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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

9 May 2013

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, 15TH MAY, 2013 at 1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 18)

To confirm as a correct record the minutes of the meeting held on 17 April 2013.

- 5 **ITEMS TO BE DEFERRED**

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
Ffôn 01352 702400 DX 708591 Mold 4
www.siryfflint.gov.uk

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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.

REPORT OF HEAD OF PLANNING
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 15th MAY 2013

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	050463 - R	Full Application - Change of use/conversion - use of land for the stationing of caravans for the residential purpose for 5 No. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retaining existing stables on land side of Ewloe Barn Wood, Magazine Lane, Ewloe (050463) (Pages 19 - 52)
6.2	050620 - R	Full Application - Extension to First Floor Above Existing Single Storey Flat Roofed Rear Extension at Foel Awel, 2 Ffordd y Llan, Cilcain (050620) (Pages 53 - 60)
6.3	050597 - A	Full Application - Construction and Operation of the Beluga Line Station and Associated Development (Including Preparatory Earthworks) at British Aerospace Ltd., Chester Road, Broughton. (050597) (Pages 61 - 68)
6.4	047415	General Matters - Phase 1 - Erection of Primary School, Construction of Access Road, Car Park and Hard and Soft Play Areas at Custom House School, Mold Road, Connah's Quay. (047415) (Pages 69 - 80)
6.5	050125	General Matters - Outline Application - RAF Sealand South Camp, Welsh Road, Sealand (050125) (Pages 81 - 84)
6.6	050339 - A	Full Application - Erection of a Car Garage with Store Room Above and Conversion of Existing Garage into Games Room at White House, Sealand Road, Sealand (050339) (Pages 85 - 92)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.7	048855	Appeal by T. Anwyl & Sons Ltd Against the Non-Determination by Flintshire County Council for Residential Development Consisting of 51 No. Dwellings, New Road and Creation of Mitigation Land in Relation to Ecology at Cae Eithin, Village Road, Northop Hall. ALLOWED (048855) (Pages 93 - 100)
6.8	049311	Appeal by Mr. S. Cauty Against the Decision of Flintshire County Council to Refuse Planning Permission for the Retention of a 7 m High CCTV Camera Pole at Willow Farm, Sealand Road, Sealand - DISMISSED (049311) (Pages 101 - 104)
6.9	049899	Appeal by Mr B. Simon against Flintshire County Council for the refusal of a retrospective application for the erection of an ancillary building at "Ael Y Bryn", Babel, Holywell. DISMISSED (049899) (Pages 105 - 108)
6.10	050053	Appeal by Mr. John Henry against the Decision of Flintshire County Council to Refuse Planning Permission for Application for Removal or Variation of Condition No. 3 of Planning Permission Ref: 048059 to Vary Materials to be Used in the Development at Cherry Tree Cottage, Hafod Road, Gwernaffield - DISMISSED (050053) (Pages 109 - 112)

PLANNING & DEVELOPMENT CONTROL COMMITTEE
17 APRIL 2013

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 17th April, 2013

PRESENT: David Wisinger (Chairman)

Councillors Chris Bithell, Derek Butler, 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, Owen Thomas

SUBSTITUTION:

Councillor: Mike Lowe for David Cox

ALSO PRESENT:

The following Councillors attended as observers:

Councillors: Marion Bateman. Clive Carver, Adele Davies-Cooke and Hilary Isherwood

IN ATTENDANCE:

Head of Planning, Development Manager, Senior Engineer - Highways Development Control, Interim Team Leader Policy, Team Leader Major Developments, Team Leader Applications and Appeals, Senior Planners, Senior Minerals and Waste Officer, Planning Support Officer, Democracy & Governance Manager and Committee Officer

188. **DECLARATIONS OF INTEREST**

Councillor R.G. Hampson declared that he had been contacted on more than three occasions on the following application:-

Agenda item 6.11 – General Matters Application – Outline – Erection of 12 no. dwellings including demolition of existing outbuildings and creation of new access at Bank Farm, Lower Mountain Road, Penyffordd (050003)

Councillors D. Butler and W. Mullin declared that they had been contacted on more than three occasions on the following applications:-

Agenda item 6.1 – Full application – Multiplex cinema, restaurants(5) and associated works at Broughton Shopping Park, Broughton (049857)

And

Agenda item 6.2 – Outline application – Erection of a cinema, hotel (up to 80 bedrooms) and Class A3 food and drink units, together with car parking (up to 454 spaces), landscaping and ancillary works on land to the north of Broughton Shopping Park, Broughton (049943)

189. **LATE OBSERVATIONS**

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

190. **MINUTES**

The draft minutes of the meeting of the Committee held on 20 March 2013 had been circulated to Members with the agenda.

RESOLVED:

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

191. **ITEMS TO BE DEFERRED**

The Head of Planning advised that none of the items on the agenda were recommended for deferral by officers.

Prior to the introduction of the first application on the agenda, the Chairman indicated the procedure on how agenda items 6.1 and 6.2 would be determined. The Democracy & Governance Manager explained that he had been contacted by the Solicitor of one of the two applications raising concerns if the Committee's normal practice was followed as the reports referred to the two applications as competing with each other. He then contacted the representative for the other application who was of the same view that these were competing applications. Therefore he had discussed with the Chairman the option to identify a procedure which would allow both officers to introduce the reports, the third party representatives to speak on both applications, a proposer and seconder to speak on each application and then for the Local Members and the Committee to speak on both applications. However, a vote would be taken separately for each application. The Chairman had accepted his advice to follow this procedure.

Councillor P.G. Heesom raised concern about the process identified and felt that the applications should be dealt with in a different way. The Democracy & Governance Manager confirmed that it was not a decision for the Committee to make as the process had been set by the Chairman.

192. **FULL APPLICATION - MULTIPLEX CINEMA, RESTAURANTS (5) AND ASSOCIATED WORKS AT BROUGHTON SHOPPING PARK, BROUGHTON, CHESTER (049857)**

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 15 April 2013. 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 for the Hercules Unit Trust (HUT) (application 049857) and referred to the late observations where a letter in favour of this application and against the Development Securities (DS) application was reported. A letter against the HUT application had also been

received from a Councillor at Cheshire West and Chester Council. Plans of the site were shown to identify the area of the application site and photo montages were also displayed. The main issues for consideration were detailed in the report and the recommendation was for approval of the HUT application subject to conditions. Both applications were reported as departures from the Unitary Development Plan (UDP) as the shopping park was not in the settlement boundary of Broughton. The officer commented on the material considerations and explained that it had been necessary to apply two key tests to the application which were the need for a cinema and a sequential assessment, both of which were detailed in the report. He commented on the HUT proposal in comparison to the DS proposal and said that the HUT application fitted in well with the current shopping experience but the DS proposal did not as it would be situated behind the superstore and would be away from the shopping park. The views of individual highway consultants had been sought on the HUT proposal which did not raise any issues. The provision of new bus shelters would be an improvement and would serve the overall park which was welcomed. He said that it was a finely balanced application which was contrary to planning policy but was acceptable in other terms.

In line with the process outlined earlier, the officer then introduced application (049943).

APPLICATION FOR OUTLINE PLANNING PERMISSION – ERECTION OF A CINEMA, HOTEL (UP TO 80 BEDROOMS) AND CLASS A3 FOOD AND DRINK UNITS, TOGETHER WITH CAR PARKING (UP TO 454 SPACES), LANDSCAPING AND ANCILLARY WORKS ON LAND TO THE NORTH OF BROUGHTON SHOPPING PARK, BROUGHTON (049943)

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 15 April 2013. 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 for the Development Securities application (049943) which was for an application for outline planning permission with all matters reserved. This application had also been advertised as a departure from policy as in the UDP only part of the site was allocated for retail use. The application had been considered in the context of the development and the need and sequential tests had also been taken into account. A comparison with the HUT application was reported and it was felt that the HUT application was more preferential in locational terms. He drew Members' attention to the late observations where an objection from HUT was reported along with the comments of the Head of Public Protection.

Mr. M. Krassowski spoke against the HUT application and said that currently at peak times, the car park at the Shopping Park was full. He referred to an application which was refused three years ago and stated that the HUT proposal would result in the reduction of car parking spaces as the cinema and restaurants would be sited on part of the existing car park. He felt that if the car park was full, customers would park in neighbouring streets and that the improvements to the bus shelters would not make a significant difference. He

stated that the travel plan would not be submitted for six months and also said that service yard parking for staff would be inconvenient and dangerous. Mr. Krassowski raised concern that there would be no control of mezzanine floors which could increase the car parking problems. He stated that to allow the HUT proposal would be inconsistent and lead to highway safety issues. If planning permission was granted he requested the removal of permitted development rights from A3 to A1 and asked for a travel plan on first occupation.

Mr. A. McParland spoke in support of the HUT application. He spoke of the public consultation exercise which had been undertaken and said that 99% of those who had visited were in support of the application. He said that fewer people visited the shopping park than in 2010 but that the retail and leisure experiences were inextricably linked. He felt that the application made best use of the land and complied with Council standards. Mr. McParland commented on the proposed improvements to the bus shelters and said that even at peak times there was spare capacity for car parking. If the application was approved the development would commence in six months and would employ up to 450 staff once completed and an additional 100 at weekends and would create 232 new jobs during construction.

Councillor S. Stevens from Broughton and Bretton Community Council spoke in support of the HUT application. She asked Members to support the application which she said was ready to deliver a cinema and a choice of popular restaurants. It would improve bus services to the shopping park and would increase parent/child and disabled car parking spaces and would complete the third side of the park.

Mr. G. Sutton spoke against the DS application stating that it was a spoiling tactic as no-one was signed up to the development which he said was in a greenfield location with half the site being designated as open countryside in the UDP. He felt that a key consideration was the viability of the proposal which he said was divorced from the rest of the park with no pedestrian or traffic linkage. The DS scheme underprovided car parking by 30% and did not meet Council standards. Mr. Sutton felt that it piggy-backed onto the HUT application. HUT owned the road into the retail park and would not give access rights from the DS site into the park.

Mr. M. Krassowski spoke in support of the DS application stating that officers had not taken account of the fact that part of the site was allocated. He said that it was important to consider the car parking allocation for the site along with the allocation for the rest of the site as the two would be linked. Pedestrian access would also be possible between this site and the rest of the shopping park and the walking distance from the site to the Tesco store would be less than from the HUT site to the retail units on the park. The DS proposal would provide substantially more car parking than the HUT application and would integrate with the shopping park and would provide a hotel. He said that it was a difficult decision but also suggested that Members could approve both applications and allow market forces to determine which would proceed.

Councillor W. Mullin proposed the recommendation for approval for the HUT application which was duly seconded. He said that the proposals for a cinema and restaurants were ready to be delivered and he fully supported the

application. Councillor D. Butler concurred that the HUT scheme was deliverable and 'ticked all the boxes' but the DS application did not. He commented on the objections received. It was reported that there was more than enough car parking and that improvements to bus facilities as part of the HUT application would be provided. He felt that the DS application was premature as there had not been a sequential test for the need for a hotel, there were rooms in the Glynne Arms and he indicated that a hotel in Chester had closed after 18 months trading due to lack of need.

Councillor R.B. Jones proposed approval of the DS application against officer recommendation which was duly seconded. He said that market forces could decide. Councillor W.O. Thomas said that it was sometimes difficult to park during busy times and that the DS application would allow for additional car parking.

Councillor M. Lowe spoke in support of the HUT application and said that the DS application had not taken account of those who visited the park by bus. He said that the whole of the community was in favour of the HUT application. Councillor R.G. Hampson concurred and said that the staff could use the service area for parking so there would be sufficient parking for visitors to the retail park. He felt that there was no need for the hotel in the DS application. Councillor A.M. Halford sought clarification on the access issues to the rear of Tescos as reported in paragraph 7.32 of the DS report and on policy compliance.

Councillor R.C. Bithell said that the HUT application would extend the buildings facing into the retail which was a natural development to the site and would complement it. He said that the DS site did not sit well with the existing development and commented on the issues which had been made about car parking on the HUT site.

Councillor R. Lloyd said that it was a great opportunity for the people of Broughton and Bretton and queried whether the Committee could approve both applications. The Democracy & Governance Manager said that as a lawyer he would say that both could legally be approved but in planning policy terms the applications were competing.

Councillor M.J. Peers raised concern about the reduction in the car parking spaces proposed by the HUT application. He spoke of a car parking survey which had been carried out by DS during November/December 2012 but added that he was not aware of a survey undertaken by HUT. He asked for further information on the departure from policy for both applications.

Councillor C.M. Jones felt that the car parking would be mostly required for the HUT application during the evening so the reduction in parking spaces would not be an issue. She said that there was not a problem when the Christmas market was on site but raised concern about the DS application due to the access and egress.

Councillor P.G. Heesom said that the cinema aspect was a substantial part of both applications and reiterated his concerns at dealing with the two applications together. He felt that to set off one application against the other was a mistake and that permission could be granted to both proposals. He felt that

the applications could be premature and required further work and suggested that he may request a deferment.

The Senior Engineer - Highways Development Control confirmed that there were no objections from Highways subject to conditions. The HUT application was a full application and Highways were satisfied with the methodology of parking provision which looked at existing units and the element of projected mezzanine flooring. The DS application had less detail, which would be forthcoming, but Highways were happy to support both applications subject to conditions.

In response to the comments made, the officer said that both applications could be approved as they were finely balanced but that paragraph 7.30 of the HUT report considered that it was preferred over the DS scheme. On the issue of departure from policy, planning law did allow applications to be approved if there were other material considerations which there were in this case. The HUT scheme was the preferable one and the officer confirmed that the HUT application was submitted first.

The Development Manager said that technically both applications were considered as departure from policy but that there were extenuating circumstances in each case so that both applications could therefore have been recommended for approval. However, granting planning permission on both would not be acceptable in policy terms and it was therefore a matter of determining which was preferable, leading to the recommendation of the HUT proposal.

In summing up on the HUT application, Councillor Mullin felt that an opportunity would have been missed if the HUT application was not approved. He said that it would affect the local economy. He had major concerns about the access to the DS site and referred to the congestion in the area at busy times including shift changes at Airbus. He said that the HUT application was ready to be delivered but the DS application was not. He supported the officer recommendation to approve the HUT application and refuse the DS proposal.

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

In summing up on the DS application, Councillor Jones said that deliverability was not a planning consideration. He said that there was a need for the DS application and that both proposals were departures from policy. He felt that a solution would be to approve the two applications and allow market forces to determine which proceeded as in planning policy terms they were equal. The Democracy & Governance Manager reminded Members that if the DS application was approved then conditions would be determined by the Head of Planning.

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

RESOLVED:

HUT application (049857)

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, with condition 14 amended as set out in the late observations.

DS application (049943)

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

193. **APPLICATION FOR OUTLINE PERMISSION - RESIDENTIAL DEVELOPMENT CONSISTING OF 3NO. FOUR BEDROOM DETACHED HOUSES AND 1NO. THREE BEDROOM DETACHED BUNGALOW AT 3 TRAM ROAD, BUCKLEY (050281)**

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 drew attention to the late observations where the response from Councillor M.J. Peers and an additional condition were reported.

Mr. K. Shone, the agent for the applicant, spoke in support of the application. He said that the site had previously had two dwellings on it which had been converted into one property. It was a brownfield site and he said that policy STR of the Unitary Development Plan (UDP) promoted development of this type. The proposal was for three detached houses and one bungalow and all would be built to a high standard. The development was in accordance with policies HSG8 and HSG9 and was not overdevelopment of the site and would comply with space around dwellings guidance. The dwellings would not overlook existing properties so would not have a detrimental impact on neighbouring residents. Access to the dwellings would be from a private driveway.

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

Councillor Peers highlighted paragraph 7.07 and the main planning issues which had been considered. He said that an identical scheme for four dwellings had been refused in 2001 on highways grounds and that the concerns were still apparent. On the adequacy of the access to the site, he said that the surface of Tram Road was in poor condition as reported in paragraph 7.11. He said that a number of concerns had been raised by Buckley Town Council on the potential for overdevelopment, the potential for traffic problems in respect of access and egress and the increased traffic as a result of the development. He said that nothing had changed from the application submitted in 2001 and that he could not support approval of the application.

Councillor C.A. Ellis asked whether the access road was adopted and raised concern about the number of applications which were being submitted on

unadopted roads. The Senior Engineer - Highways Development Control advised that the section of Tram Road was maintainable by the Authority. In response to the comments from Councillor Peers, she said that the visibility standards had changed for TAN 18 and were less onerous than in 2001. Tram Road served 23 units and having considered accident data, she advised that there was no evidence to support refusal on highway grounds.

The officer said that the proposal equated to 20 dwellings per hectare and this density showed that the privacy and amenity could be safeguarded. The layout was less dense than it could be and did not amount to overdevelopment of the site.

RESOLVED:

That planning permission be granted subject to the additional condition referred to in the late observations, the conditions detailed in the report of the Head of Planning and subject to the applicant entering in to a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision.

194. **FULL APPLICATION - ERECTION OF A TWO STOREY EXTENSION INCLUDING BALCONY TO EXISTING BARN AT DEER LODGE, CYMAU, WREXHAM, FLINTSHIRE (050430)**

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 15 April 2013. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report for the erection of a two storey extension. One letter of objection had been received and the recommendation was for refusal due to the scale, design and impact.

Mr. M. Price spoke in support of the application and explained that the extension was required to the family home following the arrival of his baby daughter. The two other properties in the area had been extended following approval of planning applications. He said that the application complied with policy HSG12 and that he would be happy to reduce the length of the extension to eight metres from ten metres which would amount to an increase in 60% floorspace instead of the 96% increase currently proposed. He did not feel that the additional impact justified refusal of the application and said that to refuse this application when others had been approved would not be consistent.

Councillor A.M. Halford proposed approval against officer recommendation which was duly seconded. She could not understand the reason for refusal of the application and asked for further information on the definition of agricultural character. She felt that the proposal would not have a detrimental impact on the area.

Councillor D. Evans said that the applicant had agreed to reduce the length by two metres which he felt was a compromise. He also felt that the

proposal would not impact on the character of the building and said that he would support approval of the application.

Councillor R.C. Bithell raised concern at the proposed 96% increase in the floorspace compared to policy guidance of 50% increases and he felt that the increase would destroy the character of the dwelling. He said that reference had been made to other dwellings in the area but these had been changed without major extensions to them. He said that many applications had been refused on this basis and that this should also be refused as it did not comply with policy. Councillor P.G. Heesom commented on policies HSG5 and HSG12 stating that the scheme could be made acceptable but added that family matters were irrelevant.

The Head of Planning was mindful of the reduction in scale suggested by the applicant, but reminded Members that they needed to consider the application before them. However, Members could propose deferment to allow discussions to take place with the applicant about the proposal.

Councillor A.M. Halford proposed deferment of the application which was duly seconded.

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

RESOLVED:

That planning permission be deferred to allow discussions to take place with the applicant to negotiate an amended scheme.

195. **RENEWAL OF PLANNING PERMISSION REFERENCE: 047979 TO ALLOW THE CHANGE OF USE FROM GUN SITE AND AGRICULTURAL LAND TO A PAINT BALLING CENTRE AND ANCILLARY DEVELOPMENT AT CHESTER GUN SITE, MOOR LANE, LOWER KINNERTON, CHESTER (050429)**

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 the application was a renewal of planning permission 047979 to allow the continuation of the use of the land as a paintballing centre and retention of ancillary development. He highlighted the additional condition referred to in the late observations.

Mr. D. Fitzsimon spoke in support of the application. He said that Members had been satisfied that the previous application was appropriate but had been granted temporary permission. The site had been operated in accordance with the conditions and no complaints had been received about noise from the site. Highways had not objected to the application and Mr. Fitzsimon said that the traffic movements were negligible. He requested that the application be approved.

Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded. He added that the local Member was satisfied with the application. Councillor W.O. Thomas said that no complaints had been received during the period of temporary permission.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and the additional condition in the late observations.

196. **FULL APPLICATION - RE-PLAN TO THE NORTHERN PARCEL OFF FORMER BUCKLEY BRICKWORKS WITH MIX OF 2, 3 AND 4 BEDROOM DETACHED, SEMI-DETACHED AND TERRACED DWELLINGS WITH ASSOCIATED PARKING AND AMENITY SPACES ON AND AT FORMER LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY (050333)**

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 drew attention to the late observations where additional conditions were requested if the application was approved. Approval was also subject to the imposition of the terms of previously completed Section 106 Obligations.

Councillor M.J. Peers proposed the recommendation for approval which was duly seconded. He referred to paragraph 7.07 on vehicular access and raised concern about vehicular access between the northern and southern parcels of the site. The officer explained that bollards would be put in place to prevent movement between the two parts of the site. Councillor Peers commented on parking on Church Road which made this a single carriageway for other vehicles and referred to paragraph 7.18 where it was reported that the proposals included an alternative area of car parking to the rear of properties on Church Road to compensate for the future loss of existing on-street parking at this location. He requested that this be conditioned to start at the earliest opportunity. He raised concern at the affordable housing provision of 15% which was against policy but was agreed at the appeal stage. Councillor Peers also asked for assurance that the standard of the affordable and market value homes were identical as evidence that this was not always the case had been provided during discussions at a meeting of the Planning Strategy Group. He felt that all roads in the site should be offered for adoption and asked for clarification on this issue. The Senior Engineer - Highways Development Control responded that the main infrastructure would be highway maintained but she spoke of the policy to allow the provision of five dwellings off a private driveway without being adopted.

Councillor P.G. Heesom raised concern at the 15% affordable housing provision on the site and felt that it was not sufficient.

In response to the comments from Councillor Peers, the officer said that a condition could be included for the early completion of the parking area to the

rear of the existing properties. He explained that 15% affordable housing was less than normal but the inspector took account of the clay holes on the site and the groundwork required, concluding that only 15% was required.

In summing up, Councillor Peers said that he was proposing approval of the application but was requesting additional conditions that the car parking area be completed at the earliest opportunity and that the standard for the affordable homes be the same as for the properties for sale at market value. The Development Manager said that the wording of the conditions could be discussed with the local Members and if no agreement reached the application could be brought back to Committee.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the late observations, the additional conditions proposed by Councillor M.J. Peers, the conditions detailed in the report of the Head of Planning and subject to the imposition of the terms of previously completed Section 106 Obligation(s) in respect of highway, ecological, affordable housing and open space in respect of this current application.

197. **FULL APPLICATION - CONSTRUCTION OF 5NO. BUNGALOWS, 2NO. WITH ATTACHED GARAGES, ALL FIVE PROPERTIES TO BE ACCESSED OFF FRON PARK ROAD AND THE CONSTRUCTION OF 4NO. TOWN HOUSES TO BE ACCESSED OFF HALKYN ROAD WITH A PEDESTRIAN LINK BETWEEN THE TWO AREAS AT LAND FORMERLY KNOWN AS "LLWYN ONN", HALKYN ROAD, HOLYWELL (050435)**

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 the site would be served by two points of vehicular access and that there would be no internal connection in the two access points. He highlighted the additional conditions referred to in the late observations from the Head of Assets and Transportation which would be included if the application was approved.

Mr. R. Jones, the agent for the applicant, said that the application had been ongoing for a number of years and asked that the application be deferred so that the applicant could consider the options for the Section 106 obligations. The applicant felt that the amounts proposed were excessive particularly in relation to the educational contribution as the site was being designed for people over the age of 55. He said that the site was challenging and the cost of the development would be high. He was willing to make a payment to the Section 106 Obligation but wanted to consider his options first.

Councillor H.G. Roberts proposed the recommendation for approval which was duly seconded. Councillor D. Evans proposed deferral of the application, as requested by the agent for the applicant, which was also duly seconded. Councillor H.G. Roberts felt that there was no reason to defer the application as it

would not achieve anything as deferral would not make Councillors change or compromise the policies. Councillor R.C. Bithell concurred and said that well established policies were in place and the sums calculated were what was required and should be applied. He added that deferment would not alter this.

The Head of Planning said that said that the applicant did not have to sign the Section 106 Agreement and if he did not do so, the application would be referred back to Committee. Deferring the application would not reduce the amounts requested.

