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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,
Ray Hughes, Christine Jones, Richard Jones,
Brian Lloyd, Billy Mullin, Mike Peers,
Neville Phillips, Gareth Roberts, Carolyn Thomas
and Owen Thomas

1 October 2013

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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, 9TH OCTOBER, 2013** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 20)

To confirm as a correct record the minutes of the meeting held on 4 September 2013.

- 5 **ITEMS TO BE DEFERRED**

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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.

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

The following item is considered to be exempt by virtue of Paragraphs 12, 13, 16 and 17 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)

Pending resolution of the matter under consideration, the public interest in maintaining the exemptions outweighs the interest in disclosure.

7 **FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN
ENFORCEMENT NOTICE** (Pages 147 - 208)

Report of the Head of Planning.

REPORT OF HEAD OF PLANNING
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON
9th OCTOBER 2013

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	050967 - A	Application for Approval of Reserved Matters Following Outline Approval (035575) at Croes Atti, Chester Road, Oakenholt. (050967) (Pages 21 - 32)
6.2	050796 - A	Reserved Matters - Details of Appearance, Landscaping, Layout and Scale Submitted in Accordance with Condition No. 1 Attached to Planning Permission Ref: 038189 at Broughton Park, Broughton. (050796) (Pages 33 - 44)
6.3	051119 - A	Full Application - Construction and Operation of the Beluga Line Station and Associated Development (Including Preparatory Earthworks) at British Aerospace Airbus Ltd., Chester Road, Broughton. (051119) (Pages 45 - 52)
6.4	050839 - A	Full Application - Change of Use from Agricultural to Caravan Park with 27 Spaces Including the Conversion of Shed into Campsite and Fishing Facilities, Conversion of Barn into Site Managers Dwelling, Formation of an Access, Construction of Fishing Pools, Parking and Ancillary Works at Stamford Way Farm, Stamford Way, Ewloe. (050839) (Pages 53 - 70)
6.5	051040 - A	Full Application - Erection of 3 Bedroom Detached Dwelling with Garage (For the Accommodation of a Registered Disabled Person) at 45 Broughton Hall Road, Broughton. (051040) (Pages 71 - 80)
6.6	051050 - A	Full Application - Demolition and Rebuild of 4 No. Poultry Buildings and Associated Infrastructure (Retrospective) at Treuddyn Farm, Ffordd y Blaenau, Treuddyn. (051050) (Pages 81 - 92)
6.7	050169 - R	Outline Application - Erection of a detached bungalow at Belmont, South Street, Caerwys (050169) (Pages 93 - 100)
6.8	051029 - R	Full Application - Erection of a Garden Room Extension at Smithy Cottage, Hendre. (051029) (Pages 101 - 108)
6.9	051022 - A	Full Application - Erection of 2 No. Flats, Demolition of Existing Garage, Creation of Two New Vehicle Accesses with Associated Parking for the Proposed Flats and Existing Dwelling off Victoria Road at 16 Beaconsfield Road, Shotton. (051022) (Pages 109 - 116)
6.10	050153 - A	Outline Application - Residential Development at Chapel Street, Connah's Quay (050153) (Pages 117 - 126)
6.11	051056 - A	Variation of Condition No. 11 Attached to Planning Permission Ref: 048892 Associated Land and Former White Lion Pub, Chester Road, Penymynydd (051056) (Pages 127 - 134)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.12		Appeal by Mr. Mrs. Sue Roberts Against the Non-Determination of an Extension to Form First Floor Over Existing Single Storey Building for the Provision of 4 Additional Bedrooms at Bryn Bungalow, Rock Lane, Caerwle - DISMISSED. (049553) (Pages 135 - 140)
6.13		Appeal by Ms. M. Lloyd-Jones against the decision of Flintshire County Council to refuse planning permission for construction of a public house, creation of parking and turning areas, cycle store and means of access, the provision of 45m ² of photovoltaic cells and hard and soft landscape treatment on land adjacent to Singing Kettle Services, St. Asaph Road, Lloc, Holywell (050008) (Pages 141 - 146)

PLANNING & DEVELOPMENT CONTROL COMMITTEE **4 SEPTEMBER 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, 4th September, 2013

PRESENT: David Wisinger (Chairman)

Councillors: David Cox, Ian Dunbar, David Evans, Jim Falshaw, Veronica Gay, Alison Halford, Ron Hampson, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

SUBSTITUTES:

Councillors: Paul Shotton for Chris Bithell, Mike Lowe for Derek Butler and Marion Bateman for Carol Ellis

APOLOGY:

Councillor Ray Hughes

IN ATTENDANCE:

Head of Planning, Development Manager, Interim Team Leader Policy, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officers, Democracy & Governance Manager, and Committee Officer

54. **DECLARATIONS OF INTEREST**

Councillor Ian Dunbar declared a personal and prejudicial interest in the following application and explained that having taken advice from the Democracy & Governance Manager, he would leave the meeting during discussion of the application:-

Agenda item 6.1 – Full application – Erection of 42 no. dwellings at land adjacent to Fairoaks Drive, Connah’s Quay (050800)

Councillor Paul Shotton declared a personal and prejudicial interest in the following application and explained that having taken advice from the Democracy & Governance Manager, he would leave the meeting once he had spoken on the application for up to three minutes:-

Agenda item 6.4 – Full application - Construction of a new modular building to provide Flying Start services at Linden Avenue, Connah’s Quay (050870)

Councillor Carolyn Thomas declared a personal interest in the following application as Chair of the Area of Outstanding Natural Beauty:-

Agenda item 6.9 – Full application – Erection of an anemometer mast (up to 80m) for the temporary period of three years at land at Ffrith y Garregwen, Caerwys (050880)

Councillor Neville Phillips declared a personal and prejudicial interest in the following application and explained that having taken advice from the Democracy & Governance Manager, he would leave the meeting during discussion of the application:-

Agenda item 6.12 – Application for outline planning permission – for the demolition of Sunnyside and 66A Mold Road and the erection of 58 houses including details of access, appearance, layout and scale at land rear of 66A Mold Road, Mynydd Isa (048042)

In line with the Planning Code of Practice:-

Councillor Billy Mullin declared that he and Councillors Derek Butler and Mike Lowe had been contacted on more than three occasions on the following application:-

Agenda item 6.2 – Reserved Matters – Details of appearance, landscaping, layout and scale submitted in accordance with condition no. 1 attached to planning permission ref: 038189 at Broughton Park, Broughton (050796)

The Democracy & Governance Manager confirmed he had advised Councillor Christine Jones she did not have an interest in agenda item 6.4.

55. **LATE OBSERVATIONS**

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

56. **MINUTES**

The draft minutes of the meeting of the Committee held on 24th July 2013 had been circulated to Members with the agenda.

Councillor Alison Halford referred to minute number 44 on page 11 and said that she had been emailed by the applicant who had serious concerns about the accuracy of the minutes. She felt that the minutes were not a true record of what had been said by Councillor Chris Bithell. Councillor Halford said that Councillor Bithell had said that Deer Lodge had already been extended and that the other buildings in the Ffynnon Farm complex had not been extended or significantly changed. The suggested amendment to the minute was duly seconded.

The Democracy & Governance Manager advised Members that officers were satisfied that the draft minutes were a correct record of the meeting.

Councillor Mike Peers said that on the site visit it had been pointed out that the adjacent building had been extended.

On being put to the vote, the amendment to the minute was CARRIED.

RESOLVED:

That subject to the suggested amendment, the minutes be approved as a correct record and signed by the Chairman.

57. **ITEMS TO BE DEFERRED**

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

Agenda item 6.1 - Full application – Erection of 42 no. dwellings at land adjacent to Fairoaks Drive, Connah’s Quay (050800) – following a request to allow the applicant time to provide a revised viability assessment.

On being put to the vote, the proposal to defer the application was CARRIED. Councillor Ian Dunbar left the room during consideration of this item.

Agenda item 6.9 – Full application – Erection of an anemometer mast (up to 80m) for the temporary period of three years at land at Frith y Garregwen, Caerwys (050880)

Councillor Jim Falshaw, the local Member, proposed that the application be dealt with at this meeting which was duly seconded.

The Head of Planning explained that the applicant had requested deferment to allow them to consider revising the height of the mast from 80m to 60m and to reduce the temporary period from three years to two years and for re-consultation to take place.

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

Following a query from Councillor Richard Jones about whether the Committee Members could be advised in advance of the meeting that applications were to be deferred so that interested parties could be informed to prevent them having to attending meetings to hear the debate if the applications were not to be considered, the Democracy & Governance Manager advised that once the application had been included on a published agenda, requests for deferment had to be dealt with at the meeting.

RESOLVED:

That agenda item 6.1 (Full application – Erection of 42 no. dwellings at land adjacent to Fairoaks Drive, Connah’s Quay) (050800) be deferred.

58. **RESERVED MATTERS - DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE SUBMITTED IN ACCORDANCE WITH CONDITION NO. 1 ATTACHED TO PLANNING PERMISSION REF: 038189 AT BROUGHTON PARK, BROUGHTON (050796)**

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 2nd September 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 explaining that the site was granted outline planning permission in September 2012.

Mr. T. Astle, the agent for the applicant, spoke in support of the application. He referred to the officer's report and the well thought out layout for the site and said that there had been no objections from statutory consultees. He referred to the comments of Broughton & Bretton Community Council but the applicant felt that their views had changed following the inclusion of condition 7 on the application for a future footpath link from the site into the adjacent Town Council Park. The applicant intended to create a high quality development which included affordable housing, public open space and a landscape buffer to separate the development from the existing residential properties.

Councillor S. Stevens from Broughton & Bretton Community Council spoke against the application. She referred to the Town Council Park which had been made into an enclosed unlit area to encourage natural habitats. She said that a thoroughfare through the middle of the park was not wanted by the Community Council and she was surprised about the construction of a path alongside the A55 which it was felt would not be beneficial to residents. Councillor Stevens said that the application site would not be unique in not having access to the village and that the most obvious solution would be to create a tarmac path, which could be lit, on the opposite side of the houses to cause less disturbance and not divide the park.

Councillor Mike Lowe proposed deferment of the application to allow further discussions about what had been proposed by the Broughton & Bretton Community Council and also on the possible interchange, which was duly seconded. Councillor Billy Mullin said that the concerns had been raised at the public inquiry and that discussions had taken place with the developer about access from the site into the village. He concurred that it was more appropriate to put the path at the edge of the Council Park and referred to the dangers of having a footpath close to the A55. Councillor Mullin reminded Members that discussions had been undertaken with Welsh Government about the requirement for an interchange in principle. He concurred that the application should be deferred so that the areas of concern that had been raised could be addressed.

Councillor Mike Peers felt that the application needed to be amended if it was to be deferred and brought back to the Committee as there did not seem to be adequate space for an interchange. He suggested that a plan be shown which included a potential sliproad and he urged the applicant to reflect this in his application.

The Development Manager reminded Members that none of the recent planning permissions in the area had required the construction of an interchange. However, he confirmed that land which was outside the application site was sufficient for the construction of an interchange if it was required at some point in the future and nothing within this application would prejudice this. He explained that the direct access to the park was required to allow the residents of the new

houses the use of this facility. He queried the reason for deferment on the basis that if members did not agree that this access was required they could vote to remove Condition 7. Councillor Lowe said again that access into the park was not needed as the new residents could walk round to the existing access. Councillor Lowe reiterated that deferment was to allow for further discussions on the footpath link and the interchange.

RESOLVED:

That the application be deferred to allow for further discussions on the footpath link and the interchange.

59. **VARIATION OF CONDITION NOS 6, 8, 9, 13, 15, 16 & 18 IMPOSED ON PLANNING PERMISSION REF: 048780 TO ALLOW FOR A PHASED APPROACH FOR THE UNDERTAKING OF (A) A SCHEME FOR FACILITIES FOR THE PARKING, TURNING AND UNLOADING OF VEHICLES (B) EXTENDED LIGHTING (C) A SCHEME FOR THE COMPREHENSIVE DRAINAGE OF THE SITE (D) A SCHEME OF ECOLOGICAL MITIGATION (E) THE PROVISION OF TREE/HEDGEROW PROTECTION (F) THE INTRODUCTION OF REPLACEMENT WINDOWS/DOORS AND (G) VENTILATION EQUIPMENT RATHER THAN THE REQUIREMENT FOR ALL DETAILS TO BE PROVIDED BEFORE THE USE OF ANY PART OF THE SITE COMMENCES AS CURRENTLY PERMITTED AT "BANK FARM", LOWER MOUNTAIN ROAD, PENYFFORDD, NEAR CHESTER (050921)**

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 introduced Mr. Rhys Davies, a consultant, who would present the report on the application.

Mr. R. Davies detailed the background to the report and referred Members to the late observations. He advised Members of the comments from the adjoining ward Member, Councillor Cindy Hinds, which included that she felt that the Community Council and residents were continually having their views disregarded and that the latest application wanted to drastically alter the application for light industrial use by removing the majority of the critical safeguards and conditions of the original application. Mr. Davies provided full details of the conditions which the application was seeking to vary and explained that the current wording required details to be submitted and implemented in full before any development on the site. If the application was approved, the conditions would still require the details to be submitted prior to commencement but the development could be carried out in phases. Consideration had to be given as to whether conditions applied met the tests set out in Welsh Government (WG) Circular 35/95 which included the tests of necessity and reasonableness. The applicant felt that the conditions as currently set out failed those tests as they required implementation of a number of matters in full prior to the occupation of any part of the development. As a result of the conditions the applicant had been unable to secure development funding and it was reported

that the conditions in their current form could fail the tests of necessity and reasonableness.

A member of the public asked a question and was advised by the Chairman that he was not able to speak.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He highlighted paragraph 7.11 and said that there was a need to move forward. Councillor Mike Peers concurred and said that he had no hesitation in supporting the application.

The member of the public spoke again and was advised by the Democracy & Governance Manager of the procedure under paragraph 20.1 of the procedural rules that he would be removed from the Chamber if he continued to interrupt the meeting.

Councillor Carolyn Thomas raised concern about the number of changes to the conditions and queried why so many conditions had been included on the application. She said the application had permission with conditions for light industrial use and that to remove the conditions would have an impact on the area. Councillor Thomas also queried why the application for housing on the site was not shown in the site history.

Councillor Ron Hampson said that it made sense to develop it bit by bit. He added that the conditions were still stringent. Councillor Richard Jones said that the current conditions did not pass the tests in the WG 35/95 circular and that they were put in place when it was proposed that the site would be for a single user but that was now not the case.

Mr. Davies concurred with the comments of Councillor Jones. He added that Planning Policy Wales (PPW) had also been changed in line with broader economic developments since the application was approved in January 2012 and to retain the conditions would be contrary to PPW guidance. The safeguards were still in place and would ensure that each element of the site could work in isolation and not impact on the biodiversity of the site. Mr. Davies also referred Councillor Thomas to the site history where the application for housing which had been withdrawn was included.

RESOLVED:

That the conditions be varied as detailed in the report of the Head of Planning.

60. **FULL APPLICATION - CONSTRUCTION OF A NEW MODULAR BUILDING TO PROVIDE 'FLYING START' SERVICES AT LINDEN AVENUE, CONNAH'S QUAY (050870)**

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

The officer detailed the background to the report and explained that the site was 1.5 hectares with the new building being constructed on 0.3 hectares.

The car park area was also to be re-sited to the rear of the existing school. It was felt that there would be no adverse impact on Linden Avenue. It was reported that the proposal would involve the siting of the building and associated external play areas on land which was initially established as a nature area for use in connection with the school to the rear of properties at Linden Court.

Ms. G. Bolt spoke against the application. She said that she was not against the Flying Start building but was concerned about the security of her property, her lack of privacy and the extra traffic that would be created. The application proposed the provision of a 1.8m high close boarded fence to the rear of the existing properties and Ms. Bolt queried whether this could continue along the side of her dwelling.

Councillor Paul Shotton welcomed the construction of the building for the Flying Start service but raised concern about the loss of privacy and amenity for existing residents. He felt that the concerns could be addressed by the continuation of the fence. He had been advised that key trees would be retained and that the planting of additional trees would be undertaken. He also raised concern about possible conflict between pedestrians and vehicles using the access to the site due to the increased amount of traffic. Councillor Shotton, having earlier declared an interest in the application, left the meeting prior to the debate.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He welcomed the application and the provision of the Flying Start service for pre-school children and sought assurance that the conditions would be met. Councillor Christine Jones said that it was a fantastic scheme which had been funded by Welsh Government. Councillor Richard Jones said that it was important to protect the privacy of existing residents and proposed an amendment to condition 14 to include the boarded fence to the rear and side of the existing properties. The amendment was duly seconded.

In response to the comments made, the officer said that the formation of the new pedestrian link would alleviate the conflict between vehicles and pedestrians. He said that the proposal was only for fencing to the rear of the existing properties but that if Members felt that this was a fundamental point, then the condition could be changed to take account of the amendment.

In summing up, Councillor Dunbar said that the traffic would increase due to the establishment of the Flying Start service and that this would have an effect on the privacy of the residents. He felt that it was important that the suggested amendment to condition 14 be included.

On being put to the vote, the proposal to amend condition 14 for the provision of the 1.8m close boarded fence to the rear and side of the existing properties was CARRIED. This then became the substantive motion and on being put to the vote was also CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning including the amendment to condition 14 for the

1.8m high close boarded fence to the erected at the rear and side of the existing properties.

61. **FULL APPLICATION - CHANGE OF USE FROM CHAPEL TO DWELLING AT FFORDD Y LLAN, TREUDDYN (050729)**

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 2nd September 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 explaining that the main issues were the use of the building for residential use, the creation of a new vehicular access on to the A5104 Corwen Road and the provision of parking facilities. On the provision of the residential re-use of the building, the site was in the settlement boundary of Treuddyn which was a Category B settlement. Policy HSG3 permitted the change of use of non residential buildings to dwellings provided that if it would not cumulatively result in more than 15% growth since 2000 and the development was justified on the grounds of housing need. She added that Treuddyn was in excess of its 15% growth but that there were also other elements to consider. There was already a significant element of affordable housing provision and it would be difficult to secure an appropriate economic re-use of the building, which in itself was worthy of being retained and it was therefore considered that a residential use was the best option for the re-use of the building. On the issue of access and highways issues, the officer explained that a new access to the site was to be created which had been the subject of lengthy discussions with Highways officers who were satisfied that it was suitable. An additional condition from the Head of Assets and Transportation was reported in the late observations.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He said that the building was worthy of retention in the community. Councillor Owen Thomas commented on the structural survey which had been undertaken and spoke of the number of cracks in the walls which were bowing.

The local Member, Councillor Carolyn Thomas, said that a lot of concerns had been addressed by the conditions which had been attached to the recommendation but that there were concerns about the gabion walls. She also queried whether it was possible to put a completion date on the application and sought assurance about the width of the access and the visibility splays.

Councillor Alison Halford asked whether a retaining wall would be erected. Councillor Mike Peers raised concern about the closeness of the site to the road but said that he had been advised that the application met requirements. He felt that condition 6 about parking facilities should be more robust and he queried whether a turning area was to be provided. Councillor Peers sought clarity on the exceptions to the policy on local housing need and commented upon an application in Ewloe. Councillor Richard Jones commented on policy HSG3 and asked whether permitted development rights could be removed if permission was granted.

In response to the comments made, the officer said that a structural survey had been submitted and had been considered by the Council's Structural Engineer. The gabion wall was the subject of a condition which required further details and the officer explained that the retaining wall could also be included in this. On the issue of parking, she explained that the additional condition included in the late observations was for adequate parking to be provided and retained within the site for the parking and turning of three vehicles. In response to Councillor Peers' comment about local housing need, the officer explained that this was for a conversion and the application in Ewloe had been for a new build. She went on to provide further detail.

Councillor Richard Jones proposed an amendment for the removal of permitted development rights and this was duly seconded. On being put to the vote, the amendment was CARRIED.

The Senior Engineer - Highways Development Control advised that there were no objections from Highways and that the plan proposed the access as far from the junction as was possible and that it would provide turning and parking for three vehicles on the site. She added that the application complied with TAN 18 visibility requirements.

RESOLVED:

That planning permission be granted subject to the amendment to condition 7 as reported in the late observations, the additional condition to remove permitted development rights and subject to the conditions detailed in the report of the Head of Planning.

62. **FULL APPLICATION - LANDSCAPING WORKS TO PRACTICE AREA AND ERECTION OF PRACTICE NETS (IN RETROSPECTIVE) AT OLD PADESWOOD GOLF CLUB, STATION LANE, PADESWOOD, BUCKLEY (050836)**

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 2nd September 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 Development Manager detailed the background to the report and explained that the works which were the subject of this application included the creation of an earth mound, approximately 1m in height, and the installation of practice nets measuring 6m wide by 3m deep and 3m in height. The area was already used as part of the golf club as a practice area and only the operational works of changing the site levels through the importation of material and the erection of practice nets was to be considered under this application. Officers had prepared a plan which was displayed for the Committee which clarified the relationship of the various parts of the development and the impact on nearby dwellings including Hawthorn Cottage. The Development Manager explained that mention had also been made of a gateway onto Station Lane but no additional use of this access was proposed in this application and its purpose appeared to be to allow access onto the area for maintenance vehicles.

Mr. B. Ezra spoke against the application and raised concern about the comments in the report about the harm to the residential amenity of the occupants of Hawthorn Cottage. He said that they had to put up with an increasing amount of bad language and players being within paces of their fence and unsupervised children creating noise, all of which Mr. Ezra found unacceptable. He said that his property had been in place before the golf course and asked the Committee to consider the removal and re-siting of the bunker to reduce the permanent impact on the residential amenity for himself and his family.

Mr. R. Lydon, the greenkeeper at the Golf Club, spoke in support of the application. He said that the area had previously been used as a putting green and the nets which were proposed in this application would be sited in the same place as those which were previously in place; the chipping green was also located in the same area as before. He had spoken to Mr. Ezra about his concerns and had placed all of the elements that he could out of line from Hawthorn Cottage. The golf club offered first class conditions and Mr. Lydon explained that in the past, members had left the golf club because of the lack of facilities. The proposals in the application would enhance the facilities and would allow a part of the site which could not be used from October to April because of its poor condition and drainage to be brought into use. Mr. Lydon said that the club had strict rules on conduct and said that he was unaware of the issue of bad language being used in the vicinity of Mr. Ezra's property. He added that Mr. Ezra had removed a hedge which opened up his property onto views of the golf course.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. He said that the land had already been in use and queried why the application had been submitted to the Committee.

Councillor Gareth Roberts said that had the fairway been sited closer to the property then the balls flying into the gardens could be a problem but he could not see what extra dangers siting the bunker, greens and nets as shown in the proposal would cause. Councillor Owen Thomas said that work had been carried out without consultation and said that the bunker was sited very close to Hawthorn Cottage. He asked if a restriction could be put on the hours of use. Councillor Ron Hampson said that the mound was very intrusive and suggested that it could have been sited elsewhere. He said that the owner of Hawthorn Cottage had asked for negotiations to take place but his request had been ignored.

The Development Manager said that the proposal replaced a green which was already on the area and consisted of the creation of a mound and the installation of netting. In planning terms, the proposal was not an over-intensification of the site and advised Members against using this as a reason to refuse the application. The bunker was 15 metres from the garden and the impact that this would cause was not sufficient to warrant refusal. He reminded Members that it was not for them to consider if the mound and the nets could be sited elsewhere within the golf club.

RESOLVED:

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

63. **FULL APPLICATION - CHANGE OF USE FROM A1 TO A3 (CHINESE TAKEAWAY) AT 12 HIGH STREET, HOLYWELL (050976)**

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

The officer detailed the background to the report and explained that the local Member had raised concern about another fast food outlet being proposed for Holywell. It was reported that Holywell Town Council had also objected to the application. The application complied with Policy S7 as the site had been marketed for retail use, either for sale or let as a going concern, for a period of more than 12 months.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He welcomed the proposal and said that it was preferable to see a property occupied rather than being left empty. He spoke of the approval of the application for a Tesco store in Holywell and said that he felt that the high street had become an area for food outlets and charity shops.

Councillor Richard Jones said that it had been difficult for traders in the last two years and suggested that the application be refused to see if an A1 use for the site would be forthcoming. He also queried the opening hours for the proposed fast food outlet.

In response the officer explained that Policy S7 allowed for change of use from A1 to A3 if the criteria had been met, which it had, and the proposed change would bring a vacant shop into use. He confirmed that the hours of operation would be controlled, particularly if noise became a nuisance. The Development Manager confirmed that the requirements of the policy had been met and that it was a choice between retaining an empty shop or allowing the site to be occupied which would bring vibrancy into the town centre.

In summing up, Councillor Roberts said that the application could not be refused as it complied with Policy.

RESOLVED:

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

64. **APPLICATION FOR OUTLINE PLANNING PERMISSION - ERECTION OF A SINGLE STOREY BUNGALOW AT LAND REAR OF NOS 8 & 6 WEPRE LANE, CONNAH'S QUAY (050647)**

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 2nd September 2013.

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

The officer detailed the background to the report and explained that the application was before Committee at the request of the local Member. The proposal was not out of character with the buildings in the area and was therefore recommended for approval.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that he had spoken to officers about his concerns in connection with a brick rendered dwarf wall with wooden fence which did not have planning permission but this had been addressed by a reduction in the height of the wall and fence to provide visibility at the access. Councillor Paul Shotton concurred that the proposals were in keeping with other properties in the area.

RESOLVED:

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

65. **FULL APPLICATION - ERECTION OF AN ANEMOMETER MAST (UP TO 80M) FOR THE TEMPORARY PERIOD OF THREE YEARS AT LAND AT FFRITH Y GARREGWEN, CAERWYS (050880)**

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 explaining that the main issues were the highway implications, the effects upon the visual appearance and character of the landscape together with the effects upon the nearby Scheduled Ancient Monument of Ffrith y Garregwen Round Barrow and the effects upon badgers. He explained that the site was located near to the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and due to the proposal's height and elevated site and the open nature of this part of the landscape, it was considered that the mast could be viewed from a number of public viewpoints. It was also reported that the proposals would detrimentally affect the setting of the Scheduled Ancient Monument and the application was therefore recommended for refusal.

Mr. S. Salt, the applicant, spoke in support of the application. He said that the application would assist in developing renewable energy resources and added that he had hoped that the application would be deferred following their formal request in writing. He was surprised at the recommendation of refusal given the need to harness alternative energy sources and facilities for the testing of renewable energy resources and referred to Welsh Government policies on the issue. Mr. Salt indicated that the application was not for a wind farm development and that in his view, the siting of the mast for a temporary period would not have a detrimental impact on the Clwydian Range. He suggested that

the applicants would reduce the temporary period to two years and reduce the height of the mast from 80m to 60m.

Councillor Jim Falshaw proposed the recommendation for refusal which was duly seconded. He detailed his reasons for agreeing with the officer recommendation which included that the mast would be visible from several viewpoints; the adverse visual impact on the locality, the proposed structure would not enhance the area of the Clwydian Range and due to its height and design it would adversely impact on the AONB.

Councillor Richard Jones also spoke against the application and that only one of the grounds for refusal had been addressed by the applicant in his request for deferral. He believed it should be refused on three grounds which were height, nature and location of the proposal due to its effect on the AONB and the Scheduled Ancient Monument. He said that it was contrary to seven Council policies and several statutory consultees had objected to the application. Councillor Alison Halford referred to a letter which had been sent by the applicant to the Members of the Committee which detailed the proposals but she felt that the mast in this location was not appropriate. Councillor Mike Peers felt that deferment undermined what was in the letter and said that the testing of wind resources on this site seemed to be a pre-cursor for a wind farm development. Councillor Carolyn Thomas said that the application should be looked at in the wider context and that the site was one of the best views in the AONB.

