

# Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Chris Bithell, Derek Butler, David Cox,  
Ian Dunbar, Carol Ellis, David Evans, Jim Falshaw,  
Veronica Gay, Alison Halford, Ron Hampson,  
Patrick Heesom, Ray Hughes, Christine Jones,  
Richard Jones, Richard Lloyd, Billy Mullin,  
Mike Peers, Neville Phillips, Gareth Roberts and  
Owen Thomas

5 December 2012

Tracy Waters 01352 702331  
tracy.waters@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 12TH DECEMBER, 2012** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 16)

To confirm as a correct record the minutes of the meeting held on 7 November 2012.

- 5 **ITEMS TO BE DEFERRED**

---

County Hall, Mold. CH7 6NA  
Tel. 01352 702400 DX 708591 Mold 4  
[www.flintshire.gov.uk](http://www.flintshire.gov.uk)  
Neuadd y Sir, Yr Wyddgrug. CH7 6NR  
Ffôn 01352 702400 DX 708591 Mold 4  
[www.siryfflint.gov.uk](http://www.siryfflint.gov.uk)

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

6 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 -  
TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

The following item is considered to be exempt by virtue of Paragraph 16 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)

It is not in the public interest to make the legal advice the Council has received public at the present time. To do so would enable the appellant to use it at the forthcoming Inquiry to the disadvantage of the Council and its Council Tax payers.

7 **APPEAL AGAINST THE COUNCIL'S REFUSAL TO PERMIT AN  
APPLICATION TO REMOVE CONDITION 15 IMPOSED ON RESERVED  
MATTERS APPROVAL NO. 046595 RELATING TO A DEVELOPMENT AT  
CROES ATTI, CHESTER ROAD, OAKENHOLT - COUNSEL'S ADVICE**  
(Pages 149 - 154)

Report of the Head of Legal and Democratic Services.

**REPORT OF HEAD OF PLANNING**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 12 DECEMBER 2012**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
6.1	048610 - A	Full Application - Erection of 20 No. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout on land off Fair Oaks Drive, Connah's Quay (Pages 17 - 34)
6.2	049765 - A	Full application - Car park provision, access road and structures for use in conjunction with proposed allotments facilities at land at Upper Aston Hall Lane, Hawarden, Deeside (Pages 35 - 44)
6.3	050003 - R	Outline Application - Erection of 12 no. dwellings including demolition of existing outbuildings and creation of a new access at Bank Farm, Lower Mountain Road, Penyffordd (Pages 45 - 62)
6.4	050169 - R	Outline application - Erection of a detached bungalow at Belmont, South Street, Caerwys (Pages 63 - 70)
6.5	049990 - A	Full Application - Erection of a new school and associated works at Taliesin Junior School, Taliesin Avenue, Shotton (Pages 71 - 80)
6.6	049845 - A	Full Application - Retention and expansion of facilities at existing streetscene depot at land at Alltami Depot, Mold Road, Alltami (Pages 81 - 90)
6.7	050145 - A	Full application - Erection of a frame mounted funnel wheel wind turbine at Alltami Depot, Mold Road, Alltami, Flintshire (Pages 91 - 98)
6.8	050024 - R	Full Application - Change of use from public house to a single dwelling, including part demolition and alterations, together with the creation of a new vehicular access at White Lion Inn, Ffordd Pen y Bryn, Nercwys (Pages 99 - 108)
6.9	050151 - A	Full application - Substitution of 9 No. house types on land at (Residential Development - Alltami Health), Field Farm Lane, Buckley (Pages 109 - 116)
6.10	049850 - A	Full Application - Erection of a dwelling replacing a design previously approved as part of application reference 043470 at The Croft, Alltami Road, Buckley (Pages 117 - 124)
6.11	049981	Full Application - Erection of Kelsterton Converter Station comprising valve halls, a control building and a spares building together with outdoor electrical equipment and associated infrastructure, security fencing, landscaped areas and habitat creation at Connah's Quay Power Station, Kelsterton Road, Connah's Quay (Pages 125 - 130)
6.12	050222	General Matters - Variation of S.106 Agreement to change the original status of 1 Llys Dewi, Penyffordd, Holywell from being shared ownership to Homebuy tenure at 1 Llys Dewi, Penyffordd, Holywell (Pages 131 - 134)

Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
6.13	047127	Appeal by Urban Vision (UK) Ltd against the decision of Flintshire County Council to refuse planning permission for the erection of 1no. detached dwellinghouse and garage with private drive at 12 Llys Y Wennol, Northop Hall, Mold (Pages 135 - 140)
6.14	049152	Appeal by Mr. M. Rooney against the decision of Flintshire County Council to refuse planning permission for change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use and retention of existing stables at Ewloe Barn Wood, Magazine Lane, Ewloe (Pages 141 - 148)



## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE** **7 NOVEMBER 2012**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 7 November 2012

### **PRESENT: Councillor D.E. Wisinger (Chairman)**

Councillors: R.C. Bithell, D. Butler, D. Cox, D. Evans, J. Falshaw, V. Gay, A.M. Halford, R.G. Hampson, P.G. Heesom, , R.B. Jones, R. Lloyd, W. Mullin, M.J. Peers, N. Phillips and H.G. Roberts

### **SUBSTITUTIONS:**

Councillors: M. Bateman for C.A. Ellis and M. Lowe for C.M. Jones

### **ALSO PRESENT:**

Councillor H.J. McGuill attended as the applicant to speak on agenda item 6.1

### **APOLOGIES:**

Councillors: I. Dunbar, R. Hughes, and W.O. Thomas

### **IN ATTENDANCE:**

Head of Planning, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planner, Senior Minerals and Waste Officers, Principal Solicitor and Committee Officer

## **86. DECLARATIONS OF INTEREST**

Councillor D. Butler declared a personal interest in the following application:-

**Agenda item 6.8 – Full application – Erection of a conservatory to the rear of 19 Hawker Close, Broughton (050133)**

## **87. LATE OBSERVATIONS**

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

The Principal Solicitor advised Members that an amended version of the appendix to agenda item 6.9 had also been circulated as the appendix included within their agenda was incomplete.

## **88. MINUTES**

The draft minutes of the meeting of the Committee held on 10 October, 2012 had been circulated to Members with the agenda.

**RESOLVED:**

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

**89. ITEMS TO BE DEFERRED**

The Head of Planning advised that none of the applications were recommended for deferral by officers.

**90. OUTLINE APPLICATION – SUB-DIVISION OF EXISTING DETACHED DWELLING INTO 2 NO. SEMI-DETACHED DWELLINGS AND ERECTION OF 5 NO. DETACHED DWELLINGS AT WYLFA HOUSE, 159 MOLD ROAD, MYNYDD ISA (050088)**

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 5 November 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 officer detailed the background to the report explaining that all matters were reserved but that an indicative layout had been provided. The issues on the previous application related to drainage and access. For this application, the access had been moved down the road to a location outside of the settlement boundary; the officer advised that this was not a concern in planning policy terms. On the issue of drainage and flooding, Welsh Water had no objections to the application but had requested that a Grampian-style condition be included to prevent occupation of the dwellings until after April 2014 to allow improvements to the capacity of the existing Sewerage Treatment Works to be undertaken.

Mrs. S. Naybour spoke against the application on behalf of Wylfa Hill Preservation Society. She thanked Councillor R.C. Bithell for his interest and guidance on the application. She referred to a ditch, which ran along the gardens of the neighbouring properties and the existing dwelling at Wylfa House, which provided an essential drain off area; she was concerned that if it were culverted, the situation of flooding would become worse. Mrs. Naybour spoke of problems in the past with contamination by sewerage and remarked that drainage generally in Mynydd Isa was insufficient. A paper had been sent to Members from Wylfa Hill Preservation Society to highlight their concerns and to show pictures of the problems which had been experienced. She referred to page 5 of the document where it was noted that, if the application were approved, the Society would consider the Council to be liable for problems caused by sewerage. She was relieved that Wylfa House was to be retained as part of this application but was sorry that it was to be divided.

In response, the Principal Solicitor said that the granting of planning permission for the development would not make Flintshire County Council

liable for any problems caused by sewerage. He advised Members to disregard the comment.

Councillor M. Jones from Argoed Community Council also spoke against the application. She said that the areas of Argoed, Mynydd Isa and Bryn-y-Baal had always experienced problems with flooding and added that even though work had been undertaken in the area it had not been done to the necessary standard to prevent flooding in the future. She said that the drainage system in the area could not cope with the current number of houses and she felt that it needed to be replaced and renewed.

Councillor H.J. McGuill, having declared her interest in the application as the applicant, spoke in support of the application. She referred to paragraph 7.14 of the report and confirmed that only foul water discharges would be permitted to the public combined sewer located within Mold Road along the site frontage, as requested by Welsh Water. On the issue of flooding, she said that the existing flooding was upstream from her property, which was on the side of a hill, so this application should not create or worsen the problem. She would close the existing access to create a new access further down the road, but indicated that access into the wooded area of the site would still be required. Councillor McGuill felt that the house conversion would lead to two more affordable units being created rather than one larger dwelling. She said that the application for a site across the road from her property had been withdrawn which would mean that there would not be conflict between the access into the two sites. On the issue of the contaminated stream, she said that this had been caused by residents who had their downstairs toilets and laundry rooms plumbed into the surface water system. She added that she had no intention of culverting the stream. Councillor McGuill then left the meeting for the remainder of the discussion.

Councillor H.G. Roberts proposed the recommendation for approval which was duly seconded. He welcomed the decision to retain the original property and the request for a Grampian-style condition to upgrade the works on the sewerage works in Mold. He also felt that the application gave the opportunity to improve the pavement to a width of 1.8m for the full length of the curtilage of the site.

Councillor R.C. Bithell spoke of the concerns which had been raised during consideration of the previous application in September 2011, in particular the impact on the drainage in the area. He felt that most of the concerns had been dealt with in the new application and the access had been repositioned. He asked for clarification on the comment by Councillor McGuill that the application on the site across the road had been withdrawn. He welcomed the fact that Wylfa House was to be retained but still raised concern about whether the application amounted to overdevelopment on the site. The drainage issue was still a concern and he asked that a condition be imposed that permitted development rights be removed so that the ditch could be protected. Councillor Bithell also welcomed the request for a Grampian-style condition and asked that a condition be included to survey all of the trees on the site so as to retain as many as possible, not just the tree which the

Forestry Officer considered should be retained. He asked that the hedge be replaced on the edge of the pavement and queried whether this could be conditioned.

Councillor M.J. Peers raised concern about what would happen if the planned improvement works to the Waste Water Treatment Works were not completed by 31<sup>st</sup> March 2014. He felt that the application was an improvement on what had initially been put forward but was concerned about the impact on the character of Wylfa House; he asked that the work be undertaken sympathetically. He concurred that tree preservation orders should be sought for as many trees as possible on the site. Councillor D. Butler asked why the building had not been designated as a building of local importance. He felt that it could be turned into four flats and added that, in his opinion, density was still an issue. He queried the need for a second access which had earlier been requested by Councillor McGuill. Councillor P.G. Heesom felt that a condition should be included to allow retention of the open aspect of the house and maintenance of the sight lines.

In response to the issues raised, the officer confirmed that Welsh Water did not have any objection to the application but were proposing that a Grampian-style condition be included; written confirmation would be required that the work to the treatment works had been undertaken. On the issue of the culvert, he said that this would be considered by the Environment Agency so he did not feel that it was advisable to include conditions which would replicate their work. He felt that a condition relating to removal of permitted development rights could be included. On the issue of the withdrawn application, he explained that the section 106 obligation on that application had not been progressed and the applicant had withdrawn the application. However, the existing consent remained in place. The external appearance of Wylfa House could be considered at the reserved matters stage and the wording of a condition on retaining the open aspect of the house could be considered at that time. The second access referred to by Councillor McGuill was an entrance into the wooded area of the site and was not a second entrance from the highway. Condition 7 had been included to allow the provision of a tree survey and a condition could also be included to require the planting of a replacement hedge behind the visibility splay.

In summing up, Councillor H.G. Roberts agreed with a condition to replace the hedgerow behind the visibility splay and to the removal of the permitted development rights. Members were also reminded about the additional condition reported in the late observations sheet.

**RESOLVED:**

That planning permission be granted subject to

- (i) the conditions detailed in the report of the Head of Planning;
- (ii) the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision;



- (iii) the imposition of a condition to replace the hedgerow behind the visibility splay;
- (iv) the removal of the permitted development rights for the whole site; and
- (v) the additional highways condition reported in the late observations sheet.

91. **CONSOLIDATION OF MINERAL EXTRACTION AND PROCESSING OPERATIONS, INCLUDING ANCILLARY DEVELOPMENT AT CEFN MAWR, CASTLE CEMENT, CADOLE ROAD, GWERNAFFIELD (047536)**

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

The Senior Minerals and Waste Officer detailed the background to the report which sought to consolidate all of the current mineral extraction and processing operations at Cefn Mawr Quarry, including all ancillary development associated with the quarry operations under a single, all-encompassing planning permission to continue to permit limestone extraction until 21 February 2042. One of the key issues was the impact of the night time noise on neighbouring residents; the officer explained that the applicant had worked with the Planning Authority and residents to mitigate the effects of the proposal. The officer advised that there had been no objections from statutory consultees and added that the application was in line with MTAN1 on noise limits. The proposal also included a plan of phased restoration.

Mr. I. Coles spoke against the application, explaining that he lived opposite the site. The noise was at times very loud at night and he disagreed with the comment that the trucks were lined with rubber to reduce the noise. He added that the noise barriers around the silos had also not been put in place and asked that conditions be included to ensure that the company did what it said it would do to resolve the issue of noise. Mr. Coles referred to the cement operation on the site and said that recently the kiln had been switched off for long periods of time, so he questioned whether there was a need for 24 hour a day operation.

Councillor A.M. Halford proposed the recommendation for approval which was duly seconded, and thanked the officer for an exemplary report. She felt that, whilst appropriate noise conditions should be imposed, it was impossible to ignore the importance of the site.

Councillor R.C. Bithell referred to the comments of Gwernaffield Community Council about the Cefn Mawr Liaison Committee meetings and said that it was important that these meetings took place so that local concerns could be dealt with in an appropriate way. He raised concern about the water seeping into the Milwr tunnel and asked what action was being taken to ensure it did not get into the water system. He also highlighted paragraph 7.103 and asked for assurances that any fossils of interest were properly looked at by geologists. Councillor P.G. Heesom spoke of the depth in the quarry of 178 metres and raised concern at the accumulation of water at

that depth; he asked for assurance that safeguards were regularly monitored. In respect of noise, Councillor R.B. Jones asked whether work could be undertaken with the owner about setting maximum noise limits instead of using average limits.

In response to the comments made, the officer said that, based on the information received from the quarry operator and the haulage contractor, all of the trucks were rubber-lined to reduce the noise levels. The noise limits at night on the existing consent were 45 decibels; it was recommended by officers that the level be reduced to 42 decibels to bring it in line with national guidance. The operator had undertaken a number of mitigation measures and one of the conditions included was for the noise monitoring to be reviewed annually. The officer advised that although the proposal was to allow permission until 2042, this would be reviewed every 15 years. There was a need for 24 hour operation of the kiln but this had not been possible recently due to operational problems with it. The officer confirmed that meetings of the Liaison Committee took place every six months but had not been attended recently by a representative from Gwernaffield Community Council. This had now been addressed. Proposed condition 18 was intended to prevent extraction below 200 metres until a scheme regarding dewatering had been approved. Finally, the officer confirmed that the owner worked with North East Wales Regionally Important Geodiversity Sites (NEWRIGS) on fossil and geological features.

In summing up, Councillor Halford asked for tighter conditions relating to noise. In response, the officer said that night-time noise was a concern but she felt that conditions 9 to 12 were robust enough.

**RESOLVED:**

That planning permission be granted subject to

- (i) The applicant entering into a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to:-
  - a) revoke the existing Section 106 agreement completed on 19 January 1999 which governed existing operations
  - b) revoke the existing Section 52 agreement under the Town & Country Planning Act 1971 completed on 13 November 1973
  - c) provide that the Site of Special Scientific Interest and the Special Area of Conservation be managed in accordance with the Management Plan appended to the legal agreement and the plan to be reviewed and updated at five-yearly intervals; and
- (ii) subject to the conditions detailed in the report of the Head of Planning.

92. **FULL APPLICATION – EXTENSION TO EXISTING RETAIL UNIT TOGETHER WITH ADDITIONAL CAR PARKING PROVISION, LANDSCAPING AND ANCILLARY FACILITIES AT PRECINCT WAY, BUCKLEY (049304)**

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

The officer detailed the background to the report and explained that there had been no objections from statutory consultees. The current store and car park were within the town centre boundary of Buckley but the car park proposed in this application would be outside the boundary of the town centre. He referred to the Buckley Masterplan and said that the proposed layout and arrangement of the scheme represented the appropriate response to the aim of the Masterplan in this location. The current car park provided 90 spaces whilst the new car park would provide 210 spaces. It was intended that it would be dual use for the store and the town centre to allow the development of the car park on the opposite side of Precinct Way; when the store was closed, the car park would be gated. He drew Members' attention to the proposed Section 106 obligation/unilateral undertaking for a contribution of £200,000 to facilitate the implementation of public realm enhancements on Precinct Way. The officer referred to a late observation which had been received, asking for deferment of the application due to an application which was to be submitted for land to the west of the site, for a similar proposal; he had advised that there were no planning grounds to defer this application.

Mr. A.J. Worrall spoke against the application. He indicated that he represented residents who were affected by the development with their main concerns being about security, noise and light pollution. He referred to a hedgerow which had been in place for over 40 years which would be lost as a result of this proposal. He felt that it would act as a barrier and that if it were retained, then residents would have little or no objections to the application. He spoke of a letter which he had sent to the Co-operative Group about the loss of the hedgerow in reply to a letter from them in which they spoke of their intention to support the retention of hedgerows.

The local Member, Councillor R.B. Jones, proposed the recommendation for approval which was duly seconded. He asked whether the proposal could be amended to retain the hedgerow and thanked the officer for the exceptional report. Councillor R.G. Hampson spoke in support of the application which he felt met the requirements of the Masterplan. He welcomed the inclusion of the Section 106 obligation and the inclusion of the additional car parking spaces. He also thanked the officer for his report. Councillor M.J. Peers welcomed the proposal and congratulated the officer for the work he had undertaken. He also felt that the hedgerow should be retained and queried whether the word 'houses' in condition 5 should read 'units'. In referring to condition 14, he asked if the wording could be changed so that the car park could be used when a special event was held by the Town Council. He felt that the design of the building would be a welcome addition to

Buckley and asked whether there was a time period on the use of the £200,000 for public realm enhancements.

In response to the queries raised, the officer felt that condition 14 did not preclude the Town Council from speaking to the Co-operative Group to discuss whether his suggestion for the use of the car park could be pursued. The reclaiming of the monies for a commuted sum was a standard element of Section 106 agreements but he said that he could consult with the local Members on a realistic timeframe. On the issue of the hedgerow, the proposals for the boundary of the site involved an element of landscaping to ensure security of the site and to ensure that it did not have an adverse impact on the amenity of the area. Discussions could take place with the Co-operative Group to establish whether something could be put in place to safeguard security, amenity and the hedgerow.

On the issue of the section 106 obligation, the Principal Solicitor said that it was entirely appropriate that it be refunded if it was not spent in a reasonable amount of time. He explained about the guidance on the time period for play provision (5 years) and educational provision (10 years) payments. It would be a matter for discussion with the Co-operative Group in consultation with the local Members.

In summing up, Councillor Jones agreed that the timeframe for returning the commuted sum should be in line with the Masterplan and asked that a condition be included to retain the hedgerow where possible.

**RESOLVED:**

- (i) That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to ensure the payment of a contribution to the Council for use in facilitating the implementation of public realm enhancements on Precinct Way. Such sum to be paid to the Council upon commencement of the development.
- (ii) It was also requested that the hedgerow on the border of the car park be retained if possible and that consultation be undertaken with the local Members about the time period for spending the Section 106 monies.

**93. FULL APPLICATION – RETENTION AND EXPANSION OF FACILITIES AT EXISTING STREETSCENE DEPOT AT LAND AT ALLTAMI DEPOT, MOLD ROAD, ALLTAMI (049845)**

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

The officer detailed the background to the report which was for an application for the continued use of this site in connection with the range of services encompassed within the Council's Streetscene operations. He highlighted the Proposed Development section of the report and drew Members' attention to paragraph 7.08 where it was reported that this facility would provide for the collection of food waste into skips, the skips then being transferred to the Buckley Standard site for sorting and recycling. There was no need for an additional access to be created and the proposals would result in 317 parking spaces being provided on the site. The proposals were accompanied by a site landscaping plan which sought to reinforce the existing landscaped frontage of the site through the planting of an extension to the existing indigenous hedgerow towards the western edges of the site, planting of trees and shrubbery and visual enhancement through the removal of unsightly planters in the frontage area. The proposal would also involve improvements to the current drainage system.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. Councillor P.G. Heesom raised concern about the application and said that he felt that there were a number of major policy issues to be considered. He referred to the two major landfill sites in the area and said that Members were yet to be advised of the waste strategy outcomes. He felt that there were fundamental planning considerations beneath the surface and he had strong reservations about the development. He said that he would like to see more information regarding the background policy issues. Councillor M.J. Peers said that he was not against the application in principle but asked for clarification on the use of the skips reported in paragraph 7.08 as he said that the Director of Environment had given a commitment that the food waste operation would cease completely at the Buckley Standard site. Councillor N. Phillips queried what route the vehicles would take on their journey from Alltami to the Buckley Standard site and asked whether this would have to be raised with Streetscene officers.

In response, the officer said that the fleet of vehicles would collect the food waste from properties in Flintshire and would load it into small skips at the Alltami depot. These skips would then be taken to the Buckley Standard site where the waste would be sorted and recycled before being transferred to a site in Ludlow. On the issue of the route to be taken, he said that this would be an operational issue for Streetscene.

The Head of Planning suggested that the item be deferred so that an officer from Streetscene could be asked to attend the Committee to answer queries raised. Councillor P.G. Heesom proposed deferment of the application to a future meeting, which was duly seconded.

On being put to the vote, the proposal to defer the application to seek further information from Streetscene on the operational aspect of the proposal was CARRIED. The Principal Solicitor suggested that an officer from Streetscene be asked to attend the next meeting to address Members' concerns.

**RESOLVED:**

- (a) That the application be deferred to obtain further information from the Streetscene Service on the operational aspect of the proposal; and
- (b) That an officer from the Streetscene Service be asked to attend the next meeting to address Members' concerns.

**94. FULL APPLICATION – ERECTION OF 1 X 15M SMALL SCALE TURBINE AT CAE MARCH FARM, NEW BRIGHTON ROAD, SYCHDYN (050175)**

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

The officer detailed the background to the report and explained that Northop Community Council had not responded as they were not due to meet until 12 November 2012.

Councillor M. Bateman proposed the recommendation for approval which was duly seconded. She said that the visual impact was negligible and added that she had not heard of any objections from Northop Community Council.

**RESOLVED:**

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

**95. RETENTION OF THE USE OF LAND FOR THE RECEPTION AND PROCESSING OF CONSTRUCTION AND DEMOLITION WASTE TOGETHER WITH THE RAISING OF LAND LEVELS USING FILL MATERIAL ARISING FROM THE PROCESSING OPERATION AT FORMER TITANIUM WORKS, WEIGHBRIDGE ROAD, CONNAH'S QUAY (049908)**

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

The officer detailed the background to the report and highlighted the sections on visual and landscape impact, highways and drainage and water supply. She explained that the proposals would be regulated by the Environment Agency and would require a permit.

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

**RESOLVED:**

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

**96. GENERAL MATTERS – TREE PRESERVATION ORDER NO. 304 (2012)  
LAND AT THE GORSEY, LLYS BEN, NORTHOP HALL (304(2012))**

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

The Planning Strategy Manager detailed the background to the report and explained that in view of comments received from the landowner that the decay in the tree posed a risk to the public, the Forestry Officer had assessed its condition and had concluded that, in his opinion, it had the potential to live for many years and contribute to local amenity.

Councillor R.B. Jones proposed the recommendation to confirm the Tree Preservation Order without modification which was duly seconded.

**RESOLVED:**

That the Tree Preservation Order No. 304 (2012) land at the Gorsey, Llys Ben, Northop Hall, be confirmed without modification.

**97. FULL APPLICATION – ERECTION OF A CONSERVATORY TO THE REAR  
OF 19 HAWKER CLOSE, BROUGHTON (050133)**

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

The officer detailed the background to the report and explained that the application was before Committee due to the applicant being a Councillor.

Councillor W. Mullin proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

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

98. **GENERAL MATTERS – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF APARTMENT BLOCK COMPRISING 9 NO. APARTMENTS (3 NO. ONE BEDROOM AND 6 NO. TWO BEDROOM) ON UPPER FLOORS WITH LOWER/BASEMENT LEVEL CAR PARKING AND SURFACE LEVEL PARKING TO REAR AT THE DAIRY, 2 MOLD ROAD, CONNAH’S QUAY (045726)**

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

The Head of Planning detailed the background to the report and explained that the application had been approved by Committee on 29 April 2009, subject to the applicant entering into a Section 106 Agreement or offering a unilateral undertaking or making advance payment in lieu of on site play provision. Because there had been no progress from the applicant to resolve the outstanding issues relating to the payment of the commuted sum, despite correspondence between the Head of Legal and Democratic Services and the applicant, it was now recommended that the application be refused.

Councillor R.B. Jones proposed the recommendation for refusal which was duly seconded.

**RESOLVED:**

That planning permission be refused for the reasons detailed in the report of the Head of Planning.

99. **VARIATION IN ORDER OF BUSINESS**

The Chairman indicated that there would be a change in the order of business to bring forward the appeal decisions (agenda items 6.11 to 6.14). This was because he would have to vacate the chair for agenda item 6.10 due to his place of work being in the vicinity of the application site.

100. **APPEAL BY DEVELOPMENT SECURITIES PLC AGAINST THE NON DETERMINATION OF OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT AND FORMATION OF NEW ACCESS ROAD AT LAND AT BROUGHTON PARK, BROUGHTON (038189)**

**RESOLVED:**

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

101. **APPEAL BY MR. & MRS. D. WARING AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 4 NO. DETACHED DWELLINGS INCLUDING NEW ACCESS TO BRYN EITHIN AND AMENDED BOUNDARIES TO 19 BRYN EITHIN ON LAND TO THE REAR OF HALKYN HALL, BRYN EITHIN, PENTRE HALKYN (049056)**



**RESOLVED:**

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

**102. APPEAL BY ANWYL HOMES LTD AGAINST THE NON DETERMINATION OF PLANNING APPLICATION REF: 049154 TO ALLOW CONDITION 3 (i) OF THE OUTLINE PLANNING PERMISSION TO BE EXTENDED IN TIME AT CROES ATTI, CHESTER ROAD, OAKENHOLT (049154)**

The Head of Planning drew Members' attention to the late observations where an amendment to paragraph 3.06 was reported.

In response to a query from Councillor R.C. Bithell, the Head of Planning said that the appeal against the Council's decision to require the provision of barriers on Prince of Wales Avenue was still pending. The amount of the costs to be paid by the Council had not yet been determined.

Councillor P.G. Heesom said that the decision on costs was nothing to do with third parties but was due to the Council's inability to make a decision within the timeframe. He said that the decision remained a concern and referred to Section 51 of the Planning and Compulsory Purchase Act 2004, which amended Section 73 of the Town and Country Planning Act 1990, and questioned why Welsh Government had not made it effective in Wales. The Principal Solicitor advised that the provision had been brought into force in England but not in Wales, and that was entirely a matter for Welsh Government. The amendment made to Section 73 of the 1990 Act did not therefore apply in Wales, so the Committee's consideration of the application, albeit by the time it was the subject of a non-determination appeal, had been entirely in accordance with the law.

In response to a query from Councillor R.B. Jones, the Head of Planning drew Members' attention to paragraphs 6.04 and 6.05.

**RESOLVED:**

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

**103. APPEAL BY ROADAWAY LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM STORAGE TO STORAGE AND DISTRIBUTION OF CARAVANS AND CARS INCLUDING TEMPORARY SITING OF A CARAVAN FOR USE AS AN OFFICE AT FORMER COAL YARD, MIN Y DON, MOSTYN ROAD, LLANERCH-Y-MÔR, HOLYWELL (049337)**

Councillor H.G. Roberts raised concern at the comments of the inspector in paragraph 6.02 about the appearance of the site when comparing it with what was currently in place compared to how it would look if the application was permitted. In response, the Principal Solicitor referred to the powers of the Council under Section 215 of the Town and Country Planning

Act 1990 in respect of land whose condition adversely affected the amenity of an area. Councillor P.G. Heesom also raised concern about highway issues as the site was on a dangerous bend.

**RESOLVED:**

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

**104. APPOINTMENT OF CHAIR FOR THE REMAINDER OF THE MEETING**

Following the vacation of the chair by the Chairman and in the absence of the Vice-Chairman, the Principal Solicitor sought nominations for a Chairman for the remainder of the meeting. Councillor A.M. Halford proposed Councillor P.G. Heesom which was duly seconded. There were no other nominations. On being put to the vote, this was carried and Councillor Heesom took the chair for the remainder of the meeting.

**105. FULL APPLICATION – PROPOSED CHANGE OF USE OF LAND TO EXTEND GARDEN AT 32 HIGH STREET, SALTNEY (049989)**

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 5 November 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.

Councillor R.C. Bithell proposed the recommendation for approval which was duly seconded. The local Member, Councillor R. Lloyd, queried the need for the application to be submitted to Committee as he felt that it was unnecessary. He said that the one letter of objection which had been received was from a landlord who owned a property which was not affected by the application. He said that the access was one metre wide, the application would improve the area and would not affect access. Other Members concurred that the pedestrian route was still achievable.