On being put to the vote, the proposal to defer the application was LOST. Councillor Roberts then proposed the recommendation for approval which was duly seconded. He said that he would have liked to see both accesses off Fron Park Road but added that this was not possible. Perth Y Terfyn infants school adjoined the site and he sought assurance that there was satisfactory boundary treatments between the two sites. The officer explained that a scheme had been designed so the tree boundary would be retained and the existing boundary would be protected which was conditioned in the report. Councillor W.O. Thomas welcomed the application which included bungalows.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the conditions from the Head of Assets and Transportation as detailed in the late observations and subject to the applicant entering into either a Section 106 Obligation, Unilateral Undertaking or the making of an advance payment to provide the following:-

- a. Payment of £24,514 towards educational provision/improvements at Perth Y Terfyn Infants School. This contribution shall be paid prior to the commencement of development upon the site.
- b. Payments of £9,900 towards the upgrade of existing recreational facilities within the locality. This contribution shall be paid upon completion of the sale of the second dwelling upon the site.

198. **FULL APPLICATION - HOUSETYPE SUBSTITUTION ON PLOTS 18, 19, 20, 30, 31 AND 32 OF PREVIOUSLY APPROVED SCHEME UNDER PLANNING REFERENCE 048892 AT ASSOCIATED LAND AND FORMER WHITE LION PUB, CHESTER ROAD, PENYMYNYDD (050469)**

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 there were no proposed alterations to the layout of the site as a result of this application. .

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

Councillor W.O. Thomas raised concern that building on the site was going ahead before the highway was completed. The officer responded that this was not a planning consideration and that the works on the road had been finalised.

RESOLVED:

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 supplemental Section 106 Agreement which links the permission granted under this planning application to the provisions of the Section 106 Agreement entered into under Permission Ref: 048892 providing the following:-

- a. the provision of 6 no. affordable homes to be presented to the Council as gifted units and allocated in accordance with a local lettings policy to pilot the Council's Rent to Save to Homebuy scheme to applicants on the affordable Homeownership Register.
- b. Ensure the payment of a contribution of £261,560 towards affordable homes provision.
- c. Ensure the transfer of wildlife mitigation land to a suitable body, together with the precise methods and means for the securing of its future management, monitoring and funding.
- d. Payment of £73,500 towards primary level educational provision/improvements at St. John the Baptist VA school and £52,500 towards secondary level educational provision/improvements at Castell Alun High School.
- e. Payment of £2,500 for costs incurred for amending Highway Access Restriction Order.

199. **FULL APPLICATION - CONSTRUCTION OF A LINED EARTH BANKED SLURRY STORE 25.5M X 20M X 3M ADJACENT TO THE EXISTING SLURRY STORE AT BRYN CELYN FARM, PEN Y FRON ROAD, RHYDYMWYN, MOLD (050551)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. The officer explained that the Environment Agency had been consulted and they had no objections as the proposed new store complied with Nitrate Vulnerable Zone Regulations.

Councillor J. Falshaw 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.

200. **GENERAL MATTERS - INTEGRATED WASTE MANAGEMENT FACILITY AT PINFOLD LANE QUARRY, ALLTAMI (043948)**

The Committee considered the report of the Head of Planning in respect of this application. Additional comments received since the preparation of the report were circulated at the meeting.

The Senior Minerals and Waste Officer detailed the background to the report and explained that a number of factors had arisen since the application was refused by Committee in 2011. She added that it was the subject of an appeal. The purpose of the report was to provide Members with an update in relation to the site, including policy changes, so that Members could review, and if necessary, reconsider their recommendation in light of these changes. The officer recommendation on the application in 2011 was for approval but the Committee refused the application as there was no identified need for the landfill element of the proposed development. In light of the changes to national policy and guidance, officers had reconsidered their recommendation and considered that, were the application to be considered again today, it should be refused due to a lack of need for the landfill element of the proposal, as it was contrary to both national and local policy.

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

The local Member, Councillor C.A. Ellis, welcomed the report and said that what was said in 2011 by the Committee was correct. The Committee had been told at that meeting that there was a need for additional landfill site but the site was still not operating. She paid tribute to the members of the public who had expressed their concern about the proposal. She raised concern about what the land could be used for instead of landfill as she felt that this decision should be made by the owner of the land.

Councillor P.G. Heesom paid tribute to Councillor Ellis and expressed his thanks to the Senior Minerals and Waste Officer for her work which confirmed the wish of the Committee in line with policies. He welcomed the recommendation in the report and the officer's persistence with the statement of case. Councillor R.C. Bithell welcomed the report and the recommendation before the Committee. Councillor A.M. Halford echoed the thanks of Councillors Ellis and Heesom and the excellent report of the officer, who had agreed to meet with Members to discuss the proposals.

Councillor R.B. Jones queried whether the new guidance would be taken into account by the Inspector for the appeal which was scheduled for June 2013. He also commented on the targets set by Welsh Government for levels of landfill for Flintshire. The Officer responded that the Inspector would consider policy at the time of the appeal. The statement of case which had been sent to the Inspector outlined the Council's case and provided evidence in light of the changes in policy.

RESOLVED:

That the recommendation in the report to support refusal of the application for the reasons given be agreed.

201. **GENERAL MATTERS APPLICATION FOR OUTLINE PERMISSION -
ERECTION OF 12NO. DWELLINGS INCLUDING DEMOLITION OF EXISTING
OUTBUILDINGS AND CREATION OF A NEW ACCESS AT "BANK FARM",
LOWER MOUNTAIN ROAD, PENYFFORDD, FLINTSHIRE (050003)**

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 Head of Planning detailed the background to the report and explained that outline planning permission had been granted by Committee in December 2012. The terms of the permission were established at the subsequent committee in January 2013 when Members were advised that on 15 January 2013 Welsh Government (WG) had issued a direction on the Authority not to grant planning permission for the development proposed in the application. Members were advised at the meeting on 20 February 2013 that WG had called-in the application for determination. The Inspectorate had written to the Authority to ask for the Authority's comments on the procedure for dealing with the application (namely written representations, informal hearing or local public inquiry). The applicant would also be given these options but the ultimate decision will be down to the Inspectorate. The reasons for calling in the application were reported. A decision was also required on how to progress the application and the options (shown as (a) to (d) in paragraph 6.07) for representation in the event of a Hearing or an Inquiry were reported. The Head of Planning explained that the two decisions to be made by the Committee today were for the process and representations going forward.

Councillor P.G. Heesom suggested that an Informal Hearing was the way forward and proposed option (c) (nominate Members of the Committee to represent the Authority's stance), which was duly seconded. Councillor R.C. Bithell moved an amendment that the application be dealt with by written representations which was also duly seconded.

Councillor M.J. Peers noted that the report failed to identify the local Member for this application and reminded Members that it was Councillor P. Lightfoot and not Councillor C. Hinds or D. Williams as shown in the late observations. He referred to paragraph 6.06 which reported that consultants were normally engaged for appeals which followed a refusal of planning permission contrary to officer recommendation and felt that this should be the case for this application. He also highlighted paragraph 6.04 which he felt showed that the Minister had pre-determined some aspects of the application. He said that an Informal Hearing was needed to hear out the anomalies of the application. Councillor R.G. Hampson also supported an Informal Hearing.

On being put to the vote the proposal to request an Informal Hearing was CARRIED.

On the issue of who would represent the Authority, Councillor Heesom reiterated his earlier comment that option (c) was appropriate as it would allow for the benefit of independent Counsel advice; the proposal was duly seconded. Following a comment from the Head of Planning, Councillor Heesom clarified that he meant a consultant and nominated himself and Councillor Peers to attend the hearing along with assistance from consultants. Councillor R.C. Bithell felt that it was correct to have consultants to assist as the Committee had approved the application against officer recommendation and in appeal situations the Planning Officers did not normally put forward the case for the Council.

Councillor Peers referred to paragraphs 6.07 and 6.08 which detailed the options available and said that following Councillor Heesom's nomination, he was under no obligation to attend a hearing run by the Planning Inspector. He added that there was a Planning Authority to deal with Planning appeals and he felt that the request to decide representation was unprecedented. Councillor Peers said that paragraph 6.06 reported that this situation was different in that the Council's stance was one of supporting the development and reiterated his earlier comment that the Planning Authority should take part in the determination process. He proposed option (b) (engage consultants/legal representatives (as appropriate) to represent the Authority (as was the current practice on appeals); this was duly seconded.

Councillor W.O. Thomas reiterated the earlier comments of Councillor Peers that Councillor Lightfoot was the local Member and not as reported in the late observations. He queried the process of the call-in by WG and added that the approval of the application by the Committee should stand.

Councillor H.G. Roberts referred to previous experiences of Members representing the Authority in an appeal situation when the Committee had voted against officer recommendation. He felt that if Members had supported the application, then they had a moral responsibility and should represent the Authority at an Inquiry. Councillor D. Butler said that that this was a quasi judicial committee and that if Members went against officer recommendation, they had to undertake the consequences. Councillor R.B. Jones concurred that option (b) would give local Members the opportunity to work with consultants. Councillor RG. Hampson said that the application had been decided by the Committee but that expertise from independent consultants was needed.

Councillor Heesom withdrew his proposal for option (c).

Councillor A.M. Halford sought clarification on who had started the mechanism to call in the application. Councillor C.A. Ellis said that if Members made a decision against officer recommendation they had to face the consequences. She added that there was no point in being on the Committee if Members always went with the officer recommendation.

Councillor Heesom proposed that the vote be taken, which was duly seconded. The Democracy & Governance Manager advised that if the Chairman felt that there had been an adequate debate then a vote could be taken. The procedural proposition was carried.

In summing up, Councillor Peers said that he proposed the use of consultants to work with Members but added that the Planning Authority normally represented the Council at Planning appeals.

On being put to the vote, the proposal for option (b) (to engage consultants/legal representatives (as appropriate) to represent the Authority) was CARRIED.

RESOLVED:

- (a) That the Inspectorate be advised that the Local Planning Authority requests an informal hearing; and
- (b) That representation proceed on the basis of option (b) (to engage consultants/legal representatives (as appropriate) to represent the Authority).

202. **APPEAL BY WEST REGISTER (REALISATIONS) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SITING OF STATIC CARAVAN FOR USE AS RESIDENTIAL WARDENS ACCOMMODATION AT "ST. MARY'S CARAVAN CAMP", MOSTYN ROAD, GRONANT, PRESTATYN, FLINTSHIRE (049515)**

Councillor P.G. Heesom said that this site was in a volatile traffic area and that there had been many deaths and tragedies on this road. He said that developers needed to take account of highway implications.

RESOLVED:

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

203. **APPEAL BY ANWYL HOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE VARIATION OF CONDITION NO.15 ATTACHED TO PLANNING PERMISSION AT "CROES ATTI", CHESTER ROAD, OAKENHOLT, FLINTSHIRE (049425)**

Councillor P.G. Heesom indicated that a complaint was to be submitted to the Ombudsman about how the applications for Croes Atti had been processed.

Councillor A.I. Dunbar asked for details of the total cost to Flintshire County Council of the development when all applications and appeals had been finalised. The Head of Planning responded that there were three elements to costs which were:-

- 1) costs which had been awarded against the Council for unreasonable behaviour – this information could be provided by the Head of Planning
- 2) costs of legal representatives and consultants at appeals – this information could be provided by the Head of Planning
- 3) officer and committee time – it was not possible to put a figure on this

The Head of Planning confirmed that he would provide the information requested when it was available.

RESOLVED:

- (a) That the decision of the Inspector to allow this appeal be noted; and
- (b) That the Head of Planning provide the requested information on costs when it was available.

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

There were 21 members of the public and 3 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 4.37 pm)

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Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 15 MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **050463 - FULL APPLICATION - USE OF LAND FOR THE STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSE FOR 5 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOMS ANCILLARY TO THAT USE LAND ADJACENT TO EWLOE BARN WOOD, MAGAZINE LANE, EWLOE**

APPLICATION NUMBER: 050463

APPLICANT: MR M ROONEY

SITE: LAND ADJACENT TO EWLOE BARN WOOD, MAGAZINE LANE, EWLOE

APPLICATION VALID DATE: 01.02.13

LOCAL MEMBERS: COUNCILLOR A HALFORD
COUNCILLOR D MACKIE

TOWN/COMMUNITY COUNCIL: HAWARDEN COMMUNITY COUNCIL

REASON FOR COMMITTEE: REQUEST OF LOCAL MEMBERS DUE TO CONCERNS REGARDING ACCESS, WILDLIFE, IMPACT ON GREEN BARRIER, PRINCIPLE OF DEVELOPMENT IN THE OPEN COUNTRYSIDE.

SITE VISIT: YES

1.00 SUMMARY

- 1.01 Planning permission is sought 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. This is a resubmission of application (049152) which was dismissed on appeal following a public inquiry.

1.02 The main issues to consider are therefore whether this application addresses all of the issues raised by the Inspector in his report. Although the Inspector considered that the development would constitute inappropriate development in the green barrier and would harm the openness, he considered that the need for gypsy and traveller sites outweighed that harm and therefore exceptional circumstances had been demonstrated. However the Inspector was concerned that due to the site's location adjacent to the A55 that this would give rise to unacceptable living conditions for the site occupants with regard to the effects of noise and air pollution and had no evidence before him to conclude otherwise.

1.03 Although there is still an unmet need for gypsy and traveller sites in Flintshire, it is considered that the evidence put forward to address the noise and air pollution does not demonstrate that the living conditions on the site would be acceptable and it is considered that this could not be appropriately addressed by conditions. Furthermore the noise mitigation proposed introduces a bund and fence underneath the overhead lines on the site which is not acceptable to the Statutory undertaker Scottish Power as this would comprise the safety of residents on site during the construction and during the site's use and would be contrary to the Statutory legislation that they are required to meet. It is also considered that the introduction of the bund and fence has further urbanising effects, which add to the harm to the green barrier.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. There is insufficient evidence to demonstrate that the levels of noise generated from the A55 would not lead to unacceptable living conditions for residents on the proposed gypsy/traveller site which would be contrary to Policy EWP13 of the Flintshire Unitary Development Plan and TAN 11 Noise.
 2. Road traffic is a source of pollution and the proposed location of the development adjacent to the A55 poses a risk to the health of the site residents. There is insufficient evidence to demonstrate that this would not lead to unacceptable living conditions which could adversely affect the health of the site occupants which would be contrary to Policy EWP12 of the Flintshire Unitary Development Plan.
 3. The proposed development is directly underneath an overhead electricity line. The location of the bund and fence would reduce the clearance distance and adversely affect the safe operation of overhead line by the statutory undertaker contrary to Policy STR1 C) of the Flintshire Unitary Development Plan and The Electricity Safety, Quality and Continuity Regulations 2002 and Health and Safety Executive Avoiding Danger from Overhead Power Lines Guidance Note GS6. The

construction of the development, in particular the bund and fence would endanger the lives of the construction workers contrary to the Health and Safety at Work Act.

4. The proposed development of a gypsy/traveller site would harm the openness of the green barrier and have an adverse impact on the landscape in this green barrier location contrary to Policy GEN4, L1 and HSG14 c).

3.00 CONSULTATIONS

3.01 Local Members

Councillor Alison Halford

Requests committee determination and a Committee site visit as there are new members on the Committee since the previous consideration of the application by Committee. Has concerns regarding development in a countryside area, impact on green barrier, pylon owner has objected, noise, fumes can damage lungs. Huge public interest.

3.02 Councillor David Mackie

Objects to the application on the grounds of;

- development in the green barrier which is a departure from the UDP and does not conform with policies for residential development or affordable housing in the countryside
- no unmet need for gypsy sites in Flintshire, there is a planned 20 extra pitches which will exceed Flintshire's portion of the need, other Counties required to meet need in LDP's
- adverse impact on the open countryside the additional bund and fence increase this impact
- noise reduction provisions are inadequate, noise assessment does not allow for seasonal and overnight increases in noise
- pollution and health impacts
- the applicant has not demonstrated that there is a need for this development in this location in the green barrier or that other locations have been examined
- will infringe safety margins for Scottish Power in relation to the overhead electricity cables which cross the site
- access to the site is poor via a narrow lane
- satisfactory provision for the disposal of sewage has not been demonstrated. Site becomes waterlogged. Potential for livestock to be exposed to contaminated water
- site is designated for widening of A55
- lack of local facilities close to the site
- concern that local wildlife habitats will suffer

3.03 Hawarden Community Council

The Council objects to this application on the following grounds;

- the land is green barrier
- the site is outside the village settlement barrier
- the land may be required of the future widening of the A55

- there are adequate and sufficient traveller sites in Flintshire, particularly in north east Flintshire
- the unsuitability of the highway for the vehicular traffic which would be created
- the land is liable to flooding
- unsatisfactory proposal for the treatment of sewerage
- impact of highway noise to potential residents.

3.04 Northop Hall Community Council

Object to the development. The site is considered unsuitable for development and access to the site is considered inadequate. The site is in the open countryside, outside the settlement boundary. The site does not accord with good practice for gypsy and traveller sites such as long term sustainability, as it is poorly located in terms of employment, education and access to health services and social contact with the settled community. Concern about site access and issues at the junction with Green Lane opposite Ewloe Green School, as well as the lack of passing places on the approach road to the site approaching from either Northop Hall or Ewloe. The ground is boggy, there are no utilities and power lines cross the site. The area is a valued amenity area, popular with cyclists, ramblers and joggers. Proposals to widen the A55 will be looked at again in the future in the light of worsening traffic problems. Widening of this stretch of road parallel with Magazine Lane would lead to the need to clear the site and re-locate the residents. This site is not suitable for ordinary residential dwellings and there are no exceptional circumstances to allow a site for gypsy travellers in accordance with relevant guidance.

3.05 Head of Assets & Transportation

No objection subject to conditions covering;

- Approval of detailed design of the access prior to construction.
- The access shall be kerbed and completed to base course prior to any other site works.
- The proposed access shall have a visibility splay of 2.4m x 40m in both directions and there shall be no obstruction to visibility in excess of 0.6m above the nearside channel level of the adjoining highways.
- Details of positive means to prevent the run-off of surface water from any part of the site onto the highway.

3.06 Head of Public Protection

Noise

It is considered that the limited amount of noise data submitted with the application contained in the applicant's noise report does not take into consideration all the necessary factors associated with the traffic density or traffic noise likely to be experienced at this location over an extended period.

The Welsh Assembly Government (WG) has recently published noise maps for this area, and others throughout Wales, under The

Environmental Noise (Wales) Regulations 2006 and Environmental Noise Action Planning (Wales) Roads Action Plan for Wales. The specific noise map covering this site clearly shows that the application site will be affected by much higher noise levels than has been measured by the applicant.

Overall it is considered that the actual site noise levels will generally be much higher than those measured during the one day exercise. There is insufficient data to establish which Noise Exposure Category of TAN 11 the development will fall into. The proposed barrier will not provide sufficient mitigation to the development as the road level is at a similar height to the top of the proposed barrier and bund and the effectiveness is therefore limited to -12dBA. It is considered that the site will fall into a higher Technical Advice Note 11 category than predicted by the noise report and is likely to be in Noise Exposure Category C during both day and night and possibly even Noise Exposure Category D.

3.07 Air Pollution

The submitted air quality report shows that there is a likelihood that the air quality with regard to nitrogen dioxide and particulates PM10 will be within the current standards. However, there is additional evidence in the form of a new report from The World Health Organization "Review of evidence on health aspects of air pollution – REVIHAAP" 2013 which questions the levels permitted within the current standards.

In addition the applicant's Air Quality Assessment does not take account of particulates PM2.5 and smaller or carbon black or indeed other pollutants such as PAH's, ozone etc. These pollutants have been increasingly studied because of serious concerns they may be having on the health of people living close to such sources.

It is not known if these pollutants have been assessed at this location and that the potential risks associated with them have been fully investigated with reference to the proposed residential use.

3.08 Drainage Engineer Foul Sewage

There are a number of options for dealing with foul sewage. The preferred option is a connection to Welsh Water's Public Sewer either by gravity sewer or a pumped connection to the public sewer. If this is not achievable then any other means of disposal should comply with Building Regulations Document H hierarchy. A septic tank is unsuitable in this location due to impermeable ground conditions, however a self contained treatment plant may be feasible. The cesspool is not a sustainable long term option due to associated emptying and disposal costs and the associated vehicle movements. and should only be used if further investigation proves that the other options are not achievable.

3.09 Surface Water

All the surface water generated from the access road, caravans, hard standings and wash rooms needs to be collected and then drained to an attenuation system on the site. A pumping station may be required and an interceptor. This method of dealing with surface water is acceptable in principle subject to a condition on the detailed design.

3.10 Natural Resources Wales

The site is not within the identified flood zone maps or the development advice maps associated with Technical Advice Note 15 (Development and Flood Risk).

Drainage

No objections to the proposed development in principle, however, have the following comments for consideration:

Our comments on the private drainage system (cesspit) are made only on the understanding that no public foul sewer is available to serve the development. Should the sewer be located within 33 metres of this site then connection should be made. All foul drainage from the site shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. The contents of the cesspool shall be taken to an identified sewage treatment works for full biological treatment.

We recommend that surface water drainage is served by a fuel interceptor prior to discharge into a watercourse.

3.11 Welsh Water

As the applicant intends utilising a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an Approved Inspector. However should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be reconsulted on this application.

A water supply can be made available to serve this proposed development.

3.12 SP Energy Networks

The site is crossed by a 33,000 volt overhead line. Any structure or bund under the line is of concern, as if anyone come into contact with the line or even approaches too close to it, it is likely to result in serious injury or death. It is essential that no construction takes place which has the potential to reduce the statutory clearances between the lines and the ground, particularly a structure which someone can stand on. The Electricity Safety, Quality and Continuity Regulations 2002 sets out the clearances between conductors and the ground. Anyone working on the construction of the bund and fence could be in danger and would fail to meet Health and Safety at Work Act.

The line would need to be diverted to allow for the safe construction of the development. There is a diversion process which may involve the consent of third party landowners.

3.13 Welsh Government Highways

The Welsh Government as Highway Authority for the A55 trunk road does not issue a direction in respect of this application.

3.14 Education

The nearest primary school is Ewloe Green Primary School, where pupil numbers already exceed the number of children on roll by 36. The recent planning application for residential development on the allocated site directly adjacent to the school was required to provide a commuted sum toward the school. The next nearest Primary School is Northop Hall with a surplus of 83 places or Hawarden Penarlag which has a surplus of 26 places. The nearest faith schools are Rector Drew Voluntary Aided school in Hawarden (Junior only) with a surplus of 24 places and St. Ethelwold's (with Infant provision) with a surplus of 40 places, which are both Church of Wales schools and Venerable Edward Morgan School in Shotton which is Roman Catholic with a surplus of 10 spaces.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

205 objections have been received on the following grounds;

- Site is in open countryside, green barrier/Green Belt, outside any settlement boundary, and is a departure from the Flintshire UDP.
- Contrary to policy GEN3 – Open Countryside of the UDP, GEN4 – Green Barriers and HSG14 – Gypsy Sites of the UDP.
- Out of character with the area.
- Could set a precedent for housing on the site in further due to the permanent amenity buildings, if allow five pitches this could lead to more in the future.
- 5 families possibly extended with visitors is a large community of people to introduce into the area.
- Visual impact of the development and the impact of caravans in a rural location.
- Proposed bund and fence would ruin open/rural aspect.
- Proposed bunding contravenes Health and Safety advice in relation to its proximity to overhead cables.
- Noise assessment not accurate given it took place on one day only.
- Fence and bund would not mitigate against noise.
- Green spaces should be protected from development.
- There are 2 existing gypsy sites within 10 minutes of this site, we don't need anymore. There is no proven need for this site.

