criteria. Accordingly has no aerodrome safeguarding objection to the proposal.

#### **4.00 PUBLICITY**

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

Original consultation response:

One letter of objection received from the owner (on behalf of his tenants) of the adjacent light industrial building outlining the following objections which are considered to be material to the consideration of the application:-

- i) the site notice being posted some distance from Platt Farm
- ii) highway safety
- iii) unproven agricultural need for the development
- iv) incorrect facts sited on the application form
- v) incorrect information on the drawings
- vi) existing buildings used commercially by applicant for non-farming uses
- vii) farm not operating with correct planning permissions
- viii) placement of new buildings on exact site where a stop notice was formerly served on the applicant

Reconsultation response:

- i) the application constitutes new land not associated with the original Platt Farm application and is land separate from the Platt Farm red an 'off farm nature' constitutes a very different application from the one originally submitted
- ii) the applicants are believed to be industrialists for their main income at Platt Farm and now seek to further expand their agricultural enterprise also. The applicants trade in engineered goods to external customers, one of these being Local Authorities (including Flintshire), contractors and others.
- iii) the increased commercial activity on the site has created access and parking problems for the industrial use and rendered the residential flat unlivable
- iv) the grant of prior approval for the agricultural building was on the same footprint of the building refused by Alyn and Deeside previously which included stop notices served upon the applicants for illegal erection of the building. The stop notices were never enforced by Flintshire County Council and as such this site's development amounts to a farce of monumental proportions and amplifies planning ineptitude and maladministration over the whole site
- v) Flintshire County Council has made many gross errors in planning judgement previously and as a consequence the site of our industrial building has been rendered incapable of the beneficial use first granted it
- vi) the road into the site is dangerous at the egress point of Platt Farm
- vii) Extension to building is not justified in farming terms

## **5.00 SITE HISTORY**

- 5.01 For Members information and with regard to the fact that Platt Farm originally encompassed the industrial building adjacent, the history for the whole site is set out below:-

### **55/71**

Agricultural building approved, 1971

### **4/3/7522**

Change of use of agricultural building to industrial engineering and production machinery approved 27.3.80

### **4/3/12436**

Agriculturally building refused 6.3.84

### **4/3/13131**

Change of use of agricultural building to light industrial approved 23.7.84

### **4/3/13132**

Alterations and extension to provide office, toilets and storage area approved 23.7.84

**4/3/14029**

Change of use of part of first floor offices to living accommodation for factory director/manager refused 3.9.85

**4/2/14836**

Use of existing building for light engineering and placing of portacabin for toilet facilities refused 1.4.86, allowed on appeal 2.5.89

**4/3/18634**

Renewal of planning application 4/3/13432 for storeroom and toilets at rear with kitchen, office and toilets above approved 1.5.90

Renewal of application **4/3/13131** for the continued use of agricultural building as light industrial unit for precision engineering products, manufacture and storage with ancillary offices approved 1.5.90

**4/12/21295**

Renewal of change of use of agricultural building for light engineering refused 11.8.92

**4/12/22078**

Application to complete and retain agricultural shippon approved 6.12.97

**97/00041**

Prior approval - erection of haybarn, permitted 7.2.97

**97/12/01251**

Change of use of shippon to agriculture/farm/country trade building and smithy refused 6.4.98

**97/12/1252**

Erection of a building and lean-to for agricultural purposes approved 7.4.98

**98/0589**

Proposed change of use from shippon to agricultural engineering workshop/smithy and general storage / farm machinery building approved 1.10.98

**98/1441**

Certificate of Lawful use granted 8.2.00

**99/12/1150**

Proposed erection of two steel grain silo bins for storage of wheat / barley / oats approved 23.8.00

## **6.00 PLANNING POLICIES**

- 6.01 Alyn and Deeside Local Plan:  
Policy G1 - General Requirements for Development  
Policy A2 - New agricultural Buildings  
Policy A3 - Diversification of Farms

Emerging Flintshire Unitary Development Plan  
Policy GEN1 - General Requirements for Development  
Policy GEN3 - Development Outside Settlement Boundaries  
Policy AC13 - Access and Traffic Impact  
Policy RE2 - New Agricultural and Forestry Buildings  
Policy RE5 - Small Scale Farm Diversification

Planning Policy Wales

Technical Advice Note 6 (TAN 6) - Planning for Sustainable Rural Communities

It is considered that the proposals general comply with the above planning policies. The policy implications of the development are addressed in the 'Planning Appraisal' section of this report.

## **7.00 PLANNING APPRAISAL**

- 7.01 Introduction  
This application is a full application which seeks planning permission for the erection of a wall with electric gates to provide secure storage yard and extension to existing agricultural building for hay storage and general agricultural purposes at Platt Farm, Lower Mountain Road, Penyffordd. The main issues to be considered in this proposal are the principle of development in planning policy terms, whether the extension is justified for agricultural purposes, highway implications, visual impact and the effect of the development on residential amenity and adjacent users.

- 7.02 Site Description  
Platt Farm is located off Lower Mountain Road, Penyffordd and comprises approximately 19 acres of farmland. The site is located in open countryside and the complex is made up of the main farmhouse dwelling, a farm workshop building with an existing agricultural storage barn at the rear of the site. Adjacent to the farm complex, and served off the shared access is a brick building used for light industrial purposes which historically formed part of the farm complex but was sold on in approximately 1983 and is now in separate ownership to the farm.

- 7.03 Site History  
The site has been the subject of several planning applications dating back to 1971 and historically comprised of the farm dwelling known as Platt



Farmhouse and two buildings, one of which lies adjacent to the site, now in separate ownership and used for the purposes of light industry and a farm workshop building which was granted permission under reference number 98/0589 for change of use to agricultural engineering workshop/smithy and general storage / farm machinery on 1st October, 1998.

7.04 Proposed Development

The application seeks permission to erect a boundary wall to the farm complex with the insertion of a pair of wooden electric gates to serve access to the existing farmhouse. The wall is proposed to be a height of 2 metres and constructed in part stone with part block and render to match the surrounding buildings. A steel farm gate is also proposed to gain access to the agricultural building and hardstanding to the rear of the site. The applicant wishes to construct the wall and gates to provide a secure access to the residential dwelling and also to provide a secure yard area for the farm machinery and materials. The proposal also seeks permission to extend an existing agricultural storage building to the rear of the site which is currently used for the purposes of the storage of hay and farming machinery and equipment. The extension proposed measures 24.4m x 17.7m and will be a steel portal frame open on one side elevation and partly at the end elevation. The remaining sides are to be steel sheet cladding with dwarf brick wall at ground level. All materials and colours used will match the existing building. The applicants states in the supporting information that he intends to use the extended building for the same purposes of hay storage and storage of farm machinery and equipment.

7.05 Principle of Development

The site lies outside of any recognised settlement boundary in both the adopted Alyn and Deeside Local Plan and the Emerging Flintshire Unitary Development Plan. As such, the site lies in the open countryside where development will only be permitted if it is considered to be 'appropriate' and is usually restricted to proposals for extensions to dwellings, conversions, development related to agricultural or forestry operations and recreational uses. Development works related to agriculture, such as this one, are permitted provided it accords with other relevant policies in the plan and there is no unacceptable impact on the social, natural and built environment. Policy RE2 (New Agricultural and Forestry Buildings) of the Emerging Flintshire UDP states that the erection of new agricultural or forestry buildings or extensions to existing buildings will be permitted provided that:-

- a) they are reasonably required for, or are ancillary to, the use of land for agricultural purposes within the farm unit;
- b) they are, wherever possible, located close to and well related to an existing group of agricultural buildings within the farm unit
- c) their siting, design, materials and external finish harmonise with neighbouring buildings, and minimise the impact on the rural character of the area; and

- d) in the case of intensively farmed livestock, proposals are assessed against policy RE3.

Therefore, generally speaking, proposals for agricultural purposes will receive sympathetic consideration providing the Authority is satisfied that the extension is required and justified for agricultural use and that the impact on the landscape and residential amenity is minimised. The plan also clearly recognises the importance of the agricultural industry, and that the need will arise for the provision of new buildings/extensions to buildings required to improve and maintain the viability and efficiency of the farming unit. The proposal has therefore been assessed and determined in accordance with the requirements as set out in planning policy.

## 7.06 Main Issues

### Justification for Development

In order to comply with planning policy, it is necessary for extensions to agricultural buildings to be justified in terms of being required for the purposes of agriculture and in the first instance provision should be made to house such operations within existing farm buildings. The applicant has provided information relating to the current uses of the farm buildings and sets out a reasoned justification for the development. The applicant has stated that of the 19 acres comprising Platt Farm, 17 acres of land is productive first grade agricultural land in addition to a further 22 acres of land which was given over to the applicant by non-farming owners for farming of hay fodder. This new farming practice is now becoming common in the countryside where farmsteads have been converted into multiple dwellings, leaving many small parcels of land owned by non farming owners who call upon the local established farms with the machinery and knowledge to take care of their land. It is stated that the existing agricultural building which is used for storage of straw, hay and farm machinery is at full capacity and the extension proposed will be used to store up to an extra 5,000 bales (100 tonnes, 1250 cu.m) of hay and straw and also to bring inside farm machinery such as tractors and farm implements associated with the harvest and transport of the said crops. The existing farm workshop (granted permission in 1998 for change of use to agricultural engineering workshop) is primarily used for the repair and maintenance of farm machinery and contains workshop tools such as lathes, drilling machines, welders, blacksmithing tools. The applicant has advised that it would be impossible to store hay or straw in this building due to the high risk of fire from welding and gas cutting sparks.

In consideration of the information submitted by the applicant, and on inspection of the farming operations on site, I am satisfied that the existing farm workshop building is not suitable for the purposes of the storage of hay and straw and that the extension to the existing agricultural building can be justified as being required for the purposes of agriculture.

#### 7.07 Highway Implications

The Highways Officer has been consulted as part of the application process and is satisfied that the proposal will not have any adverse impact on highway safety and does not wish to make any recommendations on highway grounds. It is recognised that there is a Conveyance Agreement that entitles the users of the building to have free access between the main road and the property. However, this is not a planning consideration and although it has been noted, it is considered that the proposed boundary wall and gates will not restrict access to the industrial building and as such it is my opinion that the proposals will not have an adverse impact on access to the adjacent building or highway safety.

#### 7.08 Visual Impact

The boundary wall proposed is to be constructed partly in stone and partly in block and render. The materials of construction have been chosen to harmonise with the existing buildings and features on site. Similarly, the proposed extension to the agricultural building will match in physical appearance and design to the original and will not therefore have an adverse impact on the open countryside within which it lies. In conclusion, it is felt that the proposals will not have any detrimental impact on the site and the surroundings.

#### 7.09 Impact on Residential Amenity / Adjacent Users

The impact of the proposed wall and extension has been assessed as part of the consideration of the development. It is recognised that the light industrial building and residential flat adjacent is located in close proximity to the proposed development. However, it is my opinion that the boundary wall will seek to provide a secure boundary to Platt Farm and serve to separate and distinguish the two neighbouring uses. It is also considered that due to the location and relationship of the extension to the agricultural building and the nature of the material to be stored, the development would not have any adverse impact on the amenity of any potential occupiers of the residential element of the building or the users of the commercial premises.

#### 7.10 Objections / Concerns Raised

Objections have been received from the owner of the adjacent light industrial building disputing the current uses / operations on the site and raising concerns in relation to the potential impact of this and any future intensification of operations on the site on his business and tenants. He initially raised concern that the consultations had not been carried out correctly. This process was carried out on a second occasion in order to ensure that all the surrounding properties owners and occupiers were aware of the proposals submitted. The objector also contends that the applicant's

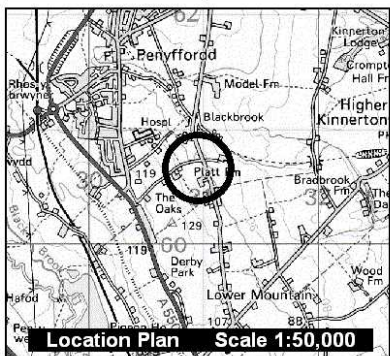
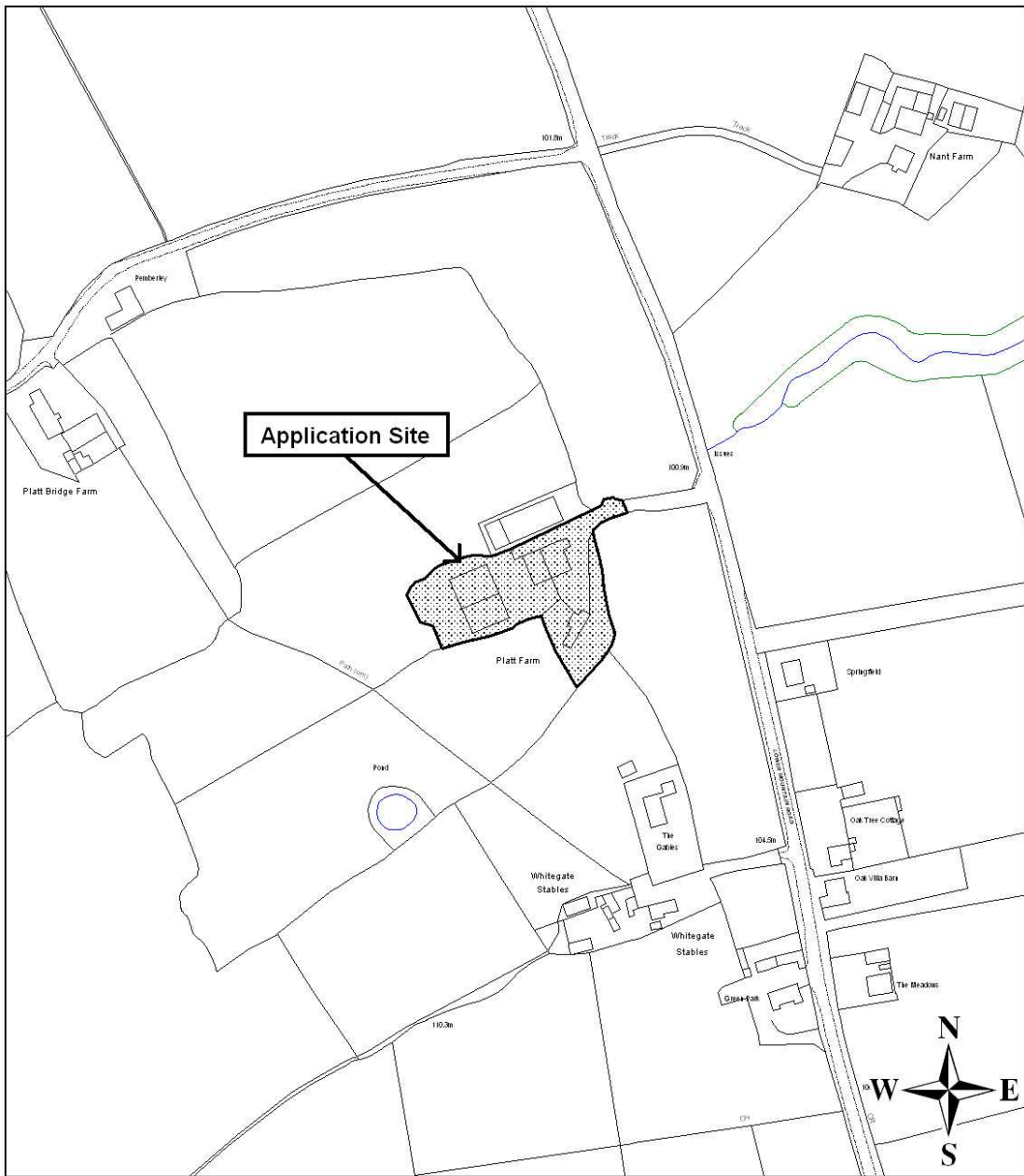
primary business at Platt Farm is that of industrial engineering and that the extension to the agricultural building is not justified for agricultural purposes. However, the Council have examined the information submitted with the application and have undertaken an inspection of the farming enterprise and current operations and are satisfied that the associated activities on the site do constitute agricultural operations or farm diversification and take the opinion that the proposed extension is, as such, justified. The applicant believes that the construction of the wall and access gates will interfere with vehicles visiting his and the applicant's site and cause highway danger. However, the Council's Highways Officer that the development will not cause a danger to highway safety. The objector in his comments refers to previous dealings with regard to historical planning applications and the presence of easements and conveyances, all of which are noted but are not valid planning objections and therefore cannot be considered material to the determination of this application.

## **8.00 CONCLUSION**

- 8.01 In conclusion and taking into account all the matters outlined above, it is considered that the proposals are in line with local and national planning policy and are recommended accordingly.

