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Democrataidd



**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 09/02/2011

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, 16 FEBRUARY 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 19/01/2011 (copy enclosed).
4. **REPORT OF HEAD OF PLANNING**  
The report of the Head of Planning is enclosed.

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The Council welcomes correspondence in Welsh or English  
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 16 February**  
**2011**

<b>ITEM NO</b>	<b>FILE REFERENCE</b>	<b>DESCRIPTION</b>
<b><u>Appeal Decision</u></b>		
4.1	044639	Appeal by J.T. Hewitt & Son Ltd against Flintshire County Council's decision to refuse an application for full planning permission for 8 No. dwellings at a Builders Yard, Maude Street, Connah's Quay
4.2	047022	Appeal by Mr S Walsh against the decision of Flintshire County Council to refuse planning permission for a new highway entrance with gates and brick pillars to the north of the site and for a change of use of land to form part of the residential curtilage at Llyn Ddu, Babell, Holywell.
4.3	047037	Appeal by Mr. D. Jones against Flintshire County Council's decision to refuse an application for alterations and extensions to existing dwelling, erection of new garage and formation of new access at Mynydd Farm Cottage, Y Mynydd, Trelawnyd
4.4	047260	Appeal against the grant of planning permission subject to conditions for the change of use from shop to dwelling (part retrospective) and alterations to frontage and fenestration at 244 High Street, Connah's Quay, Deeside. The appeal was in relation to Condition 3 of the permission.

<b>ITEM NO</b>	<b>FILE REFERENCE</b>	<b>DESCRIPTION</b>
<b><u>General Matters</u></b>		
4.5	047351	General Matters Outline erection of a two bedroomed bungalow at Oakwood, Berth Ddu, Rhosesmor, Nr Mold.
4.6	047841	General Matters - Full Application - Erection of 48 No. Dwellings Together with Associated Roads and Sewers on Land Adjacent to Clydesdale Road, Drury, Buckley.

<b>ITEM NO</b>	<b>FILE REFERENCE</b>	<b>DESCRIPTION</b>
<b><u>Recommend Approval</u></b>		
4.7	047241	Full Application - Change of use of existing agricultural land to static holiday park for lodges/chalets at "Plas Isa", Caerwys Hill, Caerwys, Mold.
4.8	047928	Retrospective application for the operation of an outdoor recreation activity known as Sphereing, including retention & resiting of cabin, retention of 'portaloo', and alteration to existing access at Bryn Coch Road, Whitford, Holywell
4.9	048083	Full Application - Erection of 5 No. detached dwellings/garages and extension to existing sound embankment to facilitate water harvesting scheme at land to the south of The Larches, Ewloe.
4.10	048127	Full planning application for the installation of vertical platform lift at St.Richard Gwyn High School, Ffordd Llewelyn, Flint
4.11	048135	Full Application - Change of Use of Barn to Residential and Alterations to Existing Vehicular Access (Amendment to Planning Permission 45532 to Incorporate Single Storey Rear Extension) on Land Opposite "Pine Ridge", Denbigh Road, Hendre, Mold
4.12	048148	Full Application - Alterations to existing Sports Hall to remove the Arena sign and replace with steel cladding to match and the installation of a high level glazed window to provide a viewing point at Deeside Leisure Centre, Chester Road West, Queensferry
4.13	048173	Reserved matters application for 41 dwellings; details of the layout, scale,

		appearance, the means of access thereto and the landscaping submitted in accordance with condition no.1 of outline planning permission ref: 047815 at Land side of cemetery, Ffordd y Rhos, Treuddyn.
<b>4.14</b>	048223	Full Application - Erection of an electricity converter station, associated infrastructure and internal access forming part of the east-west interconnector between Wales and Ireland at Weighbridge Road, Deeside.

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**19 JANUARY 2011**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 19 January 2011.

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

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

**SUBSTITUTES:**

Councillor: R.G. Hampson for J.B. Attridge, H.D. Hutchinson for J.E. Falshaw and G.H. Bateman for F. Gillmore.

**APOLOGIES:**

Councillors: P.G. Heesom and N. Phillips.

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning and Environmental Strategy Manager, Senior Engineer - Highways Development Control, Senior Planners, Democracy & Governance Manager and Committee Officer.

**200. DECLARATIONS OF INTEREST**

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

**Agenda item 4.4 – Full application – Change of use from light industrial to self catering tourist accommodation (2 units) including alteration and extension to existing building adjacent to Nant y Gain, Pentre, Cilcain (047735)**

Councillors H.D. Hutchinson and M.J. Peers declared an interest in the following application:-

**Agenda item 4.5 – Full application – Erection of 48 No. dwellings together with associated roads and sewers on land adjacent to Clydesdale Road, Drury (047841)**

In line with the Planning Code of Practice:-

Councillor M.J. Peers declared that he had been contacted on more than three occasions on the following application:-

**Agenda item no. 4.1 – 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 (047469)**

Councillor A.M. Halford declared that she had been contacted on more than three occasions on the following application:-

**Agenda item no. 4.3 – 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 (047645)**

**201. MINUTES**

The draft minutes of the meeting of the Committee held on 8 December, 2010 had been circulated to Members with the agenda.

Councillor R.C. Bithell queried whether the letter referred to on page 15 (application 047898) had been sent to Welsh Water. The Head of Planning explained that the letter had not been sent but a meeting had been set up with Welsh Water where the matter would be raised.

**RESOLVED:**

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

**202. LATE OBSERVATIONS**

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

**203. ITEMS TO BE DEFERRED**

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

**Agenda item 4.9 - 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 – to enable the impact of the development on the public footpath to be addressed further.**

On being put to the vote, consideration of the application was deferred.

**204. 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 (047469)**

**RESOLVED:**

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

**205. APPLICATION FOR OUTLINE PLANNING PERMISSION – RESIDENTIAL DEVELOPMENT AT GLAN Y DON, HOLYWELL (047535)**

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 officer advised that there had been no adverse comments from statutory consultees but detailed the objections raised in the 12 letters received from other third parties. He reminded Members that an outline permission was granted on the site in July 2003. The recommendation of approval included a section 106 agreement for open space provision and education provision and a condition for 30% affordable housing on the site had also been included. He added that if the site was developed by the applicant, which was a Registered Social Landlord and not sold on to another developer, the site would include 100% affordable housing.

Councillor R.C. Bithell proposed the recommendation for approval, with the two additional conditions identified in the late observations, which was duly seconded. He welcomed the figure requested for open space provision in view of deficiencies which had been identified in the area.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and in the late observations together with a Section 106 agreement, covering the following matters:

- Open space provision - £763 per dwelling to enhance existing recreation facilities in the community;
- Education provision - £3,500 per primary school pupil generated towards Ysgol Glan Aber.

**206. 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 (047645)**

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 17 January 2011. 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 local Member had asked for Committee determination due to the complex history of the site. In considering the extension he explained that the justification for the development was detailed in paragraph 7.06 of the report. In the context of

the proposed gate and wall the Development Manager referred to an apparent long standing dispute between the applicant and the adjoining building owner but he asked members to note that this aspect of the proposal did not in itself require planning permission. Corrections to the report were reported in the late observations along with clarification of the stop notice which had been referred to by the objector. He added that officers had requested additional information regarding the need for the building and were now satisfied that the building was required for agricultural use.

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

Councillor R.C. Bithell raised concern at the claim made that additional storage for hay was required as he had been able to see on the site visit that there was room in the barn for hay storage; he felt that an independent assessment was required. He also raised concern about the proposed wall and gate and how vehicles attending the site would be able to manoeuvre. He proposed an amendment to defer consideration of the application for an independent assessment; the proposal was duly seconded. Councillor R.B. Jones concurred with the comments of Councillor Bithell. He said that his main concerns were about the turning circle but added that this had been covered in the late observations.

Councillor C.A. Thomas queried what evidence had been sought about the need for the extension to the agricultural building and whether further information could be requested on the turning circle.

Councillor D.E. Wisinger said that there had been suspicions that the building was being used for commercial purposes but referred Members to condition 3 in the report which stated that the building was to be for agricultural use only. He said that if the application was approved, it would give the Enforcement Team the powers to stop any commercial use.

Following the comments made, the Development Manager advised that an independent assessment was not usually requested for agricultural buildings. He referred again to the justification put forward for the building and suggested that it would be expected that there would be storage space available in January. He also explained that the right of access was a private matter; the Democracy & Governance Manager concurred and said that this issue should not form part of the consideration of the application.

On being put to the vote, the proposal to defer the application for further information was lost. The substantive motion was then voted on and the proposal to approve the application was CARRIED.

**RESOLVED:**

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

**207. FULL APPLICATION – CHANGE OF USE FROM LIGHT INDUSTRIAL TO SELF CATERING TOURIST ACCOMMODATION (2 UNITS) INCLUDING ALTERATION AND EXTENSION TO EXISTING BUILDING ADJACENT TO NANT Y GAIN, PENTRE, CILCAIN (047735)**

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 existing building was to be adapted to provide two chalets with a cedar cladding and shingle finish and referred to the policies applicable to the proposal, in particular policy T3, which was addressed in the report.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded. He felt that the proposed use of the building was more suitable than the existing building.

Councillor R.C. Bithell said that this was a building in an Area of Outstanding Natural Beauty (AONB) and asked why previous applications had been refused. He commented that if the application was permitted and the holiday accommodation use failed, then this would leave two new dwellings in the open countryside. Councillor C.A. Thomas said that she was aware that the AONB Joint Advisory Council members were concerned about the chalet type building in the AONB and felt that the justification put forward was not sufficient to grant permission.

Councillor H.G. Roberts felt that there was a need to restrict the use of the accommodation so that it was not used from mid January to the end of February in any year. He said that this would ensure that the buildings remained as holiday accommodation and requested that a condition be included on the application to reflect this. The Development Manager said that there was no need for a condition to restrict the use but one could be included if requested by Members. He said that the AONB had supported the development and their comments were included in the report. He said that the design for the conversion had been treated sensitively and incorporated natural materials. He added that any future proposed amendment to the use of the building would need to be the subject of a further application which, could be referred to the Committee for consideration.

In response to comments made about previous applications, the Planning and Environmental Strategy Manager said that the refusals all related to applications for residential development but this application was for holiday accommodation. He added that the policies permitted the use if planning conditions were met and said that this was a very specific design for a specific tourism use and would enhance the building already in place.

Councillor H.G. Roberts proposed an amendment that the accommodation not be used from mid January to the end of February in any year; this was duly seconded. The Planning and Environmental Strategy



Manager said that there was no reason to have a seasonal shutdown and said that condition 5 restricted the use of the accommodation and added that this was the responsibility of the applicant. The Democracy & Governance Manager said that he was satisfied that condition 5 was enforceable and said that there were powers which would require letting documents to be produced if requested by the authority.

On being put to the vote, the proposal to condition the closure of the holiday accommodation from mid January to the end of February in any year was lost. The substantive motion was then voted on and the proposal to approve the application was CARRIED.

**RESOLVED:**

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

**208. FULL APPLICATION – ERECTION OF 48 NO. DWELLINGS TOGETHER WITH ASSOCIATED ROADS AND SEWERS ON LAND ADJACENT TO CLYDESDALE ROAD, DRURY, BUCKLEY (047841)**

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 officer explained that amended plans had been received in progression of the application which proposed a reduction in the number of dwellings on the site from 49 as initially proposed to 48 and revisions to the site layout. The site was allocated for residential development in the Flintshire Unitary Development Plan. He referred to the late objections received in response to the reconsultation exercise and said that one of the main concerns was the adequacy of the access onto Clydesdale Road. However, the developer had looked carefully at alternatives and requested that the application be considered with the access off Clydesdale Road.

The officer advised that two additional highway conditions had been requested which related to visibility improvements at the junction between Clydesdale Road and Drury Lane to provide a visibility splay of 2.4m x 40m in both directions, and that the stated visibility splays at the proposed point of access should be made available and kept clear from all obstructions for the duration of the site construction works. He referred to the 14 affordable housing units which were to be provided on site and said that a considerable amount of work had been undertaken to integrate the units in a more sympathetic fashion, scattered through the development. The officer referred to plots 22 to 25 on the site and explained that permission was being sought subject to no further objections coming forward in respect of that area of the site. Delegated powers to the Head of Planning were requested to issue permission, if granted, if no new objections were raised during the consultation on the amended scheme. However, if new objections were

raised, the application would be referred back to Committee for further consideration.

Mr. M. Waite spoke in support of the application and said that the scheme had been amended on a number of occasions to meet the points made by objectors. He said that the principle of residential development had been established on the site and the land had been allocated for housing in the UDP; the inspector had endorsed the allocation. For a number of reasons, an access onto Drury Lane was not viable and the access onto Clydesdale Road was in accordance with advice from the UDP Inspector. Mr. Waite referred to the scale and mix of development on the site and said that the density was below 30 per hectare. He added that the 14 affordable housing units on the site would be sold at 70% of the open market value in perpetuity.

Councillor M.J. Peers, one of the local Members, said that the applicant had looked at the comments put forward and had noted the concerns. On the issue of affordable housing, he asked if the units could initially be offered to local people and only offered to others if local need was not identified. Having earlier declared an interest in the application, Councillor Peers then left the meeting prior to the Committee discussing the matter.

Councillor H.D. Hutchinson concurred that the affordable housing element should be offered to people in the area first. He referred to paragraphs 7.14 to 7.19 of the report on Access/Highways and said that a significant amount of consultation had been undertaken. He said that his preference for an access would be onto Drury Lane, but at a meeting with the developer it had been identified that this was not possible. Having earlier declared an interest in the application, Councillor Hutchinson also left the meeting prior to the Committee discussing the matter.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. He said that every effort had been made to overcome the issues and concerns raised and this was reflected in the application before Members.

In referring to paragraph 7.29 of the report and the open space area which was to be maintained by a private management company, Councillor C.A. Thomas queried whether this could be added to a weekly inspection list and reported to the owner of the site if the equipment fell below health and safety standards. The Democracy & Governance Manager advised that the proposed Section 106 Obligation would include long term maintenance of the open space area but would not involve the Council carrying out inspections on the site. The Planning and Environmental Strategy Manager added that Leisure Services would provide details of the specification of the equipment for the open space area.

Councillor D.E. Wisinger thanked the officers for their work on the application, which he supported.

The Planning and Environmental Strategy Manager gave assurance on earlier comments made by Councillor Peers that local people would be given priority for the affordable housing units.

On being put to the vote, the proposal to approve the application as recommended with 3 additional conditions and delegated powers to the Head of Planning was CARRIED.

**RESOLVED:**

That delegated power be given to the Head of Planning to determine the application provided no new objections were received when consulting on the amended scheme and subject to the Section 106 Obligation/undertaking and conditions recommended in the report and to the 3 additional conditions in the late observations.

**209. 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 (047993)**

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 17 January 2011. The usual consultations had been undertaken and the responses received detailed in the report.

The officer said that the application would encompass a number of external alterations to the building. He explained that the key consideration was the adequacy of the access and parking at the proposed development. However it was felt that given that the site was in a town centre location, the relaxation of parking standards was considered acceptable.

The Senior Engineer - Highways Development Control reiterated that Highways had no objections due to the town centre location and the good public transport links.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. He added that he was not happy with the car parking but felt that if the application was refused, the Council would lose on appeal.

Councillor C.M. Jones said that the local Member was unhappy with the application due to the very limited parking. She said that there were car parks in Shotton but they were not near the application site. Councillor D.E. Wisinger felt that the conversion into 4 self contained apartments was overdevelopment and reiterated the concerns about parking.

In referring to (d) under paragraph 7.03, Councillor R.B. Jones queried whether the 3 car parking spaces to the rear of the building would be retained to serve the development. In response, the officer said that the spaces would

not be for the sole use of the occupiers of the apartments. The plan showed parking spaces but they were not specifically allocated for the apartments but could be used if they were free. In response to a comment from Councillor M.J. Peers, the officer reiterated that the number of spaces did fall short of the parking standards but there was public transport close by. The Development Manager said that the spaces could be used by the occupiers when available but this could not be conditioned as it would deprive the existing commercial use of parking space.

**RESOLVED:**

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

**210. 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 (047996)**

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 officer explained that this was a re-submitted application following a previous refusal of planning permission and dismissal at appeal. It was reported that the main issues to consider were whether the current application overcame the previous concerns in relation to the scale and form of the proposed new build elements. The current proposal was a smaller scale than the original application and had decreased from 119 metres square to 70 metres square. She referred to TAN 12 and policy RE5 and drew Members' attention to condition 6 about a restriction on occupation to holiday let and length of stay. The officer said that it was the intention to keep a register to restrict the length of stay and to ensure that the accommodation was let for holiday purposes only.

Councillor H.D. Hutchinson proposed the recommendation for approval which was duly seconded.

Councillor D.E. Wisinger felt that there was very little difference from this application to the one which had been refused and dismissed at appeal. Councillor M.J. Peers agreed with the decision to dismiss the appeal on the original application as it drastically altered the building. However he said that this application followed the original footprint and he was more comfortable with the scheme.

**RESOLVED:**

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

**211. FULL APPLICATION FOR A CHANGE OF USE AND NEW SHOP FRONT AT 9-11 HIGH STREET, HOLYWELL (048046)**

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 acknowledged that the application raised a dilemma regarding the potential impact on the town centre, which was summed up in the reported response of Economic Development, and their conclusion that there were limited planning grounds for refusal. He referred to the fact that there had been no take up of the site even though marketing had taken place. The property had been vacant for two years, had been marketed for at least one year without success and it met with the criteria in Policy S7.

Mr. P. Jones spoke against the application and referred to the numbers of shops which had closed in the area. He felt that there were more than enough licensed premises in the town and that if the application was approved, other outlets would cease trading. He queried what efforts had been put into marketing the property and in response, the Development Manager said that evidence had been received of the marketing which had been undertaken.

Councillor D.E. Wisinger proposed the recommendation for approval which was duly seconded. He referred to the number of empty shops in Holywell and said that if shops continued to close, others would not come to the area. Councillor D.L. Cox agreed and felt that if the application was approved, it would encourage other retailers into the area.

Other Members referred to the Wetherspoons public house which had recently opened in Shotton and had not adversely affected the town centre. Councillor R.B. Jones felt that the application would be good for Holywell and could extend the shopping experience; he added that it would employ up to 20 people.

Councillor H.G. Roberts referred to paragraph 7.06 and said that if the application was refused, it would be lost on appeal with costs against the Council. He acknowledged the comments of Mr. P. Jones but said that there were no planning grounds to refuse the application.

**RESOLVED:**

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

**212. APPLICATION FOR OUTLINE PLANNING PERMISSION – ERECTION OF A DWELLING ON LAND REAR OF 53 CHESTER ROAD, BUCKLEY (047886)**

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 17 January 2011. The usual consultations had been undertaken and the responses received detailed in the report.

The Development Manager explained that a previous application on the site had been dismissed on appeal and that there had been no change on the site since the appeal. The Senior Engineer - Highways Development Control highlighted the two reasons for refusal which included the visibility at the point of access onto Chester Road and the inadequate width of the access. She explained that there had been a change in the guidance in 2007 on TAN 18, however a suitable access could not be achieved.

Mr. B. Lomax, the agent for the applicant, spoke in support of the application. He said that he had undertaken some research and had identified that there had not been any accidents as a result of the access. He referred to anti-social behaviour and said that this was a major problem at the rear of the site but the introduction of surveillance on site could overcome this. He said that the decision of the planning inspector did not bind the decision of Members and asked them to consider the implications of the fallback position which could result in the site being turned into an allotment with daily travel to and from the site.

