

# Public Document Pack

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Members of the Planning & Development  
Control Committee

CS/NG

Political Balance

Chair – D. Wisinger

17 May 2012

Labour – 8

Conservative – 3

Liberal Democrats – 2

Independent Alliance – 3

Independent – 1

New Independents – 2

Non Aligned – (Gareth Roberts)

The Membership of the Committee will be read out  
at the start of the meeting.

Tracy Waters 01352 702331  
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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **ALYN & DEESIDE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 23RD MAY, 2012** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **APPOINTMENT OF VICE-CHAIR**

Nominations will be sought for a Vice-Chair for the Committee.

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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

4 **MINUTES** (Pages 1 - 16)

To confirm as a correct record the minutes of the Special Meeting held on 18/04/12 and the meeting held on 18/04/12 (copies enclosed).

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

**REPORT OF HEAD OF PLANNING**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 23 MAY 2012**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal, GM = General Matters)</u></b>		
6.1	049451 - A	Full Application - Erection of 10no.two bedroom apartments at Risboro, Nant Mawr Road, Buckley
6.2	049371 - A	Full Application - Construction of a vehicular access onto Bryn Road, removal of part of the hedgerow and erection of double wooden gates at 9 Hill View, Bryn-Y-Baal, Mold
6.3	049342 - A	Full Application - Erection of a detached dwelling at land side of 12 Banks Road, Mancot, Deeside
6.4	048425 - A	Full Application - Demolition of existing rear single storey extension and erection of a three storey extension and creation of new vehicular access at Hotel Victoria, High Street Square, Holywell
6.5	049499 - A	Advertisement Consent - Erection of 3no. non-illuminated free-standing billboards at land at Denbigh Road & Milford Street, Mold
6.6	048032 - GM	Erection of 45no. dwellings, associated garages and parking and demolition of existing buildings at Overlea Drive, Hawarden, Deeside
6.7	048855 - GM	General Matters - Residential Development Consisting of 51 No. Dwellings, New Road and Creation of Mitigation Land in Relation to Ecology on land between and behind Maison De Reves and Cae Eithin, Village Road, Northop Hall
6.8	047415 - GM	General Matters - Phase 1: Erection of Primary School, Construction of Access Road, Car at Custom House School, Mold Road, Connah's Quay

Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
6.9	ENF/134176	Appeal by Mr Jonathan Barton against an Enforcement Notice issued by Flintshire County Council on the 6th June 2011 at Warren Dingle Farm, Mold Road, Penyffordd
6.10	048974	Appeal by Mr. Rodney Borrow Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Replacement Dwelling on Land Adjacent to Glencairn, Bryn Celyn, Holywell



**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**18 APRIL 2012**

Minutes of the special meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 18 April 2012

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

Councillors: G.H. Bateman, R.C. Bithell, J.E. Falshaw, V. Gay, P.G. Heesom, R. Hughes, C.M. Jones, D.I. Mackie, W. Mullin, M.J. Peers, H.G. Roberts, C.A. Thomas, W.O. Thomas and D.E. Wisinger

**ALSO PRESENT:**

Councillors: Eng. K. Armstrong-Braun and M. Bateman

**APOLOGIES:**

Councillors: J.B. Attridge, D.L. Cox, F. Gillmore, G. James and N. Phillips

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Highways Policy & Strategy Manager, Senior Engineer - Highways Development Control, Senior Planner, Principal Solicitor and Committee Officer

**244. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**245. LATE OBSERVATIONS**

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

**246. OUTLINE APPLICATION FOR THE REDEVELOPMENT OF A STRATEGIC BROWNFIELD SITE FOR AN EMPLOYMENT LED MIXED USE DEVELOPMENT WITH NEW ACCESSES AND ASSOCIATED INFRASTRUCTURE INCLUDING FLOOD DEFENCES AND LANDSCAPING AT RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND (049320)**

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 16 April 2012. 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 Head of Planning introduced the report and explained that the site was in the Enterprise Zone and that approval of the application would provide the confidence to invest in the Zone. The Authority would retain control of the whole site based on the number of conditions recommended and through the

reserved matters applications which would come forward following the grant of the outline planning permission.

The Senior Planner explained that there were additional late observations from Highways to give assurance on three matters which were:-

- i) the extension of the Deeside Shuttle response bus service
- ii) the penetration of the bus service into the site
- iii) the infrastructure and connection to Hawarden Bridge railway station to be required

The site was part of the Deeside Enterprise Zone and had the potential to bring forward 5000 of the 7000 jobs target for the zone. It was reported that the Northern Gateway allocation had been recognised for some time as a potential crucial economic driver for the sub-region. In the West Cheshire/North East Wales Spatial Strategy 2006-2021 the site was identified as an important future employment site. The site was further recognised in the Flintshire Regeneration Strategy 2008-2020 as a critical location for future employment use and wider regeneration benefit.

The site formed part of the larger 170 Ha site allocated in policy HSG2A of the Flintshire Unitary Development Plan (UDP). The remaining 70 Ha lay to the west and south of the site and was in a different ownership. Policy HSG2A allowed for the mixed use development of the site and stated that the development would be phased over the plan period (2000-2015) and should comprise 20-25 Ha of housing (at least 650 dwellings), 30% of which would be sought as affordable housing. The current application proposed 725 dwellings on an area of 25 Ha, however Members were referred to the late observations which highlighted that officers did not necessarily accept these figures and required further information. Proposed condition 45 had been included to cater for this and the condition stated that affordable housing was to be provided in accordance with Council policy and an appropriate scheme was to be agreed detailing precise numbers, sizes and tenures.

The scheme included enhanced or new health and education sectors and an improved access point and highway improvements. Proposed condition 4 required the submission and approval of a development brief, masterplan and design statement before submission of any reserved matters application. The officer drew Members' attention to paragraph 7.03 which provided details of the major strategic proposals for a mix of development. Paragraphs 7.38 to 7.40 detailed the parameter plans of the application and the indicative phasing plan was also detailed on pages 17 and 18 of the report. It was proposed that phases 1 and 2 would be brought forward together followed by phases 3 and 4. The construction was proposed to last for 10 to 15 years.

The main issues were considered to be flood risk, highways, sustainable transport, layout and phasing of development including integration with the whole allocation, compliance with requirements of the development plan and other Council policies. Once a masterplan had been submitted it

would require a Transport Assessment (TA) to be carried out on it. Then a TA would be needed for each phase, followed by a revised TA once each phase was built. The current TA did not adequately address how this site would be serviced by sustainable transport measures, particularly public transport.

Mr. Peter Disley spoke in support of the application as the Development Manager for PRAXIS, the owner of the site. He explained that when they first acquired the site PRAXIS had indicated that they had the capital to invest and were now keen to bring forward delivery of the scheme. They had continued to invest in the site, had engaged with stakeholders, including the residents of Deeside, and following discussions with officers on the proposal they intended to bring forward reserved matters applications if this application was approved at outline stage today. The proposal would deliver thousands of new jobs and quality housing and it was proposed that the commercial part of the application would commence by the end of 2013. A potential partner was on board to bring forward the residential element and they could be on site by the end of 2012. The site was one of the most strategic in North Wales and the site had been dormant for ten years before PRAXIS bought it. Mr. Disley stated that the outline planning permission would be a landmark and that it was now possible to unlock the potential of the site. He commented on the masterplan for the site and added that PRAXIS was ready, willing and able to deliver the proposals.

Councillor C.M. Jones, the local Member, proposed the recommendation for approval which was duly seconded. She welcomed the proposed development which would be of significant benefit to Flintshire, and Deeside in particular, and was long awaited. The allocation for mixed development in the UDP was on a site located next to the Deeside Industrial Zone which employed 9,000 people. This proposal would bring up to 5,000 jobs and apprenticeships to the area and would be a major boost for the economy. The proposal would also include good quality housing and provide homes for people who wanted to work in the area. The Northern Gateway development would be a huge benefit to the people of Garden City and Sealand could potentially provide a new health centre for the area, and fill the surplus places in the local schools. No built development could commence until after approval and implementation of a scheme for strengthening the River Dee flood defences. Consultation had been undertaken with officers, the local Member and residents.

Councillor D.E. Wisinger thanked officers for the excellent work they had undertaken on the application and said that consultation by the developer had been exceptional. He felt that the Deeside Enterprise Zone had to be of benefit to Flintshire and said this was an exciting opportunity to bring forward housing and jobs to the area.

Councillor P.G. Heesom strongly endorsed the comments of the local Member. This was a complex site and consultation had always been undertaken with the local Member. He highlighted paragraph 8.39 and drew Members' attention to the late observations and the officer additions to the report. It was important to make clear that 30% of affordable housing would

be sought on the site. He asked that the local Member always be consulted as the development moved forward.

Councillor M.J. Peers thanked the officers for the report. He highlighted paragraph 7.03 and queried whether the figures for storage & distribution floorspace and manufacturing floorspace were correct. He also asked for more information on the skilled jobs which would form part of the development. He felt that there were a number of issues to be outlined at the reserved matters stage. He welcomed the opportunity for Member involvement on the development brief and the masterplan. He concurred with Councillor Heesom on the requirement for 30% affordable housing as detailed in the policy. He welcomed the late observations from Highways and said that it was important to utilise the railway links adjacent to the site. He drew Members' attention to the late observations by Councillor Eng. K. Armstrong-Braun which he hoped would be considered.

Councillor C.A. Thomas seconded the Member involvement in the development brief and masterplan. She spoke of the ecological importance of the site and the flood risk element and asked what mitigation would be put in place. She requested further information on the tidal and fluvial flood storage areas. She noted the need for flood consequences assessments at each stage and also asked that an environmental/ecological survey be undertaken at each phase of the development and that a strategic ecological plan be carried out for the whole site. Councillor W. Mullin paid tribute to the officer, developer and local Member for their work on the application.

Councillor W.O. Thomas said that this was a great opportunity but added that he had concerns. He highlighted paragraph 7.03 and the figures quoted for storage & distribution floorspace as he felt that, in comparison, the small amount of Manufacturing floorspace would not bring many skilled jobs into the area. He raised concern about the access into the industrial area of the site, which he felt was poor even though the access to the residential properties was good. He hoped that there would be more emphasis on jobs rather than residential development.

Councillor R.C. Bithell welcomed the proposed development of what he considered to be a strategic site of regional importance. He welcomed the additional conditions detailed in the late observations sheet covering details of the design and timing of construction of site accesses and internal estate roads to be submitted for approval. He was disappointed that the masterplan which had been submitted was only for indicative purposes and said that this was a one off opportunity to make it work well. He felt that submission of a masterplan was vital and said that, when it was undertaken, he hoped that Members would be involved in it. He agreed that the figure quoted for manufacturing floorspace was low and added that manufacturing jobs were vital for the area. He also said that a section 106 obligation had not been included in the recommendation and asked if it needed to be covered at the outline application stage or whether conditions were sufficient.



Councillor H.G. Roberts said that it was important that the message went out to investors that Members were in favour of the application. He welcomed the application and, in referring to Hawarden Bridge railway station, felt that it would prove to be a vital component in the infrastructure. He commented on the flora and fauna in the area and said that there could be industrial activity with a healthy ecological background. On the issue of 10,000 sq m floorspace for the manufacturing sector, he said that this could be changed in the future.

The Principal Solicitor said that it was in the remit of the Committee to request that the development brief and Masterplan come back for approval and that this could form part of the recommendation.

In response to a query from Councillor W.O. Thomas, the officer said that the green area shown on the presentation slide was for phase 1 of the proposal. The Planning Strategy Manager said that a final phasing plan was still required, so that Members were not being asked to agree to the phasing until the plan was submitted.

On the issue of ecology the Senior Planner said that consultation with Countryside Council for Wales and the Council's ecologist had led to condition 54 being included. The UDP specified that B8 storage would be for a greater amount than manufacturing floorspace hence the larger amount of floorspace being proposed. On the issue of poor access, she said that she had explained at the site visit that the submitted proposals would provide for two new accesses onto Old Welsh Road, one for residential and one for employment. A third new access would be provided on the northern side to link with Deeside Industrial Park. On the issue of residential use being favoured over employment, she said that the application was for a mixed use development and the amount of land proposed for employment uses was larger than the residential area.

The Planning Strategy Manager said that the issue of employment mix was prescribed to a degree in the development plan and the site adjoined a very large manufacturing site which contributed to Flintshire having a high proportion of manufacturing jobs compared to the national average. He added that the allocations of 10,000 sq m for class B2 floorspace and the office space of 9,000 sq m was both substantial and sustainable and he felt that the right balance had been achieved. On the issue of housing/employment balance, he said that the site had been in the development plan for 20 years for employment use and had not been taken up. Changing it to a mixed use made it a more attractive option to bring forward. He said that a balance was needed but added that it was an employment led development. On the masterplan he said that officers would have liked both developers to have brought forward a masterplan together but this had not happened. He referred Members to the late observations and the comments from the adjacent land owner who indicated that a planning application was to be submitted in June 2012 for that part of the allocation.

The Highways Policy & Strategy Manager detailed the highways issues on the site and in the wider area, commenting in particular on the access to the site and said that the site was important strategically and that Flintshire would work with the developer and other Agencies to ensure a sustainable transport scheme.

In response to a query from Councillor Bithell regarding the need for a section 106 obligation, the Principal Solicitor said that it was not required at the outline stage as it had been dealt with by the inclusion of conditions 44, 45 and 46 requiring schemes to be brought forward in due course. Following a query from Councillor C.A. Thomas, the Principal Solicitor said that it was entirely appropriate to deal with the requirements for a section 106 agreement at a later stage. At this stage it was not possible to deal with a 106 agreement for issues such as play provision as the detail was not available.

The Chair explained that Councillor M. Wright, the Executive Member for Regeneration & Tourism, was present at the meeting and asked if Members had any questions to put to him. Councillor Peers asked about the level of interest in the site but was advised by the Principal Solicitor that the Committee should decide the application based on the information before them. Councillor Wright confirmed what had been said with regard to the significance of the development.

The Planning Strategy Manager clarified that the proportions of Class B8, B1 and B2 set out in the policy were indicative adding that if a significant Manufacturer came along, this could be accommodated.

In summing up, the local Member Councillor C.M. Jones thanked the Executive Member, officers and in particular the Senior Planner and the Highways officers for their work on the application. She thanked the Committee for their positive comments and said that she agreed with Councillor Peers that the whole Committee should be involved with the masterplan. She said that PRAXIS had been excellent and had taken comments on board from herself and the community.

On being put to the vote, the proposal to approve the application with the additional conditions detailed in the late observations sheet was CARRIED.

The Principal Solicitor reminded Members of the request from earlier in the meeting that a detailed development brief, which would include a Masterplan, would be brought back to a Committee. On being put to the vote, the proposal was CARRIED.

**RESOLVED:**

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

- (b) That a detailed development brief (including a Masterplan) be reported to the Committee for approval.

**247. DURATION OF MEETING**

The meeting commenced at 10.00 a.m. and ended at 11.23 a.m.

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

There were 8 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: 18 APRIL 2012</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**18 APRIL 2012**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 18 April 2012

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

Councillors: G.H. Bateman, R.C. Bithell, J.E. Falshaw, V. Gay, P.G. Heesom, R. Hughes, C.M. Jones, D.I. Mackie, W. Mullin, M.J. Peers, N. Phillips, H.G. Roberts, C.A. Thomas, W.O. Thomas and D.E. Wisinger

**ALSO PRESENT:**

Councillor R. Johnson

**APOLOGIES:**

Councillors: J.B. Attridge, D.L. Cox, F. Gillmore, G. James and R.B. Jones

**IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Housing Strategy Manager, Manager (Minerals and Waste), Democracy & Governance Manager and Committee Officer

**249. ANNOUNCEMENT BY THE CHAIR**

At the start of the meeting the Chair reminded Members that this was the last meeting before the election and thanked members for their Contribution to the Planning and Development Committee meetings.

The Vice-Chairman extended thanks to the Chair for the way she had taken on the role and he also gave thanks to the officers.

**250. DECLARATIONS OF INTEREST**

Councillor P.G. Heesom declared a personal interest in the following application:-

**Agenda item 5.2 - Application for removal or variation of condition following grant of planning permission ref. 1240/90 to allow for storage up to 8 metres higher than base datum point at Old Quarry Yard, Gwespyr (049395)**

**251. MINUTES**

The draft minutes of the meeting of the Committee held on 14 March 2012 had been circulated to Members with the agenda.

## **RESOLVED:**

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

## **252. ITEMS TO BE DEFERRED**

The Head of Planning advised that deferment of the following application was recommended:-

**Agenda item 5.3 - Full application - Proposed construction of a vehicular access onto Bryn Road, removal of part of the hedgerow and erection of double wooden gates at 9 Hill View, Bryn y Baal (049371) - to seek a further view from the Policy Section on the impact on 'green space' and from the Ramblers on impact on the public right of way**

The Chair explained that she had met with the Vice Chairman and Councillor M.J. Peers and following their meeting, they were requesting that the following application be deferred:-

**Agenda item 5.1 - Variation of Condition No. 3 attached to outline planning permission ref. 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted at land at Croes Atti, Chester Road, Oakenholt (049426) - as application 049154 was the subject of an appeal which was due to be heard in June 2012. She felt that it was appropriate to defer the application without debate so as not to prejudice the appeal.**

Deferment of the application was proposed by Councillor C.A. Thomas and was duly seconded.

The Democracy & Governance Manager reminded Members that they should confine any debate to whether the application should be deferred or not.

Councillor R.C. Bithell referred to paragraph 1.03 which reported that this was an identical application to that determined at the 14 March 2012 meeting. The Democracy & Governance Manager reminded Members that the decision that they took at the last meeting was on the stance to take at the appeal.

The Chair said that following the meeting with herself, the Vice Chairman and Councillor M.J. Peers, they believed that a full debate now

would not be helpful as some of the Authority's policies could be compromised.

The Development Manager explained to Members that the proposed variation sought more time for the submission of reserved matters applications in the context of the extant outline planning permission. He referred to the identical application reported to the previous committee saying that the recommendation here reflected the comment from the Director of Lifelong Learning regarding the payment of a commuted sum, which was detailed in the late observations sheet. He advised that this would be forwarded as part of the case on the appeal, which was currently being held in abeyance pending determination of this application. In view of the previous resolution he advised that there was no reason to defer the determination of this application.

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

**RESOLVED:**

That application numbers 049426 and 049371 be deferred.

**253. APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING GRANT OF PLANNING PERMISSION REF. 1240/90 TO ALLOW FOR STORAGE UP TO 8 METRES HIGHER THAN BASE DAATUM POINT AT OLD QUARRY YARD, GWESPYR (049395)**

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

The Manager (Minerals and Waste) explained that this was a re-submission of application 048496 which had been refused at the Planning Committee meeting held on 7 December 2011 contrary to officer recommendation. A report then went to the Planning Committee meeting on 11 January 2012 to seek guidance regarding the reasons for refusal and the outcome was to refuse solely on the grounds of visual impact. Since the issue of the refusal notice, the applicant had engaged with officers and the local Member with the purpose of resolving the issues of visual impact. A new belt of planting was proposed to be undertaken to the south of the site which would mitigate the visual impact from the main road. Parking spaces had also been created on site to address previous concerns raised by Members. Highway issues would be controlled by way of condition including facilities for turning and parking of vehicles and the maintenance of a hard paved area for loading, parking and turning within the site.

It was reported that no change of use was proposed as the only purpose of this application was to increase the height of the storage areas of the scrap material from 4.6 to 8 metres. This application would regularise the planning status of the site to retain the existing stockpiles at a height of up to 8 metres. No complaints about the site such as noise or visual impact had been received. The Manager (Minerals and Waste) drew Members' attention to conditions 4, 7, 9, 11 and 14. He highlighted paragraph 7.09 which reported on amenity and nuisances but said that the proposed conditions would address the concerns.

Councillor D.I. Mackie proposed the recommendation for approval which was duly seconded. He read out a statement by the local Member, Councillor F. Gillmore, who was unable to attend this meeting, which indicated that he had spoken with the applicant and with officers and he had now received the assurances that he required to address his concerns; he was now satisfied that the application could be approved.

Councillor M.J. Peers sought clarification on the increase in the height of the stockpiles and asked at what height the material would be level with the surrounding land. He proposed an amendment that the application be approved with a two year temporary permission. He said that concerns had been raised on the site visit held on 5 December 2011 and that there was still uncertainty surrounding the site. He felt that a two year permission would allow for checks to be undertaken of how the site was progressing. The amendment was duly seconded.

Councillor R.C. Bithell raised concern about the height and said that there was no indication that it would diminish. He highlighted paragraph 7.09 where the visual impact due to the increased height had been raised as a concern. He concurred with the proposal for a two year temporary permission.

In response to the comments made, the Manager (Minerals and Waste) said that the site was set within a quarry and all of the stockpiles at the proposed height were below the line of the quarry. He confirmed that on the issue of ecology, advice would be sought from the county ecologist. The reason for the height of the stockpiles was because it was difficult for scrap yards to move metal on due to the difficult economic downturn. On the issue of the temporary permission, he said that it might be unacceptable to put additional planting in for two years.

Councillor P.G. Heesom said that he supported the application and said that the vast majority of people in the area had not complained about the site; however he concurred with the two year temporary permission.



On being put to the vote, the amendment for a two year temporary permission was CARRIED. This became the substantive motion and on being put to the vote, the recommendation to approve the application for a two year temporary permission was CARRIED.

**RESOLVED:**

That condition 1 be varied to allow waste to be stored to a height of 8 metres for a temporary period of two years, and to the other conditions contained within the recommendation.

**254. GENERAL MATTERS – ERECTION OF 44 NO. TWO STOREY AND THREE STOREY DWELLINGS INCLUDING ASSOCIATED PARKING, OPEN SPACE AND FORMATION OF NEW ACCESS AT BRIGNANT, HALKYN ROAD, HOLYWELL (048264)**

The Committee considered the report of the Head of Planning in respect of this application.

The Development Manager explained that the report was to seek an amendment to the resolution with regard to the need for a section 106 obligation relating to the provision of the visibility splay on the southern side of Halkyn Road.

The local Member, Councillor H.G. Roberts, proposed the recommendation as detailed in the report which was duly seconded. He said that it was essential that the condition was met before commencement of work at the site.

**RESOLVED:**

That the resolution to permit application ref. 48264 subject to the completion of a Section 106 Obligation (and conditions) taken at the Committee meeting on 14 March 2012, is amended to delete the reference to “maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into).”

**255. APPEAL BY MR. R. HETHERINGTON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE RESIDENTIAL DEVELOPMENT OF LAND AT 29/31 WEPRE PARK, CONNAH’S QUAY (047641)**

**RESOLVED:**

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

**256. APPEAL BY MR. W. HUGHES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE ROOF ALTERATIONS TO PROVIDE EN-SUITES TOGETHER WITH ADDITIONAL BEDROOM FLOOR SPACE AND ERECTION OF A DETACHED SINGLE GARAGE (049065)**

**RESOLVED:**

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

**257. DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 1.45 p.m.

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

There were 8 members of the public and one member 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: 18 APRIL 2012</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillor P.G. Heesom	Application for removal or variation of a condition following grant of planning permission ref. 1240/90 to allow for storage up to 8 metres higher than base datum point at Old Quarry Yard, Gwespyr (049395)	253

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 23 MAY 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** FULL APPLICATION - ERECTION OF 10NO.TWO BEDROOM APARTMENTS AT "RISBORO", NANT MAWR ROAD, BUCKLEY.

**APPLICATION NUMBER:** 049451

**APPLICANT:** MR. G. AMES

**SITE:** "RISBORO", NANT MAWR ROAD, BUCKLEY

**APPLICATION VALID DATE:** 13<sup>th</sup> FEBRUARY 2012

**LOCAL MEMBERS:** COUNCILLOR R. HAMPSON  
COUNCILLOR N. PHILLIPS

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

**REASON FOR COMMITTEE:** AT THE REQUEST OF THE LOCAL MEMBER WHO CONSIDERS THERE TO BE CONCERNS RELATING TO MATTERS OF HEIGHT AND OVERBEARING IMPACT FOR MEMBERS TO EXAMINE.

**SITE VISIT:** YES. LOCAL MEMBER CONSIDERS THAT COMMITTEE MEMBERS NEED TO VIEW THE SITE IN THE CONTEXT OF THE SURROUNDINGS AND THE PROPOSAL. ALSO, THE PROPOSAL WOULD RESULT IN A S.106 AGREEMENT BEING REQUIRED TO SAFEGUARD PEDESTRIAN VISIBILITY SPLAYS AT THE PROPOSED POINT OF ACCESS.

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the demolition of an existing dwelling and the redevelopment of a two storey apartment blocks to provide a total of 10 No. 2 bedroom apartments, together with creation of a new point of vehicular access and associated works at 'Risboro' Nant Mawr Road, Buckley. The site measures 0.12 hectares in area.
- 1.02 The issues for consideration are the principle of development,

design/appearance, residential impacts and highway impacts.

**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 a contribution of £7,330 in lieu of on site recreation provision. The contribution shall be paid upon 50% occupation or sale of the apartments hereby approved.
  - b. Ensure that pedestrian visibility splays at the proposed point of access are safeguarded in perpetuity where they cross third party land.

**Conditions**

1. 5 year time limit
2. In accordance with approved plans
3. Approval of external materials to roofs and wall and all external; hard surfaces.
4. Scheme for surface, foul and land waters drainage from site to be submitted and agreed prior to works commencement. Implemented before occupation of units.
5. Code 3 interim certificate to be provided prior to commencement.
6. Code 3 final conformity certificate to be provided prior to occupation.
7. Scheme for 10% reduction of carbon outputs.
8. Provision of parking facilities prior to first occupation of approved units.
9. Site access to have vehicular visibility splays of 2.0m by 40m. Pedestrian visibility splays of 2.4m x 3.3m. Splays to be kept free from obstruction.
10. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
11. Finished site levels to be agreed prior to works commencement.
12. Submission for approval of landscaping scheme, including boundary treatments.
13. Implementation of landscaping scheme.
14. Root protection area for trees and hedging to site boundaries during construction works.
15. No lopping topping or felling of trees without prior consent.
16. Scheme for hours of working to be agreed.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor R. Hampson

Requests that the application be considered by the Members of the Planning and Development Control Committee and be the subject of a committee site visit. Considers the proposals to be overdevelopment and raises concerns in respect of increased traffic upon existing highway safety and amenity.

Councillor N. Phillips

Considers that the principle of the development is acceptable but feels that the introduction of accommodation within the roof space of the proposed building would have an overbearing impact upon existing adjoining residential amenity.

Buckley Town Council

Observations forwarded as follows:

- Considers the proposals to be an overdevelopment by virtue of density inconsistent with surroundings.
- Considers the proposals afford unacceptable overlooking opportunities of adjacent properties.
- Has concerns in respect of the adequacy of the proposed access in relation to current traffic levels utilising Princess Avenue.
- Has concerns in respect of parking provision.

Head of Assets and Transportation

Considers that the proposals are acceptable. Requests the imposition of conditions and notes upon any subsequent permission.

Leisure Services Manager

Advises that on site recreation provision is not required. Seeks a commuted sum in lieu of the same, equal to £733 per apartment. A total of £7330 is sought to be utilised to upgrade existing facilities within the locality.

Head of Public Protection

No adverse comments.

Environment Agency Wales

Standard advice applies.

Dwr Cymru/Welsh Water

There is no objection to the development subject to the imposition of conditions requiring a scheme for the disposal of foul, surface and land drainage.

Coal Authority

No objection. Requests the imposition of an informative note upon any permission granted.

Airbus

No adverse comments.

#### **4.00 PUBLICITY**

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters.

4.02 At the time of writing this report, the publicity exercise has resulted in the submission of 26 No. letters of objection from third parties in respect of the proposals. These representations raise objections upon the following grounds;

- Increased traffic generation resulting in adverse impacts upon highway and pedestrian safety;
- Concerns relating to potential for increased on street parking safety and parking of refuse/recycling vehicles during collections with consequent effects upon highway;
- Adverse impacts upon residential amenity arising from overbearing, over dense and overlooking development and noise.
- Proposal is incongruous in locality and would detract from visual amenity.
- Loss of trees.

#### **5.00 SITE HISTORY**

5.01 **05/0/39736**

Outline – erection of a dwelling. Refused 11.10.2005.

**07/0/42772**

Outline – erection of a dwelling. Permitted 14.5.2007

**10/0/47432**

Renewal of 42772. Permitted 2.2.2011.

**048669**

Erection of 12 No, apartments. Refused 7.11.2011.

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR4 - Housing

Policy GEN1 - General Requirements for Development



Policy GEN2 - Development inside Settlement Boundaries  
Policy HSG3 - New Housing on unallocated sites within settlement boundaries  
Policy HSG8 - Density of Development  
Policy HSG9 - Housing Type and Mix  
Policy D1 - Design Quality, Location and Layout  
Policy D2 - Design  
Policy D3 - Landscaping  
Policy EWP3 - Renewable Energy in New Development  
Policy AC13 – Access and Traffic Impacts  
Policy AC18 – Parking Provision and New Development.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description and Proposed Development**

This is a full planning application for the erection of 10 No. apartments within a single building, together with associated works. The site measures 0.12 hectares in area and has a dual frontage onto both Nant Mawr Road and Princess Avenue.

7.02 The site comprises the existing dwelling known as 'Risboro' and its associated curtilage. The site is rectangular in shape and is located within an existing area of residential development with residential accommodation of a variety of forms surrounding on all sides. The site is bounded immediately to the south and east by the above named highways beyond existing hedgerows. The northern and western boundaries abut the adjacent dwellings and their curtilages on Princess Avenue and Dawn Close respectively. These boundaries comprise a mixture of hedging and domestic style fences. The site topography is such that there is general fall in site levels from the north towards the south and a gentle fall from west to east.

