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Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/NG

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

1 April 2014

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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 APRIL, 2014** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

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

To confirm as a correct record the minutes of the meeting held on 12 March 2014.

- 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.

REPORT OF HEAD OF PLANNING
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON
9th APRIL 2014

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	051105 - A	Full Application - Erection of 23 No. Dwellings and Associated Works on Land at (Side of Ffordd Hengoed), Upper Bryn Coch, Mold (051105) (Pages 17 - 38)
6.2	051726 - A	Use of Land for Stationing of Caravans for the Residential Purposes for 6 No. Gypsy Pitches Together with the Formation of Hardstanding and Utility/Dayrooms Ancillary to that Use at Huntley Yard, Chester Road, Flint (051726) (Pages 39 - 50)
6.3	051499 - A	Full Application - Change of Use to Retain Existing B2 & B8 Uses, Together with All Existing Permitted Uses and Change of Use to Include Sui Generis Use to Import, Store, Recycle and Process of Waste for the Manufacture of Biomass Fuel and Solid Recovered Fuel Pellets and Briquettes for Use in Waste to Energy at the Former Laybond Products Limited, River Lane, Saltney (051499) (Pages 51 - 68)
6.4	051673 - A	Full Application - Demolition of Existing Dwelling and the Erection of Replacement Dwelling and Detached Garage at High Croft, Cilcain Road, Pantymwyn (051673) (Pages 69 - 76)
6.5	051497 - A	Retrospective change of use of land to domestic curtilage and erection of a boundary fence at Llys Caer Glo, Soughton, Mold, Flintshire (051497) (Pages 77 - 82)
6.6	051394 - R	Extension to Dwelling and Associated Works at Deer Lodge, Cymau (051394) (Pages 83 - 90)
6.7	051722 - A	Full Application - Erection of a Post 16 Education Centre and Associated Works at Deeside College, Kelsterton Road, Connah's Quay (051722) (Pages 91 - 100)
6.8	051655 - A	Retrospective application for the erection of automatic number plate recognition cameras at entrance/exit to control the length of stay in car park and variation to Section 106 Agreement of planning permission ref: 028289 to allow the above development at "Aldi Foodstore Ltd", King Street, Mold (051655) (Pages 101 - 106)
6.9	051787 - A	Full Application for Civic Amenity Site Constituting Amendments to a Previously Approved Scheme at Land Rear of C.C. Crump & Co., Prince William Avenue, Sandycroft (051787) (Pages 107 - 116)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
12 MARCH 2014

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 12 March 2014

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Derek Butler, David Cox, Ian Dunbar, Carol Ellis, David Evans, Jim Falshaw, Alison Halford, Ron Hampson, Christine Jones, Richard Jones, Brian Lloyd, Richard Lloyd, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts, Carolyn Thomas and Owen Thomas

SUBSTITUTION:

Councillor: Mike Lowe for Chris Bithell

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Robin Guest - agenda item 6.1. Councillor Amanda Bragg - agenda item 6.3. Councillor Tony Sharps - agenda item 6.4

The following Councillors attended as observers:

Councillors: Haydn Bateman, Marion Bateman, Veronica Gay and Hilary Isherwood

APOLOGY:

Councillor Ray Hughes

IN ATTENDANCE:

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Support Officers, Democracy & Governance Manager (for agenda items up to and including 6.1), Principal Solicitor (for agenda items 6.2 onwards) and Committee Officer

154. DECLARATIONS OF INTEREST

Councillor Mike Peers declared a personal and prejudicial interest in the following application due to him being the Chairman of Governors at Mountain Lane Primary School :-

Agenda item 6.6 – Application for removal of condition No. 14 of previously approved planning permission Ref: 047624 at Dovedale, Alltami Road, Buckley (051481)

155. LATE OBSERVATIONS

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

156. MINUTES

The draft minutes of the meeting of the Committee held on 12 February 2014 had been circulated to Members with the agenda.

The Democracy & Governance Manager referred to minute number 147 on page 14 and advised that any reference to Mr. Sinclair should read Mr. Arkwright.

Councillor Mike Peers referred to third line in page 15 and asked that the words 'which would result in 32 affordable homes being sited in this area' be replaced with 'with parking for 32 cars, 26 of these together in one large parking area'.

In referring to the first paragraph in the minutes on page one about the location of the draft conditions, the Democracy & Governance Manager advised that they were located in Member Services but that Members needed to request them from the Member Services staff to ensure that the conditions were retained in the office for use by other Members.

The Head of Planning also advised that he had circulated details to Members of the RTPI Cymru Spring Conference which was due to be held on 19 March 2014.