Councillor R.B. Jones proposed approval of the application which was duly seconded. He said that the site did have permission in 1990 but this had lapsed and added that one additional vehicle would not increase the risk identified in the reasons for refusal.

Councillor H.D. Hutchinson said that Mr. Lomax had given an unbiased and fair statement. He felt that approval of the application would tidy up the area and said that in his opinion there was only a minor problem of visibility to the left of the entrance to the site. He added that he was not aware of any accidents at the access and referred to the four letters in support of the application signed by local residents.

Councillor M.J. Peers referred to the Inspector's decision and said that TAN18 had been relaxed and the visibility splay had now been reduced to 43 metres and was now adequate. However in referring to the third paragraph on page 105, he said that it was still the Highways Officer's view that the visibility was short of the revised standards. Councillor Peers also referred to the 85<sup>th</sup> percentile speed and said that the traffic stream was not there.

In responding to the comments made, the Development Manager said that an allotment was not a realistic fallback position for the site and it was a dangerous precedent to grant permission because the site was untidy. He confirmed that Members were not bound by the decision of the inspector but

requested that Members carefully consider the advice provided by the Senior Engineer - Highways Development Control regarding the limitations at the access to the site. The Democracy & Governance Manager commented that the view of Mr. Lomax was not unbiased as he was the agent for the applicant, however the views of Council officers were unbiased.

In summing up, Councillor R.B. Jones said that the difference in vehicle movements as a result of the application was very small. He added that as planning permission had been approved in 1990, and as there had been a relaxation of TAN 18 and no accidents in the area, he felt that the application should be approved.

On being put to the vote, the proposal to approve the application was CARRIED.

**RESOLVED:**

That planning permission be granted subject to appropriate conditions to be determined by the Head of Planning.

**213. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 4.54 p.m.

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

There were 13 members of the public and 2 members of the press in attendance.

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**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: 19 JANUARY 2011</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillor C.A. Thomas	Change of use from light industrial to self catering tourist accommodation (2 units) including alteration and extension to existing building adjacent to Nant y Gain, Pentre, Cilcain (047735)	207
Councillors H.D. Hutchinson and M.J. Peers	Erection of 48 No. dwellings together with associated roads and sewers on land adjacent to Clydesdale Road, Drury (047841)	208



**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.1**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **APPEAL BY J.T. HEWITT & SON LTD AGAINST FLINTSHIRE COUNTY COUNCIL'S DECISION TO REFUSE AN APPLICATION FOR FULL PLANNING PERMISSION FOR 8 NO. DWELLINGS AT A BUILDERS YARD, MAUDE STREET, CONNAH'S QUAY**

**1.00 APPLICATION NUMBER**

1.01 044639

**2.00 APPLICANT**

2.01 JT Hewitt & Son Ltd

**3.00 SITE**

3.01 Builders Yard, Maude Street, Connah's Quay

**4.00 APPLICATION VALID DATE**

4.01 28/2/2008

**5.00 PURPOSE OF REPORT**

5.01 To inform members of the Inspector's decision in relation to an appeal into the refusal of full planning permission for 8 No. dwellings at a Builders Yard, Maude Street, Connah's Quay. The proposal was refused planning permission under delegated powers on flooding grounds. The appeal was dealt with by way of Informal Hearing and was **DISMISSED**.

**6.00 REPORT**

6.01 Issues

The Inspector considered the main issue was whether the risks and consequences of flooding on the site could be acceptably managed over the lifetime of the development.

The Inspector referred to Appendix 1 of TAN 15 which explains how the potential consequences of a flooding event should be assessed and provides guidance on the technical requirements for undertaking such an assessment. TAN 15 gives indicative guidance as to the frequency threshold below which

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flooding of development should not be allowed. For residential development, the appropriate value for tidal flooding is the 0.5% (i.e. 200 to 1 chance in any year) event. The Inspector went on to state that the relevant paragraph (paragraph A1.14) did not mention climate change and one of the two main areas of dispute in this case is whether it should be included in the above.

The Inspector also referred to Paragraph A1.17-8 of the TAN which indicated that the assessment should ensure that the development meets an acceptable standard of flood defence for the design life of the development (he interpreted acceptable standard of flood defence as including the threshold frequency cited in paragraph A1.14 and requiring it to be met for the design life dictated that climate change should be factored in). Furthermore, he referred to paragraph A1.17-15 of the TAN where it stated that because of the uncertainties in flood estimation and expected climate change impacts, hydrological analysis of flood flows and definition of defence standards should include the allowances for increased flows and sea-level rise provided in the latest project appraisal guidance. This gave further support to his view that climate change impacts should be considered when assessing whether development would be flood free during the threshold frequency event.

The Inspector noted that in this case, modelling demonstrated that, in a 0.5% probability event when climate change is taken into account over a 50 year lifetime of development, the proposed development would flood from overtopping of the Wepre Brook defences. The modelled depth of flooding in this scenario was 0.28m or so above the amended finished ground floor levels of 6.0m AOD (0.58m above the finished floor levels of 5.7m AOD stated on the original application). However, the model itself had not been submitted to the EAW for review. The modelling demonstrated that the proposal conflicted with the advice of TAN 15.

The Inspector noted that the second main area of dispute in this case related to the likelihood of the Wepre Brook defences being raised during the lifetime of the development. The containment walls were built in March 2003 to contain the 1 in 200 year flood. However, according to latest predictions the 0.5% tide level is significantly higher than the value used at the time. As a result, the crest of the wall is now marginally lower than the latest 0.5% level and well below it when climate change is taken into consideration. Given that the defences currently protect around 468 properties as well as the civic centre of Connah's Quay, the Inspector was of the opinion that it was inconceivable that they will not be maintained in the future, however, there is no guarantee whatsoever that this would be to a standard at least equivalent to the no flooding below the 0.5% probability frequency threshold advocated by TAN 15. The Inspector concluded that allowing the appeal could, therefore, leave the development susceptible to flooding more often (although that might be deemed acceptable for existing properties) and that he could not reasonably be satisfied that the risks and consequences of flooding on the site could be acceptably managed over the lifetime of the

development. As a result, the proposal conflicted with *Alyn and Deeside Local Plan* policy G1, *Clwyd Structure Plan: First Alteration* policy H19 and emerging *Flintshire Unitary Development Plan* policy EWP 17.

6.02 Conclusion

For the reasons given above and having regard to all matters raised, the Inspector concluded that the appeal should be **DISMISSED**.

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**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.2**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **APPEAL BY MR S WALSH AGAINST THE DECISION OF  
FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING  
PERMISSION FOR A NEW HIGHWAY ENTRANCE WITH  
GATES AND BRICK PILLARS TO THE NORTH OF THE SITE  
AND FOR A CHANGE OF USE OF LAND TO FORM PART OF  
THE RESIDENTIAL CURTILAGE AT LLYN DDU, BABELL,  
HOLYWELL.**

**1.00 APPLICATION NUMBER**

1.01 47022

**2.00 APPLICANT**

2.01 Mr S Walsh

**3.00 SITE**

3.01 Llyn Ddu,  
Babell,  
Holywell,  
CH8 8PP

**4.00 APPLICATION VALID DATE**

4.01 19/01/10

**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 under delegated powers on 22 March 2010. The appeal was dealt with via the Written Representations method and was DISMISSED.

**6.00 REPORT**

6.01 Introduction

The application was submitted as a full application (part retrospective) for the creation of a new highway entrance, erection of brick pillars and metal gates and the change of use of land to form part of the residential curtilage. The Inspector considered the main issue in this case to be the effect of the

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proposal on the character and appearance of the surrounding rural area. He considered that notwithstanding the fact that the gates would mirror those on the existing gateway( further to the south), that the ornate design of the gates, brick pillars and wing walls would represent incongruous and obtrusive features, that would significantly add to the harm already identified. In view of this he considered that the proposal conflicts with Policies GEN1, GEN3 and L1 of the Emerging Flintshire Unitary Development Plan and Planning Policy Wales guidance which seeks to strictly control new development in the open countryside.

- 6.02 The Inspector noted that the Design and Access Statement (DAS) indicated that it was thought that the access was previously used for agricultural purposes in the past, but as no substantive evidence had been submitted in support and that it could not be verified on site, (due to the part retrospective nature of the application) that the Inspector could not consider this element. He considered that in any case any agricultural access at this point would in all probability would have been much more low key in design and appearance there by making it more appropriate to the open countryside location of the site.
- 6.03 Whilst the Inspector considered that the DAS noted that the proposal would provide improved visibility (with the intention being to adopt a one-way system involving two separate gateways), he considered that better visibility afforded whilst leaving the site, was not sufficient to outweigh the identified harm and conflict with policy.
- 6.04 Conclusion on Appeal  
Consequently for the reasons given above and having considered all other matters raised, the Inspector concluded that the appeal should be DISMISSED.

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## FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4.3

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **APPEAL BY MR. D. JONES AGAINST FLINTSHIRE COUNTY COUNCIL'S DECISION TO REFUSE AN APPLICATION FOR ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING, ERECTION OF NEW GARAGE AND FORMATION OF NEW ACCESS AT MYNYDD FARM COTTAGE, Y MYNYDD, TRELAWNYD**

### **1.00 APPLICATION NUMBER**

1.01 047037

### **2.00 APPLICANT**

2.01 Mr D. Jones

### **3.00 SITE**

3.01 Mynydd Farm Cottage,  
Y Mynydd,  
Trelawnyd, LL18 6DY

### **4.00 APPLICATION VALID DATE**

4.01 15/12/2009

### **5.00 PURPOSE OF REPORT**

5.01 To inform members of the Inspector's decision in relation to an appeal into the refusal of planning permission (committee determination) for alterations and extensions to the existing dwelling, erection of new garage and formation of new access at Mynydd Farm Cottage, Trelawnyd. . The appeal was dealt with by way of Written Representations and was **DISMISSED**

### **6.00 REPORT**

#### **6.01 Issues**

The Inspector considered the main issues involved, to be the effect of the proposal on the character and appearance of the existing single storey property and of the surrounding area which is located in an Area of Outstanding natural Beauty.

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Date: 09/02/2011

The Inspector identified that the character of the existing cottage is based on its simple vernacular appearance and the principal feature of the double roof. The proposed development would be a substantial addition to the appeal property, introducing a very large second storey which would raise the overall height of the roof to a significantly greater height. The extension would not appear subservient to the original house and its scale would lend undue prominence to the property.

Overall the proposal is an inelegant solution to the need for more space which would give the cottage an incongruous appearance and excessive dominance over the wider landscape. It would severely harm the character and appearance of the property, and the wider area which is in an AONB.

The inspector did not feel that the proposed entrance wings and replacement garage were harmful as they were largely screened from view, however, this did not undermine his previous conclusions.

#### 6.02 Conclusion

For the reasons given above and having regard to all matters raised, the Inspector concluded that the appeal should be **DISMISSED**.

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**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.4**

**REPORT TO: PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE : 16 FEBRUARY 2011**  
**REPORT BY: HEAD OF PLANNING**  
**SUBJECT : APPEAL AGAINST THE GRANT OF PLANNING PERMISSION**  
**SUBJECT TO CONDITIONS FOR THE CHANGE OF USE**  
**FROM SHOP TO DWELLING (PART RETROSPECTIVE) AND**  
**ALTERATIONS TO FRONTAGE AND FENESTRATION AT 244**  
**HIGH STREET, CONNAH'S QUAY, DEESIDE. THE APPEAL**  
**WAS IN RELATION TO CONDITION 3 OF THE PERMISSION.**

**1.00 APPLICATION NUMBER**

1.01 047260

**2.00 APPLICANT**

2.01 Mr B Williams

**3.00 SITE**

3.01 244 High Street,  
Connah's Quay,  
Deeside,  
CH5 4DH

**4.00 APPLICATION VALID DATE**

4.01 29/03/2010

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an appeal in relation to Condition 3 of planning permission (under delegated powers) for the change of use from shop to dwelling (part retrospective) and alterations to frontage and fenestration at 244 High Street, Connah's Quay, Deeside. This condition required the incorporation of noise attenuation double/secondary glazing to achieve sound reduction to bedrooms and living rooms and passive acoustic ventilation to all rooms. The appeal was dealt with by way of Written Representations and was **ALLOWED**.

**6.00 REPORT**

6.01 Issues

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Date: 09/02/2011



The Inspector considered the main issue to be the effect of the proposal on the living conditions of the residents of the property.

- 6.02 The building is a two storey brick built former shop facing a busy road. It is sited within an area of mixed commercial and residential properties. However, the rear of the property overlooks a yard, alleyway and the rear of terraced housing facing Cestrian Street. This is an enclosed and quiet environment. As a result he considered that there was a considerable contrast between the acoustic environments at the front and rear of the appeal property. This is properly reflected in the differing requirements for double/secondary glazing contained within the disputed condition.
- 6.03 The disputed condition read as follows "Notwithstanding the details submitted with the application the windows proposed for the front elevation with High Street, Connah's Quay shall incorporate the following noise attenuation measures; bedroom and living room windows shall be enhanced double/secondary glazing to achieve a minimum of 34 dB(A) sound reduction. Bedrooms and living room windows not in direct line of sight of High Street shall be enhanced double/secondary glazing to achieve a minimum of 25 dB(A) sound reduction should be installed. Passive acoustic ventilation shall be provided in all rooms with double/secondary glazing."
- 6.04 The inspector considered that the requirement for double/secondary glazing was reasonable in order to protect the living conditions of residents of the appeal property from the effect of noise and disturbance. The requirement for passive acoustic ventilation would compliment the glazing in the front elevation and prevent the transmission of noise that would undermine the efficiency of this glazing. Nonetheless, because of the significant difference in the levels of noise between the front and rear of the property he considered that it was not necessary or reasonable to require passive ventilation in the rear elevation.
- 6.05 The use of alternative ventilation within the rear elevation would not harm the living conditions of residents of the property provided that appropriate double/secondary glazing is installed, and would not be contrary to national planning guidance contained within Technical Advice Note 11. He therefore deleted the disputed condition and substituted it with another that maintains passive acoustic ventilation for the front of the property in addition to appropriate double/secondary glazing.
- 6.06 The appellant had also expressed concern about the wording of advisory notes to the permission. These notes require full compliance with the plans. The Inspector understood that within any construction project details may change. Nevertheless, the appellant should consult with the Local Planning Authority to obtain their approval for any departure from the approved plans and details.
- 6.06 Conclusion

For the reasons given above and having regard to all matters raised, the Inspector concluded that the appeal should succeed. He therefore varied the planning permission by deleting the disputed conditions and substituting with the following condition "Notwithstanding the details submitted with the application the windows proposed for the front elevation with High Street, Connah's Quay shall incorporate the following noise attenuation measures; bedroom and living room windows shall be enhanced double/secondary glazing to achieve a minimum of 34 dB(A) sound reduction. Bedrooms and living room windows not in direct line of sight of High Street shall be enhanced double/secondary glazing to achieve a minimum of 25 dB(A) sound reduction should be installed. Passive acoustic ventilation shall be provided in **association with all bedroom and living room windows that face the front elevation of the property.**"

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**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.5**

**REPORT TO: PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE : 16 FEBRUARY 2011**  
**REPORT BY: HEAD OF PLANNING**  
**SUBJECT : GENERAL MATTERS OUTLINE ERECTION OF A TWO  
BEDROOMED BUNGALOW AT OAKSWOOD, BERTH DDU,  
RHOSMOR, NR MOLD.**

**1.00 APPLICATION NUMBER**

1.01 047351

**2.00 APPLICANT**

2.01 Mr P Wickes

**3.00 SITE**

3.01 Oakswood, Berth Ddu,  
Rhosesmor,  
Mold,  
CH7 6PJ

**4.00 APPLICATION VALID DATE**

4.01 21/04/2010

**5.00 PURPOSE OF REPORT**

5.01 The purpose of the report is to obtain a resolution from Members as to the decision to be made on this application. The Local Planning Authority have received confirmation from the applicant that he will not enter in to the required Section 106 agreement ,requiring that the property is to be retained for local housing need in perpetuity.

**6.00 REPORT**

6.01 Members may recall that consideration of this application was undertaken at the Planning & Development Control Committee held on 6 October 2010. It was resolved by Members that conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation, providing for the property to be retained for local housing need in perpetuity. A copy of the report to the Planning & Development Control Committee held on the 6th October 2010 is attached as Appendix A.

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Date: 09/02/2011

- 6.02 The applicant has now confirmed that he does not intend to enter into the Section 106 agreement , as he never requested or wanted the Section 106. The aim of the project was to provide his disabled daughter with both physical and financial independence, ( having security of assets including the ability to move at full market value at a later date if needed. He considers that the legal agreement positively discriminates against her future financial independence and could prevent her ability to move).
- 6.03 At the time of the original application there was a discussion with the applicant with regard to the fact that his daughter's needs might best be met by the erection of annex accommodation, linked to the main dwelling. However, the applicant chose to submit an application for a separate dwelling within part of the existing properties garden area.

Berth Ddu is not identified as a settlement in the Unitary Development Plan, the proposal was therefore accessed against "infill" Policy HGS5. Members will be aware that where the relevant criteria is met, the permission is subject to a legal agreement to ensure that the local housing delivered is retained for as long as required by the community. In this instance the 106 agreement required, that if the development is to be sold after the daughters occupation, then it would be first offered to the Council or a Registered Social Landlord and would be treated as an local housing dwelling, which would normally be 70% of the open market value. A grant of planning permission without this restriction would be contrary to Policy HSG5 of the emerging Flintshire Unitary Development Plan.

The purpose of this report is therefore to obtain a resolution from Members as to a decision to be made on this application, as it is my recommendation that as the property will not retained as a local housing provision, that the application is now contrary to Policy HSG5 and that permission should be refused.

## **7.00 RECOMMENDATIONS**

- 7.01 That planning permission be refused for the following reason

The site lies outside any recognised settlement boundary and as the proposal does not make provision for the retention of local housing provision in perpetuity, the proposal is considered to be contrary to Policy HSG5 of the emerging Flintshire Unitary Development Plan.

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**FLINTSHIRE COUNTY COUNCIL**

**Appendix A**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **06 OCTOBER 2010**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **OUTLINE ERECTION OF 2 BEDROOMED BUNGALOW AT  
LAND ADJOINING OAKSWOOD, BERTH DDU,  
RHOESMOR,NR MOLD.**

**APPLICATION NO:** **047351**  
**APPLICANT:** **MR P WICKES**  
**SITE:** **OAKSWOOD, BERTH DDU,  
RHOESMOR,  
MOLD,  
CH7 6PJ**  
**APPLICATION VALID DATE:** **21/04/2010**  
**LOCAL MEMBERS:** **CLLR C LEGG**  
**TOWN/COMMUNITY COUNCIL:** **HALKYN COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **APPLICANT REQUIRES SECTION  
106 PLANNING OBLIGATION**  
**SITE VISIT:** **NOT REQUESTED**

**1.00 SUMMARY**

1.01 This application is an outline application for the erection of a bungalow within the existing grounds of Oakswood , a detached two storey dwelling. The proposed bungalow is for the applicant's daughter on the grounds of infill and local needs (close care accommodation) provision.