In considering this planning application 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

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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Key to Settlement Boundaries**

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:2500
Ordnance Survey Sheet	SJ 3060
Planning Application	47645

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.4**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - CHANGE OF USE FROM LIGHT INDUSTRIAL TO SELF CATERING TOURIST ACCOMMODATION (2 UNITS) INCLUDING ALTERATION AND EXTENSION TO EXISTING BUILDING ADJ. TO NANT Y GAIN, PENTRE, CILCAIN, MOLD**

**APPLICATION NO:** **047735**  
**APPLICANT:** **MR D & MRS J WOLFE**  
**SITE:** **ADJ. TO NANT Y GAIN, PENTRE, CILCAIN, MOLD, FLINTSHIRE**

**APPLICATION VALID DATE:** **20/07/2010**  
**LOCAL MEMBERS:** **CLLR W O THOMAS**  
**TOWN/COMMUNITY COUNCIL:** **CILCAIN COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUESTS REFERRAL OF THE APPLICATION TO COMMITTEE AS THIS APPLICATION WOULD INCLUDE ALTERATION AND EXTENSION TO THE EXISTING BUILDING, AS THE BUILDING IS MAINLY A TIN SHED, COUNCILLOR WOULD CONSIDER THIS TO BE A NEW BUILD IN THE COUNTRYSIDE.**

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

**1.00 SUMMARY**

- 1.01 This is a full application for the change of use of the building from light industrial use to self catering tourist accommodation (2 units). The proposal involves the alteration and extension to the existing building as part of the proposed scheme. The unit was previously used for a light industrial use for the production of candles, but the unit has been vacant since 2000. The

matters for consideration include the principle of the development, design, flood risk and visual amenity.

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

2.01 That conditional permission be granted

Conditions

1. Time limit for commencement
2. In accordance with the approved plans
3. Facilities to be provided and retained within the site for the parking/turning of vehicles
4. Development to be carried out in accordance with the Flood Consequence Assessment
5. Use to be restricted to holiday accommodation
6. Development to be carried out in accordance with the protected species and ecological survey
7. The finished floor levels shall be set no lower than the existing levels stated within the submitted FCA
8. The developer is to be made aware of the potential flood risks.
9. Developer to install proofing measures as part of the development.
10. Compliance with the protected species surveys and proposals.
11. Post project monitoring of protected species for a period of not less than 5 years.
12. Works to be carried out in accordance with the protected species surveys, to ensure the long term site security of the protected species.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor W. O. Thomas

Requests referral of the application to committee, as the application will include alteration and extension to the existing building which is mainly a tin shed, and Councillor Thomas considers that the application would constitute a new build in the countryside.

Cilcain Community Council

The community council objects to the application on the following grounds;

- The Council is against the principle of converting industrial premises into residential
- The fabric of the former industrial building is not suitable for conversion to a dwelling. The new dwelling would therefore constitute a fresh dwelling in the open countryside.

(Notwithstanding the comments above it should be noted that this application is for the change of use of the building from light industrial use to self catering tourist accommodation (2 units) and NOT for the creation of a dwelling as referred to above, and policy does allow for the conversion of buildings for tourist accommodation provision).

Head of Assets and Transportation

Recommends that any permission shall include a condition relating to the provision and retention within the site for the parking and turning of vehicles, this shall be provided prior to the proposed development being brought in to use. Highway supplementary notes to be issued with any consent with particular regard to Clause 9.

Chief Environment and Resources Officer

No response at time of writing

Welsh Water/Dwr Cymru

As the applicant intends utilizing private drainage facilities have no comment to make on the application.

The Joint Advisory Committee

The building in question is not a typical outbuilding of traditional construction or appearance which would normally be put forward for conversion. Whilst the JAC have objected to a previous application for the conversion to residential use, the committee does support the principle of developing appropriate tourist accommodation in the Area of Outstanding Natural Beauty (AONB). The most appropriate way to achieve this is through the conversion of existing buildings as in this case. JAC has no observations to make on the principle of development.

JAC wishes to ensure that the scheme of conversion is sensitive to its surroundings and, although the existing building has no architectural merit, the JAC has some concerns about the increase of height and mass of the roof compared to the existing structure and would prefer a simple roof design covered in natural blue/ grey slate rather than cedar shingles and an appropriate render finish to the walls rather than the proposed cedar boarding.

JAC suggests that if granted consent should include conditions requiring the units to be used for holiday use only and exclude permanent residential use.

Countryside Council for Wales

Confirm that the protected species surveys and assessments have been completed to a satisfactory standard and consider that the proposed bat mitigation measures are appropriate. In view of the protected species on site they advise that any consent be conditioned with regard to safeguarding the



bats, by conditions with regard to compliance with audit proposals, post project monitoring and long term site security .

Highways Rights of Way

Public bridleway Number 52 abuts the site but appears unaffected by the development therefore no objections to make.

Environment Agency

The environment has considered the Flood Consequences Assessment (FCA) submitted in support of the application and based on this information we advise that the FCA has meet the requirements of TAN 15 and have no objection to the development ; subject to the inclusion of a condition regarding the finished floor levels (in order to reduce the risk of flooding to the proposed development and future occupants). The developer should however be made aware of the potential flood risks and should be advised to install flood proofing measures as part of the development.

Whilst the Environment Agency do not object to the proposal elements of the FCA identify a residual risk to the site by water flowing over the public highway and enter the site via the access road. The depth of flooding on the access road is expected to be shallow; consequently below what is considered a tolerable condition in table of TAN15. Due to this it suggested that it would be beneficial to consult emergency planning with regards to emergency planning in light of the flood risks. As such the Emergency Planning officer has been consulted and has responded as below.

Emergency Planning

Having considered the details of the application and the submitted FCA and conclude that the vehicular access and egress route under flood conditions would still be viable, and there are other options available for persons to leave site by foot if necessary, therefore have no objections to the application.

**4.00 PUBLICITY**

**4.01 Site Notice, Neighbour Notification**

As a result of the above publicity the council have received two letters of support on the following grounds;

- The way the existing fisheries business is operated is a great credit to the applicant.
- The proposed use will be a suitable addition to the area.
- The present approved light industrial use is inappropriate and could lead to a devaluation in the landscape value of the area, with industrial traffic and external storage with such uses.
- The building at present is not in keeping with the area and has been vacant for a long time.

- Altering it to property that enhances the environment will be advantageous to us all.
- Tourists will bring in much needed business to the local shop, post office and the village pub.

## **5.00 SITE HISTORY**

### **5.01 06/41517**

Conversion of light industrial buildings in to fishing lodge Refused 23.10.06.

### **03/036589**

Conversion of redundant light industrial unit to residential Refused 05.12.03

### **02/34794**

Outline - demolition of light industrial unit and erection of detached dwelling Refused 16.12.02.

### **0059/95**

Extension to work shop. Permit 14.03.95

### **0502/92**

Detached storage shed. Refused 18.08.92

### **1011/92**

Siting of satellite dish. Refused 10.01.92

## **6.00 PLANNING POLICIES**

### **6.01 Clwyd Structure Plan First Alteration**

Policy H3 - Protection of the Countryside.

Policy H4 - Area of Outstanding Natural Beauty

### **Structure Plan Second Alteration: Flintshire Edition**

Policy GEN 1-3 - General Development.

Policy CONS 3 - Area of Outstanding Natural Beauty

### **Delyn Local Plan**

Policy N1 - Area of Outstanding Natural Beauty

Policy N2 - Special Landscape Area

### **Emerging Flintshire Unitary Development Plan**

Policy STR1 - New Development

Policy STR6 - Tourism

Policy STR7 - Natural Environment

Policy GEN 1 - General Requirements for Development

Policy GEN 3 - Development in the Open Countryside

Policy D1 - Design Quality, Layout and Location

Policy D2 - Design

Policy D3 - Landscape  
Policy L1 - Landscape Character  
Policy L2 - Area of Outstanding Natural Beauty  
Policy T3 - Self Catering Tourist Accommodation  
Policy EWP 2 - Energy Efficiency in New Development  
Policy EWP 3 - Renewable Energy in New Development  
Policy EWP17- Flood Risk  
Policy WB1 - Species Protection

In addition to the above policies the following documents are considered to be a material consideration in the determination of the application;

Planning Policy Wales  
TAN 12 - Design  
TAN 15 - Development and Flood Risk

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This full application seeks consent for the change of use of the existing light industrial building with some extension and alteration to the existing building to create self catering tourist accommodation for two units within the majority of the existing fabric of the building.

### **7.02 Site Description and Proposed Development**

The proposed change of use is to allow the conversion of a former light industrial building now vacant to a self catering tourist facility, with two units. The scheme proposes to utilise the majority of the existing built fabric, with some demolition of and realignment of the front elevation walls (due to their present structural condition), with the insertion of a larger opening in the frontage, realignment of internal walls, as well as raising and re-roofing the whole of the building. The existing footprint of the building measures approximately 134m<sup>2</sup>, with the ridge height being approximately 4.3m high. The footprint of the proposed building is smaller measuring approximately 117m<sup>2</sup>, with a ridge height of approximately 4.8m (an increase in the height of the roof by 0.5m). As a result of the proposed development the majority of the existing fabric of the existing building will be retained and is therefore considered that the development is compliant with policies GEN1-3 (General Development) of the Structure Plan Second Alteration; Flintshire Edition, Policy STR1 (New Development), GEN 1 (General Requirements for Development), Policy T3 (Self Catering Tourist Accommodation) of the Emerging Flintshire Unitary Development Plan, as the proposal involves the conversion of an existing building, (all be it with some limited demolition and extension to facilitate the proposed scheme). The amount of extension and alteration is not considered to be excessive and still retains the main bulk of the original building.

### **7.03 Design**

The existing buildings character is part domestic in appearance and part work shop and is considered not to have any existing redeeming architectural features. The existing buildings appear to be constructed of rendered breeze block with a mixture of part metal profile sheeted roof and part slate roof. The building is set around the existing fisheries ponds and are unintrusive in the existing semi woodland setting. The building although adjacent to a bridleway is not prominent as it is set at a much lower level in relation to the bridle path and the trees surrounding the site on the boundaries of the site which screen the site. The application is considered to comply with Policies H3 (Protection of the Countryside), Clwyd Structure Plan First Alteration, D3( Landscape) N2 ( Special Landscape Area) Delyn Local Plan and L1 ( Landscape Character) of the Emerging Flintshire Unitary Development Plan as the development does not encroach into open countryside , utilizes an existing building and is considered to enhance the character and appearance of the landscape.

The use of natural materials by the use of cedar cladding and shingles to the walls and roof will help the development assimilate into the semi woodland and pond setting of the site and is considered to be an appropriate natural material in this rural setting and compliant with Policies D1( Design Quality, Layout and Location) Policy D2 (Design) of the Emerging Flintshire Unitary Development Plan and the requirements of TAN 12 Design. The use of the large glazed areas will lighten the design and the use of glazing in the main facade will further help assimilate the proposal in to the site and the Area of Outstanding Natural Beauty (AONB) within which the building is set. The design of the building is considered appropriate and compliant with Policies H4 ( Area of Outstanding Natural Beauty) Clwyd Structure Plan First Alteration, CON3 ( Area of Outstanding Natural Beauty) Structure Plan Second Alteration, Flintshire Edition, N1 (Area of Outstanding Natural Beauty) Delyn Local Plan and Policy L2 ( Area of Outstanding Natural Beauty) of the Emerging Flintshire Unitary Development Plan.

The proposed design is considered appropriate and reflective of the waterside location of the building and has the appearance of a fishing lodge which is not considered out of context with the waterside location of the site. The use of solar panels, the provision of bicycle stores and the use of natural materials for the external walls and roof are reflective of the requirements for sustainable development as set out in Policies EWP 2 and EWP 3 ( Energy Efficiency in New Development) and ( Renewable Energy in New Development) of the Emerging Flintshire Unitary Development Plan.

The site is adjacent to a public bridle way but this is unaffected by the proposal due to the difference in the topography of the site between the site and the footpath, as the site is at a much lower level and screened to some extent by the trees which bound the site and the footpath.

#### 7.04 Access

The proposal utilizes the existing vehicular access which served the light industrial unit and the existing fisheries use of the site, to which the highways engineer has raised no objection to. Parking and turning provision for the proposed facility is to be conditioned and to be provided in accordance with agreed details prior to commencement of the use.

7.05 Riverside Setting and Potential Flood Risk

The application site lie within zone B as defined under TAN 15 and although TAN 15 indicates that flooding is unlikely to constrain development in this zone, the site is adjacent to the Nant y Gain Watercourse, accordingly the Environment Agency have requested the submission of a Flood Consequence Assessment (FCA) prior to determination of the application. The Environment Agency have considered this FCA and have forwarded the observations as above. The site is able to be developed as proposed providing that the finished floor levels are set no lower than the existing levels referred to in the FCA in order to reduce the risk of flooding to the proposed development and the future occupiers. The environment agency also request that the developer is made aware of the potential flood risks and is advised to install flood proofing measures as part of the development. In view of the Environment Agency comments I am of the opinion that the application site location although adjacent to the Nant Y Gain watercourse would not preclude the proposed development of the site and complies with Policy EWP 17 (Flood Risk) of the Emerging Flintshire Unitary Development Plan and TAN 15 Development and Flood Risk.

7.06 Wildlife

As part of this application the application has been supported by the submission of protected species surveys and assessments, these details have been forwarded to both the Countryside Council for Wales and the county ecologist for their consideration. The Countryside Council for Wales have confirmed that they consider the surveys and assessments have been completed to a satisfactory standard and consider the proposed bat mitigation measures proposed to be appropriate. They have advised for the inclusion of conditions in any consent granted with regard to the compliance with audit proposals, post project monitoring for a period of not less than 5 years and long term site security proposals to safeguard the bats as such the proposal accords with the requirements of Policy WB1 (Species Protection) of the Emerging Flintshire Unitary Development Plan.

7.07 Tourism

The proposed conversion and alteration of the existing building will create 2 self catering units which are considered to be of a scale and type which is appropriate to the locality, involving the reuse of existing buildings and will contribute to rural diversification, and the local economy as such the proposal is considered to comply with Policy STR 6 (Tourism) of the Emerging Flintshire Unitary Development Plan.

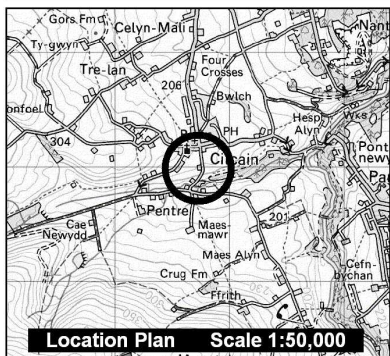
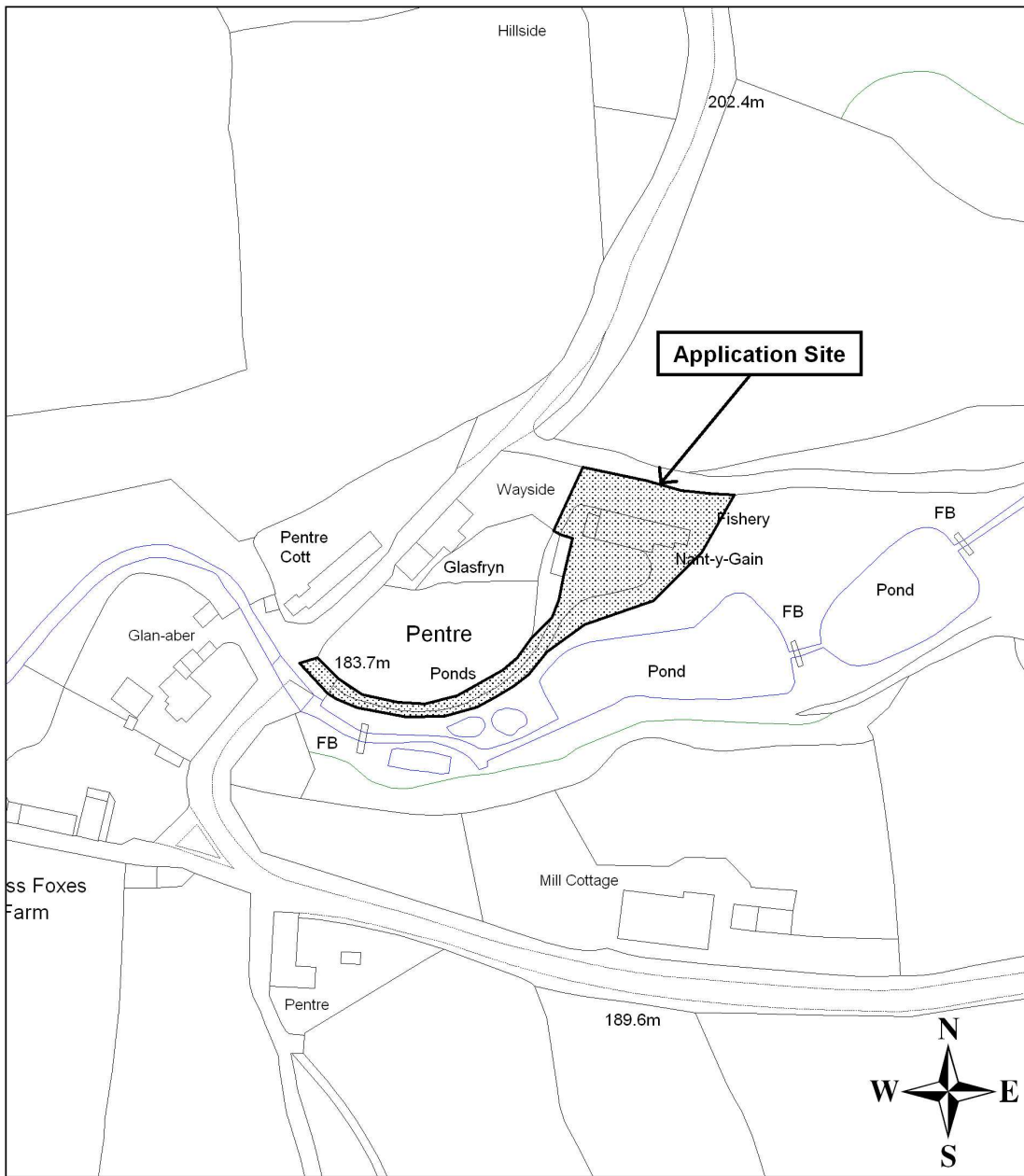
- 7.08 The proposed development is considered to comply with the above policies and national guidance , allowing for the future use of a long-term vacant building, with a sensitively designed conversion scheme to provide self catering tourist facilities. The proposal is considered to be appropriate to its location and will generate rural employment and make a financial contribution to the local area.