In summing up, Councillor Falshaw said that the application should be refused due to its adverse impact on the landscape and the quality of the landscape.

RESOLVED:

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

66. **FULL APPLICATION - ERECTION OF A DETACHED SINGLE GARAGE AT TY GWYN, 2 PADDOCKS WAY, GWERNYMYNYDD (051047)**

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

The officer detailed the background to the report and explained that the application was before Committee as the applicant was a member of the Environment Directorate.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. In response to a query from Councillor Owen Thomas, the officer confirmed that access from the garage would not be onto the main road.

RESOLVED:

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

67. **FULL APPLICATION - ERECTION OF A SIDE/FRONT EXTENSION AT CHERRY COTTAGE, UPPER BRYN COCH, MOLD (051101)**

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 advised that the applicant was a member of the Environment Directorate. An objection had been received from Mold Town Council but it was felt that the proposals would not have a detrimental impact upon the character of the area nor on the amenities of the adjacent residential properties. Two additional conditions were reported in the late observations.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded.

Councillor Alison Halford referred to paragraph 7.07 and queried why the application was recommended for approval with an increase of floor area of approximately 84% when the guideline was 50% and other applications had been refused when the floor area had increased by a lesser amount. Councillor Gareth Roberts said that the difference with this site was that it was in the settlement boundary.

RESOLVED:

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

68. **GENERAL MATTERS - APPLICATION FOR OUTLINE PLANNING PERMISSION - FOR THE DEMOLITION OF 'SUNNYSIDE' AND 66A MOLD ROAD AND THE ERECTION OF 58 HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT LAND REAR OF 66A MOLD ROAD, MYNYDD ISA (048042)**

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. Councillor Neville Phillips, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report explaining that at the Planning and Development Control Committee meeting on 24 July 2013, Members had resolved to refuse the application on the grounds of:-

- lack of affordable housing

- unsatisfactory access proposals
- inadequate ecological mitigation
- inadequate play and open space provision
- flood and drainage issues
- under provision of car parking
- soil contamination

As the application had been refused against officer recommendation, it was the role of officers to draft the precise terms of that decision. This report addressed each of the items contained within the resolution and the officer provided detail of each one in turn. The report explained that officers were recommending that the reasons for refusal be on the grounds of lack of affordable housing, unsatisfactory access proposals and inadequate play & open space provision but not on the grounds of inadequate ecological mitigation, flood and drainage issues under provision of car parking and soil contamination as they would be difficult to sustain at any subsequent appeal. The officer provided full details of the recommended reasons for refusal and why the other reasons resolved by Members were not included.

Councillor Alison Halford proposed the officer recommendation for the reasons for refusal which was duly seconded.

Councillor Mike Peers proposed an amendment that the under provision of car parking should be included as a reason for refusal which was duly seconded. He felt that the shortfall in parking spaces had resulted in more buildings and that if the developer should provide a certain level of parking then this should be upheld.

The Senior Engineer - Highways Development Control said that the guidance related to maximum parking standards and that the development had given adequate mitigation as to why he had not provided the maximum car parking spaces. A travel plan had also been provided by the applicant's travel consultants in order to encourage sustainable travel to and from the site via the use of walking, cycling, public transport and car sharing thereby reducing the parking demand generated by the development and support the reduced parking provision within the site.

The Democracy & Governance Manager reminded Members that the guidelines in the policy related to the maximum not minimum standards for car parking.

Councillor Peers said that the shortfall was recognised in the officer's report and added that the travel plan did not make up for the shortfall in car parking spaces.

Councillor Richard Jones said that it was not beneficial to put forward reasons for refusal if the requirement was in line with the Council's policies. He said that the travel plan would be seen as a benefit by an inspector and that there would be no grounds to defend it at an appeal. He said that the three reasons reported were defensible and that the additional reason of car parking was not defensible and should not be included. Councillor Gareth Roberts said that the maximum standard was for 150 car parking spaces and that the developer was

providing 116 spaces. He said that the travel plan should mean that more parking spaces would be required. He concurred that it should be included as a reason for refusal.

The Democracy & Governance Manager reminded Members about paragraph 8 in the Circular on the award of Costs against Councils and advised that as the amount of car parking spaces to be provided was less than the maximum, then it complied with the Council's policies and that an award of costs against the Council could be applied on an appeal.

Councillor Jones requested a recorded vote but was not supported by the requisite number of Members.

On being put to the vote, the proposal to amend the recommendation to include a fourth reason for refusal about under provision of car parking was CARRIED. This became the substantive motion and on being put to the vote, was also CARRIED.

In response to a query, the Head of Planning advised that it was reported that he would draft the additional reason for refusal if Members proposed reasons in addition to those specified at paragraph 7.01 (1).

RESOLVED:

- (a) That the wording of the draft reasons for refusal relating to lack of affordable housing, unsatisfactory access proposals and inadequate play and open space provision in relation to application 048042 are confirmed by Members; and
- (b) That an additional reason for refusal on the grounds of under provision of car parking be included and the wording delegated to the Head of Planning.

69. **GENERAL MATTERS - APPLICATION FOR OUTLINE PLANNING PERMISSION - DEMOLITION OF EXISTING PUBLIC HOUSE, BETTING OFFICE AND DWELLING AND ERECTION OF 8 NO. APARTMENTS AT 11 HIGH STREET & 'BAGILLT ARMS' HIGH STREET, BAGILLT (047389)**

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 officer explained that the application had been considered by the Planning and Development Control Committee on 13 July 2011 and that it was resolved that conditional planning permission be granted subject to the applicants entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £733 per unit in lieu of on site open space provision. The late observations provided clarification that permission was also subject to the completion of a legal obligation to ensure the occupiers of the proposed units met local housing needs. It was reported that a significant amount of correspondence had been exchanged with the applicant but that it had

not been possible to complete the necessary legal obligation. The application was therefore recommended for refusal.

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

RESOLVED:

That planning permission be refused as the proposed development does not make provision for the completion of a Section 106 Obligation/Unilateral Undertaking for:-

- (a) the payment of a commuted sum of £733 per unit in lieu of on site open space provision
- (b) ensuring that the dwellings meet local housing needs.

70. **GENERAL MATTERS - FLINTSHIRE COUNTY COUNCIL'S NORTHERN GATEWAY MASTERPLAN FRAMEWORK**

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 officer detailed the background to the report and explained that the Northern Gateway site was a major mixed use development site allocated in the adopted Unitary Development Plan (UDP) under Policy HSG2A. The site was in two ownerships and the owners were pursuing development on their own land holdings via separate planning applications. The Masterplan Framework drew together Flintshire County Council's strategic requirements for the development of the site. Consultation had been undertaken with both landowners and the Masterplan had been considered by Planning Strategy Group at its meeting on 26 July 2013. Comments from Pochin/Goodman were reported in the late observations particularly about specific timescales for the provision of an integral highway link. The officer explained that negotiations were still ongoing about highways and it was therefore not appropriate to include timescales for the link.

Councillor Christine Jones proposed the recommendation for approval which was duly seconded. Councillor Jones and Councillor Alison Halford congratulated the officer for her report and her work on the Masterplan.

Councillor David Evans queried whether it would hold up the development of the site if the details for the provision of the link road were not included.

Councillor Mike Peers welcomed the report and spoke of the discussions at Planning Strategy Group about the potential for using the River Dee to move goods. He said that he would like to see how its use could link up with the railway station and asked whether the provision of an interchange could also be considered.

In response to the comment from Councillor Evans, the officer explained that it was difficult to specify what the threshold of the development would be for

the requirement of a road as negotiations were still ongoing. However, its provision could be controlled on any reserved matters applications by conditions and a section 106 obligation.

RESOLVED:

That the content of the Framework Masterplan document be approved.

71. **APPEAL BY BROCK PLC AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION AND OPERATION OF AN INTEGRATED WASTE MANAGEMENT FACILITY AT PINFOLD LANE QUARRY, ALLTAMI - DISMISSED (043948)**

RESOLVED:

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

72. **APPEAL BY MR. STEWART RUMNEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL BUILDING TO B2 IN PART (50%) WITH REMAINING 50% TO REMAIN AGRICULTURAL AT BANDEL DAIRY FARM, BANDEL LANE, PENYMYNYDD - DISMISSED (048595)**

RESOLVED:

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

73. **APPEAL BY MR. PAUL SCHLEISING AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A BALCONY TO REAR OF DWELLING OFF SUNROOM AT 11 MANOR PARK, SYCHDYN - DISMISSED (050184)**

RESOLVED:

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

74. **APPEAL BY MR. ANDREW ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DOUBLE GARAGE AT SEA VIEW, MAIN ROAD, FFYNNONGROYW - DISMISSED (050334)**

RESOLVED:

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

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

There were 27 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.55 pm)

.....
Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (035575) AT CROES ATTI, CHESTER ROAD, OAKENHOLT.**

APPLICATION NUMBER: **050967**

APPLICANT: **PERSIMMON HOMES NW LTD**

SITE: **CROES ATTI, CHESTER ROAD, OAKENHOLT**

APPLICATION VALID DATE: **03/07/2013**

LOCAL MEMBERS: **CLLR. R. JOHNSON**

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST DUE TO IMPACT OF NEW ROUNDABOUT RELATED TO THE DEVELOPMENT AND LACK OF PARKING**

SITE VISIT: **YES – MEMBER REQUEST DUE TO ISSUES RAISED ABOVE**

1.00 SUMMARY

- 1.01 This full application as originally submitted proposed 55 No. dwellings (later amended to 52 No. dwellings), and associated works on land at Croes Atti, Chester Road, Oakenholt. The site forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The current application site forms part of the first phase of development which already has reserved matters approval for 189 no. dwellings. The previously granted outline scheme/reserved matters applications have been

subject to extensive negotiations between the applicant and the Council. The design concept for the site is that of providing modern residential neighbourhoods which have a strong local identity and encourage a sense of community. The current application amends house types on part of the site previously permitted. The proposed house types are mainly two storey although there are a number of 3 storey houses which vary in design from terraces to semi-detached and detached dwellings.

1.02 The issues for consideration are the principle of development, design/appearance, visual/residential impacts, highway impacts and flooding/drainage.

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

2.01 That conditional planning permission be granted subject to conditions.

Conditions

1. In accordance with approved plans.
2. Previous outline conditions to apply unless otherwise superseded by this permission.
3. Notwithstanding the submitted details, a schedule of materials to be submitted to and approved prior to being used, unless otherwise agreed in writing with the Local Planning Authority.
4. Archaeological watching brief
5. Landscaping details and boundary treatment to include for a 1.8 m high close boarded fence to No.7 Bennett's Row
6. Removal of permitted development rights for any additional windows at first floor level to plot 40 and obscure glazing of first floor side gable windows
7. Finished floor levels of dwellings to be submitted for approval prior to commencement of development
8. Parking for the site to be provided in accordance with details submitted for the approval of the Local Planning Authority and with particular reference to plot 48.
9. garages to be set back a minimum of 5.5 m behind the back of footway
10. Details to be submitted for approval of traffic calming, signing, surface water drainage, street lighting and construction of internal estate roads prior to commencement of development
11. Submission for approval of positive means to prevent run off of surface water from any part of the site onto the highway

3.00 CONSULTATIONS

3.01 Local Member
Councillor Rita Johnson

Requests Committee determination and committee site inspection due to impact of new roundabout related to the development and lack of parking

Flint Town Council

No objections

Head of Assets and Transportation

No objections subject to conditions

Environment Directorate (Rights of Way)

No observations to make

Clwyd Powys Archaeological Trust

No comments other than the imposition of a watching brief condition

Head of Public Protection

No adverse comments.

Ramblers Association

No comment to make.

SP Energy Networks

Note to applicant advising of plant/apparatus in the proximity of the development.

Wales & West Utilities

No objections - Note to applicant advising of plant/apparatus in the proximity of the development.

Natural Resources Wales

No objections

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The proposed development has been the subject of a wide level of consultation. One objection has been received which is summarised as follows,

- The Croes Atti development Brief refers to 35 dwellings per hectare as does the UDP but the site will have a density of 43 per hectare which is unacceptable and could set a precedent for across the whole site which would impact on infrastructure /service provision, surface waters problems on Bennetts Row and the A548 and the town of Flint.

Another letter received raises issues of concern summarised as follows,

- Questions proximity and type of proposed landscaping adjacent to existing dwelling
- Seeks clarity on boundary treatment between existing and proposed dwellings
- Questions surface water drainage in the area in proximity to Bennett's Row and suggests the use of a soakaway
- Concerned over loss of privacy due to overlooking
- Concerned over increase in density to that previously approved
- Concerned over lack of parking for residents of Bennett's Row and Gardeners Row who cannot safely park on the highway where space is limited – requests developer to provide off road parking for those properties.
- The new roundabout serving the development has significantly reduced visibility making access unsafe for residents of Bennett's Row.

5.00 SITE HISTORY

5.01 98/17/1308

Outline residential development and associated recreational, community and retail was originally reported to committee on 14.12.99 which resolved to approve subject to a Section 106 Agreement – No decision was ever issued due to changed circumstances of the applicants.

035575

Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement - the agreement was signed and the permission issued on 11.7.06.

044035

Highway improvements, street lighting and all associated works, on land at Croes Atti, Chester Road, Oakenholt, in connection with the outline planning permission (ref. 035575) - Granted permission on 23rd April 2008.

044033

Reserved matters application - residential development consisting of 189 no. dwellings, public open space, new roundabout and all associated works at Croes Atti, Oakenholt - Granted 11th July 2008.

046562

Substitution of house types on plots 119, 124, 128-129, 131-132, 136, 138, 139, 142-144, 146-150, 160-163, 165-166, 170-177 and 183 on land at Croes Atti, Oakenholt, granted 11th July 2008.

046595

Reserved matters application for residential development consisting

132 no. dwellings, new roads, open space and all associated works on land at Croes Atti, Chester Road, Oakenholt, granted on 19th January 2012.

049312

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 – granted 5th April 2012.

049154

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted granted on appeal on 10th October 2012.

049425

Variation of condition no.15 attached to planning permission ref: 046595 at Croes Atti, Chester Road, Oakenholt – granted on appeal on 15th March 2013.

049426

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – withdrawn.

050300

Reserved matters application for erection of 312 residential dwellings and associated works at Croes Atti – granted on 3/4/2013.

050258

Amendment of house types of 50 of the previously permitted plots - permitted by Planning Committee on 19th June 2013 subject to the signing of a legal agreement.

050975

Plot substitution of house types on four plots – undetermined at time of report writing

051002

Application for approval of reserved matters on plots 1-14 – undetermined at time of report writing

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan (FUDP)

The FUDP shows the land as a housing commitment and outline

planning permission has now been issued in addition to reserved matters approvals. In the context of the development as a whole a large number of the policies of the plan are relevant but the most significant policy is Policy HSG2 - Housing at Croes Atti, Flint. Other relevant policies include D1-D4 which refer to design/location/layout/landscaping and Policy GEN1 (General Requirements for Development). The proposal is considered to accord with the aims of the relevant development plan policies.

7.00 PLANNING APPRAISAL

Proposed Development/Principle of Development

7.01 The site forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The previously granted outline scheme and reserved matters applications have established the principle of residential development on the site. The design concept for the site is that of providing modern residential neighbourhoods which have a strong local identity and encourage a sense of community.

7.02 In design terms the current application site forms part of the first phase of development which already has reserved matters approval for 189 no. dwellings. The previously granted outline scheme/reserved matters applications have been subject to extensive negotiations between the applicant and the Council. The current application amends house types on part of the site previously permitted. The proposed house types are mainly two storey although there are a number of 3 storey houses which vary in design from terraces to semi-detached and detached dwellings.

Design and appearance

7.03 The proposed scheme is designed to link into the proposed new distributor road which is to serve the overall site. The density and character of proposed properties within the site vary in design from two storey terraces, semi-detached and detached dwellings. The density of this part of the site is marginally higher than that previously permitted (it increases by approximately 1 dwelling from 51 to 52 dwellings). The UDP Policy HSG8 refers to density of development and states that it is possible through innovative design to build higher densities without compromising the overall quality of a scheme or resulting in over development. It is not considered that the overall increase in numbers on this part of the site by 1 dwelling would be detrimental in density terms.

7.04 The road serving the site has been designed where the building blocks are relatively close to the distributor road which assists in creating a sense of enclosure and active frontage. Visually the observer's eye should be drawn to properties of interest.

- 7.05 The proposed dwellings as amended are considered sympathetic to existing development where the vernacular is Victorian but where more recent development is of modern designs dating from the 1950's onwards. The proposed designs include simple pitched roofs, detailed brick band courses, variations to head/cill treatments, contrasting ridge tiles, and a unifying palette of materials including brick and render.

Effect on adjacent/future residential amenities

- 7.06 The proposed development is generally currently bordered on all sides by either existing open countryside or previously permitted parcels of land which will have either housing or open space. To the north east of the site is Bennetts Row – a terrace of traditional two storey properties. The proposed dwellings are either considered to be located at some distance away from existing residential properties or orientated in such a way as not to be detrimental to their amenities by way of overlooking or physical proximity. Concern has been raised by a resident of Bennett's Row in regards to overlooking/privacy however the proposed dwellings have back gardens facing onto Bennett's row and there is a considerable distance between the existing garden at Bennett's row and the majority of the proposed dwellings which in regards to overlooking is considered to negate the issue. The closest new dwelling to No. 8 Bennett's Row is a side gable facing property which is off set to the front of the existing terrace. In the interests of privacy this gable wall can be conditioned to restrict any future windows at first floor level without formal planning approval and the obscure glazing of any proposed first floor gable windows. No.7 Bennett's Row has referred to the adequacy of landscaping/boundary adjacent to their property – this can be conditioned via planning condition where lower level shrubs can be planted to the boundary in addition to a close boarded 1.8 metre fence to the garden boundary with the existing property.

- 7.07 As regards future residential amenities, the proposed dwellings are considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal public open spaces.

Provision of Public Open Space

- 7.08 The site would benefit from the previously approved formally laid out "village green" which would include a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi Use Games Area (MUGA) which forms part of the wider open space allocation for the overall site. The proposed public open space across the site is generally well overlooked as regards passive surveillance from nearby dwellings, and also benefits from active frontages which assist in providing safer environments.

Affordable Housing

- 7.09 The original outline planning permission for the overall site required that if justified, up to 10% of dwellings on the site should be social/affordable and was secured via a Section 106 legal agreement. The exact location of affordable units within the overall development has yet to be determined, however, the final figure will have to be in accordance with the terms of the Section 106 legal agreement. In regards to this specific application the applicant has identified 5 dwellings for affordable purposes. The Council's Affordable Housing Officer confirms the mix/tenure is acceptable.

Flooding/Drainage Issues

- 7.10 Whilst the representations regarding flooding in the locality are noted, however it should be noted that approx. £2.1 million has been spent for the off-site sewer works and these works include improvements to a pumping station which in addition to catering for the Croes Atti development will also generally improve drainage in the area. Also the current application site does have the benefit of planning permission already.

Highways

- 7.11 The proposed development will have its principal access point into the previously permitted distributor road for the site which in turn will ultimately feed into other points of access at the A548 Chester Road, Prince of Wales Avenue and Coed Onn Road.
- 7.12 Over the course of the overall development, the access component of the Croes Atti development has been the subject of extensive negotiations with the applicant. Due to highway concerns raised as part of the public consultation process in a previous reserved matters application, the applicant was requested to submit an updated Transport Assessment's modelling analysis which identified that the proposed A548 Chester Road Roundabout has adequate capacity to accommodate the expected traffic flows from the 683 dwellings. Traffic flows on the existing routes (A548, Prince of Wales Avenue, Albert Avenue and Coed Onn Road) were considered to be within theoretical capacities. Public transport links will be extended into the proposed development, subject to reaching agreement with local bus companies.
- 7.13 Cllr Johnson has raised concerns regarding the level of future vehicular traffic generated by the proposed development and its detrimental impact on the A548/roundabout and parking on the A548. The points raised are noted, however, this part of the site already benefits from planning approval. The relatively recently updated TA and appeal decision have reinforced the use of the proposed accesses for the overall site whether that be via the A548, Prince of Wales Avenue or Coed Onn Road. As part of the consultation process for this application the Council's Head of Assets and Transportation raised no objections to the proposed development.

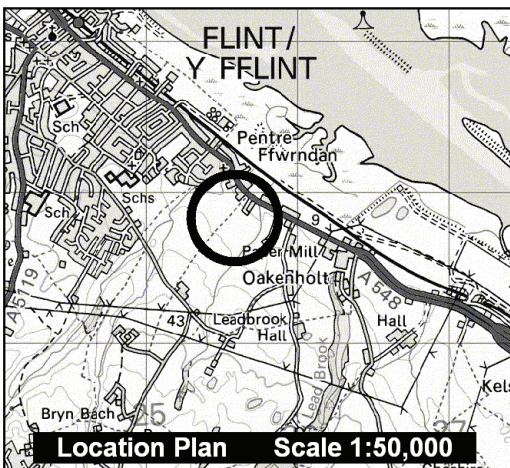
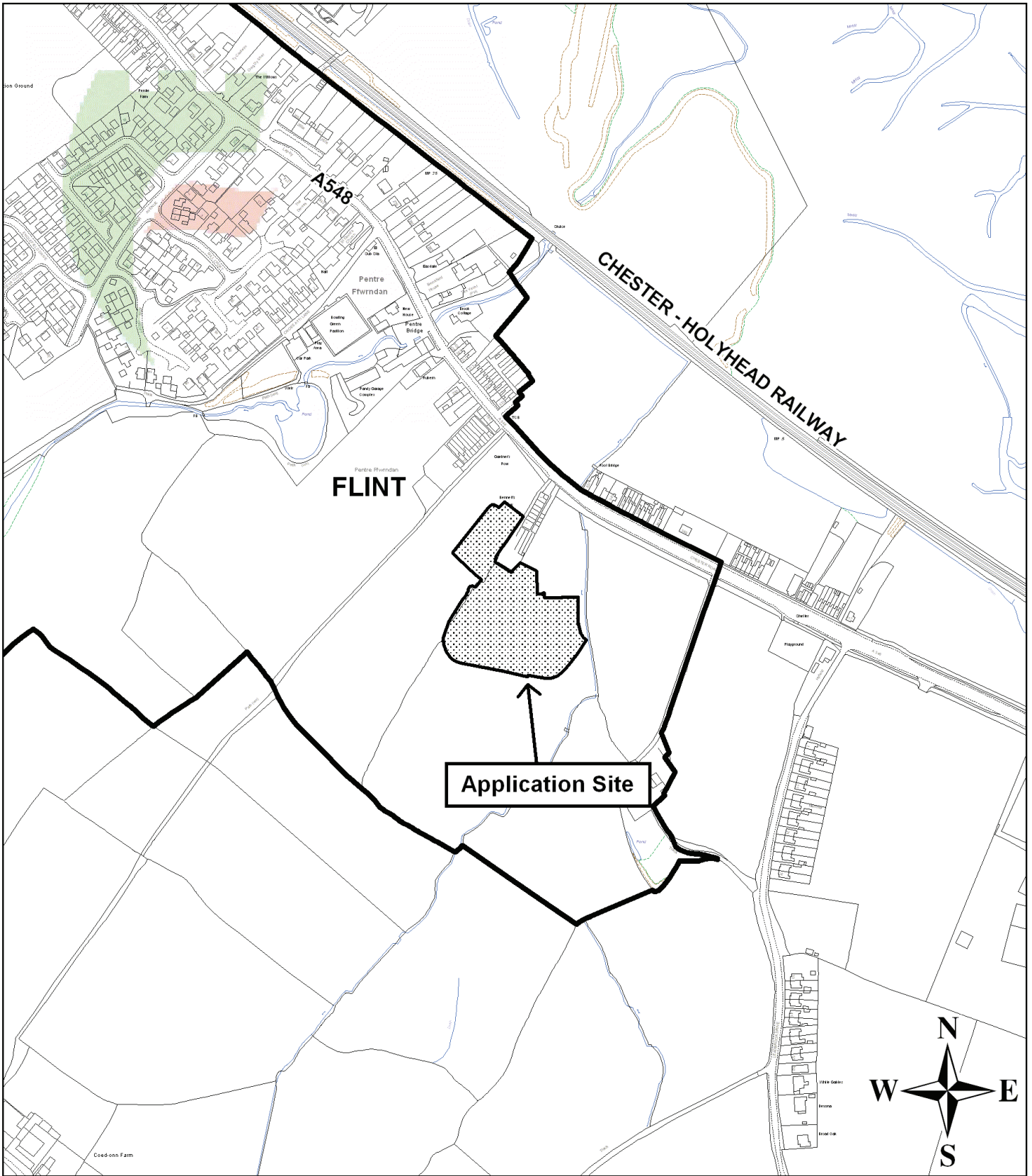
8.00 CONCLUSION

8.01 The proposed development in broad terms would allow for the replacement of existing permitted dwellings with amended house styles and is therefore acceptable in principle and design.

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
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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

OS Map ref SJ 2571

Planning Application **50967**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY 9TH OCTOBER 2013

REPORT BY: HEAD OF PLANNING

SUBJECT: RESERVED MATTERS APPLICATION – DETAILS OF APPEARANCE LANDSCAPING, LAYOUT AND SCALE SUBMITTED IN ACCORDANCE WITH CONDITION NO.1 ATTACHED TO PLANNING PERMISSION REF. 038189 AT BROUGHTON PARK, BROUGHTON, FLINTSHIRE

APPLICATION NUMBER: 050796

APPLICANT: BLOOR AND BELLWAY HOMES

SITE: BROUGHTON PARK, BROUGHTON, FLINTSHIRE

APPLICATION VALID DATE: 13/05/2013

LOCAL MEMBERS: COUNCILLOR W. MULLIN
COUNCILLOR D. BUTLER (ADJACENT WARD)
COUNCILLOR M. LOWE (ADJACENT WARD)

TOWN/COMMUNITY COUNCIL: BROUGHTON & BRETTON COMMUNITY COUNCIL

REASON FOR COMMITTEE: MEMBER REQUEST DUE TO THE LARGE SCALE OF DEVELOPMENT WHICH RAISES ISSUES OF PUBLIC CONCERN

SITE VISIT: YES - FOR SAME REASONS AS ABOVE (site visit undertaken prior to last committee)

Members will recall this application was deferred from September's Planning committee to allow for further discussions between officers and Local Members/Community Council in regards to a proposed footpath link from the development into the adjacent community council park and to clarify issues regarding the potential for an eastbound "off" slip road to serve Broughton from the A55. Following those discussions it was resolved that a direct footpath link from the site into the park was not required, however if at a later date a link was considered to be required then this could be achieved over public owned land via

Broughton Hall Road (in agreement with all interested parties). Consequently condition No. 7 mentioned in September's Planning Committee report regarding a footpath link has been deleted. As regards the A55 slip road issue, it was confirmed to the local members that the current application did not infringe the land which historically has been indicated as a possible slip road location.

1.00 SUMMARY

1.01 The proposal is a reserved matters application and was originally submitted for 272 dwellings (later reduced to 271). The application follows on from the grant of outline planning permission in September 2012. The reserved matters application relates to appearance, landscaping, layout, and scale. Access to the site was granted at the time of the outline planning permission. The site is currently grassed over, is relatively level, and bordered to the south & east by the A55/slip road, to the west by the existing dwellings and to the north by Broughton Retail Park. The issues for consideration are the principle of development/planning policy context, impacts on visual amenity, impacts on residential amenities, highways, ecology and drainage.