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

2.01 That, subject to the applicant entering in to a Section 106 Agreement, requiring that if the property becomes available on the market it shall be offered to the Council or a Registered Social Landlord prior to being marketed on the open market. The property will be subject to assessment of its open market value at the time of the proposed sale(by the District valuer)(at a price reflecting its local housing need status), that conditional planning permission be granted.

Conditions

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Date: 28/01/2011

1. Time limit for commencement
2. Reserved matters to be submitted
3. Occupation limited to applicants daughter/or in future person who can demonstrate a Local Housing Need.
4. Visibility splays of 2.4 x34m in both directions.
5. No obstruction to visibility splays.
6. Access in accordance with standard access details (cojoined)
7. Facilities to be provided and retained within the site for parking and turning.
8. Foul and surface water to be drained from site separately.
9. No surface water to connect to public sewerage system.
10. Land drainage run-off shall not drain in to public sewer.
11. No materials to be stored within/on the common, Holywell grasslands or Halkyn mountain Special are of Conservation before/during or after the construction.
12. Prior to commencement of works the route and details of the drainage system crossing the site shall be determined and any diversion carried out to prevent this being built over.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Cllr C Legg

No response received at time of writing

Halkyn Community Council

Offer no observations in respect of the application.

Chief Environment and Resources Officer

No adverse comments to make regarding the proposal.

Ecology

No response received at time of writing.

Drainage

Recommended that the applicant should determine the route and details of the drainage system and carry out a diversion prior to commencement of works to ensure that the drainage system is not built over.

Power Systems Ltd

Have plant and apparatus within the area of the proposed development , the developer is advised of the need to take appropriate steps to avoid any potential danger that may arise in relation to electrical apparatus.

Open Spaces Society

No response received at time of writing.

Financial Legal and Democratic Services

The application site is not part of the common land but the site abuts commonland to the northern boundary .

Countryside Council for Wales

No objection in principle the site is located close to the boundaries of Halkyn common, Holywell Grasslands Site of Special Scientific Interest and Halkyn Mountain Special Area of Conservation but recommends that a condition be applied specifying no materials to be stored within/on the SSSI/SAC before/during and after construction.

Head of Highway and Transportation

Recommends that any permission shall be conditioned regarding visibility splays , details of cojoined access in accordance with standard access details and facilities or be provided and retained for the parking and turning within the site in accordance with a scheme to be submitted to and approved prior to commencement of works , these facilities shall be completed prior to the development being brought in to use.

Halkyn Commoners and Graziers Association

No response received at time of writing.

Airbus

No aerodrome safeguarding objection to the proposal.

Welsh Water

Request conditions and advisory notes if minded to grant consent.

Housing Strategy Unit

The applicant meets the local connection criteria, and as the property is proposed to be constructed to meet the needs of the occupant has no objection to the application. However, suggests a pre exemption clause, in favour of the Council or Registered social landlord , to be given first refusal to purchase the property should the property be sold in the future.

#### **4.00 PUBLICITY**

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

The application was advertised via site notice and neighbour notification.

One letter received with regards to a land drain which crosses the application site and highlighting the potential risk of flooding if this system was damaged /blocked . (The Council's drainage engineers have assessed this aspect and have advised accordingly).

#### **5.00 SITE HISTORY**

##### **5.01 No previous history on site.**

## **6.00 PLANNING POLICIES**

- 6.01 Clwyd Structure Plan First Alteration  
Policy B6-Limited Housing Development Infill  
Structure Plan Second Alteration: Flintshire Edition  
Policy HSG 6 Limited Housing Development Infill

Delyn Local Plan

Policy Housing Policy 4 - Affordable Housing in Rural Areas

Emerging Flintshire Unitary Development Plan

Policy GEN1- General Requirements for Development

Policy HSG5- Limited Infill Outside Settlement Boundaries

Policy STR4- Housing

Policy STR1 - New Development

## **7.00 PLANNING APPRAISAL**

- 7.01 Introduction

The outline application is for the erection of a two bedroomed bungalow which has been considered in light of details submitted by the applicant in support of the provision of " close care accommodation " for the applicants daughter. The applicants daughter is unable to secure independent housing provision for herself, and due to medical reasons requires housing in this specific location so that her parents can provide an element of care and supervision whilst allowing her a degree of independence.

- 7.02 Site Description and Proposed Development

The proposed outline application seeks permission for the erection of a small (two bedroomed) bungalow within the existing garden area of Oakwood. The site is presently a level grassed garden area enclosed by established boundaries of fences and stone walls. The site whilst outside a recognised settlement boundary is considered to comply with infill policy (Policy HGS5) requirements, as it is set in a row of dwellings where there is a clearly identifiable group of houses within a continuously developed frontage. The site is set between two ,two storey detached houses set within large plots and accordingly the proposed small single storey dwelling proposed is considered acceptable in terms of scale and amenity space provision for both the existing property and the proposed development.

Although the application has been submitted in outline, illustrative details on the location and dimensions of the proposed footprint and height have been submitted and are as follows , the proposed footprint is approx 111.53m<sup>2</sup> with an apex height of approx 5.3m with a proposed rear garden depth of approx 12.5m being retained which is considered reflective of the surrounding property plots. Further details regarding design ,service provision, parking and turning provision will be secured at the full or reserved matters stage.



7.03 Principle of Development

Within the Unitary Development Plan Policy HSG5 there is provision made for limited infill subject to criteria being met for a proven local housing need. In the case of this particular application, it is considered that the proposal generally meets with the policies of the Unitary Development Plan. The local need has been identified in this instance and whilst the application is sought in relation to the individual circumstances of the applicants daughter in this instance, the Housing strategy unit have requested that the applicant enter in to a pre-exemption clause ,that should the property become available in the future that the Council or Registered social landlord be given first refusal of the property to enable the property to be retained for a proven local housing need provision in perpetuity. As such the applicant is required to enter in to a Section 106 agreement to secure the provision of this unit for local housing need, the market value of the property if released on the open market in the future will be determined by the District valuer and will reflect the local housing status of the property.

7.04 Access and Car Parking

The proposed development will be accessed by a co-joined access serving both the existing and proposed site and is to be in accordance with standard access details. This is to enable the creation of a safe and satisfactory means of access which maintains highway safety.

7.05 Infrastructure and Other Matters

The drainage engineers have considered the issue of the land drain which crosses the application site and they have recommended that the route and design of the existing land drain is investigated by the developer and following this research the drain shall be repositioned to enable development with out building over this land drain to mitigate any potential local flood risk to the applicant or adjoining residents.

**8.00 CONCLUSION**

- 8.01 The proposed development is considered acceptable given the individual circumstances cited subject to the suggested conditions and the applicant entering in to the Section 106 Planning Obligation, providing for the property to retained for local housing need in perpetuity.

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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**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.6**

**REPORT TO: PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE : 16 FEBRUARY 2011**  
**REPORT BY: HEAD OF PLANNING**  
**SUBJECT : GENERAL MATTERS - FULL APPLICATION - ERECTION OF  
48 NO. DWELLINGS TOGETHER WITH ASSOCIATED ROADS  
AND SEWERS ON LAND ADJACENT TO CLYDESDALE  
ROAD, DRURY, BUCKLEY.**

**1.00 APPLICATION NUMBER**

1.01 047841

**2.00 APPLICANT**

2.01 Bloor Homes

**3.00 SITE**

3.01 Land adj to  
Clydesdale Road,  
Buckley

**4.00 APPLICATION VALID DATE**

4.01 16/08/2010

**5.00 PURPOSE OF REPORT**

5.01 This application was considered at the Planning & Development Control Committee meeting held on 19th January 2011. A copy of the Committee report is attached. It was resolved by Members to grant permission for the development subject to:-

- a. the imposition of planning conditions and the completion of a Section 106 Obligation in respect of affordable housing, installation of play equipment and associated maintenance; and
- b. delegated powers being afforded to the Head of Planning to seek to secure modifications to the site layout in relation to the house types proposed to be developed on 4 No. plots (22 - 25) located in the north-eastern corner of the site. The purpose of this report is to advise Members of the changes to the layout which have subsequently been proposed by the applicant and on which further consultation has been

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Date: 09/02/2011

undertaken with the occupiers of existing properties at Pinewood Road and Beech Road.

## **6.00 REPORT**

- 6.01 The amendments to the site layout propose the substitution of house types with associated changes to the curtilage boundaries of 4 No. detached units adjacent to the common site boundary with existing properties at 1, 3 & 5 Pinewood Road and 17 Beech Road. A further round of consultation on the amendments has been undertaken with the occupiers of dwellings at Pinewood Road and Beech Road.
- 6.02 As a result of this further consultation exercise a specific objection has been received from the occupiers of No. 3 Pinewood Road, concerned that the house type and its orientation proposed on Plot 22 of the development, would be detrimental to privacy/amenity of the occupiers of the existing dwelling by way of overlooking.
- 6.03 The objection received is duly noted. Consideration of the acceptability of the relationship between dwellings is however undertaken in accordance with Local Planning Guidance Note 2 (LPGN2) Space Around Dwellings. This recommends a minimum distance of 22 m between directly facing habitable rooms where properties are on the same level, this figure increased by approximately 2 m for every 1 m difference in height on sloping ground.
- 6.04 For Members information, the orientation of the proposed dwelling is such that there would be no directly facing habitable rooms to each other which would lead to overlooking and therefore the distances as referred to in LPGN2 and which are for guidance purposes only would not need to be applied in this instance.
- 6.05 In addition the first floor window in the rear elevation of the proposed dwelling which is closest to the site boundary with No. 3 Pinewood Road would be fitted with obscure glazing, with the associated garden area being approximately 10 m in depth. As a result it is my view that the combined siting/orientation and elevational treatment of the proposed dwelling would ensure that the privacy/amenity of the occupiers of the existing and proposed dwellings are safeguarded.
- 6.06 It is also considered that the house types proposed on plots 22-25 of the development would be reflective of the scale/form of existing detached properties adjacent to the common site boundaries and can be supported.

## **7.00 RECOMMENDATIONS**

- 7.01 That further to the resolution of Members at the Planning & Development Control Committee meeting on 19th January 2011 the amendments to the dwellings proposed on plots 22 - 25 of the development at Clydesdale Road

be approved to enable the application submitted under Code No. 047841 for 48 No. dwellings to be progressed.

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**FLINTSHIRE COUNTY COUNCIL**

**Appendix A**

**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.

---

Date: 08/02/2011

**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.

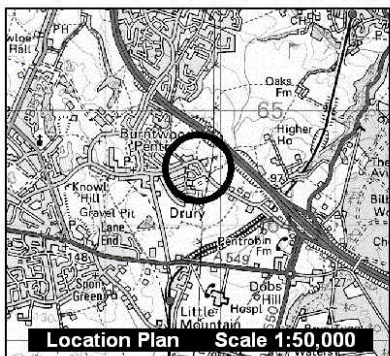
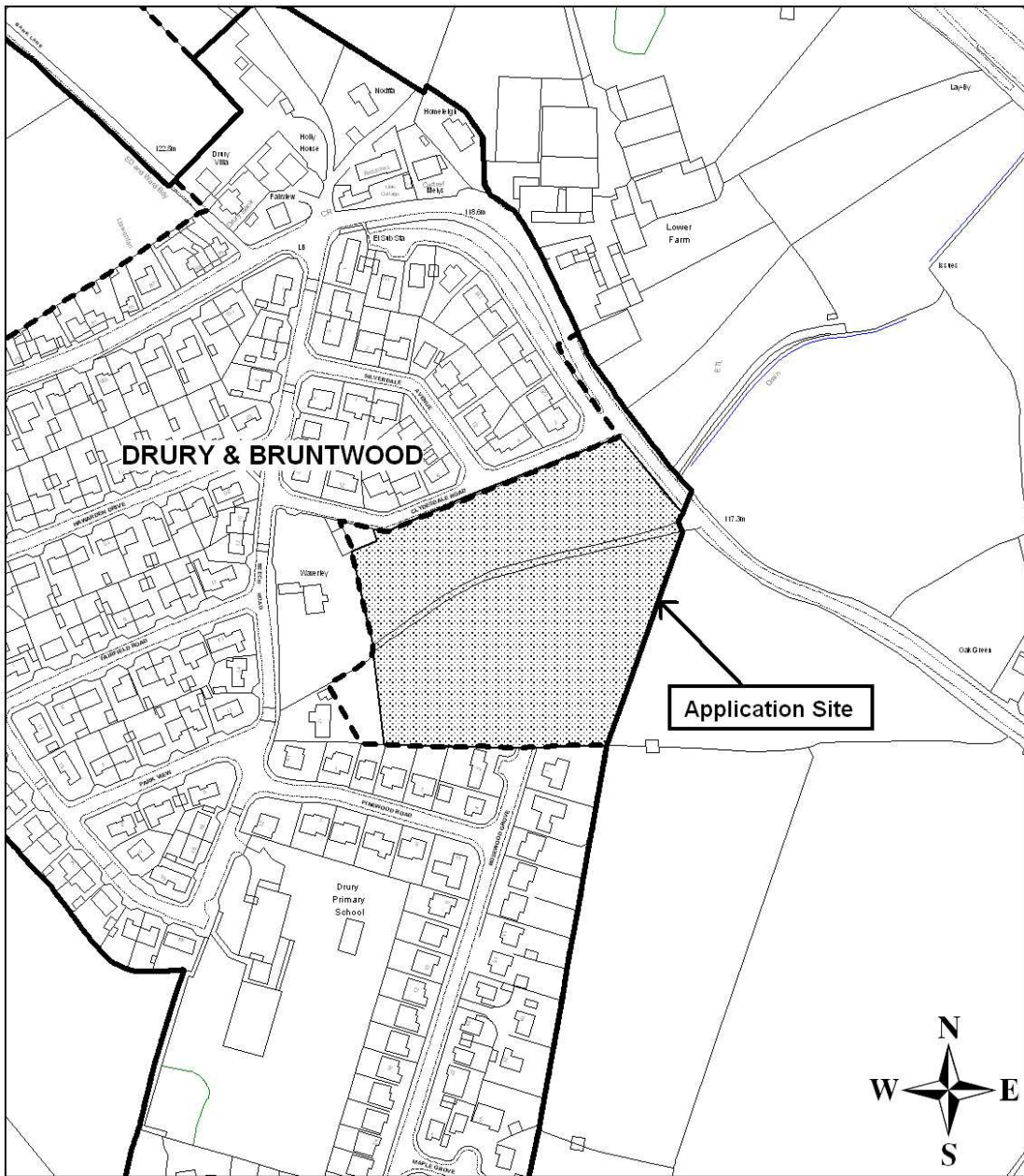
**8.00 CONCLUSION**

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: 4.7**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - CHANGE OF USE OF EXISTING  
AGRICULTURAL LAND TO STATIC HOLIDAY PARK FOR  
LODGES/CHALETS AT "PLAS ISA", CAERWYS HILL,  
CAERWYS, MOLD.**

**APPLICATION NO:** **047241**  
**APPLICANT:** **MR A DAVIES**  
**SITE:** **PLAS ISA,  
CAERWYS HILL,  
CAERWYS,  
MOLD,  
CH7 5AD**  
**APPLICATION VALID DATE:** **24/03/2010**  
**LOCAL MEMBERS:** **COUNCILLOR J.E. FALSHAW**  
**TOWN/COMMUNITY COUNCIL:** **CAERWYS TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT  
RELATIVE TO DELEGATION  
SCHEME AND MEMBER REQUEST  
IN ORDER TO ASSESS IMPACT ON  
CHARACTER OF LANDSCAPE**  
**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This full application proposes the change of use of agricultural land to form a static holiday lodge/chalet park at Plas Isa, Caerwys Hill, Caerwys. During progression of the application, additional information has been received by way of a Landscape/Visual Impact Assessment and ecological surveys on which further consultation has been undertaken. It is considered that the main issues relate to the principle of development at this location, impact on the character of the landscape and nature conservation, impact on occupiers of nearby residential properties, and adequacy of drainage and access to serve the scale of development.

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

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Date: 09/02/2011

## 2.01 Conditions

1. Time limit on commencement.
2. Total number of holiday lodges/chalets to be 57.
3. Restriction to length of season (11th March - 31st October).
4. Landscaping scheme to include management plan for site.
5. Implementation of landscaping.
6. Trees and hedgerows to be protected during construction works.
7. Approval of design materials/finishes of proposed individual lodges/chalets.
8. Lighting scheme to be submitted and approved.
9. Access to incorporate visibility splay of 2.4 x 75 m.
10. Visibility splays to be kept free from obstruction.
11. Existing access to be improved to a minimum width of 6 m for a distance of 15 m and surfaced in bituminous material.
12. Access gates to open inwards.
13. Public Footpath 27 to be safeguarded as part of the development.
14. Finished floor levels of lodges/chalets to east of stream to be set no lower than 126.10 AOD.
15. Implementation of wildlife mitigation proposals prior to and during construction works.
16. Scheme for integrated drainage to be submitted and approved.

## 3.00 CONSULTATIONS

### 3.01 Local Member

#### Councillor J.E. Falshaw

Preliminary views raised no objection to determination under delegated powers, but following the submission of a Landscape/Visual Assessment request site visit and Planning Committee determination, in order that impact on character of landscape can be fully assessed.

#### Caerwys Town Council

##### Original Submission

Wish to object for the following reasons:-

1. Flood Assessment appears to be for barn conversion only.
2. No full tree survey.
3. Site is detrimental to the visual appearance.
4. The proposal is for 3 different types of cabin.
5. Increase of traffic.
6. Lack of pedestrian walkway on the B5122.
7. Concerns for pedestrian safety.
8. Increase in noise and lighting.

##### Observations on Landscape Assessment

Maintain initial objections and re-enforce views that:-

1. Tree survey and Landscape/Visual Assessment need to be more extensive.
2. Proposal has a detrimental impact on the area.

Head of Public Protection

No objection subject to an application being made for a site licence.

Rights of Way

Public footpath 27 crosses the site. This legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation.

Head of Assets and Transportation

No objection subject to the imposition of conditions relating to access and visibility.

Dwr Cymru Welsh Water

As the applicant intends utilizing private drainage facilities Dwr Cymru Welsh Water have no comments.

Campaign for the Protection of Rural Wales

Original Submission

Oppose the application on the following grounds:-

- Loss of agricultural land.
- Unsuitable location.
- Nature and scale of proposed development.
- Detrimental affect on flora/fauna.
- Impact on road safety.

Observations on Landscape Assessment

Maintain initial objections to the proposal development.

Countryside Council for Wales

Original Submission

Object for the following reasons:-

- Impact of development on protected species.
- Cumulative impact of development on existing landscape character and quality.

Observations on Landscape Assessment

Do not consider that concerns in respect of landscaping issues have been satisfactorily addressed. Recommend that application be conditioned to

provide further landscaping and mitigation measures prior to determination of the application.

Clwydian Range Area of Outstanding Natural Beauty Joint Advisory Committee

Original Submission

Express concerns that the development would change the character of the landscape at this location and there is insufficient information regarding landscaping/mitigation to enable application to be fully assessed.

Observations on Landscape Assessment

Welcome the preparation of a landscape and visual appraisal but re-iterate concerns that development would have an adverse impact on character of landscape and have a cumulative impact when considered in conjunction with other holiday chalet development recently permitted in the locality.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

11 letters of objection received, the main points of which are as follows:-

- inadequacy of access to serve further development on the scale proposed
- detrimental impact on character of landscape
- proliferation of holiday caravan/chalet sites within the locality
- impact on wildlife habitats
- inadequacy of drainage/associated flooding
- inadequate local infrastructure to serve the proposed development

**5.00 SITE HISTORY**

5.01 **046582**

Conversion of existing barns to holiday lets. Permitted 16th October 2009.