- The field lies in the path of the proposed changes to the A55/A494 by WG, to allow development here could cause logistical problems in the future if the residents needed to be relocated.
- The site would be inappropriate for ordinary residential development and same should be applied to this.
- Impact on residential amenity e.g. hours of use.
- Impact on the character and appearance of the area.
- The visual impact would be a deterrent to potential guests at the Holiday Inn, particularly wedding customers and users of other businesses at the services across the A55 from the site and would not lead to further investment in the hotel or other businesses.
- Impact on tourism in the area, local hotels.
- No proposed screening adjacent to the lane, the existing trees and hedge are deciduous so the site would be visible at certain times of year.
- Detrimental impact on adjacent woodland.
- Site is between two European Special Areas of Conservation (SAC), this development could affect the integrity of movement of great crested newts between SAC sites.
- Site is adjacent to Ewloe Barn ancient wood which could be damaged by site occupants.
- No ecological survey of the site has been carried out, active bat population.
- Impact on wildlife.
- No infrastructure on the site for sewage or surface water drainage, therefore potential for pollution to the adjacent drainage ditches.
- Potential for noise pollution, from generators if required and also the general noise impacts from people living on the site.
- Capacity of local services, schools and doctors, impact on community services.
- No electricity or water supply to the site.
- The lane has flooded previously and this would only get worse, potential flooding of drainage ditches which are currently stagnant.
- The land is always water logged therefore any building would be unstable.
- High voltage overhead cables cross the site, which could be a fire hazard and harmful to children.
- The site was previously an industrial site and is likely to be contaminated.
- No mention of business use on the site and the visual impact of potential commercial uses on the site and associated contaminated.
- Dogs and other animals and children may stray onto the A55 and cause a hazard.
- There are no local shops or amenities in the area, therefore site

residents would have to use their cars to access any services, the site is not sustainable.

- It would not be safe for children and women to walk along the lane.
- The health impacts to site residents of living under pylons.
- Impact on highway safety.
- Insufficient night time lighting along access.
- Magazine Lane is a narrow country lane with no footpath, too narrow for additional large vehicles and caravans or for two vehicles to pass, it is a single track road with passing places and already has agricultural traffic using it, such as milk and oil tankers and tractors.
- Would cause disruption with farm traffic which need to access the fields for stock and harvesting.
- Any increase in traffic would conflict with the use of the lane by pedestrians and other recreational uses such as horse riding, cycling, dog walking, jogging etc, which is well used by local people and the school for nature walks.
- Visibility from the access onto Magazine Lane is poor.
- Access from Magazine Lane/Green Lane on to Main Road is opposite a school and would lead to an increase in additional traffic onto a busy road with poor visibility at the junction, also there is a housing development proposed next to the school which would increase traffic.
- Poor visibility at junction with Magazine Lane onto Pinfold Lane at the Northop Hall end of the road.
- Inadequate access for refuse vehicles and emergency vehicles.
- The site is close to the A55 expressway, concern about impact of air borne pollutants on site residents, particularly young children and the impact of noise pollution from the traffic.
- The space needed for 5 plots, with caravans and cars could lead to parking on the lane.
- Increased surface erosion/damage to Magazine Lane/Green Lane, which has been repaired recently due to damage by heavy vehicle use.
- Other people have been refused planning permission for developments and changes of use on Green Lane on highway grounds.
- The lane is impassable during heavy snow and ice, concern over emptying of cesspool during the winter months if this occurs.
- The farmer needs access along the lane at all times to move stock and machinery.
- Site residents may try to cross the A55 to get to the services which could lead to loss of life.
- Environmental impact of pumping potentially contaminated run off water into surrounding insufficient ditches

There are records of badger setts in the local area therefore the site would be part of the foraging area. A short stretch of green belt will also be damaged. Without continuity wildlife corridors and their inhabitants cannot survive.

4.03 Campaign for the Protection of Rural Wales

No need for this development, the site has no services, visual impact, health and safety issues in relation to noise and electricity pylons, traffic generation and lack of information on the natural environment.

4.04 Deeside Ramblers

Concerned about the impact the development would have on walkers which is regularly used for organised walks, concern about road safety and conflict with walkers on rural lanes. Magazine Lane is promoted through 'Walkabout Flintshire' for pedestrians and an increase in traffic will endanger walkers.

5.00 SITE HISTORY

5.01 047725 Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retention of existing stables. Withdrawn 02.09.10.

047896 Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retention of existing stables. Refused 12.01.12

049152 Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retention of existing stables. Refused 12.01.12 Dismissed on appeal 08.10.12

6.00 PLANNING POLICIES

6.01 **National Policy - Planning Policy Wales**

Local Authorities are required to assess the accommodation needs of Gypsy families in accordance with the Housing Act 2004. Sections 225 and 226 of the Housing Act 2004 came into force on 13th December 2007. This requirement is reiterated in Planning Policy Wales Edition 5, November 2012 (9.2.21).

6.02 **Welsh Assembly Government 'Accommodation needs of Gypsy-Travellers in Wales' (2006)**

This independent study was commissioned by the Assembly Government in December 2004 to establish current and future requirements for the accommodation needs of Gypsies and Travellers in Wales. It provided information on the number, location and

condition of Gypsy and Traveller sites in Wales and also provided an indication of the need for new site provision. The study contained a number of conclusions and 28 recommendations for the Welsh Assembly Government and Local Authorities to take forward in terms of policy formulation; the existing site network; the need for additional residential site provision; the need for transit site provision; site management; and social housing.

6.03 Welsh Assembly Government Circular: WAGC 30/2007. Planning for Gypsy and Traveller Caravan Sites in Wales.

This circular replaced Welsh Office Circular 2/94 "Gypsy Sites and Planning". It provides updated guidance on the planning aspects of finding sustainable sites for Gypsies and Travellers. Local housing market assessments provide the key source of information enabling local authorities to assess the level of additional Gypsy and Traveller accommodation provision that is required when preparing Local Development Plans.

6.04 Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDP's to ensure that the identified pitch requirement for residential and transit use can be met. It also states that in order to encourage private site provision, local planning authorities should offer advice and practical help with procedures to Gypsies and Travellers who wish to acquire their own land for development.

6.05 The Circular states that in deciding where to provide gypsy and traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services. Sites on the outskirts of built-up areas may be appropriate along with sites in rural or semi-rural settings. Rural settings, where not subject to specific planning or other constraints, are acceptable in principle.

6.06 In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could effectively block proposals for any Gypsy and Traveller site in a rural location. Sites should respect the scale of and not be so large as to dominate the nearest settled community serving them and should avoid placing an undue burden on the local infrastructure. Sites, whether public or private should be identified having regard to highways considerations with regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site and on-site business activities. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.

6.07 With regard to the Human Rights Act, the Circular states that the

provision of the European Convention on Human Rights should be considered as an integral part of local authorities decision making, including its approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of individuals concerned, both Gypsies and Travellers and local residents, and whether it is necessary and proportionate in the circumstances. The obligation on public authorities to act compatibly with Convention rights does not give Gypsies and Travellers a right to establish sites in contravention of planning control.

6.08 Application of the Circular in respect of this application

For the purposes of this Circular and therefore in the context of determining planning applications the definition of "Gypsies and Travellers" means, *"persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."*

6.09 The requirements of the Circular need to be considered in the context of Flintshire's development plan position. The Council has adopted its UDP prior to beginning work on the preparation of the new LDP for the County, when the requirements of the Circular can be progressed. The Council is satisfied that the existing criteria based policy approach towards the consideration of proposals for gypsy site provision provides an adequate context, until the whole issue is revisited as part of the preparation of the new LDP for the County. This approach was supported by the UDP Inspector subject to alterations to the accompanying text to reflect the current position in relation to the accommodation needs assessment for gypsies and travellers.

6.10 Flintshire Unitary Development Plan

STR1 – New Development

GEN1 – General Requirements for Development

GEN3 – Development in the Open Countryside

GEN4 – Green Barriers

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

D4 – Outdoor Lighting

TWH1 – Development Affecting Trees and Woodlands

TWH2 – Protection of Hedgerows

L1 – Landscape Character

WB1 – Species Protection

EWP12 – Pollution

EWP13 – Nuisance

AC13 – Access and Traffic Impact

7.00 PLANNING APPRAISAL

7.01 Introduction

Planning permission is sought 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. This is a resubmission of application (049152) which was dismissed at appeal. The main additions to this application are the submission of a Noise Assessment and an Air Quality Assessment. The results of the Noise Assessment have led to the extension of the landscaping bund and fence into the site along its southern and northern boundaries. The other aspects of the application remain the same as those considered as part of application (049152) and considered by the Inspector at appeal.

7.02 Site Description

The 0.6ha site lies in the open countryside between the settlements of Ewloe and Northop Hall. The site is bounded by the A55 expressway to the south west and Magazine Lane to the north east. To the north west is a small area of woodland and to the south east is agricultural land. There are power lines running across the application site from north west to south east. The site has existing hedgerows and trees around the boundaries of the site. The site is relatively flat and is currently used for the grazing of horses. There are the remains of an open fronted barn on the site.

7.03 Proposed Development

Planning permission is sought for the change of use of 0.6 hectares for 5 residential gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use. The proposed site would be laid out into 5 pitches, with internal boundary treatment of 1.8m high close boarded fence between each pitch and a post and rail fence marking the boundary to the site. The pitches are proposed on the north eastern side of the site adjacent to Magazine Lane with the proposed internal access road adjacent to the A55. The proposed site layout utilises the existing agricultural access from Magazine Lane. There is an internal access road leading to each pitch with a turning head between pitches 4 and 5 to allow for refuse vehicles.

7.04 Each pitch would have a static caravan, a touring caravan and an amenity building, providing cooking and washing facilities. The proposed amenity buildings are 8 metres by 5 metres, with pitched roofs measuring 4.5 metres in height to the ridge. They are proposed to be single storey brick buildings with reconstituted slate tiled roofs and timber windows. Each building is proposed to have a solar hot water panel and rain water butt. Provision for the parking of at least 2 vehicles will be provided per plot.

- 7.05 It is proposed to retain the existing stable which is on the site. At the appeal this was removed from the description of development, however it is part of the current development proposal. It is assumed the stable would remain in its current condition as no details in relation to it have been submitted as part of the application.
- 7.06 A continuous 1.8m high earth bund parallel to the A55 is proposed along the foot of the existing embankment, topped with a 2m high close boarded fence. This was proposed as part of the previous application, but as a result of the Noise Assessment the bund and fence now continue into the site at the north western boundary by 14 metres and south eastern boundary by 22 metres into the site.
- 7.07 While the details of the site occupants were put forward at the appeal, no details of the proposed occupants have been put forward as part of this application. The personal circumstances of the occupants are therefore not taken into account.
- 7.08 Issues
The principle consideration when assessing the suitability of a site as a gypsy and traveller site is after weighing up the site and policy constraints, if any identified harm still outweighs other material considerations in favour of granting permission such as the need for gypsy and traveller sites, the provision of alternative sites and the personal circumstances of the site occupants.
- 7.09 This application differs in that it has been to appeal in a similar form and has therefore all of the issues have been examined by an Inspector through the Public Inquiry process. It is relevant therefore to focus on the conclusions of the Inspector in relation to the key issues and consider whether this application addresses all of the issues raised in his report.
- 7.10 To summarise the Inspector considered that;
Green Barrier
- The proposal was inappropriate development in the green barrier contrary to Policy GEN4.
 - The open character and appearance of the green barrier would be adversely affected but to a limited extent
 - It would make a marginal contribution to the coalescence of settlements as well as encroaching in to the countryside.
 - Very exceptional circumstances need to be shown which would outweigh these impacts.
- 7.11 Other issues
- Gypsy sites are acceptable in principle in rural settings and will inevitable have some impact on their surroundings. In this case that impact would not be unacceptable.
 - The type and level of traffic likely to be generated by the

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

- The proposal satisfies the specific UDP gypsy criteria set out in Policy HSG14
- Serious concerns that living conditions on the site would not be acceptable particularly through the impact of noise from the A55 and possibly because of air quality
- neither concerns over highways safety and amenity nor drainage or ecological matters add to the case against granting planning permission.

7.12 Need

- The regional, local and personal need for additional pitches is a significant factor in support of the proposal, as is the lack of suitable and available alternatives to that proposed.
- The potential expansion of the Riverside site is not sufficiently advanced.
- Failure of the policy thus far to make adequate provision to meet need over a long period.

7.13 Exceptional Circumstances

- Very exceptional circumstances are therefore in place sufficient to outweigh the green barrier impacts

7.14 Temporary Permission

- Circumstances to suggest a temporary or time limited permission as set out in Circular 30/2007 are not in place.
- The Council's LDP is at an unacceptably early stage to generate a reasonable expectation that it will result in available sites by the end of the temporary period.
- The expansion of Riverside as an alternative is not reliable.

7.15 Overall the Inspector concluded that planning permission should not yet be granted due to the unsatisfactory living conditions which the site might provide because of traffic noise and pollution. He referred to advice in Planning Policy Wales in relation to noise levels, in that a careful assessment should be made before determining planning applications, possibly with a technical noise assessment provided by the applicant. He also made reference to Technical Advisory Note 11 Noise which 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. The Inspector concluded that whether that is so or not in this case cannot be properly assessed until the implications of traffic noise and pollution from the A55 are known. The Inspector felt that this matter could not be dealt with by condition as having regard to the Noise Exposure Categories in TAN11, the possibility remains that the site may not be acceptable for noise sensitive development such as that proposed or could not be made

acceptable.

7.16 The relevant issues and site constraints are discussed in detail below in light of the above Inspectors conclusions, with an assessment of need at the end of the appraisal and an assessment of where it is considered the balance now lies.

7.17 Green barrier and landscape impacts

In relation to policy GEN4 (g) 'other appropriate rural uses/development for which a rural location is essential', the Inspector considered that the proposal is for an appropriate rural use but it is not essential that it has a rural location. He considered that it would reduce the openness of the green barrier and have an adverse impact on its character and appearance, furthermore it would conflict with important purposes for the green barrier designation. He suggested that with care, however, the scheme would be reasonably well screened by existing and proposed hedgerows and planting, which would safeguard the otherwise undeveloped appearance of the site and surrounding countryside. He also considered that since gypsy sites are, in principle acceptable in rural settings, some impact is to be expected and is not itself good case for rejecting such proposals. With respect to the other aspect of green barrier policy he considered that the scheme would contribute to coalescence between settlements but the scale of the threat created would be marginal. He concluded that these factors temper but do not overcome the green barrier objection.

7.18 The current application has one physical addition from the previous application, namely the extension of the bund and fence on top of it, into the site along the north western boundary by 14 metres and south eastern boundary by 22 metres as noise mitigation. The other aspects of the scheme remain the same as that considered by the Inspector at appeal.

7.19 In light of the Inspectors conclusions on the green barrier and the addition of the bund and fence extension the Council commissioned the advice of an independent landscape architect to assess the impact of the proposal on the green barrier, the landscape and the open countryside. This assessment considered the landscape impacts of the site from Magazine Lane, as well as other key viewpoints including the A55 and the services on the other side of the A55.

7.20 In terms of the impact of the development on wider landscape character in relation to policy L1, it is relevant to refer to LANDMAP which is the baseline data for assessing landscape impact in Wales. The application site lies within the area of the Flintshire LANDMAP area that is described topographically as 'rolling / undulating fields of hedgerows with trees'. Overall the aspect area is considered visually of moderate value as an area of local landscape importance.

- 7.21 The assessment included an appraisal of the impact of the proposal from the Services and Holiday Inn on the western side of the A55. The existing woodland planting along the length of the proposed site adjacent to the A55 would provide a screen to the proposal. Commonly caravans are white and would therefore have an enhanced adverse visual impact. In this case the angle of the view of the site will be interrupted by both the existing vegetation and the fence so that the proposed caravans and mobile homes would only be partially visible. The impacts of the proposal from this location would be considered adverse to a medium degree. The visual impacts to motorists travelling along the A55 would be minor as views of the site would be fleeting and at a lower angle, although it would be clear there was a development in this location.
- 7.22 Consideration of the landscape impacts from users of Magazine Lane as raised by objectors was also considered. The wooded boundary to Magazine Lane comprises a variety of vegetation where the substantial forms are mature trees in poor condition that provide a relatively poor visual screen. Users of the lane would therefore obtain views into the site of fencing, caravans and an entrance gate clearly indicating the existence of the development. There would be consequent adverse impacts to the landscape both in terms of landscape character and visually.
- 7.23 Although the Inspector previously considered that the site is, and could be well screened with further planting, the current proposal has the addition of the bund and fence wrapping into the site on the north western and the south eastern boundary, which would be almost 4 metres in height in total. The Inspector also considered that as gypsy sites are acceptable in rural areas, some impact is expected. However the physical additions to this scheme would add to the developed appearance of the site and would make any screen planting less effective. It is therefore considered that in light of the landscape comments that the proposal would have an adverse impact on the landscape, contrary to Policy GEN4, L1 and HSG14 c) as in landscape terms the development would contribute to the coalescence of settlements and would harm the open character and appearance of the green barrier.
- 7.24 Overhead Electricity Lines
The site is crossed by a 33,000 volt overhead line. While the previous site layout had no implications for this infrastructure, the revised application proposes a 2 metre high landscaping bund and additional 2 metre high fence which pass underneath the overhead lines. Scottish Power own this equipment and have a duty under The Electricity Safety, Quality and Continuity Regulations 2002 set out the minimum clearances between overhead lines and the ground. For 33,000 volt lines this distance is 5.8 metres for roads 5.2 metres for other locations. Scottish Power are concerned about any structure or bund under the line which would reduce this clearance and

increase the potential for anyone to come into contact with, or close to the line as this is likely to result in serious injury or death. They are also concerned about the introduction of a residential use of this nature underneath the power line as it increases the risk of danger to site occupants and has potential implications for the public in general. Scottish Power advise that it is essential that no construction takes place which has the potential to reduce the statutory clearances between from the lines and the ground, particularly a structure which someone can stand on, such as a bund and fence. Also anyone involved in the construction of the bund would fail to comply with the Health and Safety at Work Act and Health and Safety Executive Guidance Note: GS6 Avoidance of Danger from Electricity Overhead Lines and the Electricity at Work Regulations.

7.25 The line would need to be diverted to allow for the safe construction of the development. There is a diversion process which may involve the consent of third party landowners, along with a developer contribution, although the feasibility of this would need to be assessed.

7.26 Road Safeguarding

The application site is affected by the TR11 Protected Route, but within the National Transport Plan 2010 – 2015 there are no schemes identified at present. WG state at this time it is not certain in the future whether any scheme affecting this road would be progressed or whether other options as an alternative to a road scheme would be pursued instead. Furthermore even if any physical scheme is put forward, for post 2015, it would be 5 to 10 years before any scheme is progressed to construction stage.

7.27 Since the consideration of the last application Welsh government have commissioned AECOM to undertake a transport study (A55/A494 WeITAG Study) on the A55/A494 Corridor in North East Wales to identify a strategy for improving transport provision in the area considering all modes of transport. The Stage 1 Appraisal was published in July 2012. The study area for the A55/A494 Study includes the application site.

7.28 The aim of this study was to identify a small number of preferred packages for further assessment as the next part of the appraisal. These packages are categorised into; Managing Demand, Making Best Use and Capacity Enhancements. Within the latter category two of the packages considered were highway capacity improvements along the A55/A494 corridor. Both of which would involve physical improvements to the existing road corridor which would have direct impacts on the application site. The packages were discussed at a stakeholder event and then assessed using a set of qualitative environmental, economic and social criteria. Following this initial assessment two packages have been identified for assessment at Stage 2. One which includes a set of multimodal improvements utilising the existing A55/A494 alignment and one making use of the

A458 alignment to provide an alternative route for strategic traffic. The precise details of these packages will be refined ahead of the Stage 2 Assessment to allow the detailed appraisal to be undertaken. The exact nature and detail of these proposals, timescales involved and exactly how it may affect the application site are not yet known. As there is no definite scheme in place the WG would not issue a direction in relation to this application at this time.

7.29 Highways

The roads leading to the application site are rural roads of varying widths. Concerns have been raised about the increase in traffic generated by the proposed development, due to the nature of these rural roads and the potential for conflict with other road users, pedestrians, horse riders etc who use this area for recreation.

7.30 Magazine Lane is narrow without pedestrian footways but already serves a mix of residential and farm properties and serves as an alternative route from Mold Road to Northop Hall. The Inspector accepted that the network is less than ideal and includes sections with awkward horizontal and vertical alignments, is relatively narrow, often single carriageway, with unevenly distributed passing places and a long section alongside the appeal site which is relatively straight and could encourage higher vehicle speeds than elsewhere.

7.31 It is considered that the development would generate a low level of traffic that could be accommodated on Magazine Lane and that a safe access can be created from the site onto Magazine Lane utilising the existing access point. In terms of the access roads and the junctions leading to the site, the visibility for traffic at the Green Lane junction exiting onto the B5127 Mold Road, is acceptable with a 2.4m x 40m splay available in both directions. There is no evidence of congestion at this junction and the small increase in traffic is very unlikely to affect the safe operation of this junction. Similarly the small increase in traffic is very unlikely to affect the safe operation of the junction with Robin Hood Lane/Chester Road. In terms of the potential conflict with school traffic, Ewloe Green School is located some 100 - 120 metres west of the Green Lane junction and although the area surrounding the school is busy for short periods of time each day, this very small increase in traffic will not increase the safety risks.

7.32 Prior to the appeal the applicant commissioned an analysis of the characteristics of the highway network and gathered empirical traffic survey data and applied current design guidance. This confirmed the highway authority's estimate of the anticipated traffic generation from the site and its other conclusions set out above. There was no evidence put to the Inspector that a slight increase in traffic on Magazine Lane would be detrimental to highway safety.

7.33 Magazine Lane is already used by heavy vehicles often associated

with the agricultural uses in the area. There is also no record of any accidents on this road in relation to the current situation and little to substantiate it put forward at the Inquiry. The Inspector in his report commented that for the most part the proposal would generate domestic and light commercial vehicle movements. He acknowledged that there would be occasions when touring caravans would be towed along the lanes with the possibility of added congestion and interruption of traffic movement, however the indications are that this would not be a frequent or unacceptable occurrence. He also considered that this would be the case with tankers which would need to attend to the cesspool.

- 7.34 There is lawful use of land to the rear of Brookwood, Green Lane for the parking and storage of touring caravans, which has been in use since permission was granted in 1984. There are no restrictions on the number of caravans that can be stored on the site. There have been no known highway accidents as a result of this and the site is still in operation.
- 7.35 The Inspector concluded that large vehicles use the lanes now and while that may on occasion be inconvenient for other road users, there is no evidence that the small increase of larger vehicles could not be safely and reasonable accommodated.
- 7.36 The Inspector also referred to the use of the lanes by walkers and joggers and school children. He acknowledged that the lanes are unlit and do not have footways which increase the potential associated risks for pedestrians, however he states that shared uses of highways are not unacceptable and the traffic flows and speeds currently experienced on Magazine Lane are substantially below the thresholds for which the concept of Quiet Lanes, involving such shared uses is considered appropriate.
- 7.37 With regard to the potential for site residents or animals to stray onto the A55, it is considered that the potential for this would be very low and if required would be dealt with by police enforcement. In any event there are numerous examples of animals grazing adjacent to this stretch of the A55 and the nature of the proposed development would not increase the potential for incidents of animals straying on the A55.
- 7.38 The Inspector concluded that whether or not the increase in vehicle movements is statistically significant, in real terms it would be low level and modest. The Inspector then made reference to WG Circular 30/2007 which states "proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant."
- 7.39 Ecology
The need for an ecological survey and wildlife concerns have been

raised by a number of objectors, along with the potential for the development of this site to affect the movement of European Protected amphibians between the component parts of the Special Area of Conservation (SAC and could affect the site's integrity.

7.40 The site is a horse grazed pasture of poor quality grassland and therefore has low ecological value. The key features on the site in terms of ecology are the trees and hedgerows which are not affected by the proposed development. Conditions could ensure that these are retained. The layout plan proposes to enhance the existing hedge adjacent to the A55 with new hedge planting of native species, which would improve these existing corridors for nesting birds and foraging bats.

7.41 The Inspector considered that although there may be badgers in the adjoining woodland and bats frequent the locality, nothing specific was provided to establish that the scheme would have an adverse impact on them. He concluded that to the extent that the woodland could be disturbed by, for instance, the occupants dogs – which would not be lawful – it was agreed at the Inquiry that a dog proof fence could be erected along that boundary, imposed by a planning condition.