RESOLVED:

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

157. 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 23 No. dwellings and associated works on land at (side of Ffordd Hengoed), Upper Bryn Coch, Mold (051105) – following a request from the Local Member for a site visit

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

Agenda item 6.3 – Full application – Construction of 13 No. detached houses and associated works at land to the rear of Rock Bank, Main Road, New Brighton (051424) – due to a number of issues that had arisen on highways and the impact on neighbouring properties, following the site visit.

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

RESOLVED:

That agenda items 6.1 (051105) and 6.3 (051424) be deferred.

158. GENERAL MATTERS – CHANGE OF USE OF AGRICULTURAL LAND TO A GRAVEYARD ON LAND REAR OF 10 CROMPTON CLOSE, HIGHER KINNERTON (051534)

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

The Development Manager detailed the background to the report explaining that the application had been refused at the meeting of the Committee on 12 February 2014 and that this report detailed the three reasons for refusal based on concerns over the unsatisfactory access leading to parking on Park Avenue, lack of provision for disabled access and the potential conflict with the use of the playing field.

Councillor Richard Jones proposed the recommendation for the three reasons for refusal of planning permission which was duly seconded.

Councillor Mike Peers concurred with the reasons but felt that the third reason should be amended and that the words 'conflict with those users and impact upon them' be included after the words 'users of the playing field' in the third line.

RESOLVED:

That subject to the amendment to the third line of refusal reason 3, that the reasons for refusal be agreed.

159. FULL APPLICATION – ERECTION OF 36 NO. AFFORDABLE DWELLINGS WITH ASSOCIATED PARKING, ACCESS, HABITAT CREATION AND PUBLIC OPEN SPACE ON LAND AT LLYS BEN, NORTHOP HALL (050613)

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 10 March 2014. 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 to consider included the principle of the development in planning policy terms, the provision of affordable housing and the impact on the openness and visual amenity of the green barrier.

Mr. D. Bryce spoke against the application and explained that he had been a resident in Northop Hall for 20 years. He referred to the site which was known locally as 'the Gorsey' and said that it had been designated as

green barrier and was irreplaceable as a countryside play area and a safe path for children to walk to school. The area was used by the whole village and this was reflected in the 405 letters of objection that had been received. The Housing Strategy Manager had agreed that there were sufficient affordable housing properties in the area and these were detailed in paragraph 7.23 of the report. Mr. Bryce asked the Committee to refuse the application in order to retain the area for the community of Northop Hall.

Mrs. L. Pierce from Northop Hall Community Council also spoke against the application. She said that the case had been strongly made in the report to refuse the application and she sought to provide a very local basis as to why the site was so special. Northop Hall's access to the countryside had been lost by the construction of the A55, and the community had been under siege by developers for many years. The Gorse was precious to the residents of the village and could be accessed from any part of the village. The footpaths were well used and if the site was built on, the paths would all be lost. The Community Council was developing a local village plan to feed into the Local Development Plan. Mrs. Pierce said that the Gorse was part of the network of open land to the north of the village which was of great importance and suggested that village green status could be applied to the Gorse. She urged the Committee to refuse the application.

Councillor Carolyn Thomas proposed the recommendation for refusal which was duly seconded.

The Local Member, Councillor Tony Sharps, spoke against the application and thanked the Committee for attending the site visit to see the area. He concurred with everything which had been said by Mr. Bryce. He said that the area known as the Gorse was a designated green barrier with public rights of way and informal rights of way and at the public inquiry, the Unitary Development Plan (UDP) Inspector had considered that the site should not be included in the UDP. If the application was approved it would create additional strain on the local primary school and Hawarden High School, and with an extra 75 vehicles in the area, it would increase the danger for children and other pedestrians. He considered that there was adequate housing provision in Flintshire by way of outline and full planning permissions. Councillor Sharps said that the open countryside was enjoyed by many residents and created a buffer from other developments. He thanked the officer for his work on the report.

RESOLVED:

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

160. **FULL APPLICATION FOR THE ERECTION OF 35 NO. DWELLINGS INCLUDING ASSOCIATED LANDSCAPING AND FORMATION OF NEW ACCESS FROM CYMAU LANE, AT ABERMODDU CP SCHOOL, CYMAU LANE, CAERGWRLE, WREXHAM (051482)**

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 and points of clarification were circulated at the meeting.

The officer detailed the background to the report and explained that the site currently had an extant planning permission which was granted in 2012 for a similar development of 35 dwellings. This current application was as a result of the site changing hands and the new developer wanted to impose its own house designs on the site.

The officer drew attention to the Section 106 obligation and the increase in educational contribution from £24,500 to £208,870 as a result of changes to the formula identified in the Supplementary Planning Guidance. A speed activated flashing neon sign on the approach to the site also formed part of the Section 106 obligation.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He suggested that it would be useful if the report mentioned the site area, which he stated to be 1.03 Ha., to allow the density to be calculated. He also asked how the educational contributions mentioned in the Section 106 obligation were calculated and suggested that future reports could include the formula for this. In response to a question from Councillor Owen Thomas about whether the amenity area at the northern end of the site would be safeguarded, the Planning Strategy Manager said that the area was outside the settlement boundary and was protected by the open countryside and play area policies.