## **8.00 CONCLUSION**

- 8.01 The proposed development is considered appropriate in principle and details subject to appropriate conditions.

In considering this planning application 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

Contact Officer: Barbara Kinnear  
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	Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland
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<b>Key to Settlement Boundaries</b>	
	Delyn Local Plan Settlement Boundary
	North Flintshire Local Plan Settlement Boundary
	Emerging Flintshire Unitary Development Plan Settlement Boundary
<b>Map Scale</b>	1:1250
Ordnance Survey Sheet SJ 1764	
<b>Planning Application</b>	47735

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.5**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION – ERECTION OF 48 NO. DWELLINGS  
TOGETHER WITH ASSOCIATED ROADS AND SEWERS ON  
LAND ADJACENT TO CLYDESDALE ROAD, DRURY,  
BUCKLEY**

**APPLICATION NO:** **047841**  
**APPLICANT:** **BLOOR HOMES**  
**SITE:** **LAND ADJ TO  
CLYDESDALE ROAD,  
BUCKLEY**  
**APPLICATION VALID DATE:** **16/08/2010**  
**LOCAL MEMBERS:** **COUNCILLOR M PEERS  
COUNCILLOR D. HUTCHINSON**  
**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT  
RELATIVE TO DELEGATION  
SCHEME AND MEMBER REQUEST  
GIVEN LEVEL OF PUBLIC INTEREST**  
**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This full application proposes the erection of 48 No. dwellings with associated roads and sewers on land adjacent to Clydesdale Road, Drury, Buckley. For Members information amended plans have been received in progression of the application which propose:-

- a. a reduction in the number of dwellings on the site from 49 as initially proposed to 48 and
- b. revisions to the site layout to take into account the relationship of proposed development to existing dwellings adjacent to the site's southern boundary.

1.02 As a result of the proposed amendments a further round of consultation has been undertaken.

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Date: 11/01/2011



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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to:-
- a) control the provision and occupation of 14 No. affordable dwellings within the proposed development
  - b) ensure the payment of an educational contribution of £42,000 towards educational placements at Drury Primary School
  - c) provide details of the long term maintenance of the open space area, and play equipment to be installed in accordance with detailed specifications.

Conditions

- 1. Time limit on commencement
- 2. In accordance with approved plans
- 3. Materials to be submitted and approved
- 4. Detailed layout, design, of site access incorporating 1.8 m wide footway along site frontage to be submitted and approved.
- 5. Access to have visibility splays of 2.4 m x 40 m.
- 6. No works associated with formation of new access to commence until details approved.
- 7. Works associated with site access to be kerbed and completed to carriageway base level prior to commencement of other building operations.
- 8. Garages to be set back 5.5 m from edge of carriageway.
- 9. Means to prevent run-off of surface water onto highway to be submitted and approved.
- 10. Hard/soft landscaping scheme to be submitted and approved.
- 11. Implementation of landscaping scheme.
- 12. Details of surfacing/lighting of car parking court to be submitted and approved.
- 13. Protection of hedgerows and trees during construction.
- 14. Boundary treatment to be submitted and approved and undertaken in accordance with approved timescale.
- 15. Foul water and surface water to be drained separately.
- 16. No surface water to discharge to public sewerage system.
- 17. No land drainage into public sewerage system.
- 18. Scheme for integrated drainage of the site to be submitted, approved and implemented in accordance with approved timescale.
- 19. Details of proposed boundary treatments to play area to be submitted and approved prior to occupation of any dwellings.
- 20. Dwellings to meet Code Level for Sustainable Homes.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

##### Councillor D. Hutchinson

###### Original Scheme

Preliminary views are that assessment needs to be undertaken in respect of adequacy of access and mix of house types. It is considered that access into the site should be from Drury Lane and not Clydesdale Road as proposed.

###### Amended Scheme

No response received at time of preparing report.

##### Councillor M. Peers

###### Original Scheme

Requests Planning Committee determination given level of local interest. Preliminary views are that the site layout would be detrimental to the character of existing development and privacy/amenity of occupiers of existing properties. It is considered that access into the site should be from Drury Lane and not Clydesdale Road. Existing trees should be safeguarded as part of the development.

###### Amended Scheme

No response received at time of preparing report.

##### Buckley Town Council

###### Original Scheme

Recommended that consultation should at all times comply with Legal requirements and be effective for the local community.

###### Amended Scheme

No response received at time of preparing report.

##### Environment Agency

Request that any permission includes a condition in respect of surface water drainage from site.

##### Dwr Cymru Welsh Water

Request that any permission be subject to conditions in respect of foul, surface and land drainage.

##### Airbus

No aerodrome safeguarding objection to the proposal.

##### Head of Highways and Transportation

No objection to the formation of an access off Clydesdale Road and

recommend that any permission includes conditions relating to access, visibility splays and construction details.

#### **4.00 PUBLICITY**

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

29 letters of objection with two accompanying petitions signed by a total of 96 signatories received, the main points of which can be summarised as follows:-

- vehicular access derived from Clydesdale Road would be detrimental to the privacy/amenity of occupiers of existing dwellings in proximity to the site. Access into the site should be derived from Drury Lane.
- site layout would result in overdevelopment adjacent to sites southern boundary
- proposed house types would not be reflective of character of existing development at this location
- adequacy of drainage system

##### Amended Scheme

No response received at time of preparing report.

#### **5.00 SITE HISTORY**

##### **5.01 047371**

Proposed change of use from agriculture to equestrian and the erection of stables. Permitted 10th August 2010.

#### **6.00 PLANNING POLICIES**

##### **6.01 Clwyd Structure Plan First Alteration**

Policy B2 - Location of Housing Development

Policy B5 - Allocation of Land for Housing Development

Policy B8 - New Dwellings in the Countryside

##### Structure Plan Second Alteration: Flintshire Edition

Policy HSG2 - Location of Housing Development

Policy HSG5 - Allocation of Land for Housing Development

Policy HSG7 - New Dwellings in the Countryside

Policy CONS5 - Open Countryside

##### Alyn and Deeside Local Plan

Policy H2 - Housing in Category B Settlements

Policy H6 - New Dwellings in the Open Countryside

Policy G1 - General Requirements for Development

Policy E17 - Safeguarding woods, trees and hedgerows

Policy E21 - Landscape and Wildlife Requirements Relating to Development Proposals

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR2 - Transport and Communications

Policy SR4 - Housing

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy TWH1 - Tree and Woodland Protection

Policy D2 - Location and Layout

Policy D3 - Building Design

Policy D4 - Landscaping

Policy AC2 - Pedestrian Provision and Public Right of Way

Policy HSG1 (28) - New Housing Development Proposals

Policy HSG8 - Density of Development

Policy HSG9 - Housing Mix and Type

Policy HSG10 - Affordable Housing within Settlement Boundaries

Policy IR5 - Play Areas and New Housing Development

Policy EWP2 - Energy Efficiency in New Development

Policy EWP3 - Renewable Energy in New Development

Additional Guidance

Local Planning Guidance Note 2 - Space About Dwellings.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This full application which has been amended since initial submission proposes the erection of a total of 48 dwellings and associated highway works on land adjacent to Clydesdale Road, Drury, Buckley.

### **7.02 Site Description**

The site the subject of this application amounts to approximately 1.7 hectares of agricultural land located on the eastern edge of Drury. The topography of the site is relatively flat and is bounded by existing residential development at Clydesdale Road to the north, Pinewood Road and Rosewood Grove to the south and Beech Road to the west. The site has a short frontage to Drury Lane in the north-eastern corner. Two oak trees and two sycamore trees within the site are the subject of a Tree Preservation Order (TPO).

### **7.03 Planning Policy**

For Members information the site is allocated for residential purposes in the emerging Flintshire Unitary Development Plan by virtue of Policy HSG1 (28). Objections were lodged to the deposit plan which were subsequently considered by the Inspector at the UDP hearing in Autumn 2009. The Inspector has recommended that the allocation remains within the plan and

that as an allocated site it should achieve a minimum density of 30 dwellings per hectare unless specific constraints or circumstances indicate otherwise.

7.04 There have been no objections to the proposed modifications to include this land as an allocated site and therefore considerable weight can be attached to the UDP in respect of the policy framework to be applied. It is therefore considered that there is no objection to the principle of development subject to the safeguarding of relevant amenity considerations.

7.05 Proposed Development

The amended plans submitted as part of this application propose the erection of 48 No. dwellings comprising 34 No. private dwellings and 14 No. units which are intended to meet affordable housing needs. It is proposed that the dwellings are two storey comprising a mix of detached, semi-detached and a mews L shaped block within the south eastern corner of the site. It is proposed that the construction materials are the subject of further consideration/approval.

7.06 Vehicular access to serve the development is proposed from a new access onto Clydesdale Road, approximately 35m to the east of its junction with Drury Lane and 35m to the west of the junction of Clydesdale Road with Silverdale Avenue.

7.07 It is considered that the main planning issues can be summarised as follows:-

- principle of development having regard to the planning policy framework
- proposed scale of development/house types/site layout
- adequacy of existing highways and access arrangements to serve the proposed scale of development
- adequacy of foul and surface water drainage
- ensuring an adequate provision of affordable housing within the development
- impact on privacy/amenity of residents in proximity to the site
- open space requirements

7.08 Planning Policy Framework

The application site is allocated for residential purposes in the emerging Flintshire Unitary Development Plan under Policy HSG1 (28). Following consideration of objections to this allocation at the UDP Public Inquiry held during late 2007, the Inspector appointed by the Welsh Assembly Government has recommended that the allocation be retained. There have been no objections to the proposed modifications to include the land as an allocated housing site and as such the weight to be attached to the principle of residential development is significant. The proposal is therefore considered acceptable in principle.

7.09 Scale/House Types/Site Layout

The allocation for the development of the site is made at an indicative density of 30 dwellings per hectare, which would result in an indicative yield of 51 dwellings. The proposed scheme for 48 dwellings is considered to be acceptable and there is a proposed mix of house types in terms of type and size, which can be supported in line with UDP Policy HSG9.

- 7.10 The amended site layout seeks to address concerns initially expressed in respect of the application as i) the affordable dwelling units were proposed to be concentrated in one area of the site and ii) the siting/massing of dwellings adjacent to the sites southern boundary would have a detrimental impact on the character of existing development and privacy/amenity of the occupiers of the existing properties at Pinewood Grove and Rosewood Avenue.
- 7.11 As a result the amended site layout proposes that the affording dwelling units are distributed more evenly through the development and the form/relationship of dwellings adjacent to existing properties at Pinewood Grove and Rosewood Avenue is more reflective of this existing character.
- 7.12 Within the site layout a number of dwelling units are sited around a central area of Public Open Space. It is considered that this helps to create a sense of enclosure and focal point within the development. The trees covered by a TPO are also retained within the proposed scheme.
- 7.13 The amended site layout is considered to be attractive and well balanced and is reflective of the scale/form of existing development at Clydesdale Road, Pinewood Grove and Rosewood Avenue. This is considered to satisfy the requirements of Policy HSG8 which seeks to achieve the most appropriate density in terms of making the most efficient use of land in a manner which reflects the character of the site and surroundings.
- 7.14 Access/Highways  
Vehicular access to serve the development is proposed from a new access point on the western side of Clydesdale Road approximately 35m from its junction with Drury Lane. A significant volume of objections to the principle of obtaining access into the site from Clydesdale Road have been received following the consultation exercise undertaken on receipt of the application. The views expressed consider that the access is not suitable to accommodate additional vehicular movements and there would be a detrimental impact on the privacy/amenity of the occupiers of the existing residential estate at this location as a result. It is considered by the objectors that access into the site would be more appropriate from Drury Lane for the reasons advanced.
- 7.15 Objections to the principle of obtaining vehicular access into this allocated housing site from Clydesdale Road have previously been considered as part of the UDP process with the Inspector appointed by the Welsh Assembly Government being presented with evidence at the UDP Inquiry focussing on the acceptability of access into the site from Clydesdale Road.

- 7.16 For Members information the Inspectors conclusion in this respect are as referred to below:-

"Detailed development control considerations would address such matters as access and overlooking of adjacent properties. There is no evidence which indicates that the level of traffic generated by the proposal could not be accommodated on local roads".

- 7.17 Notwithstanding the above, the applicants have in the light of the objections received given consideration to the formation of a vehicular access to serve the development off Drury Lane. Following detailed discussions and a number of meetings with officers to explore this option, the applicants have subsequently resolved not to proceed with a proposal to form a new access off Drury Lane. This is principally as a result of concerns relating to drainage, site levels, service infrastructure and site access which would be directly under electricity pylons and cables. It is considered by the applicants that this arrangement would impact on sales and marketing of the site particularly in light of the current poor market conditions.

- 7.18 Whilst it is my view that a number of the technical concerns highlighted can be addressed/overcome, the applicants have requested that the application be determined on the basis of the original proposal to access the site from Clydesdale Road. The applicants consider that the access would be in accord with advice submitted to and considered by the UDP Inspector in allocating the site for residential purposes and the conclusions of a Transport Assessment submitted as part of the planning application.

- 7.19 Consultation on the access details submitted has been undertaken with the Head of Assets and Transportation. No objection has been received on technical or capacity grounds to the formation of a new access off Clydesdale Road subject to the imposition of conditions.

7.20 Adequacy of Foul/Surface Water Drainage

The adequacy of the drainage infrastructure to serve the proposed scale of development has been the subject of consultation with Dwr Cymru Welsh Water and the Environment Agency. For Members information there is no objection to the capacity of the existing system to serve the development.

- 7.21 It is recommended however that any permission is subject to the imposition of conditions to ensure the separation of foul and surface water discharges from the site.

7.22 Affordable Housing

In accordance with the requirements of Policy HSG10 of the emerging Flintshire Unitary Development Plan it is recommended that a figure of 30% of the total number of dwellings should be targeted as 'affordable' given that

the site exceeds the threshold limit levels of 1.0 hectare in area and/or 25 No. dwellings.