7.42 Road Noise

The Inspector was concerned that the level of traffic noise at the site might provide unacceptable living conditions for the site occupants and suggested that a technical noise survey should be undertaken. He saw no justification for the view previously taken by the Council that residential caravans should not be treated as noise sensitive development in the same way as permanent dwellings or that their occupants should be allowed to be exposed to higher levels of noise than considered acceptable for other sectors of the community. The Inspector stated that caravans are a form of housing and are more vulnerable since usual noise mitigation measures cannot be built into them. It is considered that the site should be assessed against the Noise Exposure Categories for residential development as set out in Technical Advice Note 11. (TAN 11)

7.43 Noise Exposure Categories have been derived to assist local planning authorities in their consideration of planning applications for residential development near transport related noise sources. TAN 11 states that local planning authorities should consider whether proposals for new noise sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonable be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or expected to become, subject to unacceptable high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

7.44 Tan 11 Noise Exposure Category Tables

Noise Levels ⁽¹⁾ corresponding to the Noise Exposure Categories for New Dwellings L _{Aeq,T} dB					
Noise Source		Noise Exposure Category			
		A	B	C	D
road traffic	0700-2300	<55	55-63	63-72	>72
	2300-0700 ⁽²⁾	<45	45-57	57-66	>66

TABLE 1: NOISE EXPOSURE CATEGORIES	
A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable.
B	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.
C	Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
D	Planning permission should normally be refused.

7.45 The revised application was accompanied by a Noise Assessment undertaken by Tim Green Sound dated 16th October 2012. A day and night time noise survey was undertaken at the site on the 9th and 10th October 2012. The data is then assessed against the Noise Exposure Categories (NEC) for residential development as set out in TAN 11. The measured data from the assessment puts the site into NEC C for day time noise and NEC C for night time noise. Due to the results of the noise survey the proposed bund and fence which was proposed only parallel with the A55 is extended into the site along the north western boundary by 14 metres and south eastern boundary by 22 metres of the site. The Noise Assessment considers that this would provide effective mitigation of the noise generated by the A55 and brings the daytime figures into NEC A and the night time into NEC B. These levels would apply to outside noise levels. The maximum night time measured levels for night time noise fall on the highest limit of NEC C. This would be mitigated to a lower level within NEC C with the noise barrier.

7.46 The assessment makes an assumption that the accommodation on the site would be a Park Home built to BS 3662: 2005 which provides a level of insulation suitable for all year round living and full residential use as opposed to other static caravans which are intended for summer use and therefore built to lower insulation levels (BS 1647).

acceptable for living rooms at 40db which is achievable for a Park Home built to BS 3662: 2005. The noise levels within a Park Home built to BS 3662: 2005, would be reduced further to within NEC A, although this excludes doors, windows and ventilation apertures. The noise levels deemed reasonable for gardens by World Health Organisation (WHO) are within the range of 50 – 55dB. The mitigated external daytime figure for the proposal is 54dB. The noise assessment states in its conclusion that “the environment of road traffic activity is common to the lifestyle and methods of livelihood of the Traveller Community. The noise associated with environments is not at odds with their way of life and the levels would offer no physical harm to the intended occupants hearing.”

- 7.47 The Council considers that the limited amount of noise data submitted with the application contained in the applicant’s noise report does not take into consideration all the necessary factors associated with the traffic density or traffic noise likely to be experienced at this location over an extended period.
- 7.48 The Welsh Assembly Government (WG) has recently published noise maps for this area, and others throughout Wales, under The Environmental Noise (Wales) Regulations 2006 and Environmental Noise Action Planning (Wales) Roads Action Plan for Wales. The specific noise map covering this site clearly shows that the application site will be affected by much higher noise levels than has been so far measured by the applicant and could fall within NEC D. Whilst the noise maps rely on calculations rather than direct measurements they are based on sound scientific principles and road traffic data including types of vehicles etc, over a significant period.
- 7.49 It is well known that weather and meteorological conditions have a significant effect on noise. With particular reference to road traffic at this location due to the speed limit of 70mph the predominant noise source is the wheel road interactions. This noise increases considerably under wet conditions which is not an uncommon situation in this country.
- 7.50 In respect of the A55 there are other important factors to take into account which will affect noise levels. While rush hours are a daily occurrence during the working week Monday to Friday, summer traffic flows are much higher along this stretch of road, than during the measured time period. This can produce prolonged heavy traffic flows similar to “rush hours” often these will continue until late at night on busy weekends and bank holidays.
- 7.51 There is also a period during the early hours on most nights of the year when traffic flow is suddenly higher on the east bound carriageway immediately adjacent to the application site, when convoy’s of HGV’s pass following disembarkation from the Holyhead Ferry terminal. Times can vary but is typically between 1 and 3am. This is seen in a graph in the submitted Noise Assessment but is not

referred to.

- 7.52 Overall it is considered that the actual site noise levels will generally be much higher measured during the one day exercise. There is insufficient data to establish which category the development will fall into given a full range of noise level data. The proposed barrier will not provide sufficient mitigation to the development as the road level is at a similar height to the top of the proposed barrier and bund and the effectiveness is limited to -12dBA. The site will fall into a higher TAN 11 category than predicted by the noise report. It is likely to be in NEC C during both day and night and possibly even NEC D. If the site does fall within NEC C as set out above, "planning permission should not normally be granted". It states "where it is considered planning permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise". It is not considered in this case than any conditions could be imposed to mitigate the noise levels.
- 7.53 The Noise Assessment submitted with the application states that the mitigated noise levels fall just within the design criteria for gardens at 54dB. The mitigated levels are at the "top end" of what can be considered reasonable under BS 8233 which is based on the World Health Guidelines for Community Noise. The WHO guidelines identify adverse health effects arising from community noise which people might be subjected to in specific environments and at specific times. These levels are only to be used as a guide and are not definitive. It is not correct to use them as such. Along with hearing impairment, they also identify both direct risks - including annoyance, sleep disturbance and impaired performance - and indirect risks, cardiovascular and stress effects. Whilst it is unclear as to the precise level of noise at which health is affected it is understood that groups including children, the elderly and infirm persons are more vulnerable. It is a concern that while some of the site occupants may go travelling, it is likely that it is the members of the family who fall within the more vulnerable groups that may be left behind to reside on the site. Also this could be during the summer months when traffic noise is at its peak.
- 7.54 The nature of the lifestyle of occupants on residential gypsy sites such as the one proposed is that the outside areas are utilised more frequently by the families and especially children playing together, therefore it is considered that for this proposed use the noise levels outside are more significant than when considering general garden use for a residential property.
- 7.55 The Noise Assessment assumes the accommodation on site to be Park Homes designed to BS 3632:2005. This standard of mobile home could be conditioned, however, as this standard of insulation would not apply to the windows and doors it would also require an additional condition for a scheme of enhanced double glazing. The

sound insulation qualities of the caravans are greatly reduced if windows and doors are open, which would be difficult to enforce. In addition to the proposed static caravans each plot has provision for an additional touring caravan to be positioned in each plot. Touring caravans are designed to a lower insulated standard than Park Homes as they are not intended for permanent living. While these are used for travelling particularly during the summer months, it would be difficult to prevent the families from using these as living accommodation when they are on the site. With regard to the day rooms, as these do not contain bedrooms or living rooms it would not be appropriate to impose the BS 8233 requirements, however due to the intended use of the rooms for washing etc, it is likely that occupants could spend a significant time in these areas and be subjected to higher noise levels.

7.56 TAN 11 states that measures to control the source of, or limit exposure to, noise should be proportionate and reasonable. In order to increase the effectiveness of the barrier and bund they would have to be significantly larger than the proposed design which is unlikely to be achievable in the limited space of this site and would have landscape and green barrier implications.

7.57 If the site does fall within NEC C as set out above, “planning permission should not normally be granted”. It states “where it is considered planning permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”. It is not considered in this case that any conditions could be imposed to mitigate the noise levels to adequately protect the amenity of the proposed residents. In any event the site could fall within NEC D, which states that permission should be refused. Overall there is insufficient evidence to demonstrate that the levels of noise generated from the A55 would not lead to unacceptable living conditions for residents contrary to TAN 11 and Policy EWP13 of the Flintshire Unitary Development Plan.

7.58 Air Pollution

An Air Quality Assessment has been submitted with the application prepared by Ricardo-AEA in January 2013 to assess air quality in vicinity of the site. This was undertaken using the Atmospheric Dispersion Modelling System which is a PC based model of dispersion in the atmosphere of pollutants released from industrial and road traffic sources.

7.59 The applicant’s air quality report shows that there is a likelihood that the air quality with regard to nitrogen dioxide and particulates PM¹⁰ will be within the current standards. However, there is additional evidence in the form of a new report from The World Health Organization “Review of evidence on health aspects of air pollution – REVIHAAP”

2013 which questions this.

- 7.60 The REVIHAAP demonstrates that there is strong evidence to suggest that the standards could be tightened in the future because many recent studies are showing correlations between health effects at lower concentrations of nitrogen dioxide both in acute and chronic illnesses. Road traffic is a principle source of several known pollutants including nitrogen dioxide and particulates of varying sizes.
- 7.61 In addition the applicant's Air Quality Assessment does not take account of particulates PM2.5 and smaller or carbon black or indeed other pollutants such as PAH's, ozone etc. These pollutants have been increasingly studied because of serious concerns they may be having on the health of people living close to such sources.
- 7.62 It is not known if these pollutants have been assessed at this location and that the potential risks associated with them have been fully investigated with reference to the proposed residential use.
- 7.63 There is insufficient evidence to demonstrate that this would not lead to unacceptable living conditions which could adversely affect the health of the site occupants which would be contrary to Policy EWP12 of the Flintshire Unitary Development Plan.
- 7.64 Drainage
Building Regulations would be required for the amenity buildings and the drainage connecting to them. The requirements for foul water drainage as set out in the Building Regulations Requirements Approved Document H propose a hierarchy in terms of potential drainage solutions. These are;
- a) a public sewer; or where that is not reasonably practicable,
 - b) a private sewer communicating with a public sewer, or, where that is not reasonable practicable,
 - c) either a septic tank which has an appropriate form of secondary treatment or another waste water treatment system; or, where that is not reasonable practicable,
 - d) a cesspool.
- 7.65 The possibility of establishing a connection to the public foul sewerage system has been fully investigated by the applicant. Welsh Water's map indicates that the public foul sewer is approximately 200 metres away to the east of the site. However, Welsh Water have stated that there is no entitlement in law for the proposed flows from a caravan site to communicate with the public sewer as these are classed as temporary structures. As a consequence Welsh Water would refuse any application to connect/communicate the flows from the development with a public sewer and advise that alternative means of drainage is considered. The Council's Drainage Engineer considers that this is the best long term option and that this should be pursued further if permission is granted as the application is for a permanent

residential use.

7.66 Initially the proposed means of treating and disposing of foul water was via an onsite packaged treatment plant and either soakaways or drainage to the local drainage ditches in accordance with option c) above. The Environment Agency and the Council's Drainage Engineer initially highlighted that discharge into the nearby drainage ditches as suggested was not possible, as the ditches were dry. Effluent should discharge into a ditch/watercourse with flowing water all year round. The other nearest watercourse 40 metres away on third party land, was also observed to be dry. Furthermore the Environment Agency and the Council's Drainage Engineer considered that soakaways may not be effective in this area due to a knowledge of local site conditions and initial ground investigations confirmed this. However recent discussions between the Council's drainage engineer and the Environment Agency on a different application with a similar drainage issue, have concluded that a self contained treatment plant can discharge to a dry ditch, if incorporated with an additional sand filter. The Council's drainage department and the Environment Agency therefore accept the principle of this. There is a ditch along the frontage of the site within the adopted highway which the applicant could discharge to, therefore this is a feasible option.

7.67 The final option available is option d) above, a cess pool. This option is acceptable to the Environment Agency as it would prevent pollution to groundwater and water courses. The proposed population on the site is 6 persons per plot, which equates to 30 people, however this would fluctuate if residents were away travelling. On a worse case scenario it is estimated that a population of this size could generate 5,000 litres of foul sewage a day. The size of the cesspool proposed is 79,000 litres which based on these volumes would need to be emptied every 15 days. This tank measures 5.8metres x 2.7 metres in diameter. The installation of the tank and the associated necessary emptying has associated costs. The size of the tankers which would empty such a tank has a capacity of 20,000 litres, therefore to would require 4 vehicles to empty the tank when full. This would lead to additional vehicles movements associated with the site in respect of this. However from a highway point of view this additional traffic and the nature of it, would not be different in nature from agricultural vehicles and it is not considered would be a highway safety issue. There is a turning head within the site designed for large vehicles to manoeuvre. There are a number of options in relation to the size of tanks which could be used and this would therefore have implications for the required frequency of emptying the tanks, for example a larger tank would lead to less frequent emptying, but more vehicle movements if emptied when full. In terms of the siting of a tank, a distance of 7 metres is required from a habitable building. There is sufficient space within the site to locate a cesspool. The Council's Drainage Engineer considers that this is not a long term sustainable solution, however it is therefore considered that there are several

feasible options for dealing with foul sewage which could be dealt with by condition. The Inspector had no issues with the foul sewage options put before him.

7.68 Surface water

The applicants initially proposed to dispose of surface water via soakaways. Ground investigations and knowledge of the drainage conditions of the site ruled this out. A method of surface water infiltration and attenuation is now proposed which would control the rate of flow into adjacent ditches. Details of a solution have been put forward by the applicant and is acceptable in principle, subject to agreeing details of the volume of attenuation required, discharge rates and which ditch to discharge to. Such matters would need to be agreed with the Environment Agency and the Council. There is a ditch which runs along the frontage of the site within the highway, therefore in the Council's ownership which could be suitable for discharging into subject to the relevant consents. A topographical survey has been submitted which shows that the site is relatively flat with minor undulation. Some minor raising of site levels or a pump may therefore be required to ensure that the surface water drains adequately into the drainage system. This approach has been agreed by both the Council's drainage engineer and the Environment Agency. The Inspector had no issues with the surface water drainage options put before him.

7.69 Need

The Flintshire Housing Strategy 2008 – 2013 refers to the Council's requirement to consider the housing needs of gypsies and travellers. The Housing Strategy sets out the key actions to achieve this aim which includes the need to undertake a full Accommodation Needs Assessment for gypsies and travellers, including for permanent, transit and emergency stop off sites. However travelling patterns of gypsies and travellers and the size of the County leads to the catchment area for sites being wider than the geographic Flintshire boundary.

7.70 The Council engaged with its North Wales neighbours in a collaborative Gypsy & Traveller Accommodation Assessment (GTAA). This is in line with Welsh Government (WG) guidance which urges *“local authorities to work in a regional capacity and share the legal, moral, financial and political responsibility to address the accommodation inequality experienced by the Gypsy and Traveller community in Wales”*. This was published last year and has been endorsed by Flintshire County Council in early 2013. The Steering Group of the study partners representing the neighbouring authorities have agreed to take the report to through its respective governance process.

7.71 Flintshire has the largest number of authorised caravan pitches to accommodate gypsies and travellers of any local authority in North Wales.

- 7.72 There are currently five authorised gypsy traveller sites in Flintshire. There is one local authority owned site 'Riverside' at Queensferry, which has 20 pitches, run by the Gypsy Council. The Riverside site was built in the 1990's and no improvements to the infrastructure had been undertaken since its initial construction. Some updating is required and the electrics to the buildings and the static caravan have recently been updated through a grant under the Welsh Assembly's site refurbishment program. At the time of the Welsh Assembly Government Biannual caravan count (January 2013) there were 26 caravans on site. There are four privately owned sites. There are two large historic sites; Corbett's Yard, Sandycroft has 22 pitches with 20 caravans on site at the time of the January 2013 count and Mitford Caravan Site, Gwespyr which has 20 pitches with 15 caravans at the time of the January 2013 count.
- 7.73 Within Flintshire there are also two smaller private sites which have been the subject of recent planning applications, enforcement action and subsequent appeals. Dollar Park is a private site occupied since March 2007. The site has a temporary planning permission for 5 years which expires on 04.02.16. This was granted on appeal following two retrospective planning applications. The permission is personal to six named families and their resident dependants who own their individual plots. The permission is for 6 plots each with permission for a static caravan, a touring caravan and a brick built amenity building on each plot. At the time of the January 2013 Count there were 8 caravans on the site. The temporary permission was granted on the basis that the site was unsuitable as a permanent site due to the impact on the rural area and the setting of the Listed Building opposite. It was allowed on a temporary basis of 5 years due to the lack of alternative site provision and based on a realistic time period for the Local Planning Authority to have reached an advanced stage of the Local Development Plan following a needs assessment. The Council therefore needs to provide an alternative site to address this need before the expiration of the temporary permission.
- 7.74 The other recent private site is at Gwern Lane, Hope, occupied since June 2010. The site is in the open countryside to the east of Hope village. Planning permission was granted on appeal on 11.05.2011, following the submission of a retrospective planning application. The permission is a permanent consent for 4 caravans, two of which are permitted to be static and a day room. The site is occupied by an extended family who previously resided on the Local Authority site in Wrexham, however the permission is not restricted to them personally although they are the land owners. The site was fully occupied at the time of the January 2013 Count.
- 7.75 At the time of the January 2013 Count there was an unauthorised encampment of 5 caravans at Dock Road, Connah's Quay.

- 7.76 The difficulty with the information provided from the caravan counts is that it records the number of caravans and not the number of pitches occupied and it is usual for there to be more than one caravan on each pitch which distorts the figures and makes it difficult to assess the number of vacant pitches. However on the basis of the evidence we have it appears that these sites are fully occupied. There are also a further two small sites each with two caravans on which are historic sites and not included in the caravan counts.
- 7.77 As the methodology of The North Wales Gypsy & Traveller Accommodation Assessment is based on the level of existing provision within authority areas, the need arising from Flintshire is a need of 43 pitches.
- 7.78 The WG has stated *“The picture of where Gypsies and Travellers live and want to live may have become distorted by different approaches to provision and enforcement adopted by different local authorities over the years. Where this is the case the local authority responsible for the area where the need is currently found will need to work closely with other local authorities in the region to find a shared solution. In some cases, local authorities who currently show a low level of need may need to accept that they will have to play a greater part in meeting regional need”*.
- 7.79 To reflect this advice it is considered that it would be appropriate for Flintshire to meet half of the identified need arising from the County. The Council is aiming to expand its current site at Riverside, Queensferry to meet that need. The Council is progressing towards submitting a planning application for this expansion. Since the public inquiry the Council has undertaken a number of background studies and is hopeful to submit a planning application within the near future. This is a previously developed site and adjacent to an existing site which is popular in the gypsy and traveller community, as it generally fully occupied at the time of the Caravan Counts and the drive to extend it has been supported by the existing site residents. However following the Inspectors conclusions at the appeal the Council acknowledges that this commitment to extend Riverside is not sufficient at this stage to meet the identified unmet need.
- 7.80 Temporary Permission
Welsh Office Circular 35/95 “The use of conditions in Planning Permissions” states a temporary permission may be justified, where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Circular 30/2007 states in cases where;
- there is an unmet need
 - no alternative available Gypsy and Traveller site provision in an area and;
 - a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet

that need;
local planning authorities should give consideration to granting a temporary permission where there are no overriding objections on other grounds.

- 7.81 The Inspector considered following evidence put to him at the Inquiry, that the circumstances set out above are not in place. In particular the Council's LDP is at an unacceptably early stage to generate a reasonable expectation that it will result in available sites by the end of the temporary period, nor would the expansion of Riverside as an alternative site be relied upon.
- 7.82 It is considered that these circumstances have not materially changed since the Inspector's decision and in any event the unacceptable living conditions by virtue of noise and air pollution would not favour the grant of even a temporary permission.

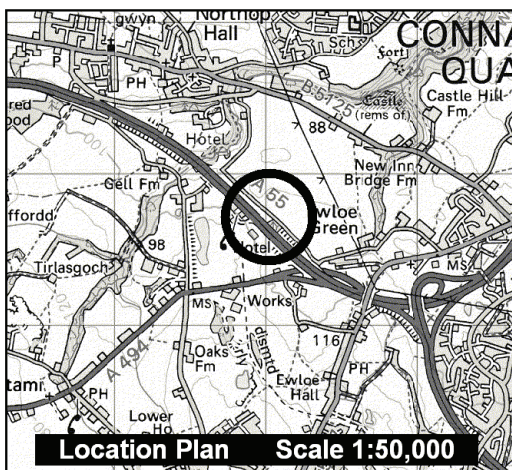
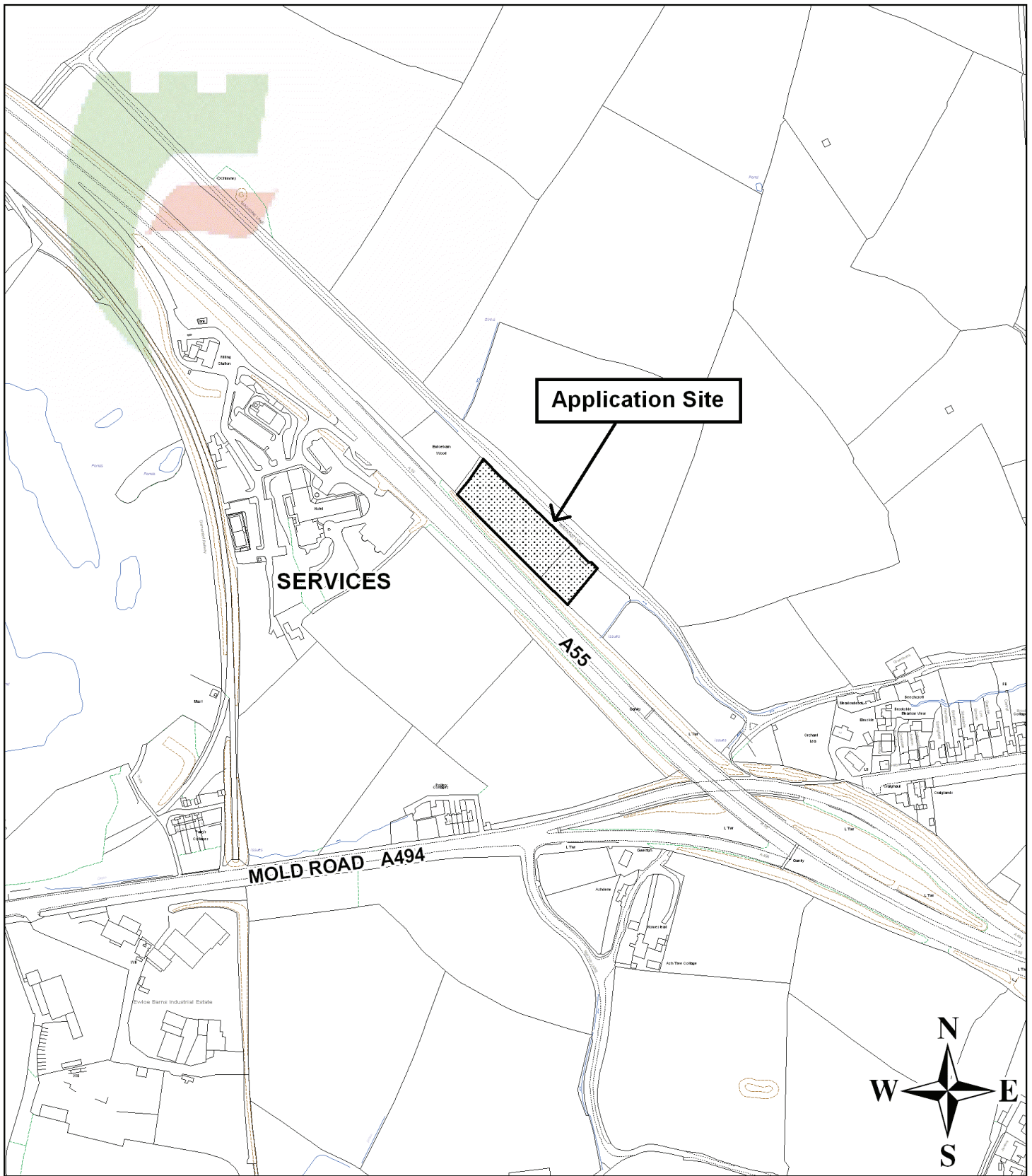
8.00 CONCLUSION

- 8.01 The Inspector considered that the proposal was inappropriate development in the green barrier, but that the unmet need constituted exceptional circumstances; however he was concerned that proximity to the road would give rise to unacceptable living conditions in terms of noise and air pollution.
- 8.02 Although there is still an unmet need for gypsy and traveller sites in Flintshire, it is considered that the evidence put forward to address the noise and air pollution does not demonstrate that the living conditions on the site would be acceptable and it is considered that this could not be appropriately addressed by conditions. Furthermore the noise mitigation proposed introduces a bund and fence underneath the overhead lines on the site which is not acceptable to the Statutory undertaker Scottish Power as this would comprise the safety of residents on site during the construction and during the site's use and would be contrary to the Statutory legislation that they are required to meet. It is also considered that the introduction of the bund and fence has further urbanising effects, which add to the harm to the green barrier. It is therefore considered the application should be refused on the above grounds.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

Contact Officer: Emma Hancock
Telephone: (01352) 703254

Email:

emma.hancock@flintshire.gov.uk

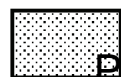


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 2866

Planning Application 50463

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 15 MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **050620 - FULL APPLICATION - EXTENSION TO FIRST FLOOR ABOVE EXISTING SINGLE STOREY FLAT ROOFED REAR EXTENSION AT FOEL AWEL, 2 FFORDD Y LLAN, CILCAIN**

APPLICATION NUMBER: 050620

APPLICANT: MR B NEVIN

SITE: FOEL AWEL, 2 FFORDD Y LLAN , CILCAIN , MOLD CH7 5NH

APPLICATION VALID DATE: 18 MARCH 2013

LOCAL MEMBERS: COUNCILLOR W O THOMAS

COMMUNITY COUNCIL: CILCAIN COMMUNITY COUNCIL

REASON FOR COMMITTEE: LOCAL MEMBER REQUESTS REFERRAL TO THE PLANNING COMMITTEE TO VIEW THE SITE AND SIMILAR EXTENSIONS IN THE CILCAIN CONSERVATION AREA.