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

- 2.01
1. Five year permission
 2. Carried out in accordance with submitted details
 3. Samples of external materials to be agreed beforehand
 5. 1.8 m high close boarded fencing fitted to the rear of those proposed properties along the western boundary
 6. Identification of specimen trees to be planted at entrance to site and at important view points within the site.
 7. Exact specification of play equipment and MUGA to be further agreed
 8. Submission/implementation of a biosecurity risk assessment to consider disease prevention or the introduction/colonisation of invasive species
 9. The dense hedging along western boundary shall continue up to the proposed pumping station.
 10. No works to commence until an attached schedule of works details have been approved by the LPA
 11. No construction of dwellings until works mentioned in condition 10 has been completed.
 12. Forming and construction of site access not to commence until detailed design submitted for approval to LPA
 13. Site access to be kerbed and completed to base course layer up to entrance prior to any other site building operations
 14. Prior to commencement of any development, details for layout, design, means of traffic calming/signing, surface water drainage, street lighting and construction of internal estate roads submitted for approval to LPA

15. Gradient of access to be a minimum distance of 10m at 1:24 and a maximum of 1:15 thereafter
16. Positive means to prevent surface water run-off from any part of the site onto the highway to be submitted and approved by the LPA
17. Prior to commencement of development submission/approval of finished floor levels for dwellings

3.00 CONSULTATIONS

3.01 Local Members

Councillor W. Mullin

Requests the application be referred to Planning Committee due to scale of development.

Councillor D. Butler

Requests the application be referred to Planning Committee with a Committee Site Visit as it is a large development with issues and public concern.

Councillor M. Lowe

Requests the application be referred to Planning Committee due to scale of development.

Broughton & Bretton Community Council

No objection subject to the erection of a fence to ensure the integrity of the landscaped barrier between the development and properties on the Parkfield Estate.

Head of Assets and Transportation

No objection subject to conditions

Public Rights of Way

No observations

Head of Public Protection

No adverse comments

Natural Environment Wales

Not likely to cause any adverse impacts on any natural heritage interests. No objection to the proposal

Airbus

Awaiting final response

Clwyd-Powys Archaeological Trust

No comments

Coal Authority

No observations

British Pipelines Agency

Will not affect pipeline interests in area

4.00 PUBLICITY

Press Notice, Site Notice, Neighbour Notification

4.01 The proposed development has been advertised by way of press and site notices and neighbour letters. 5 letters have been received, summarised as follows,

- Objects to the development in principle as it would lead to development on a green field site and will generate more traffic and put increase pressure on local services such as the school and doctors surgery
- Requests that more public open space is provided with landscaping for amenity, recreational and conservation reasons
- Considers the landscaped buffer strip to the western boundary should be enlarged in the interests of residential amenity
- Objects to the type/mix of planting which is considered inadequate in landscape amenity terms and concerned over any future maintenance arrangement
- Existing landscaping on the site should be retained
- Object to the landscaped buffer zone being used as a future walkway and considers there should be a metal fence boundary separating the buffer from the proposed dwellings to prevent access and generally lead to a safer environment.
- The proposed housing mix is inadequate as it lacks bungalows for the elderly
- Construction hours and dust suppression should be restricted as per the outline planning permission
- There should be no storage of construction material in the open
- Concerned over traffic impacts and congestion and noise from the increase in vehicles visiting the site and the fact that the site will have only one point of access onto the Broughton Hall Road at a point where large volumes of traffic converge
- Hooded street lighting should be utilised in the interests of residential amenity, questions if the lighting can be switched off late at night to prevent light pollution
- Concerned over the drainage arrangements for the site and the impacts on wildlife and protected species
- Queries the height of the proposed landscaped acoustic bund
- Concern raised over the design and height of houses which may look intrusive in the Broughton skyline

5.00 SITE HISTORY

5.01 The site most recent and relevant planning history is detailed as follows,

038189

Outline for residential development together with formation of new access granted on appeal subject to conditions on 25th September 2012.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 New Development

Policy STR2 Transport and Communications

Policy STR4 Housing

Policy STR11 Sport, Leisure and Recreation

Policy GEN1 General Requirements for Development

Policy GEN2 Development Inside Settlement Boundaries

Policy D1 Design Quality, Location and Layout

Policy D2 Design

Policy D3 Landscaping

Policy D4 Outdoor Lighting

Policy D5 Crime Prevention

Policy AC2 Pedestrian Provision and Public Rights of Way

Policy AC3 Cycling Provision

Policy AC13 Access and Traffic Impact

Policy AC18 Parking Provision and New Developments

Policy HSG8 Density of Development

Policy HSG9 Housing Mix and Type

Policy HSG10 Affordable Housing Within Development Boundaries

Policy SR1 Sports, Recreation or Cultural Facilities

Policy EWP17 Flood Risk

Planning Policy Wales

7.00 PLANNING APPRAISAL

The Proposed Development

7.01 The proposal is a reserved matters application for 271 dwellings following on from the grant of outline planning permission in September 2012. The reserved matters application relates to appearance, landscaping, layout, and scale. Access to the site was granted at the time of the outline planning permission. The site, which is roughly triangular in shape, is currently grassed over, is relatively level and bordered to the south & east by the A55/slip road, to the west by the existing dwellings and to the north by Broughton Retail Park.

7.02 In summary, the application is further detailed as follows

- A mixture of 2, 3, 4 & 5 bed dwellings. 30% will be made available for affordable housing in line with the outline planning permission.
- Properties will be either two or two and a half storey in scale
- External materials will vary from brick to render with tiles to the roof
- The main public open space will take the form of a “village green” which will be the focus of both informal and formal play and recreation within the development
- A hard surfaced area for informal/formal outdoor recreation will take the form of a multi use games area (MUGA) which will be located near to the site entrance to maximise its accessibility for children living in the local vicinity
- A landscaped buffer to the western boundary along with a close boarded fence shall separate the development from the existing residential properties
- An acoustic mound/screen along the southern boundary with the A55 is to be provided

7.03 The Principal of Development

The Flintshire Unitary Development Plan (FUDP) shows the land as a housing commitment and outline planning permission has now been issued. The proposed development is therefore considered acceptable in principle.

7.04 Impact on Residential Amenity

The proposed site is triangular shaped which is bordered on one side by the A55, the other by the A55 slip road/roundabout and to the other by the community council park/existing residential properties. The proposed dwellings are considered to be located at some distance from existing residential properties with average separation distances well in excess of the Council’s standards. The existing residential properties will also have a planted landscaped buffer and close boarded fencing separating it from the existing residential properties. The proposed development is therefore not considered to be detrimental to the amenities of adjacent properties.

7.05 As regards future residential amenities, the proposed dwellings are considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal open space within the site. Along the southern boundary of the site with the A55 there will be an acoustic bund/fence which will measure approximately 3 metres in height (and with mature landscaping likely to add several more metres). The Head of Public Protection has not raised any objections to the proposed development. Dwellings will be located adjacent to the A55 where there will be potential for car borne noise; however, the proposed acoustic screen/mound along the southern boundary of the site will

reduce potential noise to within acceptable limits.

Highways

7.06 The proposed development would be accessed via the existing roundabout onto the Broughton Hall Road. Access for the development was permitted as part of the granting of the outline planning permission. In line with the requirements of the outline planning permission the proposed development also provides for the following,

- The provision of a bus stop/layby within the site together with associated bus shelter and real time information display. The Head of Assets and Transportation has not raised any objections to the detailed design of the highway works associated with the proposed development.
- The provision of a pedestrian/cycle crossing from the site over to the northern side of the Trunk Road slip roads or the Trunk Link Road (a detail to be discharged as part of the outline planning permission)
- The provision of a pedestrian and cycle route linking the site with Broughton Hall Road (a detail to be discharged as part of the outline planning permission)

Design and Appearance

7.07 The proposed dwellings would vary in height from 2 to 2 1/2 storey and would include a mixture of external materials including brick and render. The density and character of the proposed properties varies within the site from two bed FOGS (flat over garage) up to 5 bed dwellings. There are apartments, terraces, semi detached and detached properties. The density of properties across the site is in line with the requirements of the outline planning permission which stated that the development should not exceed 282 dwellings (the proposed development falls short of that by 11 dwellings).

7.08 In design terms the observer's eye should be drawn down the main internal road which serves the site. The proposed designs included brick band courses, variations to head/cill treatments, contrasting use of ridge tiles, and a unifying palette of materials including brick and render. The primary street scenes are considered to have an active frontage and a sense of enclosure in places. The proposed development is therefore acceptable in design and appearance.

Provision of Public Open Space

7.09 The site would benefit from a central formally laid out public open space which the developer describes as a "village green". This area will be mainly grassed over, however there would be some tree planting and also hedging to its boundaries. The main area of public open space would also have a children play area with a minimum of twelve pieces of play equipment and a mini football pitch.

- 7.10 A hard surfaced area for informal/formal outdoor recreation will take the form of a multi use games area (MUGA) which will be located near to the site entrance to maximise its accessibility for children living in the local vicinity. The Council's Public Open Spaces Manager is satisfied the proposed POS areas are acceptable subject to a condition on the exact detail of the specification for the twelve pieces of play equipment and MUGA.
- 7.11 Within the overall site there are other areas of informal landscaping e.g. the entrance to the site/roundabouts and many trees/shrubs are to be planted within the street scenes across the site.
- 7.12 Both principal areas of POS are considered to benefit from passive surveillance from nearby dwellings and also in the main benefit from adjacent active frontages which assist in providing safer environments.

Affordable Housing

- 7.13 The outline planning permission required 30% affordable housing in line with the FUDP. The overall site will have 271 dwellings on it which equates to a total of 81 affordable units. The exact location of the affordable units within the site has been identified as part of the details submitted. The affordable units shall be on a shared equity basis. The Council's Affordable Housing Officer confirms the mix/tenure of units is acceptable. The proposed units are reasonably spread across the site and in the main relate to 3 bed dwellings.

Other Issues

- 7.14 As part of the outline planning permission the applicant was required to pay a sum of £500,000 with the monies being paid prior to the occupation of the first dwelling on the site being occupied. The educational contribution shall provide for increased classroom provision in primary and/or secondary schools that would potentially cater for occupants of the development. The allocation of this resource would be the responsibility of Education's Head of Resources.
- 7.15 As regards ecology matters, Natural Resources Wales has not raised any objections to the proposed development. Drainage for the development is subject to the requirement of conditions imposed on the outline planning permission.

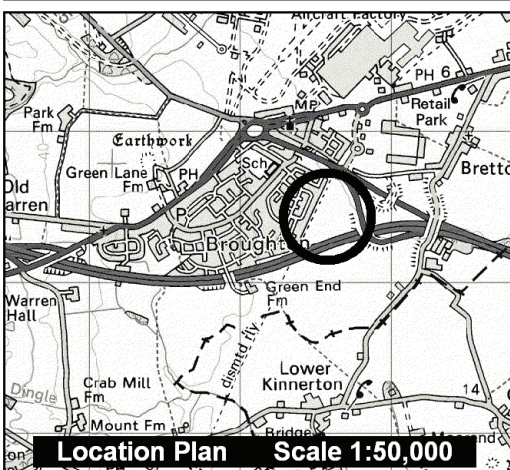
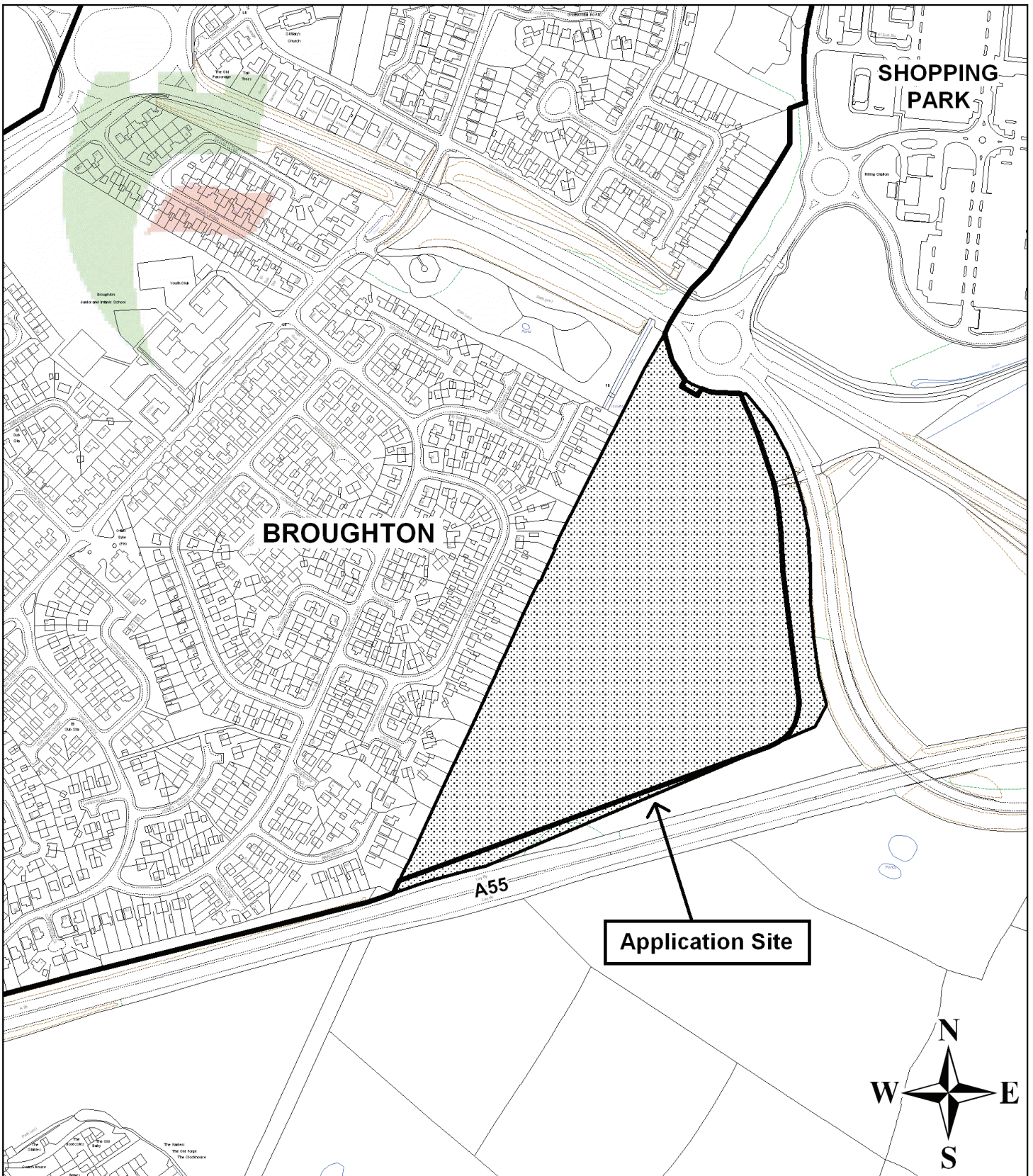
CONCLUSION

- 8.01 The proposed development is considered acceptable subject to the conditions referred to at paragraph 2.01 of this report.
- 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

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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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OS Map ref SJ 3463

Planning Application 50796

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 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: **051119**

APPLICANT: **AIRBUS UK**

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

APPLICATION VALID DATE: **13TH AUGUST 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 5,008 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 5.15m. AOD.
6. Scheme to be submitted and approved for the provision of surface water drainage.
7. 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.
8. Lighting columns to be no more than 15 m high and exact design submitted for approval beforehand
9. Any landscaping scheme to be seeded with a bird strike mix to minimise bird attraction

3.00 CONSULTATIONS

3.01 Local Member

Councillor B. Mullin

Agreed to a delegated determination

Adjacent Ward Members

Councillors D. Butler & M. Lowe

Agreed to a delegated determination

Broughton & Bretton Community Council

No objection.

Head of Assets & Transportation

No objection subject to condition

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 objections subject to conditions

Aerodrome Safeguarding Engineer

No objection subject to conditions

Clwyd-Powys Archaeological Trust

No archaeological implications.

Coal Authority
No observations

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:-

050597

Full application for the construction of a Beluga Line Station and ancillary development, granted planning permission in May 2013

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.

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.

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 5,008 m² of gross external floorspace.
- A Beluga Line Station building with an integral three storey office/welfare building (over 3 floors) and associated apron leading to existing runway.
- A GSE shelter (for storage of support and equipment used in the Beluga transportation process).
- The buildings are 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.

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. Members will recall a similar type of development to that proposed was approved in May of this year by the Planning Committee. Since granting that approval Airbus has amended the scheme, which whilst broadly speaking is similar to that previously approved, nonetheless required a fresh planning application.

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. As detailed at para 7.03 of this report a similar type of development has been permitted in May of this year. Therefore in broad policy terms and bearing in mind the recent planning approval, the proposal is acceptable in principle.

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 6.36 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, subject to a condition which requires retention of parking facilities within the overall site as previously approved.

7.07 Drainage

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

7.08 Ecology

The applicant has submitted an Extended Phase 1 Habitat Survey of the site which aimed to provide an initial appraisal of the ecological value of the site and local ecological resource. The site is not located within any known statutory designated site. Neither the Council's

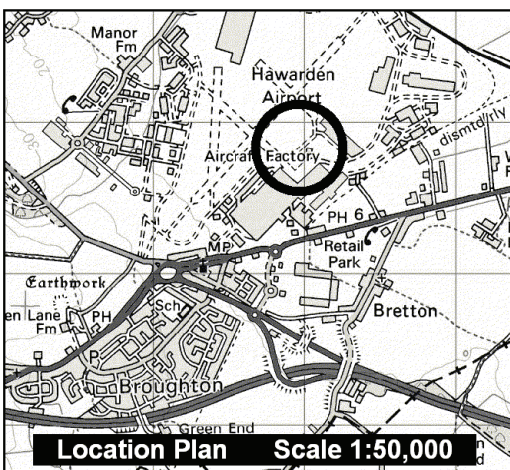
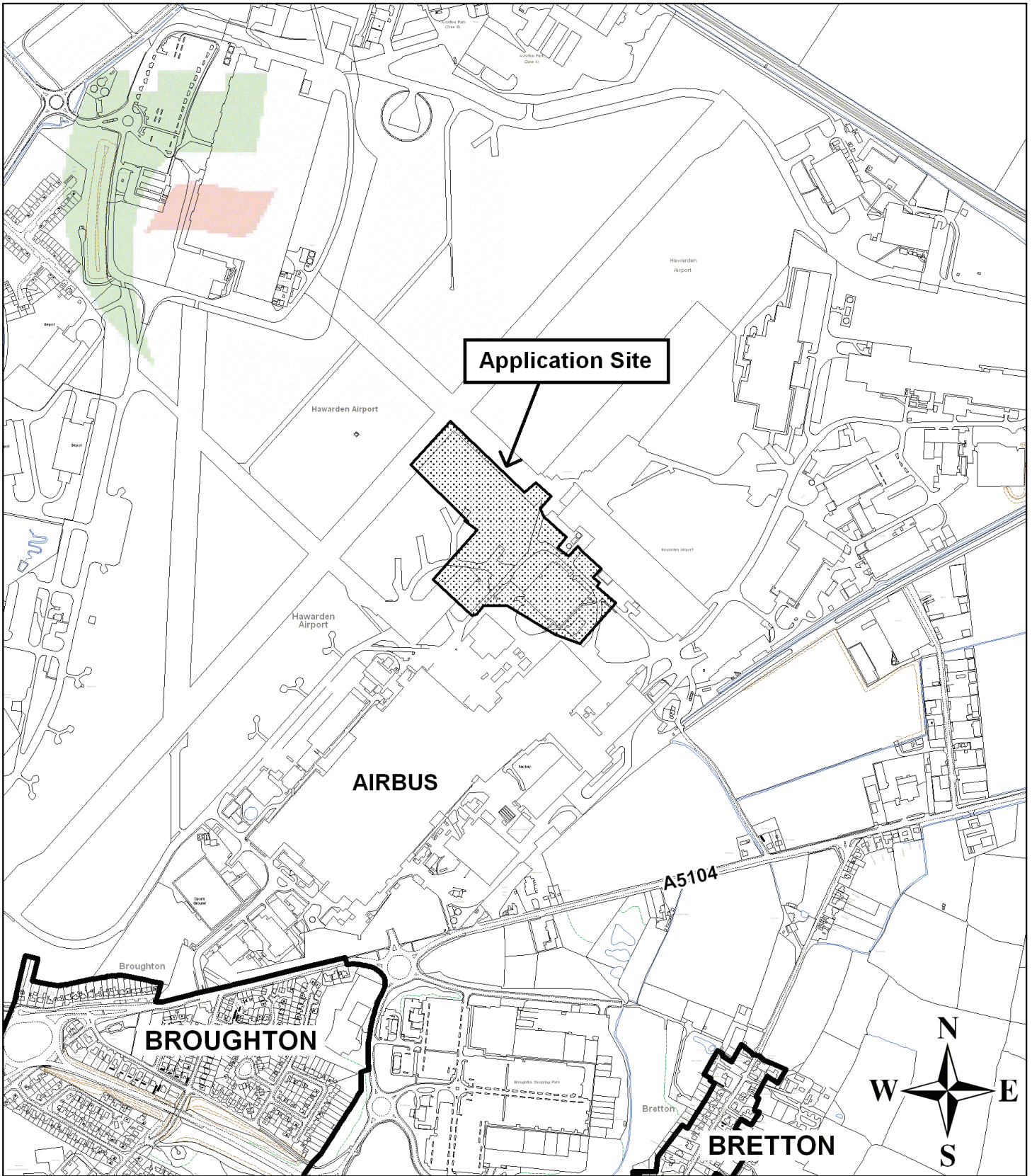
Ecologist nor Natural Resources Wales have raised any objections to the proposed development.

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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Planning Application 51119

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9th OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – CHANGE OF USE FROM AGRICULTURAL TO CARAVAN PARK WITH 27 NO. SPACES INCLUDING THE CONVERSION OF AGRICULTURAL SHED INTO CAMPSITE AND FISHING FACILITIES, CONVERSION OF BARN INTO SITE MANAGERS DWELLING, FORMATION OF AN ACCESS, CONSTRUCTION OF FISHING POOLS, PARKING AND ANCILLARY WORKS AT LAND OPPOSITE STAMFORD WAY FARM, STAMFORD WAY, EWLOE**

APPLICATION NUMBER: **050839**

APPLICANT: **MR JAMES WOODCOCK**

SITE: **LAND OPPOSITE STAMFORD WAY FARM, STAMFORD WAY, EWLOE**

APPLICATION VALID DATE: **24/05/13**

LOCAL MEMBERS: **COUNCILLOR A HALFORD**
COUNCILLOR D MACKIE

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT (APPLICATION SITE IS OVER 2 HECTARES)**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for a the change of use to a touring caravan site forming 27 pitches, the creation of fishing ponds and the conversion and extension of existing buildings to form café, toilet and shower facilities and a managers dwelling. The proposal also involves

the creation of a new access, demolition of buildings fronting the main road, formation of driveway and car parking areas and fencing and landscape planting.

- 1.02 This application is the resubmission of application 049803 which was refused at Planning and Development Control Committee on 10th October 2012 on green barrier grounds.
- 1.03 The issues for consideration are the principle of the development in planning policy terms; the effect on the openness of the green barrier; the effect on the visual appearance and character of the open countryside and the extension to the barn to form a dwelling.

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

- 2.01
1. Time implementation.
 2. Compliance with submitted information and amended plans.
 3. Samples of all external materials
 4. Provision of 2.4m x 160m visibility splays in both directions.
 5. Visibility splays kept free of all obstacles during construction.
 6. Provision and retention of loading, unloading, parking and turning facilities.
 7. Closure of existing access and creation of new access prior to commencement of any other development
 8. Submission, approval and implementation of detailed landscape scheme, including details of grasperete surfaces to caravan bases.
 9. Removal of permitted development rights on all future openings (windows/dormer windows etc) for dwelling
 10. Removal of permitted development rights on all future extensions, outbuildings, porches etc for dwelling
 11. Caravan site operating months between 1st March & 31st October.
 12. Occupation of house tied to management of caravan site and fishing lakes.
 13. Commercial use to be established prior to conversion/occupation of house.
 14. Mitigation for barn owls and swallows and implementation of ecological recommendations
 15. Surface details of car parking areas and access track to be submitted.
 16. Submission and approval of lighting scheme.
 17. Touring caravans only
 18. Caravans to be used for holiday purposes only.
 19. Submission of details of the caravan waste compound and refuse compound.
 20. Submission of details of the play area.
 21. No external storage except in maintenance area.

3.00 CONSULTATIONS

3.01 Local Member
Councillor A Halford
No response received.

Councillor D Mackie

There are many issues to consider and the applicant has submitted a number of surveys relating to ecology and habitat. There is also the impact on the green barrier.

Hawarden Community Council

Object on the grounds of;

- green barrier
- concerns on its impact on the water supply to properties in the locality
- traffic hazard created by the proposed access

Head of Assets and Transportation

No objection subject to conditions covering;

- visibility splay of 2.4m x 160m in both directions
- visibility splays kept free from obstructions during all construction works
- siting, layout and design of the means of site access to be agreed
- adequate facilities shall be provided and retained within the site for the loading, unloading parking and turning of vehicles

Head of Public Protection

No adverse comments to make.

Welsh Water/Dwr Cymru

No response received at time of writing.

Natural Resources Wales

No objections in principle to the proposed development. As private drainage is proposed to be used discharges above 5m³ to surface water require an environmental permit.

SP Energy Networks

Have plant and equipment in the area and the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

10 letters of objection on the grounds of;

- Out of character with the rural area and landscape

- This is green barrier and would affect the coalescence between Northop Hall and Ewloe
- Would affect openness of rural area and green barrier contrary to GEN4
- Would lead to conflict between the adjacent use of the cattery and kennels due to noise disturbance to the new use
- Intensive development on a small site
- Impact on SSSI Connah's Quay Ponds and Woodlands and Ewloe Wood Ancient Woodland and Deeside and Buckley Newt SAC
- Impact on surrounding farmland
- Impact on drainage system of adjacent land
- Access is dangerous, as is the existing access for adjacent business
- 60mph road and caravans move slowly
- Does not comply with Policy GEN1 a), d) g) h) and i) of the UDP
- Hedge planting will take a while to establish therefore visual impact of caravans will be greater
- Impact on the amenity of the area contrary to policy T6 of the UDP
- No mains drains in the area
- No footpaths on the south side of the B5125
- Other application for a caravan site in the green barrier was refused
- Fishing and youngsters don't mix
- Visual impact of caravans
- Light pollution
- Noise associated with 27 caravans

3 letters of support

- No objection to a dwelling as a replacement or conversion of the existing agricultural building.
- Jobs are needed
- Will bring tourism to the area and there are other facilities in the area for users of the caravan site to use in Deeside
- Fishing is need in this area to relieve pressure on Wepre Park and the SSSI site
- Have to travel further afield for fishing facilities such as this at present

5.00 SITE HISTORY

5.01 047414 Application to close up existing access, provision of a new vehicular access and demolition of farm building. Permission refused July 2010. Appeal dismissed in Oct 2010.