Councillor Carolyn Thomas queried the lack of condition about securing the maintenance of the amenity area or whether it would be transferred to the Council to secure for its future maintenance. She asked whether the estate road would be up to adoptable standard and queried why the number of parking spaces offered for school parking had been reduced. Councillor Thomas asked whether the traffic light system at the junction of the Mold Road had been considered. She raised concerns about highway issues particularly around the school opening and closing times and whether the junction would be able to cope with the number of extra vehicles generated by the development. Councillor Thomas also asked whether the hours of operation could be restricted for construction traffic to alleviate problems during the school morning or evening times.

In response to the comments made, the officer said that the educational contribution was based on a standard formula so would be applied consistently across all sites. It was not yet known if the public open space area would be transferred to the Council, or whether it would be managed by a management company; the officer reminded Members that transfer to the Council could not be required. He referred Members to paragraph 7.09 where it was reported that the applicant had offered to provide parking spaces for eight cars within the site to assist parents waiting for

children at the adjacent school, but reminded Members that the spaces were not directly required to facilitate the application in highway terms. The spaces were also not requested by the Head of Assets and Transportation but they were an attempt by the applicant to address highway matters of local concern rather than concerns which generated specifically by the development.

The Senior Engineer - Highways Development Control said that the conditions included the requirement for more detail on highways to be submitted and approved by the Council.

The Planning Strategy Manager advised that the Supplementary Planning Guidance had changed in the past twelve months and this had resulted in changes to the formula for educational contributions which were now more generous. In response to a query from Councillor Carolyn Thomas about the contributions having to be returned if some or all of the money was not spent within five years of payment, the Principal Solicitor referred Members to the late observations where it was reported that the timeframe was ten years not five. The officer confirmed that a condition could be included for a construction management plan to be produced.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, additional highway conditions reported in the late observations, an extra condition for a Construction Management Scheme and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to deliver the following:-

(a) The construction to DQR (Design Quality Requirements) and transfer at no charge to the Council of three 2 bed residential units prior to the completion of 18th dwelling on the site with such dwellings being used for affordable housing in perpetuity and nomination rights being referred by the Council. The dwellings shall be added to the Council housing stock for local residents in the Abermoddu community.

(b) Ensure the payment of an educational contribution totalling £208,870 towards educational provision/improvements to local education facilities (to be allocated as follows – Castell Alun £110,814, Abermoddu County Primary £98,056). The contribution shall be paid prior to occupation of the first dwelling and if some or all of the money is not spent within ten years of payment, it is to be returned to the developer together with any interest accrued.

(c) Ensure payment of £75,000 to provide for the long term maintenance of the public open space area, and installation of play equipment in accordance with detailed specifications with the play equipment provided prior to 50% of the development being built.

(d) Ensure the provision prior to occupation of any dwelling of a speed activated flashing neon sign on the approach to the site from Cymau Lane at a cost of £3,500 and to the Council's specification.

161. APPLICATION FOR REMOVAL OF CONDITION NO. 14 OF PREVIOUSLY APPROVED PLANNING PERMISSION REF: 047624 AT DOVEDALE, ALLTAMI ROAD, BUCKLEY (051481)

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Councillor Mike Peers, having earlier declared an interest in the application, left the meeting whilst it was considered.

The officer detailed the background to the report explaining that condition 14 of the existing permission (047624) stated "As part of the reserved matters application no development shall take place to the north of the hammerhead as illustrated on the submitted illustrative layout drawing J002220 02 21st June 2010". Paragraphs 7.03 and 7.05 provided details of the planning history and reported that application 047624 sought to overcome the issues of uncertainties in relation to the nature of the contamination within the site and the stability of the ground. The illustrative layout that accompanied the application showed a significant landscape buffer around the northern boundary of the site extending along the western and eastern boundaries with no development in the area to affect the stability of the structure. It showed two houses to the north of a hammerhead at the northern end of an internal estate road but Members had imposed an additional condition to restrict any development to the north of the hammerhead.

The applicant had subsequently submitted an engineering report which reported no reason why the developer could not develop on the land to the north of the hammerhead and therefore this application had been submitted to remove condition 14; Building Control officers were satisfied with the findings of the report. The officer also advised that the Section 106 obligation had been amended to increase the educational contributions due to the changes in the formula in the Supplementary Planning Guidance.