7.03 Members will recall a previous submission for the development of this site under application reference 048669 and will recall resolving to refuse planning permission for that development. Whilst initially 2 reasons for refusal were suggested, relating to overdevelopment and inadequate visibility at the point of access, Members will recall resolving to accept advice and withdraw the highway related reason following consideration of a General Matters report to this effect.

7.04 The current application differs in that the proposals now only provide for a single apartment building as opposed to the 2 previously indicated.

### **7.05 Principle of Development/Policy Context**

The proposed development site is located within the defined settlement boundary of Buckley as identified in the Development Plan. The site is not allocated for specific development but its location within the settlement boundary affords a presumption in favour of development, subject to the detailed consideration of all material

considerations. Policy HSG3 identifies the criteria against which the development of unallocated sites within settlement boundaries for residential purposes will be considered. The proposed residential development of the site is therefore acceptable in principle.

7.06 Design/Appearance/Amenity Considerations

The proposed development would provide 10 dwellings on a 0.12 hectare site which equates to a density of approximately 80 dwellings per hectare. Whilst this would be at a higher density than the UDP indicative figure of 30 dwellings per hectare, it should be noted that these units are 2 bed apartments and not single dwelling units. Furthermore, in terms of massing, the 10 units occupy units with an external appearance akin to a terrace of 4 dwellings. Therefore, whilst the site yield is high in terms of a simple calculation, it is nonetheless acceptable when all other factors relevant to the site are considered. I do not therefore concur that the proposals amount to an overdevelopment of the site but rather consider the proposals to reflect the general thrust of national and local planning policy which seeks to achieve the best use of land, especially where that land is previously developed land within settlement boundaries.

7.07 The proposed building to be set back from the edge of the site in order to retain the existing hedgerow across the site frontage. This serves to not only soften the impact of the proposed development in visual terms but also serves to maintain the visual quality of the street scene in this location. The building itself is proposed to sit somewhat further to the south than the current dwelling. I consider this to be appropriate as it moves the impact of the building further away from the existing dwellings on Dawn Close and creates a more identifiable frontage relative to the remainder of the street. The retention of the hedgerow will also serve to lessen any perceptions of overlooking and will reduce the visual impact of the mass of the building.

7.08 The positioning of the building within the site, together with proposed works to the levels within the site, ensures that, the building will actually sit lower in relation to the surrounding built form than the current dwelling presently does.

7.09 The building is internally configured such that that the views afforded from windows at first floor and attic level towards properties on Dawn Close are oblique in relationship and, by virtue of the aforementioned levels work, afford no greater an overlooking opportunity than is presently afforded by the existing dwelling. Indeed, the relationship between the proposed and existing dwellings on dawn Close is such that the separation between the properties is increased. Rooflights serve the rooms within the attic level to the front elevation. Separation of 21m is secured between the building and properties on Nant Mawr Road opposite. Notwithstanding this, I propose to condition the glazing within the en-suites and bathrooms to be obscure glazed.

7.10 Concerns has been raised that the proposals are of a form, scale and type which would have an overbearing impact upon adjacent properties and are incongruous to the locality. For reasons set out above, I consider the proposals to amount to neither overdevelopment nor be of a form which is overbearing. In respect of the issue of incongruity, I would advise that the area is characterised by a mixture of property types, styles and ages with a variety of arrangements of built form and the proposals reflect this variety. Furthermore, it should be noted that existing apartment development exists upon the opposite junction of Nant Mawr Road and Dawn Close, some 52 metres from the application. I consider therefore, that apartment development is not an incongruous form of development in relation to either the site or the surroundings and conclude that the proposals reflect the mixed nature of the vernacular in this location.

7.11 Highways and Access

The proposed development would be accessed by both vehicular traffic and pedestrians via a new access created onto Princess Avenue, with the current vehicular access onto Nant Mawr Road being permanently closed off. Concerns have been raised by third parties in respect of increased traffic flows and consequent increase of risk of conflict between additional and existing traffic upon the road. Concerns have been raised in respect of the loss of a rowan tree within the verge between the site and the road to facilitate access. It should be noted that this tree is not protected and is only of semi mature standard.

7.12 The proposal has been assessed by the Head of Assets and Transportation who has raised no objection to the scheme. In terms of visibility at the access point for pedestrians, agreement will be required between the applicant and a third party landowner (in this case, Flintshire County Council) to ensure that the required splays are provided and safeguarded in perpetuity. Subject to conditions to this effect and the applicant entering into an appropriately worded legal agreement to this effect, I am advised that there is no highway objection upon this basis.

7.13 The proposed development is considered to provide adequate off road parking and manoeuvring space for the vehicles expected to visit the site and therefore in highway terms the proposed development is considered acceptable. Notwithstanding concerns raised in relation the adequacy of the access to permit refuse and recycling vehicles to enter the site, Members are aware that Council refuse and recycling collections are conducted upon a roadside collection basis and therefore vehicles of this nature will have no need to enter the site.

7.14 Other Matters

In regards to drainage issues, the proposed development has not been objected to by Dwr Cymru/Welsh Water and therefore, subject to an appropriately worded planning condition, the proposal is

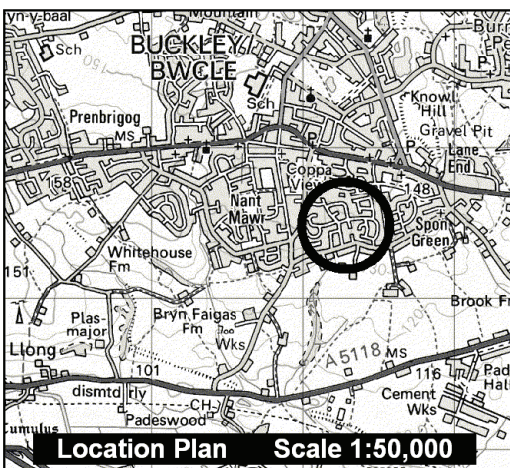
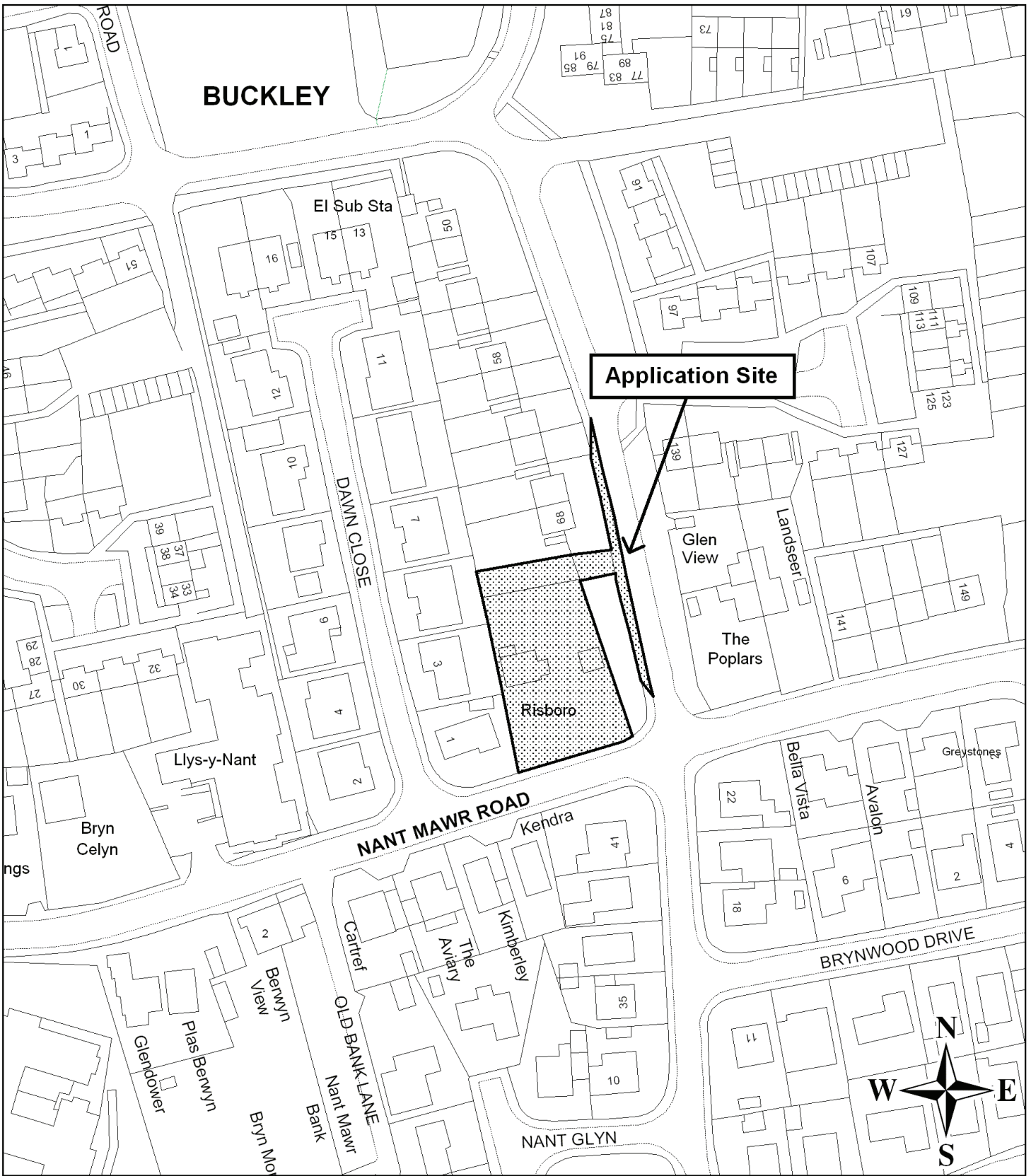
considered acceptable.

- 7.15 The Head of Leisure Services indicates in response to consultation that there is no requirement for the provision of on site play or recreation space in this instance. Accordingly, a sum equivalent to £733 per unit of accommodation is sought in lieu of on site provision with such sum to be used to enhance existing facilities within the community. This sum equates to £7330 which will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved dwellings.

## **8.00 CONCLUSION**

- 8.01 Having regard to the above, I consider that these proposals represent a scheme which is acceptable in principle and detail. Accordingly I recommend that permission be granted subject to approximately worded planning conditions and a legal agreement.
- 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:** David Glyn Jones  
**Telephone:** 01352 703281  
**Email:** glyn\_d\_jones@flintshire.gov.uk

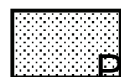


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale	1:1250
OS Map ref	SJ 2763
Planning Application	<b>49451</b>

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**DATE:** **23<sup>rd</sup> MAY 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT:** **FULL APPLICATION - CONSTRUCTION OF A VEHICULAR ACCESS ONTO BRYN ROAD, REMOVAL OF PART OF THE HEDGEROW AND ERECTION OF DOUBLE WOODEN GATES AT 9 HILL VIEW, BRYN-Y-BAAL, MOLD**  
**APPLICATION NUMBER:** **049371**  
**APPLICANT:** **MR YORK**  
**SITE:** **9 HILL VIEW, BRYN Y BAAL, CH7 6SL**  
**APPLICATION VALID DATE:** **30<sup>TH</sup> JANUARY 2012**  
**LOCAL MEMBERS:** **COUNCILLOR QRH DODD**  
**COUNCILLOR HILLARY MCGUILL**  
**TOWN/COMMUNITY COUNCIL:** **ARGOED COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **COUNCILLOR HILARY MCGILL REQUESTED COMMITTEE DUE TO THE IMPACT ON THE TURNING FACILITY AT THE END OF BRYN ROAD**  
**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 The application which is submitted by Mr. York is a full application for the creation of an access, new dropped kerb and gates onto Bryn Road, from 9 Hill View, Bryn Y Baal

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

#### **2.01 Conditions**

1. Time limit on commencement
2. In accordance with approved plans
3. Details of the engineering works, levels and surface treatments of the access road to be submitted and approved before commencement
4. The access shall not be used for parking to retain the open aspect of the site

**3.00 CONSULTATIONS**

3.01 Local Member:

Councillor Hilary McGuill

Requested application to be referred to Planning Committee because of the effect on the hammerhead.

Councillor Q R H Dodd

No objections

Argoed Community Council

Raised objections due to application being dangerously close to a school and restricts the turning circle for vehicles

Head of Highways and Transportation

Highways – No Objection

Rights of Way – No objection but asked for the applicant to be informed of the legal requirements for altering the surface of the Right of Way

Head of Public Protection

No adverse comments

Ramblers Association

No Response at the time of writing

Head of Planning

Planning Policy – No Objection

**4.00 PUBLICITY**

4.01 4 no. letters from the residents of Bryn Road, Bryn Y Baal objecting to the proposal have been received:

- The new access will encroach on a designated turning area.
- The new access will add to the congestion and hazards for pedestrians using the school entrance
- The access will intrude on green open space creating a precedent for number 10 Hill View
- The environmental impact of removing the hedgerow and green space
- Loss of the hammerhead and turning point would cause issues at peak times
- The access being used for a non residential use

**5.00 SITE HISTORY**

5.01 Relevant Planning History

There is no relevant planning history

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

GEN 1 - General Requirements for Development

GEN 2 - Development inside Settlement Boundaries



D1 - Design Quality, Location and Layout

D2 - Design

L3 - Green Spaces

**7.00 PLANNING APPRAISAL**

7.01 This planning application is seeking permission for the construction of a new access onto the existing service road which runs parallel to Bryn Road and the erection of a 1.5 metre high gate, within the existing plot boundary. The intervening space is a grassed area over which it is intended to construct a driveway. This land is owned by Flintshire County Council and is designated as a green space in the UDP. It is also crossed by a public right of way which runs along the existing hedge line which forms the rear boundary to No. 9, Hill View.

7.02 Site Description

The site lies within the residential properties in Hill View and Bryn Road within the settlement boundary of Mynydd Isa. The property is a two storey detached dwelling with an existing vehicular access serving the property off Hill View and there is currently a pedestrian access from the rear of the property onto the grassed area.

7.03 Traffic Issues

The access is to be provided with dropped kerbs in accordance with the Council's standards and concerns in relation to the traffic implications have been considered by the Head of Assets and Transportation who has no objection to the proposal based on the submitted information. (Standard supplementary note should be issued if minded to approve).

7.04 Amenity issues

Concerns have been expressed that this application would set an unwanted precedent in relation to future applications for the creation of access from Hill View onto Bryn Road. However, the circumstances here are that no other properties on Hill View (apart possibly from No. 10) would be able to access this cul de sac and it should be noted that it already serves existing residential properties off its southern side. Concerns in relation to the possible commercial nature of the access have been raised but the application submitted is a householder application for access to a dwelling and should be considered as such. Any future commercial uses of the access or property would require consent.

7.05 Concerns have been raised about the loss of the grassed area (green space) and although this area is allocated as green space in the Unitary Development Plan Policy L3 (127), the construction of an access across it will not detract from its open nature and its amenity value will not be affected.

7.06 To ensure the protection of Right of Way 120 a condition will request that details of the engineering works, levels and surface treatments of the access road to be submitted and approved before

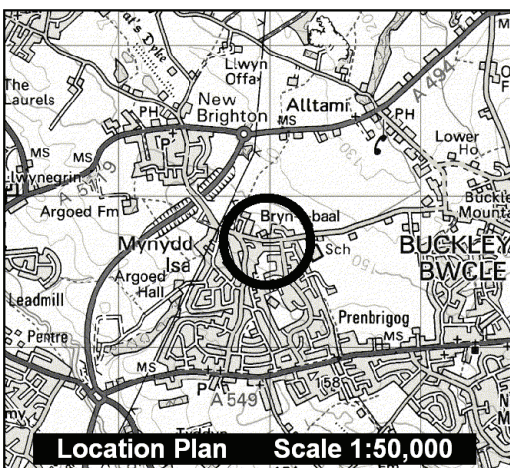
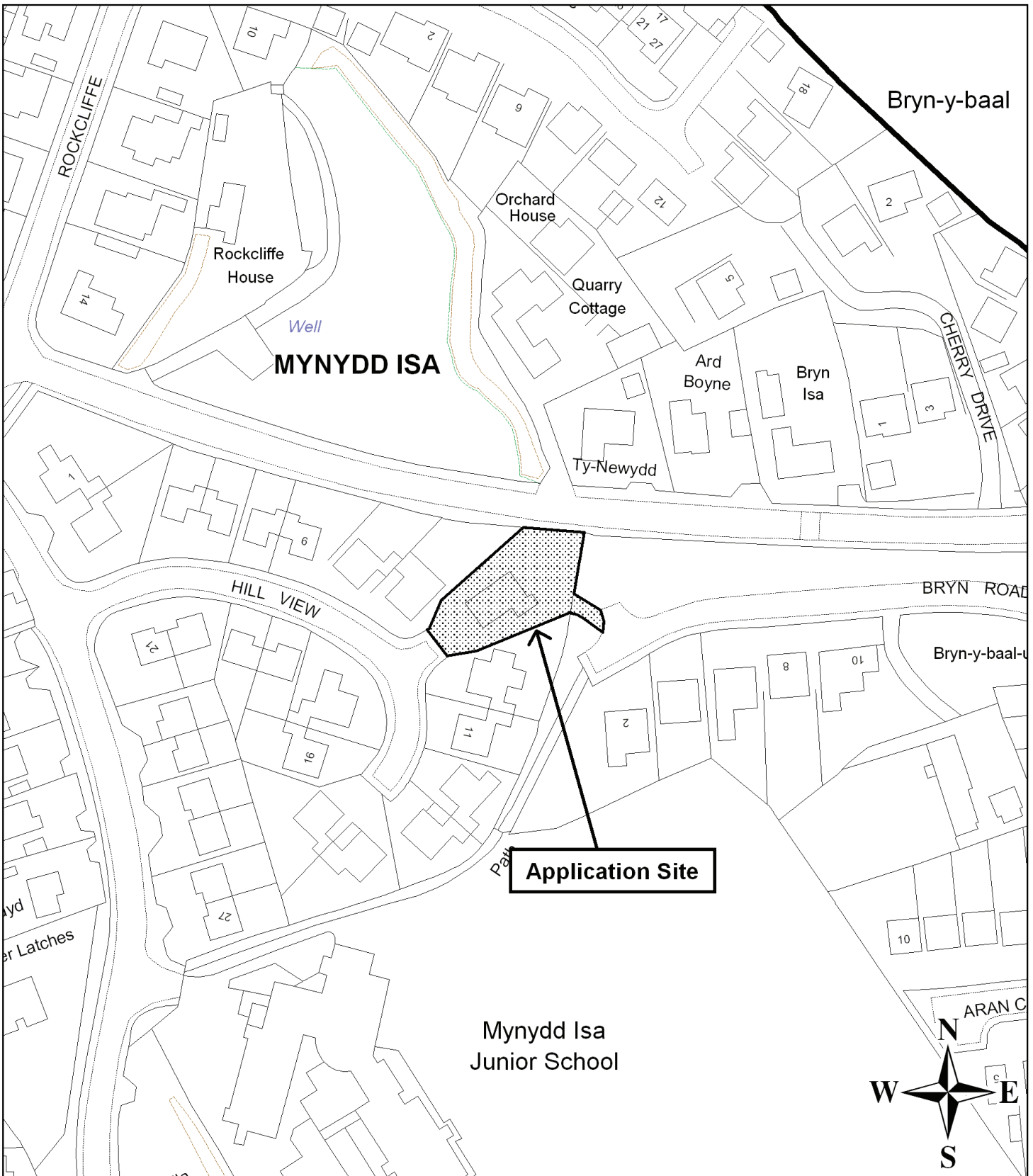
commencement.

**8.00 CONCLUSION**

8.01 It is considered that the proposal for the creation of an access and erection of a 1.5 meter high gate is acceptable at this location having regard for the existing character of the area. Having taken all the relevant policies into consideration it is recommended that planning permission be granted.

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: Daniel McVey**  
**Telephone: 01352 703266**  
**Email: [Daniel.McVey@flintshire.gov.uk](mailto:Daniel.McVey@flintshire.gov.uk)**



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

**Legend**

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

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Map Scale	1:1250
OS Map ref	SJ 2564
Planning Application	<b>49371</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 23 MAY 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** FULL APPLICATION - ERECTION OF A DETACHED  
DWELLING AT LAND SIDE OF 12 BANKS ROAD,  
MANCOT, DEESIDE

**APPLICATION  
NUMBER:** 049342

**APPLICANT:** MR. P. KEENAN

**SITE:** LAND ADJACENT TO 12 BANKS ROAD, MANCOT

**APPLICATION  
VALID DATE:** 8<sup>TH</sup> FEBRUARY, 2012

**LOCAL MEMBERS:** COUNCILLOR MRS. G.D. DISKIN  
COUNCILLOR A.G. DISKIN

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

**REASON FOR  
COMMITTEE:** LOCAL MEMBER REQUEST. CONCERNS  
REGARDING RESTRICTED PLOT SIZE, HEIGHT OF  
PROPOSED DWELLING AND CONSIDERS THAT  
PROPOSAL WOULD BE OUT OF CHARACTER  
WITH THE STREETSCENE

**SITE VISIT:** YES

### **1.00 SUMMARY**

- 1.01 This application seeks full planning permission for the erection of a detached dwelling on land side of 12 Banks Road, Mancot. The site lies within the settlement boundary of Mancot and has the benefit of outline planning permission granted on appeal in January, 2006 with approval of reserved matters approval on 10<sup>th</sup> December, 2007. The main issues for consideration of this application are the principle of development at this location, the highway implications and whether the development would impact on the character and appearance of the streetscene.

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

2.01 Conditions:-

1. Time limit on commencement
2. In accordance with plans
3. Removal of permitted development rights
4. Materials of construction to be agreed with the LPA prior to commencement
5. Boundary treatments to be agreed with the LPA prior to commencement
6. No further openings to be created within the elevations without the approval of the LPA
7. Prior to commencement an 'Interim Certificate' for compliance with Code for Sustainable Homes shall be submitted to the LPA for approval.
8. Prior to occupation of the dwelling a 'Final Certificate' for compliance with Code for Sustainable Homes shall be submitted to LPA for approval.
9. Two parking spaces measuring 2.4m x 4.8m shall be provided and retained within the site for the perpetuity of the development.
10. Foul and surface water discharges shall be drained separately from the site.
11. No surface water to connect to the public sewerage system unless otherwise approved by the LPA
12. Land drainage run-off shall not be permitted to discharge into the public sewerage system.

**3.00 CONSIDERATIONS**

3.01 Local Member

Councillor Mrs. G.D. Diskin:

Requests Committee determination and site visit. Has concerns that the plot is restricted in size and the resultant development being higher than the houses on either side would be out of character with the streetscene.

Councillor A.G. Diskin:

Requests Committee determination and site visit. Has concerns that the plot is restricted in size and the resultant development being higher than the houses on either side would be out of character with the streetscene.

Hawarden Community Council:

The Council objects to the application on the grounds that the property will be overbearing on existing properties and that its style is out of character in the streetscene. Furthermore, it is an overdevelopment of a small plot.

Chief Highways and Transportation Engineer:  
Request that two parking spaces measuring 2.4m x 4.8m shall be provided and retained within the site.

Chief Environment and Resources Officer:  
No adverse comments to make.

Welsh Water:  
Requests that conditions are imposed relating to foul and surface water drainage.

SP Energy Networks:  
Advise that there may be plant and apparatus in the vicinity of the site. Applicant should be advised to undertake safe digging practices during the development.

Environment – Rights of Way:  
No response received at time of writing report.

#### **4.00 PUBLICITY**

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

One letter of objection received relating to the following grounds:-

- i. plot is restricted in size
- ii height of proposed dwelling
- iii development will be out of character
- iv is of the opinion that the dwelling is not 'modest' as outlined in the Inspector's report
- v. the roof space will be very cramped and the small velux window will not provide an escape route in the case of a fire

#### **5.00 SITE HISTORY**

5.01 039369 – Outline – erection of a detached dwelling refused 27.4.05, allowed on Appeal 17.1.06

043638 – Reserved matters relating to 039369 – Erection of detached dwelling approved 11.1.07.

#### **6.00 PLANNING POLICIES**

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

Policy GEN1 – General Requirements for Development  
Policy GEN2 – Development Inside Settlement Boundaries

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries

Flintshire County Council Local Planning Guidance Note 12 : Space Around Dwellings

The proposal would generally comply with the above planning policies.

**7.00 PLANNING APPRAISAL**

- 7.01 This application seeks full planning permission for the erection of a detached dwelling on land side of 12 Banks Road, Mancot. The site lies within the settlement boundary of Mancot and has the benefit of outline planning permission granted on appeal in January, 2006 with approval of reserved matters approval on 10<sup>th</sup> December, 2007. The main issues for consideration of this application are the principle of development at this location, the highway implications and whether the development would impact on the character and appearance of the streetscene.

**Site Description and Proposed Development**

The application site comprises of a plot of land located on Banks Road, Mancot and is the former garden land at the side of number 12. There is landscaping within the site typical of a garden area although this is now overgrown. The plot size is relatively small, measuring 7.77 metres wide at the front and gradually narrowing to the rear of the site. There are open fields to the rear. The area is one of mixed character, with a variety of two storey and single storey dwellings in detached, semi-detached and terraced form. The adjacent property, number 12 Banks Road is a detached two storey property with the properties on the opposite side of the plot being single storey semi-detached bungalows. The properties on the opposite side of Banks Road comprises much higher density semi-detached housing with smaller plot frontages.

**Planning History**

An outline application, reference 039369 for a detached dwelling was refused by the Local Planning Authority on 27<sup>th</sup> April, 2005 on the grounds that it was considered that the restricted size of the plot would result in a development that would appear cramped and out of character with the surrounding streetscene. The application was the subject of an Appeal to the Planning Inspectorate and allowed on 17<sup>th</sup> January, 2006. The Inspector took the view that although the plot width is restricted, it would just be possible to accommodate a modest detached dwelling on the site in a manner that it would maintain adequate space between the dwelling and the boundaries of the site and did not consider that the resulting development would appear



unduly cramped or overdeveloped in the streetscene, given the space remaining towards number 10 on the other side. Following the grant of this outline planning permission, a reserved matters application was submitted to the Authority on 14<sup>th</sup> August, 2007 and granted approval under reference 043638 on 10<sup>th</sup> December, 2007. The approved plans showed a four bedroom detached two storey property measuring approximately 5.7m x 11.5m with a maximum height of 7.8m with accommodation within the roofspace. The original outline application has since expired and it is on this basis that a full application has now been submitted for determination.

### **Principle of Development**

The site is located within the settlement boundary of Mancot as defined in Flintshire Unitary Development Plan. Policy GEN2 states that new development will normally be permitted within settlements defined by a settlement boundary. Policy HSG3 provides further advice on housing proposals on land which is within settlement boundaries but not allocated. Mancot is a category B settlement there new housing would only be allowed on unallocated sites where it would not result in more than 15% growth since 2000. The current growth rate for Mancot is approximately 6%. Therefore the development of the site for general market housing is acceptable in policy terms.

The Local Planning Authority are also mindful of the planning history on this site and the Inspector's decision to grant outline planning permission in 2006, thereby strengthening the principle that residential development at this location is acceptable.

### **Impact on Character and Appearance of the Area**

The submitted plans show a dwelling which is almost identical in scale form and design to that previously allowed under reserved matters approval under application reference 042638 in 2007. There has been an amendment to the position of the dwelling which has now been pushed back 300mm into the site to allow for the provision of parking to the front. The windows proposed have been reduced in size and the eaves amended to line through with the adjacent building at number 12. The proposal complies with the Council's Space Around Dwelling Standards and there is no adverse impact on neighbouring properties.

Having assessed the proposal and its appearance within the streetscene and having regard to the observations contained within the Inspector's report of 2006 it is considered that although the plot is relatively narrow, the resultant dwelling would maintain adequate space between that and the boundaries of the site and given the mixed variety of property styles and plot depths within Banks Road, would not appear unduly cramped or overdeveloped. As such, it is

considered that the proposal would not therefore harm the character and appearance of the area.

### **Highway Implications**

The scheme provides for the provision of two car parking spaces within the site. It is proposed to impose a condition that will provide and maintain these spaces in perpetuity. On this basis it is considered that the development would not have an adverse impact on highway safety.