**045350**

Conversion of existing barns to holiday lets. Refused 16th December 2008

**045293**

Part rebuild and part renovation of existing vacant mill to holiday cottage. Withdrawn 3rd December 2008.

**6.00 PLANNING POLICIES**

6.01 Clwyd Structure Plan First Alteration

Policy C2 - Tourist/Recreation Facilities in the Countryside  
Policy C10 - Chalet Development  
Policy H3 - Protection of the Countryside  
Policy H4 - Areas of Outstanding Natural Beauty  
Policy H7 - Trees and Woodlands  
Policy H19 - Flooding and Ground Stability

Structure Plan Second Alteration: Flintshire Edition

Policy GEN1 - General Development Considerations  
Policy CONS3 - Areas of Outstanding Natural Beauty  
Policy CONS4 - Local Landscape Areas  
Policy CONS5 - Open Countryside  
Policy CONS11 - Trees and Woodlands  
Policy CONS17 - Development in Flood Risk Areas  
Policy TLR5/TLR7 - Static Caravans and Chalet Development  
Policy TLR8 - Major Tourism, Recreation and Leisure Facilities  
Policy TLR11 - Tourism, Recreation and Leisure Facilities in the Open Countryside

Delyn Local Plan

Policy N1 - Area of Outstanding Natural Beauty  
Policy N2 - Special Landscape Area  
Policy N3 - Local Landscape and Amenity Areas  
Landscape Policy 2 - Protection of Trees and Woodlands  
Tourism and Leisure Policy 3 - Static Holiday Caravans and Chalets

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development  
Policy STR6 - Tourism  
Policy STR7 - Natural Environment  
Policy GEN1 - General Requirements for Development  
Policy GEN3 - Development in the Open Countryside  
Policy D1 - Design Quality, Location and Layout  
Policy D3 - Landscaping  
Policy D4 - Outdoor Lighting  
Policy L1 - Landscape Character  
Policy L2 - Area of Outstanding Natural Beauty  
Policy WB1 - Protected Species  
Policy AC13 - Access and Traffic Impact  
Policy TWH1 - Tree and Woodland Protection  
Policy TWH2 - Development Affecting Trees and Woodlands  
Policy T1 - Tourist Attractions  
Policy T4 - New Static Caravans and Chalet Holiday Sites  
Policy T8 - Tourist Occupancy Conditions  
Policy EWP17 - Flood Risk

Additional Guidance

Planning Policy Wales (July 2010)

Draft Technical Advice Note 13 - Tourism

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This full application proposes the change of use of approximately 4.5 hectares of agricultural land at Plas Isa, Caerwys Hill, Caerwys to form a static holiday lodge/chalet park. During progression of the application additional information has been received by way of a Landscape/Visual Assessment and ecological surveys of the site, on which further consultation has been undertaken.

7.02 Site Description

Plas Isa is located within the open countryside approximately 0.5 km to the north of the junction of the A541/B5122 and 0.9 km to the south of Caerwys. The topography of the site varies at this location with a number of field parcels occupying low lying land, adjacent to a stream on the sites western boundary, with a field parcel to the east of Plas Isa sloping fairly steeply in a northerly to southerly direction. Most of the land has been divided into pastoral fields by hedgerows, interspersed with areas of woodland.

7.03 The site occupies an open countryside location on the northern side of the A541 and valley opposite the Clwydian Range Area of Outstanding Natural Beauty (AONB). Whilst not within the formal designation of the AONB itself, the steeply rising nature of the landscape within the AONB affords a number of opportunities for views from the AONB and Offas Dyke footpaths towards the site.

7.04 Proposed Development

As amended site layout submitted as part of the application illustrates the siting of 57 No. lodges/chalets within the 4.5 hectares of agricultural land. For Members information the number of lodges/chalets has been reduced to 57 from 78 as initially proposed, in order to seek to address landscape/ecological concerns, and objections received during progression of the application.

7.05 The existing access point into the site from the B5122 is proposed to serve the development with associated modifications/improvements to provide for an increased visibility splay to the access at this location.

7.06 In support of the application a Landscape and Visual Impact Assessment has been undertaken together with ecological surveys to assess the impact of development on wildlife species/habitats.

7.07 Main Planning Issues

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

- principle of development having regard to planning policy

framework

- impact of development on the character of the landscape
- impact of development on wildlife habitats
- adequacy of access to serve the scale of development proposed
- adequacy of drainage system
- impact of development on the privacy/amenity of residents in proximity to the site
- period of usage

7.08 Planning Policy Framework

Policy T4 (New Static Caravans and Holiday Sites) of the emerging Flintshire Unitary Development Plan, which has been modified following the UDP Inquiry held in Autumn 2009 identifies the site specific criteria against which proposals for new holiday lodge/chalet development will be considered. These relate to:

- the scale of the proposal and whether it is appropriate to the characteristics of the site and locality
- the incorporation of substantial internal and structural landscaping within the scheme
- the impact of development on landscape, nature conservation or historic features
- adequacy of access, and
- impact on the amenity of nearby residents

7.09 Whilst concerns/objections have been received with regard to the interpretation of this policy, the most notable change introduced by the UDP Inspector is the removal of the need for a caravan/lodge proposal to be linked with an existing tourism facility or activity. The principle of development is therefore supported subject to compliance with the above criteria each of which are addressed in detail below.

7.10 Impact of Development on Character of Landscape

The site occupies an open countryside location opposite the Clwydian Range Area of Outstanding Natural Beauty on the northern side of the A541. The steeply rising nature of the landscape affords a number of opportunities for views towards the site from the AONB and Offa's Dyke footpath.

7.11 In undertaking a visual inspection of the site from the AONB and Offa's Dyke footpath it is considered that given the topography of this location that it is only one field parcel on the north-eastern corner of the site which is visually prominent when viewed from this direction.

7.12 In recognising the initial concerns received from the Clwydian Range Area of Outstanding Natural Beauty Joint Advisory Committee, the Countryside Council for Wales and the Campaign for the Protection of Rural Wales, the applicant has commissioned a Landscape/Visual Assessment to aid the assessment of the impact of development on the character of the landscape.



- 7.13 Further consultation with the respective bodies has been undertaken. Whilst the objections/concerns initially expressed have been re-iterated by the bodies in question, the details submitted as part of this application make clear that the proposed development will include substantial areas of new planting to open areas and reinforcement planting to existing areas of vegetation cover particularly on the site boundaries.
- 7.14 It is recognised that the initially submitted plans proposed the introduction of a regimented form of layout within the site, in particular on the north-eastern corner of the site, where this is visible from the AONB. The amended plans however, propose a lower density of development throughout the site and in particular within this area which it is considered addresses the concerns highlighted, and provides for a more sympathetic form of development at this location.
- 7.15 The objections received, regarding the proliferation of holiday caravan/chalet sites within the locality are duly noted. Policy T4 of the emerging Flintshire Unitary Development Plan does not however set specific thresholds for the establishment of such facilities within a locality; with an assessment of the acceptability of the proposal based on site specific criteria including landscape impact and other material considerations as referred to in this report.
- 7.16 Impact on Wildlife Habitats  
Consultation on the application has been undertaken with the Countryside Council for Wales (CCW) and Council's Ecologist on the survey information submitted in order to assess the impact of development on wildlife habitats including those of otters and dormice.
- 7.17 As a result of the conclusions of this exercise which have been assessed by CCW and the Council's Ecologist, the site layout has been modified from that initially proposed with the resultant loss of chalets/lodges from sensitive habitat locations within the site. The formation of improved wildlife corridors within the layout to buffer the development and link areas of woodland to each other is an important and fundamental pre-requisite to supporting the principle of development of this location. The revised layout provides for avoidance measures and mitigation to the sensitive wildlife habitats within the site which are now supported.
- 7.18 Adequacy of Access  
It is considered that the site is easily accessible from the local highway network by a choice of modes of transport and notwithstanding its rural location is within a short distance of local facilities and services.
- 7.19 The Head of Assets & Transportation concludes that provided visibility into the site from the B5122 is improved in accordance with the specified

conditions that there is no objection to the scale of development proposed and the application can be supported.

7.20 Drainage

Consultation has been undertaken with both Dwr Cymru Welsh Water and the Environment Agency to assess the adequacy of the existing drainage system to serve the scale of development proposed. Dwr Cymru Welsh Water have raised no objection to the development as it is intended that the site be served by utilising private drainage facilities.

7.21 The Environment Agency have assessed a Flood Consequences Assessment (FCA) submitted as part of the application and whilst it is not considered that the majority of the site is at risk from flooding have identified an area of the site where the floor levels of chalets/lodges should be increased to safeguard against this possibility. This can be covered by the imposition of a condition if Members are mindful to grant planning permission.

7.22 Impact on Privacy/Amenity of Occupiers of Nearby Properties

It is not considered that the proposal would have a significant adverse impact on the amenity of nearby residents or the community in general. The rural location of the site is such that there are no shared boundaries with existing properties along Caerwys Hill, although given the topography of the site it is overlooked by a property in proximity to the northern site boundary called Llwyn Onn.

7.23 The application proposes a substantial amount of additional landscaping within the site and on the boundaries which will serve to safeguard and reinforce the amenity currently enjoyed by those properties. In addition a restriction upon the times of the year during which the site operates will ensure that during winter months when the screening may be less effective then the site will not be in operation.

7.24 Period of Usage

It is considered that an essential consideration of this application is to ensure that it does not operate continually throughout the year and is only supported on the basis of it being a holiday chalet/lodge site. To this effect it is proposed that the chalets/lodges shall not be permitted to be occupied between the 1st November and 28th February in any one calendar year. This would be consistent with the permission recently granted under Code No. 045808 for holiday chalets on a site at Herons Retreat to the south of the site the subject of this application.

**8.00 CONCLUSION**

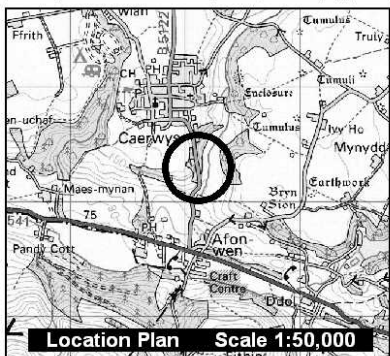
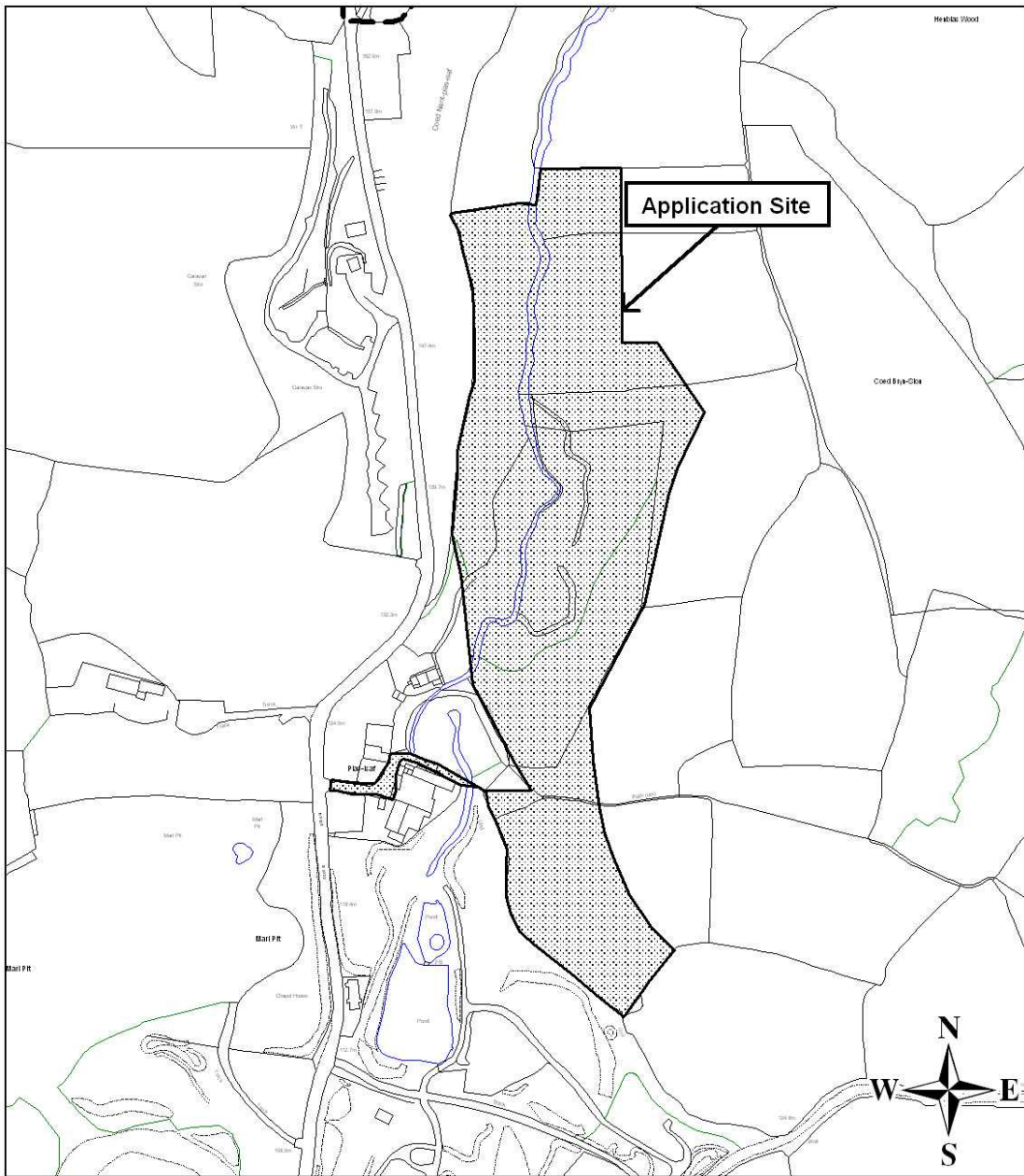
8.01 Conclusion

It is my view that the principle of the development of the site for a high quality holiday park for lodges/chalets on the reduced scale proposed is acceptable

at this location and balances landscape/ecological considerations. The proposal would be of significant benefit to tourism and the local economy and can be supported subject to the imposition of conditions.




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	1:3250
Ordnance Survey Sheet	SJ 1372
Planning Application	47241

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.8**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **RETROSPECTIVE APPLICATION FOR THE OPERATION OF AN OUTDOOR RECREATION ACTIVITY KNOWN AS SPHEREING, INCLUDING RETENTION & RESITING OF CABIN, RETENTION OF 'PORTALOO', AND ALTERATION TO EXISTING ACCESS AT BRYN COCH ROAD, WHITFORD, HOLYWELL**

**APPLICATION NO:** **047928**  
**APPLICANT:** **HAVE YOU GOT THE BALL LTD**  
**SITE:** **LAND OPPOSITE  
BRYN COCH ROAD,  
WHITFORD,  
HOLYWELL,  
CH8 8SN**

**APPLICATION VALID DATE:** **04/10/2010**  
**LOCAL MEMBERS:** **COUNCILLOR C.J. DOLPHIN**  
**TOWN/COMMUNITY COUNCIL:** **WHITFORD COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **MEMBER REQUEST**  
**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This retrospective application is for the application of an outdoor recreation activity known as "Sphereing", including retention and resiting of cabin and a portaloo and alteration to the existing access. The main issues to consider are the impact of the developments upon the visual appearance and character of the landscape together with the highway implications.

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

- 2.01 To grant planning permission, subject to the following:-
1. Temporary one year permission.
  2. Use restricted Thursday - Sunday in season to April - October.  
Buildings removed from site when not in season - November -

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Date: 09/02/2011

- February.
3. Portacabin to be dark colour green to be submitted and agreed.
  4. Landscaping scheme to be submitted and agreed.
  5. Visibility to be improved in westerly direction to provide visibility sightline of 2.4 m x 31 m. No obstruction to visibility in excess of 1.0 m in height.
  6. Facilities to be provided and retained within the site for parking and turning of vehicles.
  7. Details including type, colour, period and position of any windsocks to be further submitted and agreed.
  8. No flags to be erected on portacabin.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### Councillor C.J. Dolphin

Strong objection. Enforcement generated application. No benefit to the local or county economy. This is proven by the company promoting only accommodation outside of the county. It is a rural site adjacent The Garreg (Stone) and Tower which is of historic and environmental importance. Development is visible for miles and intrudes into the natural landscape. Landscape has been changed by earthworks, which now consist of banking at various parts of the grazing field including the prominent roll off stage, which has artificial turf. Car park created and entrance gate altered. During activity months a portacabin, portaloos and gift shop has been on site. Flags on the portacabin and a windsock is visible from Carmel. Company road signs were always positioned on days of use/weekends on country lanes for the sole benefit of customers.

##### Whitford Community Council

Have a number of concerns and object to the application.

##### Head of Assets & Transportation

Recommends that any permissions to include suggested conditions. These are Nos 5 and 6 listed above.

##### Head of Public Protection

No objections in principle. However brings to our attention that the premises/activities must comply with Health & Safety legislation.

##### Tourism Manager

On the basis of knowledge to date and the fact that this would be a new and innovative attraction in the area - supports the application.

### **4.00 PUBLICITY**

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

No responses received to date.

## **5.00 SITE HISTORY**

5.01 None relevant.

## **6.00 PLANNING POLICIES**

6.01 Clwyd Structure Plan First Alteration  
Policy C2 - Facilities in the Countryside.  
Policy H3 - Protection of the Countryside.  
Policy H5 - Special Landscape Area.

Structure Plan Second Alteration: Flintshire Edition

Policy GEN1 - General Development Policy.  
Policy GEN2 - General Development Policy.  
Policy GEN3 - General Development Policy.  
Policy CONS4 - Open Countryside.  
Policy TLR 11 - Facilities in the Countryside.

Delyn Local Plan

N2 - Special Landscape Area.

Draft North Flintshire Local Plan

L1 - Landscape Character.  
L2 - Open Countryside.  
SR2 - Outdoor Activities.

Emerging Flintshire Unitary Development Plan

Policy GEN1 - General Requirements for Development.  
Policy GEN3 - Development Outside Settlement Boundaries.  
Policy SR2 - Outdoor Activities.  
Policy L1 - Landscape Character.

In principle, the developments are supported in planning policy terms. The detailed matters of access and impact upon the character and appearance of the landscape need to be considered.

## **7.00 PLANNING APPRAISAL**

7.01 Site Description & Developments

The site comprises the western part of an existing piece of agricultural land which slopes steeply downwards from the Public Footpath (which runs east-west) at its southern end to Bryn Coch Road to its northern boundary. Existing hedgerows form its northern, southern and part western boundaries, with a newly erected stock proofed fence along the eastern boundary. The site is accessed off the existing altered agricultural access onto Bryn Coch Road.

It is situated upon the southern side of Bryn Coch Road, opposite the existing complex of buildings at Bryn Coch Farm, Whitford.