- 7.23 It is proposed as part of the development that 14 No. affordable units are provided which are distributed within the site layout, to avoid concentration in one specific area of the site. The affordable units are proposed to be sold at 70% of the Open Market Value with 50% nomination rights to applicants registered on the Council's Affordable Homes Register. This would allow for an acceptable level of affordable housing to be provided which can be secured by a Section 106 Obligation if Members are mindful to grant permission.
- 7.24 Impact on Privacy/Amenity  
Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those adjacent to the application site are safeguarded as part of the development.
- 7.25 The amended site layout seeks to address this particular issue and takes into account the pattern of existing development adjacent to the site. The orientation of properties and fenestration details would be in accord with the Council's Local Planning Guidance Note 2 - Space about Dwellings and privacy/amenity safeguarded by way of potential overlooking.
- 7.26 The site layout proposes the introduction of a car parking court to serve the mews development in the south-eastern corner of the site adjacent to No. 1 Rosewood Grove. This is however accompanied by the proposed introduction of a 2 m landscaped buffer with acoustic boundary treatment and low-level lighting which it is considered will help to safeguard the privacy/amenity of the occupiers of this existing property.
- 7.27 Open Space Provision  
The proposed site layout provides for an area of open space within the site layout of approximately 1,800 m<sup>2</sup> with a number of dwelling units orientated to front onto this area and create a focal point within the development.
- 7.28 Consultation on this particular aspect has been undertaken with the Head of Leisure Services who raises no objection, subject to the installation of a Local Equipped Area of Play (LEAP) for use by younger children within the proposed development, this to be undertaken in accordance with a detailed specification.
- 7.29 The applicant has advised that the open space area is not intended to be dedicated to the Council for future maintenance or adoption and will be maintained by a private management company. Notwithstanding this, I consider that it is important that the equipment to be installed on this area is undertaken in accordance with a detailed specification in order to ensure that this provides for a satisfactory standard of play experience for children. The precise means by which the detailed specification and long term



management of this area is to be undertaken can be secured by a Section 106 Obligation.`

7.30 Educational Contributions

Consultation with the Council's Lifelong Learning Directorate has been undertaken to establish the level of financial contribution required for the placement of primary and secondary age pupils from the development, in order to ensure adequate education provision.

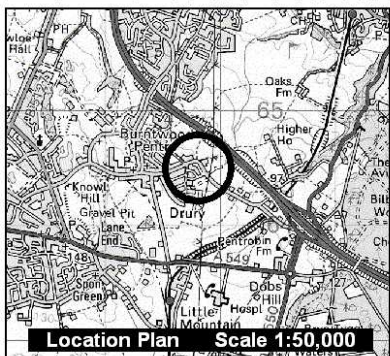
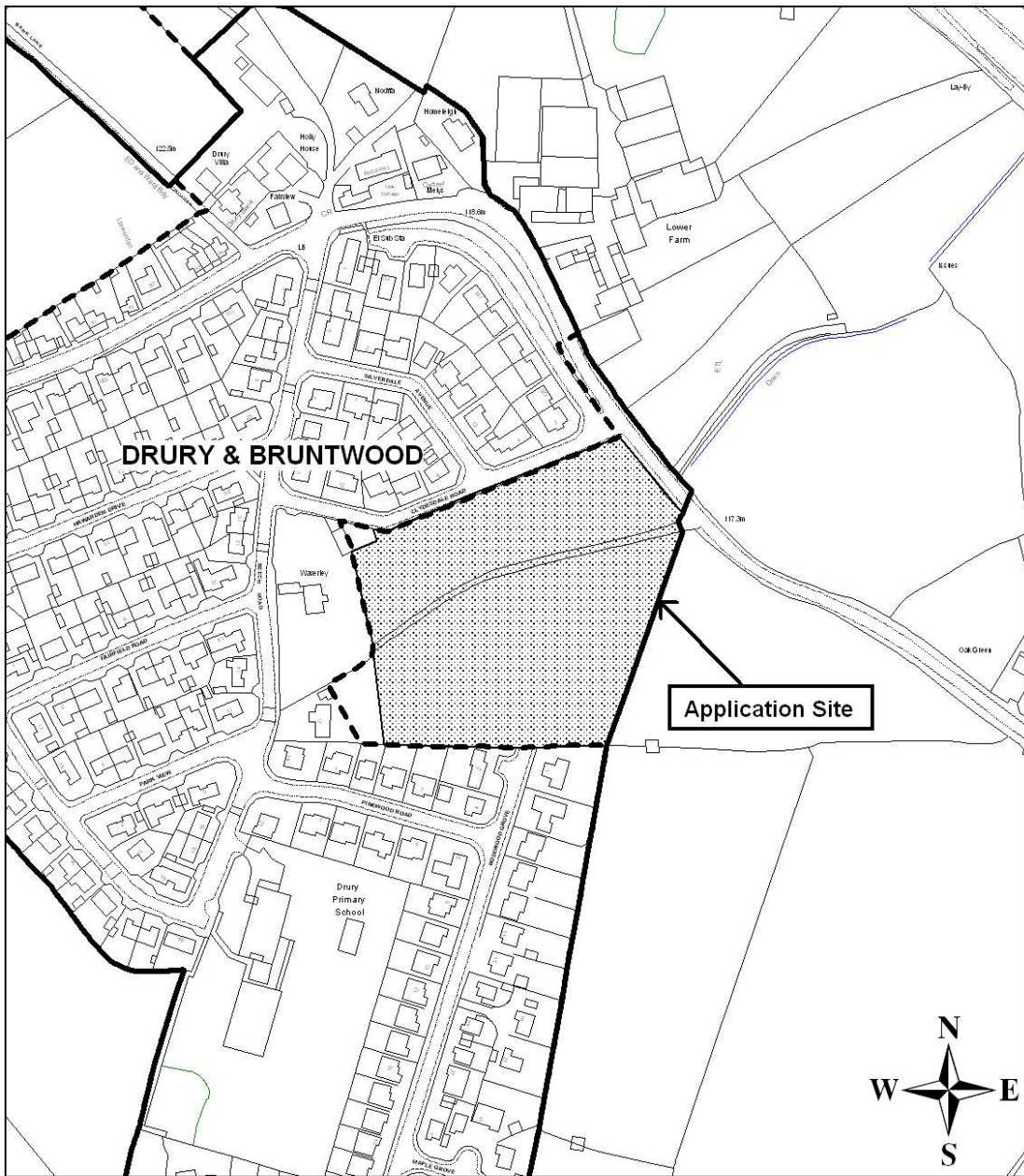
7.31 As the Elfed High School has surplus places exceeding 30%, a financial contribution is not requested for this school. It has been confirmed that the greatest impact of the development will be on Drury Primary School which is popular and has less than 5% surplus places and where a formal contribution of £42,000 will be required to fund 12 additional places/capacity generated by the proposed development.

**8.00 CONCLUSION**

8.01 It is the view at officer level that the amended scheme provides for a scale/form of development which would be acceptable at this location taking into account the characteristics of the site, its surroundings and relationship to existing residential properties. Whilst the request to serve the site from an alternative access from Drury Lane and not Clydesdale Road is duly noted and has been considered by the applicant; the Head of Assets and Transportation has informed that there is no technical justification to warrant a recommendation of refusal on the basis of the initially proposed access arrangement from Clydesdale Road.

8.02 In considering this planning application 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

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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Key to Settlement Boundaries**

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:2500
Ordnance Survey Sheet	SJ 2964
Planning Application	47841

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.6**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - CONVERSION OF FIRST FLOOR TO  
FORM 4 NO. SELF CONTAINED APARTMENTS AND  
ERECTION OF PITCHED ROOF OVER EXISTING FLAT ROOF  
AT 79 CHESTER ROAD WEST, SHOTTON, DEESIDE**

**APPLICATION NO:** **047993**  
**APPLICANT:** **MR G MUGGLETON**  
**SITE:** **79 CHESTER ROAD WEST,  
SHOTTON,  
DEESIDE, FLINTSHIRE,  
CH5 1BZ**  
**APPLICATION VALID DATE:** **11/10/2010**  
**LOCAL MEMBERS:** **COUNCILLOR MRS. A. MINSHULL**  
**TOWN/COMMUNITY COUNCIL:** **SHOTTON TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **MEMBER REQUEST GIVEN  
CONCERNS OVER ADEQUACY OF  
CAR PARKING**  
**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This full application proposes the conversion of the first floor of an existing building at 79 Chester Road West, Shotton, Flintshire to form 4 No. self-contained apartments. It is also proposed to erect a pitched roof over the existing flat roof building together with the introduction of 5 No. new windows into the gable elevation and 1 No. new window into the front elevation.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral undertaking or advanced payment of a commuted sum of £733 per apartment towards the maintenance/enhancement of open space.

1. Time limit on commencement

---

Date: 11/01/2011

2. In accordance with approved plans
3. Parking to be provided and retained
4. Scheme for the protection of bedroom and living room windows to achieve a minimum of 34dB(A) sound reduction
5. Foul and surface water to be drained separately
6. No surface water to connect directly or indirectly into public sewerage system

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor Mrs. A. Minshull

Request site visit and Planning Committee determination given concerns about adequacy of car parking to serve the scale of development proposed.

Shotton Town Council

No response received at time of preparing report.

Head of Assets and Transportation

No objection and do not intend to make a recommendation on highway grounds as the proposal is considered to be within a town centre location.

Dwr Cymru - Welsh Water

Request that any permission includes conditions in respect of foul, surface and land drainage.

Head of Public Protection

No objections in principle but attention is drawn to the need to reduce the passage of sound between individual units in accord with current legislation.

Head of Leisure Services

Recommend the payment of a commuted sum of £733 per apartment in lieu of on site open space provision.

### **4.00 PUBLICITY**

#### 4.01 Press Notice, Neighbour Notification

No responses received,

### **5.00 SITE HISTORY**

#### 5.01 **597/71**

Outline - shop to store and flat. Granted

### **6.00 PLANNING POLICIES**

#### 6.01 Clwyd Structure Plan First Alteration

Policy B5 - Allocation of Land for Housing Development

Structure Plan Second Alteration: Flintshire Edition

Policy GEN2 - General Development Considerations

Policy HSG5 - Allocation of Land for Housing Development

Alyn and Deeside Local Plan

Policy C1 - General Requirements for Housing Development

Policy C2 - Town or District Centres

Policy H1 - Housing in Category A Settlements

Emerging Flintshire Unitary Development Plan

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy D2 - Location and Layout

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries

Policy HSG8 - Density of Development

Additional Guidance

Local Planning Guidance Note 2 - Space Around Dwellings

Local Planning Guidance Note 11 - Parking Standards

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

The building the subject of this application is located on the southern side of Chester Road West, Shotton at its junction with Rowden Street. The existing flat roofed building is constructed having facing brick external walls with the front elevation clad in profiled metal sheeting. Within the ground floor, there is an existing carpet and bed retail unit (A1) and at first floor level an under-utilised storage area.

7.02 The building is within the settlement and town centre boundaries of Shotton as defined in both the Alyn and Deeside Local Plan and emerging Flintshire Unitary Development Plan.

### 7.03 Proposed Development

The plans submitted as part of the application propose:-

- a) the conversion of the first floor of the building into 3 No. 1 bedroom and 1 No. 2 bedroom apartments
- b) the introduction of a pitched roof over the existing flat roof building. This would increase the height of the building from approximately 6.5m to 9.8m.
- c) the introduction of 5 No. new window openings into the side elevation of the building and 1 No. new window opening in the front

elevation, together with the enlargement of existing openings on the rear elevation.

- d) the retention of 3 No. car parking spaces at the rear of the building to serve the development.

7.04 Principle of Conversion

The principle of the conversion of an upper floor of a building into apartments within a settlement boundary is considered to be acceptable in accord with the planning policy framework, subject to the safeguarding of relevant amenity and design considerations.

7.05 Impact on Privacy/Amenity

The proposed conversion would result in the introduction of 5 No. new window openings at first floor level in the gable elevation of the building. The windows would serve 4 No. bedrooms and the living area of one of the proposed apartments. The windows would be within 11m of existing windows serving first floor residential accommodation above 77 Chester Road West. It is considered that given the existing traditional street pattern within this town centre location which is predominantly of terraced units fronting onto narrow streets that this would not be detrimental to privacy/amenity of the occupiers of the existing or proposed units.

7.06 Impact on Character of Site and Surroundings

The proposed introduction of a pitched roof over this unit would help to improve the visual appearance within the street scene when viewed from Chester Road West and Rowden Street. The predominant style within the locality, is of buildings with pitched roofs and therefore the development would reflect the character of the site and surroundings. The ridge height of the proposed building would be approximately 1m higher than that of 77 Chester Road West which would enable the buildings to be assimilated into the streetscape at this location.

7.07 Access and Parking

It is proposed that 3 No. parking spaces which exist to the rear of the building are retained to serve the development. Consultation on this particular aspect has been undertaken with the Head of Assets and Transportation who raises no objection to the development given the sites location within a town centre and proximity to existing car parking facilities.

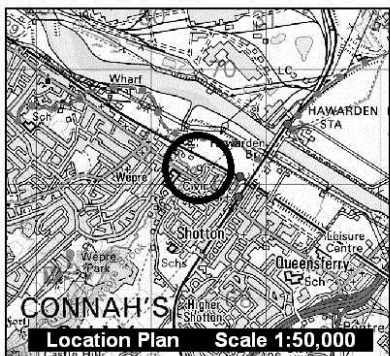
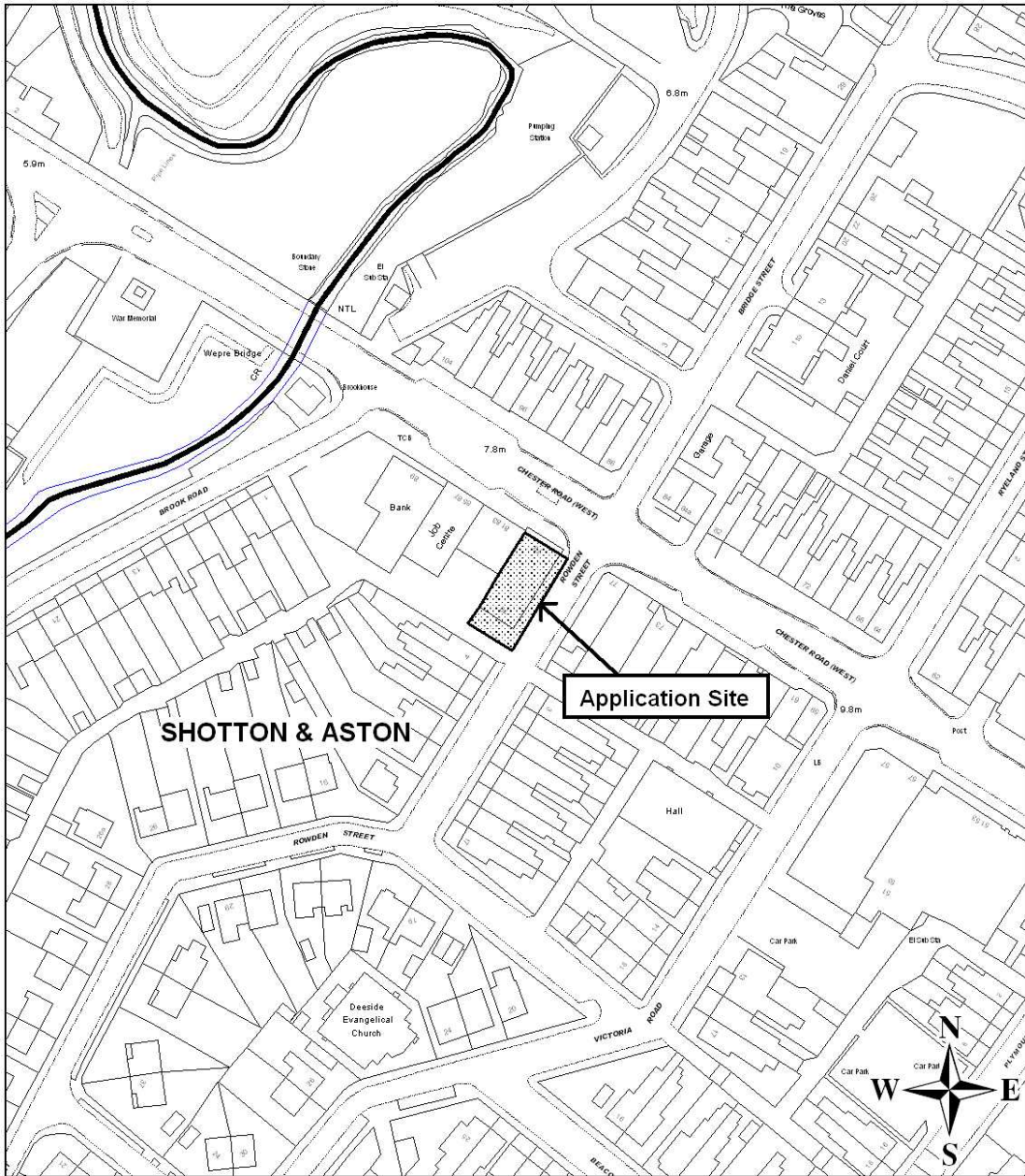
**8.00 CONCLUSION**

- 8.01 It is considered that the principle of the conversion of the first floor of the building into 4 No. apartments is acceptable. The external alterations proposed would not be detrimental to the privacy/amenity of the occupiers of existing/proposed units and would improve the visual appearance of the building within the streetscene. The Head of Assets and Transportation considers the proposal to be acceptable given the sites town centre location and relationship to existing car parking facilities.