In response to a question from Councillor A.M. Halford about why the Vice-Chairman had requested a site visit when the local Member had said one was not necessary, the Head of Planning advised that, as the Chairman had declared an interest, the Vice-Chairman had requested a site visit and asked that it be determined by the Committee.

**RESOLVED:**

That the retention of the use be allowed subject to the conditions detailed in the report of the Head of Planning.

**106. DURATION OF MEETING**

The meeting commenced at 1.00 p.m. and ended at 3.45 p.m.

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

There were 15 members of the public and one member of the press in attendance.

.....

**Chairman**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 20 NO. SEMI-DETACHED DWELLINGS, PART RECONFIGURATION OF EXISTING (UNADOPTED) ROAD AND EXTENDING TO FORM NEW ROAD LAYOUT**

**APPLICATION NUMBER:** **048610**

**APPLICANT:** **M.J. DAVIES LIMITED**

**SITE:** **LAND OFF FAIR OAKS DRIVE, CONNAH'S QUAY, FLINTSHIRE. CH5 4RR**

**APPLICATION VALID DATE:** **12<sup>TH</sup> MAY 2011**

**LOCAL MEMBERS:** **FORMER COUNCILLOR E.W. OWEN**  
**COUNCILLOR P. MACFARLANE**  
**COUNCILLOR P. SHOTTON**

**TOWN/COMMUNITY COUNCIL:** **CONNAHS' QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST, SIZE AND SCALE OF DEVELOPMENT AND REQUIREMENT FOR SECTION 106 AGREEMENT**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of 20 no. semi-detached dwellings, part reconfiguration of existing (unadopted) road and extending to form new road layout at land off Fair Oaks Drive, Connah's Quay. Following the consultation response from the Head of Play Unit and requirements of open space provision, subsequent consultations with the Housing Strategy Manager and Director of Lifelong Learning and their requirements the application was considered on development of the site for 14 units. Both their requirements for a scheme of 20 units will be reported as late observations to Committee. The site forms part of a much larger area of land allocated for residential development in the Flintshire Unitary

Development Plan. During consideration of the application issues in respect of design, layout, access, residential amenity, ecology, affordable housing, recreation provision and educational requirements have been negotiated and resolved subject to the imposition of conditions and the completion of a Section 106 Legal Agreement.

**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) Enhancement and maintenance of the adjacent piece of land owned by Flintshire County Council for wildlife and informal recreation.
- b) Provision for the re-examination of the scheme viability if the permission is not implemented within 3 years of the date of this permission.

2.02 The proposal is recommended for approval subject to the following conditions:

2.03 Conditions

1. Time limit on commencement.
2. In accord with approved detail.
3. Samples of all external materials to be submitted and approved prior to commencement.
4. Detailed scheme of hard and soft landscaping to be further submitted and approved in writing prior to commencement.
5. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads to be submitted to and approved by the Local Planning Authority prior to commencement of any site works.
6. Siting, layout and design of the means of site access to be in accordance with submitted drawings and further details to be submitted to and approved by the Local Planning Authority prior to commencement of any site works.
7. Section of carriageway and footway (hatched blue) shall be constructed to adoptable standard prior to commencement of any development on site.
8. Proposed amended private drive access, at junction with proposed adopted road shall have visibility splays of 2.4m x 43m measured along nearside kerb line. Visibility splays are to be over land within control of the applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 0.6m above nearside channel level of adjoining highway. All private drives shall have internal

- visibility requirement of 2.4m x 3.3m
9. The front of garages shall be set back a minimum distance of 5.5m behind back of footway line or 7.3m from the edge of carriageway in case where crossing of a grassed service margin is involved.
  10. Facilities shall be provided and retained within the site for the parking, turning, loading and unloading of vehicles associated with the proposal and associated operations.
  11. Positive means to prevent run off of surface water from any part of the site into the highway shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of any site works.
  12. No development shall take place, including site clearance work until a Construction Traffic Management Plan has been submitted to, and approved in writing by the Local Planning Authority.
  13. Foul water and surface water discharges drained separately from site.
  14. No surface water to connect, directly or indirectly to public sewerage system unless approved by Local Planning Authority.
  15. Land drainage run-off not permitted to discharge, directly or indirectly into public sewerage system.
  16. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and approved by the Local Planning Authority.
  17. No buildings on the application site shall be brought into beneficial use earlier than 31<sup>st</sup> March 2013, unless the upgrading of the waste water treatment works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority.
  18. Prior to commencement of development, details of existing and proposed site levels and proposed finished floor levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority.
  19. No development to begin until details of a “Design Stage” Assessment and related certification have been submitted to and approved by the Local Planning Authority. Development carried out entirely in accordance with approved assessment and certification unless otherwise approved in writing by the Local Planning Authority.
  20. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 1 credit under Category Ene 1 in accordance with the requirements of code for sustainable homes – Technical Guide April 2009.
  21. No dwelling shall be occupied until a code for sustainable

- homes "Post Construction Stage" assessment has been carried out in relation to it, a final certificate has been issued for it certifying that Code Level 3 and 1 credit under Ene 1 have been achieved in writing by the Local Planning Authority.
22. Prior to commencement of development, details of all boundary treatments to be submitted and approved.
  23. Prior to commencement of development, a scheme of reasonable avoidance measures to mitigate against great crested newts to be submitted and approved. Agreed scheme implemented thereafter.
  24. Final dwelling not occupied until all roads and pavements completed to adoption standard.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members:**

##### Councillor P. MacFarlane

Requests application be referred to Planning Committee as it is a significant development which will impact on the character of the existing houses. Requests site visit to see how proposals would alter and impact on the existing nature of the properties and likes to make the following observations:

- Since completion of the last phase, the road has yet to be adopted owing to the failure of the developer to complete the necessary work
- No further permissions should be considered on this site until the road is brought upto an adoptable standard.

##### Councillor P. Shotton

Requests that the application be referred to Planning Committee due to strong residents concerns.

##### Connah's Quay Town Council

Requests any further development should be in character and reflect the nature and types of existing development in the area. Therefore, request a site visit with local Members invited.

##### Head of Assets and Transportation

Recommends that any permission shall include suggested conditions.

##### Head of Public Protection

No adverse comments to make regarding the proposals.

##### Director of Lifelong Learning

Impact of pupil numbers that proposed development based on 14 units will have indicates that Wepre CP has the greatest need for additional capacity. Financial contributions requested are £10,500 for Wepre CP School.



#### Public Open Spaces Manager

Based on 20 units, an area of land measuring approximately 1,120 sq m which is to be located to the south of the site adjacent to the proposed open space, being provided by the developers of the southern section of the allocation be provided. The open space would need to be enclosed, equipped with children's play equipment and landscaped to the satisfaction of the authority.

#### Housing Strategy Manager

Due to public open space requiring a reduction in units, the site will only have 14 units of which 30% is required for affordable housing which is 4 units. Preferred options are:-

- 4 units mix would be 4 x 2 bed for affordable rental
- 2 units to be sold at 50% of the market value with the Council retaining 50% ownership
- Commuted sum for £157,136

#### Environment Agency Wales

Standard advice applies.

#### Welsh Water/Dwr Cymru

Requests that if minded to grant planning consent for the above development that suggested conditions and advisory notes are included within the consent. Proposed development would overload the existing waste water treatment works. Improvements are planned for completion by 31<sup>st</sup> March 2013. Suggests imposition of Grampian condition.

#### Countryside Council for Wales

No objection to the suggested proposals.

#### Clwyd Badger Group

Setts located in proximity to the site. Badgers not being able to extend their territory. Development site is a foraging area, without it badgers will not be able to get their food.

#### SP Energy Networks

Have plant and apparatus within area. Developer be 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.

#### National Grid

No response received to date.

#### Wales & West Utilities

The developer is to note the presence of intermediate/high pressure gas main(s) in the proximity to the site. No excavations are to take place above or within 10m of the confirmed position of these mains

without prior consultation.

Airbus

Do not have any comment on this development as it is below the height required for CAA consultation purposes.

**4.00 PUBLICITY**

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

A petition with 130 signatures and approximately 158 letters of objection received. Approximately 117 letters received upon the reconsultation of the amended plans. The grounds of objection are summarised below:-

- Existing road remains unadopted with no street lighting or pavements upon first phase
- Not in keeping with or considerate of existing homes
- Increase in anti social behaviour arising from proposed development
- Proposed parking likely to cause a problem as no area for visitors, which will lead to overspill causing a hazard to children, cyclists and other motorists
- Proposed development will be to the detriment to all families lives
- Loss of light and privacy upon adjoining occupiers
- Nuisance in terms of dust, noise and pollution whilst homes under construction
- Additional traffic and roadside parking will cause further traffic congestion, create a bottleneck of traffic and lead to safety hazards for pedestrians and motorists
- No play provision or affordable housing shown on the plans
- Exacerbate existing drainage problems
- Shouldn't be any homes built under power lines
- Local schools and other services are already full to capacity
- Detrimental impact on local wildlife
- Questions need, given vast 650 housing development on former RAF Sealand base
- Already low voltage problems
- Don't want another Badgers Walk estate
- Standard of properties will not be maintained
- Already an abundance of cost effective housing
- Will lead to dogs being allowed to roam freely and leave excrement in area
- Applicant on forms says he has informed people on application but hasn't.
- Discrepancies on plans
- Placing social housing in the midst of existing properties will devalue properties.

- Detrimental impact upon views.
- Increased risk of flooding.
- Numerous unoccupied properties in Deeside that would be occupied.
- Hedges are protected by law.

## **5.00 SITE HISTORY**

5.01 None relevant

5.02 Adjoining Site

**34942**

Erection of 8 No. detached dwellings and estate road – granted 12<sup>th</sup> February 2008

**01/5/391**

Outline erection of 7 No. dwellings – granted 29th November 2001

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR4 – Housing

Policy STR7 - Natural Environment

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy TWH1 – Development Affecting Trees and Woodlands

Policy TWH2 – Protection of Hedgerows

Policy L1 – Landscape Character

Policy WB1 – Species Protection

Policy WB2 – Sites of International Importance

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG17 – New Housing Proposals

Policy EWP12 – Pollution

Policy EWP13 – Nuisance

Policy HSG8 – Density of Development

Policy HSG9 – Housing Mix and Type

Policy HSG10 – Affordable Housing within Settlement Boundaries

Policy SR5 – Outdoor Playing Space and New Residential Development.

Policy IMP1 – Planning Conditions and Planning Obligations.

Local Planning Guidance Note2 – Space Around Dwellings

Local Planning Guidance Note 13 – Open Space Requirements

National

- 6.02 Planning Policy Wales 2011  
 TAN2 – 2006 – Planning and Affordable Housing  
 TAN5 – 2009 – Nature Conservation and Planning  
 TAN11 – 1997 - Noise  
 TAN12 - 2009 – Design  
 TAN16 – 2009 – Sport, Recreation and Open space  
 TAN22 – 2010 – Sustainable Buildings
- 6.03 The site forms part of a larger area of land allocated for housing in the Flintshire Unitary Development Plan. It is also located within the settlement boundary for Connah’s Quay in the Flintshire Unitary Development Plan which is a Category ‘A’ settlement with an array of facilities and services together with the sites allocation for residential development reflects both the strategy of the Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context there is a clear policy framework supporting the principle of residential development on the site, subject to open space, affordable housing and educational contributions being provided.

## **7.00 PLANNING APPRAISAL**

- 7.01 The site comprises 0.55ha of relatively flat land forming part of a larger agricultural field. It is of an irregular shape, with its eastern boundary bordering onto an access road and rear gardens to residential dwellings, its northern, southern and western boundaries lie adjacent to fields and agricultural land bordered by fencing and hedgerows. There are no trees that are present within or on the boundary of the site. Electricity power lines are above the site to the east which run across in a north-south direction. The site is located in a predominantly rural area. To the east, the site is located adjacent to a late 20<sup>th</sup> century housing estate and a small private residential development.
- 7.02 It is located upon the western limits of the built up area of Connah’s Quay, off an unadopted estate road servicing a small residential development of Fair Oaks Drive. This in turn is served off Mold Road.
- 7.03 The development is for the erection of 20 No. semi-detached dwellings, of which 10 units will be 3 bedroomed with the other 10 units being 4 bedroomed. At present, there is no vehicular access onto the site. To the eastern boundary, an adopted highway, Fair Oaks Drive terminates at the boundary and an existing unadopted road continues from this point northwards to serve the 8 No. existing dwellings. It is proposed to reconfigure the section of the unadopted road that links Fair Oaks Drive to the proposed access road within the site and thus upgrading it to adoptable standards.
- 7.04 Issues  
 The main issues to consider within the determination of this application are the principle of the development in planning policy

terms, the provision of open space and affordable housing together with educational contributions, whether the site is viable, the highway implications and the effects of the development upon the character and appearance of the area, the amenities of adjoining residents, wildlife and drainage of the area

7.05 Principle of Development

The whole site forms part of a larger area of land allocated for housing in the Flintshire Unitary Development Plan (HSH1(7) – adj. Fair Oaks Drive, Mold Road, Connah's Quay.

7.06 It is also located within the settlement boundary for Connah's Quay in the Flintshire Unitary Development Plan which is a Category 'A' settlement with an array of facilities and services as the site's allocation for residential development reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site, subject to the requisite open space, affordable housing and educational contributions as detailed below being provided.

7.07 Recreation and Public Open Space Provision

Initial consultation with the Head of Play Unit indicated, that based on 20 units, an area of land measuring approximately 1,120sqm has to be provided on site which has to be located to the south of the site adjacent to the proposed open space, being provided by the developers of the southern section of the allocation. The open space would need to be enclosed, equipped with children's play equipment and landscaped to the satisfaction of the authority. As this amount of open space would have to be required on site and to the south, in essence, it takes 6 units off the 20 proposed by the applicant, leaving the scheme with a total of 14 units.

7.08 Consultation with the Council's Ecologist indicates that approximately 4m of the southern boundary hedgerow has to be removed for pedestrian and maintenance linkage with the proposed southern development site. This is deemed unacceptable upon the loss of part of a wildlife habitat for birds and bats.

7.09 The Head of Play Unit subsequently indicates that if this pedestrian and maintenance access way cannot be provided then it would be difficult to create a quality play space for this development at this location. It is also indicated that unless an area of open space could be identified adjacent to the 3<sup>rd</sup> phase of the development site, the Authority may wish to consider seeking an off site capital payment in lieu of on site provision for this application.

7.10 Affordable Housing

The Head of Housing Strategy has indicated that due to the loss of 6 units upon the site, it will only have 14 units, of which 30% is required

for affordable housing which equates to 4 units. The preferred options of delivery of these units are as follows:-

- 4 units. Mix would be 4 x 2 bed for affordable rental. (This means properties have to be rented at 70% of the market value within the area to local people who are in employment but do not qualify for social housing and who would not be able to afford or sustain private rental; or
- 2 units to be sold at 50% of the market value with the Council remaining 50% ownership in order for the Council to provide a local shared ownership scheme;
- Commuted sum of £156,000.

#### 7.11 Educational Contributions

Consultation with the Director of Lifelong Learning indicates that based on a scheme of 14 units, the impact on pupil numbers at this development will have, indicates that Wepre CP School has the greatest need for additional capacity. Therefore, the financial contribution requested is £10,500 for Wepre CP School.

#### 7.12 Viability

The application has been the subject of lengthy and detailed negotiations in relation to the viability of the site in terms of its ability to yield the level of planning gains identified above in accordance with the provisions of the Flintshire Unitary Development Plan. For clarity these relate to public open space, affordable housing and education provision.

7.13 Studies undertaken by the developer have been the subject of independent assessment by the Valuation Office Agency (VOA). This assessment confirms that the viability assessment is accurate and do indeed indicate that, as a combination of the small size of the site, the current economic situation and the abnormal cost associated with the development of the site (diversion of the high pressure gas main), the profits arising from this scheme would not reasonably allow for the provisions of the identified issues in strict accordance with the requirements of the Flintshire Unitary Development Plan policies in this respect.

7.14 For clarity, it concludes that the proposed scheme of 14 units with on site public open space is not viable if there is any requirement to provide affordable housing or a commuted sum in this respect and the educational contributions required. In addition, a scheme for 20 units with off site public open space contributions is also non viable if there is any requirements to provide affordable housing or contributions in this respect and the educational contributions required.

#### 7.15 Highways

The main access to the site is proposed off the unadopted road serving the existing development of 8 houses off Fair Oaks Drive to

the south east of the site. The existing road will be reconfigured to allow access to both the proposed development and the existing residential properties. This will, in part leave a piece of land in front of No. 26 Fair Oaks Drive 'vacant' and still in the ownership of the applicant who has indicated that this will be landscaped as part of the development. Internal roads are also proposed within the site serving the proposed houses, with two proposed car parking spaces per unit coming off them.

- 7.16 The Head of Assets and Transportation considers these arrangements to be acceptable, subject to appropriately worded conditions. The existing road serving the existing small development is unadopted, with this subject to Condition No. 7 attached to planning application 34946, having been breached is now subject to investigation by the Enforcement Section. It is believed that works have now been undertaken by the developer to this road and footways to bring it upto adoptable standard. Similar conditions are proposed to be attached to this consent to ensure the roads and footways are brought upto acceptable standard. Again, enforcement action will be taken if these are breached.
- 7.17 Character and Appearance of Area  
The site and the areas to the west, north and south are predominately rural in character. However, to the east lies residential development.
- 7.18 The development will be a mix of 2-3 storey semi-detached dwellings with pitched roofs and dormers. The external materials of which will be of concrete tiled roofs with facing brick walls and soldier course detailing to window and door openings. This combination of varying 2-3 storey ridge heights, dormer roof details, brick opening details and porch features adds variation and interest to the development.
- 7.19 The site layout is conventional in style and it is considered reflects the general layout of surrounding roads and properties where the properties directly front onto the main access road.
- 7.20 A landscaping scheme is proposed which will comprise of grass and shrubbery strips to the sides of driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. Existing hedgerows located on both the western and southern boundaries will be retained and additional shrubbery and a mixture of trees to front gardens will add to the rural feel of the development.
- 7.21 Impact Upon Adjoining Residents  
It is only on the eastern boundary whereby the proposed properties back onto the existing properties on Fair Oaks Drive and The Highcroft. However, the proposed dwellings meet the separation distances within the guidance of 'Space Around Dwellings'. Therefore, it is considered there will not be a significant detrimental

impact upon either the amenities of the existing and proposed occupiers in terms of loss of light, privacy and obtrusiveness etc. In terms of size of private amenity space of the proposed dwellings this also meets the maximum required as stated within the guidance.

7.22 Ecology

The Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) designated for great crested newts (GCN) and known breeding sites occur within 500m to the south of the site.

7.23 European Protected Species (EPS) and their breeding sites and resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and under Article 12 of the EC Directive 92/43/EEC in the United Kingdom. Plans or projects that could affect EPS must satisfy the appropriate Article 16 derogation and two mandatory tests. Disturbance to an EPS whilst occupying a place of shelter and/or obstruction of access to a place of shelter are also prohibited under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

7.24 Regulation 9 (1) and 9 (5) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to ensure compliance with and to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC). Consequently the Local Planning Authority decision making must be undertaken in accordance with the compliance of the Habitats Directive.

7.25 The Local Planning Authority must be satisfied that a proposal satisfies the appropriate Article 16 derogation and two mandatory tests as part of the planning decision process. The need is to consider this derogation is specifically identified in TAN5 and Regulation 53 of the Conservation and Habitats and Species Regulations 2010. In consideration of these requirements is it considered that the proposals seek to establish the principle of the use of the site for the purposes of residential development. The site lies within the identified settlement boundary of Connah's Quay and is identified as part of a site specifically allocated for residential development. National Planning Policies seek to direct the majority of new development of this form to existing urban centres upon sites which, by virtue of their location in close proximity to existing infrastructure and services, would also satisfy the sustainability aims of national policy.

7.26 The application site comprises an area of land which is part of an allocation in the Flintshire Unitary Development Plan. First allocated in 2003 in the deposit plan, the site has been through the full scrutiny process associated with the plan including public consultation and



public inquiry. The site and its circumstances have been judged against a number of sustainability criteria via the strategic environmental assessment carried out on sites in the plan. This noted the potential for EPS, in this case GCN and recognised the need to carry out appropriate surveys prior to development. Having assessed the site in this way, both the development plan process and public inquiry has allowed for alternative local sites to be both considered and evaluated with none having been found to be more suitable than the application site. The site was therefore retained within the plan as an allocated site, identified to meet both local and County wide housing needs.

- 7.27 Due to the proximity of the planned development to both the SAC and SSSI, and records of great crested newts within the site boundary in 2003, both the direct and indirect effects on great crested newts need to be considered. An extended Phase 1 Habitat Survey has been submitted with the application and has identified that no aquatic features will be directly affected by the development and there are no permanent ponds within 250m of the site. The nearest mapped ponds are 350m to the north-west and 400m to the south. The presence of Mold Road to the south of the sit represents a significant barrier to movement of amphibian species. Due to the above, it is considered that there will be no adverse direct impact of the development upon these two designated sites.
- 7.28 The indirect effects on the great crested newt population in relation to the designated sites and its value as terrestrial habitat, as a link to the wider countryside and the increased recreational pressures especially when considered in conjunction with other developments in the Deeside and Buckley area (“in combination effects”) have also been assessed.
- 7.29 The applicant intends to implement an amphibian exclusion fence around the boundary of the development, to be kept in place, monitored and maintained throughout the duration of works on site. However, it is anticipated that amphibian trapping will not be necessary as the development site and adjoining land is currently maintained as short grassland, with the grass being regularly cut to a length less than 10cm. The developer also proposes to work together in a long term partnership in the enhancement and maintenance of an adjacent piece of land owned by Flintshire County Council. Therefore any displacement caused by the development is locally offset by the improvement of this adjacent green space land. In addition, a pedestrian access will be provided into this piece of land.
- 7.30 Immediately adjacent to the northern boundary of the field – some 80m from the site, is wetland managed by Flintshire County Council as a ‘natural greenspace’. This habitat offers potential terrestrial habitat for newts and other amphibians as well as informal recreation. The development will result in the change of an area of improved

agricultural grassland to residential housing and gardens. There will be no negative effect on the hedgerows surrounding the development and no mature trees will be adversely affected as these features are beyond the development site boundary/outside the site.

- 7.31 Given the above, it is considered that the development will have no significant adverse impact upon the ecological value of the SAC or SSSI directly and that any indirect adverse effects can be adequately mitigated against.
- 7.32 The above proposals will avoid any significant adverse effect on the features and integrity of Deeside & Buckley Newt SAC and SSSI.
- 7.33 In relation to badgers there are no known setts on the development site itself and the development will not result in a significant loss of foraging habitat.
- 7.34 The hedgerows upon the boundaries of the site will be retained and therefore there will be no detrimental impact upon this habitat for bats or breeding birds.
- 7.35 Adequacy of Foul/Surface Drainage and Flood Risk  
Representations have been made to the effect that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of the development. The proposals have been the subject of the consultation with Dwr Cymru Welsh water who advise that in relation to foul drainage that a programme of system improvements are planned and are expected to be completed by April 2013. Accordingly, they request that a Grampian Style condition restricting the occupation of the proposed dwellings to a point not earlier than the 1<sup>st</sup> April 2013. This has been imposed as a condition upon the recommendation. Subject to the imposition of other conditions in respect of the submission, agreement and implementation of detailed drainage schemes, there is no objection to the proposal on drainage grounds.
- 7.36 The site lies outside of any flood zone but consultation has been undertaken with Environment Agency Wales, who accordingly advise that they raise no objection to the development on these grounds.

## **8.00 CONCLUSION**

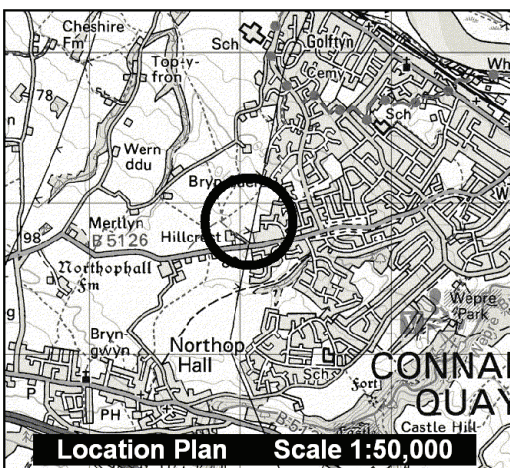
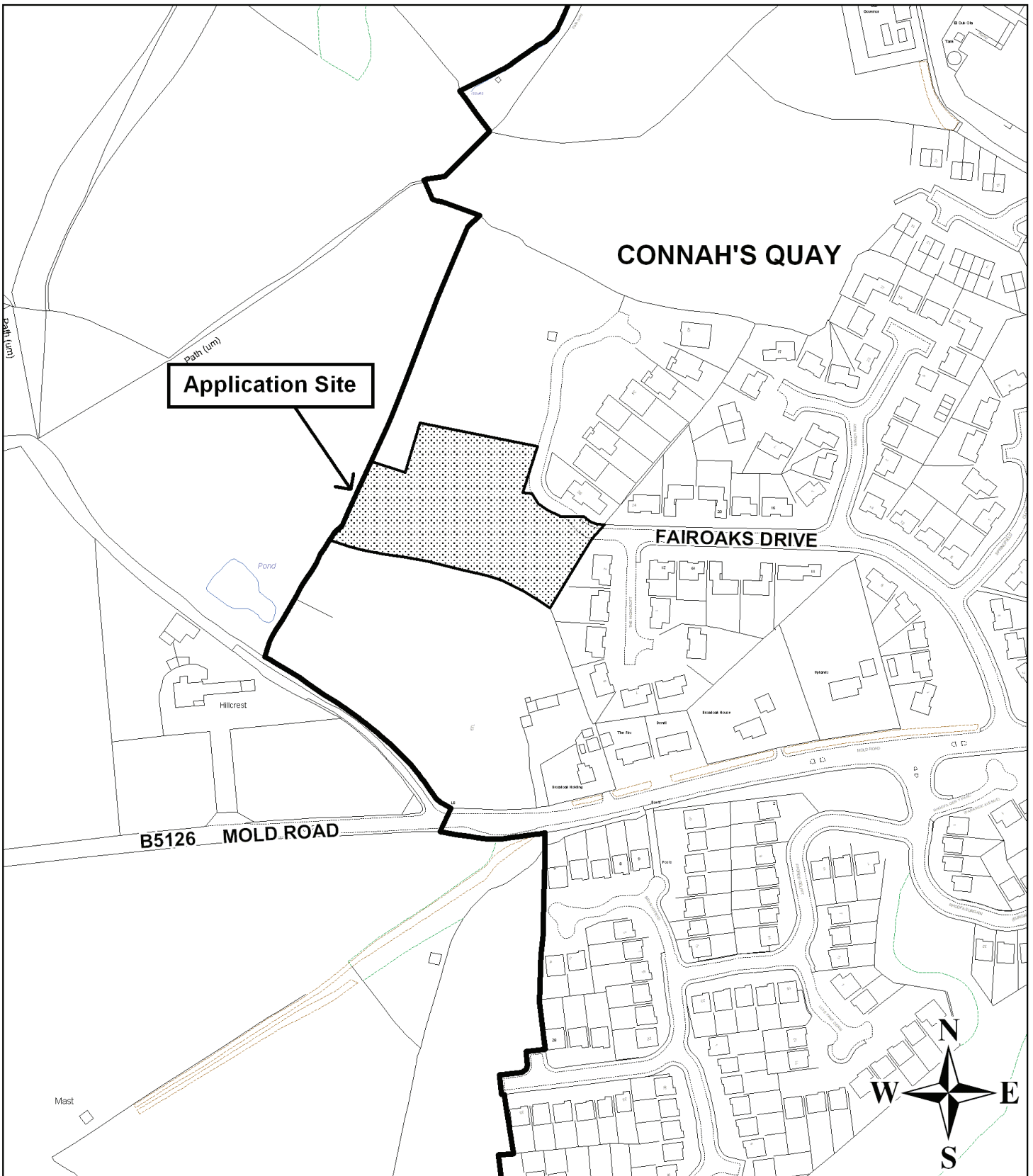
It is considered that the detailed matters of this development are acceptable on this part of the wider housing allocation. I therefore recommend accordingly.

- 8.01 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](mailto:alan.wells@flintshire.gov.uk)

This page is intentionally left blank

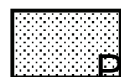


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:2500

OS Map ref SJ 2868

Planning Application **48610**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 12<sup>th</sup> DECEMBER 2012

REPORT BY: HEAD OF PLANNING

SUBJECT: CAR PARK PROVISION, ACCESS ROAD AND STRUCTURES FOR USE IN CONJUNCTION WITH PROPOSED ALLOTMENT FACILITIES

APPLICATION NUMBER: 049765

APPLICANT: HAWARDEN COMMUNITY COUNCIL

SITE: LAND AT UPPER ASTON HALL LANE, HAWARDEN, DEESIDE

APPLICATION VALID DATE: 15/05/2012

LOCAL MEMBERS: COUNCILLOR HELEN BROWN  
COUNCILLOR G HARDCASTLE

COMMUNITY COUNCIL: HAWARDEN COMMUNITY COUNCIL

REASON FOR COMMITTEE: TO ASSESS THE IMPACT OF THE DEVELOPMENT IN RELATION TO ADJOINING DWELLINGS

SITE VISIT: YES

### **1.00 SUMMARY**

1.01 This planning application is for the provision of car parking spaces, access road and structures in connection with use of the site for proposed allotment facilities and community orchard. Planning permission is not required for the allotments, only the parking spaces, road and associated structures.

1.02 The land is owned by Flintshire County Council, which has agreed a 20 year lease to the Community Council from May 2012. The land was a sand and gravel pit, filled many years ago and is now mainly scrub.