SITE VISIT: YES

1.00 SUMMARY

1.01 This application seeks consent for the erection of a first floor extension above the existing single storey flat roofed rear extension.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. The development proposed would be out of character with the local vernacular building style and because of its design and prominence it would detract from the hierarchy and character of buildings in this part of the village, thus having a detrimental impact on the Cilcain

Conservation Area, contrary to Policies GEN1, HE1, HSG12 and D2 of the Flintshire Unitary Development Plan.

- 2.02 2. It is considered that the visual prominence of the development would detract from the important view of the church tower on the approach into the village from the east and as such this would greatly harm the setting of the church as a listed building, contrary to Policy HE2 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor W O Thomas

Requests referral of the application to Planning Committee to enable the planning committee to visit the site and determine the application as there are similar extensions within the conservation area of Cilcain.

Cilcain Community Council

The Community Council supports the application, because two dwellings adjacent to this property have already had permission for similar conversions.

Head of Public Protection

Have no objections to this proposal.

Countryside Council for Wales

CCW does not object to the proposal.

AONB Joint Advisory Committee

Note that there are no substantive differences between this application and that which was refused permission in December 2012. In this context the JAC reaffirms that it has no objection in principle to extending this property, but given that the prominent rear elevation plays a very important part in the approach to the Conservation area from the east the Committee emphasises the need for a sensitive approach.

In JAC's view the extension should be subordinate to the original building and in this context, considers that the design could be enhanced by reducing the ridge height and by increasing the roof pitch to reflect the characteristically steeper roof slopes of the conservation area.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

One letter of Support has been received as a result of consultation on the following grounds;

- The proposal would present a simple elegant external elevation

- Would utilise internal space
- The rooms would benefit from high roofs, providing light airy accommodation
- The existing flat roof extension is inadequate, the steps tricky and windows mixed designs, change is required to match the Georgian windows
- Good to see a young family keen to update and upgrade property in sensitive and imaginative way, mindful of the requirements of the Conservation area.

4.02 As has a letter of objection on the following grounds:

- The proposal is too big and overwhelming for the size and location of the property
- Out of character and keeping with adjoining properties in the row and elsewhere in the village
- The height is completely out of scale to the context of the house , adjoining properties and the rest of the village
- Should adjoining properties wish to invest in solar panels in the future they will not be able to
- The sheer size and scale would look out of context as the rear view when entering the village from the east, overwhelms the conservation area, detrimental to its character and would appear overdeveloped.
- The noise and builders traffic generated could affect the difficult traffic conditions due to the narrow roads
- Concern over parking/ access issues to the detriment of the occupiers of Tan Llan.

5.00 SITE HISTORY

5.01 50279 Extension to the first floor above existing single storey rear extension - Refused 18 December 2012.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 GEN1 - General Requirements for Development
 HE1 - Development Affecting Conservation Areas
 HE2 - Development Affecting Listed Buildings and Their Settings
 HSG12 - House Extensions and Alterations
 D2 - Design

7.00 PLANNING APPRAISAL

7.01 Application
 This application seeks consent for the erection of a second floor extension above the existing single storey flat roofed rear addition already in situ.

- 7.02 The property is set within the Cilcain Conservation Area, and the proposed development is considered to affect the setting of a listed building, as such the application has been assessed in line with the relevant policies and their requirement to preserve or enhance the character and appearance of the conservation area and the protection of the setting of the listed building.
- 7.03 This application follows the submission and refusal of a previous application for a very similar scheme, on the grounds of the detriment to amenity to the conservation area and its effect on the setting of the church, which is a listed building.
- 7.04 This scheme again proposes a first floor extension to the rear above the existing flat roof single storey extension. It is proposed that the first floor extension will be in the form of a double gable, linking in to the existing simple linear roof form, which is highly visible on the approach in to the village and the Conservation Area when travelling from the east direction. The existing property has a particularly fine roof form with stone gable copings and stone kneelers.
- 7.05 The proposed gable design totally changes the simple form of the existing elevation which presently exists and forms the special character of the village. The special character of the Cilcain Conservation Area derives partly from the simple form of the gabled stone cottages and the steeply sloping slated roofs adding to a collective identity. On the eastern approach to the village the application site and its neighbour Noddfa close in tightly around Cilcain road as the village core and on this approach the slate roofs create a balanced and neutral frame for a significant view of the tower of the listed church, this allows the church to be understood as the undisputed focal point of the village.
- 7.06 The loss of the simple roofscape would lead to a loss of the harmonious balance of the two neighbouring roofs either side of Cilcain road as the balance would be upset. The extension with its windows and shallow gables would draw undue attention to itself by virtue of its added height, high level windows and its uncharacteristic appearance.
- 7.07 It is also considered that the proposed development would adversely affect the Conservation Area and the setting of the listed building, the church, by drawing undue attention from the church tower on the approach in to the village from the east direction, and is considered to greatly harm the setting of an important listed building and the hierarchy of the building within the village.

8.00 CONCLUSION

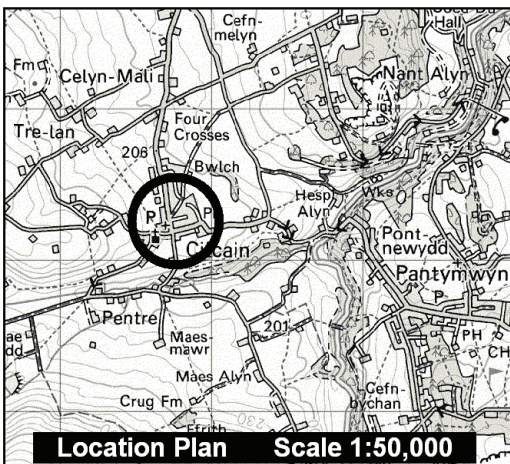
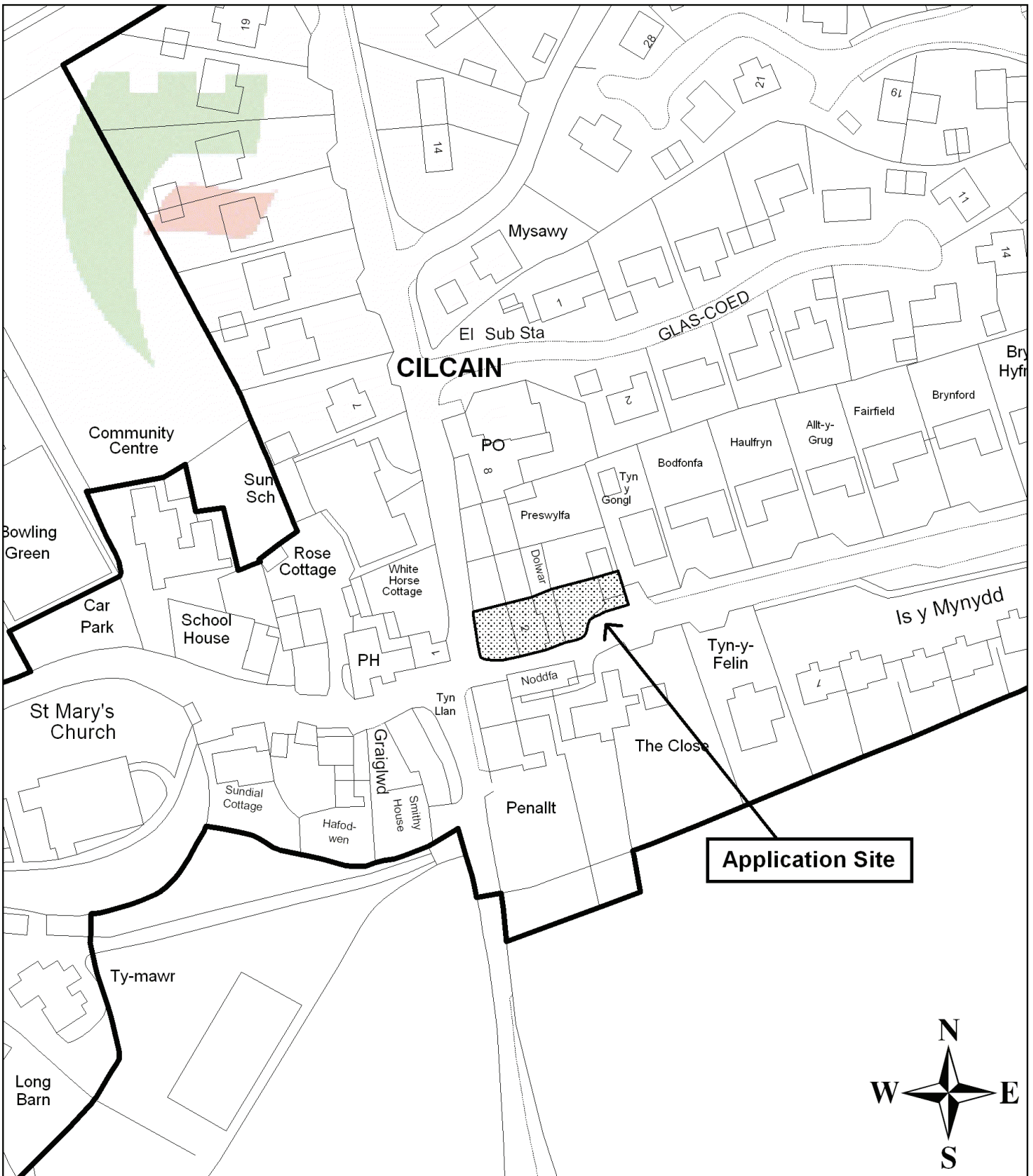
- 8.01 The extension in the manner proposed is not considered to be in

character with the existing property, the wider area and the Cilcain Conservation Area. It would also harm the setting of an important listed building, the church, on the approach in to the village from an eastern direction and is therefore recommended for refusal.

- 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.gov.uk

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

Legend

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

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Map Scale	1:1250
OS Map ref	SJ 1765
Planning Application	50620

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **15TH MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – CONSTRUCTION AND OPERATION OF THE BELUGA LINE STATION AND ASSOCIATED DEVELOPMENT (INCLUDING PREPARATORY EARTHWORKS) AT BRITISH AEROSPACE LTD., CHESTER ROAD, BROUGHTON.**

APPLICATION NUMBER: **50597**

APPLICANT: **AIRBUS UK**

SITE: **BRITISH AEROSPACE LTD., CHESTER ROAD, BROUGHTON**

APPLICATION VALID DATE: **11TH MARCH 2013**

LOCAL MEMBERS: **COUNCILLOR B. MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON & BRETTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The proposal is a full planning application for a total of 5,160 m2 of gross external floorspace comprising a single building with an attached three storey office/welfare block and ancillary development. The proposed development is located adjacent to the complex of existing buildings on the overall site. The primary consideration in determining the proposal is the principle of development, impact on highway safety, residential/visual amenities, drainage and ecology.

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

2.01 Conditions

1. Five year commencement.
2. In accordance with the approved plans.
3. Implementation of a landscaping scheme.
4. BREEAM compliant to "Very Good" rating.
5. Finished floor levels set no lower than 5.15 AOD.
6. Scheme to be submitted and approved for the provision of surface water drainage.
7. Submission and approval of scheme to deal with contamination.
8. No occupation until submission of a contamination verification report.
9. No development until long term monitoring and maintenance plan for contamination has been submitted and approved.
10. If any further contamination not previously identified is found to be present then no further development be carried out until the developer has carried out a remediation strategy and had it approved.
11. Adequate parking facilities shall be provided and retained within the site edged in blue on the submitted plans and as detailed on planning application ref. 050157. Such parking facilities shall be completed prior to the development hereby permitted being brought into use.

3.00 CONSULTATIONS

3.01 Local Member

Councillor B. Mullin

Requests a delegated determination however declares an interest as he is an employee of Airbus.

Broughton & Bretton Community Council

No objection.

Welsh Water/Dwr Cymru

Advises applicant to contact the Environment Agency as a private treatment method is to be used for drainage disposal.

Natural Resources Wales

No objection subject to conditions.

Network Rail

No objections/comments.

Aerodrome Safeguarding Engineer

No response at time of report writing.

Wales & West Utilities

Note to applicant regarding apparatus in locality.

Clwyd-Powys Archaeological Trust

No archaeological implications.

Coal Authority

Informative note to be included with any decision to grant planning permission.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The proposed development has been subject to publication by means of a press and site notices. No letters have been received at the time of report writing.

5.00 SITE HISTORY

5.01 The overall Airbus site itself has had significant number of planning applications over the years with the most recent/relevant detailed as follows:-

044758

Full application for the extension of two existing hangar buildings (91 & 92) together with additional car parking facilities, modified access road and ancillary infrastructures – Granted planning permission on 25th May 2008.

043181

Full application for the construction and operational two fully automated surface water pumping stations, ancillary infrastructure and an attenuation lagoon - Granted planning permission on 23rd August 2007.

040601

Full application for the construction and operation of new facilities for the manufacture of aircraft wing products, plus associated infrastructure (A2350 development and associated works package) – Granted planning permission on 21st November 2005.

048785

Full application for new traffic signal controlled access at gate 3 of the Airbus factory with changes to the “R1” roundabout/highway and associated works – Granted planning permission on 3rd November 2011.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 – General Requirements for Development
Policy EM3 – Development Zones & Principal Employment Areas
Policy EM5 – Expansions of Existing Concerns
EWP17 – Flood Risk

PPW 2012
TAN5 – Nature Conservation & Planning
TAN15 – Development & Flood Risk

7.00 PLANNING APPRAISAL

7.01 Proposed Development & Site Description

The proposed development is summarised as follows:-

- A total development of 5,160 m² of gross external floorspace.
- A Beluga Line Station building broadly “T” shaped with an integral three storey office/welfare building (over 3 floors) and a store/utility room.
- Beluga Line Station building to be externally clad in Kingspan goosewing grey panels to walls and roof.
- Hours of operation would be
Monday – Friday 0600 – 2400
Saturday 0600 – 2100
Sunday 0800 – 1800
- Ancillary development including site surfacing (racking slabs), electricity substation, boundary treatment, new access arrangements and lighting, fencing and drainage.

7.02 The applicant has submitted a comprehensive set of planning/technical drawings in support of their proposal which in summary includes:-

- A planning statement which includes reference to such issues and flooding, ecology.
- A Flood Consequences Assessment.
- A Breeam Industrial 2011 Pre-Assessment Report.

7.03 The proposed site at 5.28 hectares currently comprises an asphalt car park serving the adjacent “Site 5” (assembly and painting facilities), with access roads, apron and some open grassland. The application site is located relatively central to the overall Airbus site and would be adjacent to existing large industrial buildings associated with the

development. The overall Airbus site extends to approximately 13.1 hectares where there is a major complex of aero structure assembly and manufacturing facilities and which also includes Hawarden Airport. The Airbus business at Broughton manufactures the wings for all Airbus aircraft, together with the wings and fuselages for Hawker Business Jets.

7.04 Principle of Development

The site is identified with the development plan under Policy EM3 – Development Zones and Principal Employment Areas. Within Policy EM3 employment development is permitted subject to certain criteria being met e.g., impacts of amenity, highways etc, therefore in broad policy terms the proposal is acceptable in principle subject to the site specific impacts being acceptable (and discussed later in the report).

7.05 Impacts on Visual/Residential Amenities

The proposal is centrally located within the existing overall site and would be sandwiched by two existing large industrial buildings. In visual terms the proposed development would be seen against the existing backdrop of industrial development on the site and therefore would not look out of character in visual terms with the general locality. The proposed materials and colours are considered acceptable. Also due to the development's position within the overall site adjacent to existing industrial development, located at some distance from residential properties it is not considered detrimental to residential amenities. It should be noted the Council's Head of Public Protection has not objected to the proposal.

7.06 Highways

The proposed site at 5.28 hectares currently comprises an asphalt car park serving the adjacent "Site 5" using assembly and painting facilities, with access roads, apron and some open grassland. The Council's Head of Assets & Transportation has raised no objections to the proposed development.

7.07 Drainage

The site is located within Zone C1 as defined on the flood maps and therefore is at risk from flooding. The applicant has submitted a Flood Consequences Assessment with the proposal. Natural Resources Wales has not raised any objection to the proposed development on flooding grounds subject to conditions relating to finished floor levels, surface water drainage, and contamination.

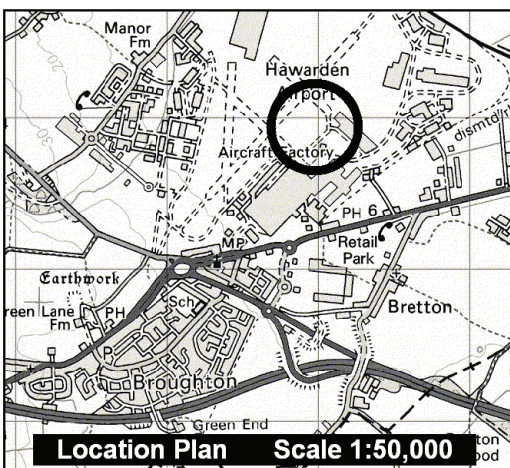
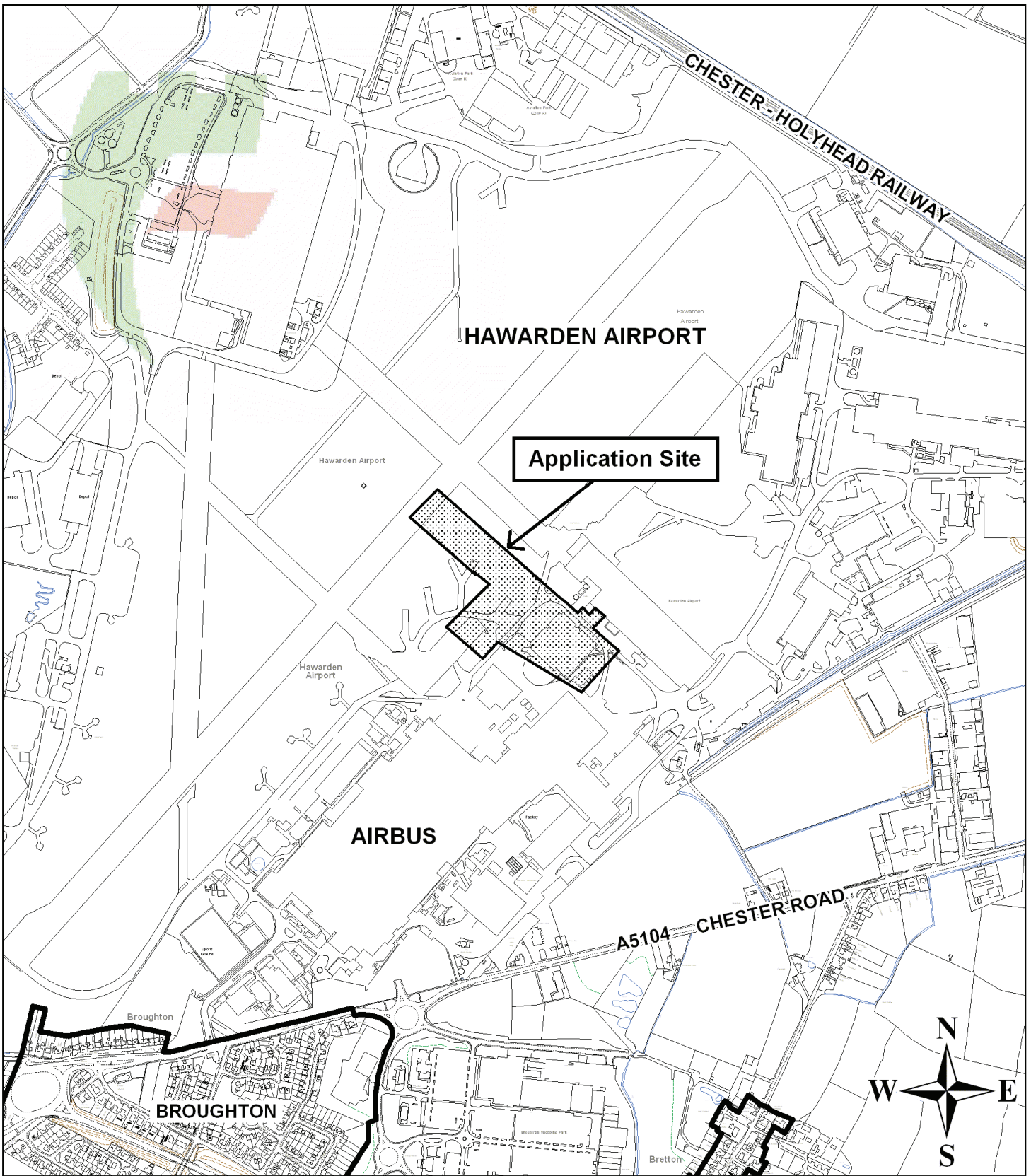
7.08 Ecology

The applicant has submitted an Extended Phase I Habitat Survey of the site which aimed to provide an initial appraisal of the ecological value of the site. The site is not located within any known statutory designated site. Neither the Council's Ecologist nor Natural Resources Wales have raised any objections to the proposed development.

8.00 CONCLUSION

- 8.01 The proposed development subject is considered acceptable in principle and detail subject to conditions and would consolidate and safeguard growth of the site.
- 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: Declan Beggan
Telephone: (01352) 703250
Email: Declan.beggan@flintshire.gov.uk



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

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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Map Scale 1:10,000

OS Map ref SJ 3564

Planning Application 50597

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 15TH MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **GENERAL MATTERS - PHASE 1: ERECTION OF PRIMARY SCHOOL, CONSTRUCTION OF ACCESS ROAD, CAR PARK AND HARD AND SOFT PLAY AREAS PHASE 2 DEMOLITION OF EXISTING FORMATION OF REPLACEMENT PLAYING FIELD, SECOND CAR PARK, HARD PLAY AREA AND HABITAT AREA AT CUSTOM HOUSE SCHOOL, MOLD ROAD, CONNAH'S QUAY**

1.00 APPLICATION NUMBER

1.01 047415

2.00 APPLICANT

2.01 Flintshire County Council

3.00 SITE

3.01 Mold Road, Connah's Quay, Deeside.

4.00 APPLICATION VALID DATE

4.01 23/04/2010

5.00 PURPOSE OF REPORT

5.01 Members will recall that at the Planning & Development Control Committee held on 18th April 2012, that consideration was given to a feasibility study/development brief submitted to justify the demolition of the Custom House Lane Junior CP School following it and the existing Dee Road Infants CP School being replaced by the new "All Through" school at Dee Road, Connah's Quay.