In considering this planning application 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

Contact Officer: Robert M Harris  
Telephone: 01352 703269  
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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Key to Settlement Boundaries**

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1250
Ordnance Survey Sheet	SJ 3069
Planning Application	48083



**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.7**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - CONVERSION OF AND ALTERATION  
AND EXTENSION TO EXISTING FARM OUTBUILDING TO  
PROVIDE SHORT-TERM LETTING HOLIDAY  
ACCOMMODATION AT YNYS HIR FARM, PICTON ROAD,  
PICTON, HOLYWELL**

**APPLICATION NO:** **047996**  
**APPLICANT:** **MR P EDWARDS**  
**SITE:** **YNYS HIR FARM,  
PICTON ROAD, PICTON,  
HOLYWELL,  
CH8 9JG**  
**APPLICATION VALID DATE:** **19/10/2010**  
**LOCAL MEMBERS:** **COUNCILLOR E COOKE**  
**TOWN/COMMUNITY COUNCIL:** **LLANASA COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST - NOT  
ADDRESSED PREVIOUS REASONS  
FOR REFUSAL**  
**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This is a resubmitted application following a previous refusal of planning permission and dismissal at appeal. The application is for the conversion and extension an existing farm outbuilding to provide holiday let accommodation to diversify the existing farm at Ynyshir Farm, Picton. The main issues to consider are whether the current application overcomes the previous concerns in relation to the scale and form of the proposed new build elements.

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

Conditions

1. Time commencement
2. In accordance with plans

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Date: 11/01/2011

3. Parking facilities provided and retained
4. Photographic survey
5. Materials
6. Restriction on occupation to holiday let and length of stay
7. Surface water drainage
8. Foul water drainage
9. No works in bird breeding season
10. Replacement provision for nesting birds
11. Details of windows and door

### **3.00 CONSULTATIONS**

#### 3.01 Local Member Councillor E G Cooke

Whilst the current application is of a smaller scale and has some design detail changes, I do not consider that the previous reasons for refusal and subsequent appeal dismissal have been addressed, therefore I request committee determination.

Llanasa Community Council  
No objection.

Head of Assets and Transportation  
No objection subject to a condition requiring the provision and retention of parking facilities on the site.

Head of Public Protection  
No objection.

Welsh Water  
No objection subject to standard conditions.

Clwyd Powys Archaeological Trust  
The proposals affect a building of local significance and request that a photographic survey of the building is undertaken prior to any alteration.

### **4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification  
No representations received.

### **5.00 SITE HISTORY**

5.01 046547 Conversion, alteration and extension of an existing farm outbuilding to provide short term letting holiday accommodation. Refused 09.11.09. Dismissed at appeal 06.09.10.

### **6.00 PLANNING POLICIES**

6.01 Clwyd Structure Plan First Alteration

Policy C8 - Farm Tourism

Policy H1 - Agriculture

Structure Plan Second Alteration: Flintshire Edition

Policy GEN1 - General Development Policies

Policy GEN2 - General Development Policies

Policy GEN3 - General Development Policies

Policy CONS5 - Open Countryside

Policy TLR2 - Rural Accommodation

Delyn Local Plan

No relevant policies.

Draft North Flintshire Local Plan

Policy d1 - design quality

Policy d3 - location and layout

Policy d4 - building design

Policy ac12 - parking provision

Policy ac14 - access and traffic impact

Policy w1 - protected species

Policy L2 - open countryside

Policy t2 - self-catering tourist accommodation

Policy t6 - tourist occupancy conditions

Emerging Flintshire Unitary Development Plan

Policy STR6 - Tourism

Policy STR7 - Natural Environment

Policy GEN1 - General Requirements for Development

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy WB1 - Species Protection

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy RE5 - Small Scale Farm Diversification

Policy T3 - Self Catering Tourist Accommodation

Policy T8 - Holiday Occupancy Conditions

Policy T9 - Small Scale Tourism Based Farm Diversification

National & Regional Policy

Planning Policy Guidance (Wales) 3<sup>rd</sup> Edition 2010

Technical Advice Note 6 – Planning for Sustainable Rural Communities

Technical Advice Note 12: Design

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a resubmitted application following a previous refusal of planning permission and dismissal at appeal, to convert and extend an existing farm outbuilding to provide two bedroom holiday let accommodation to diversify the existing farm at Ynyshir Farm, Picton.

7.02 Site Description

Ynys Hir Farm extends to 125 acres and comprises a stone built farm house and farm outbuildings around a farm yard to the north of the house. The site is within the open countryside on the edge of the village of Picton, Holywell. There are presently a number of outbuildings mainly of timber and sheet construction within the farm yard and used in association with the farm.

7.03 Proposed Development

It is proposed to convert and extend one of the farm outbuildings to provide a two bedroom holiday let to diversify the farm enterprise. The building to be converted is attached to the existing farmhouse and is of stone construction with a corrugated mono-pitch roof. The building has an existing window and door which over looks the farm yard. It is proposed to extend this building to the west on the footprint of an existing brick/breeze block structure. The proposed building would retain the existing mono pitched roof line of the existing stone built part of the building.

7.04 The proposal would provide a 70 metre square single storey holiday let comprising a single living space with galley kitchen/dining/living space, bathroom and two bedrooms. The new build element would be of stone to match the existing building with render on the western elevation and a slate roof.

7.05 Planning history and the policy context

In terms of national and local policy, there is broad policy support for the conversion of existing rural buildings for tourism uses and the key issue in this case is not the use but the form of development to accommodate the use. Paragraph 3.6 of TAN6 states, "whilst residential conversions have a minimal impact on the rural economy, conversions for holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use."

7.06 A previous application for a holiday let was refused by Planning and Development Control Committee, contrary to officer recommendation, as it was considered by Committee that the proposed scheme would involve the conversion and extension to an existing building not considered worthy of retention with no architectural merit or historic interest. Also it was considered that there was insufficient justification for the proposed development in relation to the tourism case put forward.

7.07 The applicants appealed this decision and it was dismissed on appeal. The Inspector considered there was a significant element of new build in the previous scheme which introduced a style which would be out of context and

not appropriate in relation to its rural location and integration with the farm house. The Inspector therefore considered that the proposal was at odds with paragraph 5.8.5 of Technical Advisory Note 12: Design and criterion h of Policy RE5.

- 7.08 Paragraph 5.8.5 of Technical Advisory Note 12: Design states *“The scale, form and siting of new agricultural buildings or buildings for on-farm diversification, is usually influenced by the operational needs of the enterprise. Where possible, new buildings should be integrated within the farmstead. Elsewhere, particular care should be taken with siting, massing and detailed design to enable them to fit well into the landscape. The use of materials appropriate to the setting, attention to colours of materials and detailing can all facilitate integration into the landscape. The standard pattern book approach needs to evolve to accommodate vernacular elements and relate to the local context.”*
- 7.09 Criterion h of Policy RE5 of the Emerging Unitary Development Plan states *“in the case of new build the buildings are of a scale, siting, design and materials appropriate to the site and surroundings and are well related to the existing buildings in the main farm complex.”*
- 7.10 The key issues to consider therefore are whether the revised scheme overcomes the previous concerns of Planning and Development Control Committee and the Inspector. Neither Policy RE5 Small Scale Farm Diversification nor policy T3 Self Catering Tourist Accommodation of the Emerging Flintshire Unitary Development Plan require buildings to be converted for farm diversification to be of architectural merit or of historical interest, however the policy states that any features of merit should be retained. This is a key difference to Policy HSG7 'Change of use to residential outside settlement boundaries' which requires the building to have traditional architectural and historic features. Furthermore Policy RE5 has a more relaxed approach to farm diversification, as adopted in national guidance and does allow for small scale new build. This is supported by TAN6: Planning for Sustainable Rural Communities which in relation to farm diversification states "while initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate". (paragraph 3.7) Policy RE5 does not define 'small scale' as each proposal must be assessed on its own merits, taking into account location, characteristics of the site, (including buildings) and surroundings and the nature and intensity of the proposal.
- 7.11 The explanation to policy RE5 of the Emerging Flintshire UDP goes on to state that the preference will be for the conversion of existing buildings or the limited extension of existing buildings. Where there are no new buildings which can be extended or converted, then consideration may be given to small scale new build. Any new buildings must be well related to existing buildings in the main farm complex and sensitive in terms of scale, siting, design and materials to the site and surroundings. The policy reasoning

states the diversification element must be run in conjunction with the main use of the farm and applicants may be requested to submit a 'farm plan' in order to demonstrate how the proposal fits into the operation of the farm and the contribution the activity will make to the viability of the farm.

- 7.12 The applicants are utilising an existing outbuilding of traditional stone construction which is connected to part of the farm house and extending this on the footprint of another existing outbuilding and barn with an open front. The holiday let would be set at a lower level to the farm house and at a right angle adjacent to a retaining wall of the front garden. The proposal is therefore well related to the existing buildings on the farm and within the farm stead, without any overlooking from the farmhouse, in terms of the amenity of the users of the holiday let, although still being an integral part of the farm complex overlooking the farmyard. It is therefore considered that the proposal accords with Policy RE5 in this regard.
- 7.13 There are no other buildings of suitable construction which are capable of conversion in the farm complex. The siting of this building utilises the existing traditional elements of the existing farm building while taking advantage of the views from the farm yard which would be attractive to tourists. The scale of the proposal and the extent of the new build elements has been reduced to a simple construction following the existing building line with a mono-pitch slate roof to address the Inspectors concerns as set out in paragraph 7.07 and the policy requirements set out in paragraphs 7.08 and 7.09.
- 7.14 The existing footprint of the stone and brick buildings are 38 metre square and the new unit would be 70 metres square in total, including the new build extension on the footprint of the existing brick built open sided barn. The previously proposed unit was 119 metres square in total with an L-shaped form and a gable end protruding into the farm yard. The proposed revised design extends the existing stone building, in a linear form, to retain its original form and roof line. This provides a form of development which is subsidiary and of an appropriate scale to the site and its surroundings.
- 7.15 The existing openings in the stone part of the building would be retained and there would be three further windows in the new build element, looking into the yard. It is considered that the size and scale of the proposed windows are in proportion with the existing building. The proposed door is a stable style door and conditions can be attached to control the materials and specification of the windows and doors. It is therefore considered that the proposed scale and form of the proposed new build and conversion is in accordance with the requirements of Policy RE5 and paragraph 5.8.5 of TAN12 as previously referred to and considered by the Inspector.
- 7.16 Farm Plan  
In light of previous concerns by Planning and Development Control Committee, the applicant has put forward further justification in terms of how

the proposed holiday let would help to diversify the farm business, in support of this application. The farm business has changed from dairy to beef production with arable/silage along with providing services as an agricultural contractor following a family bereavement. In order to supplement the farm income to support Mrs Edwards and her two sons and their families, further income is needed which is appropriate for the family situation. Discussions with holiday companies have indicated that a holiday let in this location with access to the surrounding farmland and the views from the site would be attractive, however to increase the appeal to families and to generate sufficient revenue, two bedroom accommodation is necessary to maximise the potential market. This area is attractive to tourists, as proven by the popular Tree Tops caravan park near to the application site, however this only provides caravans to buy and not rent on a weekly basis. A stable income from a holiday let would enable the family to invest in beef cattle and to farm all of the family land themselves, rather than generating an income from land rental to third parties.

#### 7.17 Ecological Issues

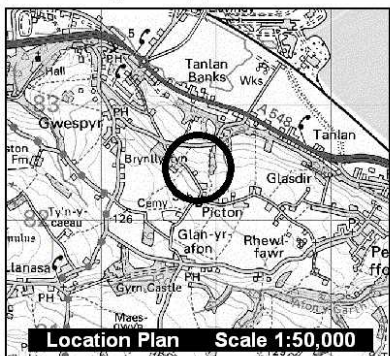
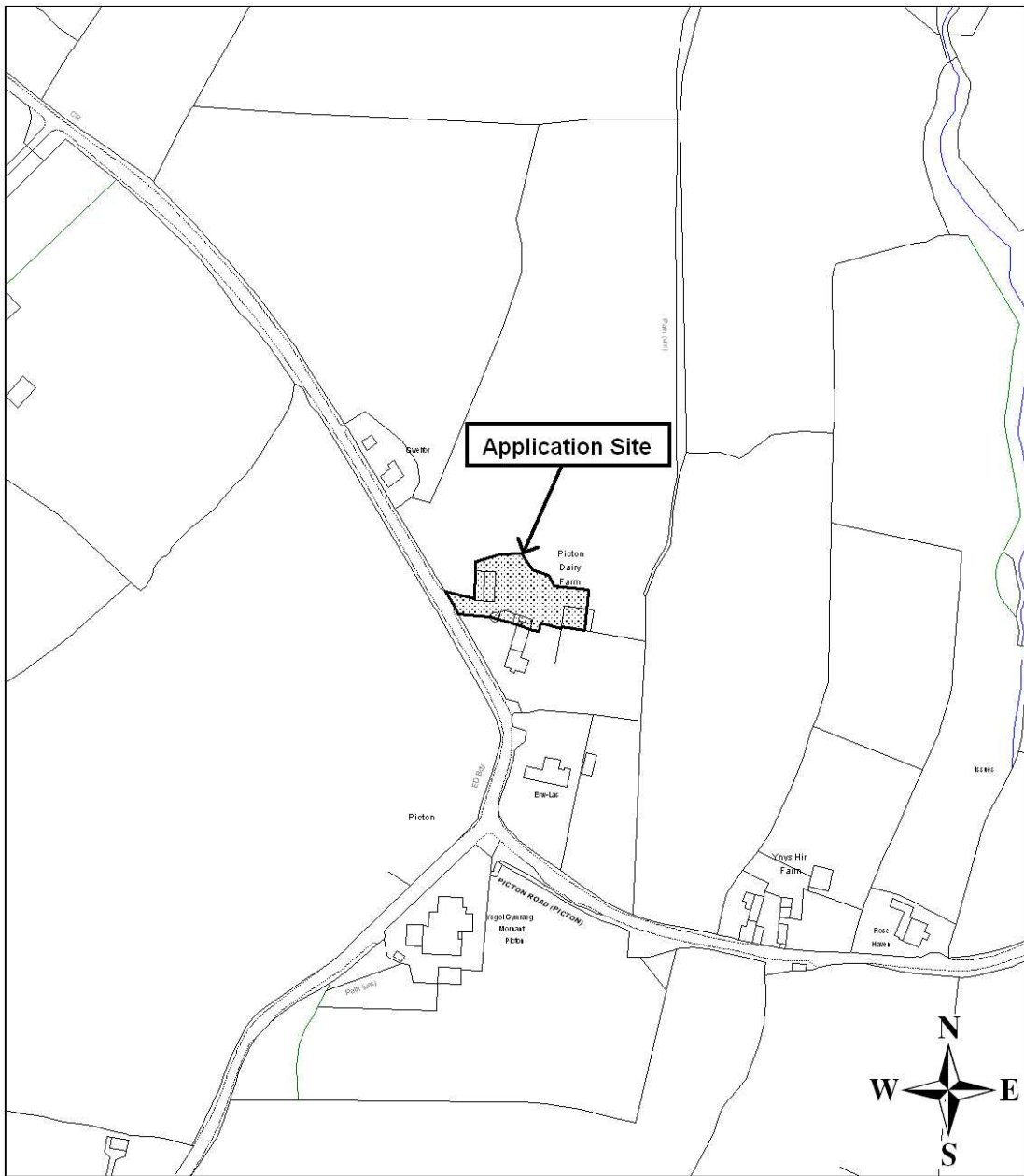
An ecological survey was undertaken and been submitted with the application. No bats were found and the potential for bats is low, however swallow nests were present and it is therefore recommended that conditions are attached if planning permission is granted to prevent any works during the bird breeding season.

### **8.00 CONCLUSION**

- 8.01 The principle of a holiday let is acceptable in a rural location as a form of farm diversification. The proposed unit partially utilises an existing stone building which is extended onto the footprint of an existing farm building to provide a small two bedroom unit. The holiday let would provide a stable income as part of the farm business to allow the family to invest in their beef stock to farm their land. The scale and design of the proposed unit is considered acceptable in this rural location and in accordance with development plan policy, and therefore would not have a detrimental impact on the character of the area.