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

- 2.01
1. Time limit.
  2. In accordance with plans.
  3. Landscape implementation.
  4. No surface water to connect to public sewerage system.
  5. Land drainage run-off not to discharge to public sewerage system.
  6. Timing of works to avoid bird breeding season.
  7. Submission of reasonable avoidance measures to safeguard reptiles and enhance terrestrial habitat.
  8. No storage of materials other than by prior permission from LPA.

**3.00 CONSULTATIONS**

- 3.01 Local Members  
Councillor G Hardcastle agrees to determination under delegated powers.

Councillor Helen Brown declares an interest as Member of Hawarden Community Council; Chairman of Community and Environment Committee and member of Allotment Holders Working Group.

Hawarden Community Council

No comments as the community council is the applicant.

Head of Assets and Transportation

No observations regarding public footpaths or bridleways. No objection on highway grounds.

Head of Public Protection

No objections

Welsh Water/Dwr Cymru

Recommends conditions.

Environment Agency

Low environmental risk therefore standard advice.

Airbus

No objections.

Countryside Council for Wales

No objections subject to conditions.

**4.00 PUBLICITY**



#### 4.01 Site Notice and Neighbour Notifications

In response to the application objections were received from 10 local residents on the following grounds:

- Green Barrier
- Highway safety and lack of footways
- Additional traffic on busy road
- Security risks for nearby properties
- Fire hazard, especially from bonfires
- Impact on privacy of nearby occupiers; overlooking, overshadowing
- Impact on character and appearance of the area
- Affects on habitats and trees
- Loss of rural area and loss of view over it
- Quality of application
- Processing of the application
- Loss of public rights of way and access
- Probity, claiming relationship between the parties concerned
- Keeping of livestock
- Loss of use of rear garden gates into application site.

4.02 In response to re-consultations on additional information regarding cycle stands, gates, sheds and revised site plan 8 objections were received on the same grounds as above.

4.03 A third consultation exercise was carried out in connection with a revised description of the application to include the 'structures' and to make it clear the application does not include the allotments. 5 objections were received on similar grounds.

#### 5.00 SITE HISTORY

5.01 00/1/00171 – permission granted in March 2000 for environmental improvement works including importation of soil material prior to tree planting as part of further phased development of Ewloe cutting.

This applies to the southern part of the current application site.

5.02 01/1/00884 – permission granted in November 2001 for change of use of existing scrub land to domestic garden at the rear of 53 – 63 Upper Aston Hall Lane.

This applies to land along the south eastern boundary of the current application site. It represents extensions to the rear gardens of those houses fronting Upper Aston Hall Lane. It is on land outside the current application site.

#### 6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan Policies

GEN1 General Requirements for Development  
GEN 3 Development in Open Countryside  
GEN 4 Green Barriers

Planning Policy Wales

TAN 16 Sport Recreation and Open Space

## **7.00 PLANNING APPRAISAL**

### Introduction

- 7.01 This full planning application seeks permission for car parking spaces, access road and structures to be used in association with proposed allotments. The site is located outside the settlements of Ewloe, Hawarden and Aston, in open countryside. It is within the Hawarden – Mancot Green Barrier. The site lies to the west of Upper Aston Hall Lane. It is to the rear of 6 houses at numbers 53–63 Upper Aston Hall Lane and rear of 12 & 14 The Ridgeway.

### Site Description

- 7.02 The application site amounts to 0.35 ha (0.86 acre) of undulating vacant land which could be described as scrub. It forms part of a larger area of unused land, including a disused railway line. There is an existing access, with dropped kerb, between numbers 51 & 53 Upper Aston Hall Lane. This has an overhead barrier and locked gate.

### Proposed Development

- 7.03 The application is made by Hawarden Community Council and is accompanied by a Design and Access Statement; photographs; details of the Sheffield cycle stands, sheds and gates; Specification for Access, Car Parking and Ancillary Works; and Habitat and Protected Species Assessment. The proposal includes:
1. Alteration to the access road to provide a 5.5m wide carriageway, surfaced in tarmac.
  2. Pedestrian and vehicle gates across the access road, to provide security.
  3. 11 parking spaces including 2 disabled spaces.
  4. 3 Sheffield cycle stands.
  5. 18 timber sheds, in two rows of 9.
  6. Pedestrian gate between the timber sheds providing access to the allotments.
  7. 1.5m wide footpath from site entrance through site, adjacent to orchard.

- 7.04 The supporting information says Hawarden Community Council has established a need for allotments. There are over 40 potential members of an allotment committee, actively seeking grant aid to further the setting up of the allotments and community orchard.
- 7.05 Edible hedges will be planted along the north western and south eastern sides of the application site, together with a 1.2m high plastic coated chain link fence inside the newly planted hedge. These will secure the allotments from stray animals and protect produce. The existing height restriction barrier across the entrance will be removed. There will be a small amount of cut and fill (to a maximum of about 1.5m) in the area of the proposed access drive and parking, to provide a level surface.
- 7.06 Although not part of the application, for completeness it is appropriate to mention that the size of each allotment will be determined by community needs ranging from 130sq.m. to about 40sq.m. A community orchard will be planted on land south of the access road.
- 7.07 The site of the proposed allotments is located on land adjacent to an historical landfill site and the extent of the wastes disposed is not known. Therefore the Head of Public Protection requested an investigation to identify the nature and extent of contamination and to assess potential risks to human health. The Land Contamination Assessment concluded that there are no contamination risks and the Head of Public Protection confirms the situation to be satisfactory. Again, this does not form part of the application as it relates to the allotments.

#### Policies and Principles

- 7.07 The main issues in consideration of this proposal are the impact of the development on residential amenity; the impact on the character and appearance of the open countryside; whether it is appropriate development in the Green Barrier and the highway situation. These issues are covered by UDP policies GEN1, GEN3 and GEN4.
- 7.08 The proposal complies with Policy GEN1 'General Requirements for Development' because the siting, scale, design, layout, use of space, materials and landscaping would fit in with the site and surroundings. Access to the proposed development is via an existing vehicular access, between houses fronting the main road. The proposed access road would lead straight between the houses to the car park. The cycle stands would be adjacent to the car park. The sheds would be along one side of the car park. Additional planting is proposed, plus boundary fencing.
- 7.08 The design and layout of the development takes account of personal and community safety through the segregation of pedestrians and vehicles through the site. Additional gates help security of the site.

- 7.09 The Habitat and Protected Species Assessment does not raise any issues in terms of the proposals having adverse impacts on the natural environment and this is confirmed by the Countryside Commission for Wales.
- 7.10 Although local residents are concerned about the proposals, the development would not have a significant adverse impact on their safety or amenity. There will be an increase in the use of the land through it being developed for allotments and the associated comings and goings of the holders. However 11 car parking spaces are unlikely to generate significant volumes of traffic to cause undue noise and disturbance, especially as use is limited to between dawn and dusk.
- 7.11 The proposals provide appropriate, safe and convenient access for pedestrians, cyclists, persons with disabilities and the parking spaces are suitably located. The traffic likely to be generated is capable of being accommodated within the existing highway network and no objection is raised by the Head of Assets and Transportation.
- 7.12 The site is on the edge of Hawarden which is well served by public transport, pedestrian and cycling routes and is therefore sustainable.
- 7.13 There are no drainage, land stability, contamination or flooding issues.
- 7.14 The proposal complies with Policy GEN 3 'Development in the Open Countryside' because it is related to the leisure and recreational use of the land for allotments and there will be no material adverse impact on the social, natural or built environment. It is a development which is appropriate to the open countryside.
- 7.15 The proposal complies with Policy GEN 4 Green Barriers as it will not unacceptably harm the open character and appearance of the green barrier. The proposal would not contribute to the coalescence of settlements. The site is naturally well screened from the road due to differences in levels and substantial landscaping. Existing trees and hedges would remain.
- 7.16 TAN16 says allotments are important green spaces in urban and rural areas, and their cultivation can contribute to sustainability, provide opportunities for leisure, exercise and healthy food, improve biodiversity and encourage interaction between different groups in the community. In accordance with the provisions of the Smallholdings and Allotments Act 1908, local authorities and town and community councils are under an obligation to provide sufficient plots for residents where they believe there is a demand for allotments. Authorities should ensure that statutory allotments within their areas are properly protected, promoted and managed and are sufficient to meet the demands of local residents wishing to cultivate them. In

particular, all such sites should include a suitable element of wildlife habitat. The importance of combined allotment/compost/wildlife sites is likely to increase, particularly where the density of residential development rises.

### Visual Impacts

- 7.17 The site comprises undulating ground with a general fall in levels towards the north and north west. The entrance and access drive will be visible from Upper Aston Hall Lane. The proposed development will be visible from the backs of dwellings fronting Upper Aston Hall Lane and from The Ridgeway. It is considered that the proposed development will not have a materially adverse impact on the visual amenities of the area, especially with the introduction of additional hedges.

### Residential Impacts

- 7.18 Concerns are raised by some local residents about the impact of the proposed development on their residential amenities, particularly in relation to noise, disturbance and intrusion on privacy. The proposed access road will be used by cars, pedestrians and cyclists gaining access to the proposed allotments. This route will be open from dawn until dusk. It is unlikely that the volume of traffic will be sufficient to materially adversely impact on the amenity of adjacent residents.
- 7.19 The distance between the nearest house on Upper Aston Hall Lane and the proposed timber sheds is approximately 12metres. The rear boundaries of the houses on Upper Aston Hall Lane are marked by close boarded timber fencing approximately 1.8 m high. It is considered that the use of the sheds in connection with the allotments will not materially adversely affect the amenities currently enjoyed by nearby residents. Some residents have objected on grounds of security, impact on privacy, keeping of livestock, and loss of use of rear garden gates into application site. These are not planning matters.

### Highway Issues

- 7.20 Some local residents have raised issues of the increase in traffic, highway safety and lack of footways on Upper Aston Hall Lane. These matters have been taken into consideration and no objections are raised by the Head of Assets and Transportation.

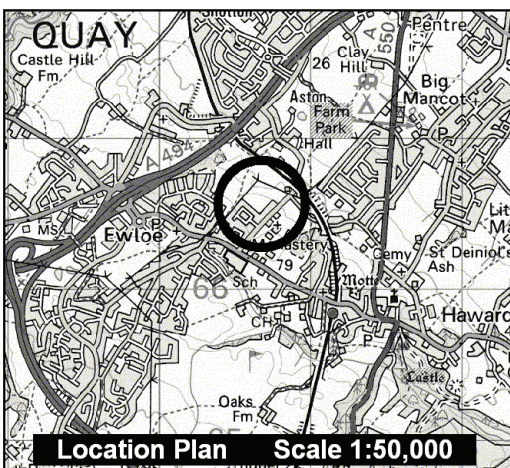
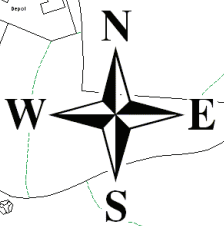
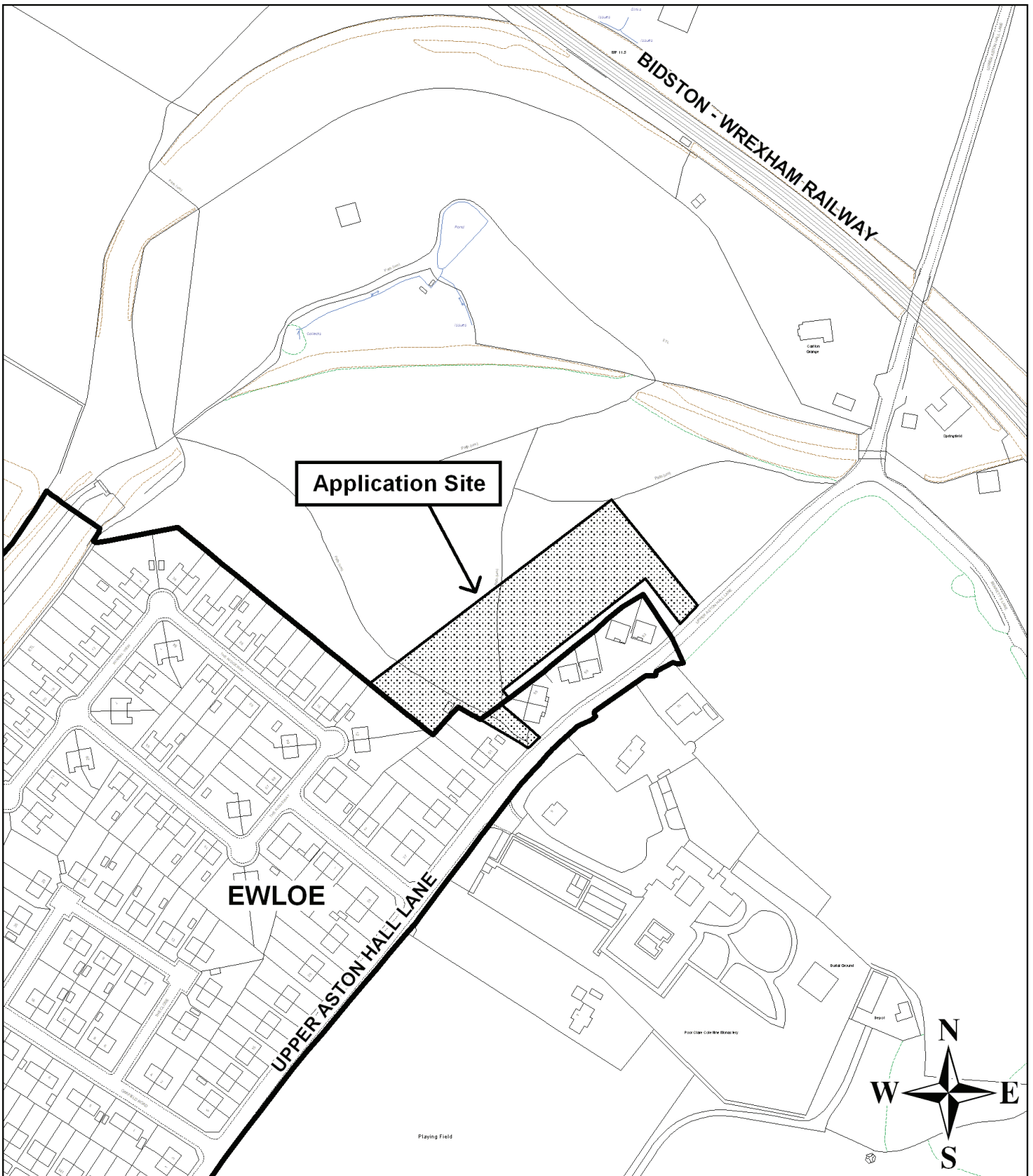
## **8.00 CONCLUSION**

- 8.01 The proposed development is considered acceptable in principle and detail and is recommended for permission subject to conditions.

In considering this planning application the Council has acted in

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

**Contact Officer:** Miss S Cunliffe  
**Telephone:** 01352 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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:2500

OS Map ref SJ 3066

Planning Application 49765

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

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

**SUBJECT:** **OUTLINE APPLICATION - ERECTION OF 12NO. DWELLINGS INCLUDING DEMOLITION OF EXISTING OUTBUILDINGS AND CREATION OF A NEW ACCESS AT "BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NR. CHESTER, FLINTSHIRE**

**APPLICATION NUMBER:** **050003**

**APPLICANT:** **HOLTS CONSERVATORIES LTD**

**SITE:** **"BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NR. CHESTER, FLINTSHIRE**

**APPLICATION VALID DATE:** **30.07.2012**

**LOCAL MEMBERS:** **COUNCILLOR P. LIGHTFOOT**

**TOWN/COMMUNITY COUNCIL:** **HIGHER KINNERTON COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

**SITE VISIT:** **YES (AT REQUEST OF CHAIRMAN OF PLANNING AND DEVELOPMENT CONTROL COMMITTEE)**

### **1.00 SUMMARY**

1.01 This outline application proposes the demolition of existing buildings and redevelopment by the erection of 12 No. dwellings on land off Bank Farm, Lower Mountain Road, Penyffordd. The proposed access forms part of this application with matters relating to appearance, landscaping, layout and scale reserved for subsequent approval.

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

2.01 1. The proposed development is located in the open countryside outside the settlement boundary of Penyffordd as defined in the

adopted Flintshire Unitary Development Plan. In such locations new residential development will only be permitted if it can be established by the Local Planning Authority that the dwelling(s) is/are essential to house farm/forestry workers or other key business workers who must live on the site rather than in a nearby settlement. No special circumstances have been advanced in this instance and the development would therefore be contrary to Policies STR1, GEN1, GEN3 and HSG4 of the adopted Flintshire Unitary Development Plan.

2. The majority of the site does not fall properly within the definition of 'previously developed land' as contained within Planning Policy Wales Edition 5 – November 2012, and the proposal would not result in a sustainable pattern of development relative to the village of Penyffordd. Accordingly, the development would be contrary to Planning Policy Wales Edition 5 November 2012 and Policies GEN1, GEN3 and HSG4 of the adopted Flintshire Unitary Development Plan.
3. The proposed scale, form and layout of the development would represent an inappropriate modern urban development within the open countryside which would be detrimental to the sites existing rural character. This would be contrary to Policies STR4, GEN1, GEN3, D1 and D2 of the adopted Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

3.01 Local Member:  
Councillor P. Lightfoot  
No response at time of preparing report.

Higher Kinnerton Community Council  
No response at time of preparing report.

In view of the proximity of the site to the adjoining communities of Penyffordd and Penymynydd, consultation has also been undertaken with the local members and Community Council for this area.

Councillor Mrs C. Hinds  
Requests planning committee determination. Preliminary view is that because there is already a commitment for approximately 320 dwellings within Penyffordd, proposal will lead to overdevelopment within the community. Residential development on the site has also previously been refused by residents, community council, local Members, Flintshire County Council and the Welsh Assembly Government.

Councillor D. T. Williams

Requests planning committee determination given concerns that:

- the site is outside the settlement boundary of both Kinnerton and Penyffordd
- the site does not fall within the definition of a 'brownfield site' and a previous application for a residential development was dismissed on appeal
- additional residential development would place increased pressure on services within Penyffordd which has been the subject of a 35% increase in growth since publication of the UDP
- the development would not maintain the character of this open countryside location
- the proposal would result in the loss of traditional farm buildings where there is potential for conversion to residential use.

Penyffordd Community Council

The Council opposes the application as it constitutes development in the countryside, contrary to Flintshire County Council Policy as it is outside of the Unitary Development Plan.

Head of Assets and Transportation

Following the receipt of amended plans there is no objection to the proposed access points to serve the development off Lower Mountain Road and Barracks Lane. Requests that any permission be subject to the imposition of conditions relating to the formation of satisfactory accesses, detailed design of internal estate roads and that the proposed footpath link between the site and Penyffordd is completed prior to the commencement of any other site works.

Countryside Council for Wales

No objection

Dwr Cymru/Welsh Water

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

Environment Agency

No response received at time of preparing report.

Airbus

No aerodrome safeguarding objection to the proposal.

Public Open Spaces Manager

Recommends that any permission be subject to a commuted sum payment of £1100 per dwelling in lieu of on-site public open space.

### Head of Public Protection

No objection in principle subject to the imposition of a condition requiring land contamination survey given sites usage as former farm complex.

## **4.00 PUBLICITY**

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

6 letters of support the main points of which are that the proposal will:

- Improve the visual appearance of the site which is in a poor physical condition.
- Provide new houses which will meet a growing need and be beneficial to the community.

1 letter received which, whilst not objecting to the principle of improving the visual appearance of the site states that:-

- The site should be used for light commercial use and there has been no attempt to implement a previous consent for this use since permission was previously granted.
- If permission were to be granted then the number of dwellings should be reduced from 12 to 8.

## **5.00 SITE HISTORY**

### **5.01 048780**

Change of use of agricultural buildings to light industrial use.  
Permitted 06.01.2012

### **040627**

Certificate of lawfulness – residential, retail and associated storage.  
Refused 14.02.06

### **038067**

Outline, Demolition of existing buildings and erection of new dwellings.  
Application called in by Welsh Government and refused 13.10.05

### **00/00733**

Outline, Erection of 12 No. detached dwellings. Refused 05.09.00

### **4/2/14925**

Change of use of piggery to boarding kennels and cattery. Withdrawn  
06.02.90

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan Policy STR1 – New Development**

Policy STR 2 – Transport and Communications  
Policy STR 4 - Housing  
Policy STR 7 – Natural Environment  
Policy STR 8 – Built Environment  
Policy GEN1 – General Requirements for Development  
Policy STR10 – Resources  
Policy GEN3 – Development in the Open Countryside  
Policy D1 – Design Quality, Location and Layout  
Policy D2 – Design  
Policy L1 – Landscape Character  
Policy WB1 – Species Protection  
Policy AC13 – Access and Traffic Impact  
Policy AC18 – Parking Provision and New Development  
Policy HSG4 – New Dwellings Outside Settlement Boundaries

**ADDITIONAL GUIDANCE**

Planning Policy Wales Edition 5 – November 2012

**7.00 PLANNING APPRAISAL**

7.01 **Introduction**

This outline application proposes the demolition of all the existing buildings and the redevelopment of the site by the erection of 12No. dwellings on land at Bank Farm, Lower Mountain Road, Penyffordd.

7.02 **Site Description**

The site which is approximately 0.9 hectares in area, is located on the south eastern side of Chester Road, at its junction with Barracks Lane and Lower Mountain Road, approximately 0.5km to the east of Penyffordd.

7.03 The site accommodates a redundant farm dwelling with associated buildings in various states of repair. These buildings comprise a mix of older brick/timber frame outbuildings and more modern buildings constructed of breeze block and corrugated sheeting external walls.

7.04 The site is bounded to the north by a mature and well established hedgerow, which also exists in part to the southerly end of the western site boundary with the remainder formed by the flank wall of one of the buildings. The demarcation of boundaries to the south and east is by way of a 1.2m high post and wire fence. The area surrounding the site is predominantly agricultural, although there are a number of scattered residential properties.

7.05 **Proposed Development**

The plans submitted as part of this application propose the demolition of all the existing buildings on site and redevelopment by the erection of a total of 12 No. dwellings.

7.06 Although submitted in outline form, an indicative site layout with

accompanying elevational details has been provided illustrating the erection of 4 different two-storey house types some 8.6 - 9.4 metres in height, a number of which are proposed to be sited around a central courtyard.

7.07 **Background History**

For Members information there is a very significant planning history relating to residential development at this location, which is referred to in paragraph 5.00 of this report.

7.08 In summary an outline planning application for the erection of 12 No. dwellings was refused in September 2000 (Code No. 00/00733). This application was refused for the following reasons:-

1. In the opinion of the Local Planning Authority the proposal is contrary to Policy H6 of the Alyn and Deeside Local Plan, Policies B5, B8 of the Clwyd County Structure Plan First Alteration and Policies HSG5, HSG7 of the Structure Plan Second Alteration: Flintshire edition. The site lies outside the settlement boundary in an area where there is a general presumption against allowing new dwellings. The applicant has provided insufficient justification as to why the application should be approved contrary to these policies.
2. The proposal represents non-essential development in the open countryside which will be detrimental to the character and appearance of the locality. As such the development is contrary to Policy H3 of the Clwyd County Structure Plan First alteration and Policy CONS5 of the Structure Plan Second Alteration: Flintshire edition.
3. The proposal if allowed could set an undesirable precedent for similar development in the open countryside which the Local Planning Authority would find difficult to resist. The result of this would adversely affect the character and amenities of the area and undermine the settlement and landscape policies of the Alyn and Deeside Local Plan, the Clwyd County Structure Plan First Alteration and the Structure Plan Second Alteration: Flintshire edition.

7.09 A subsequent outline application for the demolition of existing buildings and the erection of new dwellings at this location was called in for determination by the Welsh Assembly Government (Code No. 038067). Following its consideration by the Inspector, permission was refused on 13<sup>th</sup> October 2005 by the Assembly's Planning Decision Committee. The Committee agreed with the Inspector that there was no policy basis on which to support residential development at the site. This was addressed in paragraph 32 of the Inspectors report as follows:

32

“Although part of the site might have been used for farm sales in the past, it remains agricultural in its past function and its current appearance. As defined in Figure 2.1 of PPW, previously developed land “is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure”. Although the PPW definition specifically excludes “land and buildings currently in use for agricultural or forestry purposes” (my underlining), this must also exclude land and buildings last used for agricultural purposes, even where they are now redundant. To conclude otherwise would be likely to have serious implications for the development of rural farmyards throughout the Welsh countryside”.

- 7.10 The Inspector went on to address the credentials of the proposals in relation to sustainability and the open countryside location in paragraphs 33 and 34.

33

“The application site is well outside recognised settlement boundaries and the development would not have good access to jobs or public and other services. Consequently, the proposed development would not meet PPW priorities for rural areas, which aim to secure sustainable rural communities with access to high quality public services. The occupants of the proposed dwellings would be largely dependant on the private car, rather than other transport modes, for access to normal daily activities and accordingly, the development of this site would fail to promote a sustainable pattern of development.”

34

“The thrust of all these policies of the approved and emerging development plan is in line with government guidance in PPW intended to protect and conserve the open countryside and to ensure that new housing is compatible with sustainability objectives. The site does not meet the definition of brownfield land, and as there are no other special circumstances advanced in support of the proposed residential development, it would therefore be contrary to the force of the relevant policies in the development plan for this locality”.

- 7.11 The Assembly’s Planning Decision Committee agreed with this analysis in its decision letter.

6. The Planning Decision Committee agree with the Inspector that there are no other special circumstances advanced in favour of the development which would outweigh the national and local policy objections to the proposal. They also agree with him that the proposal would have a detrimental impact on the landscape and be unsustainable in environmental terms”.

7.12 In addition to the above, a representation was submitted during the Unitary Development Plan Deposit Consultation Stage objecting to the content of the plan. The representation sought a change to the plan whereby land at Bank Farm was allocated for residential development under Policy HSG1. The representation was pursued through to public inquiry and was considered by the Inspector by way of written representation. The Inspector concluded in her report dated May 2009 that:

“The site is some distance away from the settlement boundary and is set in open countryside. Not all brownfield sites will necessarily be suitable for development. Development on this site would appear as an isolated group of dwellings in the countryside, poorly related to the existing settlement pattern. Furthermore, since this site is well outside the settlement it would not accord with the sequential search for the allocation of sites. Having considered all the submissions made I conclude the site should not be allocated”.

7.13 The most recent history at this location relates to a proposal for the retention of the existing farmhouse in residential use and the change of use of 8 buildings on site to light industrial use. This was permitted on 6<sup>th</sup> January 2012, subject to a number of conditions one of which required the identification of a residential curtilage for the dwelling. No development has commenced in accordance with the permission obtained.

7.14 **Relevance of Site History**

A central issue in determining the current application is whether there has been a material change in planning policy and/or in any other material planning considerations since the decisions were taken previously to refuse planning permission for residential development at the site, and not to allocate the site in the UDP for use for residential development.

7.15 The applicants case through its agent is that there are material changes in circumstances as set out below:-

- Structure and Local Plans previously referred to by the Assembly’s Planning Decisions Committee are no longer Development Plan documents
- As the UDP is now adopted, the weight to be given to the policies has increased
- A revised version of Planning Policy Wales has been published since the decision by the Assembly which places considerable emphasis on the redevelopment of brownfield sites and reducing the length of car journeys
- The site has an extant permission for light industrial use and should be treated as brownfield land



- The Council's 5 years of housing land supply relies on greenfield land contrary to the aims of PPW
- The current scheme proposes 12 dwellings as compared to the previous proposal for 20 dwellings submitted under Code No. 038067
- The scheme has been designed to resemble a range of converted farm buildings to address concerns that the previously submitted scheme resembled a 'modern housing estate'.
- The site is now sustainable following the creation of bus stops outside the site and the intention is to create a footpath link to Penyffordd.

In support of this stance the applicant's agent has submitted additional information re-iterating the view that the site should be treated as previously developed land and drawing attention to a case in an adjoining authority where a site located some distance outside a settlement boundary had been granted permission for residential development. Having looked at this in detail, I do not consider that the circumstances are comparable in terms of its location and previous use and therefore I do not find the comparison helpful when considering this application.

#### 7.16 **Main Planning Issues**

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

- (a) Principle of development having regard to the planning history and the current policy in respect of previously developed land (PDL) (also referred to as 'brownfield' land)**
- (b) Sustainability of development given the site's location outside any recognised settlement boundary.**
- (c) Scale/form of development proposed**
- (d) Acceptability of highways and access to serve the development**
- (e) Impact on ecology**

#### 7.17 **Principle of Development**

The definition of previously developed land (PDL) also known as 'brownfield land', is contained within Fig 4.3 of Planning Policy Wales (PPW) Edition 5 – November 2012 where it states:-

*"Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures".*

*Excluded from the definition are:*

- *Land and buildings currently in use for agricultural or forestry purposes.*
- *Land in built up areas which has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;*
- *Land where the remains of any structure or activity have blended into the landscape over time so that they can reasonable be considered part of the natural surroundings;*
- *Previously developed land the nature conservation value of which could outweigh the re-use of the site; and*
- *Previously developed land subsequently put to an amenity use.*

### Notes

1. *The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously-developed. However this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as a hospital) the whole site should not normally be developed to the boundary of the curtilage. The Local Planning Authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. They should consider such factors as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas.*
2. *This relates to minerals and waste sites which would otherwise remain unrestored after use because the planning permission allowing them did not include a restoration condition. All other such sites will be restored to Greenfield status, by virtue of the planning condition.*

7.18 In addressing this first issue, i.e. - the principle of development, Members will note that there is an apparent tension between the first sentence of the definition in Figure 4.3 which makes no reference to agricultural buildings having to be 'currently in use' for that purpose and the first bullet point in the list of specific exclusions which suggests to the contrary. It will be noted that the Inspector in his report to the Assembly's Planning Decision Committee in 2005, sought to resolve this tension by giving greater weight to the absence of any reference to the need for a current agricultural use in the first sentence of the definition.