Councillor Carol Ellis proposed refusal of the removal of condition 14 against officer recommendation which was duly seconded. She said that the condition had been put in place to support the view of the Inspector at the appeal inquiry about the nature of the contamination within the site and the stability of the ground. She indicated that the site had been used for landfill between 1935 and the 1960s and the authority did not have any records of the materials that were put into the area, and she highlighted paragraph 7.07 of the report about the 1899 Ordnance Survey Map of the area. The condition had been proposed by Members to support what the Inspector had said about the safety of the environment. In referring to adjoining Site of Scientific Interest (SSSI), Councillor Ellis asked if third parties had been involved in consultation about the site. She added that if the condition was removed,

then the application would be identical to application 043626 which was refused and dismissed on appeal.

Councillor Richard Jones said that a previous application had been refused by Committee in 2009 and dismissed at appeal because of the risk of contamination and land stability issues. He concurred that the authority was unaware of what had been infilled at the site and commented on leachate potentially leaking into the Trap as a result of removing part of the old tramway which acted as a barrier. He felt that condition 14 should remain in place to protect the area. Councillor Alison Halford asked whether officers had sufficient expertise to issue guarantees about the proposal by the developer to use piling on the site and asked for further information on piling. She also requested more details on the 'shallow solutions' referred to in paragraph 7.10. Councillor Neville Phillips referred to the educational contributions requested as part of the Section 106 Agreement and queried whether Elfed High School was nearer to the site than Mountain Lane Primary School. Councillor Derek Butler said that the Inspector had made his decision based on the information that was available at the time and that further details had subsequently been submitted with which Planning and Building Control Officers were satisfied.

In response to the comments made, the officer said that the applicant had submitted the engineering report which indicated that the land stability issues could be overcome. The removal of condition 14 would not necessarily mean that the applicant would develop the land up to the site boundary. An indicative plan had not been received but she understood that two properties were proposed for the site north of the hammerhead. Building Control officers were satisfied with the technical solutions that had been identified in the submitted report. She explained that when looking at contributions as part of a section 106 agreement, Education colleagues would consider the current situation at the nearest primary and secondary schools, and at the time of their considerations, a contribution was required for Mountain Lane Primary School not Elfed High School. The Development Manager said that an important factor was that the Inspector had insufficient information at the time to decide if the development was acceptable. He advised that the details that had been submitted indicated that piling was an acceptable method of building and Building Control officers were satisfied with the proposals in the report. As and when a reserved matters application was received, that could be brought to the Committee for Members to consider the acceptability of the layout.

Councillor Richard Jones commented on the tramway, the clay buffer and leachate and possible contamination between the two sites. The officer referred to paragraph 7.05 which reported on the remediation scheme that had been taken forward and the groundwater monitoring which had been undertaken which showed no contamination of the groundwater in the boreholes. It was considered that there was no issue in relation to groundwater movements and the SSSI.

In summing up, Councillor Ellis said that she strongly believed that removal of condition 14 should be refused and reminded Members of land contamination issues on a site in Leeswood.

Councillor Richard Jones requested a recorded vote and was supported by the requisite five other Members. On being put to the vote, removal of condition 14 was refused by 12 votes to 7 with the voting being as follows:-

FOR – REFUSING THE REMOVAL OF CONDITION 14

Councillors:, David Cox, Carol Ellis, Ron Hampson, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Neville Phillips, Gareth Roberts, Carolyn Thomas, Owen Thomas and David Wisinger

AGAINST – REFUSING THE REMOVAL OF CONDITION 14

Councillors: Derek Butler, Ian Dunbar, David Evans, Jim Falshaw, Alison Halford, Brian Lloyd and Billy Mullin

RESOLVED:

That condition 14 not be removed due to issues of stability and potential contamination of third party land.

After the vote had been taken, Councillor Peers returned to the meeting.

162. OUTLINE APPLICATION – DEMOLITION OF EXISTING PUBLIC HOUSE, BETTING OFFICE AND DWELLING AND ERECTION OF 5 NO. APARTMENTS AT 11 HIGH STREET AND BAGILLT ARMS, HIGH STREET, BAGILLT (051325)

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

The officer detailed the background to the report and explained that the application had been submitted following the refusal of application 047389 for the erection of 8 No. apartments at this location. The application had been refused as the applicant had been unable to complete the necessary legal obligation in respect of a commuted sum payment in lieu of on site open space and controlling the occupancy of the units to meet local needs due to complexities regarding site ownership. This application complied with policy HSG3 to provide affordable local need housing and this would be ensured by a Section 106 obligation.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. Councillor David Cox said that the property was in a poor state of repair and development of the site would benefit the area.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the two additional highway conditions in the late observations sheet and subject to the applicant entering into:-

(a) A Section 106 Obligation/Unilateral Undertaking to ensure that the units are offered for rental to meet local housing needs.

(b) A Section 106 Obligation/Unilateral Undertaking or advance payment of £733 per apartment towards the maintenance enhancement of open space in the locality.