5.02 It was resolved by Members at that time that "the development brief

be refused to allow further consideration of socio-economic factors in relation to future uses of the historic part of the school building but that the demolition of the annexe, canteen blocks and lean-tos be approved.

- 5.03 A further feasibility study has now been prepared to take account of the April 12th. resolution and exploring the scope and feasibility of alternative re-uses of the old school building.

6.00 REPORT

- 6.01 Members will recall that planning permission was granted for the erection of a new school on land between Dee Road and Mold Road, Connah's Quay in August, 2010 (under ref. 47415). This was to replace the existing schools at Dee Road and Custom House Lane respectively and the application site included both school buildings, indicating that they were to be demolished once the new school was available. Part of the land was to provide a new playing field, hard play area, car parking, etc. whilst a portion of the site was identified as being surplus and therefore as an asset which would be disposed of for redevelopment.

- 6.02 The Custom House Lane school incorporates (on the Mold Road frontage) the former Northop Board School, built in 1881, and Members felt that its retention and its incorporation in any redevelopment proposals should be investigated. Consequently, the planning permission for the new school incorporated a condition (4) which requires (*inter alia*) "...details of a feasibility study to assess the scope for the retention of the historic part of the Custom House Lane CP School within any future redevelopment proposals." The feasibility study prepared at that stage showed that on a financial basis it was not viable to retain the historic part of the former school. However, members felt that more work needed to be done in relation to the socio-economic benefits of keeping and reusing the old building and consequently, committee resolved not to accept the feasibility study presented at that stage.

- 6.03 A further feasibility study has now been completed (Appendix A) from which it can be seen that nine alternative uses have now been considered :-

- Commercial office use.
- Office use by the third and voluntary sector.
- Business premises for Kindness in Mind (KIM).
- Inclusion in Renewal Development Package.
- Disposal for private residential development.
- Flintshire connects centre.
- Combined Flintshire connects and library/museum.
- Combined library/museum.
- Nursery/play centre.



- 6.04 In addition to the above the Head of Assets & Transportation has advised that whilst the building has been secured and is generally in a wind and weather sound condition it remains unoccupied and has suffered from water ingress. This has caused internal damage and the building is incurring on-going security and maintenance costs along with a liability for rates of £14,000 per annum.
- 6.05 In my report to Committee in April 2012 I advised Members that the planning condition is satisfied through the submission of the feasibility study (regardless of its conclusions) and that any decision as to the retention or otherwise of the former Northop Board School building lies outside any planning control.
- 6.06 The earlier report advised that it was then the intention to demolish the Custom House Lane CP School in its entirety (in accordance with the original proposal), to allow the marketing and eventual redevelopment of the land. This further information on feasibility strengthens the case for demolition as indeed does the deterioration of the fabric of the building and the ongoing costs of its retention.

7.00 RECOMMENDATIONS

- 7.01 That the submission, content and conclusions of the feasibility study regarding the intended demolition of the Custom House Lane CP school be noted.

Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: mark.harris@flintshire.gov.uk


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OPTION	COSTS	DEPENDENCIES	BENEFITS	DIS-BENEFITS	OUTCOME	RAG STATUS
<p>Option 1: Commercial office use</p> <p>This option was put forward by JIG Architects in their Feasibility Study on the viability of re-using Custom House Lane School in May 2011.</p> <p>This option considers transforming the 1881 historical element of the building into contemporary office space. It is proposed the space could be open plan or cellular offices. The overall conversion of the building could provide opportunities for various small or start-up enterprises.</p>	<p>£1.19M</p>	<p>In order to assess this option in detail, the Options Appraisal has been informed by consultations with Flintshire's Business Development Team and Legat Owen to assess the demand for office space for small or start-up enterprises.</p>	<p>This option could be an integral element of the proposed development of the Deeside Enterprise Zone through the introduction of an acceptable mixed-use dimension into the urban area.</p> <p>Integrity of the 1881 building can be maintained both externally and internally.</p>	<p>Legat Owen have advised that they do not consider the site as being suitable for office conversion on a commercial basis as office market is suffering from a position of oversupply at present and this, coupled with the impact of vacant rates liability on empty offices is driving down rents and capital values. Given the high refurbishment costs quoted by JIG Architects, even if building could be fully let to small or start-up enterprises, rental levels are such that the return on investment would be low, circa 3%</p> <p>Legat Owen have just completed some research which shows that there is over 1,000,000 sq ft of empty offices on the market within a 10 mile radius of Chester at present and in the short term this is likely to increase as public sector office occupiers reduce their office accommodation.</p> <p>Full extent of the site is not efficiently used – even with the provision of adequate car parking for the offices, unless a further office “villa” is built behind the existing 1881 building.</p>	<p>Option expensive, site not effectively used, no demand.</p>	
<p>Option 2: Office use by the Third and Voluntary Sector</p> <p>This option would provide contemporary office space for Third and Voluntary sector organisations within the original 1881 Building.</p>	<p>£1.19M</p>	<p>In order to assess this option in detail, the Options Appraisal has been informed by consultations with the Flintshire Local Voluntary Council to ascertain whether there is a demand for office space from the Third and Voluntary Sectors in Connah's Quay.</p>	<p>Provides a new hub for Third and Voluntary sector organisations in Connah's Quay.</p>	<p>Discussions with the Flintshire Local Voluntary Council revealed that they are negotiating with their current landlord about purchasing current premises at Mold.</p> <p>Discussions with Flintshire Local Voluntary Council suggests uncertainty over future funding</p>	<p>No demand and funding situation uncertain.</p>	

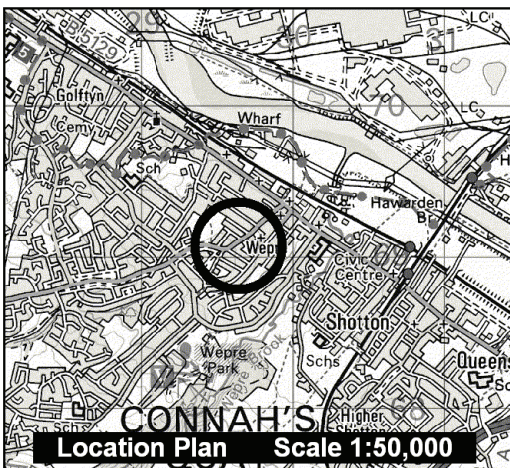
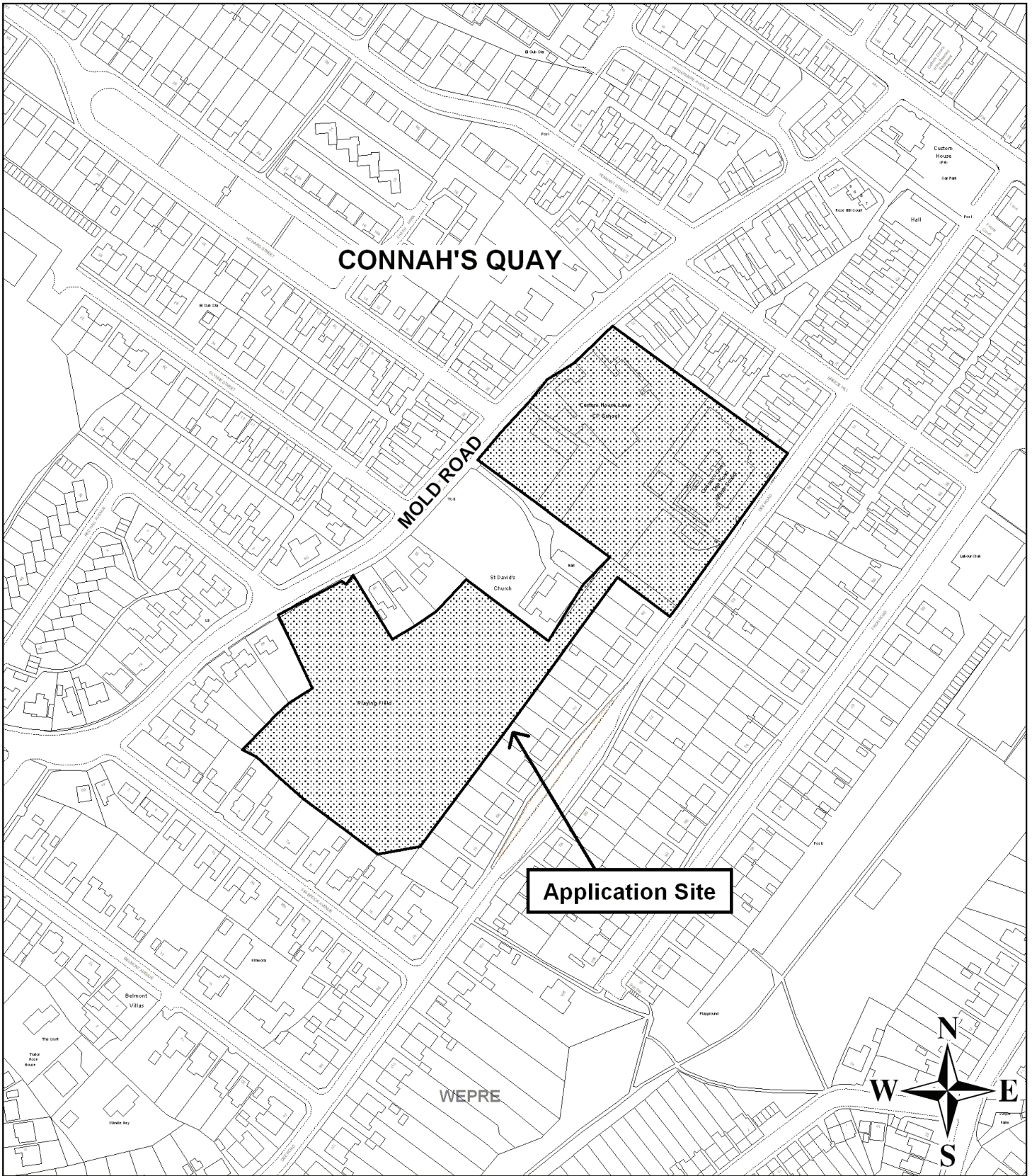
<p>Option 3: Business premises for Kindness in Mind (KIM)</p> <p>The option for KIM to occupy the premises has arisen recently following the breakdown in arrangements for their occupation of premises near to the new Medical Centre in Connah's Quay.</p> <p>Subject to approval from Flintshire, this option proposed the Community Asset Transfer (CAT) from Flintshire to KIM Community Asset Transfer (CAT) from Flintshire to KIM</p>	<p>c.£Nil</p>	<p>Site meeting has been held with representatives from local charity KIM, with the view of them occupying the building for a food processing service. They have received plans of the building from the Council and have undertaken their own feasibility study in order to determine capital costs for refurbishment, along with future running costs.</p> <p>KIM has received £200,000 Lottery Funding, and is looking for suitable premises which they must occupy before the end of January 2013.</p>	<p>Community Asset Transfer (CAT) from Flintshire to KIM would mean management and maintenance responsibility passing to KIM – removing empty property rates from Flintshire.</p> <p>Community project safeguards the future use of Custom House Lane School, whilst also providing new premises for a local charity.</p>	<p>arrangements for Third Sector organisations means limited demand for new premises generally across this sector.</p>	<p>KIM have subsequently withdrawn from the potential use of the facility.</p> <p>Too large and running/revenue costs high.</p>
<p>Option 4: Include Custom House School as part of the Renewal Development Package.</p> <p>This option would see the site possibly gifted for an affordable housing development by a partner developer or Registered Social Landlord (RSL).</p>	<p>C. £0 (on the basis site is gifted as part of the Renewal Development Package)</p>	<p>In order to assess this option in detail, the Options Appraisal has been informed by consultations with Flintshire's Housing Strategy Team to ascertain whether the site could be redeveloped for lo-cost home ownership scheme, rented housing or a sheltered housing scheme.</p>	<p>Inclusion of site within Renewal Development Package would remove vacancy liability rates from Flintshire.</p> <p>If the site was gifted as part of the Renewal Development Package, demolition costs of the site would be met by the developer.</p> <p>Flintshire through negotiation and planning system would direct any potential redevelopment according to local housing need and priorities in Connah's Quay.</p>	<p>Removal of historic building in Connah's Quay.</p> <p>No capital receipt for Flintshire from the disposal of the site.</p>	<p>Potential option that requires further exploration with a potential partner.</p> <p>Will see the demolition of Custom House.</p>
<p>Option 5: Disposal of site for private residential development.</p> <p>This option was put forward by JIG Architects in their Feasibility Study on the viability of re-using Custom House Lane School in May 2011.</p> <p>This option would see the sale of the site to a private developer with outline</p>	<p>Potential capital receipt circa £100 - £150k</p>	<p>In order to assess this option in detail, the Options Appraisal has been informed by consultations with Flintshire's Housing Strategy Unit to ascertain whether the market value of any proposed development remains at a level which ensures viability of the scheme.</p>	<p>Provides 16 new terraced houses within a noted residential in Connah's Quay.</p> <p>No ongoing maintenance / removal of empty property rates from Flintshire.</p> <p>Capital receipt for Flintshire.</p>	<p>Original building is demolished.</p> <p>Should the County Council require a capital receipt for the site, this may reduce the attractiveness of the site to any potential developer, as the site would have to be a cleared site with a surmised cost of 100k (as per JIG report). This would mean that any</p>	<p>Would see the facility sold to a commercial organisation and with no ability to influence tenure.</p> <p>Will see the demolition of Custom House.</p>

<p>planning approval for the provision of up to 16 new terraced houses/ starter homes built on the site.</p>				<p>capital receipt would be of negligible value due to the site clearance costs and land remediation costs that would be required under the terms of disposals.</p>		
<p>Option 6: Flintshire Connects Centre within the original 1881 Building. This option would see the refurbishment of the original 1881 to accommodate a Flintshire Connects Centre.</p>	<p>c.£805,000</p>	<p>In order to assess this option in detail, the Options Appraisal has been informed by consultations with Flintshire's Planning Department in terms of obtaining "Change of Use" consent and the Customer Services team to ascertain accessibility of the site to the general public.</p>	<p>Historical building is utilised to maintain a continued presence of key Council services in Connah's Quay. Enhanced customer experience through the provision of accessible, modern and community based centres delivering a broad range of Council services in Connah's Quay.</p>	<p>Space restrictions will limit the opportunities for partner organisations to co-locate in the building e.g. North Wales Police could not be accommodated. High estimated capital refurbishment and revenue costs to be met solely by the County Council without partner contributions. Locating the library from the centre of Connah's Quay would split the civic hub. Given the high level of public funding required for this option, need to ascertain whether Custom House School is in the correct location for customers.</p>	<p>This option has now been explored and is not considered viable. The proposed location for a Flintshire Connects is adjoining the existing Library in Connahs Quay.</p>	
<p>Option 7: Combined Flintshire Connects and Library and Museum This option would the existing library in Connah's Quay relocate to co-locate with a new Flintshire Connects Centre.</p>	<p>c.£805,000</p>	<p>In order to assess this option in detail, the Options Appraisal has been informed by consultations with Flintshire's Library Service to assess the viability of relocating the library to the current Custom House School site. The relocation of the existing library would also require Council authorisation.</p>	<p>Historical building is utilised to maintain a continued presence of key Council services in Connah's Quay. Enhanced customer experience through the provision of joined-up accessible, modern and community based centres delivering a broad range of Council services in Connah's Quay.</p>	<p>Peripheral position in relation to the town centre and does not provide good pedestrian and public transport links. High estimated capital refurbishment and revenue costs to be met solely by the County Council without partner contributions. The present library in Connah's Quay was extensively refurbished during 2009/10 at a cost of £360,000, of which £300,000 was funded by the Welsh Government, making it unlikely that the County Council would be</p>	<p>This option has now been explored and is not considered viable.</p>	

<p>Option 8: Combined Library and Museum</p> <p>This option would see the re-location of the existing library to create a combined library and museum facility.</p>	<p>c.£800,000</p>	<p>In order to assess this option in detail, the Options Appraisal has been informed by consultations with Flintshire's Library Service to assess the viability of relocating the library to the current Custom House School site. The relocation of the existing library would also require Council authorisation.</p>	<p>Historical building is maintained for the community. Provision of a new museum in Connah's Quay for the cultural and educational benefit of local residents.</p>	<p>Combined space requirement for a library and museum is 650M2. This means the original 1881 Building is too small, whilst the entire building is too large. The present library in Connah's Quay was extensively refurbished during 2009/10 at a cost of £360,000, of which £300,000 was funded by the Welsh Government, making it unlikely that the County Council would be successful with a future grant application for further library developments in the same community.</p>	<p>successful with a future grant application for further library developments in the same community. Re-location of the library from the centre of Connah's Quay would split the Connah's Quay civic hub, increasing the distance to key facilities such as the Health Centre (300m away), Jobcentre Plus and swimming pool (700m away).</p>	<p>This option has now been explored and is not considered viable.</p>
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<p>Option 9: Nursery/Play Centre</p> <p>This option was put forward by JIG Architects in their Feasibility Study on the viability of re-using Custom House Lane School in May 2011.</p> <p>The option put forward has three rooms, all with the potential for mezzanine levels, with the remainder of the site being used for outdoor play purposes and teacher / visitor parking.</p>	<p>£0.76M</p>	<p>In order to assess this option in detail, the Options Appraisal has been informed by consultations with Flintshire's Family Inclusion Service to ascertain whether there is sufficient demand for a nursery / play centre of this size.</p>	<p>Historical building is bought into use for the youngest of the community.</p> <p>Space could accommodate 100 children.</p> <p>No ongoing maintenance / removal of vacancy liability rates from Flintshire.</p>	<p>No natural vehicular drop-off space for parents, with the consequence of possible increased traffic congestion on Mold Road.</p> <p>Difficult to ascertain maximum potential turnover e.g. if circa £750k pa would net profit render commercially viable. This would depend on the level of capital receipt sought from Flintshire.</p>	<p>This option has now been explored and is not considered viable.</p>	
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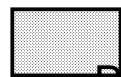


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 2969

Planning Application 47415

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING & DEVELOPMENT CONTROL
COMMITTEE

DATE: WEDNESDAY, 15 MAY 2013

REPORT BY: HEAD OF PLANNING

SUBJECT: 050125 – GENERAL MATTERS – OUTLINE
APPLICATION – FORMER CORUS GARDEN CITY
SITE, GARDEN CITY

1.00 APPLICATION NUMBER

1.01 050125

2.00 APPLICANT

2.01 Pochin Rosemound (Deeside Ltd)

3.00 SITE

3.01 Former Corus Garden City Site,
Welsh Road,
Garden City,
Deeside. CH5 2RD

4.00 APPLICATION VALID DATE

4.01 13th September 2012

5.00 PURPOSE OF REPORT

5.01 To seek authority for the holding of a Special Planning & Development Control Committee to determine planning application 050125 which is for the redevelopment of a strategic brownfield site for an Employment-led mixed-use development, incorporating Logistics and Technology Park (B1, B2, B8) with residential (C3), local retail centre (A1), hotel (C1), training and skills centre (C2, D1), new parkland; conversion of buildings, demolition of barns; and associated infrastructure comprising construction of accesses, roads, footpaths/cycle paths, earthworks and flood mitigation/drainage works.

6.00 REPORT

6.01 The procedure for determining major applications is in accordance with the policy approved by the Planning Committee on 7th July 1999 (minute number 98). This policy provides that, where the Committee considers an application to be of major significance, the application will be dealt with by a special meeting of the Committee. The policy also provides for interested parties to be given the opportunity of making oral representations to the Committee as part of the decision making process.

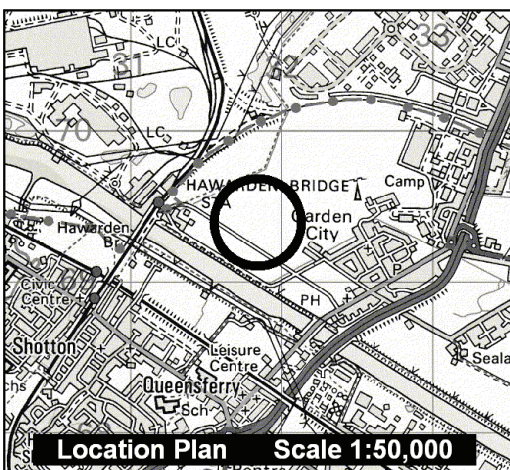
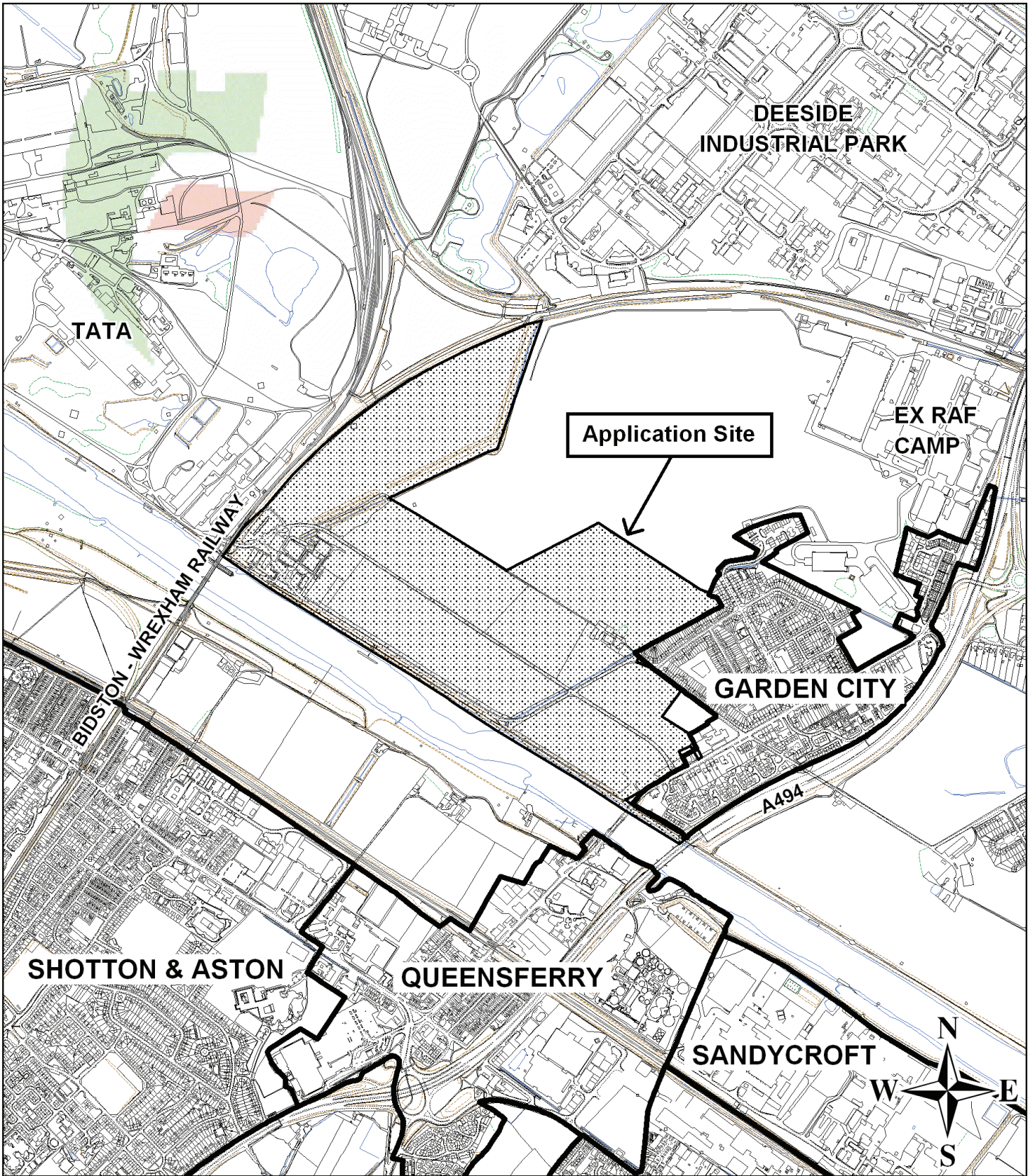
6.02 This application is considered to be for a development of major significance and issues of local and regional importance will be raised which will require careful consideration for the following reasons:-

1. The proposal would form a significant employment and residential opportunity of sub regional significance.
2. The proposal relates to the UDP's significant mixed use allocation.