The developments involve the change of use of the land to the operation of the outdoor recreational activity of "sphereing". This is an adventure sport known as "hill rolling" and involves rolling down the hill at high speed in a large inflatable ball. The activity only occurs 3-4 days a week (usually Thursday - Sunday) and also during a restricted season of April to October.

Two long grassed bunds have been created along both the eastern side and part northern end of the site to form barriers to control both the direction and stopping of the rolling of the ball. At the top of the slope (southern boundary) lies the "launch pad" which has been created by only clearing the vegetation etc.

A small car park area has been created close to the access of the site which has also been enclosed by a timber railed fence. Alterations to the existing agricultural access to the north-eastern corner of the site have been undertaken to serve the development.

The developments also involve the siting of both a portacabin (used for the training of customers in health & safety and to a cafe/booking office etc) measuring approximately 10 m x 3 m x 2.5 m (height) and a portaloo measuring approximately 2.3 m x 1.2 m x 1.2 m (height) alongside the hedgerow upon its northern boundary.

The main issues to be considered within the determination of this planning application are the principle of the developments in planning policy terms, the highway implications, the effects of the developments upon the character and appearance of the area and the highway implications.

#### 7.02 Principle of Developments

The application site is situated within open countryside to the north west of the settlement boundary of Whitford as defined by the Emerging Flintshire Unitary Development Plan (FUDP). Policy GEN3 of the FUDP is permissive of development related to tourism, leisure and recreation. In addition, as the proposal constitutes an outdoor activity, Policy SR2 contained in the FUDP would also be relevant. In order for the proposal to satisfy Policy SR2, the activity needs to be of a type, scale and intensity so not to unacceptably harm the character and appearance of the site and its surroundings, residential or other amenity, or any landscape, nature conservation or historic interest. The policy also requires proposals to be located on sites accessible by a choice of modes of travel other than private motor car.

Also, the proposals would have to comply with Policy L1 of FUDP, which requires new development to maintain or enhance the character or appearance of the landscape.



Therefore, the principle of the developments are acceptable in Planning policy terms. What needs to be assessed are the detailed matters of access and the impact of the developments upon the visual appearance and character of the landscape.

7.03 Highway Implications

The site is served by the altered existing agricultural access. This has been assessed for its suitability by our Highways Department. No objections are raised by them subject to conditions and that if planning consent it likely to be granted that it be temporary to allow the authority to monitor the situation over a period of time to ensure that there are no potential problems associated with the proposed developments.

7.04 Character & Appearance

The developments are only immediately visible from the public footpath and the existing access.

The two bunds that have been created are low in height and have been fully grassed over. These together with the slope are not mown but grazed by the sheep in between events.

Given the above, it is considered that these developments appear to be not 'alien' but natural features upon the landscape and therefore do not significantly detrimentally affect the visual appearance or character of the landscape in this location.

Negotiations have taken place with the applicant's agent to resite both the portacabin and portaloo to alongside the hedgerow upon the northern side and for them to be of a dark green colour. Landscaping has also been agreed to be undertaken for both these buildings to be screened from the road. When looking towards these buildings from the public footpath, given that they will now be sited in close proximity to the existing farm complex of buildings belonging to Bryn Coch Farm opposite, it is considered that they will have a limited impact upon the landscape from this viewpoint as they will be to a large extent assimilated into the existing built development. Likewise, the car park and the altered access given that these are in close proximity to the farm complex and opposite the farm access have a minimal impact upon the landscape as they assimilate well into the existing landscape looking upwards towards the portaloo and portacabin from the road, these will be screened by the proposed landscaping.

With regard to the windsocks, Condition No. 7 allows the Local Planning Authority a degree of control over the colour, position and period of them. The Council would look for a dark green colour and for it to be in a location and for a period when the activity takes place. Condition No. 8 also prevents any flags being placed upon the portacabin to limit any detrimental impact upon the landscape.

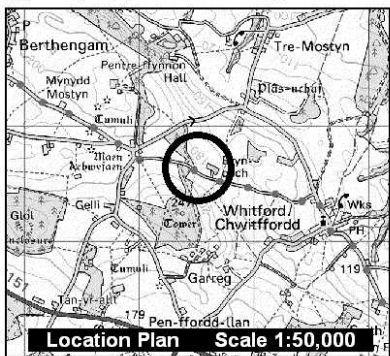
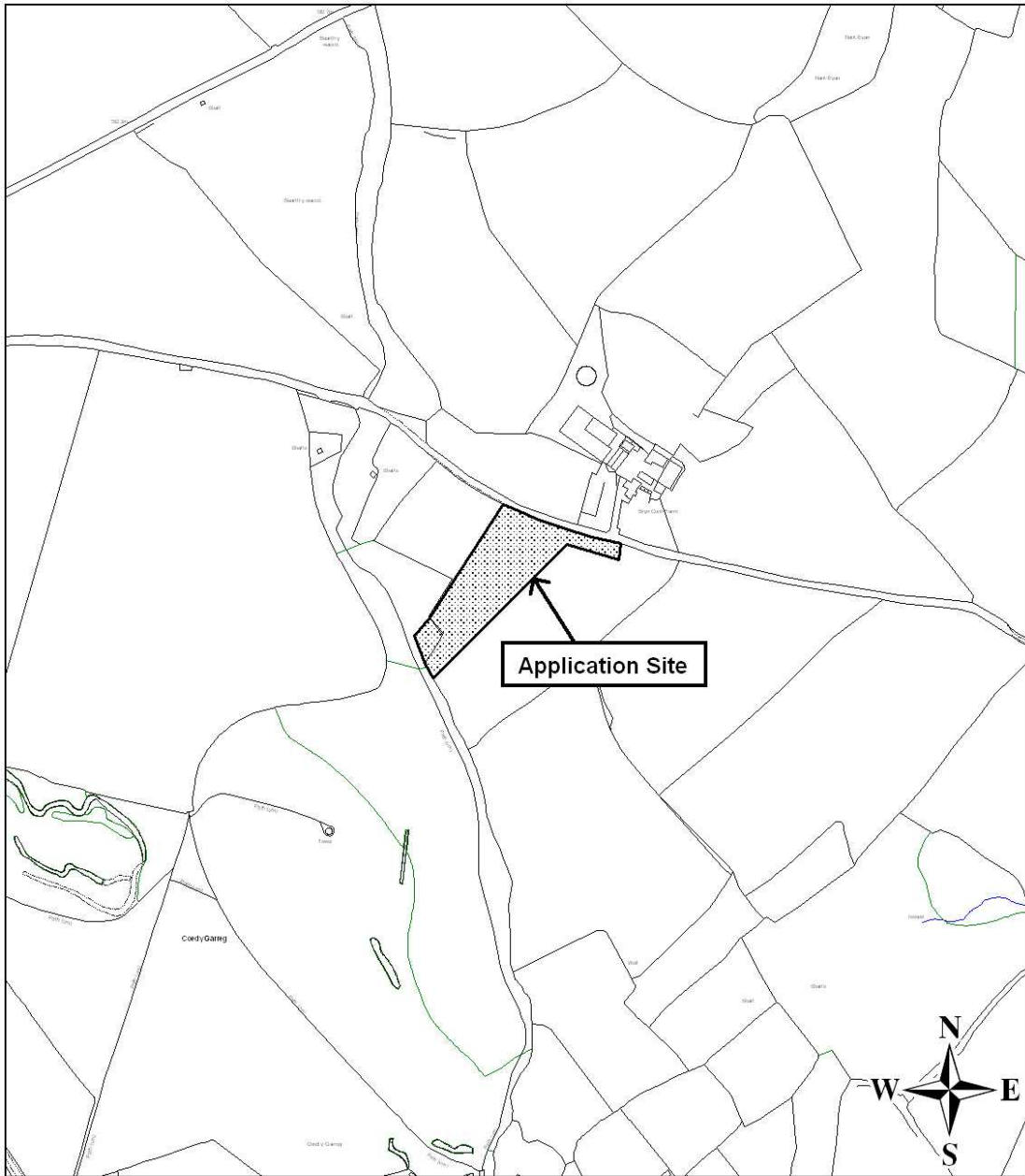
In terms of advertisements, these would be the subject of a separate application which would be given due consideration.

In addition, given that a temporary permission is being recommended and that the season for such a use is restricted with the buildings being removed after the season finishes, again this has a limited detrimental impact upon the character and appearance of the landscape.

## **8.00 CONCLUSION**

- 8.01 Given the above, it is considered that given the various amendments the development will not have a significant increased detrimental impact upon the visual appearance and character of the landscape and has been given a temporary consent for the Council to monitor the impact upon the highway.
- 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,  
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Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Key to Settlement Boundaries**

-  Delyn Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
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Map Scale	1:5000
Ordnance Survey Sheet	SJ 1378
Planning Application	47928

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.9**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - ERECTION OF 5 NO. DETACHED DWELLINGS/GARAGES AND EXTENSION TO EXISTING SOUND EMBANKMENT TO FACILITATE WATER HARVESTING SCHEME AT LAND TO THE SOUTH OF THE LARCHES, EWLOE.**

Members will recall that consideration of this application was deferred at the applicant's request at the Planning & Development Control Committee meeting held on 19th January 2011. This was principally to enable the applicant's to re-assess the impact of the proposed development on an existing public footpath which crosses the site.

**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 - SITE VISIT UNDERTAKEN 17TH JANUARY 2011.**

**1.00 SUMMARY**

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

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Date: 09/02/2011

- 1.02 For Members information the application has been the subject of a committee site visit this being undertaken on 17th January 2011. The application was however deferred at the Planning & Development Control Committee held on 19th January 2011. Amended plans have subsequently been received in progression of the application, which propose amendments to the site layout to incorporate the current line of an existing public footpath 112 which crosses the site. For clarification the plans as initially submitted proposed the part realignment of this footpath. As a result of the proposed amendments a further round of publicity and consultation has been undertaken.
- 1.03 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.

**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

Original Submission

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

Amended Scheme

Awaiting response at time of preparing report.

Councillor D.I. Mackie

Original Submission

No response received at time of preparing report.

Amended Scheme

Awaiting response at time of preparing report.

Hawarden Community Council

Original Submission

No response received at time of preparing report.

Amended Scheme

Awaiting response 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 Assets & Transportation

Recommend that any permission includes conditions relating to access, parking and surface water run off.

Head of Regulatory Services

(Public Rights of Way)

Public Footpath 112 crosses the site. The required width for the public footpath is 2 m the surface of which must not be disturbed without permission. The applicant will need to apply for a Temporary Closure Order to protect the public during construction works.

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**

Original Submission

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.
- detrimental impact on privacy/amenity of occupiers of existing properties adjacent to the site

Amended Scheme

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

- Inadequacy of access to serve further development.
- Detrimental impact on privacy/amenity of occupiers of existing properties adjacent to the site.
- Need to maintain physical condition of footpath and ensure that it does not become focal point for anti-social behaviour.

#### **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 which has been amended since initial submission proposes the erection of 5 No. detached dwellings/garages and extension to existing sound embankment to facilitate a water harvesting scheme 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 amended 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 incorporate the current line of an existing public footpath 112 within the site layout.

### **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.
- impact of development on 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 in accordance with Local Planning Guidance Note 2 - Space Around Dwellings 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. This matter is however the subject of separate legal considerations.

7.22 In order to address previous concerns regarding the impact of development on this footpath, this amended application proposes to incorporate the line of this existing footpath within the site layout. The Council's Rights of Way Department have advised that this would not therefore require the submission of an application under Section 257 of the Town and Country Planning Act 1990 for a diversion or re-alignment of the footpath. If permission were to be granted for the development, a Temporary Closure Order to protect members of the public during construction works would be required.

7.23 It is considered that from a development control perspective, the site layout incorporates the existing 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 would not be affected and would not be detrimental to the amenity of the occupiers of an existing property 'Camley House' and provided this is accompanied by low level boundary treatment to two proposed plots adjacent to the line of the footpath I consider that the proposal would be acceptable from a safety and security perspective.

7.24 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.

7.25 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.

7.26 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.

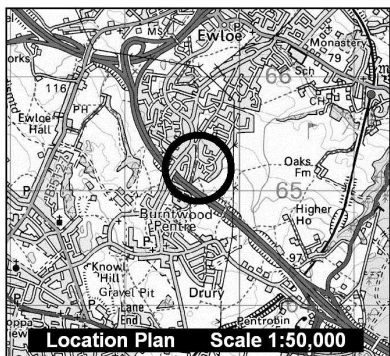
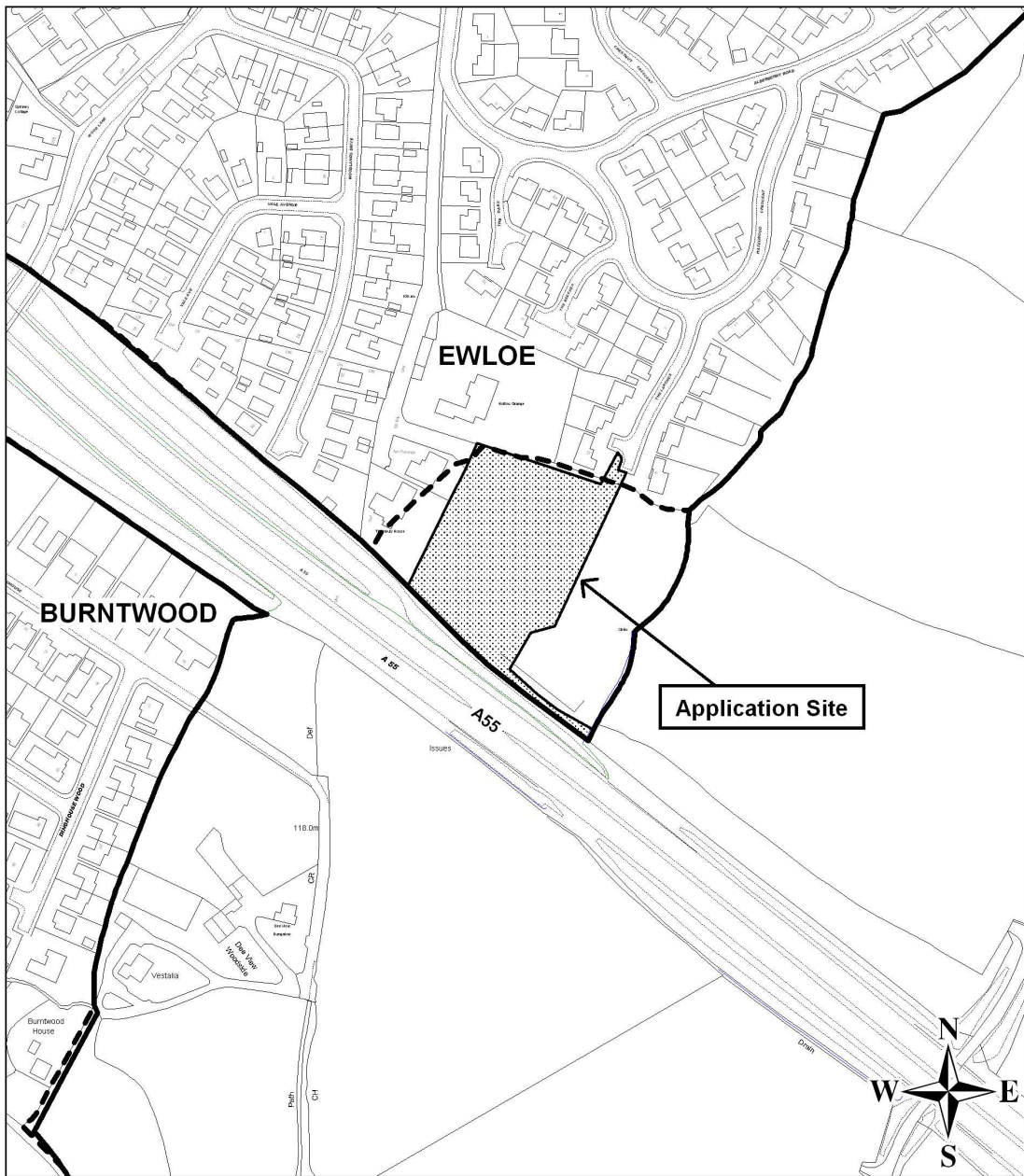
7.27 A payment of a commuted sum of £1,100 per dwelling would therefore be required which would need to be controlled by a Section 106 Obligation/Unilateral Undertaking or advance payment if Members are mindful to grant permission for the proposed development.

**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 :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL PLANNING APPLICATION FOR THE INSTALLATION  
OF VERTICAL PLATFORM LIFT AT ST.RICHARD GWYN  
HIGH SCHOOL, FFORDD LLEWELYN, FLINT**

**APPLICATION NO:** **048127**  
**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**  
**SITE:** **ST RICHARD GWYN HIGH SCHOOL,  
FFORDD LLEWELYN,  
FLINT,  
CH6 5JZ**  
**APPLICATION VALID DATE:** **16/12/2010**  
**LOCAL MEMBERS:** **COUNCILLOR MS. R. JOHNSON**  
**TOWN/COMMUNITY COUNCIL:** **FLINT TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **FLINTSHIRE COUNTY COUNCIL  
APPLICATION**  
**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This application seeks the construction of a vertical platform lift, and one installed internally along with the provision of disability access ramps around the site. The main issue is the appearance of the platform lift in relation to the existing building.

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

- 2.01
1. Time limit on commencement
  2. In accordance with the submitted plans

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor Mrs. R. Johnson  
Agrees to determination under delegated powers.

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Date: 09/02/2011

Flint Town Council

No response at time of writing report.

Chief Highways and Transportation Engineer (Rights of Way)

No observations to make.

Head of Public Protection

No adverse comments.

Coal Authority

If approval granted it will be necessary to include the standing advice note.

**4.00 PUBLICITY**

4.01 Site Notice

No representations received at time of writing report.

**5.00 SITE HISTORY**

5.01 **04/38160** Single storey extension to provide disabled changing room -  
Approved 02/11/04

**01/1096** Extension to kitchen and dining room - Approved 27/11/01

**94/534** Extension - Approved 05/09/94

**6.00 PLANNING POLICIES**

6.01 Emerging Flintshire Unitary Development Plan  
Policy GEN1 - General requirements for development  
Policy D2 - Design  
Policy AC1 - Facilities for the disabled

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This application seeks full planning permission for the installation of a vertical platform lift within an alcove between parts of the existing school building.

7.02 Site Description

The application site is located at St. Richard Gwyn High School, Ffordd Llewelyn, Flint and most specifically a vacant alcove between two parts of the existing school building facing an enclosed courtyard.

7.03 Proposed Development

The proposal is for a small 3 storey extension between two parts of the existing building to accommodate a vertical platform lift to allow disabled



access to the upper floors. It is to be constructed from brickwork to match that of the existing school with a flat roof finished with grey roofing membrane. Also included as part of this proposal is the provision of a second lift housed internally, causing no alteration to the building's external appearance along with the provision of an access ramp to the school canteen.

7.04 Issues

The main issue in relation to this proposal is to ensure the minor extension is in keeping with the existing building and its surroundings.