049803 Change of use from agricultural to caravan park with 27 spaces including the conversion of barn into residential and

agricultural shed into campsite facilities, demolition of existing outbuildings, formation of an access, construction of fishing pools, parking and ancillary works. Refused 12.10.12. Appeal lodged but not progressed.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan policies:

STR1 New Development

STR6 Tourism

GEN1 General Requirements for Development

GEN3 Development in the Open Countryside

GEN4 Green Barriers

D1 Design Quality, Location and Layout

D2 Design

D3 Landscaping

L1 Landscape Character

WB1 Species Protection

AC13 Access and Traffic Impact

AC18 Parking Provision and New Development

HSG7 Change of use to Residential Outside Settlement Boundaries

RE4 Small Scale Rural Enterprises

SR2 Outdoor Activities

T6 Touring Caravan Sites

TWH2 Protection of Hedgerows

Planning Policy Wales

TAN 6 Planning for Sustainable Rural Communities

TAN 13 Tourism

Local Planning Guidance Notes:

5 – Conversion of Rural Buildings

10 – New housing in the open countryside

11 – Parking standards

The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for a the change of use to a touring caravan site forming 27 pitches, the creation of fishing ponds and the conversion and extension of existing buildings to form café, toilet and shower facilities and a managers dwelling. The proposal also involves the creation of a new access, demolition of buildings fronting the main road, formation of driveway and car parking areas and fencing and landscape planting.

7.02 This application is the resubmission of application 049803 which was

refused at Planning and Development Control Committee on 10th October 2012. The reason for refusal was “The site is located within open countryside and within the designated green barrier as defined in the adopted Flintshire Unitary Development Plan. The proposed development is an inappropriate use which would unacceptable harm the open character and appearance of the green barrier and contributes to the coalescence of settlements and is therefore contrary to Policy GEN4 of the Flintshire Unitary Development Plan.”

7.03 Site Description

The site is located on the south side of Stamford Way, opposite Stamford Way Farm, between Northop Hall and Ewloe. It lies in open countryside within the green barrier.

7.04 The application site is a field of 2.5ha (6.3 acres), bounded on all sides by hedgerows containing some trees. There is an existing vehicle access at the eastern end of the site frontage. The site contains three former agricultural buildings, one on the road frontage, and the other two are further inside the site. The site is no longer part of a working farm and the buildings are unused. The field slopes down gradually from north to south, away from the road. There are power lines running across the site. There is a residential property the former farm house which is in separate ownership, opposite the application site. There is a boarding kennels and associated dwelling located to the east of the site.

7.05 Proposal

The proposed development comprises:

- creation of a new access and closure of the existing access;
- demolition of a brick and slate farm building located on the road frontage;
- conversion and extension of a barn to a dwelling;
- conversion and extension of an agricultural building to caravan site facilities;
- access driveway;
- 2 fishing pools with central islands;
- 1 specimen pool and a wildlife pond;
- car park for fishing pools, including disabled spaces;
- play area;
- 27 caravan pitches
- landscaping.

7.06 The primary use of this development is to create recreational fishing ponds. The proposal would create 2 fishery pools with 38 angling pitches and a specimen pool with 8 pitches. The recreational fishing pools would have a surface water area of 650m² located at the southern end of the site. The proposed 27 touring caravan pitches is to provide accommodation for visiting anglers, although would be open to non-anglers. This is located between the buildings and the

fishing ponds. The fishing ponds and caravan site will be screened by substantial landscaping and planting. Oak trees will be planted between the caravan site and fishing pools. Around the fishing pools will be grassed areas with shrubs.

- 7.07 It is proposed to convert the existing barn into a three bedroom dwelling as manager's accommodation. The existing barn is of stone and brick construction with a slate roof. This building is attractive and of architectural merit. It has a two storey element measuring about 8.8m long x 5.7m wide x 6m high and a single storey element measuring about 12m long x 6m wide and about 4.5m high. The conversion would involve new roof lights on the rear elevation. To the rear would be a single storey 9m x 9m x 4.3m high extension for a bedroom, sitting area and living room. The extension would be rendered with a slate roof. The dwelling would have private amenity space to south and its own internal access and parking area.
- 7.08 The existing brick agricultural building would be converted to form a café, reception, toilet/showers, kitchen and maintenance/storage area as facilities for the fishing and caravan enterprises. The existing building measures approximately 14m x 10.5m x 5m high, with a small projection of 6m x 3m x 4m high, would be extended by 7m x 6m to provide. The building would retain a brick external finish, with vertical timber cladding to gable ends above eaves level and a grey sheeted roof. A formal play area is also provided between the café and the caravan pitches.
- 7.09 The new access would be formed at the western end of the road frontage and serve a road through the site to the caravan park. This requires the removal of the existing roadside hedge and the erection of a 1.5m high post and rail fence with new hedge planting. 7 parking spaces would be provided for the café; 20 spaces for the fishing and 2 disabled parking spaces by the first fishing pool. A private drive off the access road would serve the barn converted to a house. The existing access would be closed up. A bore hole and pumping station would be used to supply water to the development. Foul sewage would be dealt with via bio-disc treatment plant and discharged into an existing ditch.
- 7.10 The fishing and café would be open for 52 weeks of the year, with the fisheries open from 8am to 10pm. The touring caravan park would be open from 1st March to 31st October. The development would create two full time jobs and four part-time jobs.
- 7.11 The application is accompanied by the following supporting documentation - Covering letter; Design and Access Statement; Business plan report; Ecological assessment report; Speed survey; Electrical supply housing unit; Klargester plant report; Structural report; Caravan park eurobollard services supply and a letter from North Wales Training agency regarding the applicant's offer of an

open day with fishing tuition for student placements.

7.12 Business Plan Report

The business information submitted with the application shows projections for income levels for the first 3 years of trading. The income streams are based on the assumption that there will be 25% occupancy of the caravan site /usage of the fishing pools in the first year; 50% in the second year and 80% in the third year of trading. Full occupancy means 27 caravan rentals per day for 8 months and 42 fishing pegs per day for the whole year.

	Year 1	Year 2	Year 3
Caravan	£51,940	£84,980	£124,740
Fishing	£26,754	£53,508	£85,684
Total	£78,694	£138,488	£210,424

7.13 After the 3rd year income levels are expected to be fairly static. The project is likely to cost £500,000 to set up. The above income levels would be required to fund the set up costs and cover running costs, including wages.

7.14 Following the refusal of the previous application the applicant submitted an appeal to the Planning Inspectorate (PINS). As part of the appeal process PINS undertaken their own screening process under the Environmental Impact Assessment Regulations. During this process Countryside Council for Wales (at that time) expressed concerns in relation to the potential indirect impacts of the development on the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI). In light of these comments the Planning Inspectorate took a precautionary approach and determined that the application required an Environmental Impact Assessment and the submission of an Environmental Statement. The applicant has now submitted amended ecological information to overcome the concerns of the former CCW, now NRW and following a screening opinion by the Local Planning Authority it is considered that an Environmental Impact Assessment is not required.

7.15 Issues

The issues for consideration are the principle of the development in planning policy terms; the effect on the openness of the green barrier; the effect on the visual appearance and character of the open countryside and the extension to the barn to form a dwelling. The key to acceptability of this proposal is in the detail, having regard to its green barrier location covered by policy GEN4 Green Barriers and the requirements of policies STR6 Tourism, SR2 Outdoor Activities and T6 Touring Caravan Sites.

7.16 Policy Considerations and the Principle of Development

The site lies within the green barrier in open countryside. The most

important attribute of a green barrier is its openness and there is a general presumption against any inappropriate development within a green barrier except in very exceptional circumstances. These circumstances should outweigh any harm that may be done to the green barrier and its openness. The visual amenity of the green barrier should not be detrimentally affected by development.

7.17 Green Barrier

Policy GEN4 'Green Barriers' states development within green barriers will only be permitted where it comprises (amongst others):

- b) essential facilities for outdoor sport and recreation...
- f) the re-use of existing buildings; and
- g) other appropriate rural uses/development for which a rural location is essential,

provided that it would not:

- i. contribute to the coalescence of settlements; and
- ii. unacceptably harm the open character and appearance of the green barrier.

7.18 It is considered that the creation of fishing ponds creates essential facilities for outdoor recreation and is also a rural use for which such a location is essential as referred to in g) above. It is also considered that the same argument can be made for a touring caravan site. It is relevant to refer to the Inspectors decision on Magazine Lane as this was for development of a caravan site in the green barrier. In the Inspectors decision he considered that while a gypsy and traveller site may be an appropriate rural use he did not accept that a rural location was essential for such a use. Conversely in relation to this development, it is considered that a touring caravan site for holiday purposes and in this case in association with an outdoor recreation use; the fishing ponds, is a use for which a rural location is essential in order for it to be attractive to visitors and due to its linkages with the fishing enterprise. While the use for a touring caravan site may be appropriate development in a green barrier location it still has the potential to cause harm to the green barrier location. It needs to be demonstrated that this harm is considered to be acceptable due to other overriding circumstance or the harm can be mitigated, for example by landscaping or seasonal use.

7.19 It is the caravan element of the proposal which has the most potential impact on the green barrier and open countryside location. The caravans would be sited at the northern end of the site, closest to the buildings, minimising visual impacts. The proposal for Magazine Lane was for a permanent site with both touring caravans and static caravans along with brick utility buildings on each pitch surrounded by landscaping bunds and a close boarded fence. In this instance the caravan element of the proposal introduces temporary features in the landscape in the form of the touring caravans with variable occupation levels throughout the season. The Magazine Lane proposals

introduced a significant number of permanent features in to the landscape which would have had a markedly different impact on the green barrier. While there are fencing, access roads and parking areas associated with this development, measures have been taken to minimise the impact of these. The fencing has been reduced to 1.5 metres in height and be conditioned to ensure it is appropriate to this rural location. The fencing would also be screened by new planting.

7.20 It is therefore considered that while the siting of the caravans would inevitably cause some harm to the green barrier, particularly when the site was full, this would be a temporary harm as the touring caravans are not permanent features in the landscape and would only be during March - October. Also this part of the business would help support the fisheries business and would bring in users from outside the area. It would therefore have economic benefits for the business as a whole.

7.21 In terms of criteria f) this proposal involves the re-use of 2 existing buildings – the barn for a dwelling as managers accommodation and the agricultural building for a café, toilet, reception and maintenance block with an extension to each building. The amount of new build is not significant in the context of the site as a whole and the extensions would have a limited impact on the green barrier. It is not considered these minor elements would cause significant harm.

7.22 A further issue is whether the proposal would contribute to the coalescence of Northop Hall and Ewloe. The site is located approximately 0.5km from the settlement boundary of Northop Hall and 1km from the settlement boundary of Ewloe. There are 3 existing buildings on the site, one of which is to be demolished to improved the visibility for the new access point and the other two are being utilised in support of the proposed enterprise as managers accommodation with an extension and as a café/shop amenity block. The other works at the site would not involve any additional built form. The fishing ponds would be engineered at ground level, with small islands. The caravan element would involve the creation of bases and electricity/water hook ups and access road. This can be conditioned to minimise its impact on the landscape with the use of grasscrete etc. As previously stated it is unlikely that the touring caravan site would be at capacity for the whole length of its season as reflected in the applicant's business plan, therefore the visual impact of the caravans would be limited and would vary. It is therefore considered that the proposal would not lead bring about any coalescence of Ewloe with Northop Hall.

7.23 Tourism and Outdoor Recreation

With regard to Policy STR6 'Tourism' it is considered that the proposal will meet the needs of visitors and residents; it will be in scale and type appropriate to the locality, as the caravans will be sited for 7 months rather than 12 and it involves regeneration of existing buildings into a beneficial economic use contributing to rural

diversification.

- 7.24 In relation to Policy SR2 'Outdoor Activities, permits activities where the activity proposed is of a type, scale and intensity that would not unacceptably harm the character and appearance of the site and its surroundings, residential or other amenity, or any landscape, nature or conservation interest. The policy also requires sites to be accessible by a choice of modes of transport.
- 7.25 There is a residential property opposite the application site. There will be some impact on the amenity of this dwelling with the introduction of a new use to a currently vacant site, particularly associated with vehicle movements. However it is not considered the operation of the fisheries would have any significant impact on amenity and subject to proper management neither would the touring caravan site. Any impacts from the caravan site would be mitigated due to the seasonal nature of the site, the additional planting and the location of the caravans. The site is accessible by a choice of modes of travel other than the private car, as it is located on a bus route, therefore there are alternative options for accessing the site.
- 7.26 Policy T6 'Touring Caravan Sites' a) requires sites to not have a 'significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community'. The nearest dwelling is the house opposite, Stamford Way Farm, about 70m from the nearest caravan. The dwelling associated with boarding kennels is about 150m from the nearest caravan. The policy criteria b) also requires 'the scale of the proposals, together with the number, siting and layout of pitches and circulation roads to be appropriate to the characteristics of the site and locality'. It is considered that the site complies with these criteria as the caravans are located on the part of the site nearest to the buildings and the circulation road has been reduced in length to serve only the caravan site. In terms of the other elements of the policy, the site is not in an area of landscape or nature conservation protection in accordance with criteria c) and mitigating measures for nesting birds are covered by the provision of nests sites within the buildings secured by condition. Additional planting will provide increased screening from the main road to accord with criteria d). The site is also in close proximity to and can be easily accessed from the local highway network as required by criteria e) as the site is adjacent to the B5125 linking westwards to Northop Hall, Northop and the A55 and eastwards to Ewloe, the A494, Hawarden, Broughton and the A55 towards Chester. These routes are suitable for use by vehicles towing caravans and by motorhomes. The caravans would be removed from site outside the season as required by criteria f), secured by a condition and essential services are provided within existing buildings as advocated by criteria g).
- 7.27 Policy GEN3 'Development in the Open Countryside' allows for developments related to tourism, leisure and recreation to be located

in the open countryside, provided there is no unacceptable impact on the social, natural and built environment. In this case it is considered the caravan park and fishing pools would not be detrimental to the social, natural or built environment.

7.28 Policy HSG7 permits the change of use to a dwelling of an existing non-residential building where residential conversion is a subordinate part of a scheme for business reuse provided that;

a. the building is structurally sound and capable of conversion without significant extension, extensive rebuilding, or external alteration. The applicant has submitted a structural report of the barn with the application which supports this re- use. The front of the building will not be altered and the existing openings of the building would be used. There is one new door opening to the rear of the building and the introduction of some roof lights. The scheme does involve an extension to the barn to provide additional residential accommodation to meet the applicants needs to accommodate his family.

b. the traditional architectural and historic features are retained. The building is a traditional existing brick, stone and slate building. The existing openings are being reused and there is not a significant number of new openings.

c. the residential use of the building and curtilage provides adequate privacy and space around dwellings and does not have an unacceptable effect on the character and appearance of the surrounding area, by virtue of its siting, scale, design, form, use of material and landscaping.

The applicant is applying for a single storey rear extension of 9m x 9m x 4.3m high. The proposed extension is single storey and render in finish. The proposal provides adequate residential amenity space for a three bedroom dwelling which would be private from the commercial use. There are no issues with overlooking as the nearest dwelling is across the road.

d. reasonable standards of residential amenity are provided by the proposal.

There would obviously be the potential for conflict between the proposed touring caravan use and the proximity of a dwelling, however this is managers accommodation associated with that use and the fishery use. Measures have been put in place to ensure that there is surveillance of the business while maintaining some privacy.

7.29 Policy RE4 'Small Scale Rural Enterprise' is relevant to the proposal. The proposal complies with the policy as the buildings to be converted are structurally sound and capable of conversion without major or complete reconstruction and it is suitable for the specific re-use. The development is of a form, bulk, design and materials and sited so as to respect the character of the site and surroundings. It does not

unacceptably harm features or areas of landscape, nature conservation or historic value. The permission can be conditioned to not allow external storage or operations which would be harmful to residential amenity or to the character and appearance of the area. Satisfactory on-site parking, servicing and manoeuvring space for the nature and volume of traffic likely to be generated which should be capable of being served satisfactorily by the highway network is proposed. The site is accessible by a choice of means of travel, particularly by foot, cycle or public transport.

7.30 PPW paragraph 7.6.8 in relation to 'supporting the economy', says the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for tourism and recreation. Local planning authorities should adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes, provided that:

- a. they are suitable for the specific reuse;
- b. conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- c. their form, bulk and general design are in keeping with their surroundings;
- d. imposing conditions on a planning permission overcomes any planning objections;
- e. if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- f. conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and/or architectural interest.

It is considered that the proposal complies with this WG advice.

7.31 Access and highway considerations

It is proposed to create a new access and visibility splay as the existing access does not provide adequate visibility for a commercial use as proposed. The roadside building needs to be demolished to provide adequate visibility.

7.32 Previously an application was submitted to create a new vehicle access with no associated development (047414). This application was refused and dismissed on appeal. The proposed new access is in a similar position to that previously dismissed on appeal, so it is important to explain the differences between the schemes. In dismissing the appeal the Inspector considered the 5m wide access would represent an urbanising and incongruous feature that would be harmful to the character and appearance of the surrounding rural area. The Inspector noted that the area of land to be served by the proposed access amounted to only 2.4 hectares and was not part of an agricultural holding. Therefore there was no need for such a wide

entrance as only one vehicle would need to gain access to the field at any one time and another would not be exiting at the same time.

7.33 In this case, the proposed 5m wide access would serve a new commercial enterprise. It therefore needs to be wide enough for 2 vehicles to pass. The Head of Assets and Transportation has no objection, subject to conditions. The proposed access is seen in the context of the development of the site as a whole. Although the existing roadside hedge would be removed this would be replanted set back behind the new visibility splay so over time any impact would be mitigated.

7.34 Ecology

The site itself is primarily improved grassland with mixed hedgerows. The site is within 170m of Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for their woodland and great crested newts. The nearest GCN breeding site is over 500m away.

7.35 The habitats present on site are poor great crested newt terrestrial habitat and there are no breeding sites in close proximity. While it is considered unlikely that great crested newts will be found on site, wildlife features created away from the fishing pools and caravan area were previously recommend along with connectivity planting. This has now been incorporated in the revised application.

7.36 An Ecological Assessment was submitted with the application. This refers to a Bat and Breeding Bird Survey undertaken in 2010 which found no evidence of bats in any of the buildings but large numbers of nesting swallows. Mitigation measures mentioned in that survey need to be incorporated into the existing proposals. The Ecological Design Scheme recommends the erection of 15 bat and bird boxes of various designs and a barn owl box. Swallow nesting sites are proposed in the converted agricultural building.

7.37 The proposal involves removal of approximately 160m of roadside hedge to create the appropriate sight lines. This is a mainly hawthorn hedge and is gappy in places. A new hedge outside the sight lines would be planted of predominately hawthorn plus other native species. Additional hedge planting is also proposed around the wildlife pond. Habitat connectivity for amphibians will be provided through this new planting, the inclusion of a wildlife pond and the replanted roadside hedge. The implementation of these along with appropriate mitigation for swallows and barn owls, will ensure there is ecological objection to the proposal. These matters are dealt with in the recommended conditions.

7.38 The Deeside and Buckley Newt SAC will not be directly affected by the proposal which is a self contained recreational activity. In the long

term the provision of managed fishing ponds may have the potential to reduce fishing pressures within the SAC.

7.39 Lighting

Limited low level lighting would be required for the touring caravan site. The caravan hook ups would be a 'Euroballard' system which is a low level bollard style with a low watt light including hook ups for service provision. A condition can be imposed to control any additional lighting on the site by the requirement for a lighting scheme to be submitted.

8.00 CONCLUSION

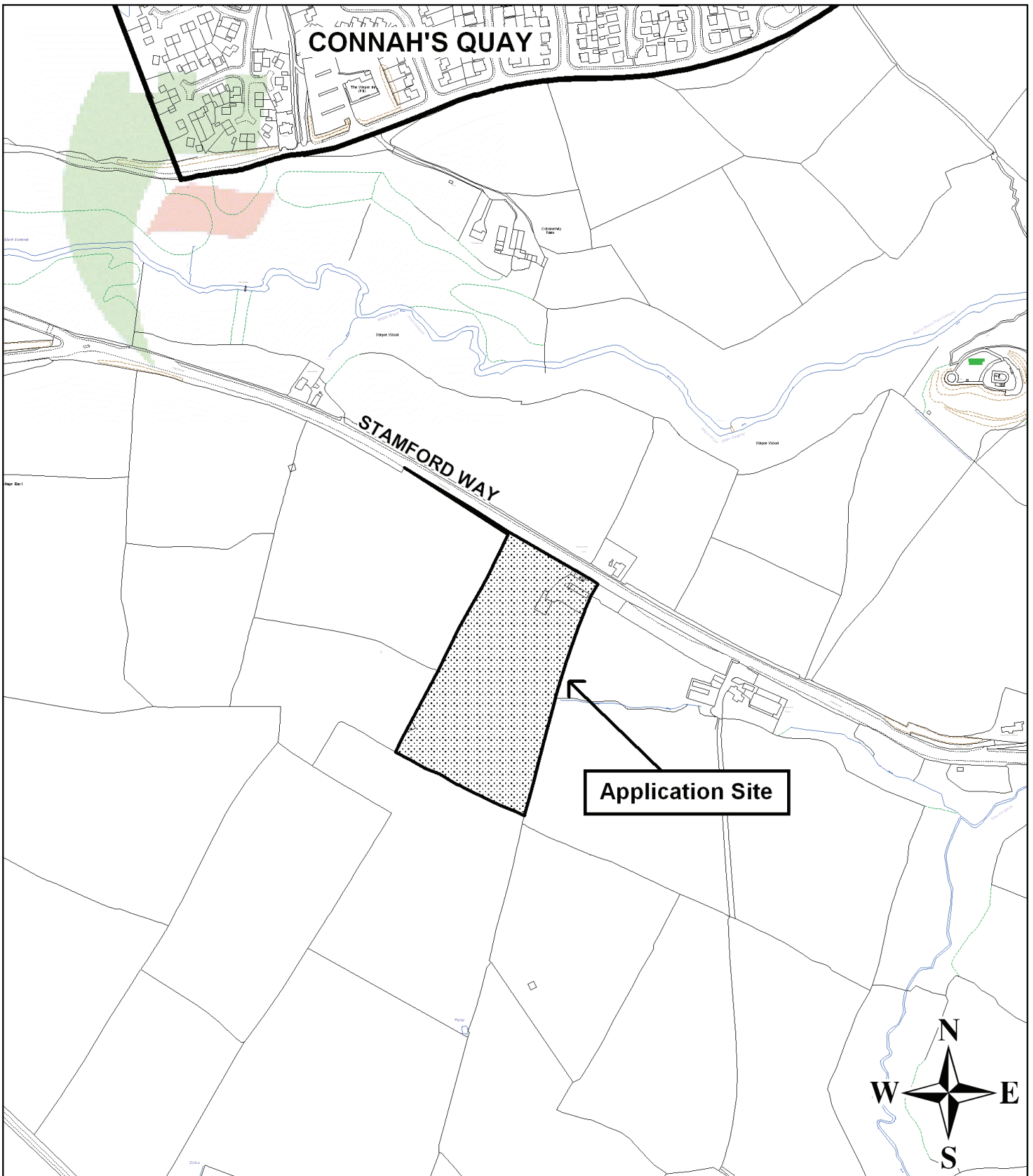
8.01 It is considered that the proposed use is appropriate development in the green barrier and while there may be some harm associated with the touring caravan element of the proposal this harm has been mitigated by the siting of the caravans, the proposed landscaping and the seasonal use of the site. It is not considered that the proposal would lead to the coalescence of settlements.

8.02 The proposed conversion of the buildings for the café, shop and toilet/shower facilities and managers dwelling reuse existing buildings on the site with some extensions. The elements of new build are therefore limited. It is considered all elements of the proposal are acceptable suitable to conditions as set out above.

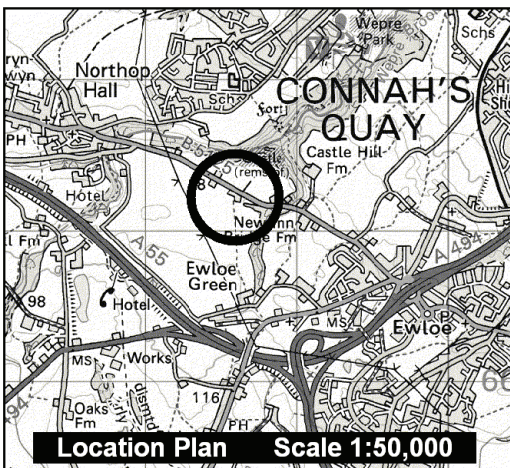
8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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

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Application Site



Location Plan Scale 1:50,000



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 2867

Planning Application **50839**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **ERECTION OF A 3 BEDROOM DETACHED DWELLING WITH GARAGE FOR A DISABLED PERSON, ON LAND ADJ 45, BROUGHTON HALL ROAD, BROUGHTON**

APPLICATION NUMBER: **051040**

APPLICANT: **MR K PARTINGTON**

SITE: **LAND ADJ 45, BROUGHTON HALL ROAD, BROUGHTON**

APPLICATION VALID DATE: **09/08/13**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON**

REASON FOR COMMITTEE: **S106 AGREEMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the erection a detached bungalow for a disabled person on land adjacent to 45 Broughton Hall Road, Broughton. The proposed dwelling is considered to meet the requirements of Policy HSG3 of the Flintshire Unitary Development Plan in terms of being justified on the grounds of housing need subject to the applicant entering into a S106 agreement. The details of the siting, layout, design and access of the dwelling are acceptable and in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.

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

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

- The property shall be occupied by the applicant Mr. Partington in the first instance;
- The Council would be offered first refusal to purchase the property if it is put up for sale at open market value within an agreed time period. If the Council do not wish to purchase the property, second refusal, is given to a Registered Social Landlord within a similarly agreed time period.

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

Conditions

1. Time limit
2. In accordance with plans
3. Foul and surface water shall be drained separately.
4. Surface water connection
5. Land drainage run-off
6. Code Level 3 for Sustainable Homes compliant
7. Landscaping including tree protection measures
8. Removal of permitted development rights for extensions

2.03 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member
Councillor W Mullin

Requests committee determination as there is only a slight change from the original application which was previously refused. It should go back to committee and outline any improvements that have been made.

Broughton and Bretton Community Council
No objection.

Head of Assets and Transportation
No objection.

Head of Public Protection
No objection.

Welsh Water/Dwr Cymru

Standard conditions relation to foul and surface water disposal.

Head of Housing Strategy

No comments received at time of writing.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

1 letter received from 39 Broughton Hall Road stating the only objection they have is in the grounds of the garden of no 45 is a very large tree and they are concerned that the development will unsettle the roots and damage their property as the tree is on the boundary.

5.00 SITE HISTORY

5.01 **049842**

Proposed erection of a dwelling and garage and formation of a private access. Withdrawn 10.12.12

5.02 **050545**

Erection of a 3 bedroom detached dwelling with garage (for disabled person). Refused 16.07.13 Appeal pending

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR8 – Built Environment

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

AC13 – Access and Traffic impact

AC18 – Parking Provision and New Development

The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the erection a detached bungalow for a disabled person on land adjacent to 45 Broughton Hall Road, Broughton. This is an amended design to the previous application 050545, which is currently pending a decision through the appeal process following its refusal by this Committee on 19th June 2013.

7.02 Site Description

The application site is part of the garden area of 45 Broughton Hall Road, Broughton. The site is surrounded by residential properties to all boundaries, which are a mixture of bungalows, dormer bungalows and two storey properties. The boundaries of the site are landscaped with mature hedging and fencing. The access to the site is a private drive which runs parallel to the private drive for 47 Broughton Hall Road.