In considering this planning application 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

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	Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland
	<p><b>Key to Settlement Boundaries</b></p> <ul style="list-style-type: none"> <li> Delyn Local Plan Settlement Boundary</li> <li> North Flintshire Local Plan Settlement Boundary</li> <li> Emerging Flintshire Unitary Development Plan Settlement Boundary</li> </ul>
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<p><b>Map Scale</b> 1:2500</p>	<p>Ordnance Survey Sheet SJ 1182</p>
<p>Planning Application <b>47996</b></p>	



**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.8**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION FOR A CHANGE OF USE AND NEW SHOP FRONT AT 9-11 HIGH STREET, HOLYWELL**

**APPLICATION NO:** **048046**  
**APPLICANT:** **JD WETHERSPOON PLC**  
**SITE:** **9-11 HIGH STREET,**  
**HOLYWELL,**  
**CH8 7LA**  
**APPLICATION VALID DATE:** **23/11/2010**  
**LOCAL MEMBERS:** **COUNCILLOR P J CURTIS**  
**TOWN/COMMUNITY COUNCIL:** **HOLYWELL TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **THE LOSS OF A FURTHER A1 UNIT**  
**AND THE IMPACT ON THE TOWN**  
**CENTRE**  
**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This full application seeks a change of use from a shop (A1) to Licensed Premises, J D Wetherspoons (A3) at 34 High Street, Holywell. The main issues to consider are the loss of an A1 unit in the Core Retail Area (CRA); the increase in A3 units within the CRA and the impact on the Conservation Area.

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

2.01 Conditional Approval

Conditions:

1. Time limit on commencement.
2. Development in accordance with approved plans
3. Notwithstanding the details hereby approved, full details of shop front.
4. The development shall provide a suitable grease trap
5. Full details of the extraction, filtration and ventilation system to be

---

Date: 11/01/2011

- submitted for written approval prior to commencement.
- 6. Hours of Operation
- 7. Highway conditions

### **3.00 CONSULTATIONS**

#### 3.01 Local Member Councillor P Curtis

Requests the application be referred to Planning Committee

#### Holywell Town Council:

Object to the application on the following grounds;

The loss of a further A1 unit and the impact on the town centre

Concern regarding the number of non-retail units in the town centre

Marketing evidence

Comments relating to the Independent Study of Holywell Town Centre

#### Head of Public Protection:

No objections in principle.

Food Safety have written directly to the applicant and invited them to submit detailed plans.

Health, Safety & Licensing: Flintshire County Council are the enforcing authority in this case and the applicant needs to ensure that the premises and activities must comply with health and safety legislation.

The applicant may need to obtain a Premises Licence under the Licensing Act 2003

Pollution Control:

A suitable system for the extraction, filtration and ventilation should be installed. A condition shall be attached to any planning permission in this regard.

#### Head of Assets and Transportation:

Awaiting observations in regard to:

- Proposed gates to delivery area.
- No part of the block wall enclosing the bin store shall encroach onto the adopted highway
- Submission of a scaled block plan indicating proposed layout of pavement café and existing street furniture required for further consideration of this element of the proposal.

#### Economic Development

- Noted that there are a high level of vacant units in the town centre, many of which are long term vacant and in prominent positions.
- Generally would be pleased to see these units brought back into use,

- however, this needs to be balanced against ensuring there remains a good mix of uses. Note the non-retail usage in the Core Retail Area.
- Quotes from the Holywell Town Centre Assessment in regard to the number of vacant units in the town centre and the high percentage of no-retail shop frontage. Also the current shop vacancy rates.
  - Notes that the unit is the largest retail unit in the town centre and therefore provides the best opportunity for locating an anchor retail store for the town.
  - Recognises that there has been no take up of this unit since the closure of the store with only limited interest, but note that the marketing has taken place in when there is a downturn in the market and interest may pick up when the economy recovers.
  - Report that there are a number of initiatives ongoing looking at the improvement of footfall and vitality in the town centre, some of which are looking to improve the physical enhancements to the streetscape of the town centre.
  - Conclude that whilst there is concern in regard to the loss of this unit as a retail opportunity, it is recognised that there may be limited planning grounds for refusal.

CPAT:

Although the development lies close to areas of archaeological significance, it appears that no known features will be affected by the intended work. Therefore, no further comments.

#### **4.00 PUBLICITY**

4.01 As the site lies within a Conservation Area a Press Notice and Site Notice were posted together with Neighbour Notification letters to neighbouring properties:

4.02 Representations received :

- 9 letters of objection received on the following grounds:
- Business Competition/Question the need for another public house
- Loss of a further retail unit/Impact town centre
- Survey
- Safety/anti social behaviour
- Noise/nuisance
- Hours of opening
- Comparison of cases in England where A3 has been refused.
- Alternative site

4.03 3 letters in support of the application have been received outlining the following points:

- J D Wetherspoon's licensed premise would provide employment for local people;
- Regenerate part of the town
- Encourage people back into the town.
- The pub group welcomes all ages.
- The development would be an excellent addition to the town's amenities, by providing meals throughout the day;
- The site is within a good location with the town.

## **5.00 SITE HISTORY**

### **5.01 03/35432**

Installation of external roller shutters. File closed 27/1/04

### **99/151**

Illuminated fascia sign. Consent granted 29/3/99

### **47/87**

New fascia sign and illuminated lettering. Consent granted 1/6/87

## **6.00 PLANNING POLICIES**

### **6.01 Structure Plan Second Alteration Flintshire Edition**

Policy GEN1 – General Requirements for Development

Policy SH1 – Location of New Shopping Development

Policy CONS 21 – Conservation Areas and their Settings

#### Delyn Local Plan

Conservation Policy 2 – New Development and Alterations to Existing Buildings in or Adjacent to Conservation Areas

#### Emerging Unitary Development Plan

Policy STR1 – New Development

Policy STR5 – Shopping Centres and Commercial Development

Policy GEN1 – General Requirements for Development

Policy S7 – Retail Frontages within Town Centre Core Retail Area

Policy S2 - Shop Front Design

Policy EPW12 – Nuisance

Policy HE1 – Development Affecting Conservation Area

The policy implications of the development are addressed under Principle of Development in the Planning Appraisal.

## **7.00 PLANNING APPRAISAL**

7.01 The application is for a change of use from a retail unit (A1) to licensed

premises (A3) at 9 -11 (Woolworths) High Street, Holywell. The unit lies within a Conservation Area and the Core Retail Area of Holywell.

7.02 Site Description and Proposed Development

The site is the largest retail unit in the High Street and is significant in terms of both use and contribution towards the vitality and character of the town centre conservation area. It is a large two storey unit located to the north western end of the High Street and has been vacant for two years.

7.03 The proposal is for the change of use together with alterations to the frontage, a pavement café to the front of the unit is also proposed. The proposal does not include any signage which would need to be considered as a separate application. Any flue or extraction system details would also be required in order to ensure the noise and odour levels were acceptable and also to ensure there would be no adverse impact on the Conservation Area.

7.04 Public access is provided from the High Street, with access to the rear of the site provided for deliveries. The block wall to the rear is to be extended to 1800mm with the provision of gates, to the eastern elevation of the wall.

7.05 Principle of Development

In regard to the loss of a further A1 unit within the town, the building has been vacant since 2008 and evidence has been submitted to show the property has been actively marketed since early 2009 with no positive interest in taking on the unit as an A1 unit.

7.06 The main policy consideration in regard to the change of use is Policy S7 (as modified) of the Emerging Flintshire Unitary Development Plan which states that:

*"...Non A1 development or changes of use of shops will be permitted only where:*

*a. the total non-shop frontage on any continuous street frontage remains less than 25%; and*

*b. the proposal does not result in two or more adjacent units being in nonshop use; or. the proposal is for the conversion of an upper floor to an appropriate use;*

*or*

*d. the shop 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."*

7.07 This section of the Core Retail Area (CRA), numbers 1 to 19 High Street forms the continuous street frontage in this instance and includes the application site. In this section of the CRA there is a takeaway, 2 A1 units, 2 vacant units (including the application site) and a bank.

7.08 The proposed change of use would exceed the 25% non A1 use, the adjacent uses to either side of the application site are A1. However, evidence

has been submitted showing that the unit has been advertised as an A1 unit at a reasonable price for sale or lease with the existing use for over one year without success. The property has been advertised with two agents, Mason Owen and Jackson Criss. Details have been provided showing the level of interest in the unit from early 2009, the property is still on the market. Policy S7 states proposals should meet criteria (a) and (b) or criteria (c) or (d). The proposal meets criteria (d) and therefore complies with this policy. The proposal would enable a vacant unit to be brought back into use which would have a positive impact on the street scene.

- 7.09 The proposed change of use would create employment for 10 full time and 10 part time (equivalent to 15 full time) members of staff.
- 7.10 The proposed changes to the shopfront have been considered and the Conservation Officer has advised that the proposed frontage is not appropriate for that building or the Conservation Area. The applicant has agreed to enter into negotiation in regard to this aspect of the proposal and amended plans are being sought.
- 7.11 In regard to the pavement café element of the proposal, the Head of Assets and Transportation has requested further information in regard to the layout and siting of the proposed café in relation to the existing street furniture. A plan has been submitted and Highway comments are awaited at the time of writing this report. Any comments will be reported to Planning Committee as late observations.
- 7.12 The Head of Assets and Transportation have concerns in regard to the outward opening gates to the external yard delivery area. The applicant has confirmed by email that these gates are to be removed from the plans. Amended plans are to be submitted showing the removal of the gates.
- 7.13 Concerns and Objections  
Objections to the proposal have been received on the following grounds:
- 7.14 Business Competition  
It is noted that several businesses in the town are concerned that a new licensed premises would add to the existing competition. However, business competition is not a material consideration in planning terms.
- 7.15 The Impact on the Town and Businesses in the area  
Concerns about the loss of further A1 unit have been raised by local residents and the Town Council. In response to consultation, Economic Development noted the high level of vacant units in the town centre, many of which have been vacant for some time and include the former Woolworths unit, which is one of the largest retail units in the Town Centre. Whilst in regeneration terms a vacant unit being brought back into use would be agreeable, this has to be balanced against ensuring that there remains a good and appropriate mix of uses within the town centre.

- 7.16 Economic Development refer to a recent study in regard to the town centre which was commissioned by Holywell Town Partnership. The study highlights the number of vacant units and the number of non-retail units. Economic Development acknowledge that there has been no take up of the unit, but note that the marketing has taken place in when there is a downturn in the market and interest may pick up when the economy recovers. However, the application for a change of use has been submitted now and considerations of what may or may not happen in the future in regard to the economic climate cannot be assessed.
- 7.17 Economic Development has concern about the loss of the unit as a retail opportunity, but recognize that planning policy is the main material consideration in determining the application for a change of use.
- 7.18 It is understood a limited but focused process of marketing with some 10 national and regional retailers has been undertaken in order to identify if there was a demand for the Woolworths unit. The results were that the unit was considered too small or no interest was shown. One retailer intimated a tentative interest; however, there has been no definite interest in taking on the unit.
- 7.19 In the letter of objection, the matter of alternative premises being available has been raised. Economic Development is not aware of any alternative premises within the town centre which are currently on the market.
- 7.20 Noise and Odour:  
The Head of Public Protection has no objection in principle. A condition shall be attached to any planning permission in regard to the extraction system. As such a scheme of extraction would need to be submitted and approved by the Local Planning Authority in order to ensure the system would meet any requirements in regard to noise and odour.
- 7.21 The hours of opening proposed are 7am to 1.30am, from Monday to Saturday; 7 am to 00:30 am Pollution Control do not have any concerns in regard to hours of opening as there are establishments in the locality which have similar opening hours.
- 7.22 Concern has been expressed over potential safety and anti-social behaviour. The change of use is not considered to pose a threat to the safety of the local environment. However, these issues are regulated under separate legislation.
- 7.23 Comparison of cases in England where A3 has been refused.  
Whilst the information submitted by the objector has been noted, each case is dealt with on it's own merits in line with the policies relevant to site area of the application.

**7.24 Support of the Application**

Three letters of support have been received in respect of this application. The representations received comment that the proposed change of use to a J D Wetherspoon's licensed premise would provide employment for local people; regenerate part of the town and encourage people back into the town. The pub group would offer choices to all ages. The letters of support consider the development would be an excellent addition to the town's amenities, by providing meals throughout the day and welcoming all age groups within a good location with the town.

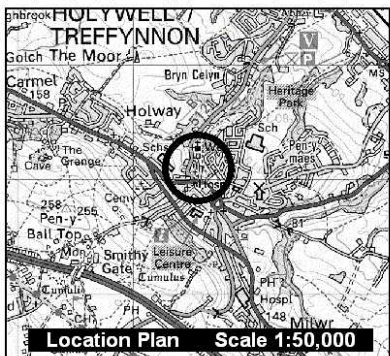
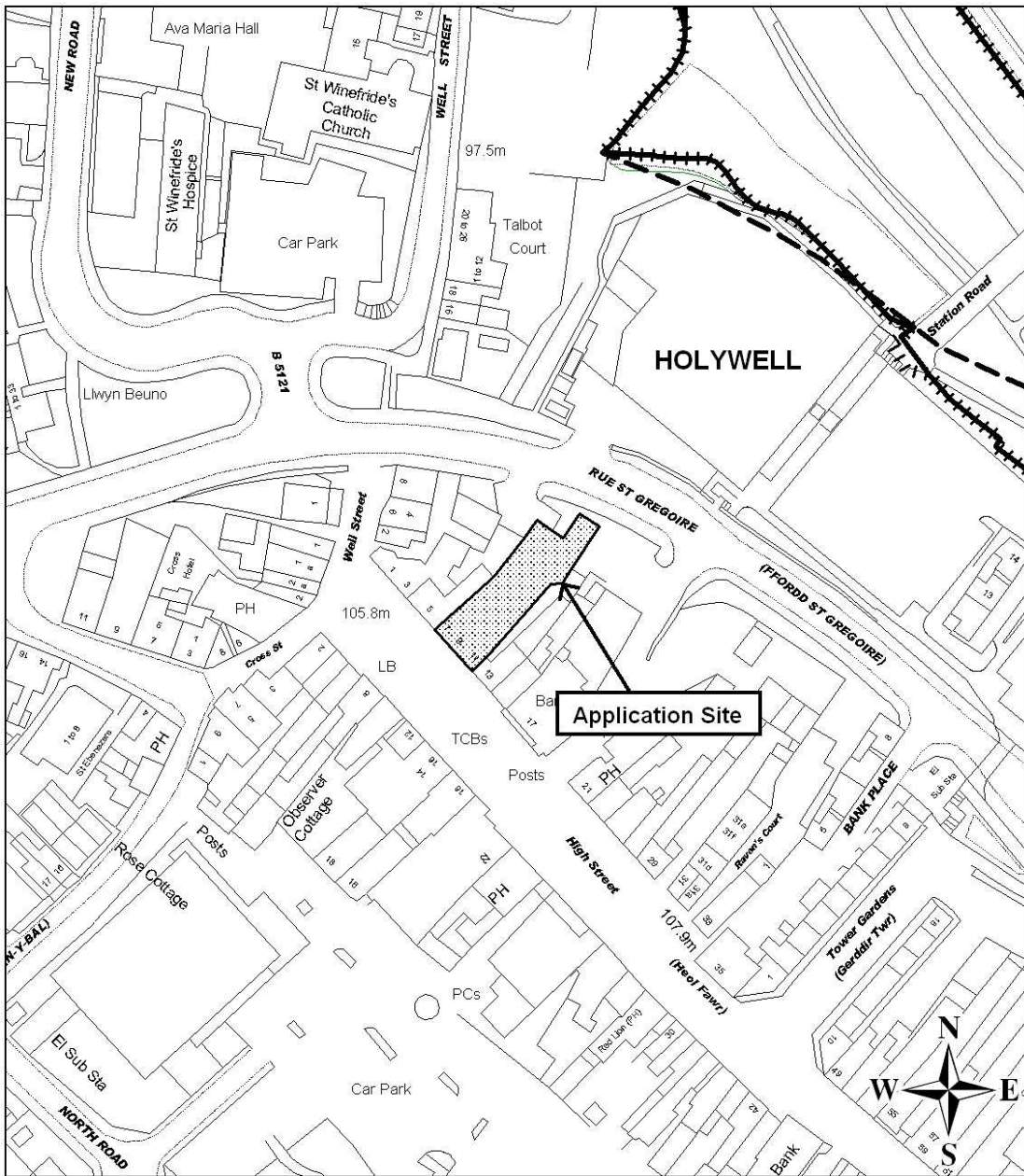
**8.00 CONCLUSION**

8.01 The proposed change of use application generally complies with policy. The unit has been vacant for two years and has been actively marketed as an A1 unit for a considerable length of time without success, the proposed change of use would bring the long term vacant unit back in to use, thus preventing any further deterioration in the physical appearance of the building and the street scene. The proposed change of use would create employment opportunities in the area. Therefore the application is recommended for conditional approval.