7.05 Principle of Development

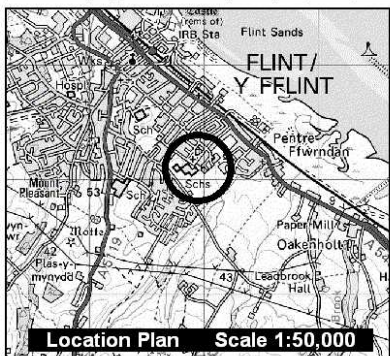
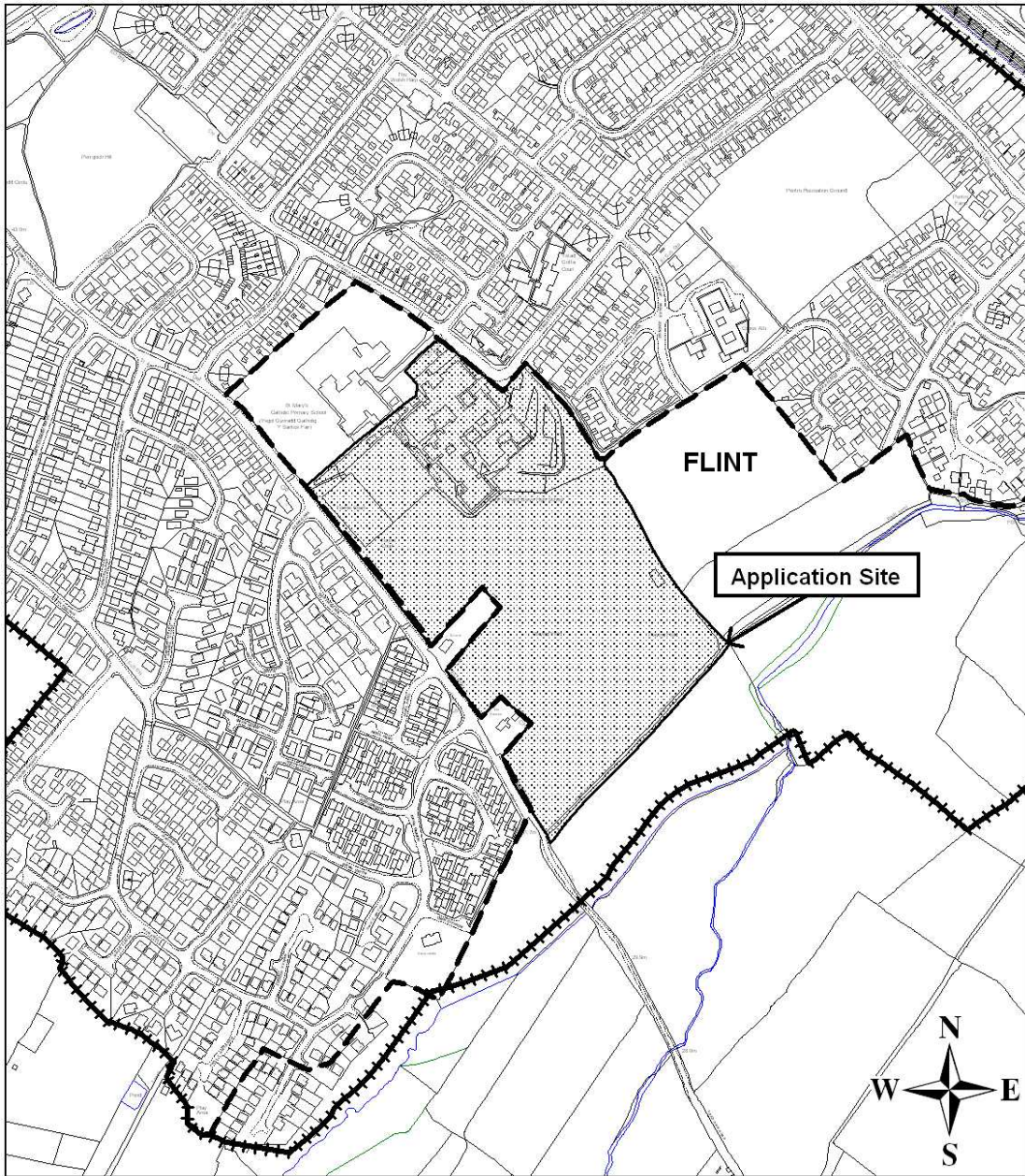
The proposal is to modernise the school and allow access for those with mobility difficulties. If it were not for the size of previous extensions to the school this proposal would be considered permitted development and a formal application would not be necessary. The application is before the planning committee as it is a Flintshire County Council proposal.

**8.00 CONCLUSION**

8.01 The proposed development complies with the applicable policies and is considered acceptable as it is in keeping with the existing building and its surroundings. The application is required as previous extensions to the school have exceeded 10% of the original building's floor area.

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: Tom Evans  
Telephone: 01352 703266  
E-Mail: tom\_evans@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>
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<p><b>Map Scale</b> 1:5000</p>	<p>Ordnance Survey Sheet SJ 2471</p>
<p>Planning Application <b>48127</b></p>	

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.11**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - CHANGE OF USE OF BARN TO RESIDENTIAL AND ALTERATIONS TO EXISTING VEHICULAR ACCESS (AMENDMENT TO PLANNING PERMISSION 45532 TO INCORPORATE SINGLE STOREY REAR EXTENSION) ON LAND OPPOSITE "PINE RIDGE", DENBIGH ROAD, HENDRE, MOLD**

**APPLICATION NO:** **048135**  
**APPLICANT:** **OSGHAN LTD**  
**SITE:** **LAND OPPOSITE PINE RIDGE, DENBIGH ROAD, HENDRE, MOLD, CH7 5QL**  
**APPLICATION VALID DATE:** **13/12/2010**  
**LOCAL MEMBERS:** **COUNCILLOR W.O. THOMAS**  
**TOWN/COMMUNITY COUNCIL:** **CILCAIN COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **MEMBER REQUEST**  
**SITE VISIT:** **YES, CHAIRMAN'S REQUEST**

**1.00 SUMMARY**

1.01 This application is essentially for a single storey rear extension to a barn conversion approved under 45532. Due to the proposal's design, size, materials and position it is considered that the development will not have a significant increased detrimental impact upon the character and appearance of the barn or area in which it is set. The highway aspects of the proposal are also considered acceptable.

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

- 2.01
1. Time limit on commencement.
  2. All external finishes to be submitted and agreed.
  3. Improvements to existing means of access to be submitted and

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Date: 09/02/2011

- agreed.
4. Forming and construction of improvement to site access to be submitted and agreed.
  5. Access to have a visibility splay of 2.4 m x 215 m in both directions. No obstruction to visibility in excess of 1.0 m above nearside channel level of adjoining highway.
  6. Facilities be provided within site for parking and turning of vehicles.
  7. Positive means to prevent run-off of surface water onto highway to be submitted and agreed.
  8. All windows and doors to be stained timber and retained.
  9. Hard and soft landscaping scheme to be submitted and agreed.
  10. Implementation of landscaping scheme.
  11. Removal of P.D. Rights (openings).
  12. Removal of P.D. Rights (fences, walls, gates).
  13. Removal of P.D. Rights (Part 1, Classes A, B, C, D, E, F, G & H).
  14. Photographic survey of barn to be submitted and approved.
  15. Details of mitigation and compensation measures of protected species to be submitted and agreed.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### Councillor W.O. Thomas

The erection of the extension proposed will result in the significant loss of character of the building and is considered to be contrary to Policies.

##### Cilcain Community Council

Understands that a farm building can be converted to a dwelling if any farm building is structurally sound but no further extension is permissible. The proposed dwelling in this application is much greater than the original farm building. Development does not therefore comply with Planning Policy and therefore the Community Council objects to the application.

##### Head of Assets & Transportation

Recommends planning conditions be placed upon any planning permission granted. These are included in Condition Nos 3 - 7 above.

##### Head of Public Protection

No adverse comments to make regarding these proposals.

### **4.00 PUBLICITY**

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

No responses received to date.

### **5.00 SITE HISTORY**

#### **5.01 45532**

Conversion of redundant barn to dwelling - Granted 17th November 2008.

**44525**

Conversion of redundant barn to one residential dwelling - Withdrawn 1st April 2008.

**6.00 PLANNING POLICIES**

6.01 Clwyd Structure Plan First Alteration

Policy B9 - Conversion of Dwellings of Non-Residential Dwellings.

Structure Plan Second Alteration: Flintshire Edition

Policy GEN2 - General Development Requirements.

Policy HSG9 - Conversions to Dwellings of Non-Residential Buildings.

Delyn Local Plan

Development Control Policy 6 - Conversion of Non-Residential Buildings in the Open Countryside to Dwellings.

Draft North Flintshire Local Plan

h6 - Change of Use to Residential in the Countryside.

h10 - House Extensions and Alterations.

ac14 - Access and Traffic Impact.

Emerging Flintshire Unitary Development Plan

Policy GEN1 - General Requirements for Development.

Policy WB1 - Species Protection.

Policy HSG7 - Change of Use to Residential in the Open Countryside.

Policy HSG12 - House Extensions and Alterations.

It is considered that the proposals generally comply with the above policies.

**7.00 PLANNING APPRAISAL**

7.01 Site Description & Proposals

The site comprises of both a vacant stone walled and red clay tiled roof small barn and derelict metal Dutch barn to the rear. The site is bounded by both hedgerows and stone walls. The two barns have not been used for livestock or hay storage for some considerable time and have fallen into a state of disrepair. The previous owner having used the buildings for the storing of both agricultural machinery and equipment.

The stone barn has considerable merit as a typical farm building of the area and is in a style associated with the Penbedw Estate. It is in good condition but would benefit from some structural repairs. These are highlighted in the submitted Structural Engineer's report. The detached metal frame and profiled sheet steel clad Dutch barn is in poor condition.

The site is located on the southern side of the A541 Denbigh Road and opposite the property, of Pine Ridge which is situated upon the Northern side of the road at Star Crossing, Nannerch, Mold.

The proposals involve change of use of the stone barn to residential purposes, alterations to the existing access, demolition of the Dutch barn and erection of a single storey extension to the rear. The extension will measure approximately 10 m x 4 m x 4 m (height to ridge). The main part of the building's walls will be clad in stained timber with a clay tiled roof.

The main issues to be considered within the determination of this application are the principle of the development in Planning Policy terms together with the impact upon the visual appearance and character of both the stone barn and area.

#### 7.02 Background

Planning permission for change of use of the barn to residential purposes together with alterations to the access was granted on 18th November 2008 under 45532, but has yet to be implemented. The application has been re-submitted to incorporate a change to the permission, namely the erection of a single storey extension to the stone barn.

To make Members aware, 45532 was allowed in principle as a marketing exercise for employment uses had been submitted in which no interest for such uses was shown for a period of 12 months. The scheme of conversion of the barn was sympathetic to the building.

#### 7.03 Principle of Development

As outlined above, the principle of conversion of the stone barn to residential purposes has been accepted in Planning Policy terms through the granting of planning permission 45532.

Policy HSG7 which refers to changes of use to residential outside settlement boundaries does allow extensions to buildings provided that they are 'capable of accommodating the new use without significant extensions which might destroy its character or lead to overdevelopment.'

In addition, Policy HSG12 deals with house extensions which are acceptable in principle subject to various criteria e.g., size, design, etc.

#### 7.04 Character and Appearance

The extension is to be located to the rear of the stone barn with the existing dilapidated Dutch barn removed in order to accommodate it. It will be attached to the barn upon its wester end by a small flat roofed single storey glazed link. This will link the main part of the extension to the barn and make it appear to be 'detached' from it. Both the design, size, location and materials of the extension make it appear as though it was a stable block to the farm. It's position forms a courtyard which also helps to make it both

appear as a stable building belonging originally to the farm complex whilst not detracting from the character and appearance of the stone barn.

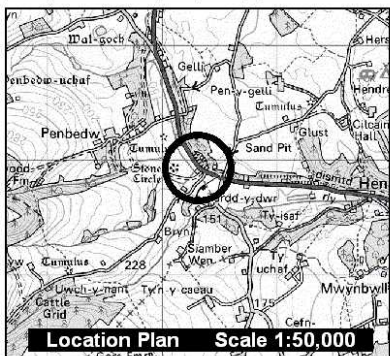
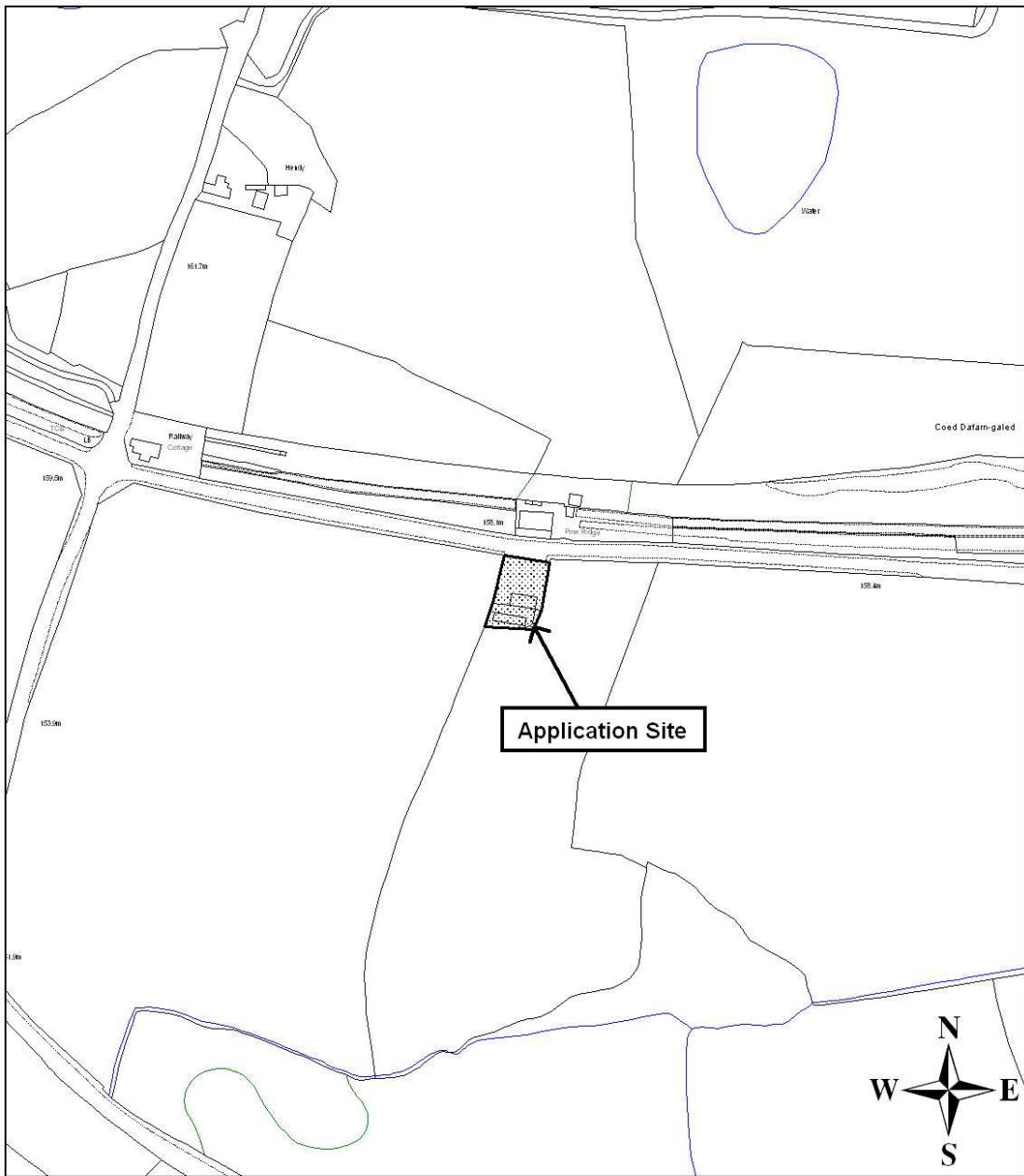
In terms of size, the extension equates to an approximately 30% increase in floorspace over the existing barn. It is therefore, in size, also subservient to the existing stone barn.

## **8.00 CONCLUSION**

8.01 Given the design, materials, size and position of the extension it is considered that the proposal will not have a significant increased detrimental impact upon the character and appearance of both the stone barn or area in which it is set.

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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E-Mail: alan\_wells@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	1:2500
Ordnance Survey Sheet	SJ 1767
Planning Application	48135



**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.12**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - ALTERATIONS TO EXISTING SPORTS HALL TO REMOVE THE ARENA SIGN AND REPLACE WITH STEEL CLADDING TO MATCH AND THE INSTALLATION OF A HIGH LEVEL GLAZED WINDOW TO PROVIDE A VIEWING POINT AT DEESIDE LEISURE CENTRE, CHESTER ROAD WEST, QUEENSFERRY**

**APPLICATION NO:** **048148**  
**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**

**SITE:**  
**DEESIDE LEISURE CENTRE,**  
**CHESTER ROAD WEST,**  
**QUEENSFERRY,**  
**DEESIDE,**  
**CH5 1SA**

**APPLICATION VALID DATE:** **18/01/2011**  
**LOCAL MEMBERS:** **COUNCILLOR D.E. WISINGER**  
**TOWN/COMMUNITY COUNCIL:** **QUEENSFERRY COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL AUTHORITY APPLICATION WHICH REQUIRES COMMITTEE DETERMINATION UNDER THE TERMS OF THE SCHEME OF DELEGATION**

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

**1.00 SUMMARY**

- 1.01 This application is a full application which seeks permission to remove an existing 'Arena' sign located on the Sports Hall and replace with steel cladding to match the existing building and to install a high level glazed window to provide a viewing point at Deeside Leisure Centre, Chester Road West, Queensferry. The main issue for consideration in this case is the visual impact of the proposals.

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Date: 09/02/2011

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

- 2.01 1. Time limit on commencement of development  
2. In accordance with approved plans

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor D.E. Wisinger:

No response received at time of writing report

Queensferry Community Council:

No response received at time of writing report

Environment Directorate (Rights of Way):

Advises that public footpath 10 abuts the site but is unaffected by the development. Therefore, has no observations to make.

Chief Environment and Resources Officer:

No adverse comments to make.

Clwyd-Powys Archaeological Trust:

No known features will be affected by the proposed works.

Environment Agency:

Advises that the site lies within a flood risk area. However, given the scale of development considers that the risk could be acceptably managed.

Developer to be made aware of the potential flood risks on the site and advised to install flood-proofing measures as part of the development.

**4.00 PUBLICITY**

4.01 Site Notice

No responses have been received at the time of writing report.

**5.00 SITE HISTORY**

- 5.01 The site has a long-standing use as a Leisure Centre and Ice Rink facility, the most recent applications being:-

**06/42309**

Proposed erection of fascia signage to front elevation approved 22.11.06

**08/45657**

Extension to house ice machine to rear of existing ice rink approved 9.1.09

**047775**

Erection of a 5m high fence around existing recreation area including the erection of 8 no. replacement lighting columns approved 10.9.10

**048066**

External recladding of front elevation entrance area approved 14.12.10

**6.00 PLANNING POLICIES**

6.01 Alyn and Deeside Local Plan

Policy G1 - General Requirements for Development

Policy CF13 - Provision of Formal Recreation Facilities

Emerging Flintshire Unitary Development Plan

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy SR1 - Sports, Recreation or Cultural Facilities

The policy implications of the proposed development are addressed in the 'Principle of Development' section of the planning appraisal.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

The application seeks planning permission for the removal of an existing 'Arena' sign located to the front elevation of the Sports Hall and replacement with steel cladding to match and install a high level glazed window to provide a public viewing point at Deeside Leisure Centre, Chester Road West, Deeside.