### **Objections Raised**

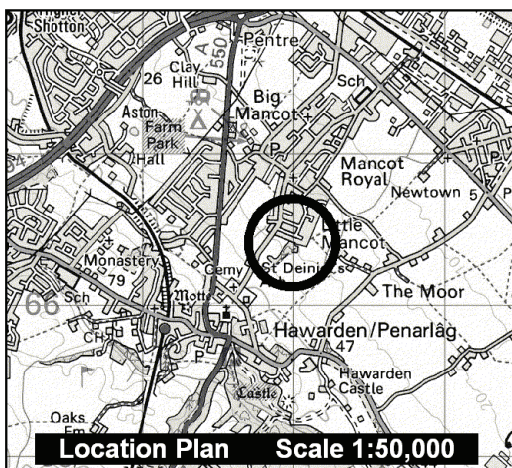
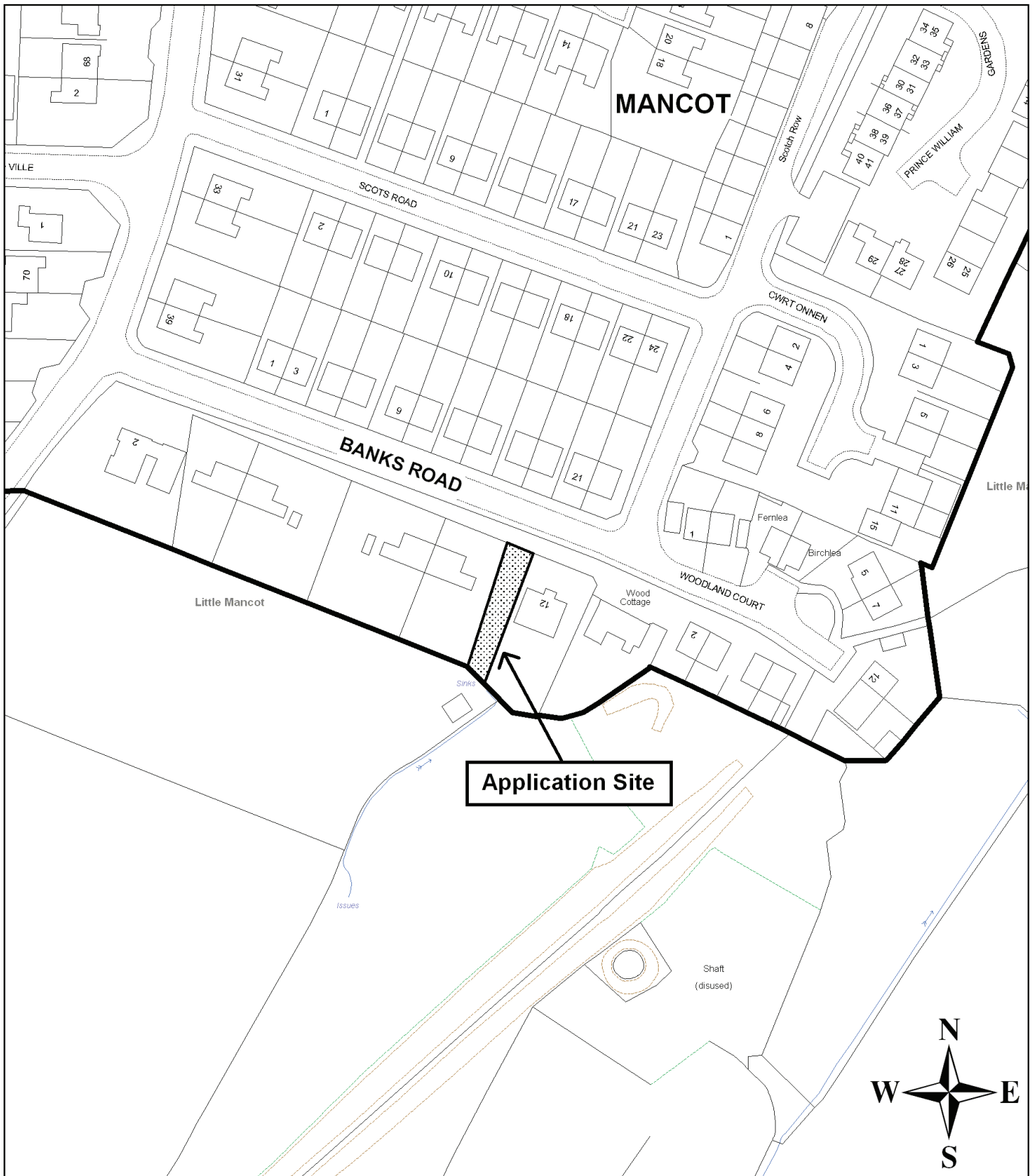
One letter of objection has been received from the occupier of number 12 Banks Road. The objections raised with regard to plot size and design have been addressed in the planning appraisal above. It is considered that although these objections are material to the consideration of the application, they are considered not to carry sufficient weight to warrant refusal of the applications for the reasons stated above.

## **8.00 CONCLUSION**

- 8.01 Having regard to the Inspector's decision on the site in 2006 and the granting of a similar proposal under the reserved matters application in 2007, it is considered that although the application site is relatively narrow, the resultant dwelling would have sufficient space between that and the adjacent properties to sit comfortably within the surrounding streetscene without being detrimental to its character. As such the proposal is considered to comply with the planning policies outlined above and is recommended for approval.

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:** Pam Roberts  
**Telephone:** 01352 703239  
**Email:** [pam.roberts@flintshire.gov.uk](mailto:pam.roberts@flintshire.gov.uk)

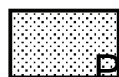


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 3166

Planning Application **49342**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 23 MAY 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** FULL APPLICATION - DEMOLITION OF EXISTING  
REAR SINGLE STOREY EXTENSION AND  
ERECTION OF A THREE STOREY EXTENSION  
AND CREATION OF NEW VEHICULAR ACCESS AT  
HOTEL VICTORIA, HIGH STREET, HOLYWELL

**APPLICATION  
NUMBER:** 048425

**APPLICANT:** DAVID CHARLES LIMITED

**SITE:** HOTEL VICTORIA, HIGH STREET, HOLYWELL

**APPLICATION  
VALID DATE:** 29<sup>TH</sup> MARCH 2011

**LOCAL MEMBERS:** COUNCILLOR PJ CURTIS

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

**REASON FOR  
COMMITTEE:** MEMBER REQUEST DUE TO CONCERNS OVER  
THE IMPACT OF THE DEVELOPEMNT UPON  
ADJACENT NEIGHBOURS AND HEALTH AND  
SAFETY OF RESIDENTS, TRAFFIC AND PEOPLE  
USING THE BUS STOP.

**SITE VISIT:** YES

### **1.00 SUMMARY**

- 1.01 This full application is for demolition of the existing rear single storey extension, erection of a three storey extension to replace it and creation of a new vehicular access at Hotel Victoria, High Street, Holywell. Both an application for Conservation Area Consent (49633) and Listed Building Consent (48426) are currently being considered and determined under delegated powers. The main issues to consider are the principle of development in planning policy terms, the highway implications together with the effects upon the character and appearance of both the building and the Conservation Area in which it is set, the adjoining occupiers and the vitality and viability of the Town Centre.

It is considered that the proposals are acceptable in principle in planning policy terms, will have highway improvements and enhance the character and visual appearance of both the Listed Building and Conservation Area together with the vitality and viability of the Town Centre.

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

**2.01 Conditions**

1. Time limit on commencement.
2. In accordance with approved plans.
3. Samples of all external materials to be submitted and approved.
4. Samples of timber and paint finishes for all windows and doors to be submitted and approved.
5. Samples of all rainwater goods to be submitted and approved.
6. Details of all windows and doors to be submitted and approved.
7. Rooflights to be of conservation type fitted flush with roof slope.
8. Access to the proposed new access set out in accordance with attached standard details. Implemented in full thereafter.
9. Appropriate signage to be created to clearly indicate proposed operation of one way system.
10. Access limited to staff, deliveries and occasional public use.
11. Secondary glazing installed to all windows upon extension. Details to be further submitted and approved.
12. Any soundproofing to be installed to be submitted and approved in writing. Implemented in full thereafter.

**3.00 CONSULTATIONS**

**3.01 Local Member  
Councillor PJ Curtis**

Requests that the application be referred to Planning Committee due to concerns over the impact of the development upon the adjacent buildings, noise on adjacent neighbours and health and safety of residents, traffic and people using the bus stop. Also requests site visit due to the above.

**Holywell Town Council**

No objection, conditional upon:

- The relevant planning requirements being satisfied, particularly in relation to highway and neighbouring properties / businesses and
- Noise and health and safety safeguards to protect the users of the hole in the wall kiosk and the general public during construction work.

**Head of Assets and Transportation**

Recommends that any permission includes suggested conditions and notes.

Head of Public Protection

No adverse comments to make regarding the proposals

Dwr Cymru/Welsh Water

Requests that if minded to grant consent that suggested conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru/Welsh Water's assets.

The Clwyd-Powys Archaeological Trust

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

SP Energy Networks

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 during their works in relation to the electrical apparatus.

**4.00 PUBLICITY**

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

2 letters of objection have been received. The grounds of objection being:-

- Structural effect on foundations of neighbouring property and the building in general and tanking of wall directly behind.
- Effects from day one until completion on the livelihood and trade upon neighbouring businesses.
- Health and safety issues.
- Effects upon neighbouring properties in terms of noise, dust and vibration.
- Need for extension. Only open for two nights per week as a pub / nightclub. Never been used as a hotel which has at present had sufficient accommodation to be used as a hotel.

**5.00 SITE HISTORY**

**5.01 49633**

Conservation Area Consent. Demolition of a single storey extension – Current.

**48426**

Listed Building Application. Demolition of existing single storey at rear and the erection of a three storey extension – Current.

**47034**

Display of advertisements on existing hoardings. Advertisement Consent granted 8<sup>th</sup> December 2010.

**47033**

Listed Building Application for erection of hood awning and display of

advertisements on existing hoardings on boundary wall. Listed Building Consent granted 8<sup>th</sup> December 2010.

**47032**

Erection of hood awning to side entrance and display of advertisements on existing hoarding on boundary wall. Granted 8<sup>th</sup> December 2010.

**2001/868**

LBA Refurbishment – Withdrawn 23<sup>rd</sup> August 2001.

**2001/580**

LBA Refurbishment - Listed Building Consent granted 7<sup>th</sup> November 2001.

**135/91**

Rear extension, glazed infilling of existing front portico and internal alterations. Granted 15<sup>th</sup> July 1991.

**589/89**

Extension to provide total of 25 bedrooms and conference facilities. Withdrawn.

**3HO/0058/78**

New Ladies and Gents toilets and new bar vestibule. Granted 17<sup>th</sup> March 1978.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 New Development

Policy STR2 Transport and Communications

Policy STR3 Employment

Policy STR5 Shopping Centres and Commercial Development

Policy STR6 Tourism

Policy STR8 Built Environment

Policy GEN1 General Requirements for Development

Policy GEN2 Development Inside Settlement Boundaries

Policy D1 Design Quality, Location and Layout

Policy D2 Design

Policy HE1 Development Affecting Conservation Areas

Policy HE2 Development Affecting Listed Buildings and their Settings

Policy HE3 Demolition in Conservation Areas

Policy HE7 Other Sites of Lesser Archaeological Significance

Policy AC13 Access and Traffic Impact

Policy AC18 Parking Provision and New Development

Policy S3 Integrating New Commercial Development

Policy S9 Non-Retail Commercial Development

Policy T2 Serviced Tourism Accommodation

Policy EWP13 Nuisance

6.02 National

Planning Policy Wales 2011



TAN 4 Retailing and Town Centres 1996  
TAN 11 Noise 1997  
TAN 12 Design 2009  
TAN 13 Tourism 1997

- 6.03 The site is located within the settlement boundary, Town / District Boundary and Conservation Area of Holywell as defined by the Flintshire Unitary Development Plan.
- 6.04 Given the above, the principle in planning policy terms of allowing an extension to the hotel is acceptable subject to detailed considerations.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description and Proposals**

Hotel Victoria is a detached, 3 storey public house / nightclub building with a single storey extension to the rear. It faces north west down the High Street of Holywell, with Halkyn Street to the west and the bus station to the east. The rear is enclosed on all sides by a high brick wall. Immediately adjoining this wall, to the east, lies the 'Hole in the Wall' kiosk. The hotel is a Grade II Listed Building and is included within the listing for its dominant group value in the townscape. The hotel is located at the south eastern end of the High Street in a predominantly commercial area.

- 7.02 The proposals involve the demolition of the single storey flat roofed extension to the rear with it being replaced by a three storey extension and demolition of part of the rear boundary wall to create a new vehicular access off the ring road. The extension will measure approximately 15m (length) x 12m (width) x 11m (height to ridge). The proposed accommodation will provide a dance floor and reception area at ground floor level with an extended function suite at first floor level and bedrooms at second floor. The walls will be constructed in render with a slated roof. The improvements proposed seek to secure the financial viability of the current enterprise and consequently aim to make a positive and long term contribution to the environmental, social and economic well being of Holywell Town Centre.

### **7.03 Issues**

The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects of the development upon the character and appearance of the Listed Building and Conservation Area, the effects upon adjacent occupiers in terms of noise, vibration etc and the impact upon the vitality and viability of the Town Centre.

### **7.04 Principle of Development**

The site is located within both the settlement and Town / District Boundary of Holywell as defined within the Flintshire Unitary Development Plan. Therefore, the principle in planning policy terms of an extension to an existing commercial property is acceptable subject to detailed considerations of design, impact upon adjoining occupiers and Conservation Area etc.

- 7.05 Highway Implications  
A new vehicular access is proposed to the rear off the inner ring road into the site. It is intended for this to be the new access into the site with the existing access off Halkyn Street acting as a proposed exit for cars leaving the Site. Therefore, in essence, a one way, entry and exit system being proposed to be used only for dropping off of customers and deliveries. This arrangement together with the reception area of the function suites and bedrooms in this yard area with no doors proposed on the rear elevation has been the subject of extensive negotiation with the applicant, to prevent customers congregating on the pavement to the rear and being used as a dropping off point and being a danger for pedestrians and traffic using the pavement and inner ring road.
- 7.06 This proposed arrangement will be an improvement over the existing as delivery vehicles will not have to reverse into the yard area from the existing access off Halkyn Street and with the existing boundary wall demolished and new railings and dwarf wall turned to the boundary along Halkyn Street, visibility will be improved to those drivers leaving the site onto Halkyn Street.
- 7.07 Only two on site parking spaces are to be provided. However given the proximity of the site to the Town Centre car parks and adjacent bus station, this provision is considered acceptable.
- 7.08 Visual Appearance and Character of Conservation Area, Listed Building and Streetscene  
It is considered that the demolition of the rear single storey extension will not have a detrimental impact upon either the character or appearance of the Conservation Area or the remaining part of the Listed Building. This is because it is a much later addition (built approximately in the 1970's), is flat roofed and has no architectural merit. As a result it is considered to actually detract from the character and appearance of both the original building, its Victorian extension at the front and the Conservation Area.
- 7.09 The proposed extension now under consideration has been as a result of extensive negotiation between officers and the agent/applicant. The original proposed extension attempted to mimic the design of the original Georgian part of the hotel building but in a 2 storey rather than 3 storey form. This has the effect of pulling the building's orientation sideways creating a long warehouse type form and losing the clarity of the original slender gentry house. As a result the proposed extension harmed the integrity and compositional balance of the Listed Building. In addition, as the site occupies a commanding position in long and short views it required a building extension of independent character and gravitas to act as a focal point of arrival in the town which the proposed original was not, thereby lacking the required architectural quality.
- 7.10 The revised proposed extension is now 3 storey with the design being a contemporary interpretation of traditional architectural themes in terms of the vertical orientation of windows and hierarchy whereby the

windows are larger on the middle floor than the top floor particularly on the Coleshill Street elevation which is considered as the most important elevation. In addition, on this elevation, at the top there is a parapet which is covered with a pediment to act as a focal point from long views.

- 7.11 The extension is separated from the main building by a small recessed building with the extension also being stepped down from the height of the main building, giving the extension a subordinate appearance to the main building.
- 7.12 Nonetheless, the extension is not intended to be subordinate to the Listed Building, as it needs to become an equal partner in creating a strong elevation to Coleshill Street. The whole elevation onto Coleshill Street becomes just as important as the Victorian frontage to the High Street as both the bus station and ring road have become big open spaces requiring the creation of a new focal point and attractive frontages.
- 7.13 This Coleshill Elevation has been the focus of much attention and detail during the negotiations of the scheme as it was the original front of the Georgian building with this elevation also now being of importance due to it being the main entrance to the town by those arriving by bus.
- 7.14 It is considered as well that the demolition of the wall and part rebuilding of it together with the creation of a new vehicular access will not have a detrimental impact upon the character or appearance of the Conservation Area, Listed Building or streetscene.
- 7.15 Effect on Neighbouring Properties  
The site is located in a predominately commercial area rather than residential. Immediately adjoining the existing rear single storey extension of the hotel upon its northern side is 'The Hole in the Wall' kiosk. This part of the boundary wall is also owned by this adjoining occupier with the relevant notices served by the applicant on this part owner. If planning permission is granted, the applicant still needs the separate legal consent of this adjoining occupier in order to carry out the developments upon this part of the site. This process would be undertaken through the Party Wall Act 1996.
- 7.16 In terms of any statutory nuisance caused by noise, vibration, dust etc as a result of any construction works upon any adjoining occupiers, the developer would be the subject of action by our Environmental Health department under their legislative powers.
- 7.17 The contractor would be responsible for the health and safety of the public during all construction works. With regard to the erection of scaffolding on the highway, the safety of pedestrians and vehicles would be considered in any licence application to the Highway Authority.
- 7.18 The existing opening hours of the hotel upon the licence are Sunday – Wednesday 10am to 12.30am, Thursdays 10am to 1.30am and Friday

and Saturday 10am to 2.30am. To implement these new proposals, the applicant would have to apply to vary the existing licence with the hours of opening being reviewed, taking account of any potential nuisance. Since the hotel has reopened there has been one complaint but was not substantiated. However, despite this, it was addressed by the applicant.

7.19 Vitality and Viability of Town Centre

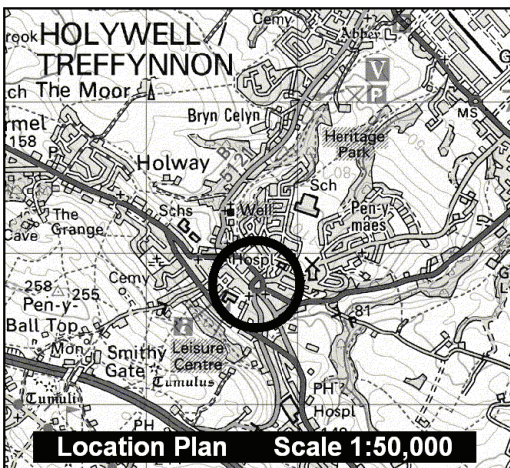
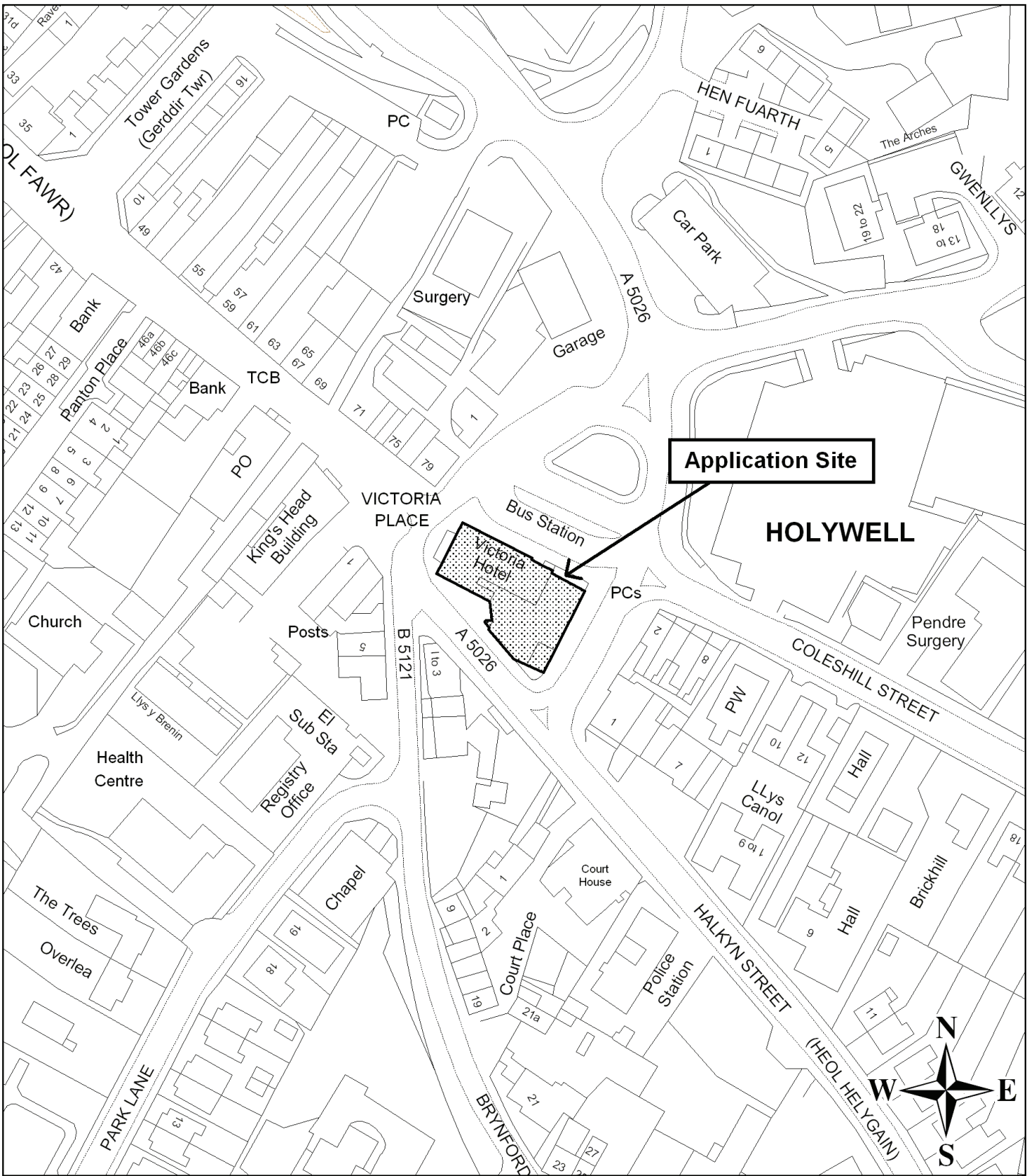
The applicant in refurbishing and reopening the hotel several years ago, has already revitalised this building which has had a knock on effect of also improving the vitality and viability of the Town Centre of Holywell as a whole. It is considered that further improvement in this project will further increase the vitality and viability of the Town Centre by drawing the public through the High Street from the north western end (St Winefride's Well and Wetherspools) to the other end to where the hotel is and vice versa, with businesses increasing their trade en route.

**8.00 CONCLUSION**

8.01 It is considered that the developments will further improve the character and appearance of both the Conservation Area and Listed Building, contribute to highway improvements and further increase the vitality and viability of the Town Centre.

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: Alan Wells**  
**Telephone: 01352 703255**  
**Email: alan.wells@flintshire.gov.uk**

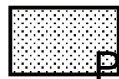


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 1875

Planning Application 48425

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23<sup>rd</sup> MAY 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **ADVERTISEMENT CONSENT FOR THE ERECTION OF 3 NO. NON-ILLUMINATED FREE-STANDING BILLBOARDS AT LIDL UK, DENBIGH ROAD, MOLD, FLINTSHIRE**

**APPLICATION NUMBER:** **049499**

**APPLICANT:** **Lidl UK GmbH**

**SITE:** **Lidl UK, Denbigh Road, Mold, Flintshire**

**APPLICATION VALID DATE:** **27/ 2/2012**

**LOCAL MEMBERS:** **Councillor R C Bithell**

**TOWN/COMMUNITY COUNCIL:** **Mold Town Council**

**REASON FOR COMMITTEE:** **Committee determination requested by Councillor R C Bithell due to the impact on local residents**

**SITE VISIT:** **Not requested**

### **1.00 SUMMARY**

1.01 Consent is sought for new advertisements in the form of 3 no. non-illuminated free-standing billboards at Lidl UK, Denbigh Road, Mold.

### **2.00 RECOMMENDATION: TO GRANT ADVERTISEMENT CONSENT, SUBJECT TO THE FOLLOWING:-**

2.01 Conditions  
1. Advertisements

### **3.00 CONSULTATIONS**

- 3.01 Local Member:  
Councillor R C Bithell  
Requested Planning Committee determination because of the billboards being too large and having a detrimental visual impact for residents living in the vicinity and what the billboards will be used for can be catered for within the store and/or windows.
- Mold Town Council  
Objects to the installation of signage as proposed, believing the scale to be too large and having a detrimental visual impact for the residents of the neighbouring homes.
- Head of Assets and Transportation  
No objection.
- Head of Public Protection  
No adverse comments.
- Environment Agency  
Assessed the application as having a low environmental risk with standard advice applying.

#### **4.00 PUBLICITY**

- 4.01 Site Notice  
No responses received at time of writing.

#### **5.00 SITE HISTORY**

- 5.01 **048412**  
Display of 3no. hoarding signs – Refused 6/ 5/2011
- 047478**  
Erection of 1no. gable sign 1.45m x 1.45m and 1no. flagpole 7m x 2.5m x 2.5m – Refused 6/ 7/2010
- 047275**  
Application for variation of condition no.4 of planning permission ref:046700 to allow for development to proceed without compliance with "BREEAM" - "Very Good" – Approved 22/ 4/2010
- 047121**  
Display of 1no. gantry sign, 1no. gable sign and 1no. 3 sided totem pole (all to be internally illuminated) – Approved 11/ 3/2010
- 046700**  
Erection of one new retail unit and associated works – Approved 22/12/2009



**045598**

Erection of single retail unit and associated works – Refused 2/ 2/2009, Allowed on Appeal 17/ 6/2009

**044838**

Erection of two new retail units and associated works – Appeal against non-determination, Allowed 17/ 6/2009

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR8 – Built Environment

GEN1 – General Requirements for Development

D2 – Design

D7 – Outdoor Advertisements

**7.00 PLANNING APPRAISAL**

- 7.01 The site is located within an area of mixed use, including a clinic, petrol filling station and residential properties and is accessed off the A541 Denbigh Road.
- 7.02 The main considerations in assessing this proposal for advertisement consent are visual amenity and public safety.
- 7.03 The proposed free-standing billboards each measure 6 metres wide by 3 metres high and stand on timber posts making the total height of the advertisements 4.5 metres. There is no specific detail provided for the billboards as this will regularly change to advertise the current products on offer.
- 7.04 The application is submitted following a previous refusal for a similar application. One of the billboards has been relocated in order to address the previous reasons for refusal. Previously, the 3 no. billboards were located around the site with one immediately outside the store, one towards the rear of the site at the bottom of the car park and the third positioned immediately adjacent to the A541 Denbigh Road. It was due to this third billboard that the proposal was refused as it was in a prominent position and considered to be visually intrusive.
- 7.05 The current proposal relocates the inappropriate billboard so that it backs onto the petrol filling station and clinic. In doing so, it ensures that the billboards are only on view to those who enter the Lidl car park and are therefore only able to advertise within the site itself. (The other two billboards are positioned the same as previously to the front of the store and very rear of the site.) It is for this reason that I consider the signs to be acceptable and not visually intrusive as they have no impact upon any residential properties in the vicinity and

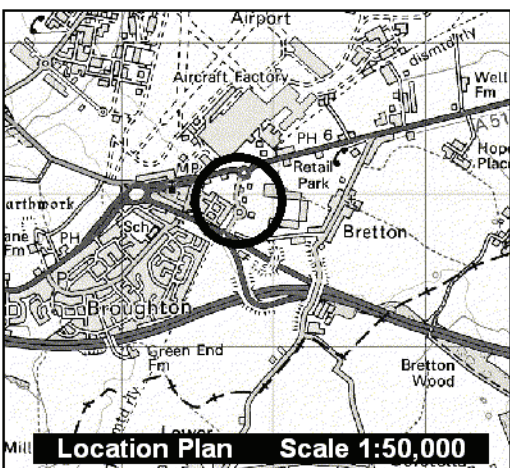
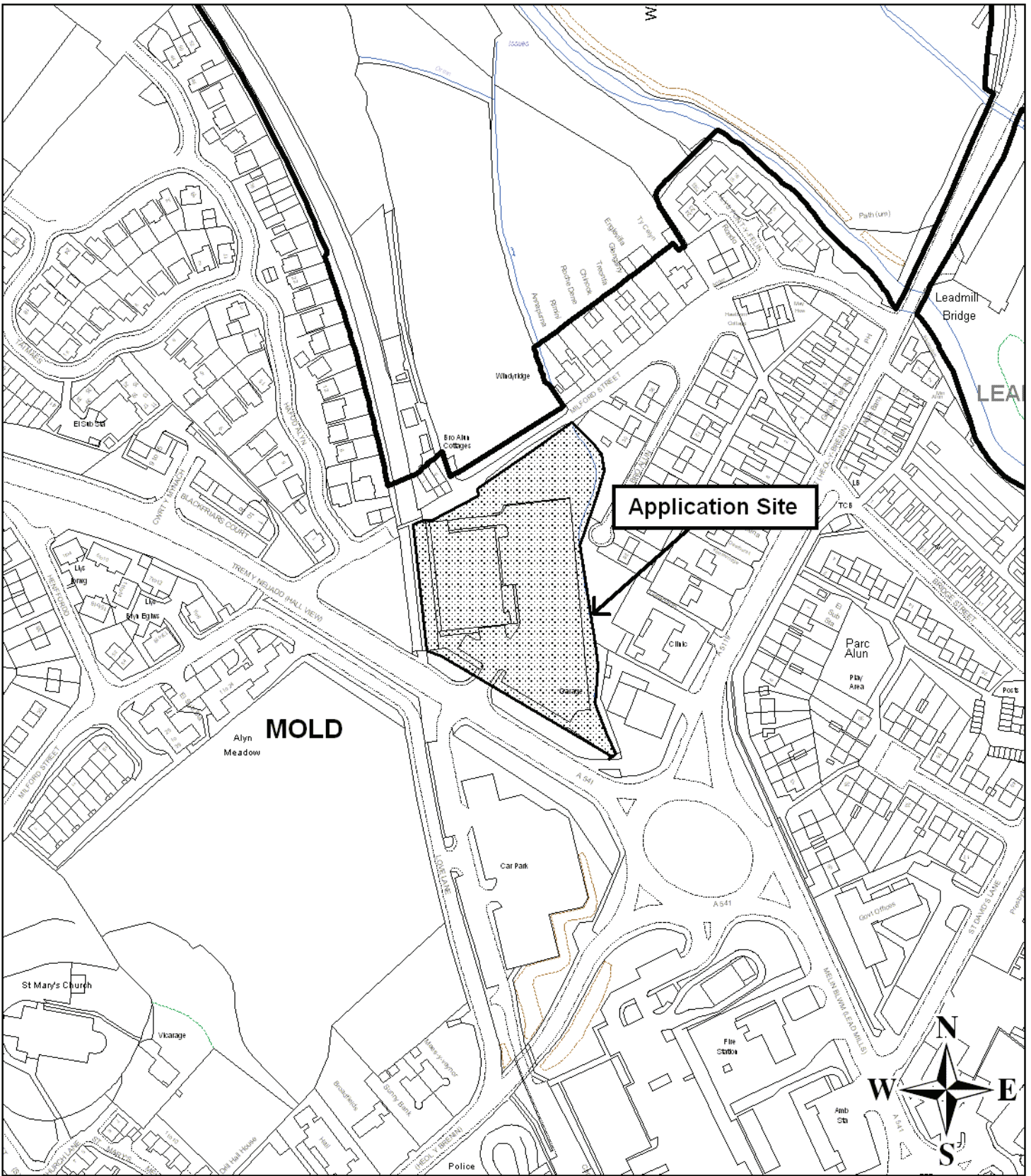
cause no safety concerns for the adjacent highway.