8.02 In considering this planning application 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




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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Key to Settlement Boundaries**

-  Delyn Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1250
Ordnance Survey Sheet	SJ 1182
Planning Application	47996

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.9**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - ERECTION OF 5 NO. DETACHED DWELLINGS/GARAGES, EXTENSION TO EXISTING SOUND EMBANKMENT TO FACILITATE WATER HARVESTING SCHEME AND RE-ALIGNMENT OF PUBLIC FOOTPATH 112 AT LAND TO THE SOUTH OF THE LARCHES, EWLOE.**

**APPLICATION NO:** **048083**  
**APPLICANT:** **MR J & MS L HAMCZYK & MRS L NICHOLLS**  
**SITE:** **LAND SOUTH OF, THE LARCHES, EWLOE**  
**APPLICATION VALID DATE:** **16/11/2010**  
**LOCAL MEMBERS:** **COUNCILLOR MS. A.M. HALFORD**  
**COUNCILLOR D.I MACKIE**  
**TOWN/COMMUNITY COUNCIL:** **HAWARDEN COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS ADEQUACY OF ACCESS TO SERVE THE PROPOSED DEVELOPMENT**  
**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This full application proposes the erection of 5 No. detached dwellings/garages, extension to existing sound embankment to facilitate the installation of a water harvesting scheme and re-alignment of public footpath on land to the south of The Larches, Ewloe, Flintshire.

1.02 For Members information this application proposes residential development on a smaller site area than that the subject of a previous application submitted under Code No. 047344 for 10 dwellings at this location. This was deferred at the 6th October 2010 Planning and Development Control Committee and subsequently withdrawn by the applicants agent on 12th November 2010.

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Date: 11/01/2011

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

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

- a. ensure the payment of £3,500 towards educational placements at Drury County Primary School and £3,500 at Hawarden High School.
- b. the payment of a commuted sum of £5,500 in lieu of on site open space provision.

2.02 Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. Access to site by means of existing vehicular footway crossing.
5. Facilities to be provided and retained within the site for the parking and turning of vehicles.
6. Positive means to prevent run-off of surface water onto the highway to be approved.
7. Installation of enhanced double/secondary glazing.
8. Scheme for extension to current acoustic barrier adjacent to the A55 to be submitted and approved.
9. Contaminated land survey with remedial measures where required.
10. Foul and surface water to be discharged separately.
11. No surface water to connect into public sewerage system.
12. No land drainage into public sewerage system.
13. Public Footpath to be protected during construction works.
14. Details of boundary treatments to be submitted and approved.
15. Dwellings to meet Code Level for Sustainable Homes.

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor Ms. A.M. Halford

Requests site visit and Planning Committee determination in order to assess the adequacy of the access to serve the proposed development.

Councillor D.I. Mackie

No response received at time of preparing report.

Hawarden Community Council

No response received at time of preparing report.

Head of Public Protection

No objections subject to the imposition of conditions in respect of:

- the installation of noise attenuation measures for properties adjacent to the A55 dual carriageway
- the undertaking of a contaminated land survey with attenuation measures where necessary

Head of Leisure Services

Requests the payment of a commuted sum of £1,100 per dwelling towards the enhancement of existing recreational provision within the community in lieu of on site provision.

Airbus

No aerodrome safeguarding objections.

Director of Lifelong Learning

Requests an educational contribution of £3,500 towards educational placements at Drury County Primary School and £3,500 at Hawarden High School.

**4.00 PUBLICITY**

4.01 Press Notice, Neighbour Notification

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

- inadequacy of access to serve further development
- access to serve the development should be via Hollins Lane and not off The Larches
- adequacy of drainage system to serve further development
- land contamination given import of material onto site to enable bund adjacent to the A55 to be formed
- route of existing public footpath which crosses the site should be safeguarded but re-alignment as proposed is unacceptable given impact on privacy/amenity of occupiers of existing property Camley House.
- impact on privacy/amenity of occupiers of existing properties adjacent to the site

**5.00 SITE HISTORY**

5.01 **047344**

Erection of 10 No. detached dwellings/garages, diversion of public footpath No. 112 and extension to existing sound embankment to facilitate water harvesting scheme. Withdrawn 12th November 2010.

**6.00 PLANNING POLICIES**

6.01 Clwyd Structure Plan First Alteration

Policy B5 - Allocation of Land for Housing Development.  
Policy H5 - Special Landscape Area.  
Policy H7 - Trees & Woodlands.  
Policy H11 - Control of Pollution.

Structure Plan Second Alteration: Flintshire Edition

Policy GEN1 - General Development Considerations.  
Policy GEN2 - General Development Considerations.  
Policy HSG2 - Location of Housing Development.  
Policy HSG3 - Scale of Housing Development in Main Settlements.  
Policy HSG5 - Allocation of Land for Housing Developments.  
Policy CONS11 - Trees & Woodlands.  
Policy TLR13 - Public Rights of Way.

Alyn and Deeside Local Plan

Policy G1 - General Requirements for Development.  
Policy H1 - Housing in Category A Settlements.  
Policy H6 - New Dwellings in the Open Countryside.  
Policy E15 - Special Landscape Area.

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development.  
Policy STR2 - Transport & Communications.  
Policy STR4 - Housing.  
Policy STR7 - Natural Environment.  
Policy GEN1 - General Requirements for Development.  
Policy GEN2 - Development Inside Settlement Boundaries.  
Policy D2 - Location & Layout.  
Policy D4 - Landscaping.  
Policy TWH1 - Tree & Woodland Protection.  
Policy AC13 - Access & Traffic Impact.  
Policy AC18 - Parking Provision & New Development.  
Policy HSG1 (33) - New Housing Development Proposals.  
Policy HSG8 - Density of Development.  
Policy HSG9 - Housing Mix & Type.  
Policy SR5 - Play Areas & New Development.  
Policy EWP13 - Derelict & Contaminated Land.  
Policy AC2 - Pedestrian Provision & Public Rights of Way.

Additional Guidance

Ministerial Interim Planning Statement 2006 - Housing.  
Local Planning Guidance Note 2 - Space Around Dwellings.  
Practice Guidance Note 6 - Planning & Public Rights of Way.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This full application proposes the erection of 5 No. detached dwellings/garages, extension to existing sound embankment to facilitate a water harvesting scheme and re-alignment of public footpath 112 at land to the south of The Larches, Ewloe, Flintshire.

7.02 Site Description

The site the subject of this application amounts to approximately 0.52 hectares of a larger field parcel some 0.93 hectares in area. The site which was formally used as a pony paddock but which is currently vacant occupies a position at the head of The Larches an estate road from Hazelwood Crescent.

7.03 The southern boundary of the site is defined by the line of the A55 by-pass, the western boundary by the rear curtilage boundaries of existing detached residential properties accessed from Hollins Lane. The site is crossed by a public footpath (No. 112) which runs diagonally across the site in a north-westerly to south-easterly direction.

7.04 Proposed Development

The plans submitted as part of this application propose the erection of 5 No. two storey dwellings comprising 3 No. different house types. It is proposed that the dwellings are constructed having facing brick external walls and concrete tile roofs.

7.05 Vehicular access to serve the development is proposed from a private drive arrangement from the existing turning head at The Laurels. It is also proposed to re-align a short section of public footpath 112 in the north-western corner of the site.

7.06 Planning Policy

For Members information the site is located adjacent to but outside the settlement boundary of Ewloe as defined in the Alyn and Deeside Local Plan. The overall site comprising 0.93 hectares in area has however been allocated for residential purpose in the emerging Flintshire Unitary Development by virtue of Policy HSG1 (33). Following consideration of objections to this allocation at the UDP Public Inquiry, the Inspector recommended that the allocation be retained. There have been no objections to the proposed modifications to include this land as an allocated site and therefore considerable weight can be attached to the UDP in respect of the policy framework to be applied.

7.07 Main Planning Issues

It is considered that the main planning issues can be summarised as follows:-

- principle of development having regard to the planning policy framework.
- proposed scale of development/house types/site layout.

- adequacy of existing highways and arrangement to serve the proposed scale of development.
- adequacy of foul and surface water drainage.
- land contamination.
- principle of re-alignment of line of existing public footpath No. 112.

7.08 Planning Policy Framework

The application site is allocated for residential purposes in the Emerging Flintshire Unitary Development Plan under Policy HSG1 (33). Following consideration of objections to this allocation at the UDP Public Inquiry held during late 2009, the Inspector appointed by the Welsh Assembly Government has recommended that the allocation be retained. There have been no objections to the proposed modifications to include the land as an allocated housing site and as such the weight to be attached to the principle of residential development is significant. The proposal is therefore considered to be acceptable in principle.

7.09 Scale/House Types/Site Layout

The plans submitted as part of this application propose the erection of 5 No. 5 bedroom, 2 storey dwellings having rear curtilage areas which range from approximately 100m<sup>2</sup> to 350m<sup>2</sup> in area.

7.10 The character of existing development in proximity to the site is defined by a mix of bungalows and two storey dwellings along The Larches with three detached individual two storey dwellings to the west and north accessed off Hollins Lane.

7.11 It is considered that the house types proposed would be reflective of the existing character of development at this location and privacy/amenity of occupiers of existing and proposed dwellings would be safeguarded given the orientation and distances between the dwellings.

7.12 Access/Highways

Vehicular access to serve the development is proposed as an extension from an existing cul-de-sac/turning head at The Larches. A number of objections to the principle of obtaining access to serve the site through The Larches have been received following the consultation exercise undertaken on receipt of the planning application. The views expressed consider that the access is not suitable to accommodate additional vehicular movements, including emergency vehicles and there would be a detrimental impact on the privacy/amenity of the occupiers of existing residents at this location.

7.13 Objections to the principle of obtaining vehicular access into this allocated housing site through The Larches have previously been considered as part of the UDP process; with the Inspector appointed by the Welsh Assembly

Government being of the view that access to the site through The Larches is acceptable.

- 7.14 For Members information the Inspector's conclusions in this respect are referred to below:-

"Concerns have been raised about 'The Larches' providing access to more houses, but the road is built to modern day standards and such roads successfully serve up to 25 houses without resulting in significant highway dangers. The standard of design of The Larches means it is capable of accommodating a further 14 units. My visits to the site and the anecdotal evidence before me do not convince me that the potential increase in flows would result in unacceptable highway dangers".

- 7.15 It was anticipated as part of the UDP process that this allocated site would be served by a highway constructed to adoptable standards as a continuation of the existing cul-de-sac. The main constraint to the provision of this arrangement is however one of ownership as the applicant only has control over half of the width of the turning head/cul-de-sac.

- 7.16 In order to seek to overcome the above constraint this current application proposes access into the site via a private drive arrangement off part of the existing turning head facility. The Head of Assets and Transportation raises no objection to this proposal on highway design grounds to serve five individual dwellings only. This interim measure would not however prejudice the submission of a further proposal to develop the remainder of the allocated site subject to the provision of a roadway to adoptable standards and the safeguarding of relevant amenity considerations.

7.17 Drainage

It is proposed that foul drainage from the site is dealt with by linking the development to the main sewerage system. Consultation on the acceptability of this arrangement has been undertaken with Dwr Cymru Welsh Water who raise no objections subject to the imposition of conditions to ensure the separation of foul, surface and land drainage discharges from the site.

7.18 Land Contamination

It is acknowledged that a number of objections expressing concern that contaminated material has previously been deposited on the site in the construction of the bund adjacent to the A55 have been raised.

- 7.19 Consultation on this particular issue has been undertaken with the Head of Public Protection but I have been advised there are no records available which indicate the receipt of any objections or if contaminated material has been deposited on the site.



- 7.20 In this respect it is recommended that if Members are mindful to grant permission for the development that this is subject to the imposition of a condition requiring that a land contamination survey with appropriate mitigation where required, be undertaken prior to the commencement of development.
- 7.21 Impact on Public Footpath  
An existing public footpath 112 currently crosses the site in a north-westerly to south-easterly direction. The Council's Legal Department have advised that the public footpath has been the subject of controversy for a number of years, with complaints having been received that the route has remained obstructed at its junction with by-way 148 in Hollins Lane and there is demand for the route to be opened up and remain so.
- 7.22 This application proposes the re-alignment of this existing footpath in the north-western corner of the site around the residential curtilage area of one of the proposed plots. The Council's Rights of Way Department have advised that the re-alignment/diversion of the footpath would require the submission of an application under Section 257 of the Town and Country Planning Act 1990. This is a process separate to the determination of the planning application and in the event of objections being received likely that the acceptability of the diversion is considered at a Public Inquiry. This would have significant implications for the implementation of a permission where planning consent has been granted for a re-alignment diversion of a footpath but this is not supported at a Public Inquiry and therefore the permission can not be implemented.
- 7.23 In this particular instance and following the receipt of an amended plan the Rights of Way Department consider that whilst an attempt has been made to incorporate the footpath into the site, the current proposal is a less convenient route and has a negative impact upon an established property 'Camley House' adjacent to the sites western boundary. It is considered by the Rights of Way Department that any realignment of this public footpath is unlikely to succeed on this basis.
- 7.24 Notwithstanding the above, it is considered that from a development control perspective, the site layout incorporates the route of the footpath across the field parcel with the entry/exit points retained in the current positions. The amended plan illustrates that the line of the footpath around plot No. 4 incorporates straighter sections rather than a dog-leg arrangement initially proposed between existing/proposed dwellings. It is my view that provided this is accompanied by low level boundary treatment to these plots, that the proposal would be acceptable from a security perspective with the formal powers for the re-alignment/diversion of this footpath to be undertaken under Section 257 of the Town and Country Planning Act 1990.
- 7.25 Educational Contributions

It is calculated that the development of this site together with existing extant permissions in the locality will increase the pressure on Drury CP School which is popular and has less than 5% surplus places and Hawarden High School which has only 3.23% surplus places.

7.26 In these circumstances, the Council's Lifelong Learning Directorate consider that a financial contribution will be required from the developer to ensure adequate education provision/additional capacity. This will require a financial contribution of £3,500 for primary school places and £3,500 towards secondary school placements. This can be secured by a Section 106 Obligation/Unilateral Undertaking or advance payment if Members are mindful to grant permission for the development.

7.27 Open Space Provision

Consultation on this aspect has been undertaken with the Head of Leisure Services. It is considered that given the scale of the proposed development that the payment of a commuted sum towards the enhancement of existing recreational provision in lieu of on-site recreational provision would be more appropriate at this location.