7.19 This approach is acknowledged but in order to determine this current

application it is considered that it is necessary to consider this issue in more detail. For this reason, independent legal advice has been sought on the interpretation of PDL, particularly in relation to the circumstances of this application.

- 7.20 On the basis of this advice, it is my firm view that the land occupied by the dwellinghouse and its curtilage does constitute PDL as it meets the definition contained in Figure 4.3. I therefore consider that the Assembly erred in failing to make this distinction between the residential part of the site and that in former agricultural use.
- 7.21 It is also considered that it is important to approach the definition of PDL in its proper context. It would be illogical if land occupied by agricultural buildings, never used for any purpose other than agriculture, would suddenly become 'previously developed land' when the building became redundant, even though it would not have been viewed as 'previously developed' up to that point. On this basis I agree with the Assembly's conclusion in 2005, that land occupied by buildings previously used for agricultural purposes but which have not been put to any other use since then, should not be regarded as PDL. Accordingly, I conclude that the proper analysis is that whilst the dwellinghouse and its curtilage is to be regarded as PDL, the remainder of the application site (and therefore the majority of the site) is not PDL.
- 7.22 The applicant's agent considers that the site in its entirety should be classified as PDL, given that it currently has an extant permission issued under Code No. 048780 on 6<sup>th</sup> January 2012 for light industrial use.
- 7.23 Whilst the case advanced is duly noted, I wish to advise members that:-
- i) the permission obtained under Code No. 048780 relates to the conversion of existing buildings on site for light industrial purposes which is consistent with PPW and in accordance with Policy RE4 of the Unitary Development Plan.
  - ii) the permission obtained under Code No. 048780 has not been implemented. It is considered that this permission for light industrial purposes does not in itself render any part of the site to be PDL that did not have the status before then. I consider that what is relevant is what has happened on the site in the past – whether the land has been 'previously developed' – not whether it is developable in accordance with an extant permission.
- 7.24 If the light industrial permission were implemented, it is acknowledged that this would constitute 'development' of the redundant agricultural buildings by way of a material change of use. The land occupied by those buildings would then be PDL, thereby rendering the site in its entirety PDL from that point onwards.

7.25 The applicant's agent questions the need for having to 'artificially' implement the permission issued under Code No. 048780 before the whole site can be considered PDL. However, irrespective of any planning permission granted, a site has either been developed or it has not and the established policy is that new housing should be directed wherever possible towards PDL. (PPW paragraph 4.9.1). It remains therefore that there is a distinction in PPW between PDL and 'developable sites'.

7.26 However, even if any part of my analysis of whether the site is PDL or not is incorrect, I do not consider that the assessment of the planning merits ultimately turns on this as I consider that the proposal is also unacceptable for other reasons, any of which would be sufficient, in my judgement, to warrant the refusal of permission.

7.27 **Sustainability / Locational Factors**

Even if the site were to be considered to represent PDL the Welsh Government advises in paragraph 4.8.1 of PPW as follows:-

'The Welsh Government recognises that not all previously developed land is suitable for development. This may be for example because of its location, the presence of protected species, valuable habitat, industrial heritage or because it is highly contaminated.'

7.28 When considering the application submitted under Code No. 038067, the Assembly's Planning Decisions Committee said:

"In environmental terms, the residents would be forced to rely on the private car for access to the nearest locations of employment, education, retail, medical and other facilities. Consequently, the development would be in an unsustainable location, it would make further demands on the utilities and rural services, and the travel patterns of the residents would be unacceptable in terms of increased car borne travel.

7.29 The UDP Inspector also considered the sustainability of the site, and was of the view that it was unacceptable in locational terms for the reasons referred to in paragraph 7.10 of this report.

7.30 Whilst the applicant's agent considers that circumstances have changed in the intervening period with the creation of new bus stops outside the application site and the proposal as part of this application to create a footpath link to Penyffordd, these must be assessed in the context of paragraph 9.3.1 of PPW which advises that:

"New housing developments should be well integrated and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern."

- 7.31 I remain of the view that granting planning permission for residential development at this location would result in built development in the open countryside in a manner poorly related to the form and pattern of existing development. Notwithstanding the creation of the bus stops, it is considered to be an unsustainable location as highlighted in part by the need to construct a footpath to link the development to the village of Penyffordd.
- 7.32 Letters of support for the application make reference to the provision of new houses which will meet a growing need and be beneficial to the community. In adopting the UDP the Council has embraced the Welsh Governments preference for a 'plan-led' approach whereby new housing development is identified by way of a clear spatial strategy which directs growth to sustainable settlements in line with PPW. The settlement of Penyffordd/Penymynydd has a combined growth rate of 29.3%, largely accounted for by the housing allocations at the White Lion site and Wood lane Farm, the latter of which is under construction. The settlement is therefore meeting a local need for housing and in this broader spatial context, there is no justification for seeking to provide additional housing in open countryside locations.
- 7.33 **Scale / Form of Development**  
Although submitted in outline form an indicative site layout / elevational details have been submitted as part of the application to illustrate the proposed development of 12 No. dwellings at this location.
- 7.34 The applicant's agent has advised that the scheme has been designed taking into account the concerns expressed by the Assembly's Planning Decisions Committee that the previous proposal resembled a 'modern housing estate'.
- 7.35 The Design and Access Statement submitted as part of the application describes the scale and design of the proposed group of 12 dwellings as being similar to a group of farm houses and farm courtyards. The main concern with this approach however is that the character of traditional farm houses and outbuildings is based on a clear visual and functional primacy of a single farmhouse in relation to its ancillary buildings and land.
- 7.36 The house designs show a great deal of complexity in terms of varying sizes and height, roof pitches and intersecting gables to break up their massing. It is considered that farm buildings usually display more simplistic linear vernacular forms of development.
- 7.37 Accordingly, it is considered that the scale/form/design and layout of the residential development proposed would still have the character of a modern housing layout which would be detrimental to its

surrounding rural character. In this context, it is important to distinguish between this proposal and the extant light industrial permission which involved the change of use of the existing buildings. This is covered in Reason for Refusal No. 3 in my recommendation.

7.38 **Highways and Access**

Consultation on the application has been undertaken with the Head of Assets and Transportation in order to assess the suitability of the highway network, site access and layout to serve the scale of the development proposed.

7.39 Amended plans have been submitted to seek to address concerns initially raised regarding the precise means of access into the site. It has been confirmed by the applicant's agent that the main access to serve the development is proposed from Lower Mountain Road with the internal road layout serving units 1–6 being made up to adoptable standards and units 7-11 being served by a private drive arrangement. It is also proposed that unit 12 be served off its own private driveway onto Barracks Lane. There is no objection to the position of the proposed access points from a highway perspective subject to the imposition of conditions relating to their construction to serve residential development and the internal estate roads. In addition it is recommended that the proposed footpath link between the site and Penyffordd is completed prior to the commencement of any other site works.

7.40 **Ecology**

The application site has been the subject of an ecological survey to assess the impact of development on any protected species which may be present. The Countryside Council for Wales have confirmed that the survey has been undertaken to a satisfactory standard and it is considered that the proposal would not have a detrimental impact on any protected species which may be present.

**8.00 CONCLUSION**

8.01 In conclusion, it is my view that there has been no material change in circumstances or Welsh Government Policy since both the previous application for residential development and the request for the land to be released for residential development as part of the Unitary Development Plan were considered by the Welsh Government. The definition of previously developed land, as contained within Planning Policy Wales (PPW) has remained unchanged in the intervening period. I also consider that irrespective of whether the site in question is classified as a previously developed site, and if so to what extent, the proposal does not meet the requirements of planning policy in locational terms as it is not in a sustainable location and would lead to a fragmented form of development relative to the village of Penyffordd. My recommendation is therefore for permission to be refused for the

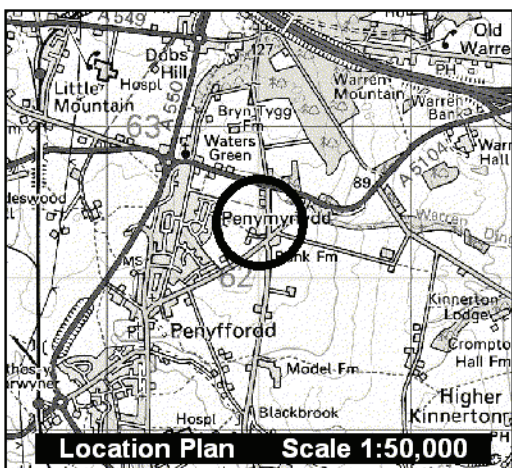
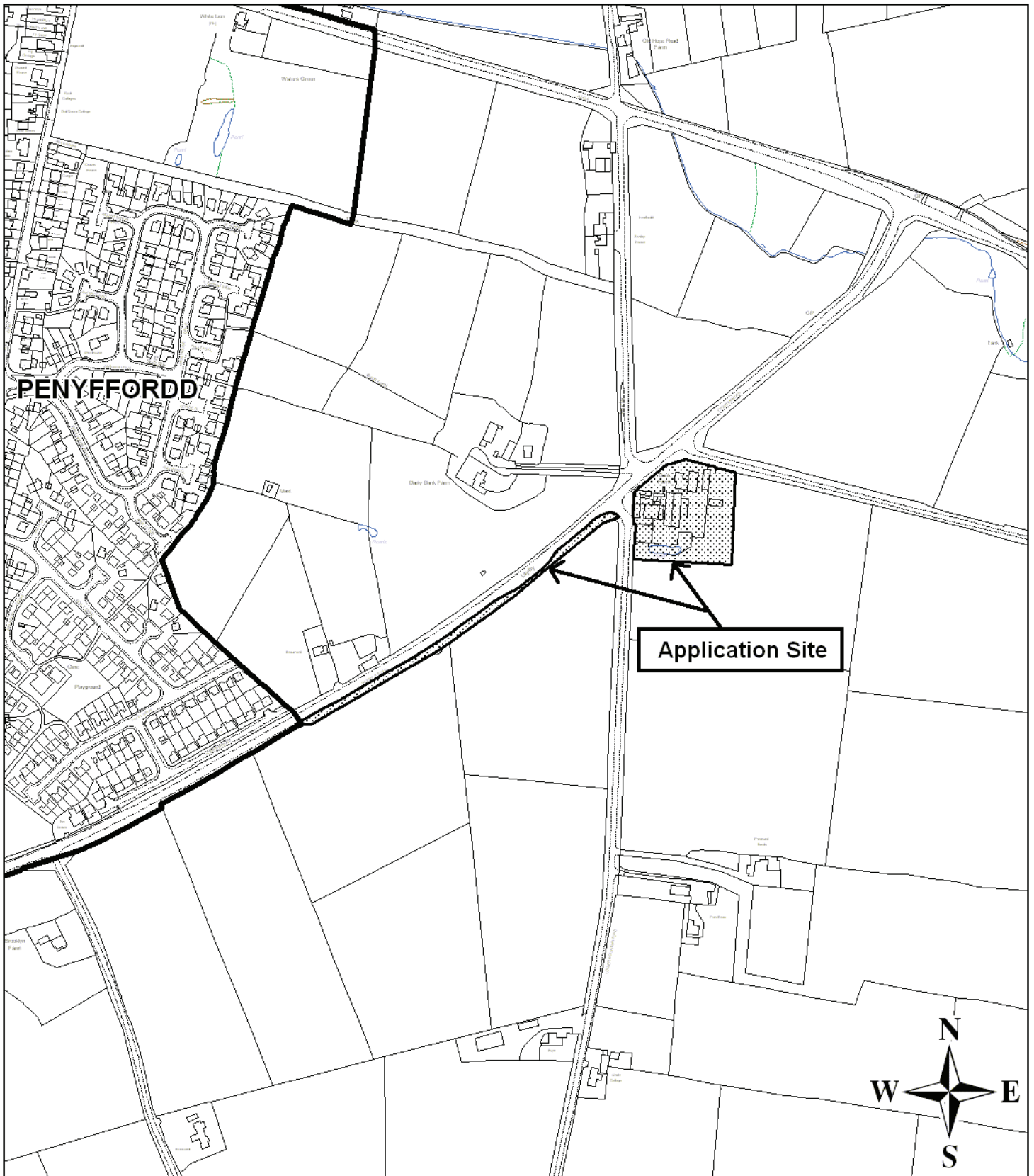
reasons advanced.

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

**Contact Officer:** Robert M. Harris  
**Telephone:** 01352 703269  
**Email:** robert.m.harris@flintshire.gov.uk

This page is intentionally left blank



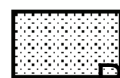


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
Licence number: 100023386,  
Flintshire County Council, 2012.

Map Scale 1:5000

OS Map ref SJ 3162

Planning Application **50003**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 DECEMBER 2012**

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

**SUBJECT:** **OUTLINE - ERECTION OF A DETACHED BUNGALOW AT "BELMONT", SOUTH STREET, CAERWYS, MOLD**

**APPLICATION NUMBER:** **050169**

**APPLICANT:** **MR C MAGGS**

**SITE:** **LAND TO THE REAR OF BELMONT ,SOUTH STREET, CAERWYS, MOLD CH7 5AL**

**APPLICATION VALID DATE:** **28 SEPTEMBER 2012**

**LOCAL MEMBERS:** **COUNCILLOR J E FALSHAW**

**TOWN/COMMUNITY COUNCIL:** **CAERWYS TOWN COUNCIL**

**REASON FOR COMMITTEE:** **REQUEST FOR REFERRAL TO COMMITTEE BY CLLR J E FALSHAW**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This outline application seeks planning permission for the erection of a detached bungalow.

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

#### **Reasons:**

1. The proposed development by virtue of its scale and massing in conjunction with the limited plot depth will lead to a cramped

form of development, out of character with the surrounding spacious form of plots, resulting in over development of the site which does not preserve or enhance the character and appearance of the Caerwys conservation area, contrary to policies GEN1, GEN2, D1 and HE1.

2. The UDP identifies the housing requirements for Caerwys and the applicant has not submitted sufficient information regarding local housing need to allow the proposal to be considered under Policy HSG 3.
3. The application contains insufficient information upon which to consider the impact of development upon subsurface archaeology that is anticipated to have survived on the plot and as such the proposal is considered to be contrary to policies HE7 and HE8.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Cllr J E Falshaw**

Requests committee referral and committee site visit, as the proposal is to build a small bungalow to the rear of Belmont, size of plot and past usage.

#### **Caerwys Town Council**

The area of land allocated is such that it may not be able to make adequate provision for a dwelling and therefore may be contrary to policy on density of development.

The development should allow for adequate off road parking and garden as referred to in LPG Note No2 Space Around Dwellings. The site history should be investigated as there is no local knowledge of any business being given planning consent to operate at this location, as stated in the Design and Access Statement.

#### **Head of Assets and Transportation**

Raises no objection as there appear to be two points of access serving the rear of the property, one of which can serve the proposed dwelling.

Request conditions with regards to setting the building line back 2.5m back from the carriage way channel, any proposed boundaries being less than 1m in height and facilities being provided and retained within the site for the parking of vehicles with both the existing and proposed property and these being completed prior to the development being brought in to use.

#### **Head of Public Protection**

Pollution - confirm no adverse comments to make regarding this proposal.

Clwyd Powys Archaeological Trust

Information retained within the Historic Environment Record indicates that the proposal will be located within the medieval historic core of Caerwys. The plot lies within the long burgage plot of Belmont and on similar plots along North Street medieval and post medieval domestic and industrial archaeology has been found during pre-determination evaluation work and it is anticipated that sub surface archaeology will have survived on the plot to the rear of Belmont. There is insufficient information to be able to determine the application, and therefore recommend that a pre-determination archaeological evaluation be completed to supply this information and allow subsequent discussion on mitigation.

Community Services Housing Strategy

No response received at time of writing.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

No response received at time of writing.

**5.00 SITE HISTORY**

5.01 **035964**

Outline detached dwelling Withdrawn 26.07.91

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 New Development

GEN1 General Requirements for Development

GEN2 Development Within Settlement Boundaries

HE1 Development Affecting Conservation Areas

D1 Design, Location and Layout

HSG3 Housing on Unallocated Sites Within Settlement Boundaries

HE7 Other Sites of Lesser Archaeological Significance

HE8 Recording of Historic Features

Local Planning Guidance Note No 2 Space Around Dwellings

**7.00 PLANNING APPRAISAL**

7.01 The Application Site

The application site is located within the settlement boundary of Caerwys, set within the designated Conservation area and the medieval historic core. The plot is located to the rear of the existing dwelling Belmont and has been segregated from Belmont by a wooden fence, delineating the plot, the rear boundary also comprises

of wooden fence as is the side boundary. The frontage of the plot presently has a stone wall approximately 2m high, with the vehicular access presently in situ to the side corner of the plot. There is a small stone / breeze block, cement corrugated sheeted roof, detached building on the site which appears to be a domestic garage. There is no planning history relating to an alternative approved use of this land. The site itself is a level overgrown grassed area, with several concrete bases in situ and a domestic caravan stored on the site.

7.02 Scheme

The outline submission shows an illustrative scheme of development of the site, indicating the scale of the development and its location of the plot itself. The footprint of the development is proposed to be 65m<sup>2</sup>, a garden space of 87m<sup>2</sup>, with two parking spaces provided to the side of the bungalow. The bungalow is proposed to be set 2m back from the back edge of the highway and leaves a rear garden depth of just over 4m depth. This limited depth of plot is considered to lead to a development which will look cramped on the plot and lead to overdevelopment of the plot and would be out of character with the surrounding spacious plot. Highways during the consultation stage have raised no objection to the proposal, but have requested that the building be set further back on the site, to facilitate a set back of 2.5m from the adjoining carriageway channel. This would further compound the limited rear plot depth. They have also requested that any highway boundary be limited to a height of 1m, this would further detrimentally impact upon the character of the conservation area.

7.03 Conservation Area

The application site lies within the conservation area and is proposed to be located to the rear of the existing house Belmont, the plot is considered to be an original medieval burgage plot. As such it has a historical significance in contributing to part of the original urban form of the town. The building to the front (Belmont) has an unusual appearance and may have had a specific role in the life of the town.

7.04 Whilst it is noted that the Caerwys conservation area is characterised by a mixture of plot sizes and location of properties in relation to the street, in this instance it is considered that the proposal has a very limited plot depth, out of character with the immediate spacious surrounding plots, which predominate the immediate area and forms the characteristic medieval burgage plot feature of the medieval pattern of development which is characteristic of the conservation area within which the site is set.

7.05 The loss of the link between the frontage building and the burgage plot would erode the spatial character of the conservation area. The indicative design of the building proposed shows a modern shallow wide gabled bungalow, which would be out of character with the narrow gabled steep roofed buildings of the area. It is also considered that the development would over dominate the diminutive form of the

frontage building, thus reversing the building hierarchy where the main street fronting building is of greater visual prominence and importance than buildings fronting a narrow lane.

7.06 The loss of the present enclosing side wall would further impact on the historic character of the area, contributing to an erosion of the spatial hierarchy and therefore the legibility of the historic form of the town.

7.07 This subdivision of the plot will lead to a form of development which is not considered to be characteristic of the form of development in the conservation area, and would harm the special character of the conservation area, contrary to policy.

7.08 Local Housing Need

Caerwys is a Category B Settlement which has reached 19.7% growth and policy HSG3 advises that where development has exceeded the 15% growth band, that the proposal can only be approved where the development is for a specified local housing need. Caerwys has exceeded its growth rate and as such any new development will be required to cater for a proven local housing need. The applicant has not forwarded sufficient supporting information on this aspect to enable the local planning authority consider this element of the application.

7.09 The applicant has forwarded documentation as part of the application, stating that as the application is for a small bungalow, its value will be limited and by conditioning the site to affordable/local housing need, this would mean that the home/plot would be an unviable project for the applicant. Whilst the Local Planning Authority are sympathetic to this regard, this is not sufficient justification to override policy, any new development if allowed, would have to comply with policy HSG3 in regard of local housing provision, which this application clearly does not do.

7.10 Archaeological Importance of the Plot

The application site lies within an important archaeological medieval area and as such it is anticipated that subsurface archaeology could survive on the plot, with out a pre-determination archaeological evaluation being carried out and submitted to the local planning authority, the Clwyd Powys Archaeological Trust consider that the local planning authority have insufficient information upon which to consider and discuss mitigation on this matter and recommend that the application is refused until this information has been provided.

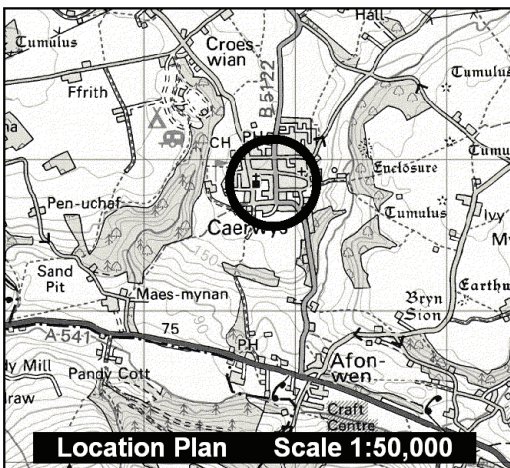
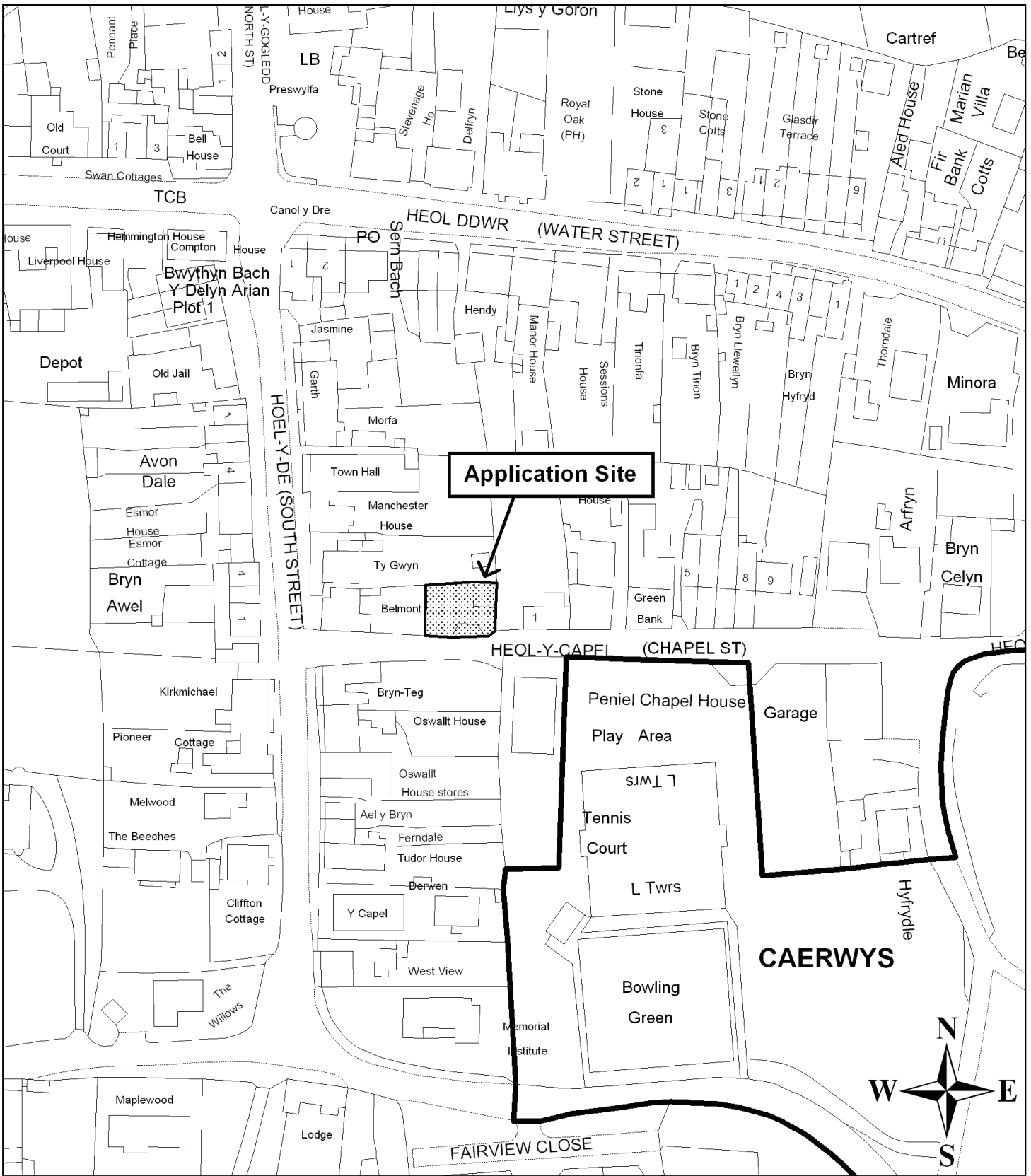
7.11 Notwithstanding the above , as I am minded to recommend refusal of the application, I consider that it would be unreasonable in terms of the time implications (required to collate the pre-determination report) and the likely cost (to be incurred by the applicant) to commission this report, as such I have not requested this information from the applicant .

## **8.00 CONCLUSION**

- 8.01 Having regard of the illustrative outline scheme submitted, it is apparent that the plot has a very limited plot depth, this has direct implications upon how the plot could be developed . It is considered that the development proposed would harm the spatial hierarchy and special character of the conservation area and there is insufficient information to assess the archaeological significance of the site. In addition there is no evidence of local need to allow the proposal to be considered under Policy HSG 3 and I recommend accordingly.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer: Barbara Kinnear**  
**Telephone: 01352 703260**  
**Email: [Barbara.kinnear@flintshire](mailto:Barbara.kinnear@flintshire)**



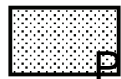


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:1250

OS Map ref SJ 1272

Planning Application 50169

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF A NEW SCHOOL, INSTALLATION OF CCTV EQUIPMENT AND ASSOCIATED WORKS AT "TALIESIN JUNIOR SCHOOL", TALIESIN AVENUE, SHOTTON, DEESIDE 049990**

**APPLICATION NUMBER:** **049990**

**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**

**SITE:** **LAND AT "TALIESIN JUNIOR SCHOOL", TALIESIN AVENUE, SHOTTON, DEESIDE**

**APPLICATION VALID DATE:** **26<sup>TH</sup> JULY 2012**

**LOCAL MEMBERS:** **COUNCILLOR MRS. A. MINSHULL**

**TOWN/COMMUNITY COUNCIL:** **SHOTTON TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

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

### **1.00 SUMMARY**

1.01 This full application which has been submitted by Flintshire County Council proposes the erection of a new primary school to replace both the Shotton Infants Primary School and Taliesin Junior School at Taliesin Avenue, Shotton. It is proposed that the new school be built on part of the existing playing field associated with Taliesin Junior School.

### **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 external materials to be submitted and approved.
4. Phasing scheme / timing of development to be approved.
5. Site levels / finished floor levels of building to be approved.
6. Details of boundary treatment to be submitted and approved prior to the commencement of development. Development to be carried out in accordance with approved details.
7. Foul and surface water to discharge separately.
8. No surface water to connect to public sewerage system.
9. Land drainage run-off not to discharge into public sewerage system.
10. No development to commence until a scheme for the integrated drainage of the site has been submitted and approved.
11. Land contamination protection measures to be undertaken in accordance with submitted Geo-Technical Report.
12. If during course of development any contamination is identified, remediation scheme/verification report to be submitted and approved.
13. Design of road/site access to be submitted and approved.
14. Details of construction of internal roads, traffic calming, street lighting, road marking and signage to be submitted and approved.
15. No development including site clearance to commence until a Construction Traffic Management Plan has been submitted and approved.
16. Travel Plan to be submitted and approved within 3 months of the bringing into use of the new school.
17. Where necessary positive means to prevent the run off of surface water onto the adopted highway to be provided in accordance with details to be submitted and approved.
18. Details of replacement play area including site levels to be submitted and approved prior to the commencement of development. Facilities to be provided prior to the bringing into use of the new school.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

Councillor Mrs. A. Minshull

No objection to determination under delegated powers.

Shotton Town Council

No objection. Only observations were (environmental) concerns with regard to wildlife (bats) around the school request for bat assessment. Also health and safety issues with regard to the removal of excess soil etc from the site.

Head of Public Protection

Following the receipt of a land contamination report no objection subject to the imposition of conditions.

Head of Assets and Transportation

Following the receipt of amended plans, there is no objection subject to the imposition of conditions.

Environment Directorate (Rights of Way)

Public Footpath 7 abuts the site but is unaffected by the development. The paths must be protected and free from interference from the construction.

Dwr Cymru/Welsh Water

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

Airbus

No aerodrome safeguarding objection.

Countryside Council for Wales

No objection as it is considered that the proposal is not likely to affect any protected species that may be present at this location.

Environment Agency

No objection.

Sports Wales

No response at time of preparing report.

Fields in Trust

No response at time of preparing report.

**4.00 PUBLICITY**

4.01 Press Notice, Site, Notice, Neighbour Notification

1 letter received which supports the general principle of development but requests that the CCTV cameras are sited in a way so as to minimise impact on the privacy/amenity of occupiers of existing properties.

**5.00 SITE HISTORY**

5.01 None relevant.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR8 – Built Environment

Policy GEN1 – General Requirement Considerations

Policy GEN2 – Development Inside Settlement Boundaries

Policy D2 – Location and Layout  
Policy D3 – Building Design and Access Statement  
Policy D4 – Landscaping  
Policy AC13 – Access and Traffic Layout  
Policy AC18 – Parking Provision and New Development  
Policy SR4 – Protecting Recreational Open space  
Policy CF2 – Development of New Community Facilities  
Policy EWP2 – Energy Efficiency in New Development

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

Taliesin Junior School, Shotton is located at the south-western end of King George Street, opposite an existing sheltered housing development at Griffiths Court. The Shotton Infant Primary School is located at the junction of King George/Mostyn Street, approximately 475m to the north-east of the Taliesin Junior School.