7.00 RECOMMENDATIONS

7.01 That a Special Planning & Development Control Committee be convened to determine planning application 050125.

Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: Emma.hancock@flintshire.gov.uk



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

Legend

 Adopted Flintshire Unitary Development Plan Settlement Boundary

 Application Site Extent

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Planning Application 50125

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 15TH MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – ERECTION OF A 3 CAR GARAGE WITH STORE ROOM ABOVE AND CONVERSION OF EXISTING GARAGE INTO GAMES ROOM AT “WHITE HOUSE”, SEALAND ROAD, SEALAND, FLINTSHIRE**

APPLICATION NUMBER: **050339**

APPLICANT: **MR RICHARD GRACE**

SITE: **“WHITE HOUSE”, SEALAND ROAD, SEALAND, FLINTSHIRE**

APPLICATION VALID DATE: **6/12/12**

LOCAL MEMBERS: **COUNCILLOR C M JONES**

TOWN/COMMUNITY COUNCIL: **SEALAND COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST - OVERDEVELOPMENT AT THIS SITE AND ACCESS.**

SITE VISIT: **ALREADY UNDERTAKEN**

Members will recall that this application was deferred from the meeting on 20th February 2013 in to allow reconsultation on amended plans to be carried out. On this basis reconsultation has taken place on the final set of amended plans and the report has been updated accordingly.

1.00 SUMMARY

1.01 This full planning permission proposes the erection of a 3 car garage with store room above and conversion of existing garage into games room at “White House”, Sealand Road, Sealand. The recommendation is for approval as before. The reasons why are explained within this report.

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

2.01 Conditions

1. Time limit on commencement to 5 years
2. In accordance with approved plans
3. No openings to be constructed in the gable end of the building
4. The use to be ancillary to the existing dwelling.

3.00 CONSULTATIONS

3.01 Local Member

Cllr. C M Jones

On reconsulation requests committee determination as she still considers the proposal to be overdevelopment of the site (which is outside the settlement boundary in open countryside), access, drainage and flood plain issues.

Sealand Community Council

On reconsulation still supports the proposal

Head of Assets and Transportation

On reconsulation still has no objection to the proposal

Head of Public Protection

On reconsulation still has no adverse comments to make

Environment Agency

On reconsulation no change to previous comments - Notes that the site is in a C1 flood zone area. However, given the scale of the proposed development they considered the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood proofing measures as part of the development.

Scottish Power

On reconsulation no change to previous comments - No objection to the planning proposal.

National Grid

No response at time of writing report.

4.00 PUBLICITY

4.01 The application was advertised by way of a Site Notice and Neighbour Notification letters.

Reconsultaion by letter has taken place to all parties on the final amended plans.

The one previous objection has been withdrawn.

5.00 SITE HISTORY

5.01 035184

Outline – Erection of a dwelling - Permitted 20/5/03

038633

Erection of a dwelling - Refused 18/4/05

040016

Erection of a dwelling - Withdrawn 18/10/05

040424

Reserved Matters – Erection of a dwelling - Permitted 15/06/06

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General requirements for development

Policy GEN4 - Green Barrier

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy HSG12 - House Extensions and Alterations

Policy EM1 - Mineral Safeguarding

Policy EWP17 - Flood Risk

Local Planning Guidance Note

LPGN No.1 - Extensions and Alterations to Dwellings

LPGN No.2 - Space Around Dwellings.

7.00 PLANNING APPRAISAL

7.01 Site Description

The site is located outside any defined settlement boundary and is therefore classed as being in open countryside. The dwelling was erected following the granting of outline and reserved matters applications under the policies of the former Alyn and Deeside Local plan when the site area was within a defined settlement.

7.02 The existing dwelling is located on a narrow strip of land located directly to the north of the county highway, Sealand Road. The site is flat but located at a level markedly lower than the adjacent road. To the east is “Hen Dee” a two storey dwelling which is separated from the application site by a wooden boundary fence and a mixed broad leaf and non broad leaf hedge. The western boundary also has a wooden fence and an indigenous hedgerow marks the southerly limits of the site with open countryside located within the green barrier beyond.

7.03 Proposed Development

The plans submitted as part of this application propose the erection of a 3 car garage with storage room above and conversion of the

existing garage to a games room. The construction of the proposal will use materials to match the existing dwelling being tile and white render.

- 7.04 Principle of Development and Effect on Adjacent Residential Amenity.
The dwelling is located outside any settlement boundary as defined by Flintshire Unitary Development Plan therefore it is in open countryside.
- 7.05 The original garage and store room as proposed would have been 10.2m in length, 6.650m in depth and 5.5m to ridge height with a full blank gable end. The distance from the boundary would have been 650mm. The combined floor area of the garage and store room above would be 108 square metres. The existing dwelling has a floor area of approximately 257 square metres. The proposed floor space increase would not exceed the general guidance within policy HSG12 that states that "house extensions should not be more than 50% of the original floor space".
- 7.06 The final amended plans show a reduction in the overall size of the garage. Its measurements are now as follows 9.5m in length, 6.6m in depth with the gable end elevation being altered to a hipped roof design instead of a full gable with the height of the roof reduced by 150mm. The distance from the boundary would now be 1.3m to the front of the garage with 500mm to the rear this is because the site's width reduces to the rear of the plot as now detailed on the amended plans. The proposal would also retain a private amenity area to the west of the dwelling of approximately 196 square metres therefore complying with LPGN No 2.
- 7.07 There had been one objection from the neighboring property "Hen Dee" in relation to the proposed height, width and proximity of the proposed extension. On inspection of the amended plans this objection has now been withdrawn.
- 7.08 As detailed above the proposal complies with the Local Planning Authorities guidance notes. In terms of policy HSG12 house extensions and alterations will be permitted if the proposal "is subsidiary in scale and form to the existing dwelling, and does not represent an overdevelopment of the site: it respects the design and the setting of the existing dwelling and surrounding area; and will not have an unacceptable impact on people living nearby".
- 7.09 The proposal is considered to comply with this criteria as the roof height is now approximately 3.3 metres lower than the dwelling, its siting is set back in the site therefore gives a break in the frontage in the street scene. The design is of a single storey with a room in the roof space, the window openings have been designed as roof lights with no openings to the new hipped gable elevation that faces the neighboring property. The materials to be used will be the same as

the existing dwelling being a tiled roof and rendered walls.

- 7.10 The proposal will be 1.3m maximum and 500mm minimum from the boundary with "Hen Dee". This boundary is well screened by existing hedging in the control of the neighboring property. There are no windows proposed to the hipped gable elevation and to be sure this remains the case a condition could be imposed to restrict any opening in this elevation.
- 7.11 In relation to concerns regarding the access issues the Head of Assets and Transportation having been re-consulted on the amended plans still has no objection to the proposal and has confirmed that they do not intend to make a recommendation on highway grounds. There is no proposed increase in vehicular movement to the site and the site is accessed via a private 'no through road' with the application site being the last residential property off the private road. It is therefore considered that the proposal would generally comply with the above policies.
- 7.12 Other issues
The site is identified as being within zone C1 which confirms the site to be at risk from flooding. The Environment Agency (Now known as Natural Resources Wales) has been consulted and considers the risk could be acceptable subject to the developer being made aware of the potential flood risk and the relevant advisory notes would be added to a consent granted.
- 7.13 Members questioned the drainage issues in relation to the existing septic tank and manhole covers on site. The applicant's agent has confirmed that the existing septic tank is to be replaced by a cesspit and the private manholes/inspection chambers located within the site in connection with the septic tank will cease to be used. These structures are currently located to the rear of the existing gravelled parking area, with one inspection chamber located within the gravelled parking area. The new cesspit will be located to the front of the new garage within the walled area as shown on the amended plan.
- 7.14 It should be noted that the proposed cesspit and its associated drainage function does not form part of this application as it does not fall within the remit of the Town and Country Planning Act. Cesspits are controlled by Natural Resources Wales (formally the Environment Agency) who are the Authority who issues permits for such uses under their regulations and the applicant is aware of this.

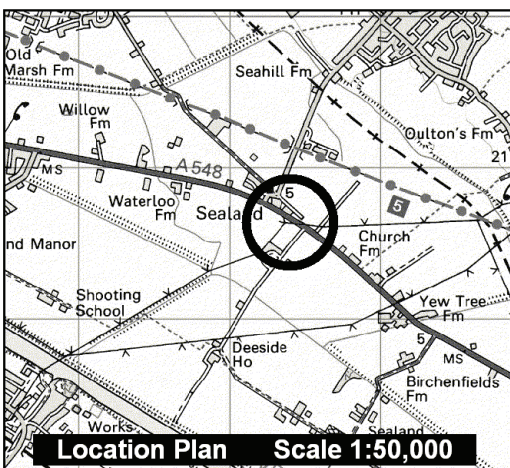
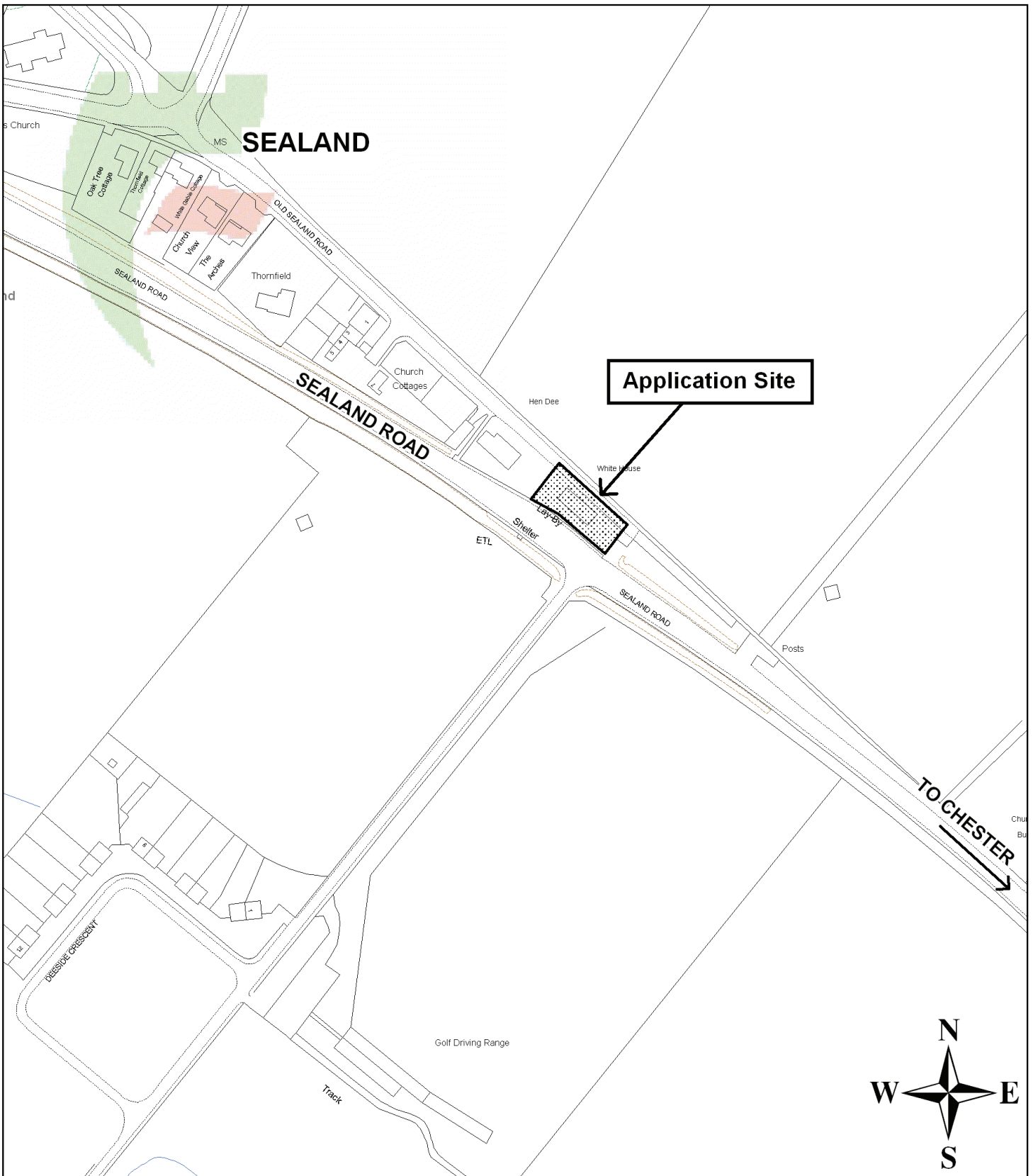
8.00 CONCLUSION

- 8.01 All issues have been considered and addressed. The proposal as amended is considered acceptable in matters of both principle and detail. In general terms the proposal as submitted complies with the relevant development plan policies and is therefore recommended

that it is given conditional approval.

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

Contact Officer: Mrs Kathryn Y Taylor
Telephone: 01352 703274
Email: Kathryn_y_taylor@flintshire.gov.uk



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 3568

Planning Application **50339**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **15TH MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **048855 - APPEAL BY T. ANWYL SONS LTD AGAINST THE NON-DETERMINATION OF AN APPLICATION FOR 51 DWELLINGS A NEW ROAD AND THE CREATION OF MITIGATION LAND IN RELATION TO ECOLOGY ON LAND BETWEEN AND BEHIND MAISON DE REVES AND CAE EITHIN, VILLAGE ROAD, NORTHOP HALL, MOLD BY FLINTSHIRE COUNTY COUNCIL**

1.00 APPLICATION NUMBER

1.01 048855

2.00 APPLICANT

2.01 Anwyl and Sons Ltd

3.00 SITE

3.01 Land between and behind Maison de Reves and Cae Eithin, Village Road, Northop Hall, Mold

4.00 APPLICATION VALID DATE

4.01 18/07/11

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors appeal decision in respect of the above planning application for the erection of 51 dwellings on the northern part of the site. The site is allocated for housing under Policy HSG1 of the Flintshire Unitary Development Plan (UDP), adopted in 2011.

6.00 REPORT

- 6.01 This appeal against non-determination arose as the Council failed to determine the planning application within the prescribed period. Planning committee refused the proposal but a decision notice was not issued and advice was sought as to the robustness of the proposed reasons for refusal. The appeal was dealt with by written representations.
- 6.02 Issues
The Inspector considered that the main issues in this case are the effect of the proposal on;
- the ecology of the local area, particularly with regard to habitats and protected species; and
 - highway safety in Northop Hall.
- 6.03 Ecology
The appeal site is approximately 700m from parts of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and from Wepre Woods which is within a Site of Special Scientific Interest (SSSI). The main reason for these designations is the presence of great crested newts. Some of the habitats within and adjacent to the site are of a type which has the potential to support newts but a nearby pond, which has been surveyed regularly since 2004, is not considered by the main parties to provide suitable conditions for breeding.
- 6.04 In addition there is an active badger set on the site and grassland which includes some species of wildflower and fungi. There was no specific evidence before the Inspector to demonstrate that the site is of particular importance for other species.
- 6.05 In the light of these interests, and in response to the Countryside Council for Wales' (CCW) concern that the development proposed would result in increased use of the SAC for recreational purposes, the southern part of the site would be enhanced in order to mitigate the effects of the development. Paths around the area, but fenced off from critical parts of it, would extend the existing footpath network. Reasonable avoidance measures would be undertaken prior to work commencing to protect any newts that may be there, and two new ponds and terrestrial habitat would be created and managed in the long term. A replacement, artificial sett would also be provided which would be designed to include the characteristics most likely to result in a successful relocation of the badgers. Finally grassland in the wildlife area would be enhanced and managed to encourage the spread of waxcap fungi. Where necessary retained grassland on the appeal site would be protected during construction works.
- 6.06 As the proposed development might affect a European site the Inspector had a duty to make an appropriate assessment of the implications for it and its conservation objectives. This was informed by a number of ecological surveys that have been carried out at the

appeal site and the relevant proposed mitigation measures.

- 6.07 There were many objections to the proposed development from the general public some of which refer to the wildlife value of the site and surrounding area which were taken into consideration by the Inspector.
- 6.08 The consultant commissioned to review the Council's suggested reasons for refusal found that the appellant's survey methods did not conform to the standard Natural England guidance on demonstrating the presence or otherwise of great crested newts. Such guidance does not exist for Wales and it is reasonable, in my view, to be advised by that for England. The consultant also concluded that the mitigation plan did not contain sufficient detail, for example on how ground would be cleared, to be certain that any newts present there would not be harmed and their conservation status maintained. There were similar shortcomings in the information regarding badgers.
- 6.09 Technical Advice Note 5: *Nature Conservation and Planning* (TAN5) states that it is essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted. In this case the proposed development would be progressed on the basis that there are likely to be great crested newts on site, and definitely badgers, both of which would require to be relocated safely to a new habitat. The information on mitigation is sufficient to demonstrate that such measures would be possible and further, precise details would be provided to and approved by the Council prior to any development through the implementation of condition 11. Thus, although the appellant's ecological statements had weaknesses sufficient information has been provided to ensure not only that appropriate assessments can be made but also that the proposed development is not contrary to TAN5.
- 6.10 Licences must be obtained under regulation 44 of The Conservation (Natural Habitats etc) Regulations 1994 before any action regarding the protected species is carried out in order that the development may take place. These are issued by the Welsh Government which will ensure that firstly, there is no satisfactory alternative and, secondly, that it would not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range. The information which has been provided convinces me that both tests would be met here. The purpose for which the licences would be issued is also scrutinised in this case the Inspector was satisfied that the housing development proposed, on an allocated site and contributing to an assessed need, would be a reason of overriding public interest.
- 6.11 In accordance with TAN5 all three tests for the eventual grant of regulation 44 licences are likely to be satisfied. All in all, subject to the

requirements set out in the conditions and unilateral undertaking, the proposed development would not adversely affect the integrity of the nearby European sites. As a result of the measures which would be taken to secure their long term protection and viability the development would not have a significant adverse effect on important species or their habitats and would therefore comply with UDP Policy WB1.

6.12 Highway Safety

The access road to the new development would join the main route through the village. The Inspector observed that this is narrow in places and carries buses, vans and lorries as well as cars; pavements are also narrow or, along some stretches, non-existent. Many of the dwellings fronting the road do not have parking spaces and the sub-standard width is further reduced by on-street parking, especially when there is a service or other occasion at the church. The Inspector was aware that a significant number of parents and their children walk along Village Road on their way to and from school and that it is not possible for those with pushchairs or in wheelchairs to pass one another whilst both remaining on the footpath. The Inspector was also provided with photographs showing the difficulty vehicles, particularly larger ones, can have in travelling along the road and note that they frequently mount the pavement.

6.13 The Inspector noted that local residents find these to be serious problems which cause inconvenience and there are significant numbers of objections to the scheme which describe many incidents. The Inspector appreciated that there is widespread concern that such conditions could result in a serious accident causing harm to a pedestrian or driver, particularly if the proposed development is permitted and introduces more traffic onto Village Road. It appears from information provided by the police, however, that only four slight injury collisions, one of which involved a pedestrian, have occurred since 2008. This accident record is not of such gravity for the Inspector to accord it significant weight.

6.14 The construction of the 51 dwellings proposed would increase the amount of day-today traffic on Village Road, especially since there is little employment locally and future occupiers would be likely to drive elsewhere to work. The development would, however, fund enhanced traffic calming measures, signage, and improvements across the frontage of the site including a 2m wide footway. In the Inspector's view these would counteract the increased level of traffic movements arising from the proposal, including by making the route less attractive as a rat run, addressing some of the pre-existing traffic problems and resulting in safer road conditions than currently exist.

6.15 Taking account of the new traffic calming measures proposed, the development would not have an unacceptable effect on the highway network as a result of problems arising from traffic generation and

would comply with UDP Policy GEN1.

6.16 Planning Obligation

A completed unilateral undertaking was submitted to the Inspector. This requires the payment of contributions for education, highways and public open space, the provision of some affordable housing and a footpath link, and the submission and execution of an ecological management plan.

6.17 Conditions

Conditions were imposed to;

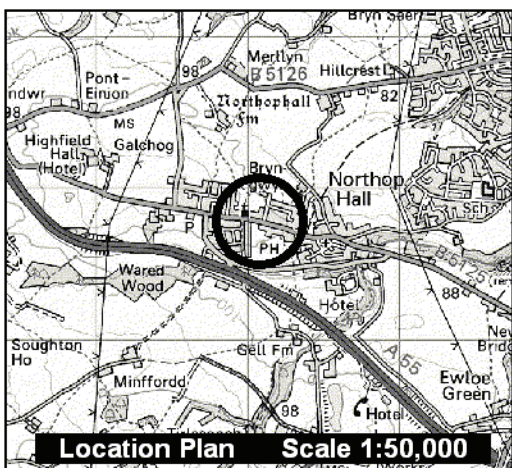
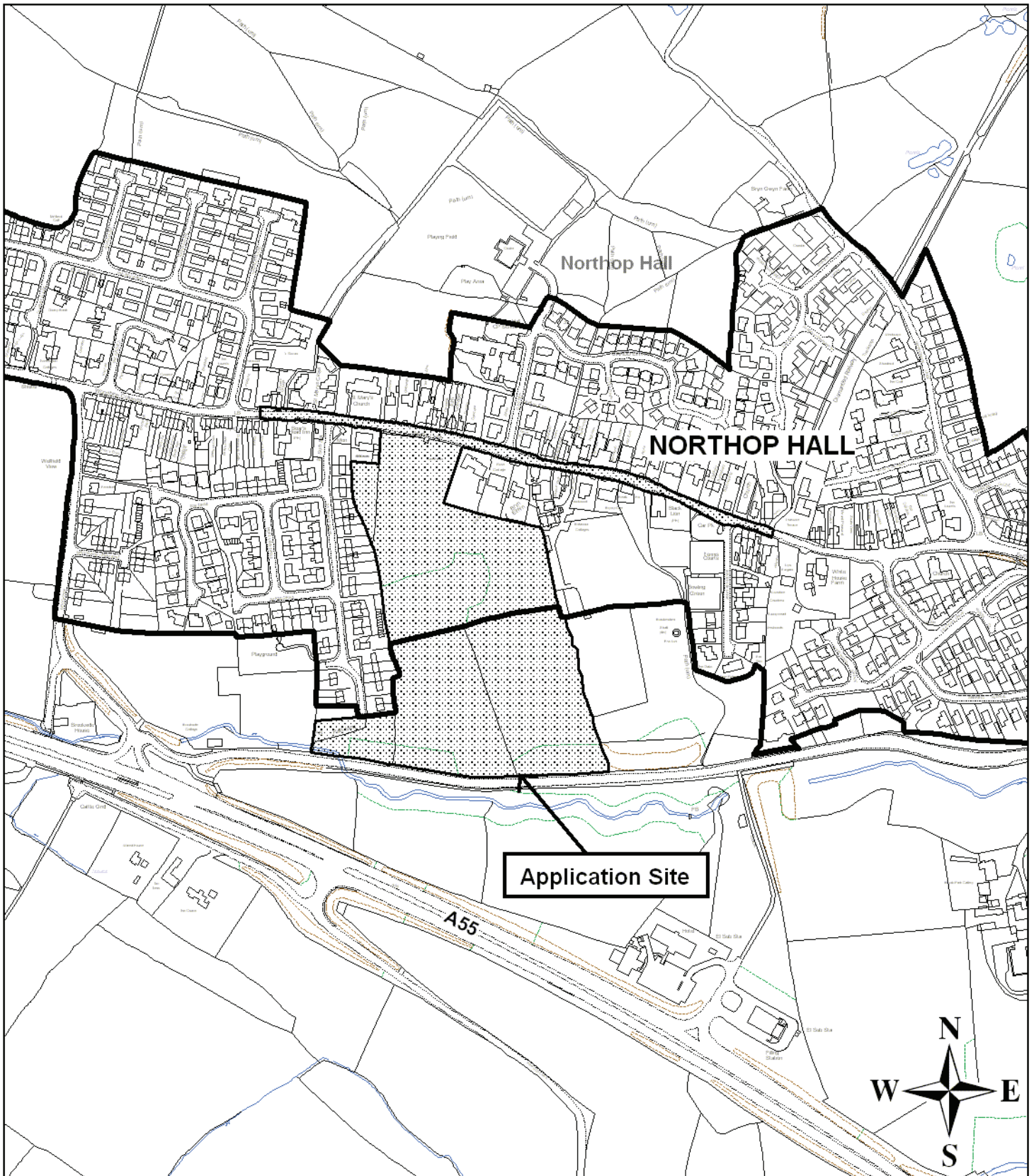
- protect the appearance of the development and surrounding area
- in relation to highway safety
- in relation to sewage disposal and drainage to protect the integrity of the public sewerage system, the health and safety of existing residents, and protect the environment from pollution and flooding. To ensure the existing waste water treatment works are not overloaded the permitted dwellings would not be occupied until improvements to it, which are programmed, were completed.
- for further site investigation due to the history of coal mining activity on the site, and appropriate remediation,
- submission and approval of a compensation scheme and mitigation method statement to safeguard protected species and their habitat
- restriction of works during the bird breeding season.
- protection of retained trees and implementation of the approved landscaping scheme
- limitation of working hours and implementation of a construction traffic management plan to minimise noise and nuisance for local residents.