## **8.00 CONCLUSION**

8.01 It is considered that the proposal to erect 3 no. non-illuminated free-standing billboards is acceptable due to the signage positions proposed. Having taken all of the relevant planning policies into account, it is recommended that this advertisement consent is granted.

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:** Lauren Eaton-Jones  
**Telephone:** 01352 703299  
**Email:** Lauren\_Eaton-Jones@flintshire.gov.uk



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

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 2364

Planning Application 49499

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 23 MAY 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** ERECTION OF 45NO. DWELLINGS, ASSOCIATED  
GARAGES AND PARKING AND DEMOLITION OF  
EXISTING BUILDINGS AT OVERLEA DRIVE,  
HAWARDEN, DEESIDE

**1.00 APPLICATION NUMBER**

1.01 048032

**2.00 APPLICANT**

2.01 Redrow Homes NW Ltd & Mr & Mrs Dutton

**3.00 SITE**

3.01 Land at Overlea Drive, Hawarden, Deeside, Flintshire.

**4.00 APPLICATION VALID DATE**

4.01 23.11.2010

**5.00 PURPOSE OF REPORT**

5.01 Following the resolution at the 2<sup>nd</sup> November 2011 meeting of Planning and Development Control Committee to refuse the above planning application, an appeal has been lodged by the applicant against this decision. This appeal is to be dealt with by means of a Public Inquiry.

5.02 The Public Inquiry is scheduled to be held over 2 days on the 4<sup>th</sup> and 5<sup>th</sup> July 2012. Final proofs of evidence in respect of this matter must be presented 4 weeks before that date. Therefore, the LPA only has until the 6<sup>th</sup> June to compile its case.

5.03 Upon receipt of legal advice from Counsel appointed to appear at the appeal Public Inquiry, this report seeks a direction from Members in respect of the stance to adopt at the appeal in respect of one of the reasons for refusal which was attached to the decision.

## 6.00 REPORT

6.01 Members will recall refusing to grant planning permission for the development proposed under the above planning application. For the avoidance of doubt, the proposals were the development of land for the erection of 45 dwellings, with associated works. Reason 1 attached to that refusal reads as follows:

“The proposals are considered to result in a form of development which would, by virtue of the form, elevation and inadequate separation distances between the proposed dwellings and the existing dwellings on Penlan Drive and Overlea Crescent, would result in an overbearing impact to the detriment of the levels of residential amenity currently enjoyed by the occupants of those dwellings. Accordingly, the proposals are considered to be contrary to the provisions of Policy B5 of the Clwyd County Structure Plan, First Alteration; Policy HSG5 of the Structure Plan : Second Alteration - Flintshire Edition; Policies G1 and H1 of the Alyn and Deeside Local Plan and Policies GEN1 and D1 emerging Flintshire Unitary Development Plan and advise as contained within Planning Policy Wales 2011.”

6.02 Counsel has been instructed in respect of the appeal and an independent planning consultant appointed to present the Council's case. The strength of the given reasons for refusal have been assessed in each case and whilst it is considered that an arguable case can be presented in respect of Reasons for Refusal 2 and 3, Counsel's advice in respect of Reason 1 (above) is that a case to support this reason cannot be advanced.

6.03 The prospects of a successful case being presented should be considered in the context of Guidance in the Welsh Office Costs Circular. This circular advises that:

Planning authorities are at risk of an award of costs against them if they prevent or delay development which should clearly be permitted having regard to the Development Plan, national policy statements and any other material considerations.

6.04 Consequently, Authorities will be expected to produce evidence to show clearly why the development cannot be permitted. Planning authorities will be expected to produce evidence at appeal stage to substantiate each reason for refusal with reference to the Development Plan and all other material considerations including any relevant judicial authority. If they cannot do so, they risk a costs award against them for any unsubstantiated reason for refusal. This continues to be the ground on which costs are most commonly applied for and awarded against a planning authority. The key test will be whether evidence is produced on appeal which provides a respectable basis for the authority's stance, in the light of a ***R v. SSE ex parte North Norfolk DC*** [1994] 2 PLR 78.

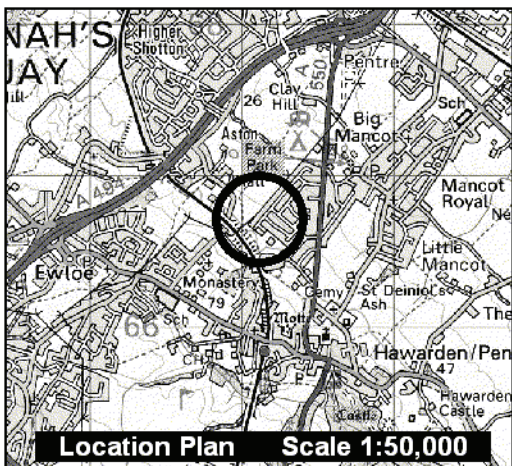
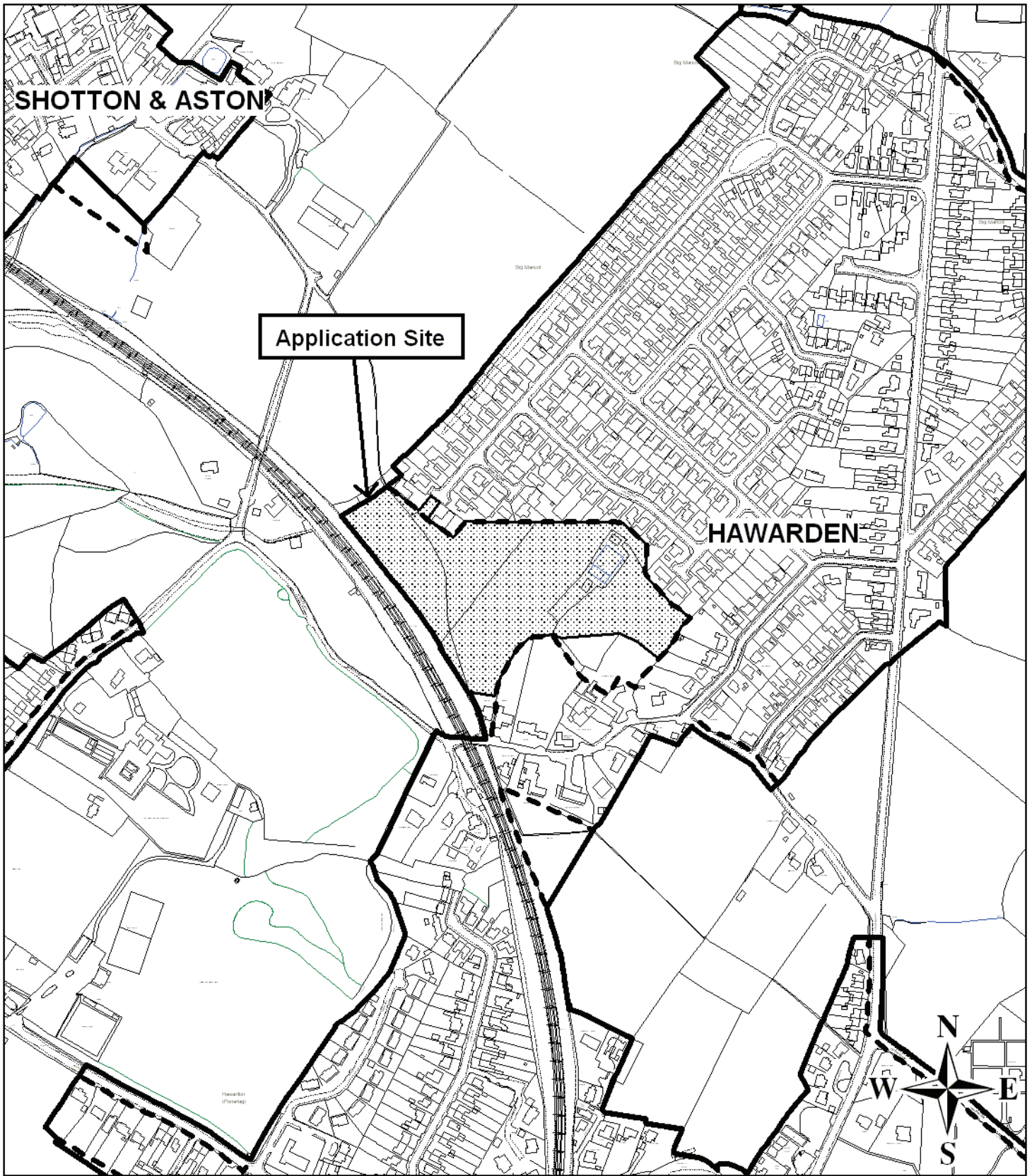
- 6.05 Whilst Local Planning Authorities are not bound to accept the recommendation of their officers, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.
- 6.06 The Costs Circular therefore makes it abundantly clear that the LPA must be able to produce evidence in order to support the refusal of consent.
- 6.07 In coming to the view expressed in respect of Reason for Refusal 1, regard has been had to information submitted by the applicant in connection with a further application submitted in respect of the appeal proposals and at the appeal site. Members may recall that as part of this application, details were provided which clearly demonstrated that the development exceeds the standards set out in the Council's Local Planning Guidance Note 2 – Space about Dwellings.
- 6.08 In addition, and whilst not expressly a part of the reason for refusal, overshadowing has been considered by both the Local Planning Authority and the appellant. An assessment provided by the appellant robustly demonstrates that there is no material impact upon existing properties arising from overshadowing at any time of the year.
- 6.09 There is nothing objectionable about the height of the proposed dwellings at two storeys. Nor can there be anything objectionable about housing development taking place on this elevated site. This is because the site is allocated for housing development within the UDP. Reason for Refusal 1 refers to the form and elevation of the proposals being objectionable together with the inadequate separation distance. Once it is agreed, as it must be on an application of the LPA's own standard, that the separation is adequate, there is no evidential basis for the reason for refusal.
- 6.10 Accordingly, it is the advice of the Local Planning Authorities appointed professional witness that there is no rational evidential basis for Reason for Refusal 1.
- 6.11 Furthermore, given this professional expert opinion, the advice of the Councils appointed Counsel in this matter is that an attempt to defend this reason at the appeal proceedings will attract an application for costs which is likely to succeed.
- 6.12 Members will appreciate that accepting this recommendation would in no way prejudice the rights of third parties, or other participants at the Inquiry who have Rule 6 status, from making representations to the Inspector upon this issue.

**7.00 RECOMMENDATIONS**

7.01 That the Local Planning Authority should not present evidence to defend Reason for Refusal 1 at appeal proceedings.

**Contact Officer: David Glyn Jones**  
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 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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Ordnance Survey Sheet	SJ 3166
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**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 5.5**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **02 NOVEMBER 2011**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - ERECTION OF 45 NO. DWELLINGS,  
ASSOCIATED GARAGES AND PARKING AND DEMOLITION  
OF EXISTING BUILDINGS AT OVERLEA DRIVE,  
HAWARDEN**

**APPLICATION NO:** **048032**  
**APPLICANT:** **REDROW HOMES NW LTD & MR &  
MRS DUTTON**  
**SITE:** **LAND AT OVERLEA DRIVE,  
HAWARDEN,  
DEESIDE**  
**APPLICATION VALID DATE:** **23/11/2010**  
**LOCAL MEMBERS:** **COUNCILLOR C. CARVER**  
**TOWN/COMMUNITY COUNCIL:** **HAWARDEN COMMUNITY  
COUNCIL**  
**REASON FOR COMMITTEE:** **DEVELOPMENT PROPOSAL IS OF  
SCALE FOR WHICH DELEGATED  
POWERS TO DETERMINE DO NOT  
EXIST**  
**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This is a full planning application for the erection of 45 No. dwellings and associated works on land at Overlea Drive, Hawarden. The site measures 3.11 hectares in area. The proposed development is detailed as follows:-

The proposed development is detailed as follows,

- 45 No. dwellings which vary in design and make provision for a range of 2, 3 and 4 bed accommodation in a variety of plan form.
- access derived via the northernmost extent of Overlea Drive.
- the provision of 4 affordable housing units, comprising 2 x 2 bed units and 2 x 3 bed units.

- 1.02 The issues for consideration are the principle of development, design/appearance, visual/residential impacts, affordable housing, recreation and educational contributions and highway impacts.

**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 provide the following:-
- a) The provision of 4 No. affordable homes by means of gifting the units to Flintshire County Council to be made available to people registered upon its Affordable Home Ownership Register.
  - b) Ensure the payment of an educational contribution of £38,500 towards primary educational provision/improvements to local education facilities and £28,000 towards similar secondary education level provision. The contributions shall be paid prior to occupation of the first dwelling.
  - c) Ensure payment of a commuted sum payment in lieu of on site recreation/open space provision of £49,500.

Conditions

- 1. 5 year time limit
- 2. In accordance with approved plans
- 3. Approval of external materials to roofs and walls
- 4. Detailed layout, design, traffic calming, signing, surface water drainage, street lighting of the internal estate road to be submitted and approved prior to commencement.
- 5. Detailed design of means of access to be submitted and approved prior to commencement.
- 6. Siting layout and design of access as per approved plans.
- 7. Access formation to base layer prior to commencement of any other site works.
- 8. No works to commence until off site highway works under 048146 and 048147 have been completed.
- 9. Visibility splays to be as stated. Splays to be kept free from obstruction.
- 10. Public Rights of Way to be safeguarded during course of site development.
- 11. Notwithstanding submitted details, any garage shall be set back a minimum of 5.5 metres behind the back of footway or 7.3 metres from edge of carriageway.
- 12. Provision of facilities for the parking/turning/loading/unloading of vehicles associated with proposal including bin storage/collection.
- 13. Scheme for prevention of surface water run off onto highway to be submitted and approved prior to commencement.

14. Prior to commencement the precise construction and arrangement of the balancing pond to be submitted and agreed.
15. No development to commenced until developer has proposed a scheme for comprehensive and integrated drainage of site, had been approved in writing by the Local Planning Authority.
16. No part of building permitted within 3 metres either side of centre line of public sewer.
17. Site Investigation Contamination Report to be submitted and approved.
18. Remediation measures to be undertaken in accordance with scheme agreed and prior to occupation of dwellings.
19. Submission for approval of landscaping scheme, including boundary treatments.
20. Implementation of landscaping scheme.
21. Root protection area for trees and hedging to site boundaries during construction works.
22. No site clearance works during bird nesting season.
23. Scheme for hours of working to be agreed.
24. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
25. Code for Sustainable Homes - Code 3 "Interim Certificate" to be submitted before work commences.
26. Code for Sustainable Homes - Code 3 "Final Certificate" to be submitted before houses occupied.
27. Scheme for 10% reduction of carbon outputs.
28. No commencement until off site drainage improvements in Mancot Lane undertaken.
29. No lopping, topping or felling of hedgerows/trees within prior written consent of Local Planning Authority.
30. Removal of Permitted Development Rights for future extensions on plots 1,5 - 12 and 16 - 21 inc.
31. Removal of Permitted Development Rights for future openings in walls and roofs on plots 1,5 - 12 and 16 - 21 inc.
32. Enhanced glazing scheme.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor C. Carver**

Requests Committee determination and a Committee Site Visit. Advises of his possession of a dispensation granted by the Standards Committee enabling him to speak and vote in respect of these proposals.

Objects to the proposals upon the following grounds;

1. The proposals would be overbearing to existing properties;
2. Inadequate visibility at the junction of Fieldside with Gladstone Way;



3. Considers existing foul drainage system has insufficient capacity to accommodate the development;
4. Considers proposed surface water drainage methods are imprecise;
5. Inadequacy of existing local highway network to accommodate additional traffic;
6. Concerns in respect of natural features within the site and effects upon ecology;
7. Absence of on site play facility;
8. Insufficient capacity within local infrastructure i.e schools, to accommodate more development; and
9. Loss of amenity and enjoyment when using footpaths.

Hawarden Community Council

Objects on the following grounds;

1. Overbearing impacts upon adjacent dwellings;
2. Inadequate highway infrastructure to accommodate the additional traffic;
3. Inadequate visibility at proposed access points on Fieldside;
4. Insufficient drainage infrastructure.

Head of Assets and Transportation

No objection subject to the imposition of conditions in respect of detailing access and estate road layout, formation, signage and drainage, together with Grampian style conditions relating to off site access improvements under separate but related permissions.

Advises that the site is crossed by footpaths 33 and 34 and that these should be safeguarded.

Head of Public Protection

Considers that the findings of the Phase 1 Land Contamination Assessment as undertaken area acceptable. Advises of the need for further investigation of areas to be the subject of demolition but advises these can be conditioned.

Also requests the imposition of conditions in respect of noise attenuation glazing scheme to be agreed and implemented.

Dwr Cymru/Welsh Water

No objection subject to the imposition of a condition requiring agreement of site drainage proposals and protection of sewer in vicinity

Environment Agency Wales

No objection subject to a condition requiring surface water scheme to be agreed.

Countryside Council for Wales

Considers ecological reports to be acceptable and raises no objection.

Airbus

No objection subject to a condition in respect of the balancing pond.

Coal Authority

No adverse comments. Standing advice applies.

Clwyd Powys Archaeological Trust

Has examined the archaeological report undertaken in February 2011 and advises that the site has no known features which would be affected by these proposals.

**4.00 PUBLICITY**

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters posted published and sent out on 3 occasions, most recently in August 2011

4.02 At the time of writing this report, the publicity exercise has resulted in the submission of 55 No. letters of objection from third parties in respect of the proposals. These representations raise objections upon the following grounds:-

1. Increased traffic generation resulting in adverse impacts upon highway and pedestrian safety due to inadequate visibility at proposed points of access;
2. Insufficient variety of housing provided and not reflective of the locality;
3. Adverse impact upon visual amenity of area;
4. Adverse impacts upon wildlife interests of the site;
5. Insufficient drainage capacity to accommodate further development;
6. Adverse impacts upon residential amenity arising from overbearing, over dense and overlooking development.
7. Concerns in respect of impact of development upon enjoyment of footpaths.
8. Objection to any diversions of the footpaths.
9. Insufficient space about dwellings.
10. Concerns in respect of the impact upon local schools and their capacity to accommodate additional pupils.

**5.00 SITE HISTORY**

5.01 **4/1/20795**

Outline - Residential Development.  
Refused 3.12.1991

**02/1/00549**

Outline - Residential Development.  
Refused 19.2.2003. Dismissed on Appeal 22.4.2004.

**6.00 PLANNING POLICIES**

6.01 Clwyd Structure Plan First Alteration

Policy B8 - New Dwellings in the Countryside  
Policy B16 - Low Cost Housing in Rural Areas  
Policy H3 - Protection of the Countryside

Structure Plan Second Alteration: Flintshire Edition

Policy HSG7 - New Dwellings in the Countryside  
Policy HSG13 - Affordable Housing  
Policy CONS5 - Open Countryside

Alyn and Deeside Local Plan

Policy G1 - General Requirements for Development  
Policy H6 - New Dwellings in the Open Countryside  
Policy H15 - Affordable Housing in Rural Areas  
Policy CF1 - Outdoor Playspace for Children

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development  
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 D1 - Design Quality  
Policy D2 - Location and Layout  
Policy D3 - Building design  
Policy D4 - Landscaping policy  
Policy AC2 - Pedestrian Provision and Public Rights of Way  
Policy AC13 - Access and Traffic Impacts  
Policy AC18 - Parking Provision and New Development  
Policy SR5 - Outdoor Playing Space and New Residential Development  
Policy EPW2 - Energy Efficiency in New Development  
Policy HSG10 - Affordable Housing within Settlement Boundaries  
Policy EWP3 - Renewable Energy in New Development

- 6.02 The application site is located outside the settlement boundary of Hawarden as defined within the Alyn and Deeside Local Plan. However, it is within the settlement boundary and allocated for residential development within the Unitary Development Plan for residential development.

**7.00 PLANNING APPRAISAL**

7.01 Site Description

The site comprises a large field parcel to the southern limits of the current built up area within which Overlea Drive is situated. The site is bounded to the north and east by existing built form. The southern boundary is formed by a railway embankment of the Wrexham – Bidston Railway line. The site is bounded to the west by other agricultural fields. Boundaries in each direction are formed principally by existing



hedgerows and vegetation, although parts of the northern and eastern boundary also comprise domestic style cartilage fences.

- 7.02 The site amounts to 3.11 hectares in area and is located within the settlement boundary of Hawarden as defined in the emerging Flintshire Unitary Development Plan. In addition, the site is allocated for residential development. The site is relatively flat across its east to west axis but slopes from its most southerly points downhill towards the northern boundary and is reflective of the surrounding landform. .
- 7.03 This full application seeks approval for the development of this site with 45 dwellings together with associated highway infrastructure. The proposed units are all 2 storey in height with pitched roofs and are proposed to be constructed with slate/tile roofs and a combination of brick/render external walls. The housing provides a range of 2, 3 and 4 bedroom accommodation. The scheme includes the provision of 4 dwellings to cater for affordable housing needs in the area.
- 7.04 Principle of Residential Development  
The principle of the development of this site for residential purposes is established via the allocation of the site specifically for this purpose in the emerging Flintshire Unitary Development Plan. The principle has been considered via the examination in public of the UDP and the site remains as an allocation without modification following this process and this must be afforded considerable weight. The proposal is therefore considered acceptable in principle.
- 7.05 Site Layout, Design and Materials  
The site layout is conventional in style principally providing for units which front onto the main estate road and private driveways, and would provide for adequate separation distances between the existing/proposed dwellings to safeguard privacy and amenity. The curtilage areas are in accordance with the guidelines specified in the Council's Space About Dwellings standards and provide acceptable standards of amenity.
- 7.06 Concerns have been raised in respect of the relationship of 2 storey dwellings with bungalows, especially along the northern boundary of the site. However, I would advise that the layout has been the subject of discussion between the applicant and Officers and has been amended in response to these concerns such that separation distances accord with those required in situations of elevated proximity and also to ensure that where a side elevation to principal elevation exists, requiring only 12 metres of separation, there are no overlooking windows at first floor level. Where a bathroom window exists I propose to condition this to be obscurely glazed. In addition, in the interests of safeguarding future amenity further, I propose to remove the Permitted Development Rights which would normally be afforded to plots 1, 5 – 12 and 16 – 21 inclusive in order to ensure that future extensions are considered via the planning process. I also intend to remove the right to make any further window and door openings in the walls or roofs of the same plots for the same reasons.

- 7.07 Whilst concerns relating to the impact of development on existing natural features are noted, it is proposed that existing trees and hedgerows upon the site boundaries are proposed to be retained and utilised as part of the boundaries to the garden areas of the properties. However, in the interests of securing the retention of these existing features, I propose to add conditions requiring the provision of hedgerow and tree protection measures and a condition requiring any future lopping, topping or felling to be the subject of permission from the Local Planning Authority. A condition will also be imposed requiring the submission of a detailed landscaping scheme.
- 7.08 A significant mix of 2, 3 and 4 bedroom house types is proposed within the site layout these being 2 storey in height. Despite representations in respect of the area being characterised by single storey development, it is clear from an appraisal of the area that the character of existing development in proximity to the site is a mixture of both single and 2 storey dwellings. I consider therefore that the proposals are reflective of and consistent with this character. This mix of house types reflects the basis of Policy HSG9 of the emerging Flintshire Unitary Development Plan and National Policy contained in the Ministerial Planning Policy Statement 01/2006 which in paragraph 9.2.14 states that "it is desirable in planning terms that new housing development should incorporate a reasonable mix and balance of house types and size to cater for a range of housing needs and contribute to the development of sustainable communities.
- 7.09 Elevational plans and street scene elevations which have been provided illustrate a mix in the use of traditional materials for the proposed dwellings. It is considered would help the development to relate sympathetically to the character of existing development in proximity to the site and would also serve to relate the development to the wider vernacular. The use of materials can be covered by way of the imposition of a condition if Members are mindful to grant permission for the proposed development.
- 7.10 Drainage  
Concerns have been expressed in relation to the capacity of the existing drainage and sewerage systems to accommodate the proposed development of this site. In response to consultation, Dwr Cymru/Welsh Water have not objected upon this basis. The developer has undertaken a hydraulic modelling assessment of the existing capacity within the current system. This has revealed the potential for flows arising from the development proposal to increase surcharge levels and predicted flooding volumes downstream. Accordingly, the developer has agreed to upgrade the foul water drainage provision for the area by funding an upgrade of the existing sewer from 225mm in diameter to 375mm for a length of approximately 30m in Mancot Lane. This proposal is acceptable to Dwr Cymru and I propose to attach a Grampian style condition to the permission prohibiting the commencement of development until such time as these improvements have been undertaken.
- 7.11 In respect of the proposals for foul and surface water drainage from the proposed development, I am advised in response to consultation by both Dwr Cymru and The Environment Agency Wales that subject to conditions requiring the final agreement of the precise details of the proposals being imposed, no objection is raised.

- 7.12 Surface water is proposed to be handled via a SUDs type arrangement whereby the existing reservoir is redesigned into a pond which, together with the wetland habitat formed though the centre of the site, will serve to ensure that surface water is drained into this area and then released at a rate equivalent to greenfield run off rate only.
- 7.13 Highway Matters  
Concerns have been raised in respect of the adequacy of the existing highway network to accommodate the proposals without detriment to highway safety. The proposals provide for a single point of vehicular access to the application site to be created at the northern end of Overlea Drive. Also part of the wider highway issue is the need for improvements to highway visibility at the junction of Fieldside with Gladstone Way. These issues have been considered by the Head of assets and Transportation who advises that the flows of traffic generated from the development would, at peak times, amount to 10 vehicles in the morning peak and 5 vehicles in the evening peak. It should also be borne in mind by Members that the area is served by 2 points access, not only Fieldside, but also Blackbrook Avenue and therefore traffic will be spread between the 2 junctions.
- 7.14 The improvements at the Fieldside junction are set out in applications ref: 048146 and 048147. These applications provide for improvements to the front boundary walls of No.s 89 and 91 Gladstone Way to provide visibility of 2.4m x 70m in the critical southerly direction. It is considered that the existing visibility in the northerly direction, being the direction in which traffic approaches on the farthest carriageway from the junction, is acceptable. Consequently, the visibility improvements amount to a betterment for all highways users of this junction. Visibility at Blackbrook Avenue is accepted to be adequate.
- 7.15 Consultation has taken place with the Head of Assets and Transportation in respect of the proposals who advises that there is no concern over highway safety. I am advised that, subject to the off site highway improvement works being undertaken prior to the commencement of the development, there is no objection to the proposals. Precise design and construction details of the estate road layout will be required and these are proposed to be the subject of conditions.
- 7.16 Affordable Housing  
Policy HSG10 requires that affordable housing should be provided as part of residential development schemes of this scale. In response to consultation in respect of this issue, the Council's Housing Strategy Unit has advised that the most appropriate way to respond to the need in the locality, with 13 people registered upon the Affordable Home Ownership Register, is to secure the provision of 4no. gifted units to the Council. The intention is to make these 2 and 3 bed units available via the appropriate tenure to meet the needs of appropriate occupiers. This suggested scheme will ensure that homes remain affordable in perpetuity. I recommend that this provision be secured via an appropriately worded S.106 agreement.
- 7.17 Open and Play Space

The Council's Leisure Services department recommend that on site provision of recreational facilities is not required given the close proximity of existing provision at Vicars Close. Accordingly, It is requested that a commuted sum for use in upgrading existing facilities within the community is sought. The sum sought equates to £1100 per dwelling, a total of £49500. This sum will be secured via the proposed S. 106 Agreement.

7.18 Educational Contributions

It is calculated that the development of this site will give rise to 11 children of primary school age 8 children of secondary school age. Existing primary school provision in the locality is at the nearby Hawarden Infants and Rector Drew V.A schools Wepre C.P School, with secondary provision at Hawarden High School. Accordingly, contributions of £38500 and £28000 are sought towards providing the capacity required at the above mentioned primary and secondary schools. These sums will be secured via the S.106 agreement.

7.19 Other Matters

The site layout has been designed in such a fashion that the 2 Public Rights of Way which cross the site are protected upon their current defined routes. Accordingly, there will be no requirement for any Footpath Diversion.

7.20 The Head of Public Protection advises that the site investigations undertaken to date are acceptable but notes an area will require investigation following demolition of the current reservoir structure and its associated buildings. It is suggested that investigation of this area is conditioned. In addition, a condition requiring an enhanced glazing scheme to protect future residents' amenity from noise from the nearby railway line is requested. I propose to impose both conditions.