7.03 Proposed Development

It is proposed to erect a 3 bedroom bungalow with integral garage. The proposed dwelling is a different design and internal layout to application 050545.

7.04 The bungalow is designed specifically for the applicants needs as a wheelchair user with an en-suite bedroom for a live in carer. The bungalow is proposed to be of brick and render construction with concrete roof tiles. The dwelling would be accessed via the existing driveway for 45 Broughton Hall Road with a new access spur created. The existing driveway runs past the side of 43a Broughton Hall Road.

7.05 The amended proposal has a different internal layout to the previous proposal, with the living accommodation to the side opening out on to the garden area and the bedrooms to the rear and front. The siting of the dwelling remains in a similar position to the previous application. Further information is contained within the 'Supporting Planning Statement' in relation to how the current property is not suitable for the applicant's due to his disability. This is detailed below.

7.06 Principle of Development

Broughton is a Category B settlement within the Adopted Flintshire Unitary Development Plan. Within such settlements growth is controlled by Policy HSG3 'Housing on Unallocated Sites Within Settlement Boundaries'. Specifically criteria b states;

'On unallocated sites within settlement boundaries, new housing, the change of use of non-residential buildings to dwellings, the renovation or replacement of existing dwellings, and infill development will be permitted provided that:

b. in category B settlements it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need,'

7.07 The purpose of policy HSG3 is to control the expansion of settlements where there is already a high level of growth and to ensure new dwellings are for local needs. In terms of growth of the settlement, at 2013 Broughton had sufficient sites with planning permission, units which have been built and land allocated in the UDP, which when added together take its growth within the plan period to 19%. Since

the cumulative growth is already above 15%, any new dwellings in Broughton will need to be for local housing needs.

- 7.08 This application is for a bungalow designed to meet the needs of the applicant Mr. Partington who is wheelchair bound following an accident. The applicant currently resides at 45 Broughton Hall Road, but the current dwelling is not suitable for his needs. The Supporting Statement with the application states that the applicant struggles considerably in his present dwelling despite assistance and live in carers.
- 7.09 The current dwelling features inadequate turning space, narrow entrances/exits to and from the dwelling, as well as uneven external ground levels. These constraining factors make it very difficult for the applicant to live without considerable assistance where otherwise he would be able to have a degree of independence. There have been incidents that have resulted in the applicant falling from his chair on a number of occasions because of the poor accesses at both the front and rear of the property. It is also stated that many of the rooms in the current house are inaccessible to the applicant as they have stepped entrances, such as the inner access to the garage and access to the conservatory. The applicant currently has a mechanised winch that provides direct access to the wet-room in the bathroom. This results in the current bathroom having a large amount of under utilised space due to the retrofitting of this requirement in a house not designed for a disabled person.
- 7.10 The new dwelling is designed to make the best use of space, for example in terms of the location of the installation of the mechanised track that runs the winch into the bathroom from the bedroom has been sited to provide the necessary manoeuvring space for the applicant. The design of the dwelling has been informed by the difficulties the applicant currently faces in his current dwelling.
- 7.11 When the applicant travels, he requires a friend or carer to drive him to and from locations, as the applicant can only gain access to a vehicle by means of mechanised winch which needs to be located internally within the garage. At present the applicant cannot access the garage through the internal door and has to leave the house and travel around the property to access the garage externally which causes him some difficulty. The proposed dwelling would provide the necessary means of internal access from the dwelling to the garage and the associated manoeuvring space required for the applicant to easily enter/exit vehicles and gain internal access to the dwelling itself.
- 7.12 The applicant has a local connection, having lived in Broughton all his life and in the current property for over 15 years. He is keen to remain in this area as this is where his friends, family and support network are based. It is therefore considered that this proposal can be allowed as

an exception to HSG3 as it would provide specially designed accommodation to meet an identified local need.

7.13 A S106 agreement is required to ensure that if the property is sold on in the future the Council is given first refusal on purchasing the property at open market value, within an agreed time period. If the Council does not wish to purchase the property, second refusal should be given to a Registered Social Landlord. The applicant is in agreement with this restriction.

7.14 Siting, Amenity, Access and Design

The proposed bungalow is to the west of the existing dwelling in an area currently used as garden. The siting and design of the dwelling is arranged to ensure that there would be no adverse impact on amenity with regard to the impacts on the occupiers of the existing and proposed dwelling. While there would be some increase in the use of the existing driveway adjacent to 43a Broughton Hall Road, it is not considered that this would have any unacceptable impact on their residential amenity.

7.15 The proposed dwelling is a bungalow, therefore there is no issue with overlooking to adjacent properties despite any changes in window positions, subject to the retention of adequate boundary treatment. This can be controlled by condition. There is sufficient garden area for both the proposed and existing dwelling in accordance with the Council's Local Planning Guidance Note 2: Space Around Dwelling. The layout also provides for adequate parking and turning. The existing bungalow is brick and render with a concrete tile roof, therefore the proposed materials match the existing. The dwelling would be required to meet Code Level 3 for Sustainable Homes and this would be dealt with by condition.

7.16 A resident of 39 Broughton Hall Road has raised concerns regarding the location of a tree and the impact on its roots due to its location on the boundary. A condition can be imposed to ensure a landscaping scheme including details of tree protection measures is submitted prior to commencement of development.

8.00 CONCLUSION

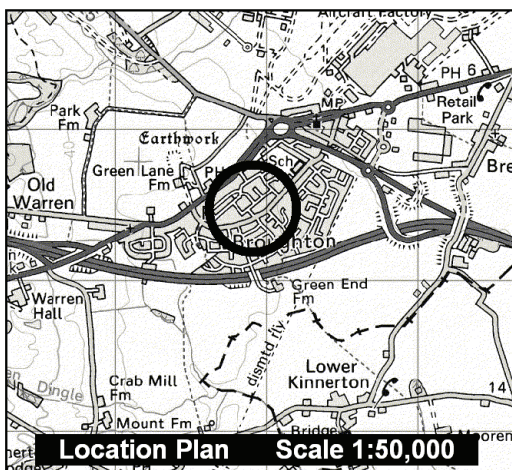
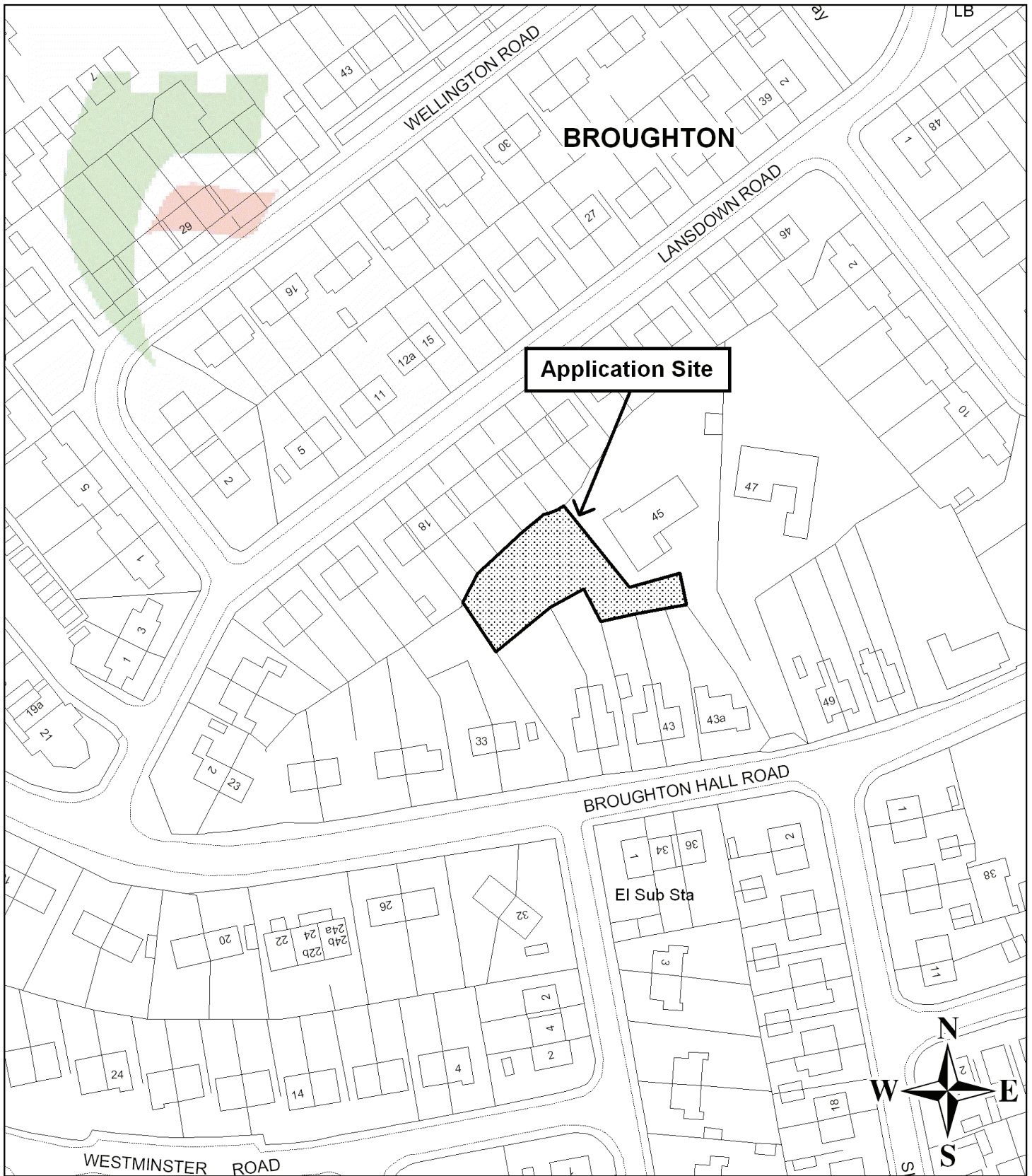
The proposed dwelling is considered to meet the requirements of Policy HSG3 of the Flintshire Unitary Development Plan in terms of being justified on the grounds of housing need subject to the applicant entering into a S106 agreement as set out above. Further supporting information in relation to the applicants needs have been submitted to support this application. The details of the siting, layout, design and access of the dwelling are acceptable and in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.

8.01 In considering this planning application the Council has acted in

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

Contact Officer: Emma Hancock
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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 3363

Planning Application **51040**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **DEMOLITION (RETROSPECTIVE) AND REBUILD OF 4 NO POULTRY BUILDINGS AND ASSOCIATED INFRASTRUCTURE AT TREUDDYN FARM, FFORDD Y BLAENAU, TREUDDYN.**

APPLICATION NUMBER: **051050**

APPLICANT: **2 AGRICULTURE LTD**

SITE: **TREUDDYN FARM, FFORDD Y BLAENAU, TREUDDYN**

APPLICATION VALID DATE: **19/7/13**

LOCAL MEMBERS: **COUNCILLOR C THOMAS**

TOWNCOMMUNITY COUNCIL: **TREUDDYN**

REASON FOR COMMITTEE: **NON-RESIDENTIAL DEVELOPMENT OVER 2,000M2**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full planning application for 4 replacement poultry sheds to house 141,200 birds on a 2 hectare site. The application is accompanied by an Environmental Statement which addresses the likely environmental impacts of the development. This concludes that the Environmental Impacts of the development would be limited and can be managed.

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

2.01 1. Time Commencement

2. In accordance with plans
3. Construction Traffic Management Plan for construction including signage
4. Provision and retention of parking and turning facilities
5. BREEAM requirements
6. Ecological report recommendations to be met
7. Landscaping including protection of existing boundary hedgerows and new roadside hedge
8. No additional external lighting unless by prior approval

3.00 CONSULTATIONS

3.01 Local Member Councillor C Thomas

Concerned about;

- highways access during construction
- good signage needs to be put in place
- possible requirement for a traffic management plan during construction with restoration of any damaged verges as this happened when the buildings were dismantled
- needs to be strict control regarding discharge and removal of foul water, as overflow has previously been released to the ditches
- Concern about odour despite the fan being in place as it has the potential to affect riding school business in the area

Treuddyn Community Council

It was felt by some members that the size of the site is not appropriate close to a village community. Odour and water pollution are the two main concerns raised. Odour from the previous chicken farm carried for a couple of miles and could be very strong depending on which way the wind was blowing. Residents living close to the site would have to put up with the smell on a daily basis and therefore would like the odour to be closely monitored. Request monitoring to ensure that waste water is collected and disposed of correctly to ensure there is no pollution into fresh water drains or streams.

Head of Assets and Transportation

No objection subject to a conditions relating to the provision of parking and turning facilities and a Construction Traffic Management Plan.

Head of Public Protection

No objections.

Welsh Water/Dwr Cymru

No response received at time of writing

Airbus

No aerodrome safeguarding objection to the proposal.

Natural Resources Wales

An environmental permit, EPR/VP3331MB, exists for this site. The new structures may require a change to this permit to be made and potentially the need for an air quality assessment. The NRW permitting centre must be contacted by the operator to discuss this. It should be noted that any additional ammonia emissions from the new units would be expected to further increase nutrient enrichment and acidification of sensitive habitats.

The closest designated site to the Northeast of the installation that may be adversely affected is the Coed Talon Marsh Sites of Special Scientific, around 3.3km away. The recommendations made in the ecological report provide with the planning application (Phase 1 habitat and protected species survey should be adopted.

Clwyd and Powys Archaeological Trust

No archaeological implications for the proposed development.

4.00 PUBLICITY

- 4.01 Site Notice, Press Notice and Neighbour Notification
None received.

5.00 SITE HISTORY

- 5.01 **297/69**
Erection of 4 broiler houses. Approved 1969.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development
GEN1 – General requirements for Development
GEN3 – Development in the open countryside
GEN5 - Environment Assessment
L1 – Landscape Character
D1 – Design quality, location and layout
D2 – Design
D3 – Landscaping
TWH2 – Protection of Hedgerows
AC13 – Access and Traffic Impact
AC18 – Parking provision and new Development
RE2 – New Agricultural and Forestry Buildings
RE3 – Intensive Livestock Units

The development complies with the above policies.

7.00 PLANNING APPRAISAL

Introduction

7.01 This is a full application for 4 replacement poultry sheds and associated infrastructure. The former sheds were demolished on health and safety grounds following snow damage in March 2013. The site has been decommissioned pending this planning application.

Site Description

7.02 Treuddyn Farm has been a poultry rearing enterprise since 1971. It has an Environmental Permit for 141,200 birds. The 2 hectare farm previously consisted of 4 buildings of 1,605m² with hardstandings office buildings and associated infrastructure, and a managers dwelling.

7.03 The site is relatively flat and is situated in a rural area with the village of Treuddyn 1.6 km to the east. Opposite the farm entrance is a horse enterprise with no residential accommodation attached to it. The nearest residential properties are; Cae Hic approximately 90 metres to the north east, Pen y Bryn approximately 120 metres to the south west, Cae Hic Bach and Treuddyn Holiday Centre approximately 180 metres to the south east and Bryn Estyn approximately 200 metres to the north.

7.04 The site is accessed from the B5101 which leads to the A5104. There is a signing in building adjacent to the access and two small office buildings. The site is bounded on all sides by mature hedging. To the west of the site is the site manager's bungalow which is outside the application site. To the north and west the site is bounded by minor roads, to the east a public right of way and further agricultural land to the south.

Proposed Development

It is proposed to erect 4 buildings each measuring 79 x 23 metres (1,802 m²) The buildings are 2.5 metres to the eaves and have a pitched roof rising to 5.4 metres at its ridge. Each building has nine 1 metre high ventilation chimneys at various intervals on the roof. The buildings sit on a concrete pad and would be in the same location to the former buildings but are slightly longer in length (6 metres), hence larger in footprint to meet current best practice requirements to provide more space per bird. The buildings accommodate 141,200 birds, which are reared to 49 days old. Over a 12 month period total annual output is approximately 915,000 boilers. The buildings have timber horizontal weather boarding to the walls and a polyester coated profile steel sheet roof. There are some glazed windows with internal blackout blinds to comply with animal welfare requirements.

7.06 The buildings are heated to 31c and equipped with high speed ventilation fans. The same access to the previous operation would be utilised with no increase in vehicle numbers. There are 3 parking spaces and a turning circle for large vehicles accessing the site. The site employs one full time manager who has an associated onsite dwelling and a part time assistant.

- 7.07 The depopulation and cleaning of the buildings at the end of each cycle is undertaken by contractors over a 7 day period. It is proposed to improve the existing hedging to the roadside entrance with additional planting of a native species mix. Dirty water is disposed of underground tanks which is taken away by a contractor. Clean water is disposed of by swales and an attenuation system.
- 7.08 In association with the poultry units are ancillary feed stores, switch room and a replacement water tank and pump house. The feed stores are located adjacent to each poultry building, and are approximately 3.15m in diameter, 6.6m tall and up to 20 tonnes in capacity. The water tank and pump house is located on the eastern side of the site adjacent to the office buildings.
- 7.09 The application is accompanied by an Environmental Impact Assessment which includes an Odour Assessment, Phase 1 Ecological Survey, Flood risk assessment, Noise Management Plan and Ammonia Screening Assessment. The proposal is EIA development under Schedule 1 paragraph 17 of the Regulations, due to the number of birds exceeding the threshold of 85,000 broilers.

Issues

- 7.10 The issues as outline in the Environmental Statement are set out below.

Impact on the Landscape

- 7.11 The surrounding area is mainly farmland with improved grassland and arable fields with low hedgerows characterised by some hedgerow trees. There are small blocks of woodland and some wetter pasture areas with gorse. There are no national or local landscape designations.
- 7.12 Although the poultry buildings have a large footprint they are relatively low structures compared with other types of farm buildings. The previous buildings have been present in the landscape since 1971 and these are a similar replacement although with a slightly larger footprint. It is therefore considered they would not have a significant effect on visual amenity to any receptors. The site has mature hedgerows to its boundaries which provide screening, which will be enhanced along the roadside boundary.

Ecology

- 7.13 An extended phase 1 habitat survey was undertaken. No additional surveys were recommended other than pre construction checks prior to clearance and construction works. It is not anticipated that any trees or hedges will need to be removed to facilitate the development and the proposed layout maintains the existing stand off from boundary habitats with the exception of the south west boundary.

- 7.14 There is a 60 m gap in the hedgerow on the northern roadside boundary of the site. This is proposed to be planted with a native species mix to improve habitat connectivity and also screen the site. Habitat enhancement will also include the management of existing hedgerows.
- 7.15 A report on the modelling of dispersion and deposition of ammonia from the existing and proposed poultry buildings was commissioned to assess the impacts on sites of ecological interests further afield. This concluded that at most receptors ammonia concentrations and nitrogen deposition rates would be at levels that would be deemed insignificant for permitting purposes. The final modelling which considered deposition of ammonia and consequent plume depletion between the farm and the wildlife sites, shows that at Llandelga Moor SSSI/SAC the annual mean ammonia concentrations and nitrogen deposition rates would be at levels deemed insignificant for permitting purposes. The provision of new buildings and equipment will reduce ammonia levels from the previous operations. NRW are satisfied with the submitted information subject to the recommendations in the Ecological Report being adhered to. This can be secured by condition.
- 7.16 Highways
No alterations to the existing access are proposed. The existing entrance and visibility splays are appropriate for the level of vehicle movements that will utilise the site. Following construction, the level of vehicle movements would be as per the previous operations. These equate to movement for;
- Day old chicks in
 - Feed, bedding and gas deliveries
 - Birds out
 - Spent litter removal
 - Staff and workers
- Any additional traffic movements are kept to a minimum for biosecurity reasons.
- 7.17 There would be an increase in traffic movements during the construction period which is estimated to take 20 weeks.
- 7.18 The Local Member is concerned about construction traffic damaging the verges as occurred during the demolition and site clearance due to large vehicles going the wrong way and turning in the road. To prevent this the Local Member has suggested the requirement for a Construction Traffic Management plan and signage to ensure that vehicles are directed to the site correctly. The Head of Assets and Transportation agrees with this and also requires a condition to ensure that parking and turning facilities are retained within the site and are completed before the site is brought into use.
- 7.19 Waste and water management

The cleaning of the buildings and disposal of waste are undertaken at the end of each cycle over a 7 day period by contractors. There is no storage of waste on site outside the buildings. The dirty water generated from the cleaning process is channelled to an existing underground tank with a 20m³ capacity, prior to removal off site. This occurs at the end of each working day during the 7 day cleaning process. This is to minimise the risk of any pollution to the environment. The Local Member and Community Council have raised concerns in this regard due to previous incidents.

- 7.20 Clean surface water is disposed of separately into swales and then into a tributary of the River Cegidog. These existing clean drainage arrangements have previously been deemed acceptable by NRW.
- 7.21 Provisions have been put in place to ensure that dirty and clean water are dealt with separately and at minimum risk to the environment. The process and environmental risk assessment regarding the removal and disposal of the waste produced by the facility is considered by NRW in their consideration of applications for Environmental Permits and is regularly monitored under this legislation.
- 7.22 Odour
Odour emissions from the previous operation have historically caused some concern locally as raised by the Community Council. Previously the building had side/roof inlets for ventilation and side extraction fans, supplemented by gable end fans for hot weather conditions.
- 7.23 The new buildings would have high velocity roof extraction computer controlled mechanical ventilation supplemented with gable end fans at peak times. The roof system would principally comprise 4 roof vents located along the ridge and 5 vents over the saddle of the ridge at one end of the building. All will house fan units achieving an extraction rate of 11m/sec. A further 6 fans will also be provided in the gable elevations to allow for tunnel ventilation to be used at time of peak ventilation load (when the birds are fully grown and during hot weather.) 1 m high ventilation chimneys will be installed on the roof. This system will result in a well controlled environment inside the house with no condensation to cause litter to dampen which in turn will lead to the reduction in any odour emitted.
- 7.24 Odour emissions from the existing and proposed buildings have been assessed and quantified in accordance with NRW's Frequency, Intensity, Duration, Offensiveness and Receptor protocol and NRW's H4: Odour Management guidelines publicised in March 2011. This concludes that "although it would not provide a totally odour free environment at the closest residences...local air quality would be greatly improved over existing/historical levels."
- 7.25 An Odour Management Plan has been prepared and previously

accepted by NRW. It is therefore concluded that predicted odour emissions from the site will not reach a level that will cause a nuisance and would also be monitored by the permit.

7.26 Noise

A noise management plan has been prepared and previously agreed with NRW as there are 'sensitive receptors' within 400 metres of the installation.

7.27 The operations which have the potential to generate noise are during feed delivery and noise from vehicle engines during the removal of finished weight birds and used litter from the site. It is not considered that these operations would have any significant impacts on receptors.

7.28 Dust

The main sources of dust in this type of installation are the birds, their food and the floor litter. The particles of dust from inside the building are emitted to the atmosphere via the ventilation system. The larger dust particles tend to fail to migrate to the ventilation fans so it is only the smaller particles of dust which will be emitted through with the ventilation system and then carried in the wind. Evidence indicates that above average concentrations of poultry dust are not expected at distances exceeding 75 m from the source. In this case receptors are located at a sufficient distance away from the proposed buildings for dust not to be an issue to them.

7.29 Dust control measures would also be in place on site such as

- Covered feed stores
- No feed milling on site
- Feed is blown directly from lorries into feed stores then piped into the houses
- Ventilation systems operate to achieve optimum humidity levels
- Management of poultry litter
- No storage of used litter on site

7.30 It is therefore considered with these measures in place that dust generated from the site is unlikely to be a problem.

Lighting

7.31 The level of external lighting represents the bare minimum required to allow farming operations to be carried out in a safe manner. External lighting is limited to one 70w SON light on the control room entrance and one to light each silo area with low output light sufficient to allow for safe access around the vicinity of each unit during times of poor natural light.

7.32 It is therefore considered that the level of lighting would not have a considerable impact on the countryside. A condition would be imposed to ensure that no additional lighting can be installed without prior agreement.

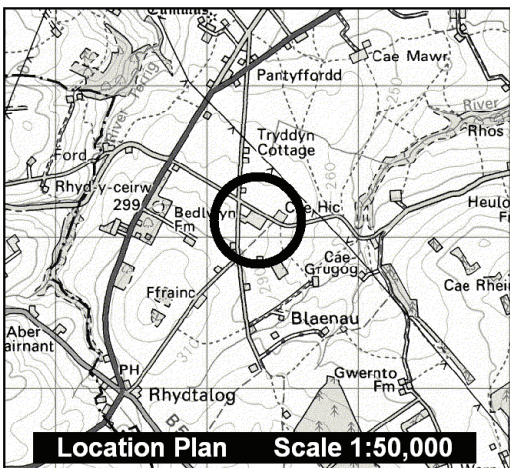
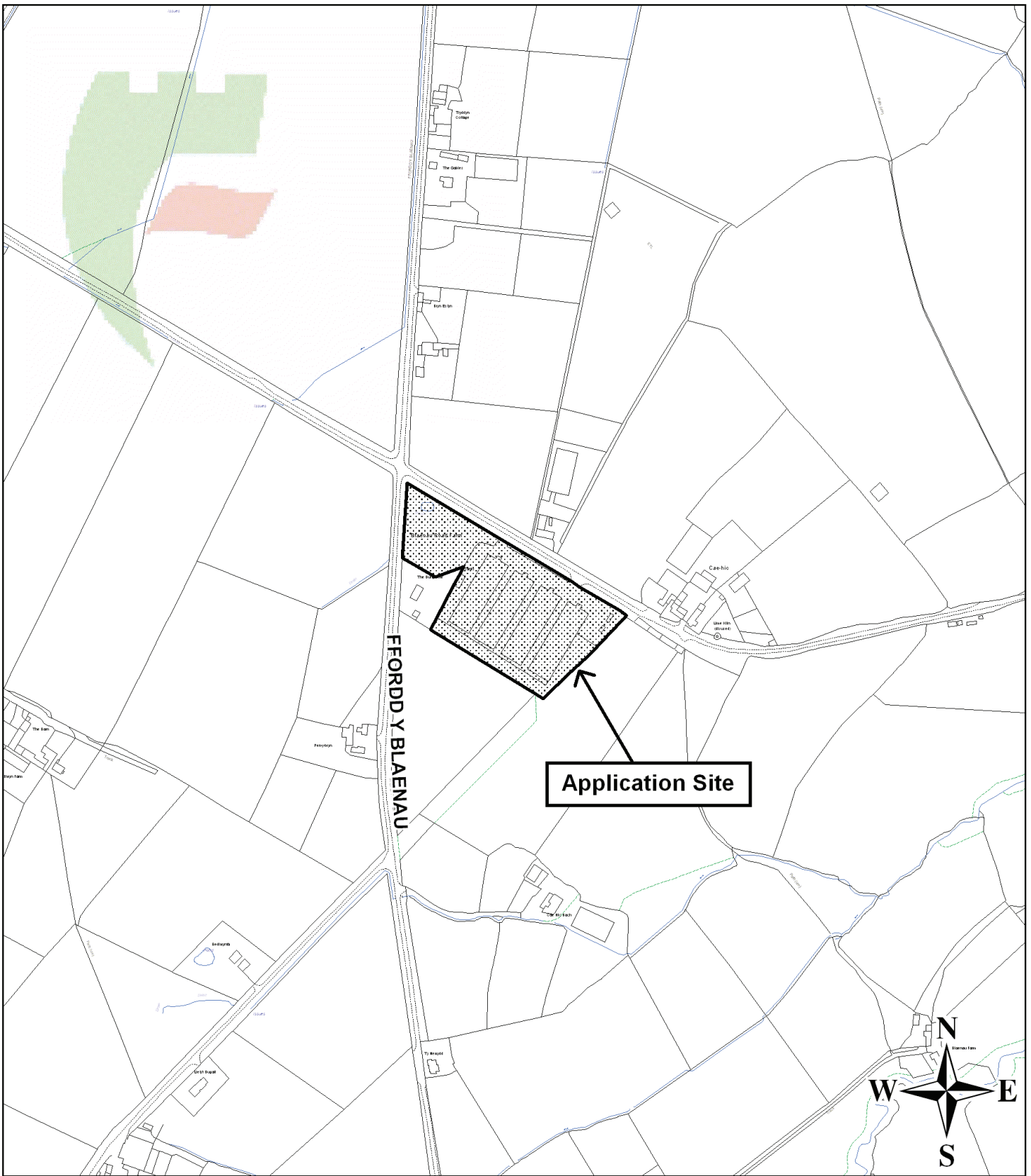
- 7.33 Impact on residential amenity
There has been a poultry rearing facility on this site since 1971 when the previous buildings were erected. The proposed buildings would be to improved standards with better ventilation and dust and odour management processes. It is therefore concluded in the Environmental Statement that the impact on receptors would be reduced from the previous operations.
- 7.34 Policy RE3 of the Flintshire UDP permits Intensive Livestock Units only if;
- a) it is located as least 400 metres away from a settlement boundary or protected building unless satisfactory mitigation measures can be implemented
 - b) it is designed and sited so as to minimise any environmental impact including the character and appearance of the site and surroundings; and
 - c) the highway network (including site access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposal.
- 7.35 In terms of criteria a) the proposed units are more than 400 metres away from a settlement boundary, however there are within 400 metres of a 'protected building'. Houses are classified as a 'protected building' in the General Permitted Development Order 1995 (as amended). In the interest of public health and amenity it is generally not considered appropriate to allow the development of intensive livestock units within 400 metres of such buildings unless satisfactory mitigation can be implemented. In this case this was previously an established installation which has been operating under a Permit from Natural Resources Wales and these are replacement buildings for that established use. The Environmental Statement has demonstrated that the potential impacts of the development can be mitigated and the proposed use would not have any significant environmental impacts. It is therefore considered that criteria a) is met.
- 7.36 In terms of the other criteria, it is considered the form of the buildings and existing and improved hedgerow planting will ensure it complies with criteria b).
- 7.37 With regard to criteria c) the site has been operating since 1971 with this type of use and there would be no increase in vehicle movements once the site is back to normal operations. The Head of Assets and Transportation has no objections to the proposal subject to the relevant condition regarding parking and turning provision and agrees to a condition relation to a Construction Management Plan for construction traffic.