163. FULL APPLICATION – REGULARISATION OF EXISTING EQUIPMENT STORE AT MOUNTAIN PARK HOTEL, NORTHOP ROAD, FLINT MOUNTAIN, FLINT (050965)

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 10 March 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that the local Member had requested a site visit to allow Members to see the impact of the shed on the neighbours. One letter of objection had been received on the grounds of loss of view from the rear of the neighbouring property and the adverse affect on the amenity. The recommendation included a condition that there should be no windows or doors in the east elevation of the building.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He felt that the proposal did not significantly affect the amenity of the neighbour and that the application should therefore be approved.

Councillor Alison Halford raised concern about Members requesting site visits and then not attending either the site visit or the Committee meeting. She felt that the amenity of the neighbour would be adversely affected and that the shed could be sited elsewhere within the hotel grounds. Councillor Ian Dunbar said that this was a retrospective application and as some of the sheds in this area of the site had already been moved, he saw no reason why this shed could not also be moved. He raised concern at the height of the roof and referred to the loss of sunlight into the neighbour's property due to the positioning of the shed. Councillor Richard Lloyd also raised concern about the roof which was at its highest point nearest the fence bordering the neighbour's property which could result in the property being overlooked. He felt that the proposal was overbearing, the shed overshadowed the garden, and agreed that it could be moved. Councillor Derek Butler concurred that the

proposal should be refused and in raising concern that this was a retrospective application stated that it would be refused even if this was not the case. In his view, the shed could have been put further down the slope

The officer said that the fact that the application was retrospective did not make it wrong and that if it was unacceptable then enforcement action could have been undertaken. He added that the condition that there should be no windows or doors in the east elevation of the building would prevent overlooking.

In summing up, Councillor Roberts reiterated his comment that the proposal did not significantly affect the amenity currently enjoyed by the neighbour and added that the application could not be refused because it was felt that it should be sited elsewhere. He raised concern about costs that might be awarded against the Council if the applicant appealed and was successful in gaining planning permission. In response, the Principal Solicitor said that costs would not necessarily be awarded if the application was refused by Committee and the applicant appealed. A costs award depended upon the Council acting unreasonably. In his opinion, it was unlikely that a costs award would be made in cases of this nature.

On being put to the vote, the proposal to approve the application was LOST on the grounds of the application having a significant impact on the residential amenity of the neighbour.

RESOLVED:

That planning permission be refused on the grounds of the significant unacceptable impact on the residential amenity of adjoining properties by virtue of its scale and position.

164. FULL APPLICATION – ERECTION OF 3 NO. CLASS B1 INDUSTRIAL UNITS AND ASSOCIATED CAR PARKING AND AMENDED VEHICULAR ACCESS AT BILLY JEANS CAFÉ, UNIT 2, THE HAVEN GRANGE, THE NANT, PENTRE HALKYN (051580)

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 10 March 2014. 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 proposals required the applicant to enter into a Section 106 Agreement in respect of matters for which delegated powers to determine did not exist. The Section 106 Agreement would prevent the commencement of the development until such time as another existing planning permission had been implemented.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. Councillors Butler and Dunbar raised concern about Members asking for a site visit then not attending either the site visit or the Committee meeting.

Councillor Gareth Roberts concurred with the recommendation of approval and said that it was important that the Section 106 Obligation was in place so that work could not commence until the other permission had been implemented.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a S.106 agreement which provides for the following:-

- That development approved under planning permission Reference 051580 is not commenced until such time as the planning permission granted under Reference 050361 has been implemented.

165. FULL APPLICATION – ERECTION OF A DETACHED GARAGE BLOCK INCORPORATING HOME OFFICE AND WORKSHOP AT 2 TY UCHAF, CEFN ROAD, CILCAIN (051686)

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 10 March 2014. 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 adjacent property to the site had been the subject of a previous extension and that permitted development rights had been removed to prevent any further development.

Councillor Owen Thomas proposed approval of the application against officer recommendation which was duly seconded. He felt that the proposed detached building which was to be constructed of timber cladding and slate roof would not dominate the dwelling or adversely affect the visual amenity of the area, nor have any adverse impact upon the amenities of the occupants of the neighbouring property, as reported in paragraphs 7.07 and 7.08 respectively. Councillor Thomas said the principle of building the garage was not in dispute, but the issue was about its size. He referred to an application for a detached garage of similar size in Nannerch which had been permitted and queried why that had been approved when this application was recommended for refusal.

In referring to the use of the building for housing cars and tools to keep them safe, Councillor Alison Halford queried why it was reported in the conclusion of the report that the proposal was out of scale with the dwelling and referred to the site visit where the dwelling could not be viewed from the

highway as Members left the site. In response, the officer said that the proposal was for the garage to be a similar size to a house and that a building to provide security did not need to be of the scale requested. He reminded Members that permitted development rights were withdrawn when the barn was converted and approval of the application would be against Council policy.