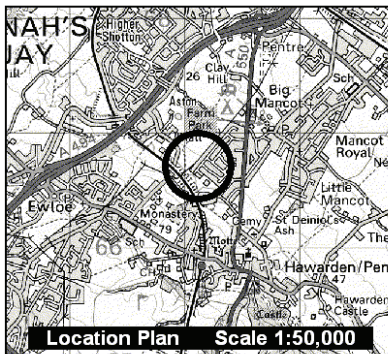
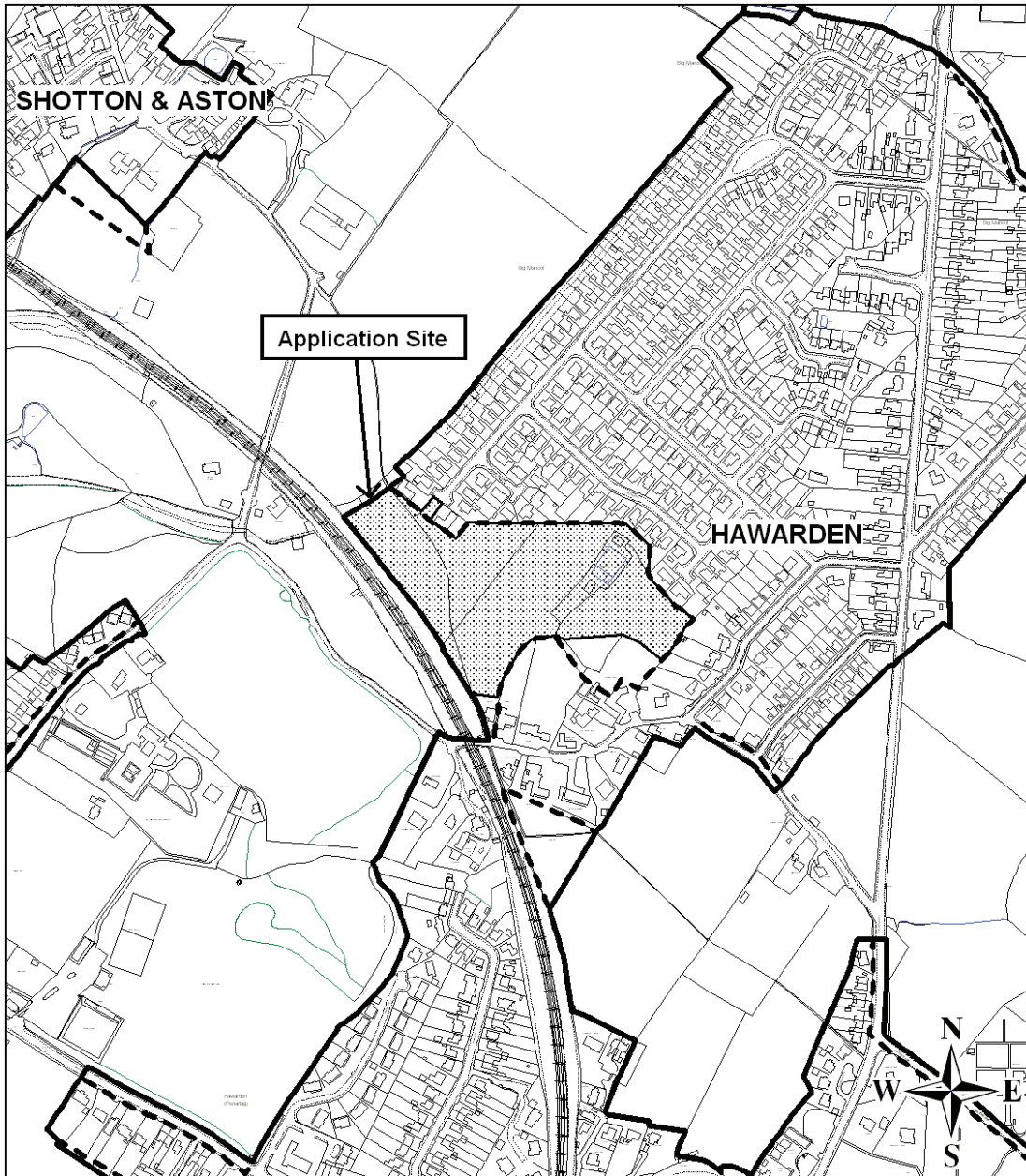
**8.00 CONCLUSION**

8.01 In view of the fact that this site is allocated for residential development in the UDP and that all technical issues and matters of detail have been addressed through this application, my recommendation is one of approval subject to the conditions specified above.

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

**Key to Settlement Boundaries**

-  Alyn & Deeside Local Plan Settlement Boundary
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Ordnance Survey Sheet SJ 3166

Planning Application 48032

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY 23 MAY 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - RESIDENTIAL DEVELOPMENT CONSISTING OF 51 NO. DWELLINGS, NEW ROAD AND CREATION OF MITIGATION LAND IN RELATION TO ECOLOGY ON LAND BETWEEN AND BEHIND MAISON DE REVES AND CAE EITHIN, VILLAGE ROAD, NORTHOP HALL

**1.00 APPLICATION NUMBER**

1.01 048855

**2.00 APPLICANT**

2.01 T ANWYL & SONS LTD

**3.00 SITE**

3.01 LAND BETWEEN AND BEHIND MAISON DE REVES AND CAE EITHIN

**4.00 APPLICATION VALID DATE**

4.01 20/07/2011

**5.00 PURPOSE OF REPORT**

5.01 Following the resolution at the 14<sup>th</sup> March 2012 Planning and Development Control Committee to refuse this application, to seek guidance regarding the reasons for refusal to be attached to the decision. The report to that Committee is appended to this report.

**6.00 REPORT**

6.01 At the 14<sup>th</sup> March meeting, it was resolved to refuse this application for the following reasons:

1. Ecological impact of development (newts and badgers).
2. Highway safety issues (capacity/design of existing network).
3. Density of development too high.
4. Lack of geological survey.

- 6.02 Where a decision is taken at Committee against officer recommendation on any particular application, it is the role of officers to draft the precise terms of that decision. In this instance it is the reasons for refusal of planning permission. From discussion at the Committee meeting on 14<sup>th</sup> March 2012, Members will be aware of the views of officers with regard to the robustness of the refusal having regard to the fact that the site is allocated for residential development in the Flintshire Unitary Development Plan.
- 6.03 Members are therefore asked to consider this further report in advance of the decision being issued. It is the applicant's intention to appeal against the refusal of planning permission and it is vital that each reason put forward can be supported by evidence in order on the one hand to seek to defend the Council's position and on the other hand to minimise any risk of costs against the Council, regardless of the eventual decision on appeal. Each of the reasons for refusal arising from the previous resolution is addressed below. It is recognised that these largely arose from representations made during the application process and it should be noted that it would be open to third parties to introduce these topics at any appeal against the decision.

#### **Ecological Issues**

- 6.04 At the March Committee Members were concerned about the need to provide new habitat for the great crested newt, which had been resident in the pond to the east of the application site. The report explained that GCNs had not been found in that pond since 2004, even though there had been regular surveys, and the pond did not provide a suitable breeding ground. This application provides a betterment of the existing situation by the provision of 2 new ponds within the mitigation area to the south of the proposed residential development.
- 6.05 Members were also concerned about the effect of the proposed development on the badgers which inhabit part of the site. The report to the March committee explains that the proposal involves creating a new sett on land immediately to the south of the proposed dwellings, within 100m of the existing sett and fence from public access.
- 6.06 Subject to this mitigation both the Countryside Council for Wales and Flintshire's ecologist are satisfied that there will be no ecologically detrimental aspect of the proposals, subject to the conditions recommended and a legal obligation. On this basis it is strongly recommended that this reason cannot be substantiated and that it is not included on the decision.

#### **Highway Safety Issues**

- 6.07 At the March Committee meeting debate focused, in part, upon the issue of the likely highway impacts arising from the additional traffic generated from the proposed development in view of the limited width in places, alignment and lack of footways along Village Road. Members



were concerned that Village Road is currently used as a rat run and the proposed development would add more traffic, making the situation worse.

- 6.08 Members were advised by officers that this issue had been considered by the Head of Assets and Transportation in the formulation of advice to the Committee. The advice concluded that, with traffic calming measures implemented along Village Road and provision of additional footways, the existing highway network had the capacity and is capable of accommodating traffic generated from the proposed dwellings.
- 6.09 Members were advised in the report to the March Committee that this site forms part of an allocated site in the Flintshire Unitary Development Plan. In that Plan the whole allocation is for 93 units and the Flintshire Unitary Development Plan Inspector concluded that a safe access could be achieved and the local highway network had the capacity to deal with the number of trips likely to be generated by 93 units.
- 6.10 Despite this advice it was resolved that this should be a basis for the refusal of the application. Whilst it will be difficult to substantiate this it is suggested that the reason should be worded :
- 6.11 **Reason: The proposed development will lead to additional traffic being generated onto the existing road, Village Road, which is substandard in terms of width and alignment in places, to the detriment of highway safety, pedestrians and local residents, and is therefore contrary to Policy Gen 1 (f) of the UDP.**

#### **Density of Development**

- 6.12 The scheme submitted shows a density of development of 22 dwellings per hectare. This falls significantly below the density envisaged by the Inspector in allocating this site in the UDP (30 dwellings per hectare). The original report to the March committee (appended to this report) sets out the circumstances behind this. It is significant that this application covers only part of the allocation, giving an opportunity for the imbalance in terms of density to be addressed to some extent in the consideration of the subsequent application. The density of 22 per ha. also reflects the existing pattern of development and takes account of site constraints.
- 6.13 When the application was discussed previously, it was proposed by some members that the density should be higher, in line with the UDP policy. Whilst the proposed density is lower than that envisaged by the UDP this can be justified for the reasons stated in the preceding paragraph. However, a reason for refusal based upon a density of development which is lower again cannot be justified. On this basis it is strongly recommended that this reason cannot be substantiated and that it is not included on the decision.

#### **Geological Survey**

6.14 At the March 14<sup>th</sup> Committee Members also resolved that the application should be refused on the basis of the lack of a geological survey. This followed some discussion regarding the potential impact of the former mining works on or near the site and was despite the fact that the case officer advised that this matter had been addressed and was covered by Condition 4 of the recommendation (see report appended). In order for this information to be required prior to the application being determined, rather than by condition, evidence would need to be provided that the risks are such that this course was justified. No such evidence has been provided by the relevant consultees and it is again strongly recommended that this reason cannot be substantiated and that it is not included on the decision.

**7.00 RECOMMENDATION**

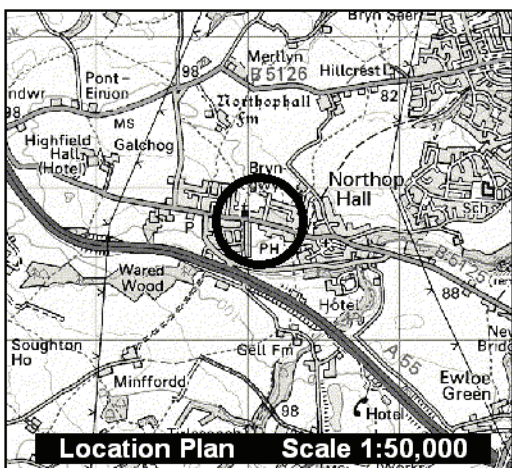
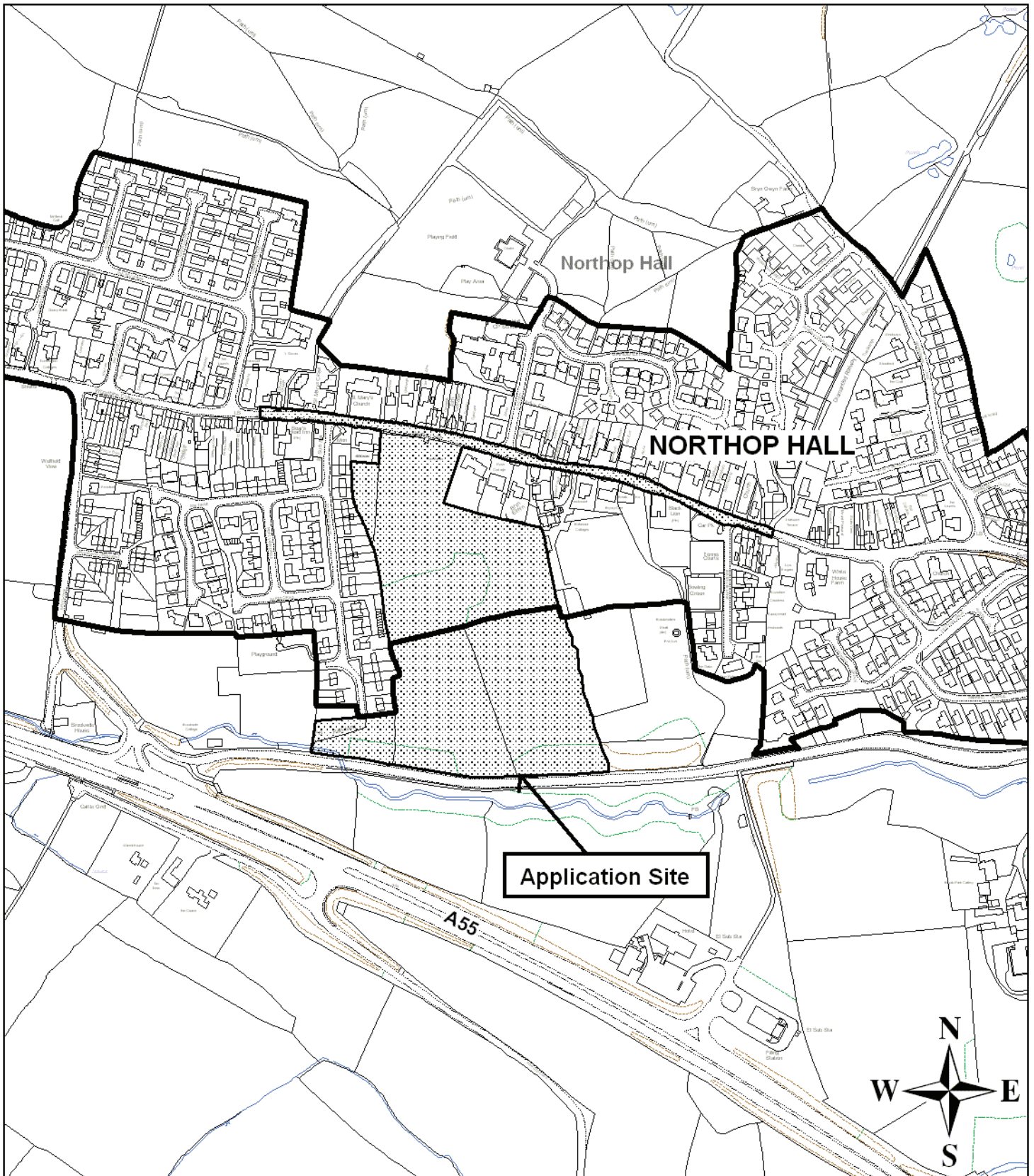
7.01 That application ref. 48855 be refused for the following reason :

**Reason: The proposed development will lead to additional traffic being generated on to the existing road, Village Road, which is substandard in terms of width and alignment in places, to the detriment of highway safety, pedestrians and local residents, and is therefore contrary to Policy Gen 1 (f) of the Flintshire Unitary Development Plan.**

7.02 That reasons relating to ecology, density and lack of a geological survey are not included on the refusal notice relating to the application.

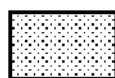
7.03 Should Members resolve not to accept the above recommendation, that delegated authority be given to the Head of Planning to draft additional reasons based on these issues.

**Contact Officer:** Miss S Cunliffe  
**Telephone:** 703254  
**Email:**



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

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Map Scale 1:5000

Ordnance Survey Sheet SJ 2767

Planning Application 48855

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**FLINTSHIRE COUNTY COUNCIL**

**AGENDA ITEM NUMBER: 5.3**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **14 MARCH 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT :** **FULL APPLICATION - RESIDENTIAL DEVELOPMENT  
CONSISTING OF 51 NO. DWELLINGS, NEW ROAD AND  
CREATION OF MITIGATION LAND IN RELATION TO  
ECOLOGY ON LAND BETWEEN AND BEHIND MAISON DE  
REVES AND "CAE EITHIN", VILLAGE ROAD, NORTHOP  
HALL.**

**APPLICATION NO:** **048855**  
**APPLICANT:** **T ANWYL & SONS LTD**  
**SITE:** **LAND BETWEEN AND BEHIND  
MAISON DE REVES AND  
CAE EITHIN,  
VILLAGE ROAD,  
NORTHOP HALL,  
MOLD, FLINTSHIRE**  
**APPLICATION VALID DATE:** **20/07/2011**  
**LOCAL MEMBERS:** **COUNCILLOR L A SHARPS**  
**TOWN/COMMUNITY COUNCIL:** **NORTHOP HALL COMMUNITY  
COUNCIL**  
**REASON FOR COMMITTEE:** **SCALE OF  
DEVELOPMENT/MEMBER REQUEST**  
**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This is a full planning application for 51 dwellings, new road and creation of ecological mitigation land on a site to the south of Village Road, Northop Hall. The site measures 5.56ha (13.7acres) and is undeveloped, green field land fronting onto Village Road, to which there is an existing vehicular field access. The proposal comprises the following:

- 51 dwellings - 46 detached, 2 semis and 3 terraced.
- dwelling mix - 10 x 3 bedrooms; 36 x 4+ bedrooms open market; 5 x 3 bedrooms affordable.
- new access to Village Road

- new access roads through the development
- retention of protected trees

1.02 The application is accompanied by an Ecological Impact Assessment and Mitigation Plan; Ground Investigation Report; Code for Sustainable Homes Pre-Assessment Report, Car Park Survey and Tree Survey.

The issues for consideration are the principle of development when viewed against the context of the adopted Flintshire Unitary Development Plan; the new access and off site highway works; ecological mitigation measures; visual/residential impacts; affordable housing provision; educational impact/contributions and public open space provision.

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

2.01 The proposal is recommended for approval subject to the completion of a Section 106 legal agreement requiring the following:

- a) Public Open Space and Play Equipment  
To provide a contribution of £1,100 per dwelling and a footpath link from the development up to the site boundary adjacent to the garages area to the rear of properties on St Marys Drive.
- b) Transport and Highway Measures  
To provide payment of £10,500.00 towards the cost of implementation of off-site highway improvement works comprising a Traffic Calming Scheme.
- c) Affordable Housing  
Provision of 5 affordable units.
- d) Education  
Contribution of £31,500 towards Hawarden High School
- e) Ecological  
Mitigation and management to cover: Reasonable Avoidance Measures; Submission and implementation of habitat creation and enhancement Scheme; Long Term Site Management Scheme; Long Term Site Wardening Plan and Long Term Monitoring Plan.

**Conditions**

1. 5 year time limit on commencement
2. Samples of all external materials of buildings to be submitted and agreed.
3. In accordance with approved plans
4. Intrusive site investigation works to be undertaken prior to commencement of development,

- to establish the exact situation regarding coal mining legacy issues on the site.
5. Foul water and surface water to be drained separately
  6. Foul flows to connect to the public combined sewer
  7. Surface water discharges to connect to the public surface water sewer
  8. Land drainage run-off shall not discharge in to the public sewerage system
  9. Development is not to commence until a scheme has been approved for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with.
  10. No building to be constructed within 3 metres of the existing public sewer.
  11. No building is to be occupied before 31.03.2015 unless the Waste Water Treatment Works have been improved.
  12. Prior approval of protected species mitigation scheme.
  13. Details of layout, design, traffic calming, signing, surface water drainage, street lighting, construction of internal estate roads, 2m wide footway along site frontage to be submitted for prior approval.
  14. Details of the siting, layout and design of the means of access to be submitted for prior approval.
  15. Provision of 2.4m x 43m visibility splays prior to development commencing.
  16. Access to be kerbed and have a base layer prior to site clearance.
  17. Garages to be set back behind footway line.
  18. Facilities provided for bin storage and collection and vehicle turning and parking.
  19. Details to be approved of method to prevent run-off of surface water onto the highway.
  20. A Construction Traffic Management Plan to be submitted for prior approval.
  21. No development to commence until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has received prior approval. Any contamination shall be the subject of remediation measures which shall be implemented prior to occupation of any dwelling.
  22. No work to take place during bird breeding season.
  23. Submission of scheme for protective barrier around the trees.
  24. Submission of method statements where work is proposed within the root protection areas.
  25. Hours of work limited to Mon-Fri 07.00-19.00; Sat 08.00-17.00, no working on Sundays or Bank Holidays.
  26. Requirement to apply for a great crested newt licence.
  27. Provision for wheel washing facilities for construction traffic.

### **3.00 CONSULTATIONS**

- 3.01 Local Member - Councillor L A Sharps  
Requests the application is referred to Planning Committee and for a Site Visit, in view of great public concern and a petition.

Northop Community Council



Object on the following grounds:

- detract from rural character of prime central location, where design and density must be a major consideration.
- the proposed size and density is unnecessary, unwarranted, unjustifiable and would have a serious detrimental environmental impact on the village in terms of traffic, noise, pollution and harm to wildlife.
- traffic generation and flow onto Village Road, which is busy with commuters going to work.
- pedestrian safety.
- no mention of a mini roundabout.
- dwellings are located on an area which was to have been a buffer zone for the protection of wildlife.
- doubt about whether re-location of badgers would be successful.
- meeting targets for new housing is questioned in a semi-rural location and alternative means should be explored.
- the site should remain open.
- the increase in dwellings requires increases in amenities and confidence in the capacity of the infrastructure. The provision of underground surface water storage is not desirable or suitable.
- hammerheads to facilitate future development are opposed.
- old mine workings cause concern.

Head of Assets and Transportation

No objection subject to conditions and a S106 agreement for replacement traffic calming features to manage traffic speeds along the site frontage. This will become part of a wider traffic calming scheme for the village.

Head of Public Protection

No objection subject to conditions.

Housing Strategy Manager

No objection subject to the provision of 5 units given to the council.

Director of Lifelong Learning

No objection subject to a S106 agreement for £31,500 to be paid by the developer for Hawarden High School.

Welsh Water

No objection subject to conditions.

Environment Agency

No objection.



Airbus

No objection.

The Clwyd-Powys Archaeological Trust

No comment.

The Coal Authority

No objection subject to a condition.

Countryside Council for Wales

No objection subject to the imposition of planning conditions/obligations in respect of safeguarding the nature conservation interest of the site. The fungi survey did not identify any especially rare or threatened species. Conservation of the fungi can most appropriately be delivered by the implementation of an appropriate long term management plan that considers the ecological requirements for these species.

**4.00 PUBLICITY**

4.01 The application has been publicised by a press notice, site notice and neighbour notification letters.

Over 450 letters have been received opposing the development for the reasons summarised below. All but 15 of these are standard letters of identical format.

Layout and density

- out of scale with the village
- destruction of a semi-rural area in a prime location
- out of character with the surroundings
- overdevelopment

Traffic generation and highway safety

- the links between housing and employment in the village are relatively poor resulting in high levels of car commuting
- increase in traffic where roads are already used as a rat run
- local roads are not sufficiently wide to accommodate more vehicles and parked cars make it difficult to emerge from side roads
- the site entrance would be better from the south (old A55).
- increased use of poor pavements, where they exist.
- it is already dangerous to walk through the village with a pushchair

Loss of amenity

- loss of view and privacy, especially for properties on east side of St Mary's Drive

- devaluation

#### Housing

- there is no need or demand for more houses in Northop Hall
- no need for affordable units
- too many executive style houses and not enough smaller units

#### Mitigation Land and Wildlife

- due to the confined location of the proposed mitigation land it is unlikely to be more than a token gesture and will have little conservation benefit.
- loss of habitat for wildlife and birds.

#### General

- there is a coal seam 80-240 metres below ground. Last mined in 1914 and there are some disused capped mine shafts. The expense of making the land safe will negate the provision of affordable homes.
- fear of subsidence - the site has sunk since properties on St Mary's Drive were built
- village amenities include 2 pubs and one shop.

#### Local Facilities

- pressure on the schools and the local primary school is full
- will exacerbate existing low water pressure at upper end of village
- insufficient power supply
- no direct bus to Ewloe, Buckley or Flint
- local medical practices do not take in new patients
- lack of facilities for children now, this will make it worse.

Councillor K. Armstrong-Braun objects as the application would be in breach of 1979 Council Directive on the conservation of wild birds. The Directive says a large number of species of wild birds naturally occurring in Europe are declining in number, representing a serious threat to conservation of the natural environment. The preservation, maintenance or restoration of a sufficient diversity and area of habitats is essential to the conservation of all species of birds. Certain species should be the subject of special conservation measures concerning their habitats to ensure their survival.

## **5.00 SITE HISTORY**

### **5.01 860/80**

Outline planning permission granted in 1981 for 6-8 dwellings.

**535/87**

Outline planning permission granted in 1987 for 4-5 dwellings at Cae Eithen Farm

**35046**

Permission refused for residential development to the side of Cae Eithen in 2003.  
Appeal dismissed.

**36558**

Outline permission granted for residential development to the side of Cae Eithen in 2004.

**43413**

Outline permission granted for residential development to the side of Cae Eithen in 2007. Now expired.

**48373**

Residential development of 72 dwellings, new road, ecological mitigation land.  
Withdrawn July 2011.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan policies:

STR1 New Development

STR4 Housing

GEN1 General Development Considerations

GEN2 Development inside Settlement Boundaries

D1 Design Quality, Location and Layout

D2 Design

D3 Landscaping

TWH1 Development Affecting Trees and Woodland

WB1 Species Protection

AC13 Access and Traffic Impact

AC14 Traffic Calming

AC18 Parking Provision and New Development

HSG1 (35) New Housing Development Proposals - Northop Hall

HSG8 Density of Development

HSG 9 Housing Mix and Type

HSG10 Affordable Housing within Settlement Boundaries

SR5 Play Areas and New Housing Development

EPW2 Energy Efficiency in New Development

Planning Policy Wales

Technical Advice Note 2 - Planning & Affordable Housing

Technical Advice Note 5 - Nature Conservation

Technical Advice Note 18 - Transport

Local Planning Guidance Notes:

No.2 Space around dwellings

- No.3 Landscaping
- No.4 Trees & Development
- No.8 Nature Conservation & Development
- No. 9 Affordable Housing
- No.11 Parking Standards
- No. 12 Access for All
- No.13 Open Space Requirements
- No.22 Planning Obligations

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Location and Proposed Development**

This is a full planning application for 51 dwellings on land south of Village Road. To the east is a dwelling called Maison de Reves and dwellings on St Mary's Drive; to the north are dwellings on the opposite side of Village Road; to the east is Cae Eithin beyond which are more dwellings facing Village Road and to the south are fields leading down to the road between Brookside, the A55 junction and the B5125 Stamford Way. Bordering the southern part of the eastern boundary are fields/paddocks. The site slopes down from north to south, towards the A55.

7.02 The development will be served by a new access to Village Road with 2.4m x 43 m visibility splays and a new 2m wide footpath across the site frontage. The road network within the site comprises 5.5m wide highways with a footway along each side. There will be a mix of detached, semi and semi/mews dwellings.

7.03 The Code for Sustainable Homes Pre-Assessment Report concludes the proposed development is capable of meeting Code Level 3 in the nine key sustainable design principles, as required by the Welsh Government.

### **7.04 Principle of Development/Policy Context**

Approximately 50% of the site is within the settlement boundary and allocated for residential development. The remaining 50% i.e. the two roughly rectangular field parcels in the southern area are outside the settlement boundary and the UDP allocation. However, this southern area is not shown for development and is to be used for an alternative nature conservation area in lieu of the natural existing habitat.

7.05 The site forms part of a larger allocated site for housing with an indicative yield of 93 units – this figure assumes the whole of the site will be developed. Due to ownership constraints this application is for part rather than the whole of the site allocated in the UDP. However it is preferable that the site be partially delivered to provide 51 new dwellings rather than not come forward at all. Provided the layout does not prejudice the bringing forward of development on the remainder of the UDP allocation, then there is no objection in policy terms.

7.06 In seeking to bring about sustainable development the Welsh Government advises in Planning Policy Wales that Local Authorities should promote the most efficient use of land. UDP policy HSG8 seeks to make the most efficient use of land in terms of achieving a density of development which reflects the characteristics of the site and

its surroundings and ensures that the quality of the living environment and amenity is not compromised. The proposed 51 dwellings is considered to be broadly compatible in terms of making the best use of land as required by Policy HSG8. There is a mix of houses in terms of type and size which would satisfy Policy HSG9.

7.07 Usual considerations apply to this proposal as regards to open space provision and affordable housing requirements in line with UDP policies SR5 and HSG10.

7.08 The proposal is acceptable in principle and there are no policy objections.

7.09 Public Open Space

Given there are two existing play and recreation grounds near to the application site, to the west of St Mary's Drive and to the north off Llys Ben, the council is not seeking open space provision at this development.

7.10 In lieu of on site provision, a capital sum payment of £1,100 per dwelling is to be paid to the council upon 50% sale or occupation of the development. The payment would be used to enhance existing recreation provision.

7.11 As shown on the layout plan, the developers are to provide a public footpath up to the western boundary, to the existing garage block, rear of 30 - 36 St Mary's Drive. This would provide safe access to the existing recreation provision at St Mary's Drive.

7.12 The proposed mitigation area in the southern part of the site will not be adopted by the council.

7.13 Highways

The proposed development would be served by a new access to Village Road. In terms of the generation of traffic from the proposed development, the site has been assessed using the latest traffic calming policy and a traffic calming scheme has been designed by the council. The scheme proposed replaces the existing calming features and is designed to manage traffic speeds along the development site frontage. It will then become part of a wider traffic calming scheme for the village.