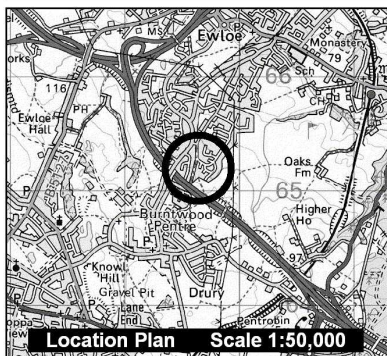
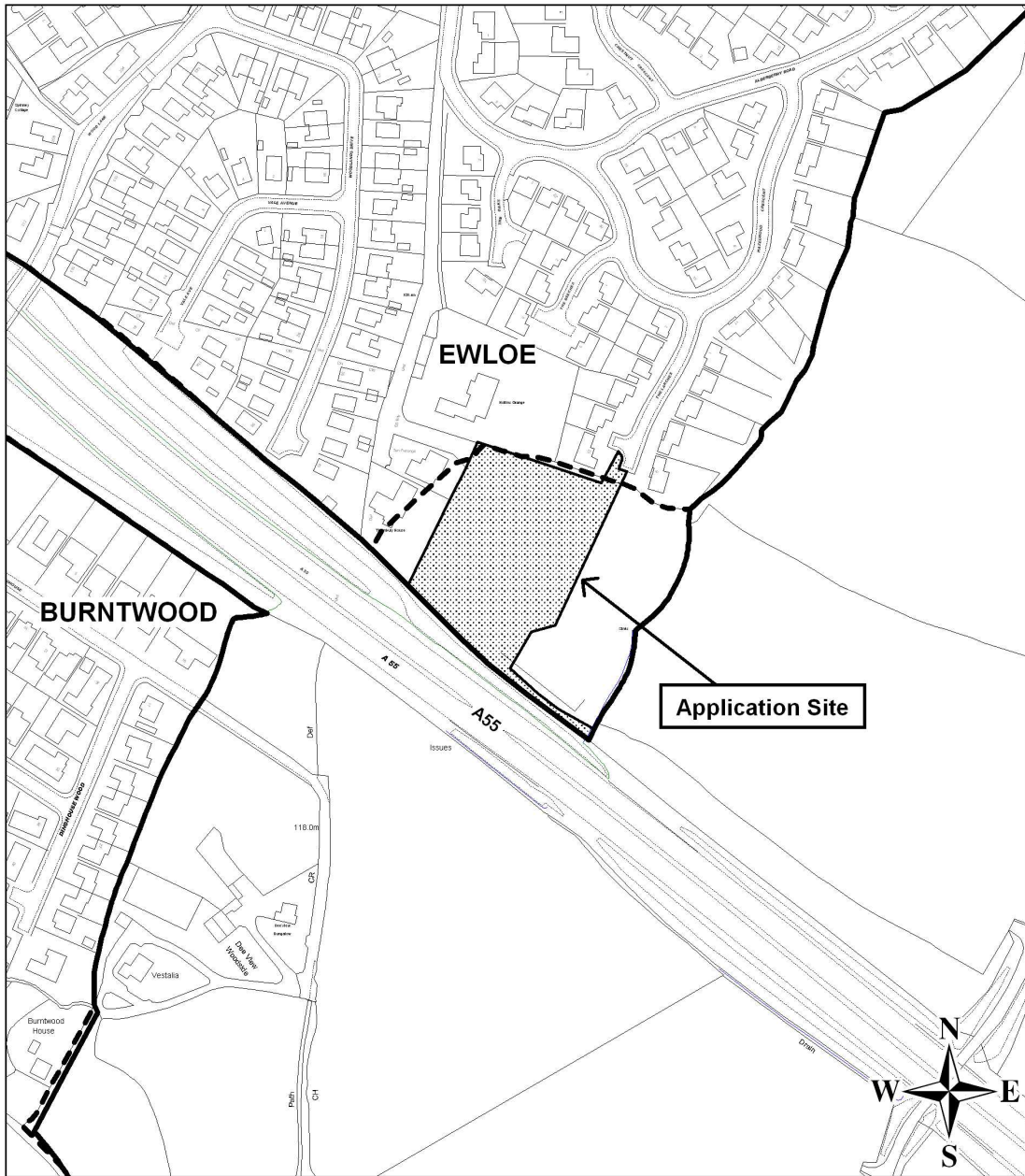
7.28 A payment of a commuted sum of £1,100 per dwelling would therefore be required which would need to be controlled by a Section 106 Obligation/Unilateral Undertaking or advance payment if Members are mindful to grant permission for the proposed development.

## **8.00 CONCLUSION**

8.01 It is the view at officer level that the amended scheme provides for a scale/form of development which would be acceptable at this location taking into account concerns in respect of access, and impact of development on public footpath 112. It is considered that the scheme is reflective of the character of the site and surroundings and I recommend accordingly.




In considering this planning application 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

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Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF,  
Director: Mr. Carl Longland

**Key to Settlement Boundaries**

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:2500
Ordnance Survey Sheet	SJ 2965
Planning Application	<b>48083</b>

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.10**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **19 JANUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **OUTLINE APPLICATION - ERECTION OF A DWELLING. 53  
CHESTER ROAD, BUCKLEY**

**APPLICATION NO:** **047886**  
**APPLICANT:** **MR I PYE**  
**SITE:** **LAND REAR OFF  
53 CHESTER ROAD,  
BUCKLEY,  
CH7 3AQ**  
**APPLICATION VALID DATE:** **02/09/2010**  
**LOCAL MEMBERS:** **COUNCILLOR D. HUTCHINSON,  
COUNCILLOR M.J. PEERS**  
**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST FOR  
COMMITTEE DETERMINATION.  
CONCERNS RAISED RE ACCESS  
AND HIGHWAY SAFETY**  
**SITE VISIT:** **LOCAL MEMBER REQUEST FOR  
COMMITTEE SITE VISIT TO ALLOW  
MEMBERS TO VIEW THE SITE IN  
RELATION TO EXISTING  
PROPERTIES AND TO EVALUATE  
THE ACCESS AND EGRESS ONTO  
CHESTER ROAD FROM THE SITE**

**1.00 SUMMARY**

1.01 This application seeks outline planning permission for the erection of one detached dwelling on land to the rear of 53 Chester Road, Buckley. The applicant proposed using an existing opening to gain a 3.3m wide access to the site.

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

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Date: 11/01/2011

- 2.01 1. Visibility at the point of access onto Chester Road (the A549) is insufficient and there is no scope for improvement to attain the required visibility due to the position of an adjoining house and wall on the access boundary which obstructs visibility. The increased use of the access onto the highway resulting from the proposed development would, by reason of limited visibility from and off emerging vehicles, be detrimental to highway safety. As such the proposal is contrary to Policy G1 of the Alyn and Deeside Local Plan and policy GEN1, GEN2 and AC13 of the Emerging Flintshire Unitary Development Plan.
2. The inadequate width of the access will not provide for the simultaneous passage of two vehicles and as such is likely to cause congestion and interference with the free flow of traffic along the adjoining Class A highway. As such the proposal is contrary to Policy G1 of the Alyn and Deeside Local Plan and Policy GEN1, GEN2 and AC13 of the Emerging Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

Councillor D. Hutchinson:

Requests Committee determination. Raises concerns regarding access to and from the site.

Councillor M.J. Peers:

Requests Committee determination and site visit. The reason is for the Members to determine the application in the light of the previous planning appeal on the site. States that Committee site visit will allow Members to view the site in relation to existing properties and the evaluate the access and egress onto Chester Road from the site.

Buckley Town Council:

The Town Council expresses concerns that the Design and Access statement provided did not specifically look at access and egress of the site onto Chester Road. Considers that this matter should be fully evaluated before any decision was made.

Chief Highways and Transportation Engineer:

Recommends that the application is refused on the grounds that the increased use of the access would by reason of the limited visibility be detrimental to highway safety and the inadequate width of the access will not provide for the simultaneous passage of two vehicles which is likely to cause congestion and interference with the free flow of traffic along the adjoining highway.

Chief Environment and Resources Officer:

Recommend that any permission contains a condition requiring a desk top study be undertaken to identify potential land contamination.

Welsh Water:

Recommends that any permission imposes conditions relating to foul and surface water drainage

Environment Agency::

No response received at time of writing report.

SP Energy Networks:

Safe digging practices to be undertaken during any development works.

Airbus:

The proposal does not conflict with safeguarding criteria. Accordingly, they have no aerodrome safeguarding objection to the proposal.

Countryside Council for Wales:

Consider that the proposal is likely to cause a significant effect on the Deeside and Buckley Newt Sites SAC. Therefore object to the application.

#### **4.00 PUBLICITY**

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

The agent has submitted four copies of an identical letter signed by four local residents supporting the application on the following grounds :-

i) the site attracts anti-social behaviour as a result of its secluded location and this application would offer an increased natural surveillance over the site which would deter this

ii) having been a resident of Chester road for a number of years and having used the access track daily, can state that they have never been witness to, or know of, any accidents and use the track without any problems.

#### **5.00 SITE HISTORY**

##### **5.01 4/0/19251**

Outline erection of one dwelling approved 3rd April, 1990

##### **97/0/00193**

Erection of one dwelling refused 1st May, 1997

##### **037803**

Outline erection of a detached dwelling refused 3rd November, 2004, dismissed at appeal 25th April, 2005

## **6.00 PLANNING POLICIES**

### 6.01 Clwyd Structure Plan First Alteration Policy B5 - Allocation of land for Housing Development

Structure Plan Second Alteration: Flintshire Edition:  
Policy HSG5 - Allocation of Land for Housing Development

Alyn and Deeside Local Plan  
Policy G1 - General Requirements for Development  
Policy H1 - Housing in Category 'A' Settlements

Emerging Flintshire Unitary Development Plan  
Policy GEN1 - General Requirements for Development  
Policy GEN2 - Development Inside Settlement Boundaries  
Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries

Technical Advice Note (Wales) 18: Transport

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

## **7.00 PLANNING APPRAISAL**

### 7.01 Site Description and Proposed Development

This application seeks outline planning permission for the erection of one detached dwelling on land to the rear of No. 53 Chester Road, Buckley. The applicant proposes to use an existing opening of approximately 3.3m in width to provide vehicular access to the site. The site is located to the rear of an existing row of terraced properties and previously formed part of the residential amenity area of No. 53 Chester Road, Buckley. The site is level with the access track running north to south adjacent to the eastern boundary of the site. To the south of the site are the rear gardens for numbers 47-53 Chester Road. The application has been the subject of previous applications for outline permission for residential development and was following refusal of permission on highway safety in 2005 the subject of an appeal to the Planning Inspectorate which was subsequently dismissed. There is no change in the site or the circumstances of the proposal since this appeal. The main issues for consideration of this proposal are the principle of development at this location and the impact on the proposed development on highway safety.

### 7.02 Planning History

The site has been the subject of previous planning applications, the most recent one determined in November, 2004 which was refused on highway safety grounds and dismissed subsequently on appeal to the Planning

Inspectorate. In the Inspector's decision he considered the main issue in the case was the effect of vehicular traffic generated by the proposal on highway safety and on the access track serving the site at its junction with the A549. He noted that when emerging onto the A549, visibility to the right (west) is restricted by a 1.25m (approximately) high brick wall enclosing the front garden of No. 53 and visibility to the left is limited by No. 55. He referred to the requirements of Technical Advice Note (Wales)18 : Transport at that time and stated that the visibility splay from the access point was significantly less than the 90m required by TAN 18. Although the appellant at the time suggested that a traffic mirror could be positioned on a grassed area on the opposite side of the road to enhance road safety, the Inspector concluded that the additional traffic likely to be generated by the proposal emerging onto the A549 at an access where visibility falls well short of national standards, would cause a significant and unacceptable danger and be prejudicial to highway safety. On this basis, the Inspector dismissed the appeal.

#### 7.03 Main Issues

It is considered that the main planning issues in relation to the proposal are:-

- i) the principle of development in planning policy terms
- ii) impact on highway safety

#### 7.04 Principle of Development

The site is located within the settlement boundary of Buckley as defined in both the adopted Alyn and Deeside Local Plan and the Emerging Flintshire Unitary Development Plan. Policy GEN2 states that new development will normally be permitted within settlements defined by a settlement boundary. Policy HSG3 provides further advice on housing proposals on land which is within settlement boundaries but not allocated. Buckley is a category A settlement or main settlement. The additional provisions of policy HSG3 (relating to local need) do not apply to sites within category A settlements. Therefore the principle of residential development is deemed acceptable in this location subject to the detailed consideration of other relevant planning policies.

#### 7.05 Highway Safety

The applicant proposes to use the existing 3.3m track which runs alongside the boundary of number 53 Chester Road to provide access to the site. The Head of Highways and Transportation has been consulted as part of the application process and recommends refusal on the grounds that:-

- i) the increased use of the access onto the highway resulting from the proposed development would, by reason of the limited visibility from and off emerging vehicles, be detrimental to highway safety



ii) the inadequate width of the access will not provide for the simultaneous passage of two vehicles and as such is likely to cause congestion and interference with the free flow of traffic along the adjoining Class A highway.

The applicant has submitted information relating to traffic generation on the site and accident statistics for the area which have been obtained from North Wales Police. The Highways Officer has looked at this information prior to submitting his comments and consequently his recommendation remains unchanged.

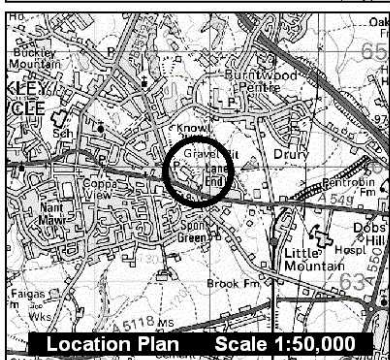
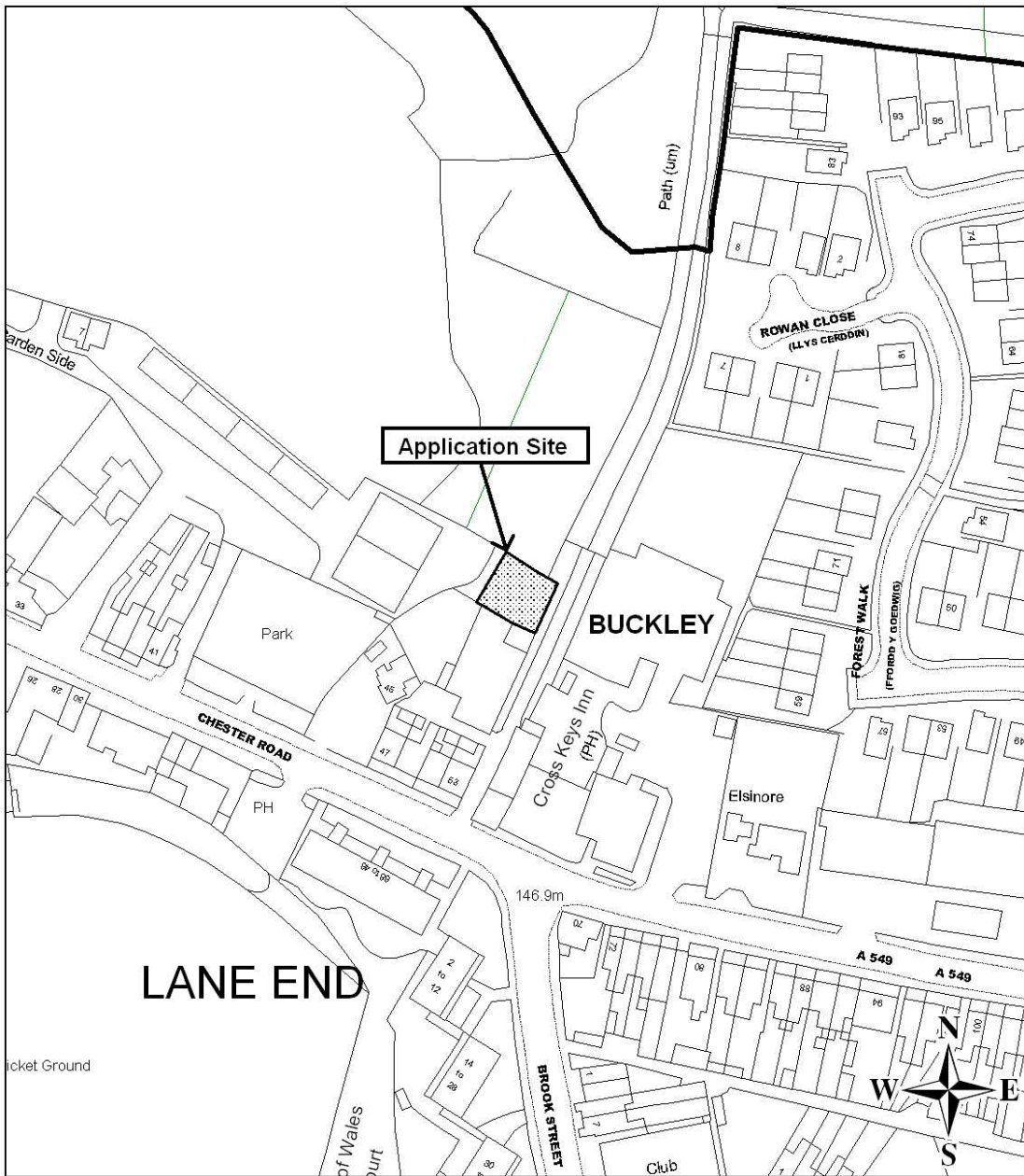
Having regard to the Inspector's decision on the site in 2005, and bearing in mind that visibility requirements in the updated TAN 18 (2007) have now been reduced to 43m, it remains the view of the Highways Officer that the access in terms of the visibility that can be afforded remains well short of these revised standards and therefore if development were to be allowed it would cause a significant and unacceptable danger and be prejudicial to highway safety.

## **8.00 CONCLUSION**

8.01 In the light of the comments received from the Head of Highways and Transportation, the proposal is considered to be unacceptable on the grounds of highway safety and is recommended for refusal on this basis.

In considering this planning application 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

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	<p><b>Key to Settlement Boundaries</b></p> <ul style="list-style-type: none"> <li> Alyn &amp; Deeside Local Plan Settlement Boundary</li> <li> North Flintshire Local Plan Settlement Boundary</li> <li> Emerging Flintshire Unitary Development Plan Settlement Boundary</li> </ul>	<p><small>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2010.</small></p> <table border="1"> <tr> <td>Map Scale</td> <td>1:1250</td> </tr> <tr> <td>Ordnance Survey Sheet</td> <td>SJ 2863</td> </tr> <tr> <td>Planning Application</td> <td>47886</td> </tr> </table>	Map Scale	1:1250	Ordnance Survey Sheet	SJ 2863	Planning Application
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