7.02 The existing Taliesin Junior School and playing fields which amount to approximately 2.7 hectares in area are bounded to the north by existing residential properties at Taliesin Avenue and the site has open views towards Killins Lane to the west.

7.03 Vehicular access to the school is obtained from King George Street, that continues into a cul-de-sac arrangement that also serves the sheltered housing development at Griffiths Court. The cul-de-sac contains a one way road system and two road islands to facilitate vehicular/pedestrian access into the school.

### **7.04 Proposed Development**

The application which has been submitted by Flintshire County Council proposes:

- The construction of a new school on the site of the existing playing fields associated with Taliesin Junior Primary School as a replacement for existing facilities at this location and those at Shotton Infant Primary School.
- The provision of additional parking/recreational facilities on the site of the existing Taliesin Junior Primary School when it is demolished. The existing infants school at Shotton would become vacant but surplus to requirements.
- The fixing of 8 No. CCTV cameras to the building and 15 No. column mounted cameras within the site curtilage

7.05 In support of the application the Council's Director of Lifelong Learning has advised that the decision to replace the existing schools is based on falling school numbers at both locations with the amalgamation providing the opportunity for school modernisation.

7.06 For Members information the application proposes the erection of a single storey building on part of the existing playing field to the rear of the existing Taliesin Junior School and includes a two storey element containing the hall and gymnasium. The proposed form is based on a series of interlocking mono-pitched roofs, that create a linear double curve or S formation. This helps to form separate playing areas for nursery, infant and junior pupils.

7.07 Planning Policy/Principle of Development

The existing school is located within the settlement boundary of Shotton as defined in the adopted Flintshire Unitary Development Plan although the playing fields are outside the settlement boundary at this location. Policy CF2 of the Unitary Development Plan permits the development of new educational facilities on suitable sites within settlement boundaries. The policy also states that outside settlement boundaries new education facilities can be developed if it is the extension of an existing facility. As this is the redevelopment of an existing school the principle of development is compatible with Policy CF2 subject to the safeguarding of relevant amenity considerations. This policy seeks to direct such facilities to locations within defined settlement boundaries and therefore the principle of development is acceptable subject to the safeguarding of relevant amenity considerations.

7.08 Officers have explored the possibility of bringing the proposed school forward within the existing site, so that it is closer to the road and helps to create a more prominent focal point and sense of enclosure within the street scene. Although preferable in design terms it is recognised that this would impact on the siting of the existing school and that temporary replacement facilities would need to be provided during the construction phase of the development.

7.09 The applicant has further advised that that this would not be the most suitable or practical option for the education department as:-

- there is no suitable provision elsewhere. Shotton Infants site is not sufficient in size to accommodate the pupils from Taliesin and does not have any playing field provision which is a requirement to deliver the full extent of the educational curriculum.
- consideration of other sites would mean additional transportation costs.
- disruption to pupils would impact upon learning and performance.
- there is nowhere within the site to locate temporary accommodation facilities.

7.10 Development on existing Open Space / Playing Field

For Members information the proposed playing field/recreational provision for the new school would represent a 1% reduction in

comparison to that currently in place at both schools.

- 7.11 Policy SR4 of the Unitary Development Plan seeks to protect recreational open space and playing fields where appropriate subject to specific criteria. Having regard to the above policy framework it is considered that development of the site would not conflict with the aim of the policy as:
- development comprises the provision of an educational facility on a school playing field and
  - there is already an adequate provision of playing fields, outdoor play space and informal recreational space in the locality.
- 7.12 The latter point is illustrated by reference to the Council's 2007 Open Space Survey which indicates that Aston, Queensferry and Shotton exceed the national standards in respect of Outdoor Youth, Adult Space and Children's Play Space by approximately 1.4 hectares
- 7.13 Development of the site for the new school would equate to a 0.8% reduction in this overall playing field provision, which it is considered would not undermine the basis of provision particularly as the existing playing fields are not publicly accessible. The Open Space Survey also shows that adjoining the school site there are playing fields and equipped children's play area which area available for public use.
- 7.14 Scale / Design  
The proposed building is contemporary in its design, with significant areas of glazing introduced to maximise the use of natural light. For Member's information there is a mix of property types, styles / materials in the locality covering a range of different periods of construction. Whilst the scale and design of the proposed development does not mirror that of adjacent properties, it is of a functional design which will contrast / complement the existing character. Whilst attempts have been made to introduce some additional design elements e.g. storm porches to help further improve the visual appearance of the building I have been advised that the development is subject to a limited budget which would not enable these features to be introduced. I remain of the view however that subject to the use of appropriate materials that the design/form of the new school is acceptable at this location.
- 7.15 Effects on Privacy / Amenity  
The site of the existing playing field is enclosed to the north by the rear of existing properties at Taliesin Avenue. The distances and relationship of the proposed school to these existing properties is of fundamental importance in consideration of this application in order to maintain and safeguard the privacy / amenity of the occupiers of these properties. It is proposed that the new school would occupy a central position within the existing playing field with the proposed school at its



closest point being approximately 23m from the rear of properties at Taliesin Avenue.

- 7.16 It is considered that the distances when considered in conjunction with the site levels which are relatively constant between the application site and existing properties at Taliesin Avenue, would be acceptable to safeguard privacy / amenity. It is recommended however that if Member's are mindful to grant permission for the development that the site levels / finished floor levels of the building be controlled by the imposition of a specific planning condition, so there is no deviation from the approved scheme, or subsequent increase in levels at this location.
- 7.17 It is also considered that the boundary treatment proposed between the site and rear of existing properties at Taliesin Avenue is important in order to help assimilate the development into the locality and ensure that there is a suitable screen/barrier to existing properties. Whilst a 2m high paladin or similar fence is proposed, it is my view that this would not be the most sympathetic form of treatment and a close boarded fence would be more appropriate, the precise details of which can be covered by condition.
- 7.18 CCTV  
The concerns relating to the impact of the proposed CCTV's on the privacy/amenity of the occupiers of existing properties at Taliesin Avenue is duly noted.
- 7.19 The applicant has advised that all static cameras will be programmed and any privacy issues (where a camera might infringe on a private space or dwelling) will be eliminated through electronic image masking the pixels in those areas.
- 7.20 Given that issues of privacy can be addressed and controlled as detailed, this aspect of the development is considered to be acceptable.
- 7.21 Land Contamination  
For Member's information to the south west of the school, there is a former clay pit, which became a landfill site in the 1960's and now contains a number of extraction vents to release the build up of unwanted gasses. As a result a Site Investigation Survey has been undertaken to assess the potential for contamination and to inform any design requirements to be taken into account in the construction of the new building.
- 7.22 The Geo-Environmental Investigation has been assessed by the Head of Public Protection. It has been concluded that the information submitted is satisfactory but some additional work is required to prepare the site for development. It is considered that this can be adequately covered by way of the imposition of conditions, ensuring

that if during the course of development any contamination is identified that this be subject to a remediation scheme and the submission/approval of a verification report.

7.23 Highways and Access

Consultation on the proposed development has been undertaken with the Head of Assets and Transportation, in order to assess the suitability of the highway network, site access and layout to serve the scale of development proposed.

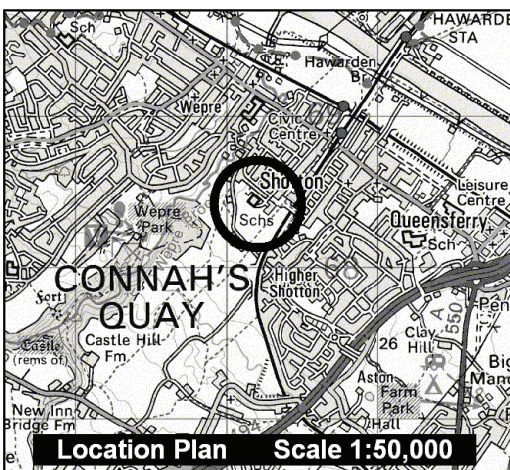
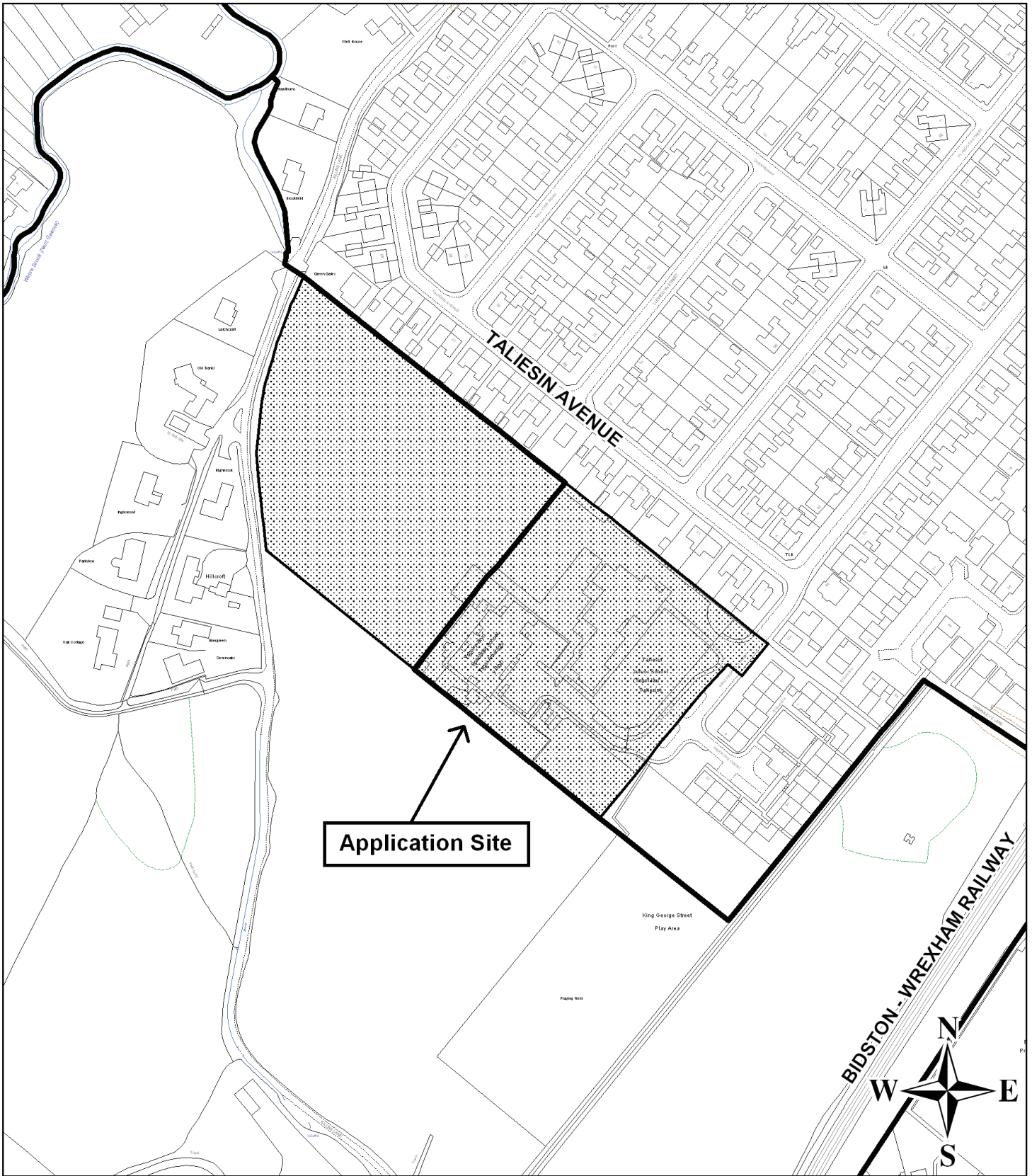
- 7.24 Amended plans have been submitted in progression of the application, to address concerns initially raised regarding the junction bellmouth arrangement and potential for conflict between pedestrian/vehicular movements. The amendments now proposed are considered to be satisfactory to address these concerns, but it is recommended that if Members are mindful to grant permission that this be subject to the imposition of conditions relating to the construction of internal roads, highway drainage, street lighting, road marking, signage and submission of both a traffic management and travel plan.

**8.00 CONCLUSION**

- 8.01 It is considered that the principle of the erection of a new school to replace existing facilities at this location and those at Shotton Infants Primary School is acceptable in land use planning terms. Having regard to the scale / form of the proposed building, it is considered that this would be acceptable having regard to the character of the site and surroundings and the privacy/amenity of the occupiers of existing properties would be safeguarded. I therefore recommend accordingly.

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

**Contact Officer: Mark Harris**  
**Telephone: 01352 703269**  
**Email: robert.m.harris@flintshire.gov.uk**

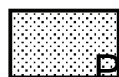


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:2500

OS Map ref SJ 3068

Planning Application 49990

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>th</sup> DECEMBER 2012**

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

**SUBJECT:** **FULL APPLICATION - RETENTION AND EXPANSION OF FACILITIES AT EXISTING STREETSCENE DEPOT AT LAND AT "ALLTAMI DEPOT", MOLD ROAD, ALLTAMI, FLINTSHIRE**

**APPLICATION NUMBER:** **049845**

**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**

**SITE:** **"ALLTAMI DEPOT", MOLD ROAD, ALLTAMI, FLINTSHIRE**

**APPLICATION VALID DATE:** **14.06.2012**

**LOCAL MEMBERS:** **COUNCILLOR MRS. C. A. ELLIS**

**TOWN COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SITE AREA EXCEEDS THE THRESHOLD FOR A DELEGATED DETERMINATION**

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

Members will recall that this application was considered at the Committee meeting of the 7<sup>th</sup> November 2012, at which a decision was made to defer the application pending further advice in relation to the proposed food recycling activities at the site.

I can advise Members that since that meeting I have sought clarification in respect of the perception that food waste may be 'double handled' under the proposals. I am advised that this is not the case and the advice received from the agent was incorrect.

The proposed operation of the food waste recycling facility is such that waste will be collected and deposited within the skips located inside the proposed building. These skips will then be emptied each night and the waste food will be transferred to the recycling centre at Telford. This is

an interim measure until the regional food waste facility at Rhualt becomes operational, whereupon the wastes will be transferred there at the end of each day.

I can therefore advise Members that food waste will not be transferred to the Council's Buckley Standard site. Therefore the queries raised in relation to the proposed routing of traffic do not fall to be considered in connection with that concern.

This report has been amended to delete the originally inserted Paragraph 7.08 which was inaccurate.

## **1.00 SUMMARY**

1.01 This full application seeks approval for the continued use of this Council Depot site in connection the range of services encompassed within the Council's Streetscene operations. The proposals include the demolition of an existing office to the southern end of the site and the erection of a 200 sq. m grounds maintenance building and a 150 Sq. m food waste sorting building. The proposal also seeks permission for the creation of additional areas of parking and turning areas for both employee and service vehicles within the site, together with landscaping of the site periphery.

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

### **2.01 Conditions**

1. Time limit upon commencement.
2. Implementation as per approved plans.
3. Implementation of approved landscaping scheme.
4. No additional external lighting without prior approval of LPA.
5. Submission and agreement of all external finishing materials upon buildings hereby approved.
6. Submission, agreement and implementation of final Travel Plan.
7. Submission and agreement of renewable technologies to provide 10% carbon reduction.
8. Phase 2 land contamination assessment and remediation measures submitted and agreed prior to operational development.
9. Provision of parking and turning facilities as per scheme.

## **3.00 CONSULTATIONS**

### **3.01 Local Member**

Councillor Mrs. C. A. Ellis

Requests Committee determination on the basis of the site being owned by Flintshire County Council.

Buckley Town Council  
No objections.

Head of Assets and Transportation  
No objections. Requests the imposition of conditions.

Head of Public Protection  
No adverse comments. Requests the imposition of a condition.

Dwr Cymru/Welsh Water  
No objections.

Environment Agency Wales (EAW)  
No adverse comments.

Airbus  
No adverse comments.

Countryside Council for Wales  
No objections. Proposals will not significantly affect nearby SAC or SSSI interests.

The Coal Authority  
No adverse comments. Requests the imposition of a condition.

#### **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, no third party letters have been received in response to the publicity exercise.

#### **5.00 SITE HISTORY**

- 5.01 **038345**  
Change of use of stores building to vehicle maintenance workshop.  
Permitted 30.6.2005.

**038816**  
Installation of a 13.5 m high salt dome.  
Permitted 3.2.2005.

#### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy GEN1 - General requirements for Development  
Policy EM3 - Development Zones & principal Employment Areas

- Policy D3 - Landscaping
- Policy D4 - Outdoor Lighting
- Policy WB2 - Sites of International Importance
- Policy WB3 - Statutory Sites of National Importance
- Policy AC4 - Travel Plans
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision and New Development
- Policy EWP14 - Derelict and Contaminated Land

- 6.02 The site is located within an area of open countryside between the settlements of Mold, Alltami and Buckley.
- 6.03 The above cited policies relate, in the main, to the issue of employment development upon sites allocated for such purposes, both within settlements and within areas of open countryside. They are consistent with, and reflective of, the advice offered within paragraph 7.6.1 of Planning Policy Wales which concerns itself with the principle applicable to the issue of industrial and commercial development and their consideration via the Development Management process.
- 6.04 They address the issue of the detail rather than the principle and, as is demonstrated in the appraisal set out in Section 7 of this report, the proposal satisfies these matters of detail. Accordingly, I consider that the proposal generally complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description**

The site is a 2.54 hectare area of land which is presently in use as a Local Authority Highways, Environmental Services and Grounds Maintenance Depot.

- 7.02 The site is comparatively flat across both axis although a very slight gradient is evident downhill from the north east to the south west and in this regard, is reflective of the surrounding topography. The site is bounded to the west by existing trees and hedgerows along the line of a former railway embankment which runs along this western site boundary. The A494 Trunk Road runs along the southern boundary of the site and is marked by a existing fragmented and low hedgerow, interspersed with trees. The site is bounded to the north by existing areas of commercial activity with a sparse screen of vegetation marking this boundary. There is no formal boundary to the east of the site where it abuts Pinfold Lane.
- 7.03 Vehicular access to the site is derived via the site boundary with Pinfold Lane and exists as 2 points of access/egress. These accesses are utilised independently with the northerly access used for operational vehicles and the southerly used by staff and visitors.



Internally, the site operates a one way system for operational vehicles.

7.04 The site is made up of predominantly hard standing areas together with buildings and structures associated with the operations outlined above.

7.05 The Proposed Development

The proposals amount to the re-development of the site to include the demolition of some buildings, refurbishments and external alterations to certain existing buildings, erection of a food waste facility building, erection of a grounds maintenance building and amendments to the site drainage and circulation arrangements.

7.06 The depot presently provides accommodation and an operational base for the following;

- a) Environmental services office
- b) Highway vehicle depot
- c) Grounds maintenance depot
- d) Highways salt storage barn.

7.07 The proposals would introduce the following in addition to the above;

- a) Main highway maintenance offices – transferred from Halkyn Depot
- b) Fleet maintenance depot – transferred from Halkyn and Queensferry Depots
- c) Environmental waste management fleet depot – transferred from Queensferry Depot
- d) Highways maintenance storage depot – Transferred from Halkyn Depot.

7.08 Main Planning Issues

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

- a. Principle of development having regard to the planning policies and other material considerations,
- b. Highways and access issues,
- c. Impacts upon the visual amenities of the area,
- d. Drainage and land contamination issues.

7.09 Principle of Development

Whilst the site is located within a wider area of open countryside, the site is actually a designated employment site within the UDP and therefore, by virtue of this allocation for employment and industrial uses, the site is not considered as open countryside in the normal planning policy sense of the word. The principle of pseudo-light industrial activities such those contained within this proposal being

located upon such a site is considered acceptable in national planning policy terms, subject to the appropriate safeguarding of amenities. Given the combination of national guidance and the policies within the UDP I do not consider that there is any in principle objection to the proposals on policy grounds.

7.10 Highways and Access

As outlined previously in this report, the site is accessed via a single access point but within the site, segregation of operational and staff or visitor traffic occurs. A one way system for access of operational vehicles via the southerly access of Pinfold Lane and egress via the northerly junction. Staff and visitor traffic enters and vacates the site via the southernmost of the 2 junctions. The proposals do not involve any alteration to this arrangement. No additional points of access or egress are proposed.

7.11 The Head of Assets and Transportation has been consulted upon the proposals and, in conjunction with Welsh Government (Highways) have raised no objection to the proposals. The operation of the depot has identified no requirement for additional 'Green Light Time' for operational vehicles exiting the site at the traffic lights on the Junction of Pinfold Lane and the A494. The submitted Transport Assessment has established that the proposals will not give rise to any capacity issues with the existing junctions or result in increased trip generation during the peak traffic periods.

7.12 The proposals arise following and as part of, a rationalisation of services at the depot. This process has brought about the need for additional parking facilities. The site currently provides a total of 272 parking spaces for the 352 vehicles associated with the operation of the depot. This recognises that not all vehicles are on the site at any one time. The proposals, following rationalisation of site operations, would result in 317 parking spaces being provided with anticipated vehicle numbers of 276. Whilst this would, on the face of it amount to an over provision, I consider it allows flexibility and provides for a degree of future proofing of capacity at the depot in the event of any further service rationalisation which may occur.

7.13 The proposals are considered acceptable in highway terms and therefore no objection is raised, subject to the imposition of conditions requiring the provision of the parking facilities prior to the additional structures coming into use and the Interim Travel Plan being developed into a final working document for use at the depot. I propose to condition accordingly.

Drainage & Land Contamination

7.14 The proposals involve improvements to the current drainage regime which serves the site. At present, foul waters are drained via a septic tank system. The proposals would involve the construction of an on site sewerage works to be sited beneath the new proposed parking

area. Surface water is proposed to be drained to a new attenuation tank, also to be located beneath the car park. Both systems will outfall to the brook which runs to the west, beyond the site boundary.

7.15 These drainage proposals have been the subject of consultation with both Dwr Cymru and EAW, neither of whom has raised any objections to these proposed drainage methods. I propose to condition the implementation of these drainage schemes prior to the first use of the new facilities proposed.

7.16 Given the historically contaminative uses of the site, a Phase 1 land contamination survey accompanies the application. This has been considered by both the Council and the Coal Authority, both of whom concur that its' findings are accurate in identifying the site to be the subject of contamination principally associated with former coal mining activities. The report advises that risk is only likely to arise in those areas where new development is proposed, i.e the formation of the new car park, installation of drainage systems and erection of new buildings.

7.17 It is therefore proposed that the site shall be the subject of an intrusive Phase 2 land contamination investigation prior to the commencement of these built operations. This investigation will inform the remediation strategy necessary to remove the links between the contaminants and future receptors and I propose to condition accordingly.

#### Amenity Impacts

7.18 The site currently operates as a depot but nevertheless, there is a need to ensure that the introduction of further built form and visually intrusive uses such as areas of car parking is balanced by the improvement of and enhancements to the quality of site landscaping. The proposals are accompanied by a site landscaping plan which seeks to reinforce the existing landscaped frontage of the site through the planting of an extension to the existing indigenous hedgerow towards the western edges of the site, planting of trees and shrubbery and visual enhancement through the removal of unsightly planters in the frontage area.

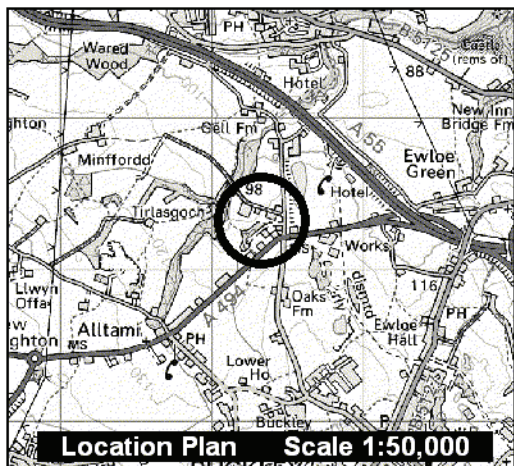
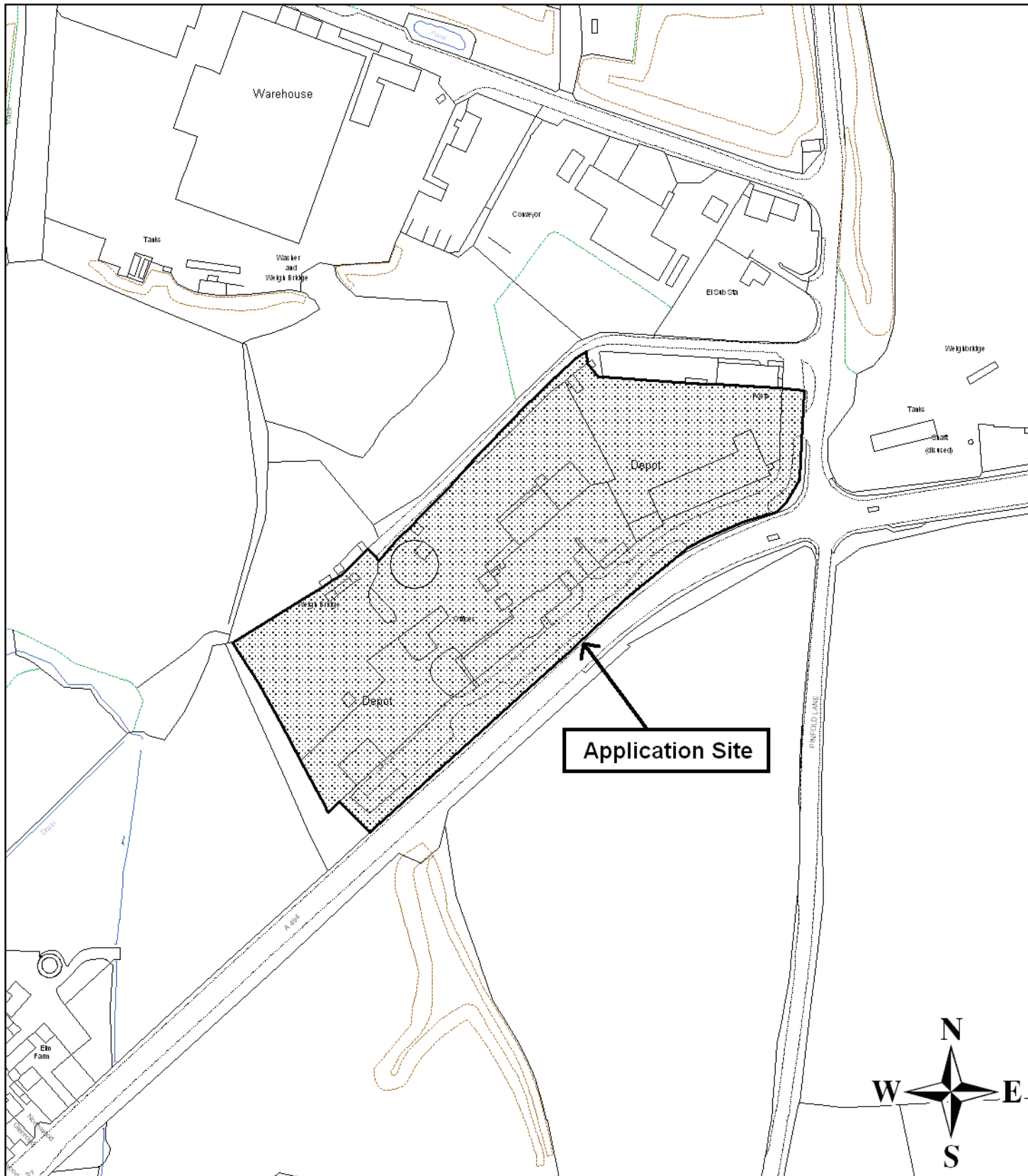
7.19 In respect of the proposed new buildings, the proposals provide for steel profile clad buildings of a form commensurate with the existing buildings upon the site. Neither of the proposed buildings would be of such a height as would compete with the Salt Dome of the tallest element of the existing office building upon site. It is my intention to condition the agreement of samples of the proposed finish materials in respect of both new buildings and the proposed external refurbishments of existing buildings prior to the use of such materials.

## **8.00 CONCLUSION**

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

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](mailto:glyn_d_jones@flintshire.gov.uk)

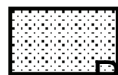


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386, Flintshire County Council, 2012.

Map Scale 1:2500

OS Map ref SJ 2766

Planning Application 49845

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF A FRAME MOUNTED FUNNEL WHEEL WIND TURBINE AT "ALLTAMI DEPOT", MOLD ROAD, ALLTAMI, FLINTSHIRE**

**APPLICATION NUMBER:** **050145**

**APPLICANT:** **FLINTSHIRE COUNTY COUNCIL**

**SITE:** **"ALLTAMI DEPOT", MOLD ROAD, ALLTAMI, FLINTSHIRE**

**APPLICATION VALID DATE:** **20.09.2012**

**LOCAL MEMBERS:** **COUNCILLOR MRS C A ELLIS**

**TOWN COUNCIL:** **BUCKLEY TOWN COUNCILL**

**REASON FOR COMMITTEE:** **VISUAL IMPACT ON SURROUNDING AREA**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This full application seeks approval for the erection of a frame mounted funnel wheel wind turbine to a height of 12.76m from finished ground level that will be sited centrally and 1m away from the gable end wall of the existing maintenance building at the Council Depot Site at Alltami.

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

#### **2.01 Conditions**

1. Time limit upon commencement.
2. Implementation as per approved plans.
3. Submission and agreement of all external finishing materials to structure hereby approved.
4. When the turbine is no longer used for the generation of electricity it shall be removed from the site and the land restored in accordance with details to be agreed.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### **Councillor Mrs C A Ellis**

Requests Committee determination and site visit due to visual impact on surrounding area.