7.14 The proposed traffic calming scheme, to be part of the S106 agreement, comprises:

- a 65mm high, 3.4m long x 1.7m wide speed cushion on Village Road in front of the Black Lion public house to the east of the site. This will stipulate vehicle alignment whilst aiding pedestrian safety with the creation of a 0.5m 'Exclusion Zone' on either side of existing carriageway.
- a traffic calming feature on the highway immediately east of the new access
- 'Give Way' lines and associated build-out to facilitate vehicle movements whilst entering and departing from properties 'Amon' and 'Lynwood', east of the site
- 'Road Narrows' Warning Signs erected at suitable locations.

7.15 In relation to highway matters it is relevant to refer to the UDP Inspector's report for this site. It said there were many objections from local residents but evidence from

the council's highways officer indicated that a safe access could be achieved and, despite the road configuration, the capacity is available to deal with the anticipated number of trips generated by the proposed allocations (93 units). Further traffic calming can be undertaken in the village, which would improve road safety. The road network to the east and west of the village has been or will be improved.

7.16 Trees and Landscaping

There is no objection in principle. The mature sycamores to the north of Plot 51 (to the east of the site entrance), appear to be adequately safeguarded and will make an attractive entrance feature. A condition is needed regarding submission of a soft landscaping scheme.

7.17 Ecology

The site consists predominantly of horse grazed grassland with an area of mine spoil with mixed scrub in the south west corner and mixed hedgerows along the southern boundary.

7.18 The site is over 700m from Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for great crested newts. There is no direct effect on the GCN although there is one pond adjacent to the site with a GCN record. This pond has been surveyed regularly since 2004 and since then it has been heavily poached by horses and is not considered suitable as a breeding pond for GCN. Scrub and woodland habitats within and adjacent to the site have potential as terrestrial habitat for GCN.

7.19 There is a badger sett within the scrub on mine spoil within the application site. The size of the sett was confirmed by the Clwyd Badger Group in July 2011 as 4 holes, 3 active and 1 part used plus two new holes on north side of the spoil possibly dug by yearlings.

7.20 The grassland has patches of interest with pignut, bulbous buttercup and birdsfoot trefoil in the lower fields where the site is less heavily grazed by horses. Due to local recordings of waxcap fungi, a more detailed survey was requested. The species subsequently recorded were widespread species found elsewhere in North East Wales although grassland management is critical to the existence of these fungi.

7.21 Mitigation Proposals

A similar area of land to that being developed but which is currently heavily grazed by horses south of the development site will be enhanced to mitigate for the effects of development.

7.22 Deeside and Buckley Newt SAC

Possible indirect effects caused by a potential increase in recreation within the SAC due to 51 additional dwellings can be overcome by the provision of a local recreational area. The creation of "greenways" linking into the existing PROW has subsequently been put forward. These will be separated from the management of the rest of the site.

7.23 Great Crested Newts

Currently there is no suitable breeding habitat on or adjacent to the site for GCN and there hasn't been since 2004 although GCN eggs had been previously recorded in the pond south east of the site. The presence of potential terrestrial habitat – scrub and hedgerows means that reasonable avoidance measures will need to be undertaken prior to the development of the site. The GCN population will ultimately benefit from the creation of 2 new ponds within the mitigation area approximately 150m from the existing pond. Provision of new ponds and secured terrestrial habitat, providing it is secured with long term management, will help to maintain the favourable conservation status of GCN in this locality.

7.24 Badgers

The best option for the badgers would be to leave them in situ and develop the land around them, although this would isolate the population from their foraging areas.

7.25 Due to the need to locate mine shafts within the area of scrub, the proposal is to create a new sett on land immediately to the south of the application site within 100m of the existing sett. The aim is to build the sett into a created mound using the existing free draining mining spoil, replant some of the existing scrub to create immediate cover and plant the remaining area with native species and fence from public access.

7.26 Research into the use of artificial setts by badgers concludes success rates can be high (over 90%) depending on proximity to the existing sett and proximity to an existing path or foraging area. Also while they don't need to be overly large or complex they do need to have correct thermal properties and drainage plus 6 months to "bed in". To ensure success the sett needs to be re-located as detailed in the application and undertaken in accordance with the submitted details and licence application.

7.27 Grassland mitigation

It is important to enhance the retained grassland through agreed use of topsoils appropriate re-seeding and future management. Waxcap fungi exist adjacent to the site, to the south west, which should spread if the right management is undertaken to maintain the grassland at the most appropriate length. This will be dependant on securing the site's long term management. Grassland that will be retained in situ in the southern section of the site, near the old A55, needs to be protected from associated construction works eg the sewage pipe easement.

7.28 S106 agreement/conditions need to cover Reasonable Avoidance Measures; the habitat protection where relevant; the creation and enhancement scheme; long term site security including management and monitoring with the provision of sufficient resources and a compliance audit scheme to ensure that the scheme is successful. Ultimately it is the long term management of the site that will ensure whether the mitigation is successful or not.

7.29 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows



disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

- 7.30 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and a licensing system administered by the Welsh Ministers. Planning Policy Wales (2002) paragraph 5.5.11 advises local Planning Authorities that “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitat.”
- 7.31 TAN 5 (2009) paragraph 6.3.6 says Regulation 3(4) of the Habitats Regulations requires all local planning authorities to have regard to the provisions of the Habitats Directive. Consequently, the Directive’s provisions are relevant in reaching planning decisions where a European protected species may be affected and it is important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive’s requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met....these requirements are transposed by the provisions of the Habitats Regulations.
- 7.32 The issues of whether development could give rise to a breach of the Regulations’ requirements, and whether there may be a potential need for a licence to avoid such a breach, are a material consideration in a relevant planning decision. Where a licence may be needed, the three licensing ‘tests’ required by the Directive should be considered by the local planning authority. The requirement for a licence and the application of the three licensing tests is equally a material consideration in planning appeals. Local planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements and this may potentially justify a refusal of planning permission." Paragraph 6.3.7 then states:- “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied.”
- 7.33 In this case to satisfy test 1, the social or economic nature of a development, the proposals seek to establish the use of the site for residential development. The site lies within the identified settlement boundaries of Northop Hall and is specifically allocated for residential development. The application is accompanied by survey data to indicate that the proposals would not adversely affect European Protected



Species (EPS). In considering this data, together with the intention to undertake the identified Mitigation Measures, Countryside Council for Wales and the Local Planning Authority are satisfied that there are no adverse effects upon the EPS. It is considered that this proposal will ensure that the species and habitats are brought into favourable conservation status, where, without the development, this would not be the case.

- 7.34 Test 2 is about whether there is a satisfactory alternative. This do nothing option is not satisfactory because without management the nature conservation value of the existing pond will continue to deteriorate. The land is heavily horse grazed and the pond has been poached by horses and has been dry for the last summer. The creation of new ponds will enhance the locality for GCN.
- 7.35 Test 3 is about whether the development will be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. In terms of the GCN, these are annually surveyed at Wepre Country Park and adjacent sites some 700m north of the application site and Buckley sites over 1km south of the application site. The provision of an identified protected mitigation area during all stages of construction and operation will ensure maintenance of the range & dispersal route available for GCN. The protection of this area in the long term will provide for the long term prospects. Reasonable avoidance measures will be undertaken prior to development to prevent harm to GCN if present on site. Conditions & s106 agreement proposed to cover: Reasonable Avoidance Measures; Submission and implementation of habitat creation and enhancement Scheme; Long Term Site Management Scheme; Long Term Site Wardening Plan and Long Term Monitoring Plan.
- 7.36 The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species. It is considered that this application satisfies the three tests required by the Habitats Directive.
- 7.37 In conclusion, providing the mitigation area is protected and managed in the long term there will be no detrimental impact on the maintenance of the favourable conservation status of the Great Crested Newt. CCW have no objection subject to the imposition of planning conditions/obligations in respect of safeguarding the nature conservation interest of the site.
- 7.38 Education  
The schools affected would be Northop Hall Primary School, which has spare capacity, and Hawarden High School which does not have spare capacity. It is estimated that the proposed development would generate 12 primary school pupils and 9 secondary school pupils.
- 7.39 An education contribution figure has been identified which would allow the Local Authority to make provision for an estimated 12 primary age pupils in one school and an estimated 9 secondary age pupils in one school.

7.40 The placement of the estimated 12 primary school pupils will not have a significant impact on the local primary school because there is a current surplus of 83 places. However, the placement of the estimated 9 pupils will increase pressure on Hawarden High School, where the Numbers on Roll exceed its capacity by 2 pupils.

7.41 Affordable Housing

There will be no additional Social Housing Grant funding becoming available in the foreseeable future. Accordingly, discussions have been undertaken with the applicant and local member in respect of this application and the preferred method of affordable housing delivery is the provision of 5 gifted units (houses given to the council at no cost) constructed to Welsh Design Quality Requirements/Lifetime Homes Standards. The mix will be 5 x 2 bed 4 person houses. The gifted units will be to house local people who are registered on the council's affordable home ownership register.

7.42 Layout, Design and Appearance

The proposed development will provide 51 dwellings on approximately 2.3ha hectares, which equates to about 22 dwellings per hectare - very similar to the density of the residential development to the west, served by St Mary's Drive and Elm Drive. This is a lower density than the UDP indicative figure of 30 dwellings per hectare but is acceptable, given the constraints posed by retaining protected trees, provision greenspace and distances required to existing buildings. The dwellings will be constructed in brick and tiles to council approval. There will be 9 different house types in a mix of 3 and 4 bedrooms.

7.43 Effect on Existing/Proposed Residential Amenities

There are existing dwellings to two sides with their rear gardens backing onto the application site. It is considered that there would not be any material detrimental impact on the amenities of existing or proposed residents by way of overlooking or privacy. The scheme is broadly in line with the council's standards for space around and between dwellings. Adequate amenity space is provided for existing and proposed occupiers.

7.44 Some local residents have objected on grounds of loss of view and devaluation. These are not planning matters.

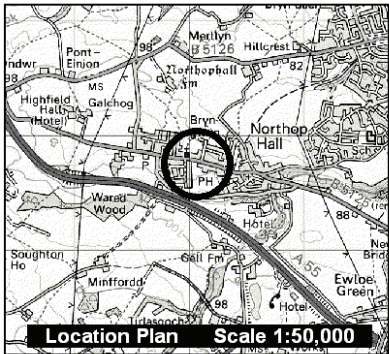
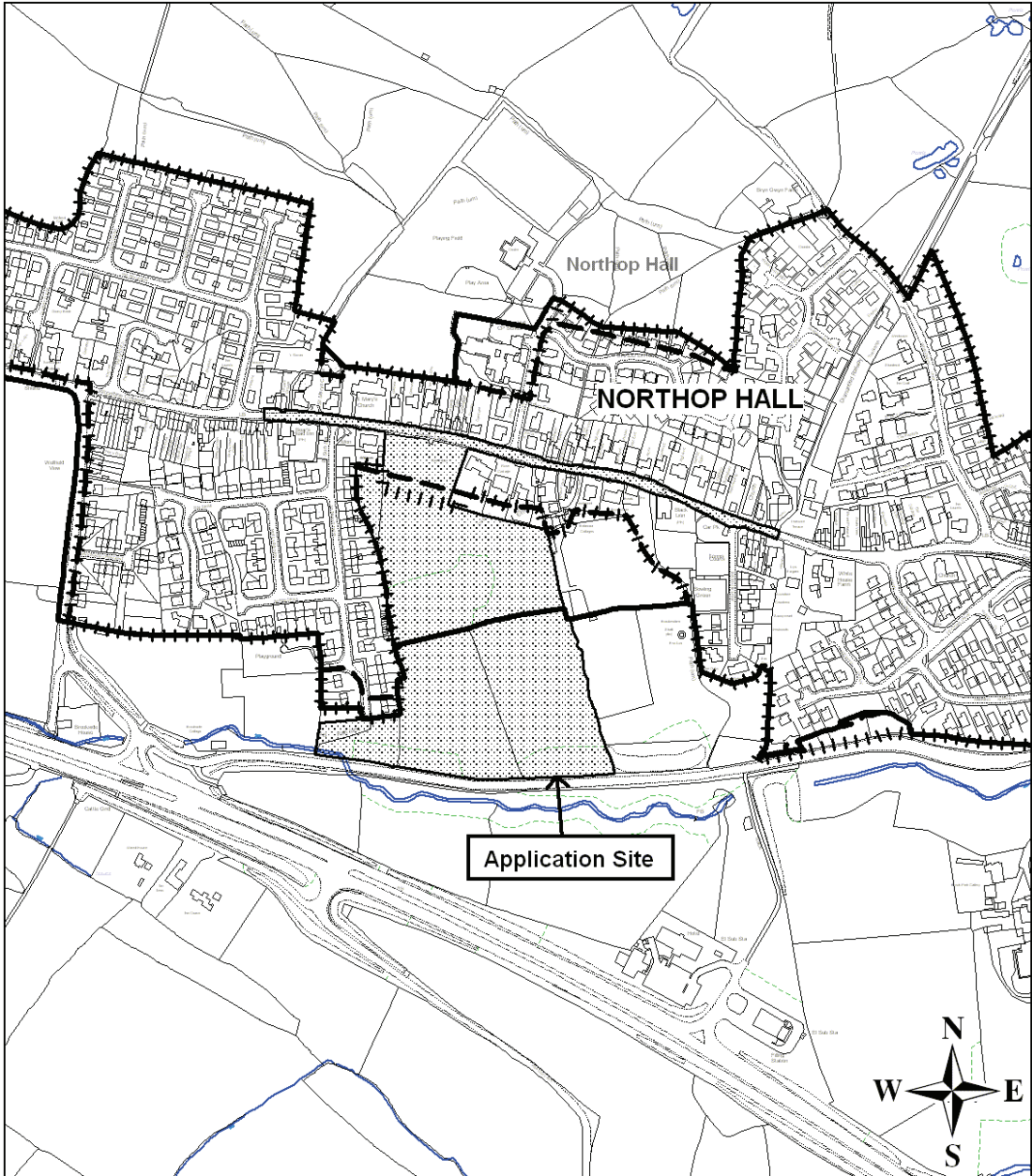
**8.00 CONCLUSION**

8.01 In conclusion, it is relevant to refer to the UDP Inspector's report which said Northop Hall is comparatively small (about 650 dwellings), has a reasonable level of local services/facilities and is relatively close to larger centres. It is a sustainable location and the proposed growth is not disproportionate to the size of the village and its range of facilities. The development of this greenfield site would be consistent with Planning Policy Wales.

8.02 The proposal provides for a quality residential scheme which is acceptable in principle and detail, subject to conditions and a S106 legal agreement.




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: Sally Cunliffe  
Telephone: 01352 703254  
E-Mail: [sally\\_cunliffe@flintshire.gov.uk](mailto:sally_cunliffe@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 1:5000

Ordnance Survey Sheet SJ 2767

Planning Application 48855

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** WEDNESDAY, 23 MAY 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - PHASE 1: ERECTION OF PRIMARY SCHOOL, CONSTRUCTION OF ACCESS ROAD, CARPARK AND HARD AND SOFT PLAY AREAS AT CUSTOM HOUSE SCHOOL, MOLD ROAD, CONNAH'S QUAY

### **1.00 APPLICATION NUMBER**

1.01 047415

### **2.00 APPLICANT**

2.01 Flintshire County Council

### **3.00 SITE**

3.01 Mold Road, Connah's Quay, Deeside.

### **4.00 APPLICATION VALID DATE**

4.01 23/04/2010

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the preparation of a development brief for the redevelopment of the Custom House Lane Junior CP School site when it and the existing Dee Road Infants CP School are replaced by the new "All Through" school at Dee Road, Connah's Quay.

### **6.00 REPORT**

6.01 Members will recall that planning permission was granted for the erection of a new school on land between Dee Road and Mold Road, Connah's Quay under Ref. 047415, following consideration by the Planning & Development Control Committee on 28<sup>th</sup> July 2010. This was to replace the existing schools at Dee Road and Custom House Lane respectively and the application site included both school buildings, indicating that they were to be demolished once the new school was available. Part of the land was to provide a new playing

field, hard play area, car parking etc whilst a portion of site was identified as being surplus and therefore an asset which would be disposed of for redevelopment.

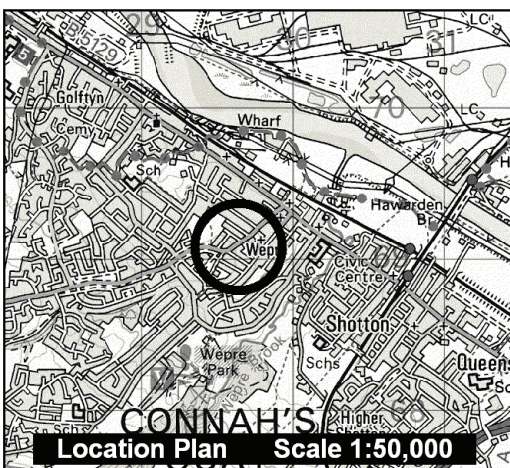
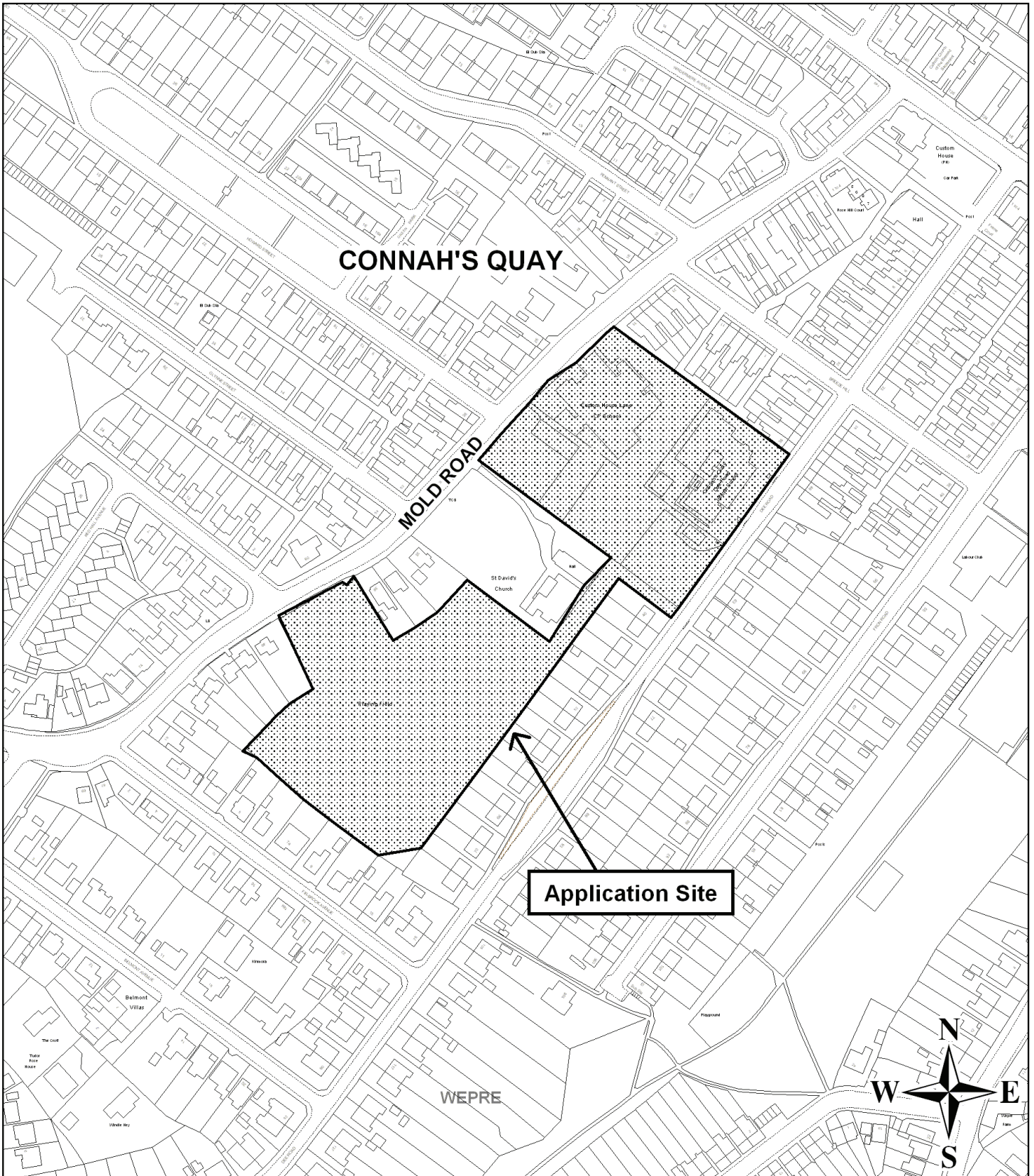
- 6.02 The Custom House Lane school incorporates (on the Mold Road frontage) the former Northop Board School, built in 1881, and Members felt that its retention and its incorporation in any redevelopment proposals should be investigated. Consequently, the planning permission for the new school incorporated a condition (4) which requires (*inter alia*) "... details of a feasibility study to assess the scope for the retention of the historic part of the Custom House Lane CP School within any future redevelopment proposals". In addition the minutes of the meeting on 28<sup>th</sup> July 2010 advise that a development brief would be prepared and brought back to the committee for consideration, on the basis that this would be informed by the feasibility study.
- 6.03 The Feasibility Study submitted shows that on a financial basis it is not viable to retain the historic part of the former Custom House Lane School as the conversion of the building into flats and development of the remainder of the site for 9 No. dwellings would result in a negative land value of – £123, 395. (A copy of the feasibility study together with further explanatory memo is appended.)
- 6.04 The development brief (which is also appended to this report) shows a proposal for the total redevelopment of the site for residential purposes. The indicative site layout shows how the site can be developed in a sympathetic manner, with design linkages to its previous use and its important focal point onto Mold Road. Any proposal for redevelopment would however be the subject of a further planning application.
- 6.05 The planning condition is satisfied through the submission of the feasibility study and it will now be the intention to demolish the Custom House Lane CP School in its entirety (in accordance with the original proposal) to allow the marketing and eventual redevelopment of the land in accordance with the parameters set out in the development brief.
- 6.06 In conclusion Members are advised that in the light of the above, any decision as to the retention or otherwise of the historic part of the old school, lies outside the planning sphere.

## **7.00 RECOMMENDATIONS**

- 7.01 That the submission, content and conclusions of the development brief/feasibility study regarding the demolition of the Custom House Lane CP School be noted.

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**Email:** robert\_mark\_harris@flintshire.gov.uk

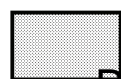




Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**

 Adopted Flintshire Unitary Development Plan Settlement Boundary

 Application Site Extent

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OS Map ref SJ 2969

Planning Application 47415

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PROJECT  
STAGE

**THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**

Feasibility Study on the viability of re-use

May 2011

## **THE POSSIBLE TRANSFORMATION OF A BUILDING**

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**THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING  
CONNAH'S QUAY  
DEESIDE CH5 4QL  
WALES**

Feasibility Study on the viability of re-use

May 2011

PROJECT  
STAGE

**THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE, WALES**

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**THE POSSIBLE TRANSFORMATION OF A BUILDING**

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**The Building in its immediate context**



**The Building in its entirety**



**EXECUTIVE SUMMARY**

**JIG Architects** have been commissioned to undertake this Feasibility Study to assess the possibility of a re-use for the original building of the Custom House Lane Junior CP School.

In **Part One**, following a general Introduction setting out the reason for this study, and the scope of JIG's work, we set out the Brief that we received.

In **Part Two**, the site and the architectural qualities of the three discrete parts of the existing building are considered.

In **Part Three**, the planning policy context affecting the site is summarised, with a conclusion being reached that there are no planning policy restrictions so long as a re-use serves the community and does not conflict with the surroundings.





## SCOPE OF THIS STUDY

In order to address the issue fully, JIG Architects has undertaken site visits, both external and internal, and appropriate desk studies into the architectural significance of the building as a whole, the architectural significance of the original building, and possible re-use functions.

### One: **THE BRIEF**

With the granting of planning permission for a new primary school at Custom House Lane, it was decided not to immediately order the demolition of the existing school, but to appraise its significance to the general environment of Connah's Quay and its appropriateness for viable re-use, breathing new life, so to speak, into an 'old friend'. JIG Architects brief was to recommend an answer to this question through the vehicle of this feasibility study.

### Two: **THE SITE AND THE BUILDING**

2.1 **The site:** The site area is some 3134.6m<sup>2</sup> and faces Mold Road to the south. It is otherwise fenced off from surrounding areas. Once the new school is implemented, it will be further fenced off to the east. This situation can be generally appreciated from the cover photograph, where all edges except that which will pertain with the new school can be seen.

2.2 **The building:** The building is generally of three integrated parts – the original building from 1881, extensions from the 1930s and further extensions from the 1980s. These have resulted in a degree of unity through the use of brickwork, the original and the 1930s parts being in imperial sizes, the latest in metric sizes. The plan as a whole pivots around the main Hall, which is lit by clerestorey windows.



PROJECT **THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**  
 STAGE Feasibility Study on the viability of re-use May 2011

2.3 Exterior



The 1881 part on Mold Road



Patterned brickwork on the front



Names



The rear with different periods of building



Four images on the perimeter of the 1930s and 1980s parts of the building illustrating the variegated forms and differing qualities of the architecture



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2.4 Interior



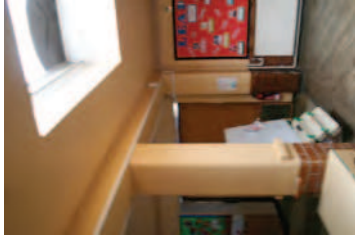
The Hall



Classroom within the 1980s phase



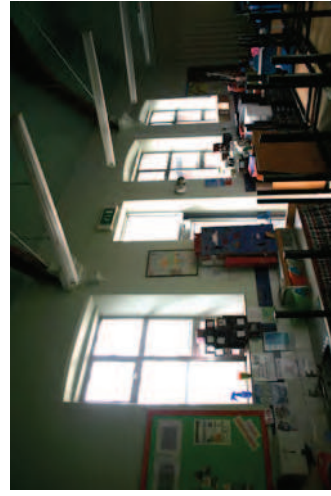
Staff area within the original 1881 part



1930s phase



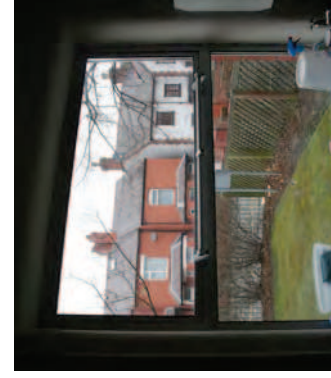
Classroom within the 1930s phase



Room within a wing of the 1881 phase



Attractive top lit circulation space



Contact with surroundings



## 2.5 Architectural Appraisal

The building is not listed, in whole or in part, as being of historical and architectural interest, nor does it appear in any architectural guide to the significant architecture of North Wales.

It is therefore safe to conclude that it is through local and community interest that the issue of retention has been raised, while there is also the important matter of sustainability – not arbitrarily removing assets that have environmental value and consequently creating waste.

What therefore can be said about the quality of the architecture? The matter can be dealt with directly.

2.5.1 The 1980s buildings are not of any significant architectural quality.

2.5.2 The 1930s buildings have some architectural attraction – especially in terms of the interior detail of the circulation areas – but they cannot be called architecturally significant in relative terms, when compared with the notable examples of the period.

2.5.3 The original building does have architectural quality especially in terms of the characteristics of the external brickwork and the merits of its central bay internal roof trusses. Given the ordinariness of the general architectural surroundings, this building does merit retention should a viable use be found.

2.5.4 In terms of holistic sustainability, we take the view that a duty of care exists and therefore that some consideration should be given to the retention of the whole building – in other words that it should be tested for its community value – however should that test fail for any significant reason, all parts can be demolished except for the original building, which again needs to be tested and then marketed for re-use.

### Three: **THE PLANNING POLICY CONTEXT**

In terms of the reuse of the building as a whole or in part, there are no planning policy restrictions as to a reasonable function, so long as it serves the community and does not clash or conflict with the generally residential character of the urban area of which it is part.

In terms of access, a single vehicular access exists at the southwest corner of the site, with a pedestrian-only access on the southern footpath. Given the new school access points that have been granted planning permission east of the site, it is likely that any re-use of the existing building (in whole or in part) – and indeed any redevelopment of the site should the existing building be demolished – will need to work with a single vehicular access point, whether in the existing position of further to the east.

Overall therefore, the re-use of the building is not impeded by access constraints.

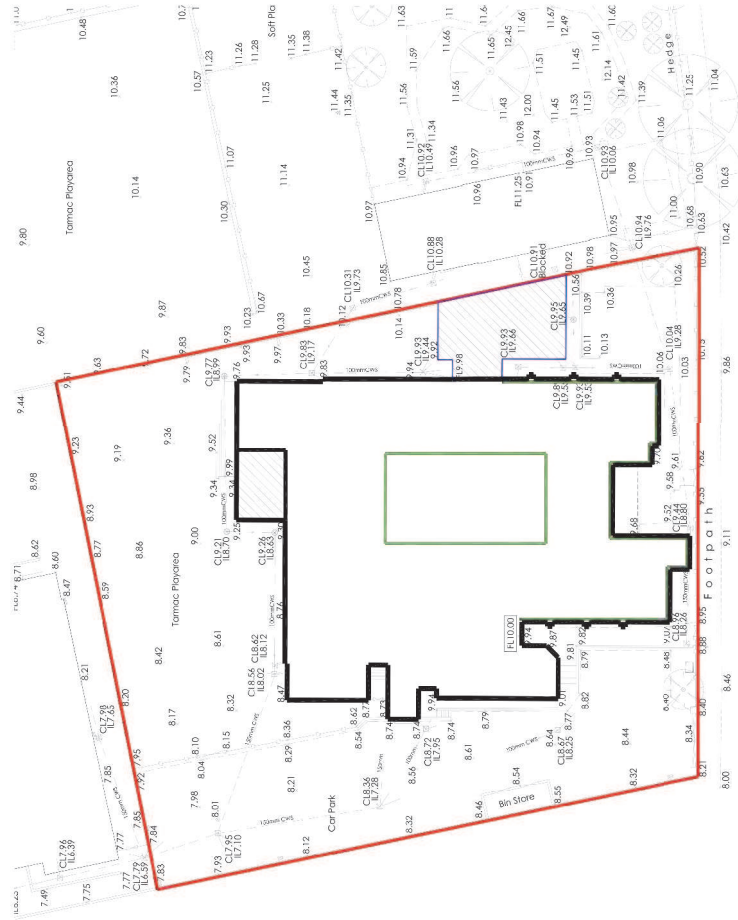
### Four: **OPTION ONE – RETENTION OF THE WHOLE BUILDING**

In terms of holistic sustainability, there is merit in considering the retention of the whole building, despite the fact that the architectural quality of most of the ensemble is mediocre.