8.00 CONCLUSION

8.01 It is considered that the provision of replacement chicken sheds complies with Policy RE3 of the Flintshire UDP and the Environmental Statement has fully considered that there would be no adverse environmental impacts as a result of the proposed development.

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

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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 2456

Planning Application 51050

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 9 OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **050169 - OUTLINE APPLICATION - ERECTION OF A DETACHED BUNGALOW AT BELMONT, SOUTH STREET, CAERWYS**

APPLICATION NUMBER: **050169**

APPLICANT: **MR C MAGGS**

SITE: **LAND TO THE REAR OF BELMONT, SOUTH STREET, CAERWYS**

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

LOCAL MEMBERS: **COUNCILLOR J E FALSHAW**

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

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

SITE VISIT: **PREVIOUSLY HELD**

MEMBERS MAY RECALL THAT THIS APPLICATION WAS DEFERRED AT 12 DECEMBER 2012 COMMITTEE, PENDING THE APPLICANT SUBMITTING FURTHER INFORMATION WITH REGARD TO A PRE-DETERMINATION ARCHAEOLOGICAL EVALUATION AND LOCAL / AFFORDABLE HOUSING PROVISION. NO FURTHER INFORMATION HAS BEEN FORWARDED BY THE APPLICANT AND THE REPORT IS BROUGHT BACK FOR DETERMINATION.

1.00 SUMMARY

- 1.01 The application proposes the erection of a detached bungalow on land to the rear of Belmont. The site lies within the settlement boundary of Caerwys, within a designated Conservation area and the medieval historic core of the town.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 1. The proposed development by virtue of its scale and massing in conjunction with the limited plot depth will lead to a cramped form of development, out of character with the surrounding spacious form of plots, resulting in over development of the site which does not preserve or enhance the character and appearance of the Caerwys conservation area, contrary to policies GEN1, GEN2, D1 and HE1 of the adopted Flintshire Unitary Development Plan.
2. The UDP identifies the housing requirements for Caerwys and the applicant has not submitted sufficient information regarding local housing need to allow the proposal to be considered under Policy HSG 3.
3. The application contains insufficient information upon which to consider the impact of development upon subsurface archaeology that is anticipated to have survived on the plot and as such is considered to be contrary to policies HE7 and HE8 of the Unitary Development Plan.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor J E Falshaw
Requested referral of the application to committee and site visit on the initial application.

Caerwys Town Council

The application site may not be able to make adequate provision for a dwelling and would therefore be contrary to policy on the density of the site.

The development should allow for off road parking and garden as referred to in the LPG No 2 Space Around Dwellings.

The site history should be investigated as there is no local knowledge of any business being given consent to operate at this location.

Head of Assets and Transportation

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

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

Head of Public Protection

Pollution

Confirm no adverse comments to make regarding this proposal.

Clwyd Powys Archaeological Trust

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

Community Services Housing Strategy

No response received at time of writing.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

No responses received

5.00 SITE HISTORY

5.01 **035964**

Outline detached dwelling Withdrawn 26.07.91

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development

GEN1 General Requirements for Development

GEN2 Development Within Settlement Boundaries

HE1 Development Affecting Conservation Areas

D1 Design , Location and Layout

HSG3 Housing on Unallocated Sites Within Settlement Boundaries

HE7 Other sites of Lesser Archaeological Significance

HE8 Recording of Historic Features

Local Planning Guidance Note No2 Space Around Dwellings

7.00 PLANNING APPRAISAL

7.01 The main issues concern the principle of development, with particular reference to Policy HSG 3, the archaeological significance of the site

and its location within the historic setting of Caerwys. The application was reported to the 12th December, 2012 committee where Members resolved to defer the application, to enable the applicant the opportunity to submit additional information regarding local need and time to commission the required pre determination archaeological evaluation. No further information has been submitted in respect of these matters.

7.02 The application site is situated within the settlement boundary of Caerwys, within a designated Conservation Area and the medieval historic core of the town.

7.03 The plot is located to the rear of the existing property Belmont and has been segregated from Belmont by a wooden fence, delineating the plot, the rear boundary of the site also comprises of a wooden fence. The frontage of the site has 2m high stone wall, with vehicular access presently in situ to the side corner of the plot. There is a small stone/breeze block, cement corrugated sheeted roof building which appears to be a domestic garage.

7.04 There is no planning history relating to any alternative approved use of this land which is a level overgrown grassed area, with several concrete bases in situ and a domestic caravan stored on site.

7.05 Scheme

The outline scheme has not been amended since its initial submission, and comprises of an illustrative scheme of development, indicating the proposed scale of the development. The foot print of the dwelling is proposed to be 65m² within a garden space of 87m², with parking provision provided to the side of the proposed bungalow. The bungalow is proposed to be set back 2m from the back edge of the highway fronting the site and leave a rear garden depth of just over 4m depth . This limited depth of plot is considered to lead to a development which will look cramped on the plot and lead to overdevelopment of the plot and would be out of character with the surrounding spacious plots.

7.06 Highways officers have raised no objection to the proposal, but have requested that the dwelling be set further back on the site, to enable a set back of 2.5m. from the adjoining highway, this would further compound the limited plot depth . They have also requested that any highway boundary would be limited to a height of 1m, this would further detrimentally impact upon the character of the conservation area, by the loss/alteration to the stone boundary wall which is a key character of the conservation area.

7.07 Conservation Area

The application site lies within the Caerwys conservation area, the plot is located to the rear of the existing dwelling Belmont and is considered to be an original medieval burgage plot. As such it has a

historical significance in contributing to the original urban form of the town. Belmont itself has an unusual appearance and may have had a specific role in the life of the town.

- 7.08 Whilst it is noted that area is characterised by a mixture of plot sizes and location of properties in relation to the street, in this instance it is considered that the plot has a very limited plot depth and this is out of character with the spacious surrounding plots, which predominate the immediate area and forms the characteristic medieval burgage plot feature of the pattern of development which is characteristic of the Conservation Area within which the site is set. The loss of the link between the frontage building and the burgage plot would erode the spatial character of the conservation area.
- 7.09 The indicative design of the proposed building shows a modern shallow, wide gabled bungalow, which would be out of character with the narrow gabled steep roofed buildings of the area. It is also considered that the development would over dominate the diminutive form of the frontage building (Belmont), thus reversing the building hierarchy where the main street fronting building is of greater visual prominence and importance than buildings fronting on to the narrow lane.
- 7.10 The loss of the present enclosing side wall would further impact on the historic character of the area, contributing to the erosion of the spatial hierarchy and therefore the legibility of the historic form of the town. The subdivision of the plot will lead to a form of development which is not considered to be characteristic of the form of development in the conservation area, and would harm the special character of the conservation area, contrary to policy.
- 7.11 Local Housing Need
Caerwys is a Category B Settlement which has reached 19.7% growth, were policy HSG 3 stipulates that where development has exceeded the 15% growth band, as in this case, the proposal could only be supported where the development is for a specified local housing need. As such any new development would need to cater for a proven local affordable housing need. The applicant has not forwarded any additional information since the applications initial submission, to enable the local planning authority to consider this element of the application. As such the local planning authority whilst noting the limited economic viability of the plot to the applicant, consider that this does not justify overriding the requirements of policy HSG3, in regard to local housing provision.
- 7.12 Archaeological Importance of the Plot
The application site is located within an important archaeological medieval area and as such it is anticipated that subsurface archaeology could have survived on the plot. Without a pre-determination evaluation being carried out and submitted to the local

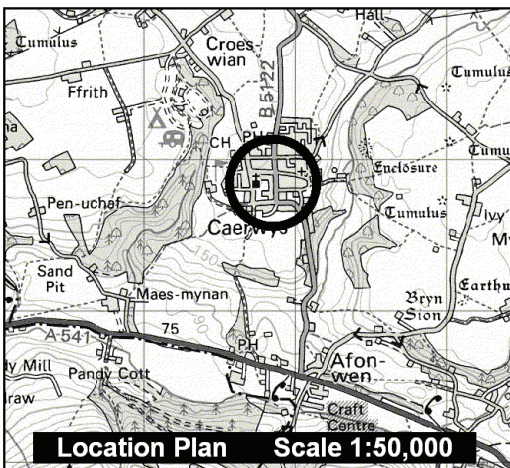
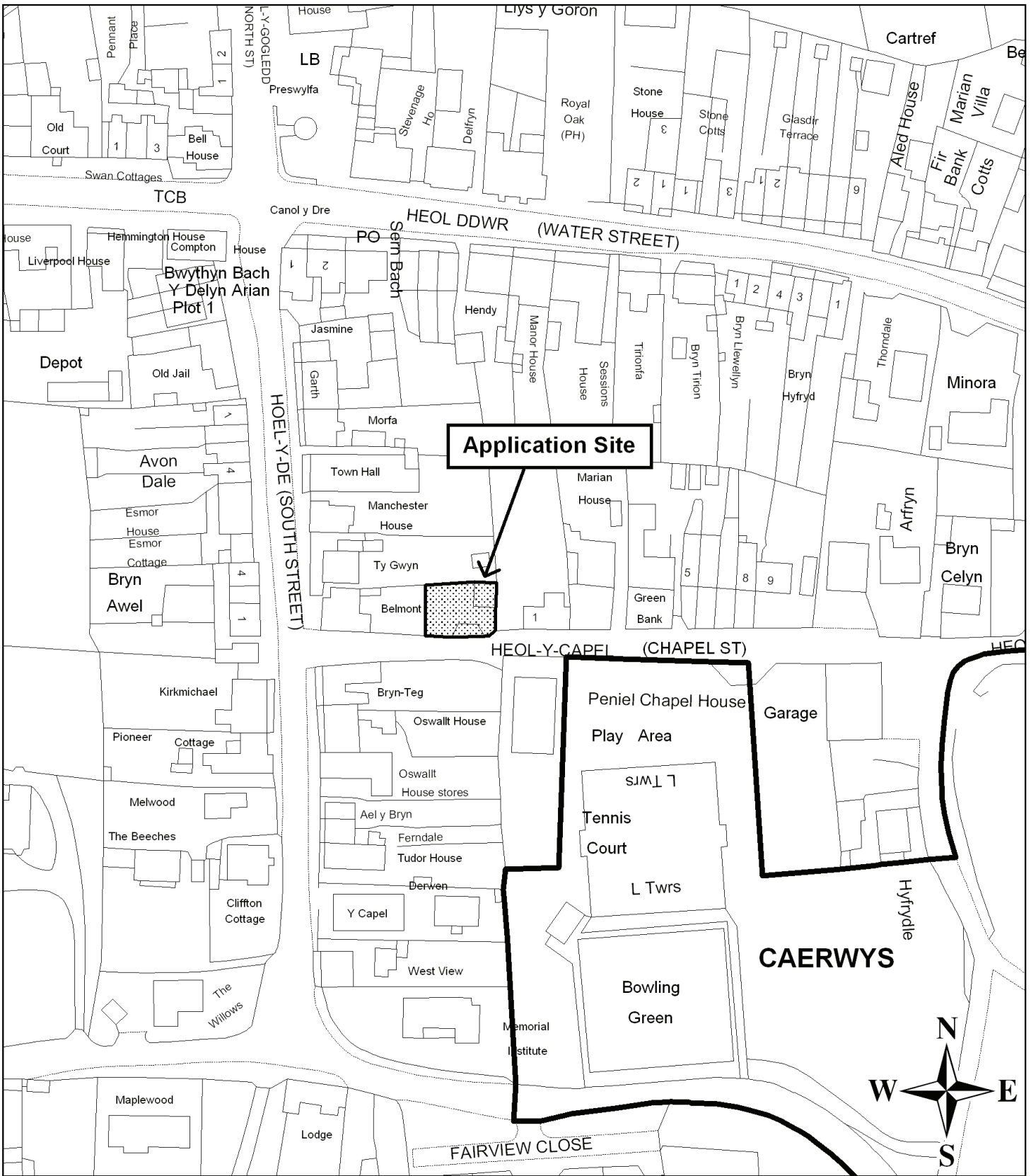
planning authority, the Clwyd Powys Archaeological Trust consider that the local planning authority has insufficient information upon which to consider and mitigate on this matter and have recommended that the application be refused until this information has been provided.


- 7.13 The applicant is aware of this requirement and the case officer has met the applicant since submission of the application to committee, to explain the requirement of the pre-evaluation survey and documentation. It seems, however, that the applicant has not commissioned a survey and this therefore remains as a reason for refusal.

8.00 CONCLUSION

- 8.01 It is considered that the development in the manner proposed would harm the spatial hierarchy and special character of the Caerwys conservation area. There is insufficient information to assess the archaeological significance of the site. In addition there is no evidence of local housing need or provision being provided by the application to enable compliance with policy HSG3 and I recommend accordingly.
- 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.

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**Sir y Fflint
Flintshire
COUNTY COUNCIL**

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

Legend

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

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OS Map ref	SJ 1272
Planning Application	50169

Page 99

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 9 OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **051029 - FULL APPLICATION - ERECTION OF A GARDEN ROOM EXTENSION AT SMITHY COTTAGE, HENDRE.**

APPLICATION NUMBER: **051029**

APPLICANT: **MR & MRS R & J STEVENS**

SITE: **SMITHY COTTAGE, HENDRE**

APPLICATION VALID DATE: **16th JULY 2013**

LOCAL MEMBERS: **COUNCILLOR W O THOMAS**

TOWN/COMMUNITY COUNCIL: **CILCAIN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **COUNCILLOR THOMAS WOULD LIKE THE PLANNING COMMITTEE TO SEE THE WORK THAT HAS BEEN DONE AND WHAT THE PLANNING APPLICATION ENTAILS.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 The application seeks planning permission for the erection of a garden room extension at Smithy Cottage, Denbigh Road, Hendre. The main issues to consider are the impact of the development on the existing building and surrounding area.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 In the opinion of the Local Planning Authority the proposed development by virtue of its form and design has a detrimental impact on the character of the existing dwelling, a converted traditional rural

building. As such the proposal is contrary to Policies GEN1, D2 and HSG12 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor W O Thomas

Request the application be referred to Planning Committee.

Cilcain Community Council

Fully supports the application.

Head of Assets and Transportation

No response at time of writing report.

Head of Public Protection

No adverse comments.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

No representations at time of writing report.

5.00 SITE HISTORY

5.01 050764 - Erection of a garden room extension. Planning permission granted 13th June 2013

050643 - Erection of a garden room extension. Application withdrawn 24th April 2013

049023 - Conversion of outbuilding into a single dwelling. Planning permission granted 23rd December 2011

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General requirements for Development

Policy D2 – Design

Policy HSG7 – Change of use to residential outside settlement boundaries

Policy HSG12 – House extensions and alterations

Policy WB1 – Species protection

The proposal would generally not comply with the relevant criteria of the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

The householder application seeks planning permission for a single storey garden room extension.

7.02 The site is located on the A541 in a rural area, where there is sporadic mixed development, including a public house, commercial units and residential properties. The site lies within a flood risk area however an FCA was submitted to the EA under the previous application for the conversion. Natural Resource Wales does not object to the proposal.

7.03 The existing dwelling is the result of the conversion of three single stone outbuildings, one of which was previously used as annexe accommodation for the dwelling known as Beech Cottage.

7.04 Policy

Planning permission for the conversion of the outbuildings into a residential dwelling was granted in December 2011 under reference 049243.

7.05 Policy GEN1 allows for new development providing, inter alia, it harmonises with the site and surroundings in terms of siting, scale, design, layout, use of space, materials, external appearance and landscaping.

7.06 Policy HSG12 allows the extension and alteration to a dwelling provided it is subsidiary in scale and form to the existing dwelling and respects the character, design and setting of the existing dwelling.

7.07 Policy D2 permits development, inter alia, that protects the character and amenity of the locality and adds to the quality and distinctiveness of the local area.

7.08 Planning History and the Proposed Development

It will be noted from the site history that the original application for a garden room (050643) similar to the one now proposed, was withdrawn following meetings with the agent and applicant. They were advised that the proposed garden room was considered unacceptable as the scale and design was out of character with the existing dwelling, which is a converted rural building.

7.09 The form of the existing building is predominantly linear and it was considered that an extension perpendicular to this plan form would present a gabled elevation which would have a discordant appearance when viewed from the A541 on the approach from Mold. Various options were discussed, including building on the end of the linear form, but it was eventually agreed that an extension parallel to the front of the building, with a roof slope which mirrors that of the existing (and consequently harmonises well in relation to it) was the

option which would have least impact on the character of the building.

- 7.10 An amended application to reflect these discussions was subsequently submitted under reference 050764. That proposal shows a reduction of 1 metre in the length of the extension with a glazed link between the existing dwelling and the proposed extension to give the appearance of a detached rural outbuilding.
- 7.11 Amendments to the original scheme proposed, under reference 050764, were submitted after consultation with the agent as it was felt that stone would be a more appropriate material for the walls, as opposed to the proposed cladding. The window to the south elevation was removed as it was considered to be out of character. The windows/doors to the east elevation were amended to show that they have been recessed with the frame to be painted a dark grey with tinted windows, to reflect a 'cart' opening, as would be found in a rural out building. The product of this detailed negotiation and agreement was the grant of planning permission in June 2013.
- 7.12 The applicant subsequently sought clarification over why one scheme was considered acceptable whilst the other was not and was advised that the reason for allowing the conversion of the outbuildings to residential in the first instance was that the buildings had traditional merit and therefore the conversion was acceptable in policy terms in order to protect that special character of the traditional rural building. The original scheme (withdrawn) was considered to be out of character with those traditional buildings, whilst the second application (approved) more closely reflected the rural character of the building.
- 7.13 The current application is essentially a resubmission of that withdrawn in April, 2013, although the current application shows a reduction in length from 6 metres to 5 metres from the original. The design again involves a footprint which is perpendicular to the linear form, being a solid structure joined to the dwelling with a pitched roof which presents a gable on the prominent eastern elevation. For the reasons detailed above this is considered to be out of character with the existing traditional rural building and therefore contrary to the policies referred to above.

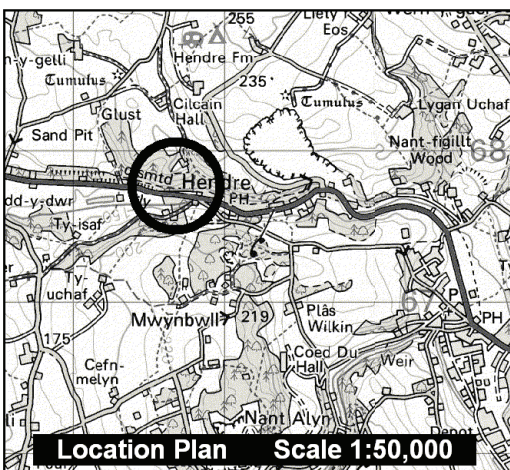
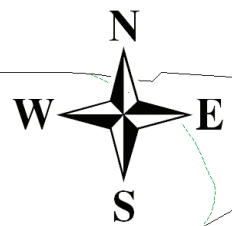
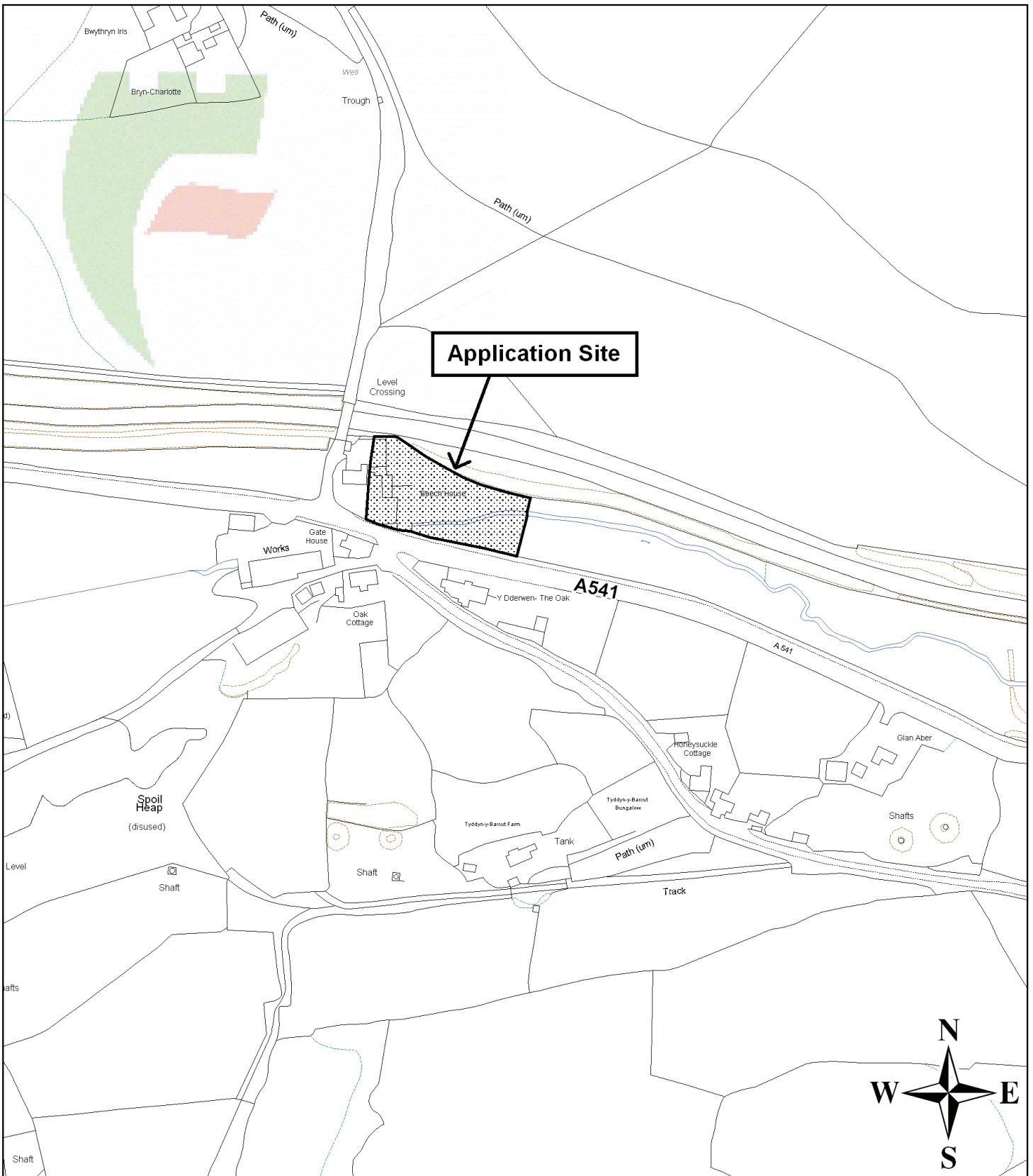
8.00 CONCLUSION

- 8.01 In view of the above I consider the form and design of the proposed extension to have a detrimental impact on the character with the existing converted traditional rural building. As such the development does not comply with the relevant criteria of Policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan; therefore I recommend the application be refused.
- 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: Celeste Ringrose
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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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Planning Application	51029

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **ERECTION OF 2NO. FLATS, DEMOLITION OF EXISTING GARAGE, CREATION OF TWO NEW VEHICLE ACCESSES WITH ASSOCIATED PARKING FOR THE PROPOSED FLATS AND EXISTING DWELLING OFF VICTORIA ROAD - LAND AT 16 BEACONSFIELD ROAD, SHOTTON.**

APPLICATION NUMBER: **051022**

APPLICANT: **MR JULIAN TAM**

SITE: **LAND AT 16 BEACONSFIELD ROAD, SHOTTON, FLINTSHIRE**

APPLICATION VALID DATE: **24/07/2013**

LOCAL MEMBERS: **COUNCILLOR MRS A MINSHULL**

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

REASON FOR COMMITTEE: **COUNCILLOR WOULD LIKE THE COMMITTEE TO SEE THE COMPLETE CHANGE OF ASPECT TO ROADS AND TRAFFIC CONGESTION IN LOCAL AREA**

SITE VISIT: **YES (For above reason)**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 2no. flats, demolition of existing garage, creation of two new vehicle accesses with associated parking for the proposed flats and existing dwelling off Victoria Road on land at 16 Beaconsfield Road, Shotton. The main issues to be considered in relation to the development of the site are the design, impact and residential amenity and access. It is

considered that the development provides an acceptable form of residential development in an existing settlement in accordance with the Council's standards.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide a commuted sum of £733 per unit to enhance recreation provision in the area in lieu of on site open space provision.

2.02 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

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

1. Time limit
2. In accordance with plans
3. Material to match existing dwelling
4. Land Drainage standard conditions
5. Surface water drainage scheme to be submitted
6. Foul and surface water discharges
7. Party wall of outbuilding to be made good in accordance with details to be submitted and approved by LPA
8. The boundary wall shall be reduced to not exceed 1 metre in height.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs A Minshull

Request Committee site visit so committee can see the complete change of aspect to road and traffic congestion in local area.