##### **Buckley Town Council**

Don't wish to recommend refusal but would wish the following points to be considered. In the Design and Access Statement it states "Noise - they are suitable for installation in Urban Environments". Alltami is a rural ward it is not correct to intimate that the installation is an urban environment whereas it is a rural Environment also the Council feels that aesthetically the structure does not lend itself to a rural environment. It is out of character with surrounding structures. They ask that actions are taken to mitigate the visual impact that the structure will have.

##### **Head of Public Protection**

No objections to the application.

##### **Head of Assets and Transportation**

No objections to the proposal.

##### **Environment Agency**

Standard advise applies and should be included in any consent as an informative

##### **Airbus**

The proposal does not conflict with Safeguarding Criteria. Accordingly they have no objections to the proposal.

##### **CCW**

No objections

##### **Coal Authority**

The application site falls within the defined Coal mining Development referral area. However, having considered the proposal they do not object to the proposal. They recommend the imposition of a condition

##### **Ministry of Defence - Defence Infrastructure Organisation (Wind Energy) Safeguard**



No response at time of writing report.

#### **4.00 PUBLICITY**

- 4.01 The application has been publicised by way of a site notice.
- 4.02 At the time of writing the report, no third party letters have been received in response to the publicity.

#### **5.00 SITE HISTORY**

- 5.01 049845  
Retention and expansion of facilities at existing street scene depot – committee 07.11.12 – Referred pending further information.

038345  
Change of use of stores building to vehicle maintenance workshop – Permitted 30.06.2005

038816  
Installation of a 13.5m high salt dome – permitted 03.02.2005

#### **6.00 PLANNING POLICIES**

- 6.01 Planning Policy Wales  
Policy GEN1 – General Requirements for Development  
Policy EWP1 – Sustainable Energy Generation  
Policy EWP4 – Wind Turbine Development  
Policy EWP14 – Derelict and Contaminated Land  
Policy EM3 – Development Zones and Principle Employment Areas  
Technical Advice Note 8 – Renewable Energy  
Planning Policy Wales.

#### **7.00 PLANNING APPRAISAL**

- 7.01 Site Description  
The site is a 2.54 hectare area of land which is used as a Local Authority Highways, Environmental Services and Grounds Maintenance Depot the site is designated as a Principle Employment Areas under policy EM3 in the Adopted Flintshire Unitary Development Plan.
- 7.02 The site is level across both axis. The site boundaries consist of trees and hedgerows to the western boundary; the southern boundary abuts the A494 Trunk road and has a low fragmented hedgerow with intermittent trees. To the North is existing Commercial Activity with sparse screen vegetation marking the boundary? The eastern boundary abuts Pinfold Lane where access to the site is derived.

- 7.03 The site is made up predominantly of hard standings with buildings and structures associated with the operations outlined above.
- 7.04 The Funnel Wheel turbine has been designed for grid-connected electricity generation and is to be located at the south west end of the main garage/workshop and will be constructed to a maximum height of 12.76M. This is slightly lower than the height of the Salt Dome which is 13.85M.
- 7.05 The Funnel wheel turbine is fundamentally different in design to any other wind turbine currently being manufactured, as all rotating parts are enclosed within a boxed shaped housing. The design is simple in context, ensuring that wind power is continually applied to the horizontal turbine blades increasing its efficiency significantly over all other turbine makes. The turbine is to be connected to the national grid to enable any surplus energy generated to be fed onto the grid however; the vast majority of energy generated will be used within the Alltami depot.
- 7.06 Background  
Kenning Global Energy Technology (KGET) is a multi national company based in Texas, America, but is looking to expand its manufacturing base to Deeside Enterprise Zone so as to capture some of the European market in this undeveloped area of renewable energy, i.e. a turbine that can be installed in close proximity to the end user.
- 7.07 This proposed installed capacity will also help to contribute towards Flintshire's Carbon Reduction target for renewable energy generation for 2021. The turbine has been specifically designed for low noise operation as it has no gearing, and exceptional performance for its size. The turbine has also been designed to withstand hurricane force winds. The supporting structure and turbine can be painted any colour required, but they have suggested it is painted to match surrounding buildings as near as possible.
- 7.08 Should planning consent for the funnel wheel turbine at Alltami be given it is intended to be used as a demonstration for potential customers visiting KGET's manufacturing premises on the Deeside Enterprise Zone. KGET intend to manage and closely monitor the Turbine performance under all conditions and fine tune its performance.
- 7.09 The proposed turbine is to contribute to the energy needs of the site as detailed in the report and it will help create a renewable source of electricity and it will also enable carbon emissions of the site to be reduced.
- 7.10 Principle of Development  
The most relevant policies in the Unitary Development Plan (UDP) are EWP 1 Sustainable Energy Generation; EWP4 Wind Turbine

Development and EM3 – Development Zones and Principle Employment Areas. It should be noted that policy EM3 also refers to Development Zones as well as Principle Employment Areas, this site is not covered by policy in terms of the Development Zone issues. The proposed wind turbine would provide a source of renewable energy for the operational depot. The relevant Development Plan polices and national planning advice seeks to promote sustainable energy whenever reasonably possible.

- 7.11 Planning Policy Wales states that local planning authorities should facilitate the development of all forms of renewable and low carbon energy and ensure that development control decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations. This though needs to be balanced against ensuring that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed.
- 7.12 Policy EWP4 of the Unitary Development Plan refers to the cumulative impact of wind turbines. As far as I am aware there are no other wind turbines (proposed or existing) in the near vicinity of the application site.

7.13 **Natural Resources**

The applicants have stated that data from the British Wind Energy Agency Web site shows that Alltami depot has higher than average wind speeds, and with increases in energy costs it is important that natural resources are framed to reduce both the financial impact and to reduce potential damage to the environment. In a typical year with average wind speeds it is expected that the turbine at Alltami should generate in excess of 70,000kWh of electricity or £7,000 in revenue terms per annum. This would be the equivalent of approximately 38 tonnes of carbon dioxide being saved each year.

The turbine has been designed with an anticipated life of 40 years.

7.14 **Amenity and visual Impact**

The site currently operates as a depot for the departments of the Council as detailed in the report and is located in a Principle Employment Areas as designated in the Adopted Flintshire Unitary Development Plan. Given this, and the very nature of the site as being commercial having buildings and structures of large scale the introduction of a further structure may raise concerns. However, the structure that is proposed is lower in height than the adjacent salt dome building or the tallest element of the existing office buildings upon site and when viewed by from the highway the projected site lines clearly show that the structure would not be visible from this carriageway. Concern has been raised by the local member with regards to the impact on the surrounding area and she has requested that members visit the site to assess this for themselves. Concerns have also been expressed by Buckley Town Council in relation to the

design and siting in a rural area together with any noise issues.

7.15 The applicants have indicated that because of its construction and design it is virtually silent in operation. Attempts to measure noise from the turbine have failed as background noise drowned out any readings of turbine noise, making it ideal for use in commercial and /or industrial settings where alternative turbines would not be considered for reasons such as fall heights.

7.16 It would be my intention to condition the agreement of samples of the proposed finish materials in respect of the proposed external finish, prior to the use of such materials.

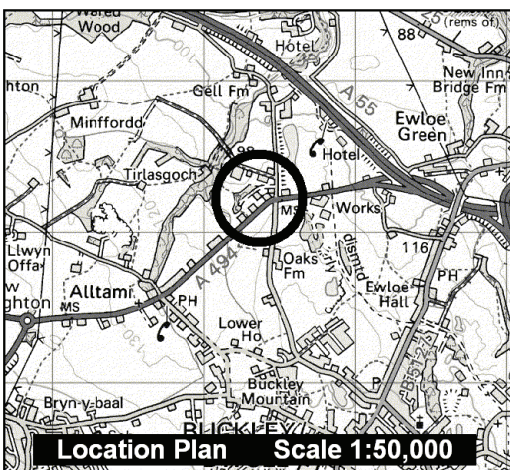
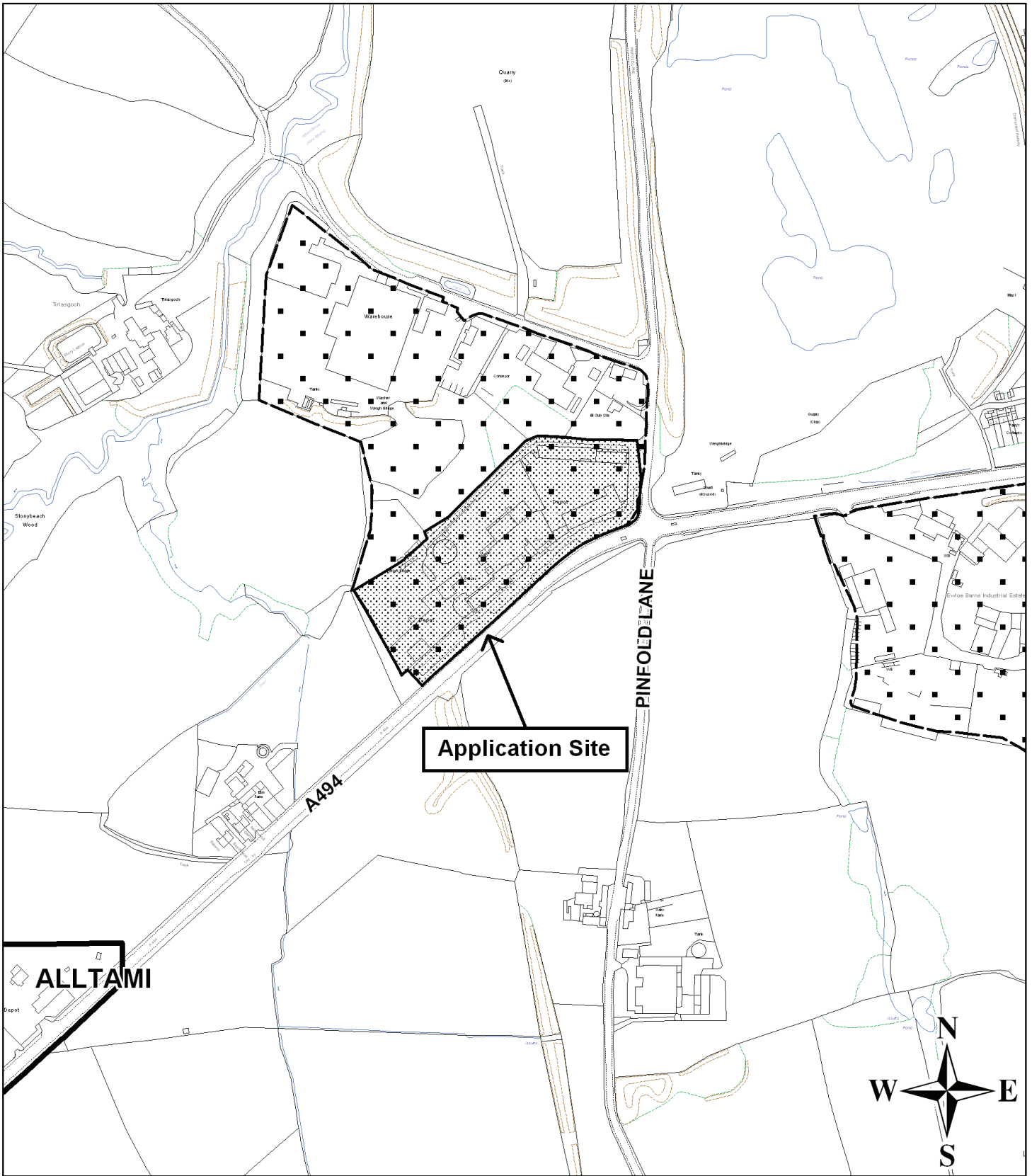
7.17 The Council's Head of Public Protection has been consulted on the proposal and raises no objection having studied the manufacturer's reference material and the information on noise emissions for this and other wind turbines. As all the information indicates that wind turbines of this design, size and position will not be audible at any neighbouring property and therefore does not objection to the proposals as submitted.

## **8.00 CONCLUSION**

8.01 Having considered all matters in regard to this application the proposed Funnel Wheel Wind Turbine is considered to be acceptable in this location in principle and design subject to appropriately worded conditions.

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

**Contact Officer: Kathryn Taylor**  
**Telephone: 01352 703274**  
**Email: [kathryn.taylor@flintshire.gov.uk](mailto:kathryn.taylor@flintshire.gov.uk)**



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

**Legend**



Application Site Extent



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Pinefold Employment Area

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:5000

OS Map ref SJ 2766

Planning Application **50145**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 DECEMBER 2012**

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

**SUBJECT:** **050024 - FULL APPLICATION - CHANGE OF USE FROM PUBLIC HOUSE TO A SINGLE DWELLING INCLUDING PART DEMOLITION, AND ALTERATIONS, TOGETHER WITH THE CREATION OF A NEW VEHICULAR ACCESS AT WHITE LION INN, FFORDD PEN Y BRYN, NERCWYS, MOLD**

**APPLICATION NUMBER:** **050024**

**APPLICANT:** **MR. A. GAUNT**

**SITE:** **"WHITE LION INN", FFORDD PEN Y BRYN, NERCWYS, MOLD**

**APPLICATION VALID DATE:** **9<sup>TH</sup> AUGUST 2012**

**LOCAL MEMBERS:** **COUNCILLOR NANCY MATTHEWS**

**TOWN/COMMUNITY COUNCIL:** **NERCWYS COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This application seeks planning permission for change of use of the public house to form a dwelling, creation of a new vehicular access and extensions, alterations and partial demolition works to the building at the former White lion Inn, Ffordd Pen Y Bryn, Nercwys, Mold.
- 1.02 The main issues to consider are the principle of development in planning policy terms, the highway implications and the effects of the partial demolition, extensions and alterations upon the character and appearance of the building and whether or not they preserve or enhance the character and appearance of the conservation area.
- 1.03 It is considered that the change of use of the public house to a dwelling is acceptable in planning policy terms, with the new vehicular

access being also considered acceptable in highway terms. However, it is considered that the two storey extension is not acceptable due to its form, excessive size and location having a significant detrimental impact upon the character and appearance of the building and is considered not to preserve or enhance the character and appearance of the conservation area either. It is also considered that the demolition works to the cellar at the front will have a detrimental impact upon the character and appearance of the conservation area also.

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

- 2.01
1. It is considered that the proposed two storey extension by virtue of its form, excessive size and visible location will have a significant detrimental impact upon the character and appearance of the building and does not preserve or enhance the character and appearance of the conservation area in which it is set, thereby contrary to policies GEN1, HSG12 and HE1 of the Flintshire Unitary Development Plan and guidance within Local Planning Guidance Note 1 – Extensions and Alterations to Dwellings.
  2. It is considered that the proposed demolition of the existing cellar structure at the front of the building does not preserve or enhance the character or appearance of the Conservation Area due to its location and contribution to the building and conservation area in which it is set, thereby contrary to Policy HE3 of the Flintshire Unitary Development Plan.

## **3.00 CONSULTATIONS**

### **3.01 Local Member**

#### Councillor Nancy Matthews

Requests both Committee determination and site visit. Supports application for following reasons:

- Not sure what is protected in conservation area as no character appraisal has ever been carried out
- White Lion is not a listed building. There is nothing of architectural merit to be preserved
- Public house empty and for sale since 2007/8 – no expressions of interest for the business
- Proposal returns the dwelling to its original use which will be sympathetic in appearance to the listed building across the road (Plas Yn Llan)
- Sloping roofed extension at front obstructs visibility and more inconveniently for residents, floods regular due to highway drainage.

#### Nercwys Community Council

No objection.

#### Head of Assets and Transportation

No objection to amended plans



#### Head of Public Protection

No adverse comments to make.

#### Clwyd-Powys Archaeological Trust

Will affect a building which is at least 125 years old. Conversion will completely alter the original function and layout of the building and would therefore wish to retain a record of the building in its present form for archive purposes. Require a digital photographic survey of interior and exterior of the building prior to conversion.

### **4.00 PUBLICITY**

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

5 letters of support received. The grounds of support being:

- Conservation area greatly enhanced with the approved scheme. Removal of all flat roof and lean to extensions returning the front to its original state.
- New access and blocking up of original site entrance would enhance safety on adjoining junction and to school children on narrow section of Pen-y-Bryn.
- Cellar caused problems to previous owners.
- Proposals will give heart back to the village and allow another family to enjoy rural village life.

### **5.00 SITE HISTORY**

#### 5.01 **372/95**

Change of use of existing shop to licensed area – granted 2<sup>nd</sup> August 1995.

#### **252/95**

Alterations, extensions and new pitched roof – withdrawn 5<sup>th</sup> June 1995.

#### **437/94**

Conversion of ground floor to retail shop – granted 9<sup>th</sup> August 1994.

#### **Relevant Planning History relating to Butchers Arms**

##### **049029**

Renewal of planning permission Reference: 41559 for the change of use of public house to dwellings – granted 14<sup>th</sup> November 2011.

##### **41599**

Change of use to dwelling – granted 9<sup>th</sup> October 2006

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development

Policy D1 – Design Quality, Location and Layout

Policy D2 - Design and Access

Policy HE1 – Development Affecting Conservation Areas  
Policy HE3 – Demolition in Conservation Areas  
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries  
Policy HSG12 – House Extensions and Alterations  
Policy S11 – Retention of Local Facilities

Local Planning Guidance Note 1 – Extensions and Alterations to Dwellings  
Local Planning Guidance Note 24 – Retention of Local Facilities

It is considered that the change of use of the Public house to a dwelling accords with Policy S11 as the other public house, The Butchers Arms, is located within reasonable walking distance of the village.

Policy HSG3 in terms of the requirement for the dwelling to be for local need is not considered to be applicable in this case as there is already a unit of accommodation associated with the pub and that the proposal is merely enlarging it and not creating an additional new dwelling.

The principle of the alterations, extensions and demolition to the building is also considered acceptable in principle in planning policy terms. What needs to be considered are the effects upon the character and appearance of the building and whether they preserve or enhance the character and appearance of the conservation area.

## **7.00 PLANNING APPRAISAL**

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

The site comprises of the former White Lion public house together with its car park to the rear and its vehicular access to the south. It is situated on the edge of the southern conservation area of Nercwys which includes the church, school, bowling green and Plas Yn Llan. The Inn contributes therefore to an attractive nexus of historic buildings at the heart of the village.

7.02 The proposals involve change of use of the public house to a dwelling, demolition of the existing single storey flat roofed extensions to the rear to be replaced by a large two storey extension perpendicular to the existing building, demolition of existing side flat roofed extension, creation of new vehicular access to the north and blocking up of existing vehicular access to the south and the erection of a detached single storey garage within the proposed garden of the dwelling to the rear. The large two storey perpendicular extension will measure approximately 6.7m x 4.9m x 6m (height to ridge).

### **7.03 Issues**

The main issues to consider within the determination of this planning application are the principle of the developments in planning policy terms, the highway implications and the effects of the proposed extensions and demolition works upon the character and appearance of both the building and conservation area in which they are set.

- 7.04 Principle of Development  
The site is located within the settlement limit and southern conservation area of Nercwys as defined by the Flintshire Unitary Development Plan (FUDP).
- 7.05 In terms of the principle of development of the change of use of the public house to a dwelling in planning policy terms, both policies S11 and HSG3 of the FUDP apply.
- 7.06 S11 permits the loss of a public house which performs a social as well as an economic role only where similar facilities exist in the neighbourhood or village which are equally as conveniently accessible to local residents or where this is not the case, the property has been advertised at a reasonable price for sale or lease in its existing use for a period of at least one year without success.
- 7.07 Given that the Butchers Arms is located within reasonable walking distance of Nercwys (approx 750m by road) it is considered that this would satisfy the first criterion of policy S11. It is noted that the Butchers Arms does have planning permission for change of use to a dwelling but this has not been implemented and is still trading as a public house. In relation to the second criterion of the policy, the agent refers being able to supply documentation relating to four years of marketing. However, this has not been submitted with the application.
- 7.08 In terms of HSG3, Nercwys is a category C settlement which only allows for change of use of non-residential buildings to dwellings provided that it is the renovation or replacement of an existing dwelling or it is to meet proven local needs and cumulatively does not result in over 10% growth since 2000. The dwelling is not proposed to be for a local need. However, as there is already a unit of residential accommodation associated with the pub and that the proposal is merely enlarging it and not erecting an additional new dwelling, then it is considered that Policy HSG3, in terms of local need is not applicable.
- 7.09 In relation to the extensions and alterations to the building these are considered acceptable in principle in planning policy terms. What needs to be considered are their effects upon the character and appearance of the building and conservation area in which they are set.
- 7.10 Highways  
Access to the dwelling and its curtilage will be via a new vehicular access to the north, off Pen-Y-Bryn with the closure of the existing access to the pub car park to the South on the corner of Pen-Y-Bryn with Ffordd-Y-Pentre. The new access will involve the realignment of the existing hedge to the north in order to provide the required visibility sightline for cars emerging from the site.
- 7.11 Amended plans have been received now conforming to the requirements of the Highway Engineer in terms of visibility. It is noted that the new vehicular access will be much safer for both vehicles and

pedestrians than the existing vehicular access.

#### 7.12 Character and Appearance of Building

The Inn is a simple gabled building built in a traditional form with its ridge running in parallel to the road onto which it originally took access. The original southernmost part of the Inn may originally have been a house and this is still the clear visual focus of the composition, being the most prominent and substantial element of the building as extended. The building has been extended a number of times and although three of the extensions – those to the east and south and the porch to the west are unsympathetic in detailed design, two of the forms employed, lean to and gable in sequence with the original gable, derive from the vernacular typology of the area. These existing extensions fail to respect the simple form of a domestic property, however, they were perhaps justified in terms of the requirements of maintaining a public house in the area with decent dining and toilet facilities.

7.13 It is considered that the proposed extension of the building with a large perpendicular wing would subsume the simple linear form of the existing building into one comprising three wings of almost the same dimensions. Although some of the unsympathetic commercial extensions would be removed, the resulting form would have a greater negative impact on the character of the building because it would be a more dominant form and would be in conflict with the linearity and size of the original.

7.14 The applicant has modified the design by reducing the width and height of the neck of the new wing where it adjoins the existing building. This might reduce the impact of the extension on the fabric of the original building but it does not take away from the fact that it would be a very substantial non traditional form which would result in the loss of the clear visual hierarchy of the present building. Indeed, the proposed variation in levels of the proposed extension adds to its visual complexity, drawing attention away from the historic southern range as the focal point of the composition. The proposed extension is considered so large as to have a similar visual weight to that of the original building. This issue is of greater concern than might otherwise have been the case, if the extension had been at the rear of a property because it is in full public view of Ffordd Y Pentre.

7.15 The other significant publicly visible alteration involves the demolition of the beer cellar which helps define and constrain the road to heighten the drama of arrival into Ffordd Y Pentre from the north and whose cat slide slated form is so typical of extensions in the Flintshire countryside. The loss of this feature seems unnecessary, even if it is of little practical use to the new owner. It makes a contribution to the character and appearance of the building and the conservation area.

7.16 Given the above, it is considered that the alterations and extension would have a significant detrimental impact upon the character and appearance of the building.

#### 7.17 Character and Appearance of Conservation Area

Together with the parish church and agricultural and residential

properties on the opposite side of the road, the Inn contributes to an attractive nexus of historic buildings at the heart of Nercwys. The central importance of this group of buildings is recognised in the designation of this small area of village as its conservation area.

7.18 A key attribute of the arrangement of buildings is the manner in which they contain and enclose public space, allowing the church, the listed farm buildings and houses and the pub all to provide interesting offset viewpoints along the village road. An attractive sense of arrival is also experienced on the approach from the north up Pen Y Bryn where the cellar outrigger of the Inn tightly frames the road, adding to the sense of special contrast as this land opens into the broad central space of the village where Ffordd Y Pentre widens out. The sense that this is the village centre is emphasised by its enclosure by the neighbouring buildings and also by the functions of the church and pub. The Inn in particular creates a central landmark as it projects across the line of Ffordd Y Pentre on a sharp bend in the road.

7.19 As stated in paragraphs 7.12 – 7.16 because it is considered that the proposed large extension to the rear and the proposed demolition of the beer cellar have a significant detrimental impact upon the building and as the proposals are particularly visible, they are considered also to have a significant detrimental impact upon the character and appearance of the conservation area and do not enhance or preserve the features referred to above.

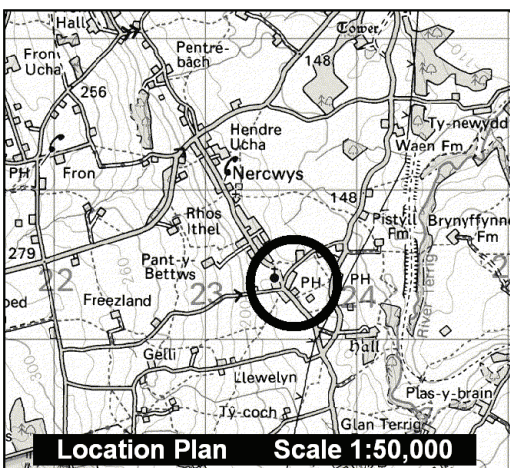
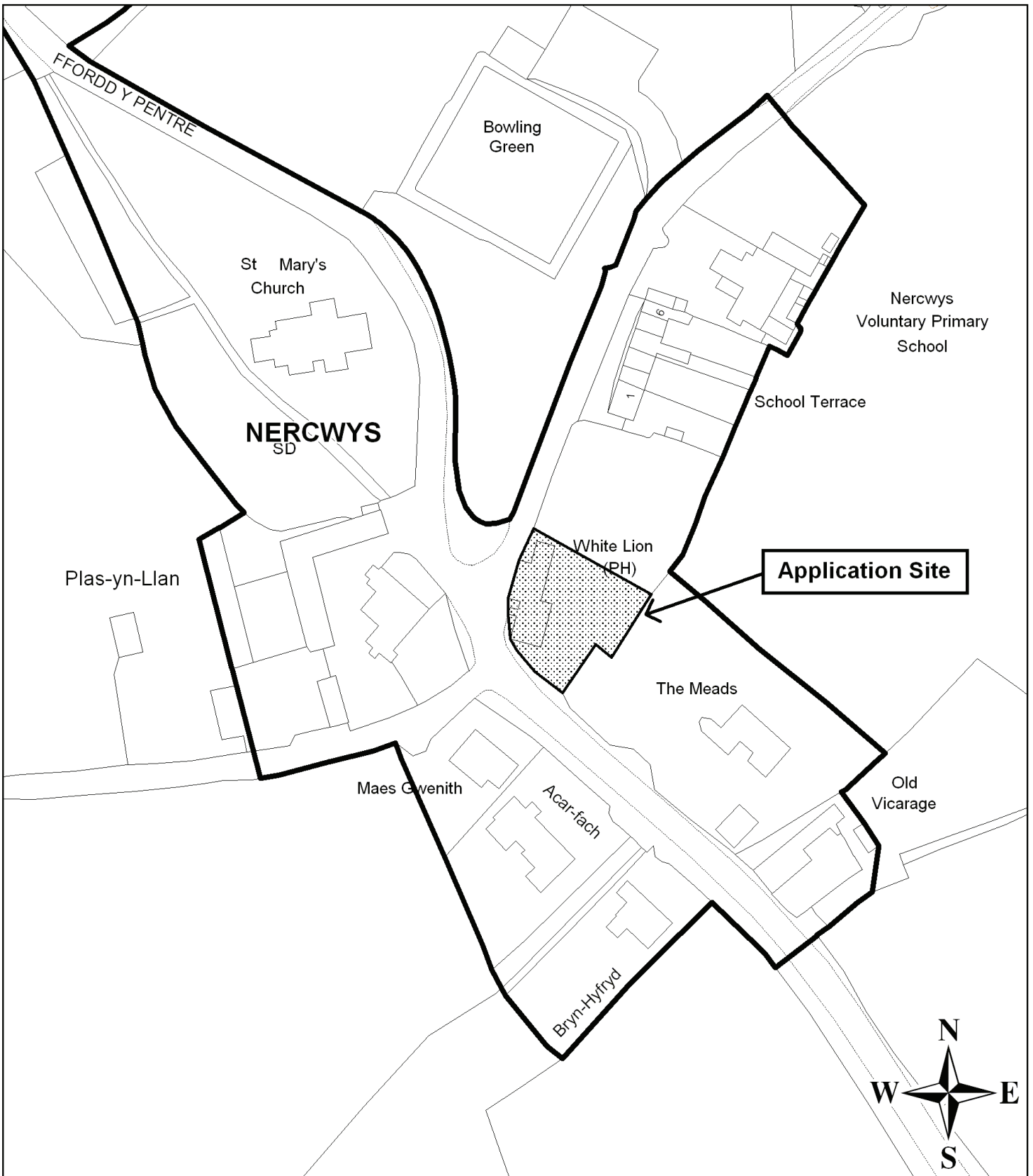
## 8.00 **CONCLUSION**

8.01 It is considered that the change of use of the public house to a dwelling is considered acceptable in planning policy terms. However, it is considered that the proposed two storey extension to the rear by virtue of its design form, excessive size and visible location will harm the special character and appearance of the conservation area. It is also considered that the demolition of the existing cellar on the front of the existing will also have a significant detrimental impact upon the character and appearance of the building and the conservation area in which it is set.