7.02 Site Description

The application site comprises of an existing large scale leisure facility providing a leisure centre, Sports Hall, ice rink and outdoor facilities at Deeside Leisure Centre, Chester Road West, Queensferry. The site lies within the settlement boundary of Queensferry as defined in the adopted Alyn and Deeside Local Plan and the Emerging Flintshire Unitary Development Plan.

7.03 Proposed Development

The application seeks permission to remove the existing signage to the front elevation of the Sports Hall building and replace with steel cladding to match in with the existing building. The proposal also includes the installation of a 21m x 4m high level glazed window to the front wrapping round to the side elevation which will provide a public viewing point to both internal users of the facility and passers by.

7.04 Issues

The main consideration in the determination of this application is the principle of development at this location and the visual impact on the surrounding area.

7.05 Principle of Development

The site lies within the settlement boundary of Queensferry as defined in both the Alyn and Deeside Local Plan and the Emerging Flintshire Unitary Development Plan and has an existing long-standing use as a community recreational facility. As such, the principle of development is established subject to the application complying with policy G1 of the Alyn and Deeside Local Plan and Policy GEN1 of the Emerging Flintshire Unitary Development Plan.

7.06 Visual Impact

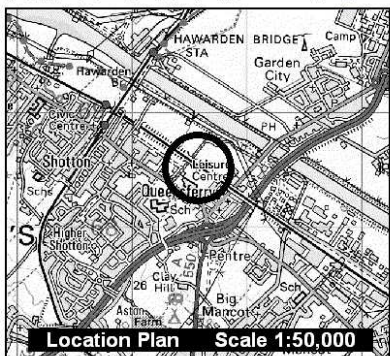
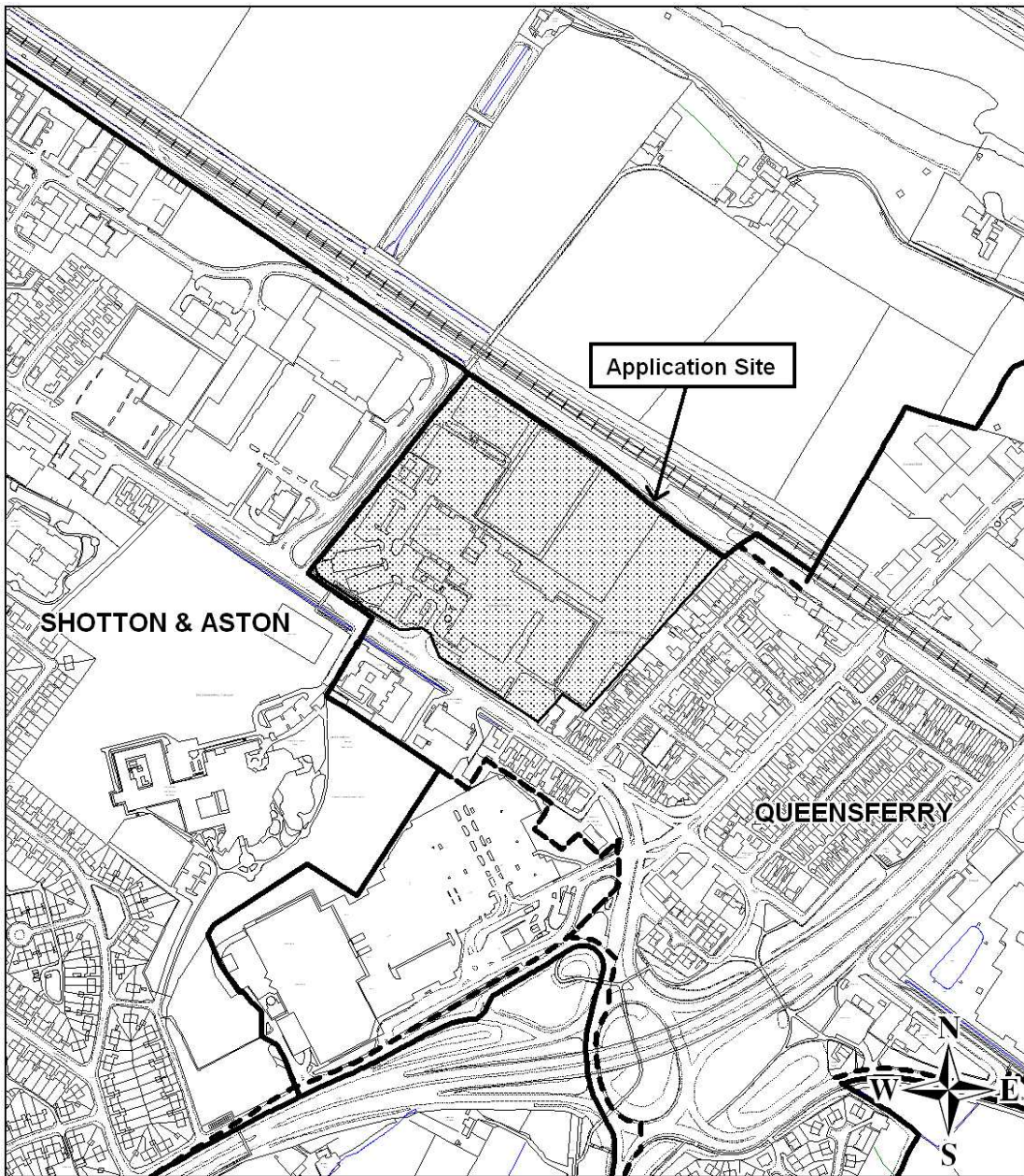
The Leisure Centre has been the subject of various modernisation programmes throughout the site and this proposal is one of such schemes. It is considered that the removal of the large advertisement sign to the frontage would improve the visual appearance from the public highway. Similarly, the introduction of the glazed element to the facade would also provide an attractive feature visually. Therefore it is considered that the proposals would not have a detrimental impact on the site or the surrounding area.

**8.00 CONCLUSION**

8.01 In conclusion, it is considered that the application will comply with planning policy and is 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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E-Mail: pam\_roberts@flintshire.gov.uk



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	1:5000
Ordnance Survey Sheet	SJ 3168
Planning Application	48148

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.13**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **RESERVED MATTERS APPLICATION FOR 41 DWELLINGS;  
DETAILS OF THE LAYOUT, SCALE, APPEARANCE, THE  
MEANS OF ACCESS THERETO AND THE LANDSCAPING  
SUBMITTED IN ACCORDANCE WITH CONDITION NO.L OF  
OUTLINE PLANNING PERMISSION REF: 047815 AT LAND  
SIDE OF CEMETERY, FFORDD Y RHOS, TREUDDYN.**

**APPLICATION NO:** **048173**  
**APPLICANT:** **PENNAF HOUSING GROUP**  
**SITE:** **LAND SIDE OF  
CEMETERY,  
FFORDD Y RHOS,  
TREUDDYN,  
NR. MOLD, FLINTSHIRE**  
**APPLICATION VALID DATE:** **21/12/2010**  
**LOCAL MEMBERS:** **COUNCILLOR CAROLYN THOMAS**  
**TOWN/COMMUNITY COUNCIL:** **TREUDDYN COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **COUNCIL HAS INTEREST IN THE  
LAND AND S106 AGREEMENT**  
**SITE VISIT:** **NO, UNDERTAKEN FOR PREVIOUS  
RENEWAL OF OUTLINE CONSENT**

**1.00 SUMMARY**

1.01 This is an application for reserved matters approval in accordance with outline permission 047815 for 41 dwellings at Ffordd y Rhos, Treuddyn. The main issues to consider are the impacts of the site layout and house details in relation to the character and appearance of the area, impacts on residential amenity of the existing residential development surrounding the site and whether the site layout provides adequate provision of affordable housing and open space to meet with the Council's requirements.

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

---

Date: 09/02/2011

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to:-
- provide a commuted sum of £30,053 for improvement of the existing play equipment in the village in lieu of on-site play equipment
  - provide a commuted sum for the maintenance of the on-site open space of £2,000 per annum for a 10 year period
  - details of a scheme for the maintenance of the wildlife corridor for a 10 year period
1. Time commencement - reserved matters
  2. In accordance with plans
  3. Detailed landscaping for the wildlife corridor with timeframe for implementation.
  4. Landscaping - implementation
  5. Reasonable Avoidance Measures - amphibians
  6. Amendment to condition 15 of the outline to refer to the provision of a 1.8m footway and a 2.0 metre lay-by along the site frontage.
  7. Affordable homes to be allocated in accordance with submitted policy
  8. Work outside of bird breeding season
  9. Bat precaution measures
  10. Materials samples
  11. Details of the sub-station - siting and external appearance
  12. Details of footpath link to open space to be agreed
  13. Removal of permitted development rights for extensions.(Part 1 Class A)
  14. Provision of bat and bird boxes

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### **Councillor Carolyn Thomas**

Is grateful for the changes made to improve the scheme for the local community but there are some aspects which she would like resolved before planning permission is granted;

- the consideration of traffic calming on Ffordd y Rhos
- the cemetery extension area is adopted and tidied in line with development of the site
- possible commuted sum of money towards play equipment as well as on-site open space provision
- transfer of the ownership of the open space to the Council or Community Council
- assurance of the future maintenance of open space provision and wildlife corridor
- need reassurance of continued help to promote the affordable homes to local people

Treuddyn Community Council

1. Is the full allocation being developed development?
2. Could the 106 funding be used towards the play area development. It was suggested a sign could be added saying it was funded by Pennaf/Lovells.
3. The Community Council would like to be involved in suggesting a name for the development.
4. With Reference to the open space provision which adjoins the public footpath, it was suggested having a field gate with a latch and a sign no dogs. People also use the land for dog walking, this needs to be discussed further.
5. Assurance needs to be provided that there is 106 funding towards maintenance of the open space provision.
6. It was preferred that ownership of the land would be transferred to the Community Council with the maintenance budget going to Leisure Services to be consistent with the existing play area.
7. Maintenance of the wildlife corridor - who would manage this area?
8. What fencing or hedge would be used between the footpath and wildlife corridor?
9. There is a footpath behind nos 30 and 31, where does this lead to?
10. It was mentioned if an access could be added from the development to the open space provision and play area by properties 14, 21 and the sub-station.
11. Could the lay-by be extended by the cemetery?
12. Traffic Calming Measures, the development will bring in families with young children it was requested if traffic calming could be provided on Ffordd Y Rhos. Installation of pads would be good, as these allow emergency services, and service buses to straddle. as the wheels are set wider but work to slow down fast moving cars.
13. Will the street lighting be adopted by Flintshire C.C
14. If the allocation of the affordable housing is not taken by residents in the Community of Treuddyn, which other communities would be given the option to purchase.

Head of Assets and Transportation

The layout shown on the submitted plans is generally acceptable subject to a minor amendment to the proposed parking lay-by and a condition referring to this.

Public Rights of Way

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

Head of Public Protection

No adverse comments to make.

Head of Leisure Services



Provision of on-site open space and commuted sum in lieu of on site play equipment, due to the proximity of the existing play facilities. Maintenance sum of £2,000 per year for 10 year maintenance.

Welsh Water

Standard conditions - previous comments made on the outline in relation to capacity issues.

Environment Agency

Refer to response on outline, no objection subject to conditions covering surface water drainage and removal of any contaminated material if found.

Airbus

No aerodrome safeguarding objection.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice and Neighbour Notification

The application was advertised as affecting the setting of a public right of way. One representation received objecting on the grounds of;

Further ecological surveys are required including; as survey of pond in adjacent field is required to assess for presence of European Protected Species and a butterfly/invertebrate survey

Locals report seeing badgers in the area

Bird survey should be carried out in nesting season

**5.00 SITE HISTORY**

5.01 **047815**

Variation of condition no.2 of outline planning permission ref: 043395 to allow extension of time for submission of reserved matters application. Approved 16.11.10.

**043395**

Outline - residential development. Approved 15.08.07.

**034541**

Outline - Proposed residential development. Approved 15.01.03.

**6.00 PLANNING POLICIES**

6.01 Clwyd Structure Plan First Alteration

Policy B5 - Allocation of Land for Housing Development

Policy H9 – Nature Conservation

Structure Plan Second Alteration: Flintshire Edition

Policy GEN1 - General Development Policies

Policy GEN2 - General Development Policies  
Policy GEN3 - General Development Policies  
Policy HSG5 - Allocation of Land for Housing Development

Delyn Local Plan

Housing Policy 2 - Residential development in main settlements and main villages  
Development Control Policy 2 - Design and Layout of Residential Estate Development  
Development Control Policy 3 - Residential Roads and Footpaths  
Landscape Policy 2 - Protection of Trees and Woodland

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development  
Policy STR4 - Housing  
Policy GEN1 - General Requirements for Development  
Policy GEN2 - Development inside Settlement Boundaries  
Policy HSG1 - New Housing Development Proposals  
Policy HSG8 - Density of Development  
Policy HSG9 - Housing Type and Mix  
Policy HSG10 - Affordable Housing Within Settlement Boundaries  
Policy D1 - Design Quality, Location and Layout  
Policy D2 - Design  
Policy D3 - Landscaping  
Policy TWH1 - Development Affecting Trees and Woodlands  
Policy WB1 – Protected Species  
Policy WB5 - Undesignated Wildlife habitats  
Policy WB6 - Enhancement of Nature Conservation Interests  
Policy AC13 – Access and Traffic Impacts  
Policy AC18 – Parking Provision and New Development

The policy implications of the development are addressed in the 'Planning Appraisal' section of the report.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is an application for reserved matters in respect of outline planning permission 047815 for residential development at Ffordd y Rhos, Treuddyn. The application provides details of the layout, scale, appearance, the means of access and the landscaping.

7.02 Site Description

The application site is situated within the village of Treuddyn and is bounded to the west by Ffordd y Rhos. The application site is surrounded by residential development to the north, east and south. There is a Public Right of Way to the north of the application site. To the south east is the existing cemetery and further land is allocated within the Emerging Unitary

Development Plan under Policy CF2 (ii) for further expansion of this cemetery.

7.03 Proposed Development

This application is for 41 dwellings with 18 affordable dwellings to be managed by Pennaf and 23 open market dwellings to be sold by Lovells. The proposed dwellings are a variety of house types including two, three and four bed dwellings of semi-detached, detached and terraced properties. All homes will achieve Level 3 of the Code for Sustainable Homes and will be built to Lifetime Homes Standard and Secured by Design. The development provides on site open space of 2280m<sup>2</sup> and a wildlife corridor along the northern boundary of the site adjacent to the public right of way. Access to the proposed dwellings is off a central road off Ffordd y Rhos.

7.04 The developers held a public consultation event in the local community prior to the submission of this application and have amended the development to take local views on board. The questions raised by the Community Council in their response have been answered and where relevant are dealt with below.

7.05 Principle of Development

The site is within the settlement boundary of Treuddyn within both the Alyn and Deeside Local Plan and the Emerging Flintshire Unitary Development Plan. It is allocated within the Alyn and Deeside Local Plan for residential development and is therefore shown as a commitment in the Emerging Flintshire Unitary Development Plan. Treuddyn is a Category B settlement (main village) within the Emerging Unitary Development Plan which allows for 8 -15% growth within the plan period. There are no new specific housing allocations in the village, therefore this site would provide the required housing growth for the village. The principle of development has been established through the residential allocation and the subsequent grant of outline planning permission (034541 & 043395) and recent renewal (047815). This application seeks to clarify the details of the development.

7.06 Impact on residential amenity and character of the area

The proposed dwellings have been sited to minimise the potential impacts on the existing dwellings which are adjacent to the site boundaries. The layout accords with the Council's Planning Guidance Note 2: Space Around Dwellings and the Secured By Design Standard in terms of designing out crime.

7.07 The proposed dwellings are all two storey and are a range and type of dwellings; detached, semi-detached and terraced. The houses would be of facing brick and render with concrete roof tiles. The houses would all meet Code Level 3 for Sustainable Homes. The design of the houses therefore is in keeping with the variety of house types and styles in the locality. Approval of the exact materials would be dealt with by condition.

Drainage

7.08 At the time of the renewal of the outline issues were raised regarding drainage issues and the capacity of the foul network to cope with flows from the site. A legal agreement between the Council and Welsh Water remains in place which requires Welsh Water to upgrade the existing network within 12 months of the Council selling the land and providing the agreed financial contribution. A recent meeting was also held between the Council and Welsh Water and contact has been made to ensure that Welsh Water are aware of their obligations. This matter has been dealt with by conditions on the outline planning permission.

7.08 In terms of surface water drainage a solution is being investigated and this is dealt with by pre-commencement conditions on the outline planning permission.

7.09 Open Space Provision

Following consultation with the Community Council and the Local Member 2250m<sup>2</sup> of open space is provided on site, located in the north east corner of the site, to facilitate links with the existing public footpath to the existing open space provision and other facilities in the village. The amount of open space is in accordance with the Council's Local Planning Guidance Note 13 Open Space Provision.

7.10 A commuted sum for the maintenance of the open space would be required which would be secured by S106 for adoption by the Local Authority, Community Council or private management company. Following consultation with the Community Council and the Local Member it was agreed that the community would prefer an informal area of land as part of this development for community events, with a commuted sum for the provision of additional play equipment on the existing formalised play area. This would be secured by S106 agreement.

7.11 Concerns were raised by the Secure By Design officer over a link from the new development to the on-site open space to allow access across it to the existing facilities in the village. There was a concern that this would lead to antisocial behaviour and make the properties adjacent to it more vulnerable to crime. However it is desirable to integrate this new development within the community and to link the existing facilities therefore discussions with the Secure By Design officer to resolve this issue are ongoing and this is reflected in the conditions.

7.12 Affordable Housing Provision

The affordable housing on this site is being delivered through partial funding by the Social Housing Grant from the Welsh Assembly Government with Pennaf funding the remainder. This was allocated on the identification of an identified housing need and is one of the only allocated sites in the development plan framework which will come forward in this way due to the limitations of the availability of Social Housing Grant.

- 7.13 The site provides 18 houses which are to be managed by Pennaf and provide a mix of tenure options. These are 2 DDA bungalows, (1 three bed and 1 two bed), 7 three bed semi-detached, 4 two bed semi-detached, 1 four bed detached, 1 four bed semi-detached and a terrace of 3 properties comprising 1 two bed and 2 three bed houses.
- 7.14 The houses would be allocated subject to the Housing Association's Local Letting Policy, on an 'onion ring' basis. This policy gives priority to people who have lived or have been employed in the community of Treuddyn (the electoral ward) for a continuous period of at least 5 years, followed by those who meet those criteria for 3 years. The allocation policy is then widened to those who have previously resided in Treuddyn or need to provide support to immediate members of their family who reside in Treuddyn and then to those who have offers of employment in the community and would not otherwise be able to take up the offer due to the lack of affordable housing. The priorities then move on to those who meet the allocation criteria in adjacent communities and refers to named electoral wards, include the adjoining ward in Denbighshire, before opening up to Flintshire as a whole.
- 7.15 The Local Lettings Policy would apply to all forms of tenure. 8 of the 18 properties would be for sale through the Homebuy scheme. This is a Government run scheme operated by the Housing Association and other Registered Social Landlord's, funded and supervised by the Welsh Assembly Government. This gives applicants the opportunity to purchase the property with the assistance of an interest free loan, which can be up to 50% of the market value of the property. The loan is only repaid as and when the property is sold, although applicants have the option to repay the loan during residence in the property, however they are under no obligation to.
- 7.16 The remaining 10 properties would be tenure neutral and available to rent or for shared ownership, where the occupier purchases a share of the property and pays rent on the residual percentage. The site therefore provides a range and mix of affordable housing types.