Shotton Town Council

Ward member has requested site visit on this planning application

Head of Assets and Transportation

No objection to the proposal but recommends a condition in relation to the reduction in height of the boundary wall to 1 metre.

Head of Public Protection

No adverse comments to make.

Welsh Water/Dwr Cymru

Standard conditions and Advisory notes to be added to any consent.

Environment Agency

No objection to the proposal. Informative to be added to any consent that details their Standard Advice – Guidance Notes for Developers.

4.00 PUBLICITY

4.01 Neighbour Notification letter sent.

8 objector letters received on the grounds of;

- proposal will spoil the character and setting of the area,
- too many flats in Shotton West ward already, lots of complaints about people being crammed into the area with all the social problems.
- pressure on local amenity sites /play areas
- parking problems on Beaconsfield and Victoria Roads, which both have double yellow lines, additional traffic. Proposed access points onto Victoria road will increase danger to both drivers and pedestrians,
- loss of garden out of character with area
- congestion frequently means people park inappropriately and inconsiderately.
- health hazard when garage is demolished (asbestos)
- noise and disturbance during construction and afterwards
- the garden area provides natural drainage for area
- loss of natural light into property, will be overlooked and will restrict views.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

AC18 – Parking Provision and New Development

The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 2no. flats, demolition of existing garage, creation of two new vehicle accesses with associated parking for the proposed flats and existing dwelling off Victoria Road on land at 16 Beaconsfield Road, Shotton, Flintshire.

7.02 The site is a corner plot enclosed by a brick constructed wall that abuts onto both Beaconsfield Road and Victoria Road. The site is a flat vacant garden area to 16 Beaconsfield Road which is a semi detached two storey dwelling. The site is located in a predominantly residential area in the form of two storey semi detached and terraced housing with some commercial uses to the north of the site on the main street in Shotton.

7.03 The Proposal

It is proposed to erect 2no. flats in the form of a detached dwelling with one flat at ground floor level and one flat at first floor level. Each flat would comprise of one bedroom, a bathroom, a kitchen and a living/dining room. The flats would have associated car parking on site and additional car parking would be provided for 16 Beaconsfield Road.

7.04 Residential Amenity

As stated above the plot is a corner plot and the building is designed having the frontage facing Beaconsfield Road on a similar building line to the existing dwellings. The external appearance of the building would be red brick with traditional slate roof to match the existing properties in the area.

7.05 The site is surrounded by residential properties and access roads. As stated above the proposed property is orientated facing Beaconsfield Road to mirror the other properties on Beaconsfield Road. This front elevation will have 2 doors and a window at ground floor and one window at first floor level. The side elevation facing the residential properties on Victoria Road will have 2 windows at ground floor and one window at first floor level. The side elevation that faces the existing dwelling will have 2 windows at ground floor and 2 windows at first floor. These windows face a blank wall of the existing dwelling. There are no windows proposed for the rear elevation that also faces Victoria Road. There is a separation distances of 20 metres from the windows on the proposed side elevation with the properties on Victoria Road. The separation distances are in accordance with the

Council's Local Planning Guidance Note 2 Space Around Dwellings. At present there is a brick built wall that encloses the garden area of 16 Beaconsfield Road. This wall will be retained as part of the proposal at a reduced height of 1 metre. A condition can be imposed to require this to be the case.

- 7.06 The proposal will provide for garden area to be retained for the occupiers of 16 Beaconsfield Road as well as a communal garden area for the flats.
- 7.07 One resident was concerned about overlooking from the proposed flats into their property which is located on the opposite side of Beaconsfield Road. It is considered that there would no direct overlooking from the proposed flats into the habitable rooms of the existing properties.
- 7.08 In terms of justifying the development, the site is located within the settlement boundary of Shotton within the Flintshire Unitary Development Plan. Shotton is a Category A settlement where the local need provisions in policy HSG3 do not apply. The proposal should be determined having regard to development management considerations and any additional factors such as flood risk.
- 7.09 Access
The application proposes to provide 5 car parking spaces, 3 spaces are to be provided for the flats and 2 further spaces for the existing dwelling being 16 Beaconsfield Road. These spaces are accessed off Victoria Road with the 3 spaces for the flats being to the side elevation of the flats and 2 spaces for the existing dwelling also off Victoria Road to the rear of the dwelling. Concerns have been raised from residents in relation to parking issues in the area, in particular the lack of parking, but the proposal will have a neutral impact on this as it meets the Councils parking standards.
- 7.10 The Head of Assets and Transportation has been consulted on the application and has no objection to the proposal provided that a condition is imposed to restrict the height of the boundary wall along the frontage together with any planting within a 0.5 metre strip shall not exceed 1 metre in height.
- 7.11 The Local Planning Authority's maximum parking standards require 1 space per flat and 1 car space per 2 units for visitors in accordance with UDP Policy AC18. This equates to a requirement of 3 spaces. The space required for residential properties is 2. The provision of 5 spaces therefore meets with the Council's standards in numerical terms.
- 7.12 Design and scale
Objectors have raised the issue that the scale of the development is

out of keeping with the area. The building is two storey and is considered in keeping with the elements of the nearest existing residential properties that are also two storey. The site is positioned surrounded by two storey residential development. It is therefore considered the form of the development is an acceptable form and design in this urban landscape.

7.13 As stated it is proposed the building would be red brick with a traditional slate roof as are the nearby residential properties. It is therefore considered the proposed development is in keeping with the surrounding area.

7.14 Other matters

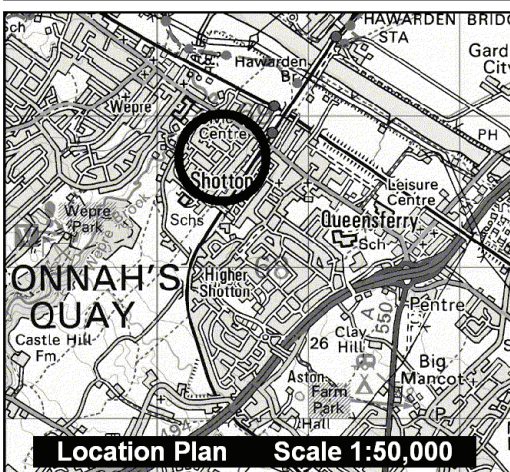
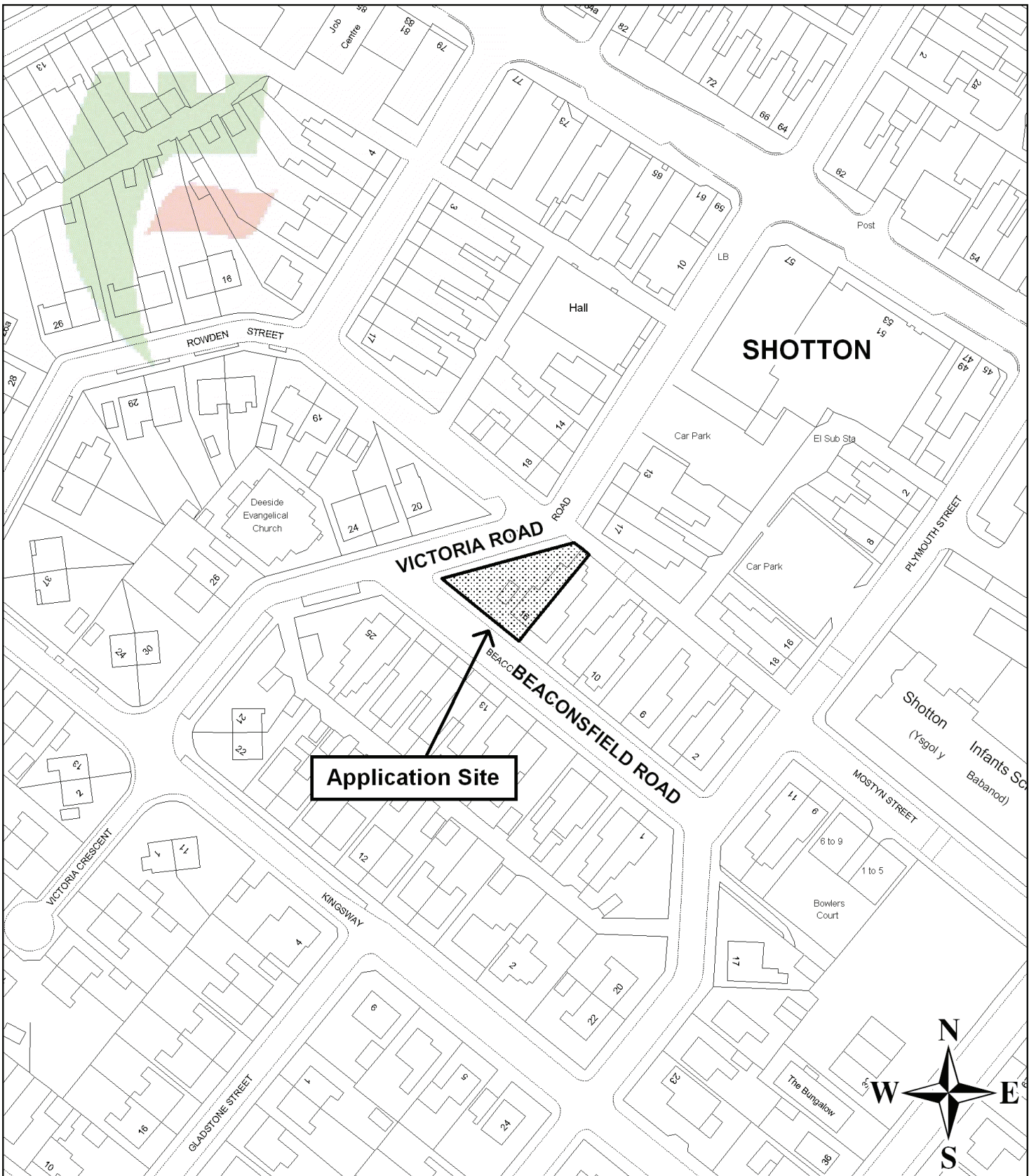
As the proposal is for two residential units a Section 106 contribution towards local playing space provision will be sought.

8.00 CONCLUSION

8.01 In view of the above it is considered that the proposal complies with the relevant policies and the application is recommended for approval.

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

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Email: Kathryn_y_taylor@flintshire.gov.uk

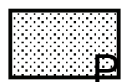


Environment Directorate,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Director: Mr. Carl Longland

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 3068

Planning Application **51022**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT AT CHAPEL STREET, CONNAH’S QUAY.**

APPLICATION NUMBER: **050153**

APPLICANT: **MR. SID HALL**

SITE: **CHAPEL STREET, CONNAH’S QUAY.**

APPLICATION VALID DATE: **21ST SEPTEMBER 2012**

LOCAL MEMBERS: **COUNCILLOR A.P. SHOTTON**
COUNCILLOR J.B. ATTRIDGE

TOWN/COMMUNITY COUNCIL: **CONNAH’S QUAY TOWN COUNCIL**

REASON FOR COMMITTEE: **SECTION 106 LEGAL AGREEMENT FOR EDUCATIONAL AND OPEN SPACE CONTRIBUTIONS.**

SITE VISIT: **NO.**

1.00 SUMMARY

- 1.01 This application seeks outline planning permission, with all matters reserved for subsequent approval for residential development at land off Chapel Street, Connah’s Quay. The illustrative plans show the development of five, two storey houses with each dwelling being accessed via private driveways off Chapel Street. The maximum height, width and length of the dwellings will be 7.9m, 5.8m and 9.4m respectively.
- 1.02 The main issues for consideration are the principle of the development in planning policy terms, the highway implications and the drainage of

the site.

- 1.03 Although the site forms part of the protective green space designation of Central Park, Connah's Quay whereby the principle of residential development is normally discouraged, given that the site is a very small portion of the Park, is located upon the edge of it and part of it is currently used as informal car parking it is considered to have little play or recreational value and therefore is acceptable in planning policy terms. In addition, the highway and drainage implications are also deemed to be acceptable subject to conditions.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106/Obligation/Unilateral Undertaking to provide the following:-
- a. Payment of £12,257 towards educational provision/improvements at Ysgol Bryn Deva. This contribution to be paid upon completion of the first dwelling sale upon the site.
 - b. Payment of not less than £1,100 per dwelling to be provided upon 50% sale or occupation of the development in lieu of on site public open space. The receipt to be used to enhance existing recreation provision in the community.

If the Obligation/Unilateral undertaking (as outlined above) is not completed within 6 months of the date of the committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

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

Conditions

1. Outline – Submission of details of all reserved matters.
2. Outline – Time limit on commencement.
3. In accord with approved detail.
4. Outline – Submission and approval of site levels including proposed finished floor levels of the dwellings.
5. Siting, layout and design of site access to be further submitted and approved, prior to commencement of site works.
6. Vehicular access to have visibility splay of 2.4 m x 43 m in both directions and no obstructions to visibility in excess of 1 m.
7. Gradient of driveways not to exceed 1 in 12.
8. 1.8 m wide footway provided along site frontage within Chapel Street, constructed to adoption requirements.

9. Positive means to prevent run-off of surface water from any part of the site onto the highway be approved in accordance with details to be further submitted and approved prior to commencement of development.
10. Foul water and surface water discharges shall be drained separately from the site.
11. No surface water drained either directly or indirectly, to the public sewerage system unless otherwise approved.
12. Land drainage run-off not permitted to discharge, directly or indirectly into the public sewerage system.
13. No development (including the raising or lowering of ground levels) permitted within the following safety zones which is measured either side of the centre line:
 - 600 mm diameter surface water public sewer – 6 m either side.
 - 375 mm diameter combined public sewer – 5 m either side.
14. Site investigation of nature and extent of contamination in accordance with a methodology to be further submitted and approved. If contamination is found, a report specifying the measures to be taken to remediate the site to render it suitable for development to be also further submitted and approved.
15. Code for Sustainable Homes Level 3 to be achieved.
16. Design stage assessment to be submitted.
17. Dwellings not occupied until “Post Construction stage” assessment submitted and approved.
18. Notwithstanding details submitted on approved plans, any Reserved Matters Application to include precise details of a footpath link within the site from Chapel Street to Central Park. Agreed details implemented in full upon first occupation of the first dwelling.
19. Notwithstanding details shown upon approved plans, any Reserved Matters Application to include details of proposed overspill parking for the Naval Club. Agreed details to be implemented in full upon first occupation of first dwelling.

3.00 CONSULTATIONS

3.01 Local Member

Councillor A.P. Shotton

No response received to date.

Councillor J.B. Attridge

Agrees to determination under delegated powers.

Connah’s Quay Town Council

Do not object to this application.

Head of Assets and Transportation

Recommends that any permission to include suggested conditions.

Head of Public Protection

No objections in principle to application. Site is close to former landfill sites and as such there is potential for the land to be affected by contamination from those landfill operations. Recommends a suggested planning condition attached to any planning permission granted.

Environment Directorate
(Rights of Way)

Footpath 25 abuts the site but appears unaffected by the development.

Path must be protected and free from interference from the construction.

Public Open Spaces Manager

Site is adjacent to an existing public open space and may have the same designation as open space in terms of development. This aspect should be investigated and relevant policy applied. If development falls outside public open space would be seeking a payment of not less than £1,100 per dwelling should be provided upon 50% sale or occupation of the development. Receipt would be used to enhance existing recreation provision in the community. Should the developer require the authority to adopt amenity/landscape space a commuted sum payment for 10 years costs would be required.

Director of Lifelong Learning

The impact on pupil numbers that this proposed development will have, indicate that Ysgol Bryn Deva will have the greatest need for additional capacity. Therefore the financial contribution requested is £12,257 for Ysgol Bryn Deva.

Welsh Water/Dwr Cymru

Requests suggested conditions and notes are placed upon any planning permission granted.

Fields in Trust

No observations to make.

Sports Council for Wales

No response received to date.

National Grid Plant Protection

No response received to date.

Ramblers Association

No response received to date.

SP Energy Networks

No response received to date.

Airbus

No aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

No responses received to date.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR11 – Sport, Leisure & Recreation.

GEN1 – General Requirements for Development.

L3 (44) – Green Spaces – Central Park, Connah's Quay.

AC13 – Access & Traffic Impact.

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

SR4 – Protecting Recreational Open Space.

EWP11 – Development on/or Adjacent to Landfill Sites.

EWP16 – Water Resources.

IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 : Space Around Dwellings.

Local Planning Guidance Note 13 : Open Space Requirements.

Local Planning Guidance Note 22 : Planning Obligations.

Adopted Supplementary Planning Guidance 23 – Developer Contributions to Education.

National Planning Policy

Planning Policy Wales (November 2012)

Technical Advice Note (TAN) 16 – Sport, Recreation & Open Space.

The site is within an identified settlement and within the defined settlement of Connah's Quay as contained in the Flintshire Unitary Development Plan. Connah's Quay is a Category 'A' settlement and policies are generally supportive for residential development in this urban location provided the detail of such schemes is assessed and found to satisfy detailed policies including Policy GEN1.

The land is also part of the protective green space designation of

Central Park, Connah's Quay. It is a strategically important open space that serves a key settlement of Flintshire providing play, sport and recreation needs within the community. As a result, residential development is normally discouraged. However, given that the application proposes to develop a very small portion of the Park, is located upon the edge of it, with the majority of it also used as an informal parking area for the Naval Club, it is considered to have little play or recreational value and therefore considered acceptable in principle in planning policy terms.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

Comprises approximately 0.95 ha of the wider designated green space within the Flintshire Unitary Development Plan which encompasses Central Park, Connah's Quay. The northern part of the site is used as informal car parking for the Deeside Naval Club. The land rises up from Chapel Street.

7.02 It is located upon the western side of Chapel Street, in between No. 2 Pinewood Avenue and the existing vehicular access to the Naval Club, opposite the junctions of Chapel Street with Princess Street and the rear access to the properties on Princess Street and Garratt Close. To the north west lies the Deeside Naval Club.

7.03 The application seeks outline planning permission with all matters for subsequent approval for residential development. The applicant's agent has submitted details of the types houses and a layout for illustrative purposes only. These details show five, 2 storey properties in a row and stepped back from one another. Overspill parking for the Naval Club is also proposed alongside the access track up to it.

7.04 Issues

The main issues to consider within the determination of this planning application are the principle of the development in planning policy terms, the highway implications and matters of drainage.

7.05 Principle of Development

The site is located within the settlement boundary of Connah's Quay as defined by the Flintshire Unitary Development Plan. Connah's Quay is also defined by the Flintshire Unitary Development Plan as a Category 'A' settlement and policies are generally supportive of residential development in this urban location provided the detail of such schemes is assessed and found to satisfy detailed policies including Policy GEN1.

7.06 The land also lies within the protective green space designation (L3(44)) – Central Park, Connah's Quay as defined by the Flintshire Unitary Development Plan. Central Park is considered a strategically important open space that serves a key settlement of Flintshire,

providing play, sport and recreation needs within the community. Given that the application proposes to develop this part of the designated green space, it would normally be considered contrary to Policy L3 of the Flintshire Unitary Development Plan.

7.07 However, given that the application proposes to develop a very small portion of the Park, is located upon the edge of it and is used predominantly as an informal car parking for the Naval Club, it is considered that this space has little play or recreational value.

7.08 The development by virtue of its location would, however, it is considered would extend an existing residential frontage on Chapel Street with rear boundaries running onto Central Park. This form of development in extending the existing residential frontage would, it is considered, extend an existing barrier for people trying to access Central Park.

7.09 As a result of the above concerns, the applicant is prepared to provide a new footpath as part of the development linking Chapel Street to the rest of the Park. The applicant is also providing overspill car parking for the Naval Club alongside the existing access way together with associated landscaping. These requirements have been placed upon the recommendation as conditions.

7.10 **Highway Implications**

The illustrative layout shows that the dwellings will be accessed via private driveways off Chapel Street. The Head of Assets & Transportation has been consulted on the application who advises that these arrangements are acceptable subject to suggested conditions being placed upon any grant of outline planning permission. These have been placed upon the recommendation as condition No's 5-9.

7.11 **Drainage**

Initial consultation with Dwr Cymru Welsh Water indicated that no development was to take place 6 m either side of a 600 mm diameter surface water public sewer and 5 m either side of the 375 mm diameter combined public sewer in order to gain access to them. Amended plans have now been received indicating that the dwellings will be constructed outside of these areas. An amended consultation response from Dwr Cymru Welsh Water confirms that this is now acceptable, subject to conditions placed upon any planning permission granted.

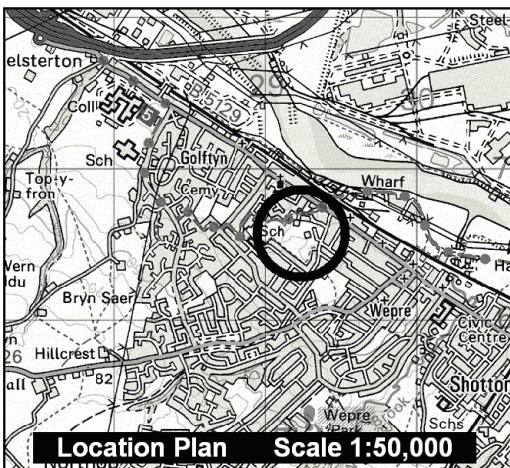
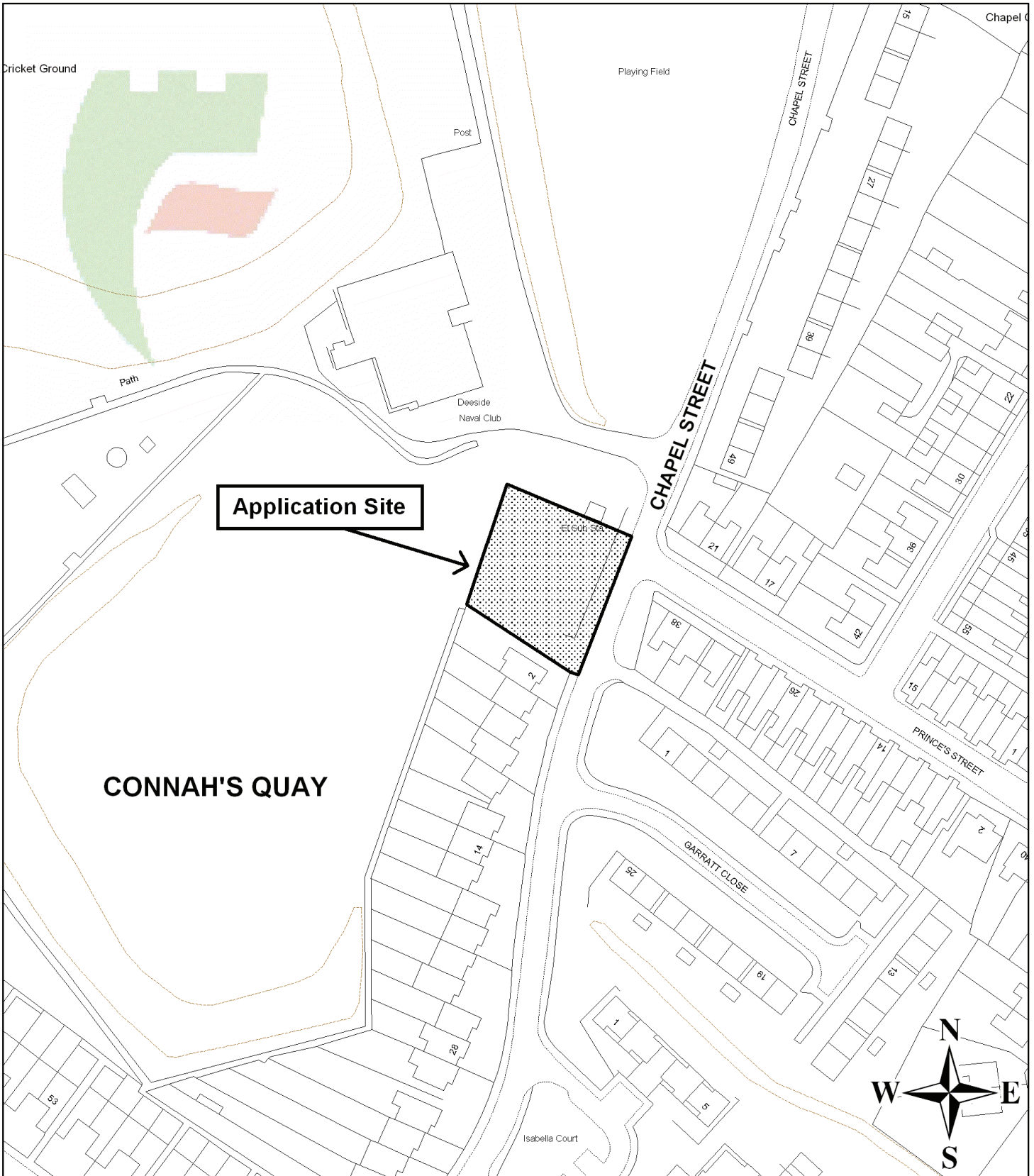
8.00 CONCLUSION

8.01 For the above reasons, this application for residential development on the site is considered to be acceptable, in principle in planning policy terms. Detailed matters of the siting, design, materials and access together with the landscaping of the site will be considered as part of

any further reserved matters application which may be submitted later, once this outline planning permission is granted.

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

Contact Officer: Alan Wells
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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 2969

Planning Application **50153**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **VARIATION OF CONDITION 11 ATTACHED TO PLANNING PERMISSION REF: 048892 FOR RESIDENTIAL DEVELOPMENT OF LAND AT THE FORMER WHITE LION PUBLIC HOUSE, CHESTER ROAD, PENYMYNYDD**

APPLICATION NUMBER: **051056**

APPLICANT: **REDROW HOMES NW LTD**

SITE: **LAND AT FORMER WHITE LION PUB, CHESTER ROAD, PENYMYNYDD, FLINTSHIRE**

APPLICATION VALID DATE: **7TH AUGUST 2013**

LOCAL MEMBERS: **COUNCILLOR MRS. C.HINDS**
COUNCILLOR D. T. M. WILLIAMS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **COMMITTEE DETERMINATION IS REQUESTED BY THE LOCAL MEMBER IN ACCORD WITH REASONS SET OUT IN SECTION 3 BELOW.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This Section 73 application seeks permission to amend the wording of Condition 11 attached to Permission 048892 (as amended by Permissions Ref: 050400 and 050469) to allow the occupation of dwellings in advance of the completion of off site drainage improvements. The proposal would not result in any alteration to the appearance of the development as approved.

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

- 2.01 That planning permission 048892, as amended by permissions 050400 and 050469, be varied by the alteration of the wording of Condition 11 as set out below. In all other respects, the permission remains unaltered.

Notwithstanding the submitted details, no more than 50 dwellings hereby approved shall be permitted to be occupied before the off site foul sewerage improvement works have been completed. Confirmation of the completion of these works shall be provided in writing to the Local Planning Authority.

REASON: In the interest of protecting the integrity of the existing public sewerage system and the prevention of pollution of the environment and to comply with the requirements of Policy GEN1 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs. C. Hinds

Raises concerns in relation to the potential impact of occupations of dwellings in advance of the upgrade to the existing drainage system. Considers that unless Dwr Cymru can guarantee that there will not adverse impacts upon existing residents, she cannot support the application.

Councillor D. T. M. Williams

Requests Committee determination. Considers the proposed amendment to the condition is unacceptable as it increases the risk to existing residents of flooding. Has advised he is prepared to accept conditions requiring the developer to address any issues for existing residents which may arise as a consequence of any future system overload.