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

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

This page is intentionally left blank

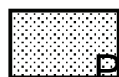


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:1250

OS Map ref SJ 2360

Planning Application 50024

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

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

**SUBJECT:** **FULL APPLICATION - SUBSTITUTION OF 8NO. HOUSETYPES AND ERECTION OF ADDITIONAL DWELLING AT LAND AT 'ALLTAMI HEATH', FIELD FARM LANE, BUCKLEY**

**APPLICATION NUMBER:** **050151**

**APPLICANT:** **PERSIMMON HOMES NORTH WEST**

**SITE:** **LAND AT 'ALLTAMI HEATH', FIELD FARM LANE, BUCKLEY**

**APPLICATION VALID DATE:** **21<sup>ST</sup> SEPTEMBER 2012**

**LOCAL MEMBERS:** **COUNCILLOR C. ELLIS**

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO FULLY ASSESS THE PROPOSED REVISIONS TO THE SITE LAYOUT AND MIX OF HOUSE TYPES**

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

### **1.00 SUMMARY**

1.01 This full application proposes the substitution of house types on 8 No. plots and erection of an additional dwelling within a previously permitted development for a total of 89 No. dwellings on land at Field Farm Lane, Buckley

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

- 2.01
1. Time limit on commencement.
  2. in accordance with approved plans.
  3. Details of external materials to be submitted and approved.
  4. Code for sustainable homes pre commencement and post construction.
  5. Development to remain subject of conditions attached to planning permission reference 046845.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

##### Councillor Ms C.A. Ellis

Request planning committee determination in order to fully assess the proposed revisions to the site layout and changes to the mix of house types.

##### Buckley Town Council

The following observations are made in relation to this planning application:-

1. The proposed substitute to the house types indicates that the four three bed semi-detached houses will replace four two bed mews houses and one additional Hanbury type three bedroom semi will also be added. The changes would appear to mean that the new proposal is for more expensive properties overall than the original proposal. It is questioned how that meets the affordability statement.
2. Do the changes alter the proportion of affordable houses as compared to the total?
3. The space between the dwellings does not appear to comply with Flintshire County Council's own requirements.

##### Head of Assets and Transportation

No objection and do not intend to make a recommendation on highway grounds.

##### Head of Public Protection

No adverse comments.

##### Dwr Cymru/Welsh Water

No comments.

### **4.00 PUBLICITY**

#### 4.01 Site Notice, Neighbour Notification

No responses received.

## **5.00 SITE HISTORY**

### **5.01 036776**

Outline – Residential Development. Approved 12<sup>th</sup> May 2004

### **042356**

Reserved Matters – Erection of 139 dwellings, roads, public open space and all associated works. Refused 31<sup>st</sup> May 2007.

### **043841**

Reserved Matters – Residential Development of 79 No. dwellings and 24 No. apartments. Withdrawn 8<sup>th</sup> October 2007.

### **044085**

Variation of Condition No. 2 attached to planning approval reference 036776 to extend the time for the submission of reserved matters and commencement of development. Approved 6<sup>th</sup> December 2007.

### **046845**

Reserved Matters – Residential Development consisting of 89 No. two storey dwellings, open space, roads and associated works. Permitted 8<sup>th</sup> August 2010.

### **049712**

Substitution of 9 No. house types. Permitted 6<sup>th</sup> September 2012.

## **6.00 PLANNING POLICIES**

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

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

Policy HSG8 – Density of Development

Policy HSG9 – Housing Type and Mix

Policy HSG10 – Affordable Housing within Settlement Boundaries

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy SR5 – Play Areas and New Housing Development

Policy TWH1 – Development Affecting Trees and Woodlands

Policy TWH2 – Protection of Hedgerows

Policy WB1 – Species Protection

Policy EWP17 – Flood Risk

### **Additional Guidance**

Local Planning Guidance Note 2 – Space About Dwellings

The proposal generally complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

The site, the subject of this application amounts to approximately 0.18 hectares within the wider Persimmon Field Farm site of approximately 4.5 hectares in total, which has the benefit of planning permission for residential development. This site is bounded by Alltami Road to the north and existing residential development to the south off Aberllanarch Drive, Sunningdale and Wentworth Close.

### **7.02 Background**

By way of the background of planning history at this location, the overall site comprising 4.5 hectares in area, has the benefit of planning permission for the erection of a total of 89 No. dwellings, this being permitted under a Reserved Matters Application 046845 on 5<sup>th</sup> August 2010. Development has commenced in accordance with this previous permission.

### **7.03 Proposed Development**

The plans submitted as part of this application propose the substitution of house types in respect of 8 No. plots which occupy a central position within the development (63-70) together with the erection of an additional dwelling (70a) with associated modifications to the site layout. This would increase the total number of dwellings proposed within the site from 89-90, although the road pattern remains unaltered from that previously granted.

7.04 The applicants have advised that the proposed revisions are in response to market demand for specific house types replacing a number of previously approved mews properties and replacing them with 3 No. bed semi-detached properties.

### **7.05 Principle of Development**

The principle of residential development at this location has been established following the grant of outline planning permission under Code 036776 on 12<sup>th</sup> May 2004. In addition a subsequent reserved matters application for the erection of 89 No. two-storey dwellings was permitted under Code No. 046845 on 5<sup>th</sup> August 2010. The principle of residential development on this site is therefore well-established subject to ensuring that the development would result in a satisfactory well balanced layout and the safeguarding of residential amenity.

### **7.06 Design / Appearance**

The plans submitted propose the substitution of house types with associated modifications to the defined curtilage areas of the proposed dwellings. The pattern and orientation / relationship of the dwellings to each other is considered to be acceptable providing for a

well balanced site layout at this location.

7.07 The house types / designs are considered to be reflective of the character of development already permitted incorporating house types already approved within the development and would be sympathetic to the character of the site / surroundings providing for a consistency in terms of design and use of materials.

7.08 Site Layout

Of particular importance in consideration of this application given the proposed changes to the initially approved site layout, is ensuring that the privacy / amenity of the occupiers of existing / proposed dwellings are safeguarded.

7.09 The concerns / objections received in this respect are duly noted. For Member's information, the site layout proposed ensures that the distances orientation and fenestration details between dwellings would be in accord with the Council's Local Planning Guidance Note 2 – Space About Dwellings and privacy / amenity safeguarded as part of the proposed development.

7.10 House Types / Mix

For Member's information, the initial outline permission for the development of the site was approved in 2004 and was considered in advance of the requirement to secure an element of affordable housing provision in accordance with Policy HSG10 of the Unitary Development Plan

7.11 Although there is no legal agreement / condition in place to formally secure or control affordable housing provision within the development, the site layout still retains 10 No. 2 bed units within the scheme in order to maintain a level of provision to meet a cross-section of housing need.

7.12 In addition to the above, the developers have advised that the 3 No. bed units proposed are still considered to be first time buyer or small starter family homes and that they offer a shared equity scheme which provides the opportunity for a purchase on an 80 – 20% equity basis.

7.13 Adequacy of Highways

Consultation on the application has been undertaken with the Head of Assets and Transportation. It has been confirmed that as there are no changes to the road layout for the site from that previously permitted under code no. 046845, there is no objection to the proposed development.

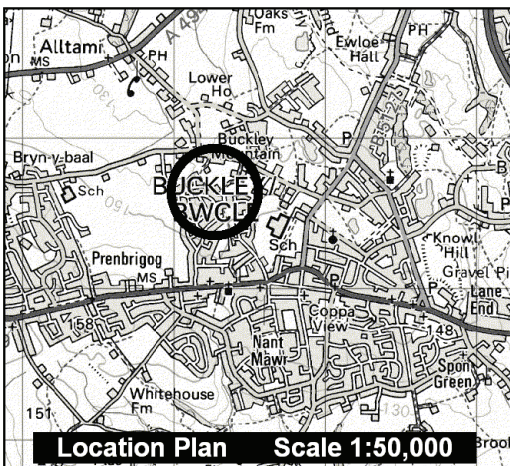
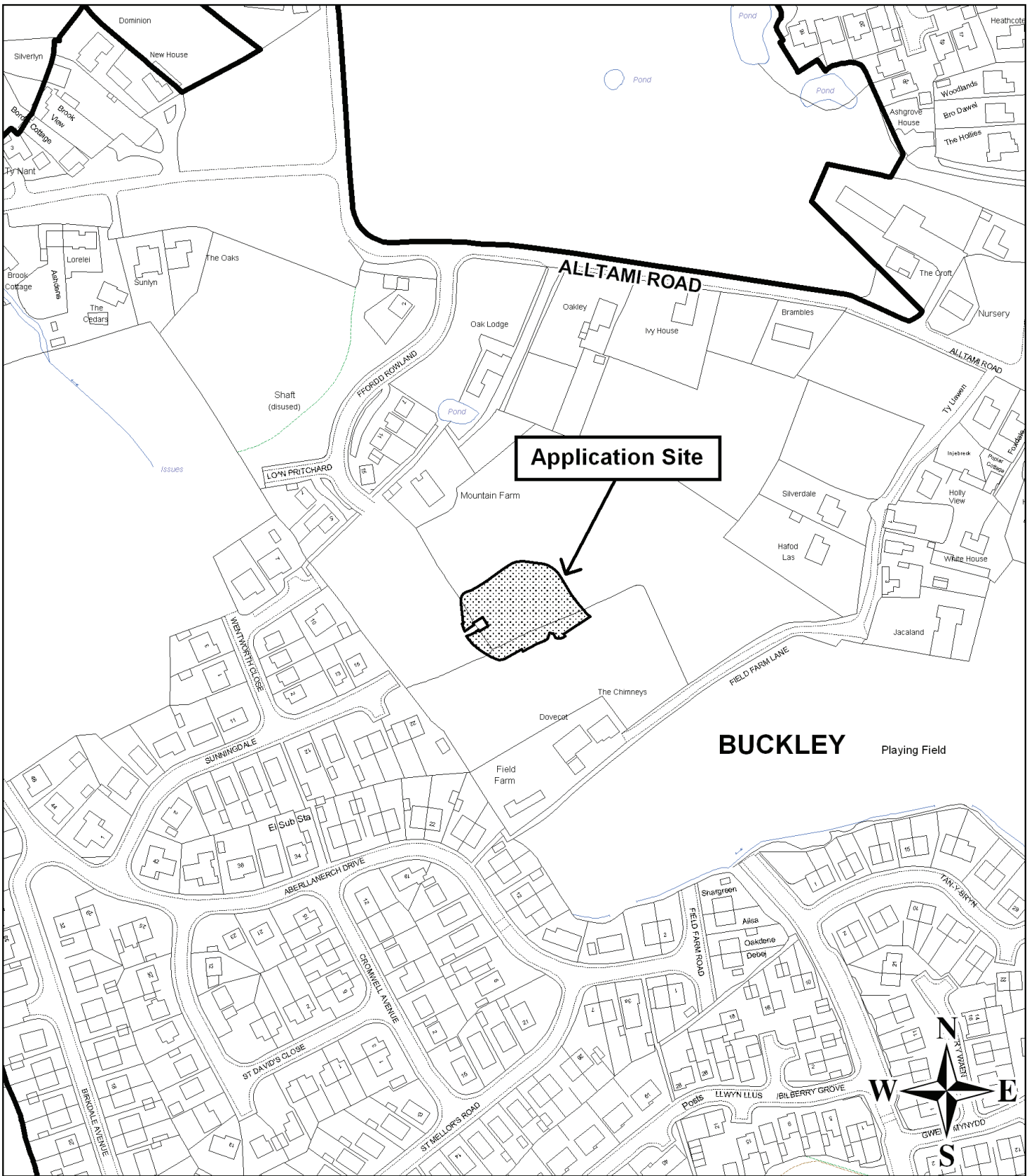
**8.00 CONCLUSION**

8.01 It is considered that the proposed modifications to the site layout, the substitution of house types and erection of an additional dwelling is

acceptable at this location having regard to the character of the site and surroundings. The house types proposed provide for a high quality scheme providing a well balanced layout which it is considered can be supported.

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:** Mark Harris  
**Telephone:** 01352 703269  
**Email:** robert.m.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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023886. Flintshire County Council, 2012.

Map Scale 1:2500

OS Map ref SJ 2764

Planning Application 50151

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF A DWELLING REPLACING A DESIGN PREVIOUSLY APPROVED AS PART OF APPLICATION REF:043470 AT "THE CROFT", ALLTAMI ROAD, BUCKLEY**

**APPLICATION NUMBER:** **049850**

**APPLICANT:** **MR T ROBERTS**

**SITE:** **"THE CROFT", ALLTAMI ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **10.09.2012**

**LOCAL MEMBERS:** **COUNCILLOR MRS. C. A. ELLIS**

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

**REASON FOR COMMITTEE:** **THE PROPOSALS ARE RECOMMENDED FOR APPROVAL SUBJECT TO A S.106 AGREEMENT, THE SUBSTANCE OF WHICH GO BEYOND THE SCHEME OF DELEGATION**

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

### **1.00 SUMMARY**

1.01 This is a full planning application for the substitution of a house type previously approved under application No. 043470 on Plot 3 at land at 'The Croft', Alltami Road, Buckley.

### **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.Ensure the payment of a contribution of £2500 to the Council

for ecological mitigation. Such sum to be paid to the Council prior to the occupation of the dwelling hereby approved.

1. Time limit on commencement.
2. In accord with approved plans.
3. Code for Sustainable Homes "Interim Certificate" to be submitted before work commences.
4. Code for Sustainable Homes "Final Certificate" to be submitted before houses occupied.
5. No development to commenced until a scheme for the comprehensive drainage of foul, surface and land waters approved.
6. Landscaping scheme to be submitted and agreed.
7. Implementation of landscaping scheme.
8. Hedgerow protection.
9. Removal of Permitted Development Rights.
10. Submission of external finish materials.
11. Safeguarding of footpath route.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor Mrs. C. A. Ellis

No response at time of writing.

Buckley Town Council

No objections.

Head of Assets and Transportation

No objections.

Head of Public Protection

No adverse comments.

Countryside Council for Wales

No objection subject to conditions relating to the implementation of the submitted ecological mitigation measures.

Buckley Commoners & Graziers

No objections.

The Coal Authority

No adverse comments. Standing Advice applies.

Dwr Cymru/Welsh Water

No objection. Requests the imposition of conditions.

### **4.00 PUBLICITY**

- 4.01 The application has been publicised by way of the display of a site

notice and via neighbour notification letters.

- 4.02 At the time of writing, 1No. third party letters has been received in response to the publicity exercise. The letter raises no objection to the principle but queries the loss of tree upon the site boundary.

## **5.00 SITE HISTORY**

### **5.01 03/0/036656**

Change of use from residential to day care unit for babies under 2 years of age at Unit 2. Approved 13/09/04

### **4/0/20442**

Self-contained unit for elderly person. Approved 01/06/091.

### **4/0/19891**

Change of use of existing industrial unit to children's day nursery. Approved 02/10/98.

### **4/0/16398**

Erection of a two storey extension at side of dwelling to increase living accommodation. Approved 03/11/87.

### **4/0/16300**

Outline application for the erection of two dwellings using existing access. Refused 03/11/87. Appeal Allowed 10/06/88.

### **4/0/15525**

Change of use of building from light industrial to car/body repair and refinishing. Approved 04/11/86.

### **4/0/8755**

Change of use to light industrial use. Refusal 23/10/80. Appeal Allowed 24/6/81.

### **043470**

Relocation of Margden Heating Ltd and erection of 4No. Dwellings. Approved Subject to S.106 agreement 22.9.2008.

## **6.00 PLANNING POLICIES**

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

Policy STR1 - New Development

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy D1 - Design Quality, location and layout

Policy D2 – Design

Policy D4 - Landscaping

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries

Policy AC13 - Access and Traffic Impact  
Policy AC18 - Parking Provision and New Development  
Policy TWH2 – Development Affecting Trees and Woodlands  
Policy WB1 - Protected Species  
Policy WB2 - Sites of International Importance  
Policy WB3 - Statutory Sites of National Importance.

The site is located within the settlement boundary of Buckley as defined in the Flintshire Unitary Development Plan (UDP). I consider that the proposals would generally comply with the requirements of the above policies.

**7.00 PLANNING APPRAISAL**

7.01 Site and Surroundings

The site known as 'The Croft' currently accommodates a detached premises used as a day nursery and a separate building which provides accommodation for the commercial business, Margden Heating, both of which front Alltami Road to the south. This arrangement has been established under the provisions of works approved under Planning Permission 043470.

7.02 The site is bounded to the north and east by residential properties and to the west by the boundaries of the Buckley Claypits and Commons Site of Special Scientific interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). The existing uses currently utilise the same access point into the site with no separate footway.

7.03 The Proposed Development

Under the previously grant of planning permission, the area to the rear of 'The Croft', is proposed to be developed to provide 4 detached dwellings. This application seeks permission to substitute the house type approved for plot 3. Both the previously approved dwelling and that proposed provide for 4 bed accommodation over 2 storeys and provide for an integral garage. The difference relates to its footprint and external appearance. The dwelling is proposed to be of traditional brick construction with bay windows and corner details.

7.04 Amenity Impacts

The proposed dwelling would have adequate private amenity space, space around dwellings and car parking provision. The proposed design would be in keeping with the character of the area. There would be no significant detrimental amenity issues associated with the proposed changes of house type and the relationship with the proposed and existing dwellings.

7.05 Concerns have been raised in relation to the proposed removal of a mature Poplar which stands upon the northern boundary of the site and the consequent impact the loss and increased inter visibility between the site and the neighbouring property would have upon

existing levels of residential amenity.

7.06 The tree in question has been the subject of a tree survey which indicates that its current condition is somewhat compromised by a lean away from the site, towards the neighbouring property. This in itself is not a reason to support the removal of the tree. However, the tree root system extends over a submerged septic tank upon the site which it is necessary to remove in order to undertake the required development. It is the considered opinion of the tree professional authoring the report, a view endorsed by the Council's Arboriculturalist, that the works in removing this septic tank will significantly compromise the stability and integrity of the tree and root system.

7.07 Therefore, whilst I appreciate the concerns raised, I consider that a condition requiring the boundary treatment in the area of the removed tree to be submitted and agreed would enable the securing of a suitable landscaped alternative which would ensure that the perceived detriment to amenity would be addressed.

7.08 Ecological Considerations

The site is adjacent to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). These sites support a nationally important population of great crested newts and in the case of the SSSI a variety of more widespread amphibian species and semi-natural grassland. Under Regulation 48 of the Conservation (Natural Habitats) Regulations 1994, the Council must consider whether a development proposal in combination with other plans or projects is likely to have a significant effect on the Deeside and Buckley Newt SAC.

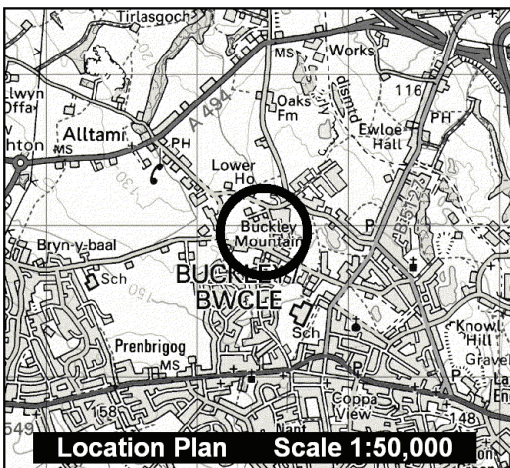
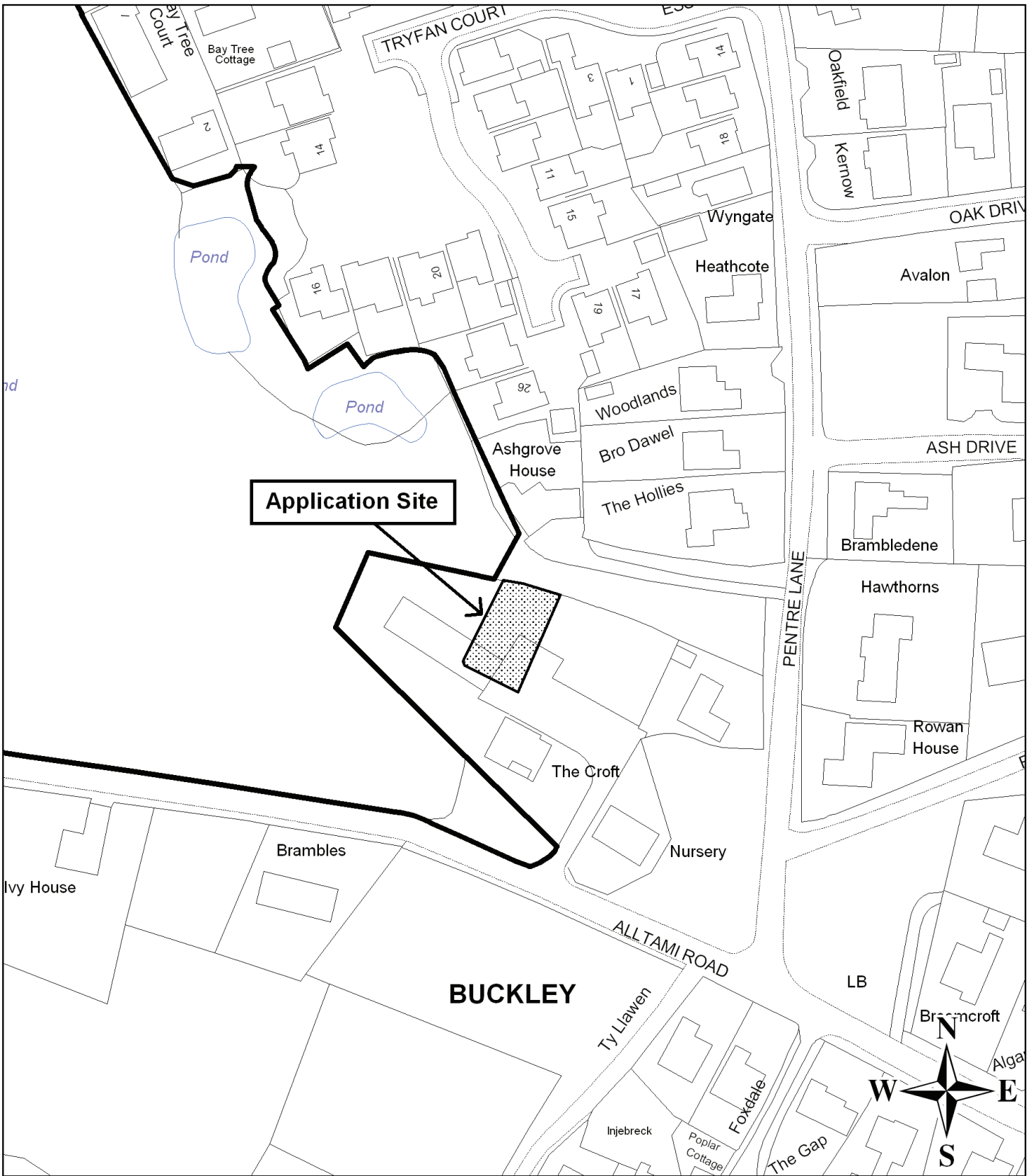
7.09 The development would not lead to a direct loss of habitat within the SAC or SSSI. However in this case, in respect of both this and the previously approved development proposal, it is considered that mitigation proposals are required to address indirect impacts on the SAC that may be caused by construction of the development proposal and also through recreational pressures and disturbance/predation of wildlife.

7.10 The applicants submitted have a Mitigation Statement for the Potential Impacts upon Deeside and Buckley SAC. The Mitigation Strategy includes Reasonable Avoidance Measures such as protective fencing and also, as replacement land cannot be provided, a financial contribution towards mitigation projects in the area. This approach has been agreed with Countryside Council for Wales and accordingly, it is considered that the ecological issues have now been satisfactorily resolved and planning permission can be granted subject to a S.106 agreement in respect of £2500 to be secured towards ecological mitigation.

## **8.00 CONCLUSION**

- 8.01 The scheme provides for an alternative design of dwelling to be erected upon this plot. I am satisfied the differences between the proposed and previously approved dwelling are not so great as to be considered unacceptable and I am satisfied that all other issues requiring address have either been considered through the process or are adequately addressed via conditions or the required S.106 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

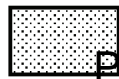


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:1250

OS Map ref SJ 2764

Planning Application 49850

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 DECEMBER 2012**

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

**SUBJECT:** **049981 - GENERAL MATTERS - ERECTION OF KELSTERTON CONVERTER STATION COMPRISING VALVE HALLS, A CONTROL BUILDING AND A SPARES BUILDING TOGETHER WITH OUTDOOR ELECTRICAL EQUIPMENT AND ASSOCIATED INFRASTRUCTURE, SECURITY FENCING, LANDSCAPED AREAS AND HABITAT CREATION AT CONNAH'S QUAY POWER STATION, KELSTERTON ROAD, CONNAH'S QUAY, DEESIDE**

**1.00 APPLICATION NUMBER**

1.01 **049981**

**2.00 APPLICANT**

2.01 **NATIONAL GRID**

**3.00 SITE**

3.01 **CONNAH'S QUAY POWER STATION, KELSTERTON ROAD, CONNAH'S QUAY, DEESIDE**

**4.00 APPLICATION VALID DATE**

4.01 **10/09/12**

**5.00 PURPOSE OF REPORT**

5.01 To update Members with regard to the planning application proposing the erection of the converter station at Kelsterton in view of the fact that an appeal has been lodged against the council's refusal. Following the resolution at the 10th October 2012 meeting of the Planning and Development Control Committee, to refuse the above planning application, Members views are sought on the refusal reasons attached to the decision notice. The previous report submitted to Committee is appended

## 6.00 REPORT

6.01 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 the reasons for the refusal of planning permission. At the earlier Planning and Development Control Committee on 10th October 2012 Members resolved to refuse planning permission, as follows,

6.02 **1. The proposed development by virtue of its scale and close proximity to residential properties would potentially be detrimental to the residential amenity that those properties could reasonably expect to enjoy by way of visual and noise impacts, particularly when alternative sites in the locality which are likely to have a lesser residential impact have not been adequately explored. The proposed development is contrary to planning policies STR7, GEN1, D1, D2, CF7, EM1 and EM7 of the adopted Flintshire Unitary Development Plan and advice as contained within Planning Policy Wales 2011.**

There was a significant amount of debate on the proposal as regards noise impact. Members will recall that the Council's Head of Public Protection did not offer any noise objections to the proposed development. Nonetheless members considered this issue should form part of the refusal reason. Bearing in mind an appeal has been lodged against the reason for refusal it was considered prudent on the Council's behalf that the advice of an external noise consultant was sought on noise issues relating to the development. An acoustic engineer was provided with the full information presented to the Council relevant to their specialist topic. The acoustic engineer has confirmed that on technical grounds overall noise impact on the nearest receptors will be low. That being the case, then both internal and external acoustic analysis of the proposed development, raise no objections on noise grounds.

### Conclusion

6.03 In light of the response from the external acoustic consultant to the noise element of the proposed development, it is considered that it would be difficult to successfully defend a noise related refusal reason, and to provide a robust case on the Council's behalf during the course of the appeal. If the Council proceed with the noise element of the refusal, then at appeal, the appellant may consider due to the circumstances to make an application for costs against the Council. A resolution on how to progress defending the refusal decision notice is therefore sought with the best option for proceeding being to defend the refusal based on refusal reason 1 above but without the specific reference to noise.

## 7.00 RECOMMENDATIONS

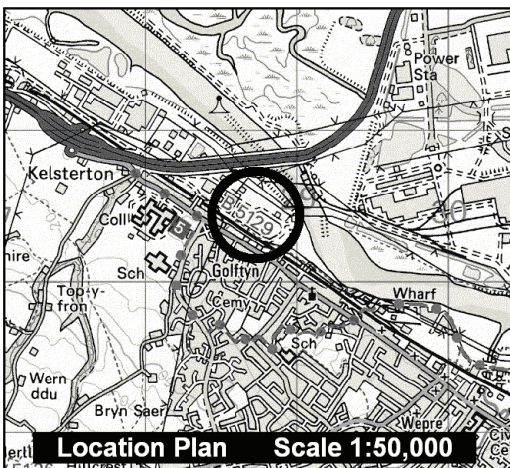
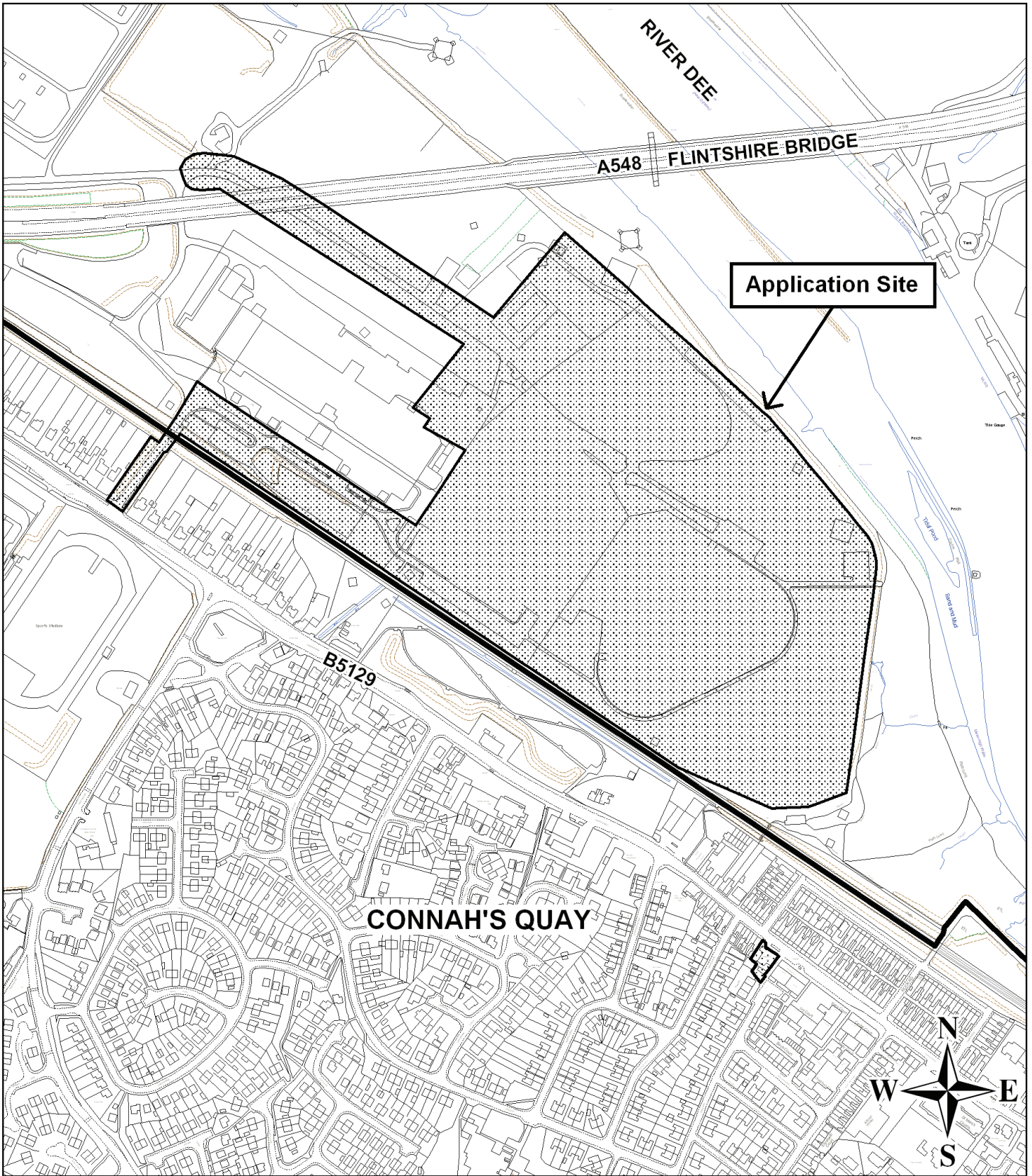
- 7.01 In light of the above, that Members authorise officers to defend the proposal based on refusal reason 1 minus any specific reference to noise.