#### Ecology

- 7.17 The site has no statutory or non statutory designations, however the site consists of unmanaged grassland with a good variety of species present typical of neutral grassland. The site also contains an overgrown species rich hedgerow which divides the site into two parcels. An extended Phase 1 survey and desktop study have been undertaken and submitted as part of the reserved matters application. A badger survey was undertaken at the outline stage due to the presence of tracks on the site, however this concluded that the tracks were the result of dog walkers.
- 7.18 There are no ponds on the application site. There is a pond 100 metres from the western site boundary on the other side of Ffordd y Rhos. The pond has the potential to provide habitat for amphibians, however Ffordd y Rhos acts

as barrier to any amphibian dispersal. It is therefore recommended as a precaution reasonable avoidance measures are undertaken.

- 7.19 The trees on the site have the potential to support bats and the site is accompanied by a tree survey and ecological report which assesses this issue. While no trees are being felled as part of the development, some hedgerow is to be removed and therefore it is considered appropriate to apply a condition referring to bat precaution measures.
- 7.20 To recognise the ecological value of the site a corridor of land is to be retained and managed, adjacent to the existing footpath. The existing hedgerow in the centre of the site is to be retained in part to provide a natural boundary to the public open space. The management of the wildlife corridor would be maintained by condition.

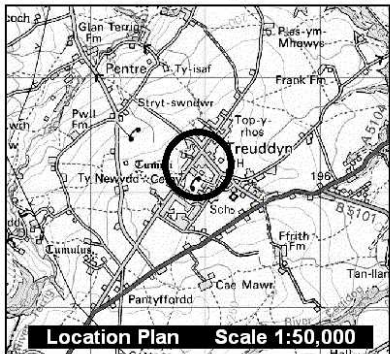
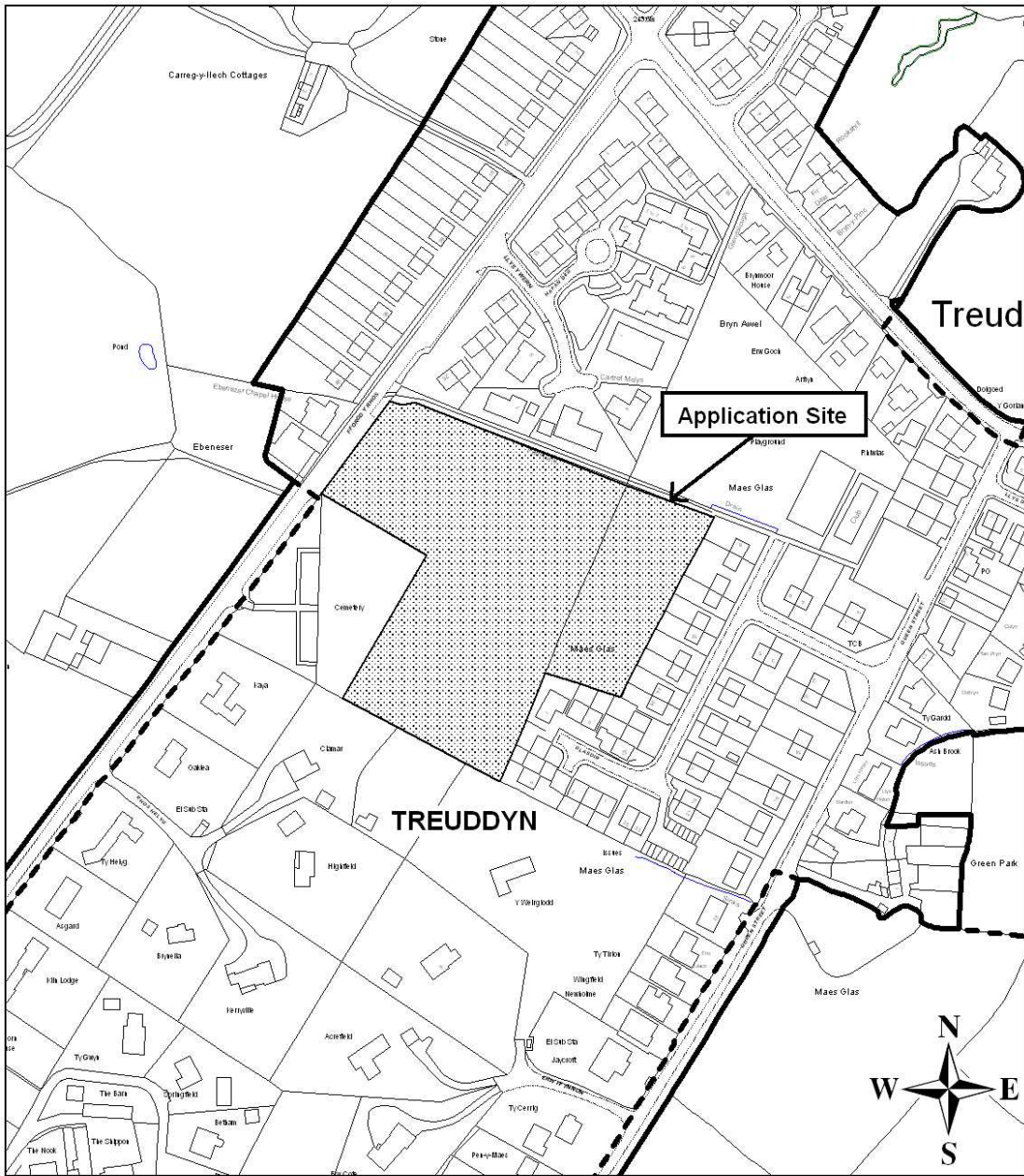
#### Other Issues

- 7.21 In relation to the other issues raised by the Local Member, it is not considered that the traffic related impacts of the development warrant traffic calming on Ffordd y Rhos. In any event, it is not appropriate for traffic calming to be considered at a reserved matters stage. The development makes improvements to the current highway situation by the provision of a footway and a parking lay-by along the site frontage. This allows for a pedestrian footway off the road whilst still retaining parking for users of the chapel and cemetery.
- 7.22 With respect to works to the cemetery land, this is outside the application site and is outside the applicants control. It is therefore not considered reasonable to require any works to this land through this reserved matters application.

### **8.00 CONCLUSION**

- 8.01 The proposed details of the reserved matters are considered acceptable and would create a development of affordable and market family houses with open space provision which would not be detrimental to the character of the village or the local area.
- 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: Emma Hancock  
Telephone: 01352 703254  
E-Mail: emma\_hancock@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> 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>
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<p><b>Map Scale</b> 1:2500</p>	
<p>Ordnance Survey Sheet SJ 2458</p>	
<p>Planning Application <b>48173</b></p>	

**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 4.14**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **16 FEBRUARY 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - ERECTION OF AN ELECTRICITY  
CONVERTER STATION, ASSOCIATED INFRASTRUCTURE  
AND INTERNAL ACCESS FORMING PART OF THE EAST-  
WEST INTERCONNECTOR BETWEEN WALES AND IRELAND  
AT WEIGHBRIDGE ROAD, DEESIDE.**

**APPLICATION NO:** **048223**  
**APPLICANT:** **EIRGRID PLC**  
**SITE:** **LAND WEST OF UPM PAPER MILL  
WEIGHBRIDGE ROAD,  
DEESIDE**  
**APPLICATION VALID DATE:** **17/01/2011**  
**LOCAL MEMBERS:** **CLLR. A. P. SHOTTON, CLLR. J.B.  
ATTRIDGE  
OTHER MEMBERS CONSULTED -  
MACFARLANE, CLLR. OWEN, CLLR.  
A MINSHULL, CLLR. R. JOHNSON,  
CLLR. B DUNN, CLLR. D BARRATT,  
CLLR. D L MACKIE, CLLR. G  
JAMES, CLLR. DE WISINGER, CLLR.  
CM JONES, CLLR. R DAVIES**  
**TOWN/COMMUNITY COUNCIL:** **CONNAH'S QUAY TOWN COUNCIL**  
**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**  
**SITE VISIT:** **NONE REQUIRED**

**1.00 SUMMARY**

1.01 The proposal is a full planning application for the erection of an electricity converter station, associated infrastructure and new site access. The converter station will link the Irish and British electricity markets. The converter station will allow for electricity to be converted from direct currents to alternating current with a two way flow between.

1.02. The overall proposed development is further detailed as follows:

- A valve hull measuring approx 72.6m by 34.9m by 23.6m (in height).

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Date: 09/02/2011



- A service building measuring approximately 24.6m by 27.5m by 5.3m (in height).
- A store room measuring approximately 24.5m by 8 m by 15m (in height).
- External transformer/plant areas/lighting masts/landing gantry not exceeding 21.1 m in height.
- New access into the site of Weighbridge Road and an emergency access adjacent to the UPM Papermill.
- 2.4m in high steel palisade/electric pulse fencing to boundaries.

1.03 The application is accompanied by a Design and Access Statement, Planning Statement, Environmental Reports, Contamination Investigation Works, and an Arboricultural Assessment. Members should be aware that any onshore cables linking the proposed development to off shore cables do not require planning permission and are not being considered as part of the application. The application includes full landscaping details.

1.04 The application site is previously developed land to the west of the UPM Paper Mill in Shotton. The site is located to the south and east of Weighbridge Road and covers an area of approximately 4.9 hectares of which approximately 2 hectares will be developed for the proposed converter station with the rest of the site used temporarily for construction traffic/works. The site was upto recently occupied by mounds of soil/subble, scrub vegetation and a belt of trees to its north, east and western boundaries. The site has been levelled in preparation for development permitted under the previous planning permission for the site. The site lies within an area which is heavily industrialised.

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

2.01 The proposed development is recommended for planning permission subject to the following conditions,

1. Time limit on commencement
2. In accordance with approved plans
3. Implementation of the landscaping scheme
4. Implementation of avoidance and mitigation measures of Section 7.9 and 7.10 of the submitted Environmental Report
5. Implementation of Section 5.1.1 - 5. 1.10 of the submitted Flood Risk Assessment

## **3.00 CONSULTATIONS**

3.01 Local Members

Cllr. A. P. Shotton

No response at time of writing report

Cllr. J.B. Attridge

No response at time of writing report

Cllr. EW Owen

Agrees to determination under delegated powers

Cllr.P MacFarlane

Agrees to determination under delegated powers

Cllr. CM Jones

Agrees to determination under delegated powers

Town/Community Council

No response at time of report writing

Head of Assets and Transportation

No objection

Head of Public Protection

No adverse comments

Countryside Council for Wales

As regards the converter station site the proposal is not considered likely to have a significant effect on the SAC, SPA or Ramsar sites. 'Conditions' should be added to ensure relevant avoidance and mitigation measures are implemented as specified in the Environmental Report. Objects to ancillary development not covered in the Environmental report which is located outside of the application site.

SP Energy Networks

Notes to be attached to any decision notice indicating plant/machinery in the locality

Health and Safety Executive

Does not advise against the grant of planning permission. Applicant's attention to be brought to the contents of letter regarding consultation with pipeline operator.

Countryside Council for Wales

As regards the converter station site the proposal is not considered likely to have a significant effect on the SAC, SPA or Ramsar sites. 'Conditions' should be added to ensure relevant avoidance and mitigation measures are implemented as specified in the Environmental Report. Objects to ancillary development not covered in the Environmental report which is located outside of the application site.

#### **4.00 PUBLICITY**

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

The proposal has been advertised via press, site and neighbour notification. No letters have been received to date.

#### **5.00 SITE HISTORY**

5.01 Ref. 046311 - Full Application for Erection of electricity converter station, associated infrastructure and new site access forming part of the east-west interconnector between Wales and Ireland at Land west of UPM paper mill, Weighbridge Road, Deeside Industrial Park, Deeside - Granted 24/9/09.

#### **6.00 PLANNING POLICIES**

6.01 Clwyd Structure Plan: First Alteration  
Policy A10 - Deeside Development Zone

Structure Plan Second Alteration: Flintshire Edition  
Policy EMP 2 - Provision of Sites for Employment

Alyn and Deeside Local Plan  
Policy Em1 - General Location of Industrial Development  
Policy G1 - General Requirements For Development

Emerging Flintshire Unitary Development Plan  
Policy GEN1 - General Development Control Requirement  
Policy D1 - Design Quality  
Policy D2 - Location and Layout  
Policy D3 - Building Design  
Policy EM3 - Development Zones and Principal Employment Areas  
Policy EWPF16 - Flood Risk  
Policy AC18 - Parking Provision and New Development  
Policy CF9 - Development of Utilities

The proposal would generally comply with the above policies

#### **7.00 PLANNING APPRAISAL**

##### 7.01 Principle of Development

The site is located within the Deeside Industrial park on land designated within the emerging Unitary Development Plan as a Principal Employment Area. The proposed development is acceptable in principle in regards to development plan policy i.e. industrial type development in an area zoned for industry and it would enhance the provision of security of supply of electricity /promote energy competition and also bearing in mind an extant planning permission exists on the site for an almost identical proposal.

Design and Appearance

- 7.02 The proposed buildings are functional in design and scale which is typical of buildings currently located across a wide area of Deeside Industrial Estate. The proposed metal clad buildings and electrical equipment are similar to development found at the adjacent power station. The site would benefit from existing landscaped boundaries to its north, east and west and whilst the scale of the development means it will be seen from distant views (these views are set against and filtered by existing commercial/industrial development). The proposal is therefore considered acceptable visually.

Affect on Residential Amenity

- 7.03 The proposal is not considered detrimental to adjacent residential amenity as the site is distant from residential properties and has intervening large scale industrial development between it and residential areas.

Ecology

- 7.04 The site is located in close proximity to the Dee Estuary SSSI/SAC/SPA/Ramsar Site and the Shotton Lagoon and Reedbed SSSI. The submitted Environmental report states risks are low to ecology via contamination and on nesting birds. CCW have previously commented on the original application for the site that the avoidance and mitigation measures of Section 7.9 and 7.10 of the Environmental Report should be subject to a condition prior to commencement of development and in doing so the proposal should not be likely to have a significant effect on the recognised ecology designations - it is considered reasonable that this condition be reimposed.

- 7.05 On the original application for the site, CCW objected to the ancillary development which was located outside the application site due to uncertainty over impacts on ecology i.e. cabling - this is also the case with the current proposal. Whilst that objection is noted, Members should be aware that these other works do not require planning permission and are permitted development under Part 17 of General Permitted Development Order 1995 and which in any event the applicant will have to discharge its obligation under the Conservation (Habitats and Countryside) Regulation 1994 (as amended).

Contamination/Highways

- 7.06 The Head of Public protection has raise no objections to the proposal on contamination grounds. Head of Assets and Transportation has raised no objections to the proposal.

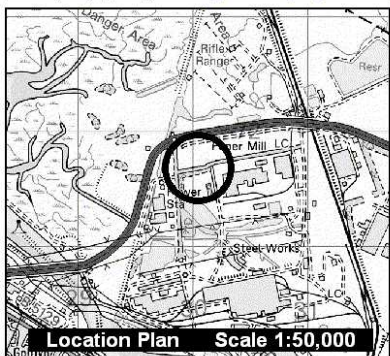
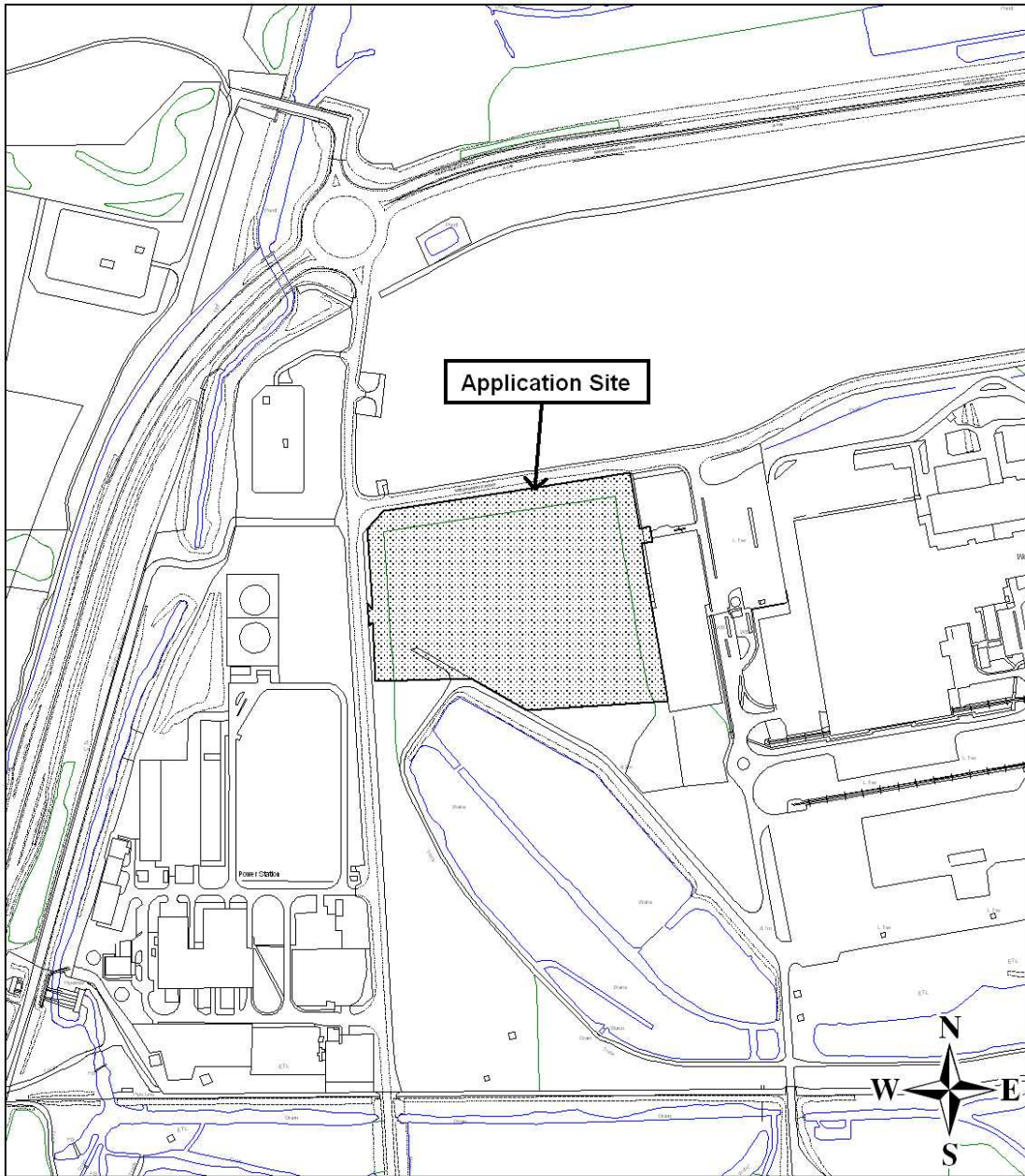
**8.00 CONCLUSION**

- 8.01 The proposed development is strategic infrastructure which should benefit both Irish and UK electricity markets and contribute significantly to the aspiration to establish European electricity links. The proposal is considered

acceptable in principle and in design and is not considered detrimental to acknowledged interests.




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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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	1:5000
Ordnance Survey Sheet	SJ 3071
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