Penyffordd Community Council

Observes that there could be an impact upon existing residents if there are further connections prior to the system improvements being carried out.

Dwr Cymru/Welsh Water

No objection to the principle of the proposed variation. Advises that there is agreement between themselves and the developers in respect of the works and timescales for completion. (See appraisal for greater details).

4.00 PUBLICITY

- 4.01 The application has been publicised by way of the posting of a site notice at the site.

4.02 At the time of writing, no responses have been received as a result of the above publicity of this application.

5.00 SITE HISTORY

5.01 **445/64**
Outline - residential development
Refused.

72/501
Outline - residential development
Withdrawn.

4/12/18113
Outline - residential development
Withdrawn 21.7.1992

04/038605
Erection of 115 dwellings and ancillary works
Refused 18.4.2005

11/048892
Erection of 88 dwellings and ancillary works
Permitted subject to S.106 Agreement 26.10.2012

12/050400
Substitution of 16 plots
Permitted subject to S.106 Agreement 19.9.2013

12/050469
Substitution of 6 plots
Permitted subject to S.106 Agreement 19.9.2013

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy GEN1 - General Requirements for Development
Policy HSG1(51) - New Housing Development Proposals
Policy EWP16 – Water Resources

7.00 PLANNING APPRAISAL

7.01 Introduction
This application is submitted under S.73 of the Act and seeks permission for the variation of condition 11 imposed upon the approved scheme. No other modifications are sought via this application.

7.02 The Proposal
The proposal seeks to vary the wording and requirements of condition

11 such that it permits the occupation of the approved dwellings in advance of the completion of off site drainage system improvement works.

7.03 Drainage Implications

The development was initially approved subject to a condition in respect of drainage issues in the area which prohibited occupation of any of the dwellings until such time as a scheme of off site drainage system improvement works had been undertaken and completed. For the avoidance of doubt, that condition read;

There shall be no beneficial use or occupation of any dwellings hereby approved until such time as the off site foul sewerage infrastructure work has been completed and such completion approved in writing by the Local Planning Authority.

REASON: In the interest of protecting the integrity of the existing public sewerage system and the prevention of pollution of the environment and to comply with the requirements of Policy GEN1 of the Flintshire Unitary Development Plan.

7.04 A scheme of works pursuant to this condition had been agreed between the developer and Dwr Cymru and was twofold in nature. Firstly, it required the upgrade the foul water drain in Penymynydd Road to upgrade a length of the sewer to a larger diameter pipe and provision of an additional manhole to connect into the existing system.

This part of the upgrade works has been undertaken by Dwr Cymru.

7.05 The second part of the system upgrade requires the upgrading of a 76 metre length of sewer pipe to a 375mm diameter between manholes SJ31610001 and SJ316000970, prior to its' entry into the Penyffordd Waste Water Treatment Works.

7.06 Despite previous agreements between the developer and Dwr Cymru for this work to be done at the same time as the works in Penymynydd Road, this upgrade has yet to be undertaken. Dwr Cymru have programmed this part of the upgrade scheme to be undertaken alongside another, unrelated, piece of system upgrade works which is planned to be complete by March 31st 2014. However, I am advised that the outstanding upgrade works which are the subject of the condition are intended to be the first part of that larger scheme of works and are therefore anticipated to be completed earlier.

7.07 Accordingly, the developer is proposing that the wording of the current condition be varied such that occupations of dwellings can be undertaken prior to this outstanding element of the upgrade works being undertaken.

7.08 Consultation has been undertaken with Dwr Cymru/Welsh Water who

advise that there is no 'in principle' objection to the variation of the condition sought. However, they have assessed the current foul drainage system and have advised that provided there are no more than 50 properties connected to the system before the completion of the upgrade works, there is no risk to existing residents. This proviso has been the subject of discussions with the developer who consider that this is acceptable and would not unacceptably compromise the development of this allocated site.

7.09 Accordingly, I recommend the variation of condition as set out in Section 2 above.

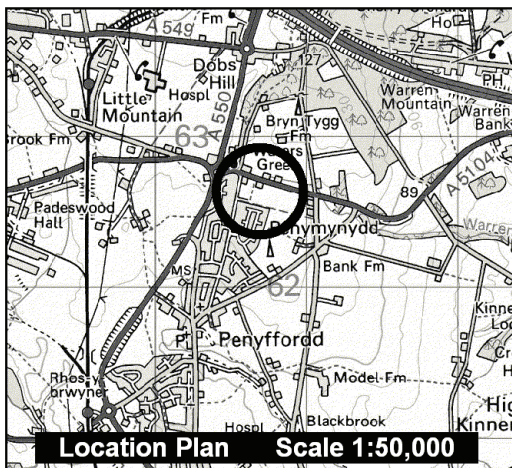
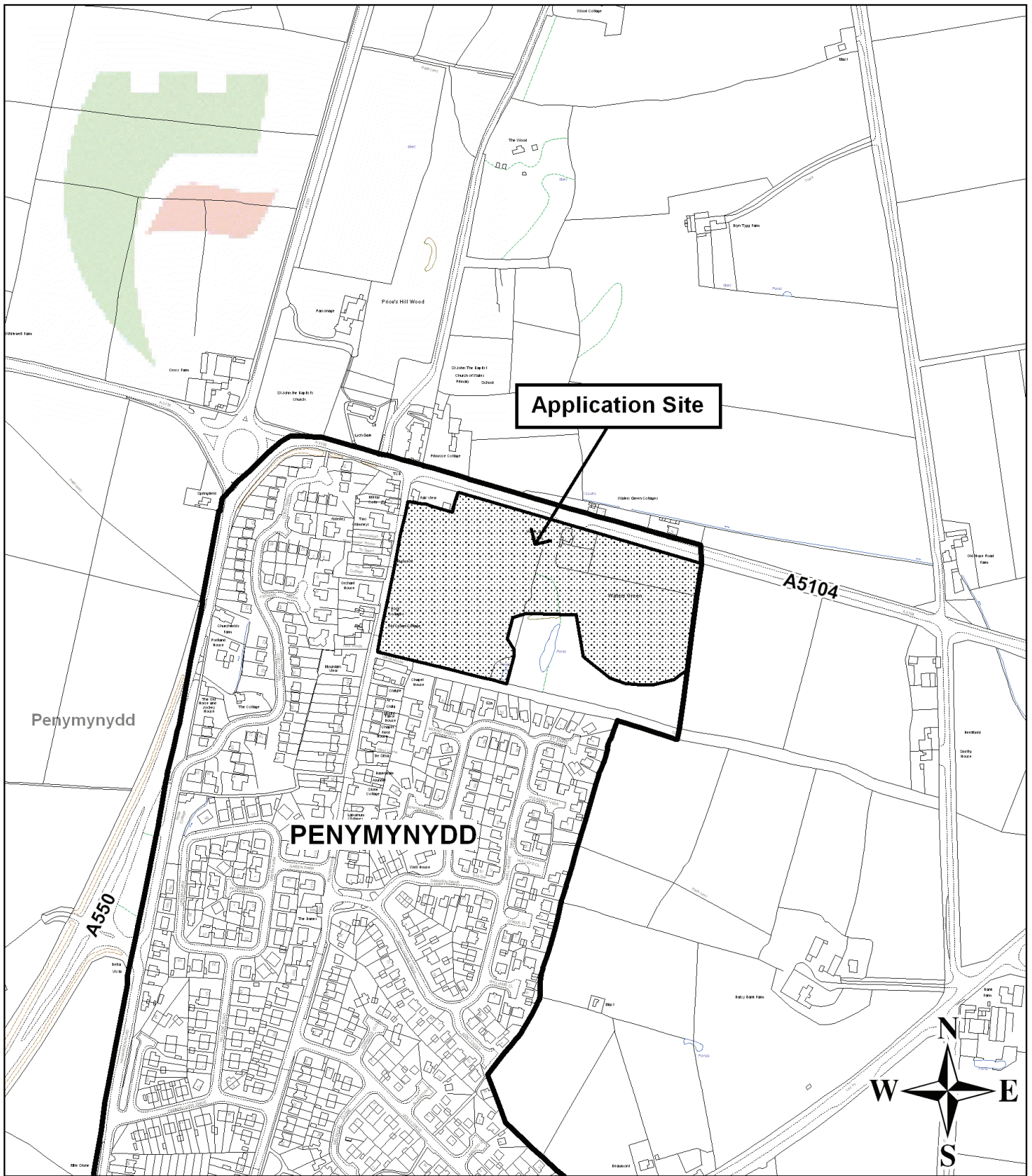
8.00 CONCLUSION

8.01 Notwithstanding the representations made raising concerns, I consider the views of the statutory drainage undertaker to be the view to which the greatest weight must be attached in the determination of this application. Accordingly, I consider the proposed variation of condition to be acceptable.

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

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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 3062

Planning Application 51056

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MRS SUE ROBERTS AGAINST THE NON DETERMINATION OF A PLANNING APPLICATION FOR THE PROPOSED EXTENSION TO FORM FIRST FLOOR OVER EXISTING SINGLE STOREY BUILDING FOR THE PROVISION OF 4 ADDITIONAL BEDROOMS AT BRYN BUNGALOW, ROCK LANE, RHYDDYN HILL, CAERGWRLE.**

1.00 APPLICATION NUMBER

1.01 049553

2.00 APPLICANT

2.01 MRS SUE ROBERTS

3.00 SITE

3.01 BRYN BUNGALOW,
ROCK LANE,
RHYDDYN HILL,
CAERGWRLE.

4.00 APPLICATION VALID DATE

4.01 14TH March 2013

5.00 PURPOSE OF REPORT

5.01 To inform member of the Inspectors decisions in relation to an appeal into the non-determination of a planning application that was determined by way of Written Representation and a site visit. The appeal was DISMISSED.

6.00 REPORT

6.01 Introduction

The Inspector considered that the main issues in this case was the effect of the proposal on the character and appearance of the existing building and the effect of the proposal on the living conditions of neighbouring residents.

6.02 Appeal Site and Surrounding Area

The Inspector noted that Bryn Cottage was a single storey cottage within a development of mainly two storey dwellings facing Rock Lane. The existing property had a flat roof extension to the rear. The proposal was for a first floor extension over the existing single storey building and extension. He noted that amended plans had been submitted as part of the appeal which reflected discussions with the Local Planning Authority (LPA) and showed a reduced height to the rear extension element, the replacement of a dormer window with a roof light and the obscure glazing to dormers at the rear. The appeal was determined on that basis.

6.03 He notes that the LPA had not made a determination regarding the proposal but has indicated that it would have refused the application as they consider that the design was not subsidiary in scale and form to the original dwelling, would be unsympathetic to the character of the existing dwelling and would constitute an overdevelopment of the site. The LPA also considered that the proposal would result in an overbearing impact detrimental to the residential amenities of the adjoining occupiers and neighbouring properties.

6.04 Policy

The Inspector noted that Policy HSG12 of the Flintshire Unitary Development Plan (UDP) states that extensions or alterations will be permitted provided the proposal satisfies a number of criteria including that it is subsidiary in scale and form to the existing dwelling, does not represent an overdevelopment of the site and respects the design and setting of the existing dwelling and surrounding area.

6.05 Despite the rather unsympathetic existing flat roofed extension, the existing cottage has a rather simple linear form and is a well balanced and attractive building. In his opinion the proposed upward extension would alter that balance. It would draw the focus of the development away from the original building to the proposed new roof line which would dominate the whole of the building. Its height, scale and mass would give it an incongruous appearance. He was of the opinion that the proposed extension would severely harm the current simple form of the cottage and result in an incongruous, unattractive and dominating feature. The rear extension in particular would appear an overlarge and clunky addition.

6.06 He considered that the extension would increase the floor space by almost the same amount as the existing and would result in a building that would dominate the rather small plot. It would appear as an

overdevelopment of the site and would be of poor design that would be at odds with the existing building. It would appear as an adjunct, and as an incongruous addition based on a need for additional accommodation rather than considered approach to the character of the cottage or of suitable design solutions.

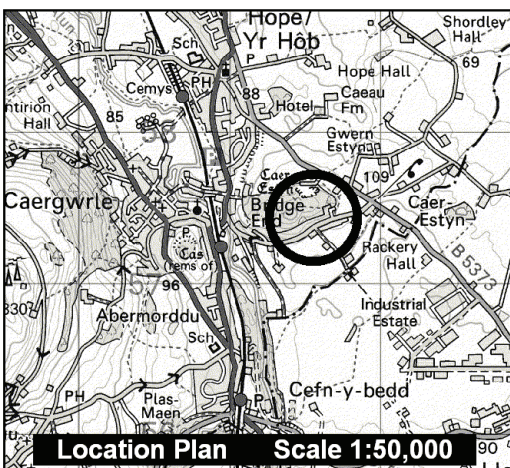
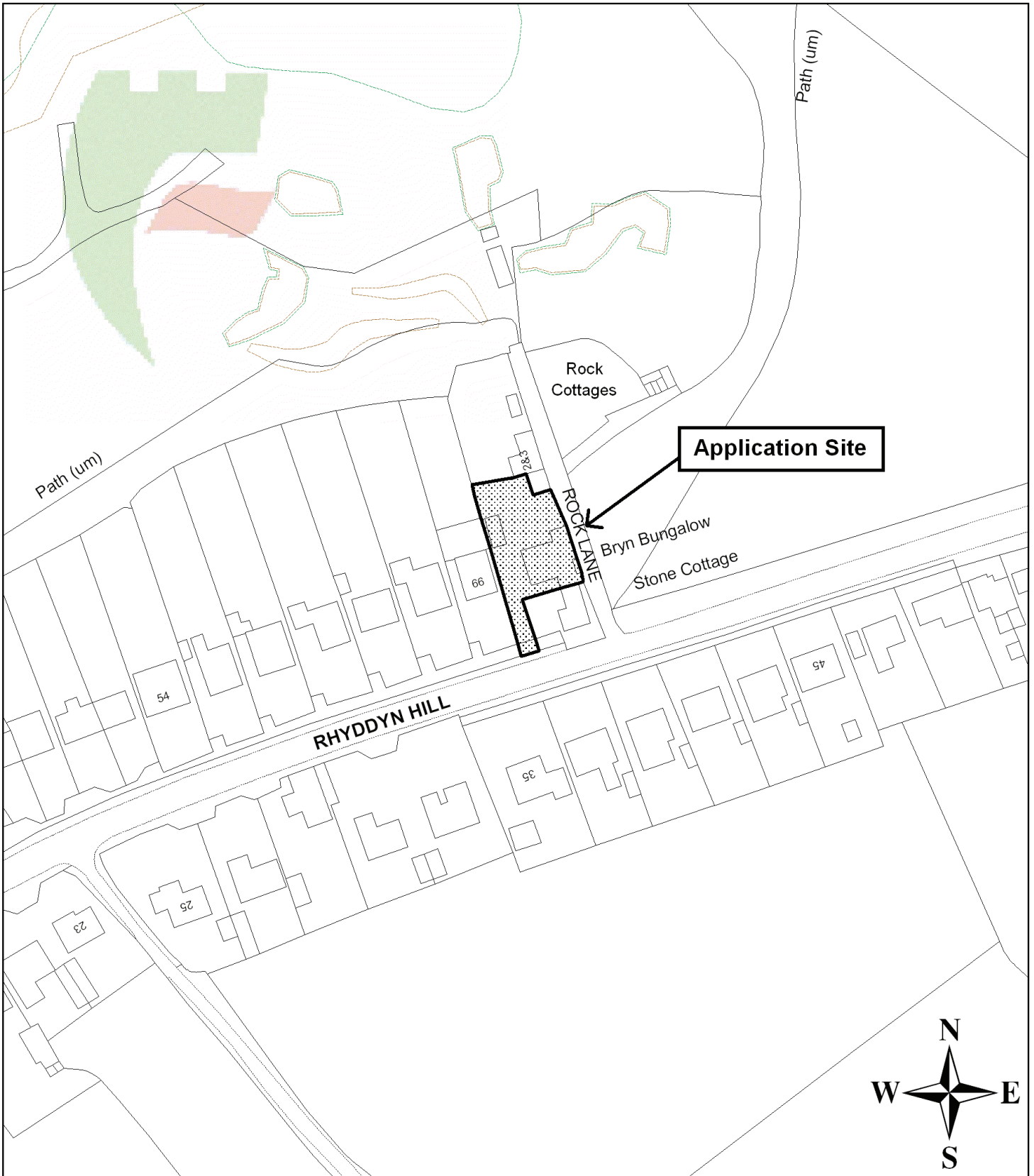
- 6.07 Overall the proposed extension would not be in scale with the existing building, would not appear subservient to it, and would harm the character and appearance of the existing building as a result. It would dominate its surroundings and appear as an overwhelming addition to the existing cottage.
- 6.08 He was therefore of the opinion that it was contrary to policy HSG12 of the Flintshire Unitary Development Plan and to guidance within Local Planning Guidance Note No.1 – *Extensions and alterations to Dwellings*. It was also contrary to national planning guidance contained within Technical Advice Note 12 – *Design*.
- 6.09 As a result of the proximity of adjacent dwellings He considered that it would also have a harmful impact on the living conditions of neighbouring residents. It would tower over the mutual boundaries and have a dominating and overbearing appearance on adjacent properties including that to the rear. He didn't however consider that this was sufficient harm to warrant refusal in its own right but did add significant weight to his previous concerns.

7.00 CONCLUSION

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

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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 49553

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH OCTOBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MS. M. LLOYD - JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A PUBLIC HOUSE, CREATION OF PARKING AND TURNING AREAS, CYCLE STORE, MEANS OF ACCESS, PROVISION OF PHOTOVOLTAIC CELLS AND LANDSCAPING ON LAND ADJACENT TO SINGING KETTLE SERVICES, ST. ASAPH ROAD, LLOC, HOLYWELL, FLINTSHIRE, CH8 8RF.**

1.00 APPLICATION NUMBER

1.01 050008

2.00 APPLICANT

2.01 MYLAKE LTD

3.00 SITE

3.01 LAND ADJACENT TO SINGING KETTLE SERVICES,
ST. ASAPH ROAD,
LLOC, HOLYWELL,
FLINTSHIRE, CH8 8RF.

4.00 APPLICATION VALID DATE

4.01 6TH AUGUST 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the refusal of planning permission for the proposed erection of a public house, creation of parking and turning areas, cycle store and means of access, the provision of 45m² of photovoltaic cells, together with and hard and soft landscaping on land adjacent to McDonalds

Restaurant, St. Asaph Road, Lloc by the Head of Planning under delegated powers. The appeal was held by way of an Informal Hearing and was DISMISSED.

6.00 REPORT

6.01 Introduction

The Inspector considered procedural matters relating to reasons for refusal in respect of the adequacy of information relating to impact upon the trunk roads and also the adequacy of information relating to the impact upon an adjacent high pressure gas pipeline. He noted that subsequent to the decision, the appellant had forwarded details in respect of the trunk road to Welsh Government Transport who had advised their concerns were addressed. In addition, he considered the issues relating to the pipeline could be addressed via a condition were he minded to allow the appeal.

6.02 Issues

The Inspector considered the main issue to be whether there were any other material considerations in favour of the proposed development which would outweigh the identified harm to local and national planning policy designed to promote sustainable development and protect the open countryside.

6.03 Policy

The Inspector noted the contention by the Appellant that there was no one policy within the Flintshire Unitary Development Plan (FUDP) which related to proposals for new public houses and therefore other material factors would have to be considered. However, the Inspector accepted the contention by the Council that whether the proposals are considered as a tourism/recreational use, or otherwise as commercial development encompassing variety of uses, the proposals would fail to satisfy the policies within the FUDP relating to either type of proposal.

6.04 He agreed that policies are not such that they should read in isolation. He noted that policies STR1, STR5, STR6, SR1 and GEN3 all relate to the proposals and/or the site and should be read in conjunction with one another. He noted that the policy framework requires that evidence is provided to demonstrate a sequential approach to the location of the proposal. He noted that the policies combined to require development to be sustainably located within existing settlements unless the specified exceptions criteria were met.

6.05 In considering those criteria, the Inspector noted one criterion was a demonstrable need for the proposal. The appellants had advanced a case based upon need at the hearing which was twofold in its basis. Firstly, it was argued that there was a need for the proposal based upon a lack of suitable rest areas along the A55 and the proposals complimented the existing offer at this junction. Secondly, the case

was argued that there was a need for such a proposal in a thriving location as an alternative to the generally declining fortunes of rural public houses.

6.06 In respect of both cases, the Inspector had regard to the nature and frequency of the existing provisions in the first instance, and concluded that the existing provision was no so deficient as to justify a case for the proposal at this location. In the second instance, the Inspector noted that no business case was advanced to support the claimed need or support the viability of such a proposal.

6.07 He concluded that the need argument advanced did not outweigh the policy objections to the proposals on the basis of location and therefore that the proposals were not compliant with the relevant planning policy context and turned his attentions consider whether other material considerations would affect his determination in such a way as to be at variance with the above stated policy guidance.

Material Considerations

6.08 Sustainability

The Inspector noted that a previous appeal decisions in respect of a similar proposal in 2009 had concluded that the site was remote to any existing centre and was poorly provided for in terms of public transport services. He equally noted the Appellants case in relation to this point, as part of the current appeal, that the majority of traffic to the site would be passing current traffic and that any additional trip generation could be offset by the provisions of a shuttle bus service for customers and staff alike.

6.09 Upon this point the Inspector conclude that notwithstanding the arguments made, the proposals would give rise to an increased level of local car borne travel. He noted that this was not consistent with the need to minimise car travel and therefore would not rate highly upon sustainability grounds. He also considered there to be a paucity of information to support the claim that the provision of a shuttle service could be controlled via condition.

6.10 He acknowledged that measures had been taken through the design of the scheme to address other aspects of sustainability but nonetheless, concluded that these factors did not outweigh his concerns in relation to the accessibility and location of the proposal.

6.11 Landscape Impact

In considering this matter, the Inspector had regard to the submitted landscape assessment and the findings of the previous Inspector who considered the 2009 appeal. He concluded that the site is only viewable in a fleeting, transient manner and primarily from the south. He considered that the context of the site and its adjacent forms of development were such that the site could not be considered to have a prominence as an important open and undeveloped piece of land.

He concluded that the proposals in respect of level setting of the proposals, together with the proposed landscaping were such that the proposal would not significantly detract from the character and appearance of the areas.

6.12 Other Matters

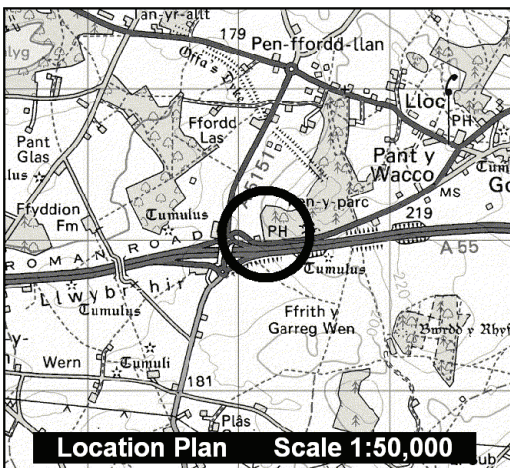
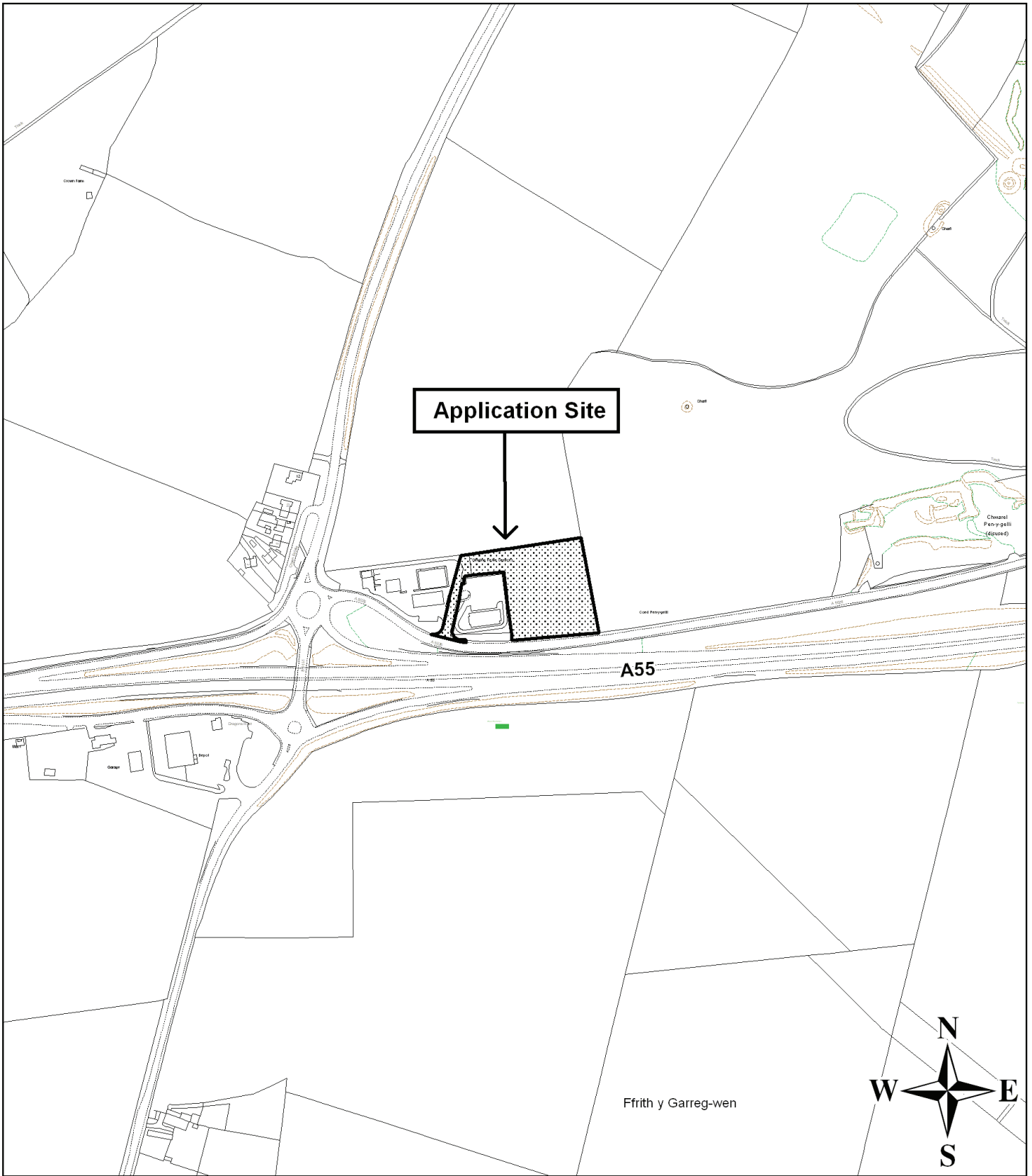
The Inspector considered representations from third parties made at the Hearing in respect of highway danger at the proposed point of access to the site and the adequacy of drainage provisions at the site but concluded that none of these matters outweighed his conclusions on the other points considered above.

7.00 CONCLUSION

7.01 The Inspector concluded that the other considerations on need and accessibility did not combine to outweigh the identified harm to local and national planning policies designed to promote sustainable development and protect against inappropriate development in the countryside. He concluded the conflict in relation to development strategy, the sequential approach, lack of information relating to sustainability, accessibility and need combine to dictate that the appeal should fail.

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

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

Legend

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

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OS Map ref	SJ 1376
Planning Application	50008

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