An analysis of the plan suggests that a Care Home use could be a possible re-use. This would result in an 18-room facility surrounding a roof-glazed internal courtyard. In order to achieve this, major building works would be required. The roof of the existing Hall would be removed and replaced with glazing to achieve an internal temperature-controlled garden. This is required given the lack of external space for outdoor use, once parking requirements are satisfied. The classrooms would be divided into separate en-suite rooms, while the current kitchen and staff room area would be converted for staff and medical care purposes.

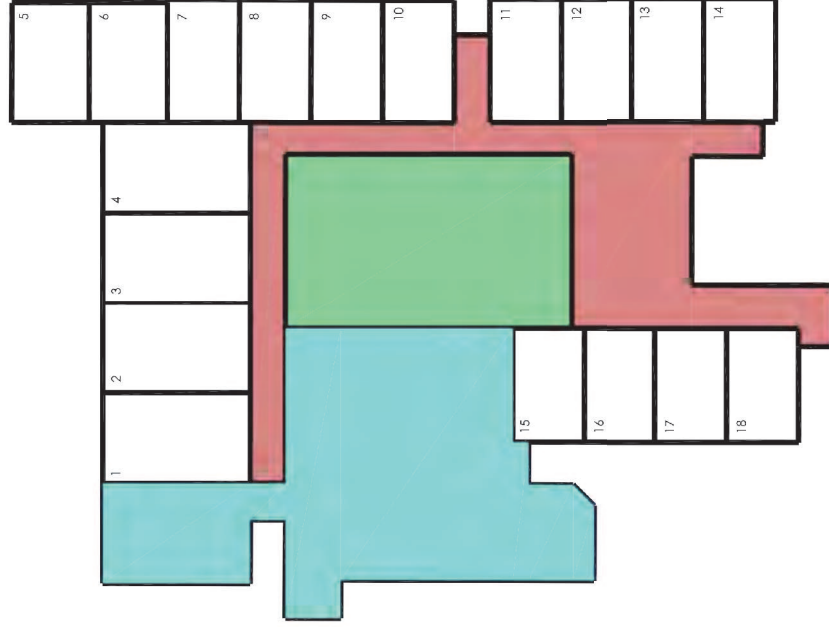
PROJECT **THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**  
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The cost of such a conversion is £1.73 million and this is shown in detail in Appendix 7.1. These are significant sums of money and it is likely that an 18-bedroom complex will not be viable, especially when it is borne in mind that there is very limited outdoor garden and habitat areas for the possible residents.



**Extent of demolition (hatched) for a Care Home Option. Parking is edged in blue and the glazed internal garden in green**

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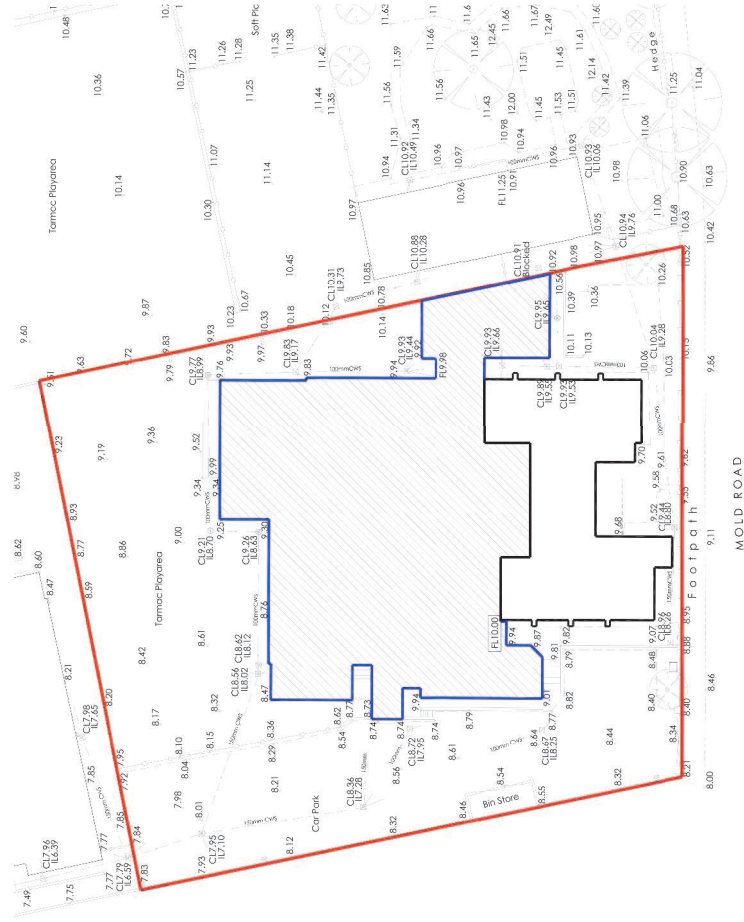


Diagrammatic Plan of a Care Home – rooms are numbered; Internal Garden (green); Social and Circulation areas (orange); Staff and Care areas (blue)

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Five: **OPTION TWO – RETENTION OF THE ORIGINAL BUILDING**

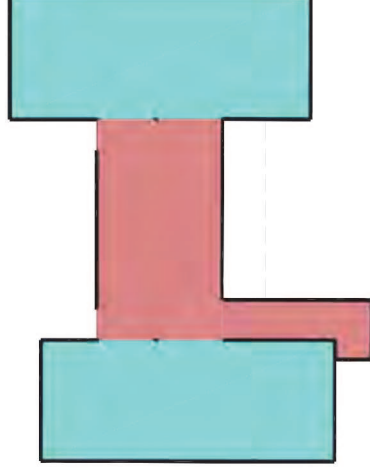
There are three possible uses for the core 1881 building, which has a ground floor footprint of some 315m<sup>2</sup>. These will all require an extensive area of demolition.



**Extent of demolition (hatched) for all three Options for the re-use of the 1881 building**

### 5.1 Private Play School

This use would have three rooms, all with the potential for mezzanine levels, with the remainder of the site being used for outdoor play purposes and teacher / visitor parking. The cost of such a conversion is £0.76 million and this is shown in detail in Appendix 7.2.



**Diagrammatic Plan of a Play School use – Quiet Play Rooms (blue) with possible mezzanines hatched; Entrance and Active Play Room (red) with direct access to the rear Outdoor Garden Play Area and Habitats**

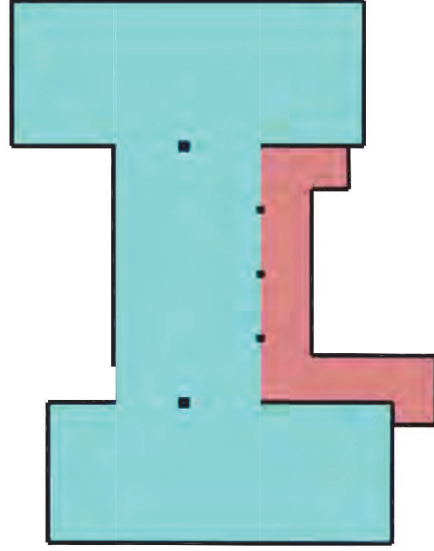
**Pros:** The valuable historical building is brought into use for the youngest of the community; a conversion of the existing spaces will not be overly expensive.

**Cons:** There is no natural vehicular drop-off space for parents, with the consequence of possible traffic congestion on Mold Road; the capital receipt to the Local Authority will be modest; the building will have no use in the evenings.



## 5.2 Offices

This use would provide contemporary office space within the historical envelope. The space could either be created with an open plan approach, or be divided into varying office rooms. As such, the overall conversion of the building could provide opportunities for various small or start-up enterprises. The cost of this option is £1.19 million and this is shown in detail in Appendix 7.3.



### **Diagrammatic Plan of an Office use – Work Space (blue); Entrance and Reception (red)**

**Pros:** This function would introduce an acceptable mixed-use dimension into the urban area. The integrity of the 1881 building could be maintained both externally and internally.

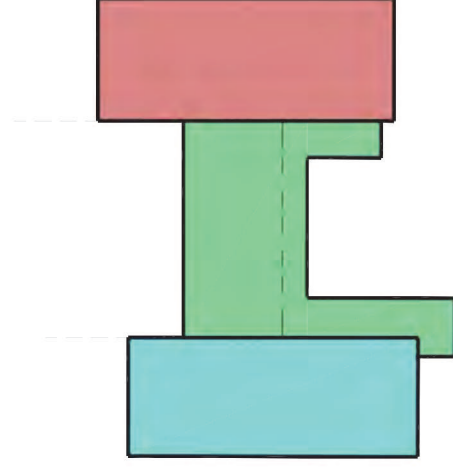
**Cons:** The full extent of the site is not efficiently used even with the provision of adequate car parking for the offices, unless a further office 'villa' is built behind the existing 1881 building.

PROJECT **THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**  
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### 5.3 Residential use

This use would be consistent with the residential character of the surroundings and could provide three interesting dwellings in terrace form. The cost of such a conversion is £1.99 million and this is shown in detail in Appendix 7.4.



**Diagrammatic Plan of a Residential use – the smallest unit (blue), the medium-sized unit (red) and the largest unit (green) could all have mezzanine-level bedrooms (hatched) and rear gardens (this will require a relaxation of external space standards as found in many historical / conservation residential areas)**

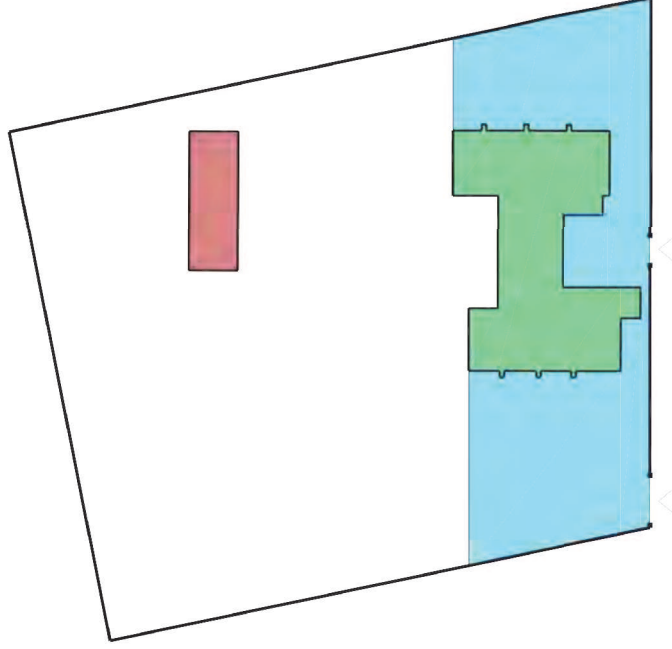
Pros: A suitable re-use for the area; given the apparently sound state of the construction, the conversion may prove to be economic.

Cons: The full extent of the site is not efficiently used even with the provision of adequate car parking for the dwellings, unless further dwellings are built behind the existing 1881 building.



5.4 **Site Plans for the three possible uses**

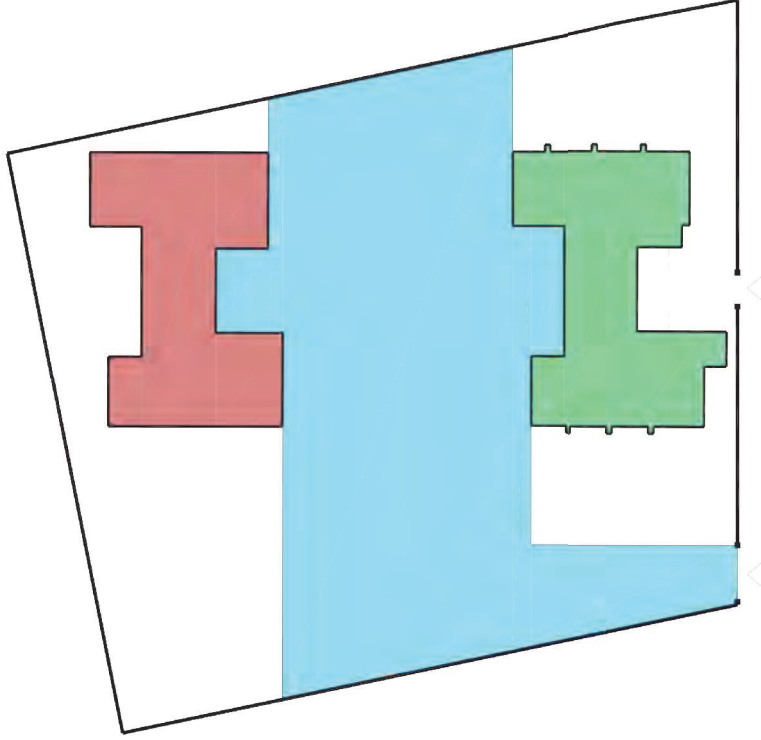
**Play School:** This use of the 1881 building could be supplemented by the construction of a simple building for the express purposes of outdoor play.



**Diagrammatic Site Plan of a Play School use for the whole site – converted existing building (green); new outdoor use building (red); hard landscape and car parking (blue) – the remainder of the site being play and habitat areas**

PROJECT **THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**  
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**Offices:** This use of the 1881 building could be supplemented by the construction of a two-storey office 'villa'.

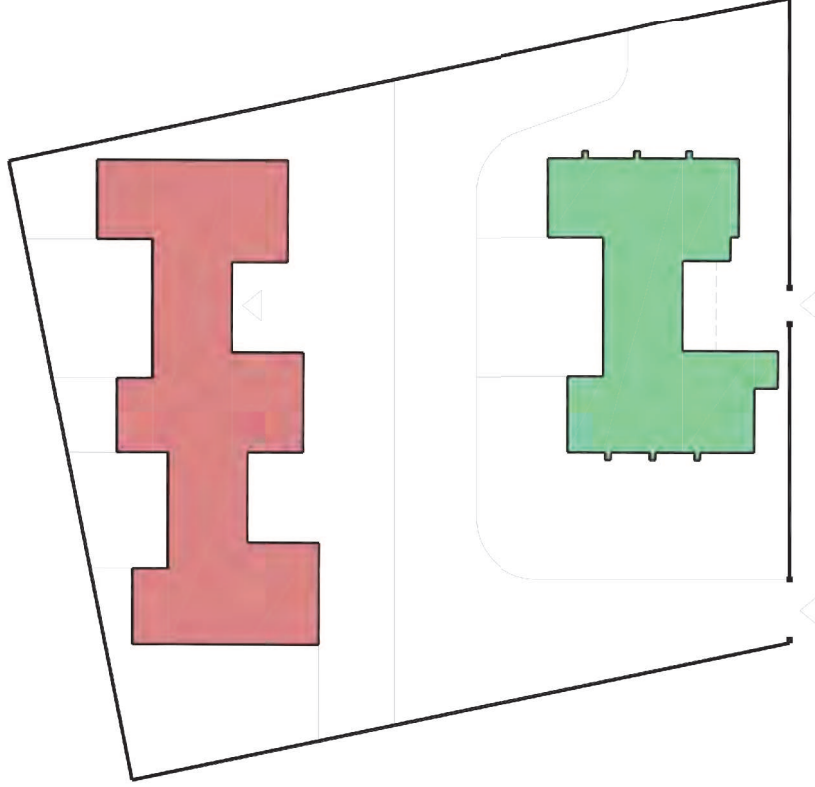


**Diagrammatic Site Plan of an Office use for the whole site – converted existing building (green); new office 'villa' (red); hard landscape and car parking (blue)**

PROJECT    **THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**  
STAGE      Feasibility Study on the viability of re-use

May 2011

**Residential:** This use for the 1881 building could be supplemented by the construction of new dwellings to the rear.



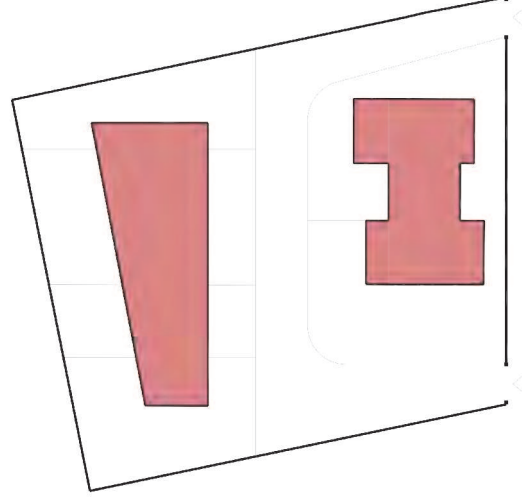
**Diagrammatic Site Plan of a Residential use (this will not require a relaxation of external space standards)**

PROJECT **THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**  
STAGE Feasibility Study on the viability of re-use May 2011

Six: **CONCLUSION**

**Conclusion:** It has been ascertained that it is neither architecturally desirable nor economically viable to convert the existing school building as a whole into a new use, a Care Home facility for 18 rooms being the only option likely to be of value to the local community.

Should it be decided in the light of this feasibility Study that demolition of all three parts of the existing school should proceed, then a fully residential use could result in the construction of a maximum of 8 dwellings as demonstrated below. The cost of full site demolition is £? and this is shown in detail in Part 7.



**Diagrammatic Site Plan of a Residential use should demolition of the whole school be decided upon** (this will not require a relaxation of external space standards)

Seven: **Costs**

7.1 Costs involved in converting the whole building to a Care Home.

ITEM	DESCRIPTION	AREA	RATE	TOTAL
A	Demolition	136 m2	35.00	4,760.00
B	Asbestos Removal	1	15000.00	15,000.00
C	Land Remedials	1899 m2	10.00	18,990.00
D	Remedial Works to Existing Building	68 m2	75.00	5,100.00
E	Refurbishment of Existing Building	1130 m2	900.00	1,017,000.00
F	Creation of Internal 'Green' Space	145 m2	250.00	36,250.00
G	Hard Landscaping	788 m2	65.00	51,220.00
H	Soft Landscaping	1248 m2	20.00	24,960.00
I	Drainage	1918 m2	20.00	38,360.00
J	Perimeter Fencing & Gates	219 m	100.00	21,900.00
K	Preliminaries	15%		185,031.00
L	Contingencies	10%		123,354.00
M	Design Fees	12%		185,031.00
<b>TOTAL COST</b>				<b>£1,726,956.00</b>

PROJECT  
STAGE

THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES

Feasibility Study on the viability of re-use

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7.2 Costs involved in converting the original 1881 building to Private Play School use.

ITEM	DESCRIPTION	AREA	RATE	TOTAL
A	Demolition	976 m2	35.00	34,160.00
B	Asbestos Removal	1	15000.00	15,000.00
C	Land Remedials	1899 m2	10.00	18,990.00
D	Remedial Works to Existing Building	128 m2	75.00	9,600.00
E	Refurbishment of Existing Building	300 m2	750.00	225,000.00
F	New Build	69 m2	1000.00	69,000.00
G	Hard Landscaping	567 m2	65.00	36,855.00
H	Play Area Landscaping	204 m2	125.00	25,500.00
I	Allowance for Play Equipment	Item		25,000.00
J	Soft Landscaping	2036 m2	20.00	40,720.00
K	Drainage	936 m2	20.00	18,720.00
L	Perimeter Fencing & Gates	219 m	125.00	27,375.00
M	Preliminaries	15 %		81,888.00
N	Contingencies	10 %		54,592.00
O	Design Fees	12 %		81,888.00
<b>TOTAL COST</b>				<b>£764,288.00</b>

PROJECT  
STAGE

**THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**

Feasibility Study on the viability of re-use

May 2011

7.3 Costs involved in converting the original 1881 building to Office use.

ITEM	DESCRIPTION	AREA	RATE	TOTAL
A	Demolition	976 m2	35.00	34,160.00
B	Asbestos Removal	1	15000.00	15,000.00
C	Land Remedials	1899 m2	10.00	18,990.00
D	Remedial Works to Existing Building	128 m2	75.00	9,600.00
E	Refurbishment of Existing Building	300 m2	750.00	225,000.00
F	New Build	296 m2	1250.00	370,000.00
G	Hard Landscaping	1390 m2	65.00	90,350.00
H	Soft Landscaping	1172 m2	20.00	23,440.00
I	Drainage	1986 m2	20.00	39,720.00
J	Perimeter Fencing & Gates	219 m2	100.00	21,900.00
K	Preliminaries	15 %		127,224.00
L	Contingencies	10 %		84,816.00
M	Design Fees	12 %		127,224.00
<b>TOTAL COST</b>				<b>£1,187,424.00</b>

PROJECT  
STAGE

**THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**

Feasibility Study on the viability of re-use

May 2011

7.4 Costs involved in converting the original 1881 building to Residential use.

ITEM	DESCRIPTION	AREA	RATE	TOTAL
A	Demolition	976 m2	35.00	34,160.00
B	Asbestos Removal	1	15000.00	15,000.00
C	Land Remedials	1899 m2	10.00	18,990.00
D	Remedial Works to Existing Building	128 m2	75.00	9,600.00
E	Refurbishment of Existing Building	300 m2	925.00	277,500.00
F	New Build	936 m2	990.00	926,640.00
G	Hard Landscaping	691 m2	65.00	44,915.00
H	Soft Landscaping	1716 m2	20.00	34,320.00
I	Drainage	1927 m2	20.00	38,540.00
J	Perimeter Fencing & Gates	219 m	100.00	21,900.00
K	Preliminaries	15 %		213,234.75
L	Contingencies	10 %		142,156.50
M	Design Fees	12 %		213,234.75
<b>TOTAL COST</b>				<b>£1,990,191.00</b>



PROJECT  
STAGE

**THE EXISTING CUSTOM HOUSE LANE JUNIOR CP SCHOOL BUILDING, CONNAH'S QUAY, DEESIDE CH5 4QL, WALES**

Feasibility Study on the viability of re-use

May 2011

7.5 Costs involved in demolishing the whole building.

ITEM	DESCRIPTION	AREA	RATE	TOTAL
A	Demolition	1,276 m2	35.00	44,660.00
B	Asbestos Removal	1	15000.00	15,000.00
C	Land Remedials	1,899 m2	10.00	18,990.00
D	Preliminaries	10 %		7,865.00
E	Contingency	10 %		7,865.00
F	Design Fees	6 %		5,662.80
<b>TOTAL COST</b>				<b>£100,042.80</b>

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# FLINTSHIRE DEPARTMENTAL MEMORANDUM

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**From:** J Allen – Senior Valuer  
Environment Directorate

**Your Ref:**

**To:** Mark Harris  
Senior Planning Officer  
Development Control Division

**My Ref:** JA/FP/0015 Volume 2

**Date:** 7 March 2012

**Ext:** 3117

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**Subject:** Custom House Lane School Site Connahs Quay

Further to our recent meeting where we presented various residual valuations for the above site I would now detail for you the basics of coming to our conclusions.

The Residual Valuation Method is used in circumstances where the value of a site with development potential is required. A potential developer of a site may want to acquire it to carry out development but does not want to pay over the odds. Similarly the owner of the site may carry out a Residual Valuation to find out what the site is worth to a typical Developer i.e. How much can it be sold for?

The presence of the “1881” building on the subject site means it can not be valued by the traditional direct comparison method as it has differential development potential so therefore different values. The Custom House Lane site has been approached from 2 angles, the first being a comprehensive re-development of the site entailing the demolition of the “1881” building, the second being a development which retains the “1881” building in the form of a conversion to 4 dwellings.

In the Residual Valuation we utilized methods based upon, optimistic, realistic and pessimistic forecasts. It was agreed at the meeting that the approach should now be only on a realistic forecast basis.

The method of arriving at the land value is to firstly calculate the Gross Development Value of the site from which is deducted the costs of creating the Gross Development Value. These costs are made up of;-

- Building Costs (rate per metre) based upon “Spons” or BCIS figures.
- Ancillary costs i.e. services, roads, landscaping, demolition etc.
- Professional Fees i.e. Architectural, Quantity Surveyors.
- Contingencies potential unknown/glitches –percentage allowance on gross costs
- Finance Costs
- Marketing and Sales Fees
- Rate of return on risk and profit –Developer Profit.

# FLINTSHIRE DEPARTMENTAL MEMORANDUM

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The first case is a comprehensive re-development in the form of 16 3 bed terrace houses where the "1881" building is demolished.

These are calculated at £136,000.00 each x 16 GDV	£2176,000.00
Less marketing and legal fees e.g.	8,000.00
<b>Net Development Value</b>	<b><u>£2168,000.00</u></b>
Deduct all costs including developers profit	<u>£2,017,718.00</u>
Land Value	£150,282.00
Say	£150,000.00

The second case is a development involving the retention of the "1881" building and converting to 4 dwellings plus 9 new terraced houses

These are calculated at £136,000.00 x 9 GDV		£1,224,000.00
"1881" building		
2 x mid terrace conversion		
2 bed in 1881 building £135,000.00 x 2		£270,000.00
2 x end terrace conversion		
4 bed in 1881 building £155,000.00 x 2		£310,000.00
<b>Total</b>	<b>GDV</b>	<b><u>£1,804,000.00</u></b>
Less marketing and Solicitors Fees say		£6,500.00
	<b>NDV</b>	<b>£1,797,500.00</b>
Deduct all costs (excluding Developers Profit)		<u>£1,920,895.00</u>
<b><u>Land Value minus</u></b>	<b>-</b>	<b><u>£123,395.00</u></b>

The big problem in retaining the 1881 building is that the units created in this conversion only produce a GDV of £580,000.00 and the basic cost of construction alone is £660,000.00 this gives an immediate loss on that section of the development of £80,000.00 when you then add on all the other costs the deficits gets worse and worse resulting in the minus value for the site.

The conversion of building is always more expensive than new build and this is why the residual valuation showed that the land with the retention of the 1881 building would have a minus value so would therefore be incapable of disposal upon the market.

# FLINTSHIRE DEPARTMENTAL MEMORANDUM

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I hope the above clarifies the matter but if you should wish to raise any further points please do not hesitate to contact me.

Best wishes



**J Allen**  
**Senior Valuer**

Copy to      Ian Edwards Senior Quantity Surveyor  
                    Ken Jones Senior Architect

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## **CUSTOM HOUSE SCHOOL SITE**

Mold Road, Connah's Quay, Flintshire

### **DEVELOPMENT BRIEF FOR HOUSING**

Note: Developers must have regard to this Development Brief when preparing a design scheme for this site. Any differences between Developer's Proposals and this Development Brief must be justified by the Developer.

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<b>1</b>	<b>Purpose of the Brief</b>	<b>Page 02</b>
	a. Type of development	
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	b. Site Ownership	
	c. Landscape Context	
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	a. Sketch proposal	
	b. Relevant development plan policies and guidance	



**1 Purpose of the Brief**

c. Type of development

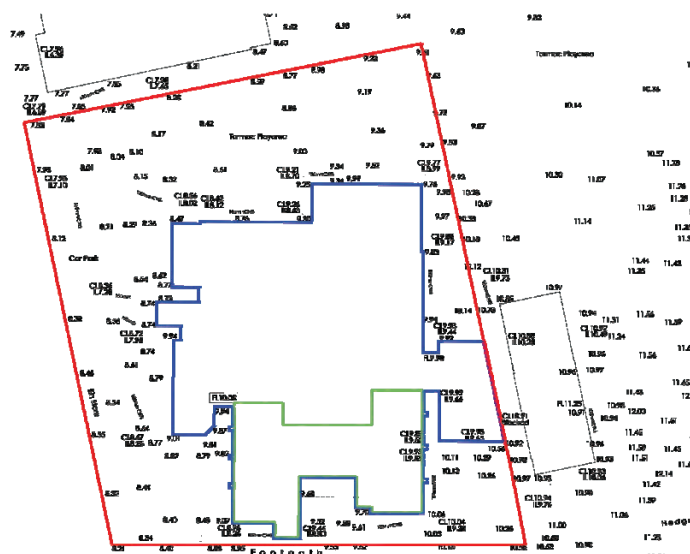
This brief relates to the proposed residential development of the former Custom House Lane Primary School, off Mold Road in Connah’s Quay, which could potentially yield up to 14 dwellings. The main objective of this brief is to guide the residential development of the land to ensure the scheme provides high quality sustainable residential development with a high standard of landscaping which ensures a high level of amenity for residents. The brief seeks to ensure the continuity of development along Mold road, and ensure the site is not overdeveloped, but is sympathetic to the Residential developments adjacent to the site, as well as respecting the new school development to the rear and North????/

d. Site Description

Connahs Quay is a Category A settlement with an indicative growth band of 10 – 20% over the UDP plan period. It is a sustainable development being well served by employment and public transport and has a good range of services and facilities. The council therefore recognizes that it is an appropriate area in which to locate a proportion of the County’s future housing growth.

**The site:** The site area is some 3134.6m<sup>2</sup> and faces Mold Road to the south. It is otherwise fenced off from surrounding areas. Once the new school is implemented, it will be further fenced off to the east. This situation can be generally appreciated from the cover photograph, where all edges except that which will pertain with the new school can be seen.