Councillor Derek Butler said that the scale of the building was illustrated by the drawing which was displayed: it was the same size as a house. He felt it was a holiday home in the making. It was significant that the permitted development rights removed by the previous permission had never been reinstated.

Councillor Mike Peers felt that there was little in the report about what the harm would be if the development was allowed. The garage was to be sited some way from the main dwelling, and he felt that it would not impact on neighbours nor be seen from the highway. He added that the proposal would complement the site and as there was sufficient space for it to be sited, should be approved. Councillors Richard Lloyd and Richard Jones felt that the detached garage block was in keeping with the original building and as no objections had been received, Councillor Lloyd concurred that the application should be approved.

In response to the comments made, the officer said that policy HSG7 permitted developments in the countryside if they were of traditional character or architectural merit. The original application had been approved but permitted development rights had been removed to protect the character of the original converted barn. It was reported in paragraph 7.09 that negotiations had taken place with the applicant seeking a simpler, smaller, building which might be acceptable in design terms but the applicant wanted to seek determination of this application as it stood. The officer explained that the site that Councillor Thomas had earlier referred to in Nannerch was for a dwelling in its own right and therefore had permitted development rights and, as it was not a barn conversion, it could not be compared to this application.

The Planning Strategy Manager said that, due to its scale, this proposal would detrimentally impact upon the existing dwelling, and adversely affect the character of the area. He reminded Members that the application should not be approved just because it could not be seen from elsewhere.

In summing up, Councillor Thomas said that the applicant had agreed to construct the buildings in any material and added that a building made of wood would blend into the surrounding area in time. In response to a query from Councillor Peers about which policies the application did not comply with, the Planning Strategy Manager said that the policies were HSG12 and GEN 1.

On being put to the vote, the proposal to approve the application against officer recommendation was CARRIED. The Principal Solicitor said that the resolution would reflect that delegated powers would be given to the Head of Planning to determine appropriate conditions.

RESOLVED:

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

166. FULL APPLICATION – CONVERSION OF REAR OF FORMER CHURCH TO TWO BED APARTMENT AT FORMER ENGLISH CONGREGATIONAL CHURCH, HIGH STREET, BAGILLT (051084)

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 it was before Committee as the recommendation for approval subject to a Section 106 agreement for affordable housing did not fall within the scheme of delegation.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She felt that the proposal would provide much needed affordable rental housing in Bagillt. In response to a query from Councillor Mike Peers about how it could be ensured that the affordable rental provision would be maintained in perpetuity, the officer said that this would be by way of the Section 106 Obligation.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 Obligation in respect of the following matter:-

- To ensure that the apartment is retained for local people who require affordable rentable housing.

167. APPEAL BY MR. ANDREW LEWIS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A HAY BAY FOR STORAGE OF HAY PRODUCTS ON SITE AT FIELD ON SWAN LANE OPPOSITE THE CUPPINS, PENTRE-BACH, NERCWYS (050657)

Councillor Derek Butler queried whether a precedent was being set by the Planning Inspector advising that a field was a farm unit and therefore granting planning permission; he felt that a policy should be in place on the issue.

The Head of Planning said that the application had been refused under delegated powers and that the appeal would be considered in more detail at a future Planning Strategy Group meeting.

RESOLVED:

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

168. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were 25 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.57 pm)

.....
Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 9 APRIL 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – ERECTION OF 23 NO. DWELLINGS AND ASSOCIATED WORKS ON LAND AT (SIDE OF FFORDD HENGOED), UPPER BRYN COCH, MOLD.**

APPLICATION NUMBER: **051105**

APPLICANT: **STEWART MILNE HOMES**

SITE: **LAND AT SIDE OF FFORDD HENGOED, UPPER BRYN COCH, MOLD.**

APPLICATION VALID DATE: **16TH AUGUST 2013.**

LOCAL MEMBERS: **COUNCILLOR R. GUEST.**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

REASON FOR COMMITTEE: **SIZE & SCALE OF DEVELOPMENT.**

SITE VISIT: **YES**

MEMBERS WILL RECALL THAT THIS APPLICATION WAS DEFERRED AT THE MEETING ON 12TH MARCH 2014 IN ORDER FOR MEMBERS TO UNDERTAKE A SITE VISIT PRIOR TO THE MEETING ON 9TH APRIL 2014.