7.00 CONCLUSION

7.01 The appeal is allowed and planning permission is granted subject to the conditions set out above.

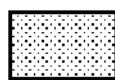
Contact Officer: Emma Hancock
Telephone: (01352) 703254
Email: emma.hancock@flintshire.gov.uk

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

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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Map Scale 1:5000

Ordnance Survey Sheet SJ 2767

Planning Application **48855**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **15TH MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. S. CANTY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RETENTION OF A 7 M HIGH CCTV CAMERA POLE AT WILLOW FARM, SEALAND ROAD, SEALAND**

1.00 APPLICATION NUMBER

1.01 049311

2.00 APPLICANT

2.01 MR STEVEN CANTY

3.00 SITE

3.01 BARN 3, THE STABLES, WILLOW FARM, SEALAND ROAD, CH5 2LQ

4.00 APPLICATION VALID DATE

4.01 05/03/2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the refusal under officer delegated powers of a full planning application for the erection of a CCTV camera pole, 7m in height at Barn 3, The Stables, Willow Farm, Sealand Road, Flintshire CH5 2LQ. The appeal was considered by way of an exchange of written representations and was DISMISSED

6.00 REPORT

6.01 **MAIN ISSUE**

The Inspector considered the main issue in this case to be the effect of the development on the living conditions of neighbouring residents.

6.02 REASONS

The Inspector notes that the siting of the camera provides surveillance of the approach and access to the property's parking area, but that it also appears to be surveying the amenity space of the adjacent property and views into the attached conservatory.

6.03 The Inspector also notes that whilst the appellant shows that the area of the adjacent property is masked from view, by use of settings on the camera, a condition to ensure that the privacy settings are used it would be very difficult to enforce against or monitor.

6.04 Notwithstanding the privacy issues the Inspector considers that is the presence and height of the camera which leads to harm in this case. It appears to overlook the adjacent garden and conservatory even if privacy settings are used and the perception of overlooking would be undiminished. This leads to a complete loss of privacy in the garden and conservatory which seriously harms the living conditions of the residents of the neighbouring property. Even if the camera were switched off its very presence would still engender a deep feeling of being overlooked and of constant surveillance.

6.05 The Inspector acknowledges the appellants desire for security, but as access to the site is via electronically controlled gates, CCTV surveillance is unnecessary.

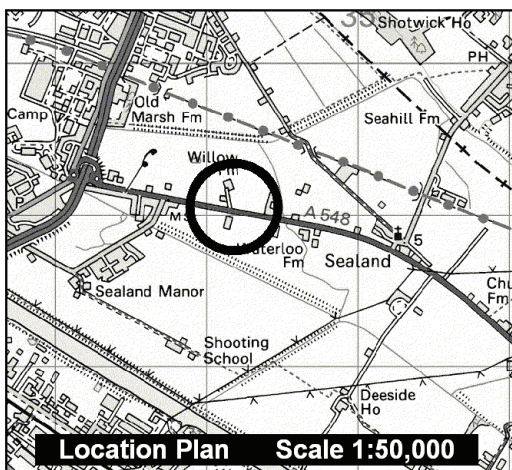
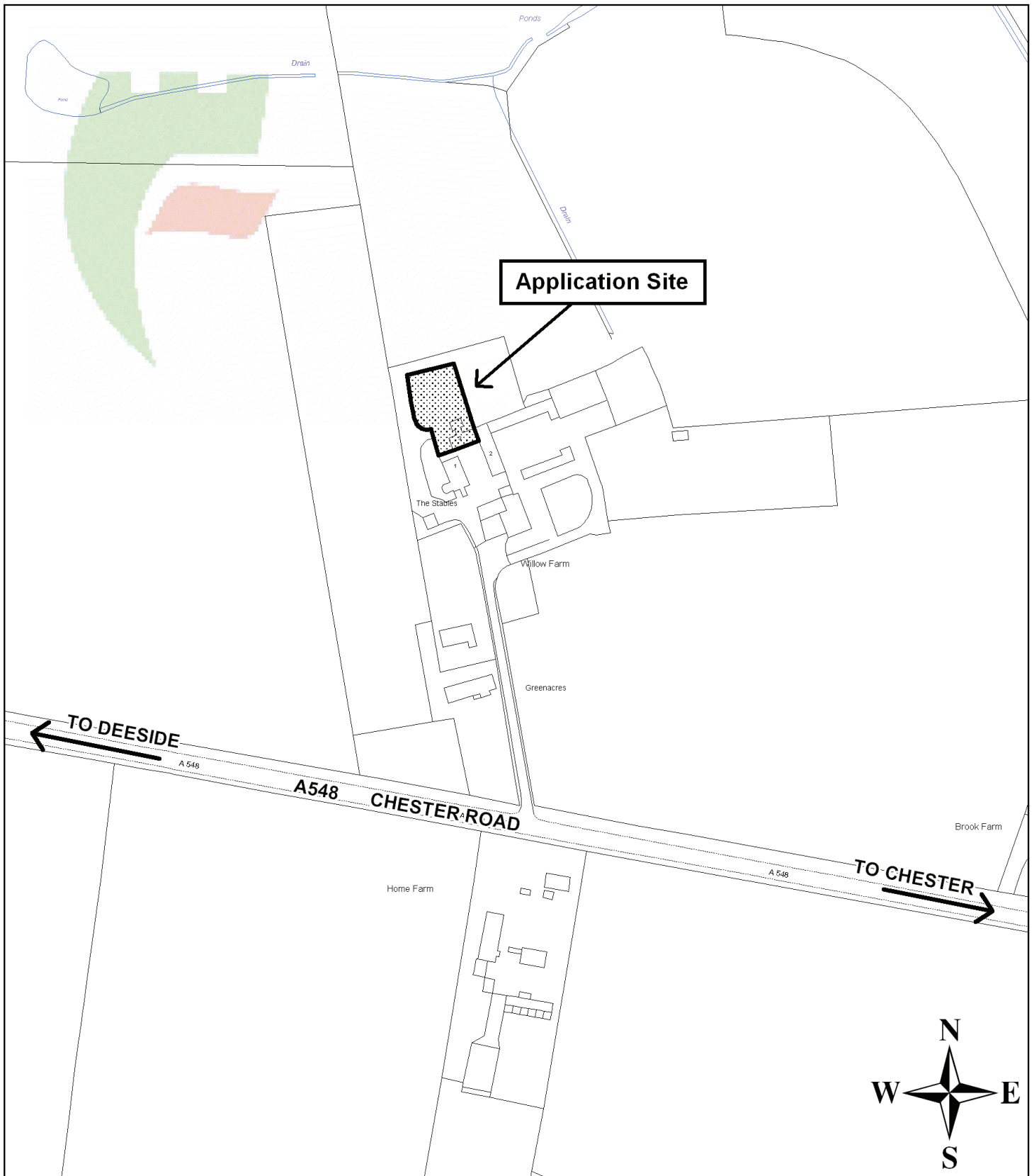
6.06 The development is within a Green Barrier. As the development is close to existing buildings and overall is well screened from the Green Barrier, the Inspector concludes that the proposal does not have a harmful impact on the openness of the Green Barrier.

6.07 Overall, the Inspector considers the development results in significant harm to the living conditions of neighbouring residents and is therefore contrary to Development Plan policy.

7.00 CONCLUSION

7.01 For the reasons given above, and having considered all other matters raised the Inspector concludes that the appeal be dismissed.

Contact Officer: Mrs C. Ringrose
Telephone: (01352) 703235
Email: celeste.ringrose@flintshire.co.u,



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Planning Application 49311

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **15 MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RETROSPECTIVE APPLICATION FOR THE ERECTION OF AN ANCILLARY BUILDING AT AEL Y BRYN, BABELL, HOLYWELL.**

1.00 APPLICATION NUMBER

1.01 049899

2.00 APPLICANT

2.01 Mr B Simon

3.00 SITE

3.01 Ael y Bryn, Babell, Holywell, CH8 8PP

4.00 APPLICATION VALID DATE

4.01 13 August 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision for the above proposal following refusal of the application under delegated powers. The appeal was dismissed as the Inspector considered that the retrospective application and the resulting building had a detrimental effect on the character and appearance of the existing dwelling and the wider surrounding area.

6.00 REPORT

6.01 Main Issues

The Inspector considered the main issue in the determination of the appeal to be the effect of the proposal on the character and appearance of the dwelling and the surrounding area.

6.02 The Inspector noted that it was proposed that the building would be

used as a snooker room and additional accommodation for the appellant's father, and would not have independent services from that of the main house.

6.03 Policy HSG13 permits annex accommodation and Policy HGS12, permits extensions provided that they are subsidiary in scale and form to the existing. The appellant conceded that the development does not comply with the Unitary Development Plan, since it is not linked or a conversion, however it does provide a functional link. The Inspector was also mindful of the Permitted Development (PD) rights the appellant had as a fall back position, leaving aside the argument that the building could be lawful, which is a separate matter for a certificate of lawful development. As the application had been submitted as planning application then the development had to be considered in this context. Were any development must be in accordance with the Unitary Development Plan. The Inspector considered that the fall back position should be given limited weight , as any building as a result would be smaller in form and height and would therefore have less of an impact.

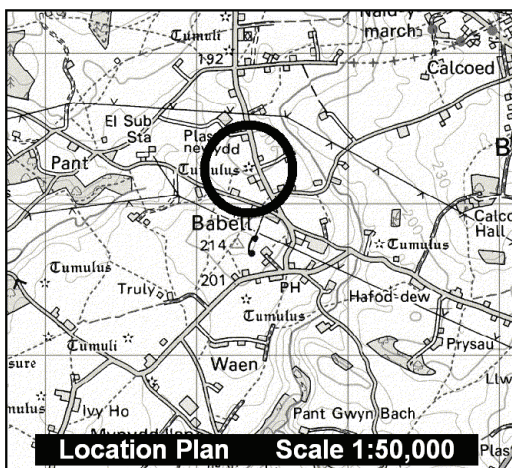
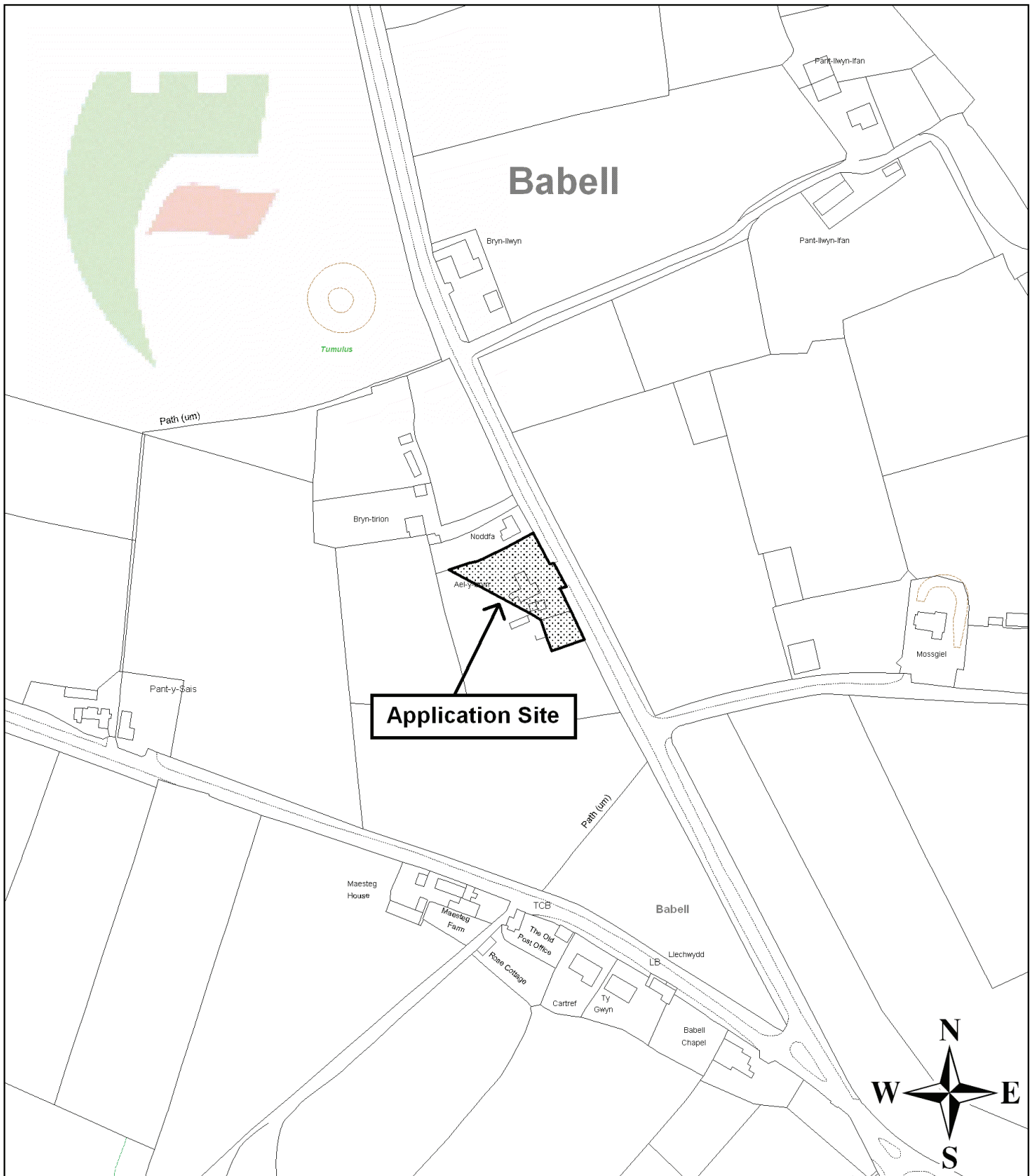
6.04 The close position of the appeal building relative to the house competes with the appearance and spatial layout of the property. The Inspector noted that although the development is single storey, the linear and horizontal form of the building takes up most of the remaining width of the plot, which is unlike many rural houses in the area, that have greater spatial separation and degree of openness. Whilst the form of the building is subordinate in height its close proximity to the house dominates its appearance, undermining its identity.

6.05 The appeal building was also considered by the Inspector to be quite prominent, and the gable end of the building is seen on the approach from the south of the building. The brick work finish added to his concerns in that this made it more prominent and dominant in relation to the character and appearance of the dwelling. He considered that the building fails to harmonise with the site or the surroundings in relation to the siting, design and layout, use of space, materials and appearance and conflicts with Policies GEN1, D2, it also conflicts with Polices HSG12 and HSG13.

7.00 CONCLUSION

7.01 The Inspector concludes that the proposal harms the character and appearance of the dwelling and the surrounding area and accordingly Dismissed the appeal.

Contact Officer: Barbara Kinnear
Telephone: (01352) 703260
Email: Barbara.kinnear@flintshire.gov.uk

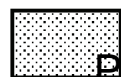


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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Planning Application **49899**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **15TH MAY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. JOHN HENRY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR APPLICATION FOR REMOVAL OR VARIATION OF CONDITION NO. 3 OF PLANNING PERMISSION REF: 048059 TO VARY MATERIALS TO BE USED IN THE DEVELOPMENT AT CHERRY TREE COTTAGE, HAFOD ROAD, GWERNAFFIELD - DISMISSED**

1.00 APPLICATION NUMBER

1.01 050053

2.00 APPLICANT

2.01 MR JOHN HENRY

3.00 SITE

3.01 CHERRY TREE COTTAGE, HAFOD ROAD, GWERNAFFIELD, CH7 5ES

4.00 APPLICATION VALID DATE

4.01 28th August 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the refusal under officer delegated powers of a full planning application for the removal or variation of Condition No. 3 of planning permission ref 048059 to vary materials to be used in the development at Cherry Tree Cottage, Hafod Road, Gwernaffield. The appeal was considered by way of an exchange of written representations and was DISMISSED.

6.00 REPORT

6.01 BACKGROUND AND MAIN ISSUE

Planning permission has been granted for a replacement dwelling on site. The proposed dwelling was shown to be built of brick, and the Appellant objects to the condition which requires that external wall

materials should be finished in smooth render.

6.02 The Inspector saw the main issue as the implication of varying the disputed condition would have on the character and appearance of the Area of Outstanding Natural Beauty (AONB).

6.03 **REASONS**

The Inspector notes that within the area around the appeal site there are a variety of house styles, with only three being predominantly constructed of brick, the remainder finished in painted render. A public footpath adjoins the appeal site to the east. The AONB boundary includes the row of properties on Hafod Road whilst the houses on the opposite side of the road are outside the designation.

6.04 The Inspector notes that the extensive areas of walling would be visible from the public footpath and from the road side and considers that these and other viewpoints from the Gwernaffield approach would be significant as they look into the AONB.

6.05 In the context of the appeal site, the Inspector considers the brickwork would appear harsh and an overall contrasting material to the predominance of rendered wall in the immediate area. Large areas of brick walling, when viewed from the footpath would appear stark for a development which is situated immediately adjacent to an area of dense foliage and rising topography.

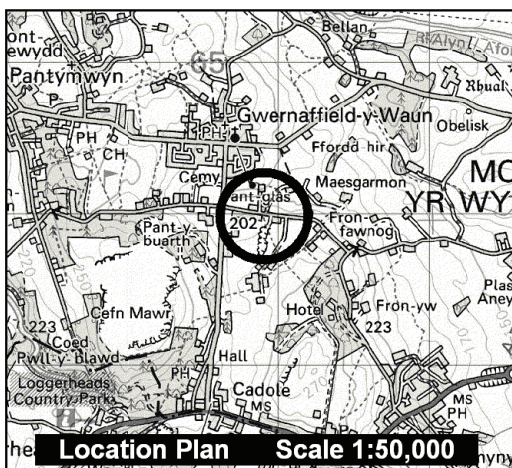
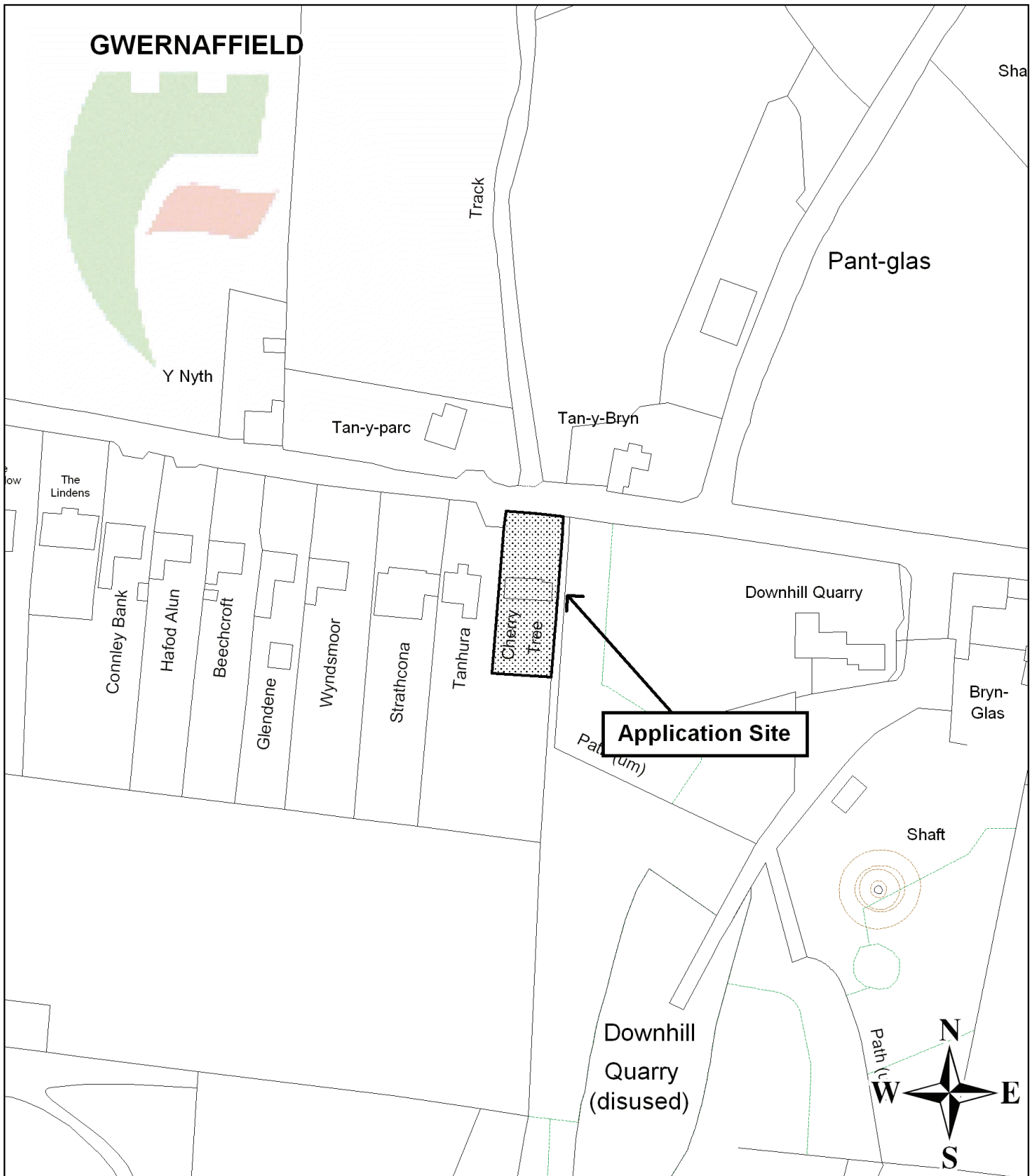
6.06 The Inspector notes the examples of other brick buildings cited by the appellant. He also notes the assessment of this particular part of the AONB, but states there is no dispute that the site is within it, and although located on the fringe of the landscape designation, the view into the AONB is important in terms of its scenic quality. Whilst the view of the development from the south may not be so apparent, the view from the footpath and the roadside looking towards the development and from within the AONB is significant.

6.07 Although the Inspector noted that there is no blanket policy for render for development within the AONB, he considered the use of brick in the context of this site would not harmonise with the surroundings. Therefore the proposal would conflict with Development Plan Policy.

7.00 CONCLUSION

7.01 The Inspector concludes that the implication of varying the disputed condition would harm the character and appearance of the Area of Outstanding Natural Beauty. Having considered all other matters raised, none outweigh his conclusion on the main issue and the appeal is dismissed.

Contact Officer: Celeste Ringrose
Telephone: (01352) 703235
Email: celeste.ringrose@flintshire.gov.uk

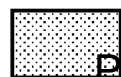


Environment Directorate,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
Development Plan
Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 2063

Planning Application **50053**

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