**The existing building:** The existing building is generally of three integrated parts – the original building from 1881, extensions from the 1930s and further extensions from the 1980s. These have resulted in a degree of unity through the use of brickwork, the original and the 1930s parts being in imperial sizes, the latest in metric sizes. The plan as a whole pivots around the main Hall, which is lit by clerestory windows.



Plan of the site, which is the subject of this Development Brief (red) with the whole building (blue) and the 1881 original (green)





The site area of 0.3146 h, which at approximately 30 dwellings per hectare could yield a maximum of 12 dwellings. See appendix 1 for suggested layouts.

## 2 Status of the Development Brief

Following receipt of the Feasibility study carried out after the approval of Planning Application No: 047415 for the erection of a new primary school at Custom House Lane in August 2010, JIG Architects were commissioned to address one part of the contents of Condition 4 to that approval. This condition read, "No development, demolition work or other site clearance shall commence until a scheme has been submitted and approved in writing by the Local Planning Authority for the phasing of the development to include the provision of car parking, demolition work and site clearance work. The scheme shall include details of **a feasibility study to assess the scope for the retention of the historic part of Custom House Lane County Primary School** within any future redevelopment proposals." The reason for this condition was "To ensure that all aspects of the development are completed within a satisfactory timeframe and the potential for **the retention of any historic element** within any redevelopment proposals can be investigated."

The results of that Feasibility Study were that the complete demolition of the original school was the preferred option for the original site.

## 3 Planning Context and Planning History

The Flintshire Unitary Development Plan (UDP) is the relevant Development Plan and was adopted in September 2011. The site falls within the Connah's Quay Development Boundary.

### Recent Planning History

047415 Phase 1: Erection of primary school, construction of access road, car park and hard and soft play areas: Phase 2: Demolition of existing infant and junior schools, formation of replacement playing field, second car park, hard play area and habitat area: Erection of 2m high paladin (or similar approved) security fencing/gates to boundary/perimeter of new school site. Approved 05/08/2010

## 4 Relevant Development Plan Policies and Guidance

The development of the site will be assessed against a number of policies and relevant guidance. These are Listed in Appendix ii), although it should be noted that the development plan (UDP) should be read as a whole. The Council also has a suite of Local Planning Guidance Notes and the relevant notes are also set out in Appendix ii).

## 5 Site Analysis and Planning Requirements

### a. Location and Landscape character

The site of 0.3146 ha is located along Mold Road Connah's Quay and currently consists of School buildings occupying 60% of the site with the remainder being hard landscaped in Tar macadam. There is a slight fall across the site from South West to North East. The Site is bounded on the North Eastern Side by existing residential development and on the South Western Side by the New Primary School Development. To the South Eastern will be a new Playing field for the Primary School and the North Western side fronts onto Mold



Road. There is an existing Access point onto Mold road at the North Eastern extremity of the site.

**b. Site Ownership**

The site is currently in the Ownership of Flintshire County Council.

**c. Landscape Context**

A carefully designed landscaping scheme for the site will be required in order to provide the best amenity for residents. Consideration should be given to shared surfaces, with delineation of function being obtained by a change in material. Porous surfaces should be considered to assist surface water drainage requirements.

The requirements of UDP policy D3 Landscaping should be complied with. Details of Landscaping should include measures to encourage biodiversity. Boundary treatments along the South Eastern and South Western edges to the new school development will need careful consideration.

**d. Urban Context**

The site occupies a position just to the South of the Main Urban Centre of Connahs Quay along Chester Road West. The area is predominantly residential with a mixture of dwelling types and ages ranging from late 19<sup>th</sup> Century properties through to more modern designs of the late 20<sup>th</sup> and early part of this century. The dwelling types vary from terraced properties immediately adjacent the site to semi detached and detached dwellings in the wider area, all having reasonable sized gardens and a density of approximately 25 dwellings per hectare. Connah's Quay is a well established settlement along the river Dee and has been the subject of recent Masterplanning exercise which identified the need to strengthen and modernize the town centre facilities. This has already begun with the development of the new medical centre and associated facilities, which lies to the South East of this development site. The site has good transport links and availability of Services. It is well served by employment and retail provision and has a good range of community facilities and services.

The indicative layout in appendix i) shows how the site can be developed for residential purposes in a sympathetic manner, with design linkages to its previous use and its important frontage onto Mold Road. Any proposal for redevelopment would however be the subject of a further planning application.

The development will be expected to comply with GEN 1 General requirements for development, D1 Design Quality, Location and Layout and D2 Design, and HSG3 Housing on unallocated sites within Settlement Boundaries. Also, new developments should take into account all new guidance published by the Welsh Government which relates to Residential streets, housing, design, designing for security and safer, more inclusive environments.

**e. Sustainable Development**

**Solar Considerations** The location and orientation of the site generally can take advantage of available solar radiation in the proposed buildings. The buildings should therefore be designed to take advantage of this in order to maximize heating gain.



**Code for sustainable homes** In line with current guidance, all residential properties will have to reach Code Level 3 of the Code for Sustainable Homes as a minimum and developers are encouraged to exceed this. However it may be that Code Level 4 is a requirement by the time an application comes forward as the Welsh Government are moving towards dwellings becoming more sustainable as soon as possible. Policies EWP2 Energy efficiency in new developments and EWP3 Renewable Energy in New Developments should also be considered.

**Materials** In order to ensure that the new development does not detract from the local environment, traditional local building materials should be used. Particular attention is drawn to the materials of the original 1881 School building and the type and style of brickwork. The facade of the existing 1881 school fronting Mold Road is an important characteristic to be considered in any new application.



Patterned brickwork



Slate Gable Roofs

**f. Highways and Access**

Vehicular Access to the site will be from Mold Road on the North Western Boundary of the site. The road into the development will have to be built to adoptable standards. The entrance radii, visibility splays and access road width will have to be agreed with the Highways Authority. The attached proposed plan in Appendix i) is indicative only, but shows a typical entrance arrangement. Adequate turning for service vehicles must be provided within the site. Off road parking should for part of any proposed plan. 1.8m wide footpaths should be maintained within the site to allow adequate pedestrian access. Paths should be well lit at night.

Every effort should be made to make the site accessible as possible to a wide range of potential users, including those with sensory or physical disabilities. Although the site has good public transport links and is within walking and cycling distance of local facilities, provision of carparking will still need to be accommodated. The layout should provide appropriate levels of parking within the curtilage of dwellings in line with the Council's Adopted car parking standards, which as follows are a maximum of:

Size of House	Number of Parking Spaces
1 Bedroom dwelling	1.5 car parking spaces per unit
2 and 3 bedroom dwelling	2 car parking spaces per unit
3 + bedroom dwelling	3 car parking spaces per unit
Flats	1 car parking space per unit + 1 car parking space per 2 units for visitors
Elderly person / retirement dwellings or flats	1 car parking space per unit + 1 car parking space per 3 units for visitors



In line with policy AC18 of the UDP reduced requirements may be applied

**g. Services and Infrastructure**

**The Developer will need to discuss the establishment and location of services and infrastructure with the relevant utilities companies in order to ensure the correct and appropriate servicing of the site, and to locate the position of existing services.**

**Drainage** – Welsh water will have to be consulted. The current capacity of the sewage system in the area is unknown at this point. Developers should discuss this with Welsh Water / Dwr Cymru at an early stage. Details of Foul and surface water disposal will be subject to approval of detailed design. To ensure that no surface water runoff enters the sewage system and to reduce surface water runoff from site, a separate Sustainable Urban Drainage System (SUDs) will be required to serve the development. These are matters which can be considered within the planning application process and in light of UDP policies GEN 1 and EWP16.

**Supply and distribution of Water** Any development of the site may have an impact on the water network infrastructure in the area. This will have to be investigated prior to any development of the site.

**Electricity / Gas / Telephone / Internet** There are no known problems with the supply of gas or electricity to the site, nor with telephone / internet system. The developer should check with the relevant service provider for the provision of connection to these services.

**Street Lighting** The provision of Street lighting within the site will have to be agreed with the Local Authority, any street lighting provided should be highly energy efficient and its design in keeping with the site design and layout.

**Public Open Space** New development is generally required to provide open space and appropriate play facilities in accordance with the relevant policies and guidance, although in this case an offsite payment is appropriate. The developer will need to bear in mind the need to pay a commuted sum payment towards the enhancement of existing recreational facilities in lieu of onsite recreational provision.

**Private Open Space** Garden dimensions will be determined by considerations including density of development, design objectives and the need to provide a complementary range of house types.

**h. Affordable Housing**

The site does not fall within the affordable housing criteria in accordance with Policy HSG 10 of the UDP.

**i. Layout and Design**

The layout of the housing requires it to contribute to achieving a sense of place and have particular regard to the frontage along Mold Road. The design of each house type along this road should pay attention to the previous development on the site in terms of form and appearance. A range of house types with differing floor areas should be considered as this will ensure that a sustainable density of dwellings per hectare is



achieved and provide for every market sector. There is a clear demand for a wide range of housing types and developers should ensure that appropriated provision is made.

Guidance on design and layout of new developemtns can be found in documents such as Planning policy Wales, TAN 12 Design, Energy Saving Trust guidance on estate layout to maximize passive solar gain etc. A more comprehensive list can be found in the appendix.

**j. Noise**

There are no major noise concerns with the site.

**6 Recycling**

The design and layout of the development should take into account the requirements of the Code for Sustainable Homes and the provision of adequate bin stores for the separate collection of recyclable waste.

**7 Summary**

The site offers an excellent opportunity for a residential development of quality. The density figures quoted allow for a lilted mix of house types and design. It is imperative that any design proposal pays homage to the original 1881 School building in terms of design linkages and detailing as described in this document. Development of the site's layout should reflect the principles of sustainable development and incorporate the appropriate technologies to ensure energy efficiency and the conservation of natural resources and minimize pollution. As a minimum, dwellings will be required to achieve Code level 3 of the Code for Sustainable Homes, however developers should aim for higher levels and not e the Welsh Government intends to require higher levels in future and it may be by the time an application is submitted, a code level 4 or higher is required.

In respect of sustainable development, the following should be considered: climate, energy, resources, biodiversity and community. A sustainability statement will be required as part of the Design and Access statement setting out how the principles of sustainable development have been incorporated from the outset.

**Planning Application requirements**

Any Planning Application will need to be accompanied by the flowing:

- Planning Statement (including an assessment in light of this brief)
- Design and Access Statement
- Landscaping
- Code for Sustainable Homes pre-assessment

**Design and Access Statement** A design and Access statement will be required to accompany a planning application. It must clearly demonstrate how the development has taken account of this development brief and should explain how the design has been created specifically for this development. The statement should demonstrate how the overall design reflects the best of urban form for the development. The advice in TAN12 Design should be followed.



**Planning Conditions** Any planning conditions which are required should be related in scale and kind to the proposed development.

## 8 Further information

Developers are encouraged to contact Flintshire County Council's Planning Service to discuss details of any proposed scheme. Any application will be dealt with primarily by the development Management Team, but policy guidance can be obtained from the development plans team, who will also be consulted on the application and pre application inquiry.

### Contacts:

Flintshire County Council Planning Department  
Planning Services, Environment Directorate, Flintshire County Council,  
County Hall, Mold, Flintshire CH7 6NF

### Highways Department:

Highways Development Control Section, Environment Directorate, Flintshire County Council,  
County Hall, Mold, Flintshire CH7 6NF





**9 Appendices**

**Appendix i) Proposed Layout**



**Appendix ii)**

- a. Relevant development plan policies and guidance (Please note these are only the most relevant references and other policies and guidance may apply)

Flintshire Unitary Development Plan

STR 1 New Development  
STR 2 Transport and Communication  
STR4 Housing  
STR 10 Resources  
D1 Design Quality, Location and Layout  
D2 Design  
D3 Landscaping  
AC18 Parking Provision and New Development  
HSG 1 New Housing Proposals  
HSG 3 Housing on unallocated sites  
HSG 8 Density of Development  
HSG 9 Housing Mix and Type  
SR 5 Outdoor Playing space and new residential development  
EWP 2 Energy Efficiency in New Development  
EWP 3 Renewable Energy in New Development

- b. Local Planning Guidance Notes

2. Space around Dwellings  
3. Landscaping  
11. Parking Standards  
12. Access for All  
13. Open Space Requirements  
19. SUDS  
20. Energy Conservation and Renewable Energy for Householders and small businesses  
22. Planning Obligations

Planning Policy Wales 2010  
TAN 8 Renewable Energy  
TAN 12 Design  
TAN 16 Sport, Recreation and Open Space  
TAN 18 Transport  
TAN 22 Sustainable Buildings







12 Number properties  
 Site layout conforms with space  
 around dwellings. Highways would  
 need consulting reference road  
 design.

The Contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is to be notified to jig before proceeding with the work.  
 Where an item is covered by drawings to different scales, the larger scale drawing is to take precedence.  
 Do not scale drawings, figured dimensions are to be worked to in all cases

This drawing is copyright © jig architects

Project	Proposed Feasibility Study at Custom House Lane Primary School, Connah's Quay		
Drawing No.	Option 1 - Demolition of Original School and provision of New Dwellings to front and Rear		
Client			
Scale	Page 14 of 36		
Drawn	A02		
Date	Oct11		
Checked			

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 City Buildings, 21 - 23 Old Hall Street, Liverpool, L3 9BS

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23<sup>rd</sup> MAY 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **APPEAL BY MR JONATHAN BARTON AGAINST AN ENFORCEMENT NOTICE ISSUED BY FLINTSHIRE COUNTY COUNCIL ON THE 6<sup>TH</sup> JUNE 2011 AT WARREN DINGLE FARM, MOLD ROAD, PENYFFORDD**

### **1.00 APPLICATION NUMBER**

1.01 ENF/134176

### **2.00 APPLICANT**

2.01 Mr Jonathan Barton

### **3.00 SITE**

3.01 Warren Dingle Farm, Mold Road, Penyffordd

### **4.00 APPLICATION VALID DATE**

4.01 Not applicable.

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an Enforcement Notice issued by Flintshire County Council under delegated powers, in respect of a variety of unauthorised changes of use of land, and the siting and habitation of two portacabins at Warren Dingle Farm, Mold Road, Penyffordd. The appeals were held by way of a Public Inquiry. The Inquiry sat for 1 day on 22<sup>nd</sup> November 2011.

5.02 On enforcement appeals there are potentially seven grounds for appeal:

**Ground A.** That planning permission should be granted for what is alleged in the notice.

**Ground B.** That the breach of control alleged in the enforcement notice has not occurred as a matter of fact

- Ground C.** That there has not been a breach of planning control
- Ground D.** That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matter stated in the notice
- Ground E.** The notice was not properly served on everyone with an interest in the land.
- Ground F.** The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.
- Ground G.** That the time given to comply with the notice is too short.

- 5.03 This appeal was heard under **Ground C** only and following the hearing of evidence and consideration of the same, the Inspector determined that the appeal was **DISMISSED** and the Notice **UPHELD** with corrections and variations.
- 5.04 There was no appeal for costs from either side.

## **6.00 REPORT**

### 6.01 Background

The Inspector's decision letter in respect of these appeals extends to some 4 pages which, given the highly technical, complex and interrelated nature of the matters covered, would be impractical to attempt to summarise in a manner which would not risk confusion arising. Accordingly, the decision, in full, is available for inspection should any Member wish to consider the matter in greater detail.

- 6.02 The breaches of planning control as alleged in the notice were;
- 6.03 Without planning permission the change of use of the land from use as agriculture to a mixed use comprising:
- (i) agriculture; and
  - (ii) residential facilitated by the siting of two (2) portacabins approximately in the position marked with an X on the attached plan and their use as residential accommodation and the importation onto the Land of domestic paraphernalia.

### 6.04 The Grounds of Appeal

The appeal was made under grounds (c), (as identified below) set out in section 174(2) of the Town and Country Planning Act 1990 as amended. These grounds seek dismissal of the Appeal on the basis that:

#### Ground C.

Twin unit caravan sited for accommodation purposes whilst actively involved in building and engineering works on site. Not residential use. Permitted development to work on any structure (Town and Country Planning General Permitted Development Order 1995 Part 6 Agricultural Buildings and Operations Class A, Caravan Sites and Control and Development Act 1960, First Schedule, Building and Engineering Sites.

#### 6.05 Inspectors Conclusion

That the siting and occupation did not benefit from or as part of any of the relevant regulations relating to either planning matters or under the current Caravan Regulations.

A. The Inspector considered that the siting of a caravan in connection with seasonal work connected with agriculture/horticulture is permitted in certain circumstances. However he determined that as the caravan had been on site for in excess of 12 months this cannot be considered as seasonal.

B. The Inspector came to the same conclusion in connection with any forestry works being undertaken on the site, that whilst the work might be seasonal the continued presence and occupation of the caravan is not.

C. The Inspector concluded that in connection with engineering works being undertaken there was no clear end in sight as a second project was started before the first was completed and then a third. Further that these works, by their character and scale, would not ordinarily and reasonably justify on site residential accommodation.

The Inspector concluded that the use as a caravan site on which building or engineering operations are being carried out would not benefit from paragraph 9 of Schedule 1 of the 1960 Act. Also that the circumstances are not permitted by virtue of Class A of Part 5 of Schedule of the DPDO.

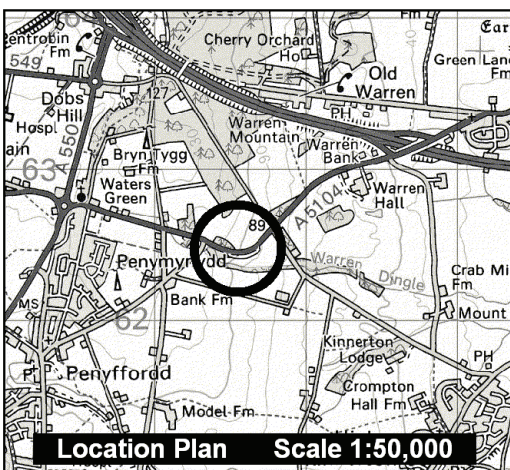
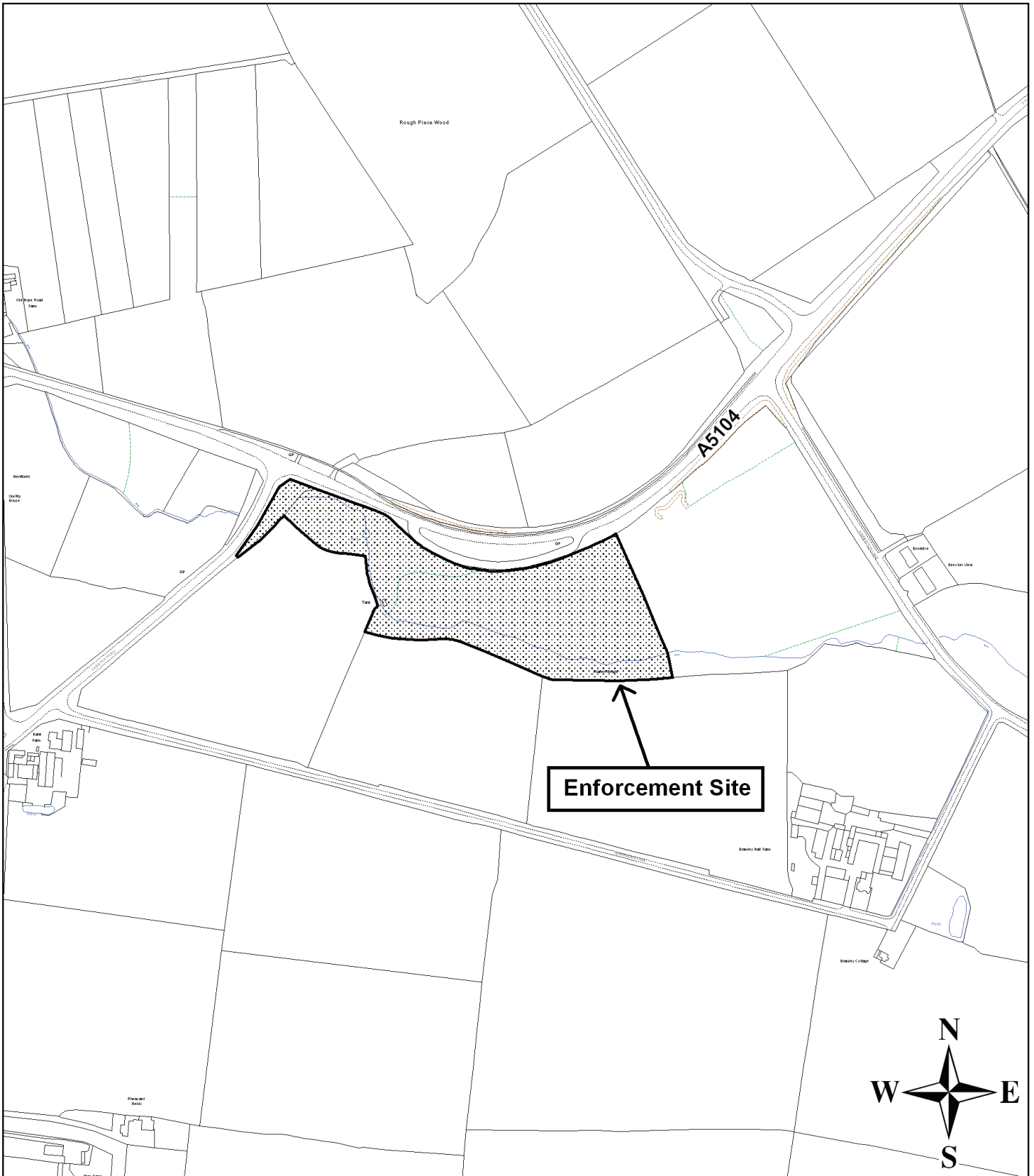
### 7.00 CONCLUSION

#### 7.01 Time for Compliance

The residential occupation is to cease within 90 days of the date of the decision. The removal of the caravan and all domestic paraphernalia to be removed within 120 days of the date of the notice.

**Contact Officer:** William John Lloyd  
**Telephone:** 01352 703321  
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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**

 Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

 Enforcement Extent

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Map Scale 1:5000

OS Map ref SJ 3162

Enforcement Ref: **ENF/134176**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** 23.05.2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** Appeal by Mr. R. Borrow against the decision of Flintshire County Council to Refuse Planning Permission for the erection of a replacement dwelling on land adjacent to Glencairn, Bryn Celyn, Holywell, Flintshire, CH8 7PZ.

### **1.00 APPLICATION NUMBER**

1.01 048974

### **2.00 APPLICANT**

2.01 Mr. Rodney Borrow

### **3.00 SITE**

3.01 Land adjacent to Glencairn,  
Bryn Celyn,  
Holywell,  
Flintshire,  
CH8 7PZ.

### **4.00 APPLICATION VALID DATE**

4.01 23.08.2011

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of planning permission under delegated powers for the erection of a replacement dwelling on land adjacent to Glencairn, Bryn Celyn, Holywell, Flintshire, CH8 7PZ.

The appeal was considered by way of an exchange of written representations and was DISMISSED.

## 6.00 REPORT

### 6.01 Issues

The Inspector considered the main issues were the effect of the proposal upon the setting of the nearby Listed Building, The 'Royal Oak Public House' and upon the character and appearance of the area in more general terms.

6.02 The Inspector noted generally that proposals of this nature were supported, subject to compliance with identified criteria, by Policy HSG6 of the UDP. He noted that the proposals complied with 4 of the 5 assessment criteria and the issue of contention related to Criterion (c) which stipulates replacement would not be permitted where the dwelling is considered to be of significant local or historical interest.

### 6.03 Impact upon Listed Building

The Inspector noted that both the LPA and CADW had raised concerns in respect of the impact of the proposals upon the setting of the listed building. He accepted the contention that whilst the road has eroded the relationship between the 2 properties, they have a group value attributable to their long standing juxtaposition and as a result of the fact that the buildings flank the road, they create a visual pinch point along the roadway at this location. He considered the loss of Alexandria House in this position would erode not only the historical association but also the sense of enclosure which he considered is an intrinsic part of the local street scene.

6.04 Accordingly he concluded that the proposals were contrary to the intentions of s.16 and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE2 of the UDP.

### 6.05 Character and Appearance

The Inspector noted that the test in respect of local interest, as identified under Policy HSG6, was a lesser test than that applied to buildings considered worthy of 'listing'. He considered the form of the building and concluded it to be of 'considerable antiquity', most likely with its origins associated with the local industrial history of the area. He concluded that the building was of significant local interest and therefore its loss would not only be contrary to the provisions of Policy HSG6 (c), but that its loss and replacement with the development proposed, would detract from the overall character and appearance of the area.

### 6.06 Other matters

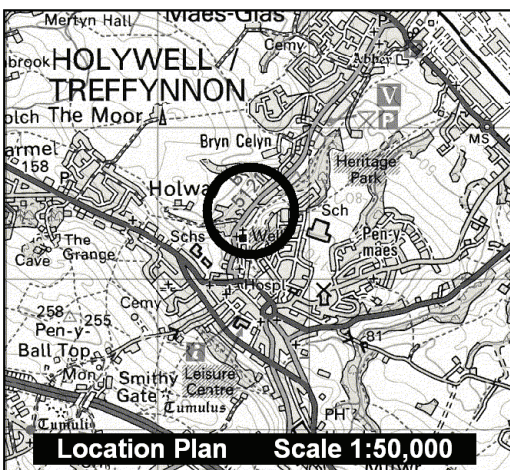
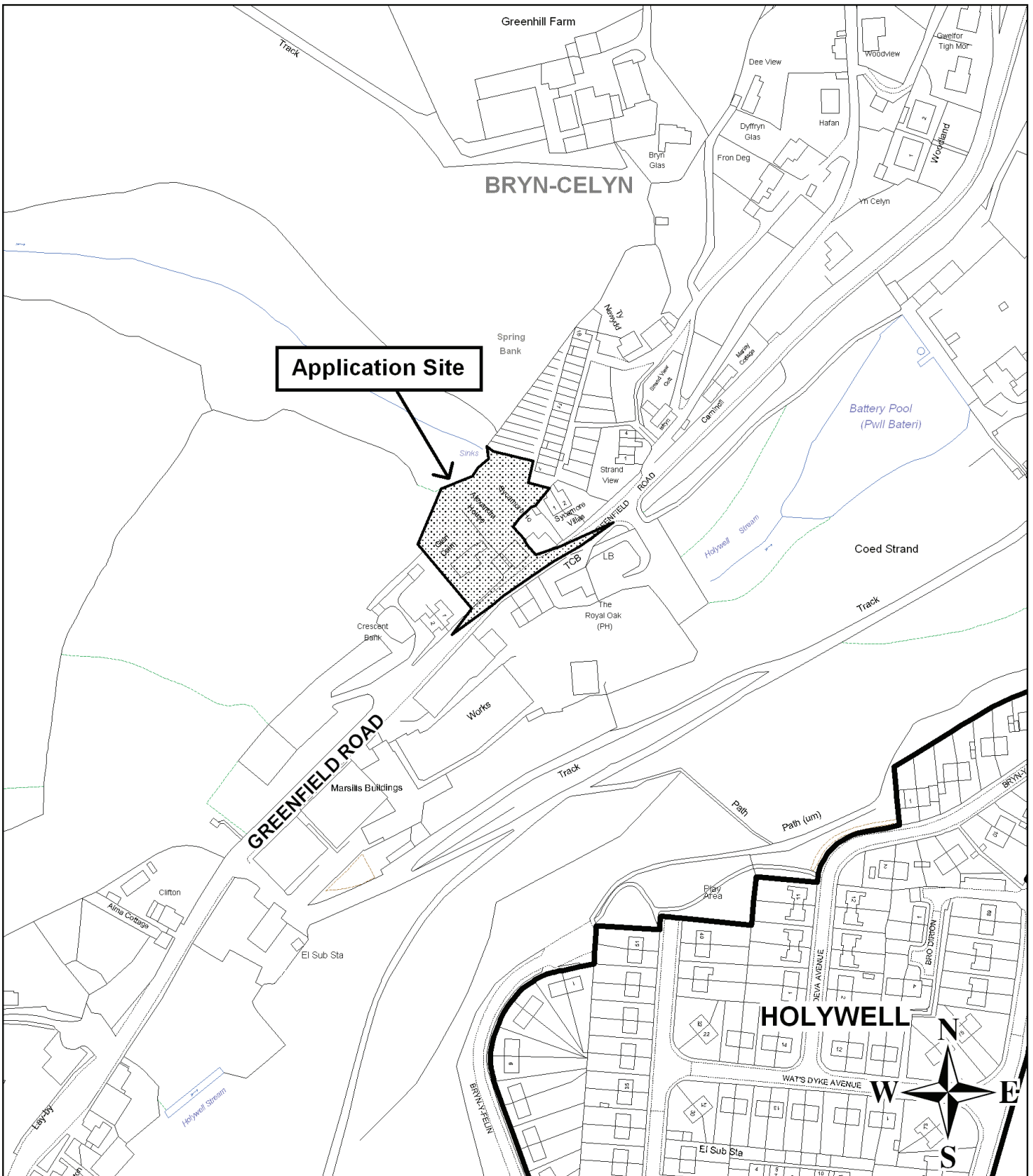
The Inspector considered other material matters in the shape of potential improved vehicular access and visibility at the site access and the potential for the site to suffer from flooding. However, he did not consider either of these matters outweighed the objection to the loss of Alexandria House or the detrimental impact of the proposals for its replacement.

**7.00 CONCLUSION**

7.01 For the reasons given above and having regard to all matters raised, the Inspector concluded that, subject to the imposition of appropriate conditions, the appeal should be DISMISSED.

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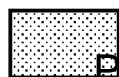


Environment Directorate,  
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**Legend**



Adopted Flintshire Unitary  
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 Settlement Boundary



Application Site Extent

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Planning Application **48974**

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