1.00 SUMMARY

- 1.01 This is a full application for the erection of 23 dwellings, creation of a new vehicular and pedestrian access etc. at land side of Ffordd Hengoed, Upper Bryn Coch Lane, Mold.
- 1.02 The main issues to consider are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area, the amenities of the adjoining

residents, trees, wildlife, flood risk and drainage and the provision of open space and educational requirements. The majority of the site is allocated for residential development within the Flintshire Unitary Development Plan with the southern section designated as green space. Amended plans have now been received which shows the residential development on the allocated part of the site with the majority of the green space remaining as such. Therefore, the proposals are acceptable in principle in planning policy terms. These amended plans also now resolve all of the detailed matters which need to be considered. The Applicants are also prepared to pay the requested sums in terms of education and off site open space improvement, within the area.

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 £73,542 towards educational provision/improvements at Ysgol Glanrafon, Mold. The timing of such payment to be agreed with the Director of Lifelong Learning.
- b. Payment of £25,300 for the enhancement of existing public open space in the nearby community.

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

Conditions

1. 5 year time limit on commencement.
2. In accord with approved detail.
3. Samples of all external materials to be submitted and approved prior to commencement.
4. Detailed scheme of hard and soft landscaping to be further submitted and approved in writing prior to commencement.
5. Foul water shall connect to public sewerage system.
6. Land drainage run-off not permitted to discharge either directly or indirectly into Public Sewerage System.
7. No surface water to connect either directly or indirectly to Public Sewerage System.
8. Foul water and surface water discharges drained separately from the site.
9. No development to commence until developer has prepared a scheme for the comprehensive integrated drainage of site.
10. No buildings on site shall be brought into beneficial use earlier than 1st October 2014 unless upgrading of waste

- water treatment works has been completed.
11. Mitigation measures as detailed in Section 4.10 of submitted Flood Consequences Assessment adopted as part of the development.
 12. Biosecurity Risk Assessment to identify risks and control measures to avoid spread of invasive species and diseases, within or off the site to be submitted to and agreed in writing by the Local Planning Authority prior to commencement.
 13. Details of existing and proposed site levels and proposed finished floor levels further submitted to and approved in writing by the Local Planning Authority.
 14. Details of "Design Stage" Assessment and related construction to be further submitted to and approved by the Local Planning Authority.
 15. Each dwelling to be constructed to achieve a minimum Code for Sustainable Homes Level 3 and Achieve 1 Credit under Category Ene1 in accordance with the requirements of Code for Sustainable Homes – Technical Guide April 2009.
 16. No dwelling occupied or unless otherwise agreed in writing until Code for Sustainable Homes "Post Construction Stage" Assessment has been carried out, a final Certificate has been issued certifying Code Level 3 and 1 Credit under Ene1 have been achieved in writing by the Local Planning Authority.
 17. Details of all boundary treatments to be submitted and approved.
 18. Reasonable Avoidance Scheme for bats to be further submitted and approved by the Local Planning Authority.
 19. Management plan of green space corridor to be further submitted and approved.
 20. No tree and hedgerow works during bird nesting season.
 21. Siting, layout and design of means of access to be further submitted to and agreed in writing by the Local Planning Authority.
 22. Forming and construction of means of site access to be further submitted to and agreed in writing by Local Planning Authority.
 23. Access to each plot in accordance with attached detail.
 24. Front of garages set back minimum of 5.5 m behind back of footway line.
 25. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal roads to be further submitted and agreed in writing.
 26. Positive means to prevent the run off of surface water onto highway to be provided in accordance with details to be further submitted and agreed.
 27. Construction management plan to be further submitted and approved.

28. Arboricultural Method Statement to be further submitted and approved. Development after carried out in accordance with AMS.
29. Development not commenced until scheme for management of overland flow from surcharging of site's surface water drainage system submitted to and approved by Local Planning Authority.
30. Removal of permitted development rights for alterations, extensions etc.

If the Obligation pursuant to Section 106 of the Town & 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 R. Guest

Principle of residential development is not disputed, it is disappointing that the UDP indicative figure for density has been abandoned.

Two areas of concern over the detail, after several changes from the initial application.

- Dangerous situation created at proposed junction of new development and Upper Bryn Coch, given angle of junction, line of sight, narrowness of higher section of UBC and the pedestrian entrance to St. Mary's Park. Closing off the narrow section of UBC to vehicular traffic, the danger can be avoided and the additional traffic impact on UBC/Bryn Coch Lane junction (v. dangerous at school run time) partly offset.
- Proximity of the units to Ffordd Hengoed, where height difference between sites and proposed positioning represents unacceptable impact on the amenities of existing dwellings and do not comply with guidelines.

Mold Town Council

Agreed amended application still does not address original concerns to those listed below. Objects on the following grounds:-

- Pond and stream should be protected in addition to the hedge. Culverting of watercourse will create a flood danger.
- Need to consider construction traffic during development. This should be through Maes Gwern.
- Will increase traffic flow considerably, especially affecting Glanrafon

School. Evidence to the cul de sac should be at the other end of Ruthin Road as there is already a gate there.