**Contact Officer:** Declan Beggan

**Telephone:** 01352 703250

**Email:** [declan\\_beggan@flintshire.gov.uk](mailto:declan_beggan@flintshire.gov.uk)

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale	1:5000
OS Map ref	SJ 2870
Planning Application	<b>49981</b>

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 12 DECEMBER 2012**

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

**SUBJECT:** **GENERAL MATTERS APPLICATION - VARIATION OF S.106 AGREEMENT TO CHANGE THE ORIGINAL STATUS OF 1 LLYS DEWI, PENYFFORDD, HOLYWELL FROM BEING SHARED OWNERSHIP TO HOMEBUY TENURE AT 1 LLYS DEWI, PENYFFORDD, HOLYWELL**

**1.00 APPLICATION NUMBER**

1.01 050222

**2.00 APPLICANT**

2.01 Clwyd Alyn Housing Association

**3.00 SITE**

3.01 1 Llys Dewi, Penyffordd, Holywell.

**4.00 APPLICATION VALID DATE**

4.01 19.10.2012

**5.00 PURPOSE OF REPORT**

5.01 This application is for permission to vary the Section 106 Legal Agreement associated with the 1991 permission for low cost housing on land adjacent to Maes Emlyn, Penyffordd. The application relates to 1 Llys Dewi and is to change the original status from being shared ownership to Homebuy tenure. The house is an end of terrace in a small residential development.

**6.00 REPORT**

6.01 The application involves varying 3 clauses in the 1991 Legal Agreement in relation to one house, number 1 Llys Dewi with the effect that the house can be occupied under Homebuy tenure. This is classed as intermediate housing where prices or rents are above social housing but below market housing prices or rents. Homebuy

involves equity sharing and is operated by Registered Social Landlords, under which existing social housing tenants and those on housing waiting lists can purchase a home with an interest-free equity loan.

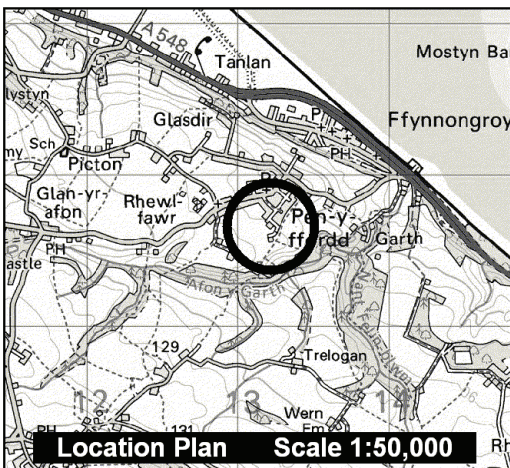
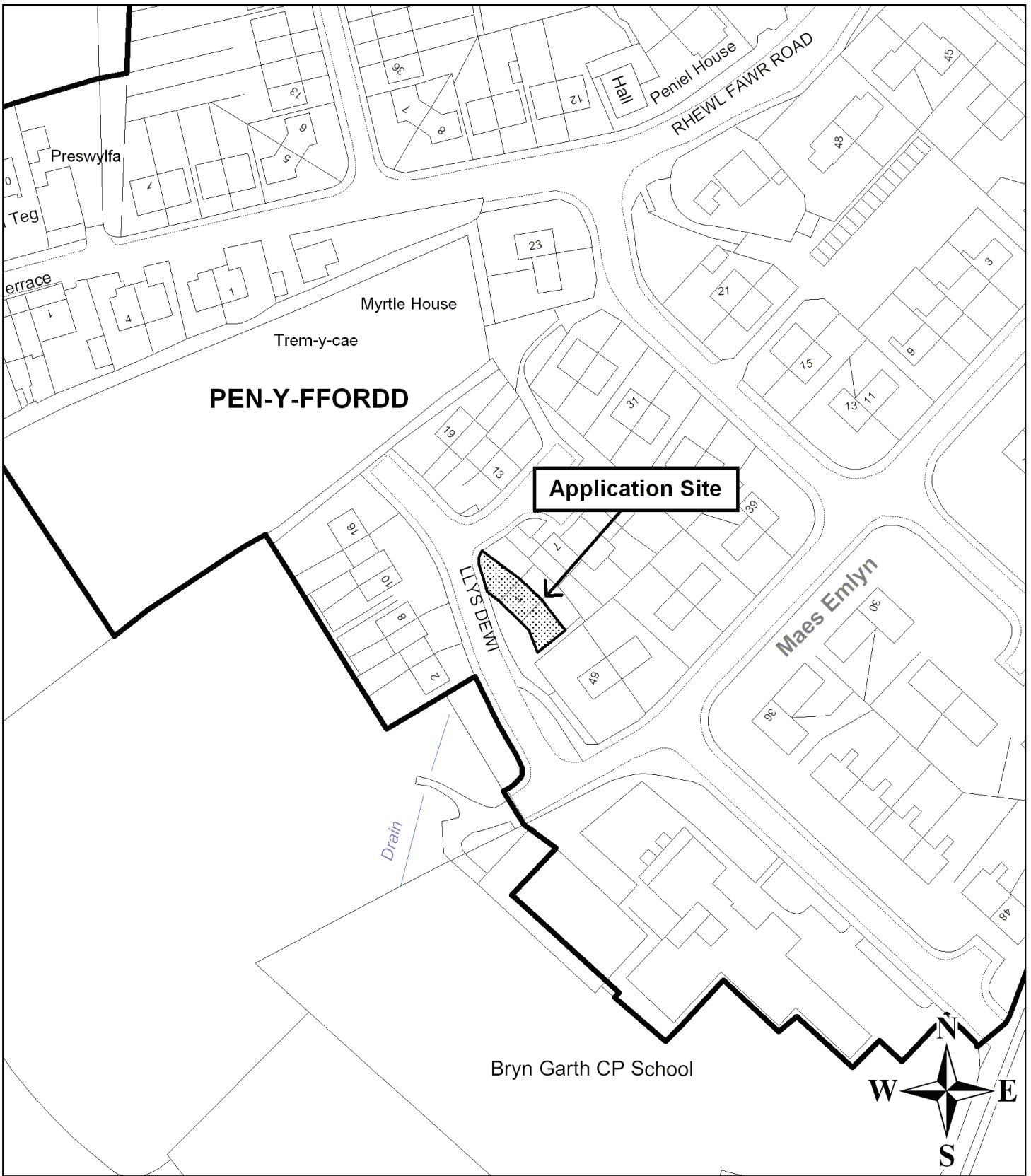
- 6.02 The Housing Strategy officer supports the proposal and comments that Shared Ownership mortgages are difficult to obtain in today's economic climate and are not always affordable. Prospective purchasers have to purchase a share in the property by way of a mortgage and pay rent on top of that mortgage for the equity capital they do not own. The Homebuy tenure works in the same way as the council's shared equity scheme. It is where a purchaser will buy 50 to 70% of the property value and will pay nothing for the retained equity, which is only repaid upon re-sale. The Homebuy tenure is more affordable than shared ownership and would also meet future needs.
- 6.03 Llanasa Community Council has no objections and the proposal is in accordance with the council's policies and guidance.

**7.00 RECOMMENDATION**

- 7.01 That the terms of the Section 106 obligation be changed to allow the change to tenure.

**Contact Officer:** Sally Cunliffe  
**Telephone:** 01352 703254  
**Email:** [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

**Legend**

 Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

 Application Site Extent

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:1250

OS Map ref SJ 1381

Planning Application **50222**

This page is intentionally left blank

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

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

**SUBJECT:** **APPEAL BY URBAN VISION (UK) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 1NO. DETACHED DWELLINGHOUSE AND GARAGE WITH PRIVATE DRIVE AT 12 LLYS Y WENNOL, NORTHOP HALL, MOLD**

**1.00 APPLICATION NUMBER**

1.01 **047127**

**2.00 APPLICANT**

2.01 **URBAN VISION (UK) LTD**

**3.00 SITE**

3.01 **12 LLYS Y WENNOL, NORTHOP HALL, MOLD**

**4.00 APPLICATION VALID DATE**

4.01 **19.05.2010**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of planning permission by Committee for the erection of 1no. detached dwelling house and garage with private drive on land to the side of 12 Llys Y Wennol, Northop Hall, Mold, Flintshire. CH7 6GE.

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 to be the amenity value and the condition of the protected oak trees and the impact of felling them on the character and appearance of the area and whether there were sufficient grounds to justify the felling of these trees and the effect of the proposal on the designated 'green space'.
- 6.02 Protected trees  
The inspector noted that in order to build the proposed dwelling 6 protected oak trees would need to be felled, although there was also evidence that some have suppressed growth or were structurally weak. Two tree reports had been submitted which recommended that these protected trees were removed.
- 6.03 The proposed dwelling would be located on an area of designated 'green space' defined by policy L3 of the Flintshire Unitary Development Plan (UDP). The site is situated north of No. 12 Lllys y Wennol with access obtained from the head of the cul-de-sac road. A detached garage would be located on the western boundary adjoining a public footpath. This path would be retained and a new fence would be erected to delineate its alignment.
- 6.04 From the Inspectors own visual inspection of the 6 trees in question, he agreed with the reports that had been submitted that 3 trees could be removed, He however, disagreed with the conclusions that the other 3 trees were not worthy of retention.
- 6.05 He was of the opinion that these individually protected trees make a significant contribution to the character of the 'green space', and collectively they form a wooded area which is a significant factor in the designation. The removal of the protected trees to facilitate the development is not justified since their loss would have a significant impact on the local environment and its enjoyment by the public.
- 6.06 He therefore concluded that the proposal would undermine the protection afforded to the trees by the TPO process and would conflict with UDP policy TWH1 development affecting trees and woodland.
- 6.07 He noted the Council's Forestry Officers response on the application and I also acknowledge the proposed replacement tree planting scheme, but these matters do not outweigh my conclusion on the first issue.
- 6.08 The condition of protected trees were considered worthy of retention as they contribute to the amenity value of the area and their removal would be harmful to the character and appearance of the area. There are insufficient grounds to justify felling them.
- 6.09 Green space  
He agreed with the Appellants that the green space is largely

characterised by the trees. However, his assessment of the quality of the trees differ from that of the Appellants since these trees are a characteristic of the green space their removal would undermine its value in terms of its landscape quality. Should a proposal be designed so as to avoid harm to the protected trees to the extent that he had indicated then the green space designation should not be an in principle bar to development. This is due to the fact that the area is in private ownership and could be fenced-off. It would then not act as a buffer nor function as an open area.

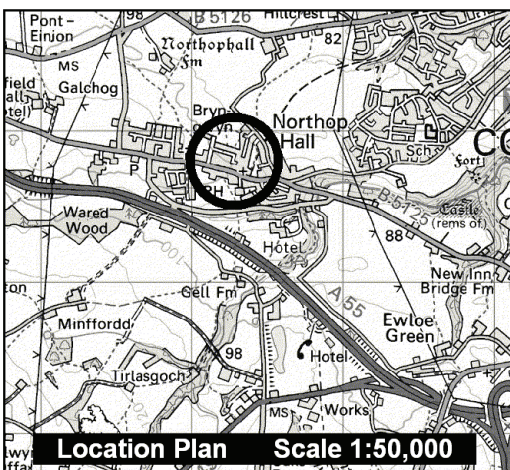
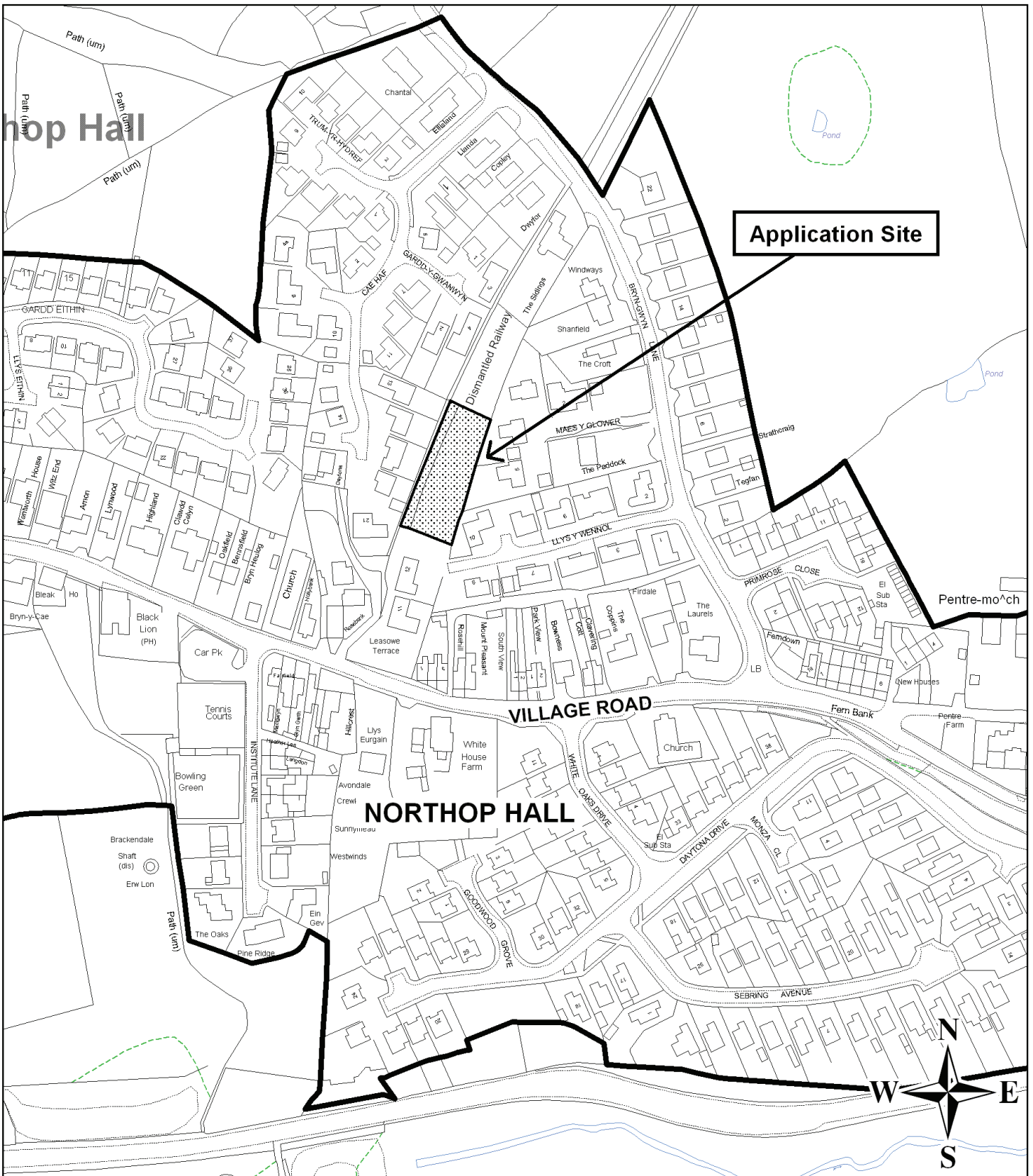
- 6.10 Nevertheless, as presented the planning application involves the removal of protected trees that contribute to the green space and the area generally. Its value would be unacceptably harmed since the trees form a significant contributory factor for its designation. To this extent the proposal would harm the designated green space in conflict with UDP policy L3.

## **7.00 CONCLUSION**

- 7.01 The inspector noted the reference to a previous outline planning permission granted on the site. However, this unimplemented planning permission lapsed in 2008 and the green space designation in the UDP. He also noted that weight should be attributed to the officer's recommendation in favour of the proposal but noted that the Council was entitled to disagree with the recommendation if there were sufficient grounds. He went on to consider this appeal on its individual merits finding that whilst the development is located in the settlement, one principle of sustainable development is to respect environmental limits and this proposal would undermine this aspect in that the loss of certain of the trees was not justified.
- 7.02 For the reasons set out above, and having regard to all other matters raised, the Inspector concluded that the appeal should be dismissed.

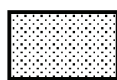
**Contact Officer: Mrs Kathryn Y Taylor**  
**Telephone: 01352 703274**  
**Email: Kathryn\_y\_taylor@flintshire.gov.co**

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2012.

Map Scale 1:2500

Ordnance Survey Sheet SJ 2767

Planning Application 47127

This page is intentionally left blank



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY 12<sup>TH</sup> DECEMBER 2012**

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

**SUBJECT:** **APPEAL BY MR MARTIN ROONEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND FOR THE STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSE OF 5 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOMS ANCILLARY TO THAT USE ON LAND SIDE OF EWLOE BARN WOOD, MAGAZINE LANE, EWLOE.**

### **1.00 APPLICATION NUMBER**

1.01 049152

### **2.00 APPLICANT**

2.01 Mr Martin Rooney

### **3.00 SITE**

3.01 Land to the side of Ewloe Barn Wood, Magazine Lane, Ewloe.

### **4.00 APPLICATION VALID DATE**

4.01 02/09/2010

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal of planning permission at the Planning and Development Committee on 12<sup>th</sup> January 2012. The application was for the change of use of the land for 5 residential gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retention of existing stables. The appeal was considered by way of a public inquiry for 4 days during July and August 2012. The appeal was DISMISSED but a partial award of costs was made against the council in relation to the second reason for refusal.

- 5.02 The planning application was refused for the following reasons:
1. The proposed development is contrary to Policy HSG 14 of the Unitary Development Plan, which states that development of new permanent gypsy sites will only be permitted where, amongst other criteria, "there is a demonstrable need". The local planning authority is not convinced that such a need has been established at the present time, having regard to studies which are being undertaken on a regional basis, in line with current Welsh Government guidance.
  2. The proposal is premature pending the outcome of the council's assessment of the potential to extend the present gypsy site at Riverside, Queensferry. The proposal is therefore contrary to policy HSG14b of the Unitary Development Plan as the Queensferry site may prove to be a suitable alternative to the application site.

## 6.00 **REPORT**

- 6.01 The Inspector considered the main issues to be:
- a) whether the proposal is appropriate development in the green barrier;
- 6.02 The Inspector concluded that the proposal was for an appropriate rural use but it was not essential that it had a rural location. It would reduce the openness of the green barrier and have an adverse impact on its character and appearance. The Inspector considered that it was to be treated as inappropriate development and not acceptable in the green barrier and therefore contrary to GEN4.
- b) if it is not appropriate development, the extent to which the proposal would impact on the green barrier;
- 6.03 The open character and appearance of the green barrier would be affected, to a limited extent. It would make a marginal contribution to the coalescence of settlements and encroach into the countryside. Very exceptional circumstances therefore need to be shown which would outweigh these impacts.
- c) the impact of the proposal on the rural character and appearance of the area;
- 6.04 The Inspector explained that gypsy sites are acceptable, in principle, in rural settings and will inevitably have some impact on their surroundings. That impact would not be unacceptable in this case.
- d) the implications of the proposal for highway safety and the amenity afforded to other highway users;
- 6.05 The Inspector considered that the type and level of traffic likely to be

generated can be accommodated on the highway network without unacceptable risk to highway safety or loss of amenity for other users.

e) the effect of any other material considerations, including whether the site is premature pending the assessment of another site and the implications of the proposal for highway safety and the amenity afforded to other highway users;

6.06 The Inspector had serious concerns that the living conditions on the site would not be acceptable, particularly through the impact of noise from the A55 and possibly air quality, neither of which had been assessed.

6.07 The regional, local and personal need for additional pitches was a significant factor in support of the proposal, as was the lack of suitable and available alternatives to that proposed. The appellants were not currently homeless but their current living arrangements were far from satisfactory. They have a real and pressing need for a more suitable and stable base.

6.08 The proposal conflicts with policies GEN3 & 4 because it is not for a use for which a rural location is essential. The proposal satisfies criteria in policy HSG14 for gypsy sites.

f) whether there are very exceptional circumstances which outweigh the harm caused to the green barrier

6.09 The Inspector considered that in other than a green barrier location the combination of factors would enable permission to be granted, setting aside his concerns over living conditions for the future residents. Other than its failure to comply with policy GEN4 the proposal is largely in accordance with the UDP. The proposal has limited consequences for the open character and appearance of the green barrier and its purposes.

6.10 The Inspector considered the telling factor to be the need for additional pitches and the lack of suitable and available alternatives. The implications of the regional assessment of this need are mitigated by the fact that the location of future provision to meet the GTAA has yet to be assessed. The portion to be met in future is therefore not yet known. The assessed need will come about over the period up to 2016. However, some additional provision will need to be made in Flintshire and some of the need is immediate, including that of the intended occupants. Policy to date has failed to address the issue. In the Inspector's opinion the personal need of the appellant is the most telling factor and that would need to be recognised should permission be granted.

6.11 The Inspector considered that very exceptional circumstances *are* sufficient to outweigh the green barrier impacts. He would have

granted permission but for an unresolved matter – the possibly unsatisfactory living conditions, because of traffic noise and pollution from the A55. He says a careful assessment should be made, possibly with a technical noise assessment being provided by the applicant. To comply with PPW, the noise assessment should be available before determination of the application.

### Need

- 6.12 One of the assessment criteria in Policy HSG14 is the need for additional gypsy pitches and the availability of alternatives. There is dispute that there is an unmet need in Flintshire. The Inspector concluded that there is a general and local unmet need and lack of alternative sites which weigh in favour of the proposal. Also, there is a significant existing personal need which further favours the proposal.

### Living conditions on the site

- 6.13 The Inspector considered that the location of the appeal site immediately alongside the A55 means traffic noise is self-evident, significant and constant. He said that neither the council nor the appellant quantified the noise or air quality implications of the proposal. The Inspector considered that there is a significant and unresolved question over whether this is a sustainable location for such a noise sensitive development.

### Costs Claim

- 6.14 In deciding whether to award costs in favour of the appellant, the Inspector concluded that the council *had* acted unreasonably in connection with the second reason for refusal (given in paragraph 5.02 above).
- 6.15 The Inspector said there is little or no progress in developing an extension to the Riverside site. There is no evidence of monies being allocated or of a planning application being made. The site has issues such as its location on Flood Zone 3, its substandard access onto the A494 Trunk Road and lack of successful negotiation on purchase of land for an alternative access. Extension to the Riverside site is therefore some way off.
- 6.16 The Inspector said the council showed there was a large degree of support within the council for the potential expansion of its Riverside site, which could make a significant contribution to the provision of additional pitches. However, the council was unable to establish that it was either committed or sufficiently advanced to be relied on as alternative accommodation now or within an appreciable timescale. The council did not give a sound basis for resisting the appeal proposal and to use it as such was *unreasonable*. Since the appellant was obliged to deal with this second refusal reason, the associated

costs were unnecessarily incurred.

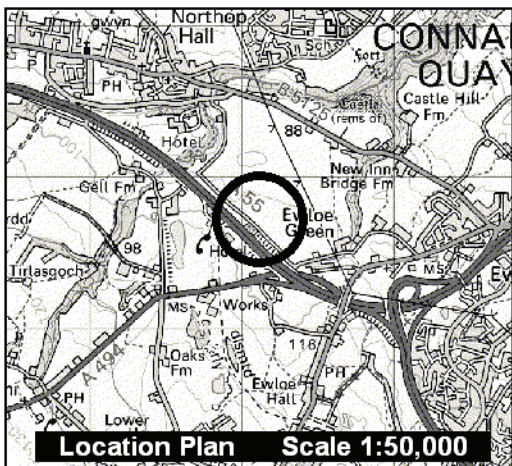
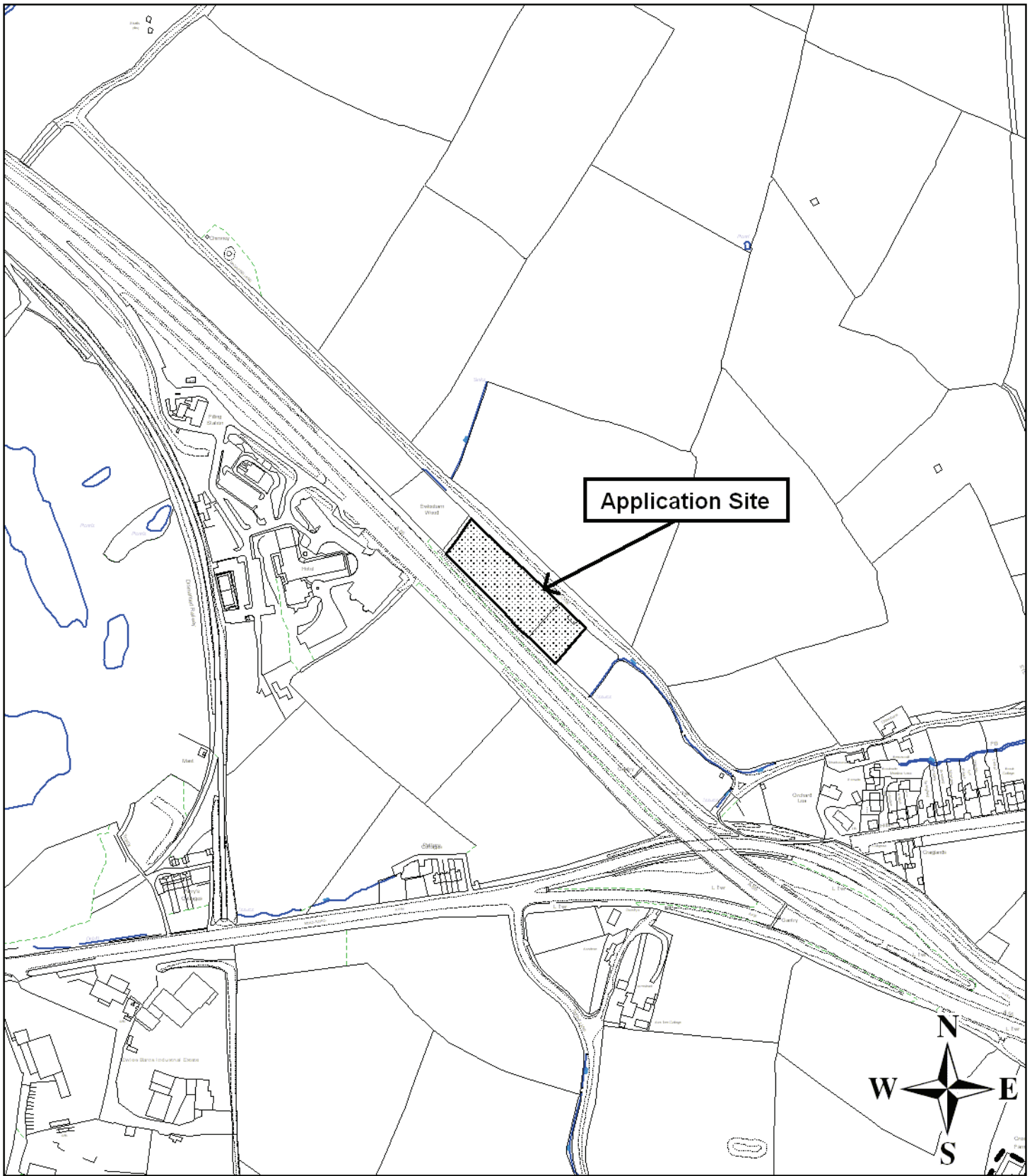
- 6.17 The Inspector stated that the appellant is to submit to the council details of the costs incurred in contesting the second reason for refusal, with a view to reaching agreement as to the amount.

## **7.00 CONCLUSION**

- 7.01 The Inspector concluded that planning permission should not be granted yet, due to the possibly unsatisfactory living conditions on the site from traffic noise and pollution. TAN11 points out that the weight to be given to such matters may be affected by other considerations, such as the need for the proposed development. Whether that is so or not cannot be assessed until the implications of traffic noise and pollution from the A55 are known.

**Contact Officer:** Miss S Cunliffe  
**Telephone:** 01352 703254  
**Email:** [sally.cunliffe@flintshire.gov.uk](mailto:sally.cunliffe@flintshire.gov.uk)

This page is intentionally left blank



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

### Key to Settlement Boundaries

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 Licence number: 100023386,  
 Flintshire County Council, 2011.

Map Scale 1:5000

Ordnance Survey Sheet SJ 2866

Planning Application 49152

This page is intentionally left blank



By virtue of paragraph(s) 16 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted - Not for Publication

This page is intentionally left blank