- Need for a footpath access should the entrance to the cul-de-sac be amended.
- Overdevelopment of the site. UDP identifies only 15 properties.

Head of Assets & Transportation

Technical Note submitted satisfactorily appeases previous concerns. Traffic survey by the applicant at Ffordd Trem y Foel gives an indication that the development is unlikely to generate any significant additional traffic onto this section of road. Thereafter recommends approval subject to suggested conditions.

Head of Public Protection

No adverse comments to make regarding the proposal.

Director of Lifelong Learning

Development will have a significant effect on Ysgol Glanrafon, Mold where the numbers on the roll already exceed its official capacity by 11. Therefore, financial contribution requested is £73,542 for that school.

A contribution is not requested for the Alun School, which has more than 7% surplus places.

Public Open Spaces Manager

Should be seeking an off site payment of no less than £1,100 per unit in lieu of an on-site POS. The payment would be used to ensure improvement to existing POS in the community.

Natural Resources Wales

The FCA submitted in support of the application demonstrates that the risks and consequences of flooding can be acceptably managed in accordance with TAN14 Development & Flood Risk (2004). Suggests recommended conditions are placed upon any grant of planning permission.

Notes site been subject to survey and assessment of statutory species. Consider assessment completed to satisfactory standard for purposes of informing the decision making process. Concur with its conclusion and recommendations. Believe proposals unlikely to be detrimental to maintenance of favourable conservation status of any statutory protected species populations present in their natural range if recommendations are carried out in it.

Welsh Water/Dwr Cymru

If minded to grant consent, advise suggested notes and conditions are included within the consent.

Proposed development would overload the existing waste water treatment works. Improvements are provided for completion by 1st October 2014. Offers a Grampian style condition to that effect.

Wales & West Utilities

Do not have any plant or apparatus in the area. Gas pipes owned by other companies and also privately owned may be present in this area.

SP Powersystems

Has plant and apparatus in general proximity. Developer advised of need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the electrical apparatus.

Airbus

Does not conflict with safeguarding criteria. No aerodrome safeguarding to the proposal required.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

78 letters of objection received in total (including amended plans). The grounds of objection are summarised below:-

- Impact upon wildlife and their habitats in terms of badgers, great crested newts and toads.
- Overdevelopment of site. Housing allocation states a total of 15 units. Will adversely affect the entire surrounding area with less privacy and higher levels of noise and traffic.
- Loss of amenity in terms of loss of light, privacy and obtrusiveness upon adjoining residents particularly those on Ffordd Hengoed as the minimum standards within LPG Note 2 'Space Around Dwellings' are not met given the change in levels. The minimum distance of 22 m between properties should be adjusted to 26 m to allow for height difference. There will also be a loss of amenity to houses opposite the site access.
- Strongly oppose loss of any hedgerows due to wildlife concerns and will change character of area. Replanting will not be acceptable as current householders would not gain any benefit.
- Development site is currently open grassland/farmland, also serves as wildlife corridor between parkland on St. Mary's Park and green belt. This loss will be another area of open countryside.
- Access to narrow section of Upper Bryn Coch be reviewed. Development will lead to an increase in traffic using this narrow lane

which will result in increased danger to pedestrians, cyclists and motorists.

- Severe impact in traffic flow upon local roads including at the junction of Bryn Coch Lane and Upper Bryn Coch Lane by Glanrafon School.
- Applicants already drained nearby pond which will have a serious effect on loss of toads, badgers and great crested newts.
- Have the appropriate surveys been undertaken – ecology and transport?
- The upper part of Upper Bryn Coch Lane (from the western end of the site to Ruthin Road) is reasonably wide and could be easily improved. Junction is also safe and 30 mph limit could be moved.
- An offence may have been committed by destroying the habitat of the great crested newt. If this is the case, it is relied upon by Flintshire County Council to pursue this offence.
- The traffic survey produced by the developer has no correlation to the survey carried out by the residents. An independent survey should be commissioned.
- The educational monies should be split 80% to Bryn Coch School, 20% to Glanrafon School as the majority of children from this development will not go to the Welsh Medium School.
- Flintshire County Council should speak to Mold Town Council prior to the allocation of the public open space money. The town council is currently attempting to obtain funds for a footpath around one of the lagoons in Maes Gwern and repairs and additions to the existing footpath round the first lagoon adjacent to the same road.
- Plan does not show drainage proposals.
- In a high risk coal mining area.
- Flintshire County Council have already met their housing targets.
- 2003 Welsh Water objected to the site on the basis of a lack of sewage treatment capacity. No work since to extend capacity.
- Infrastructure needs to be improved i.e., schools.
- The new houses would weaken the Welsh Language situation even further.

- Houses would be built too close to EDF's windmill.
- Proposed access is dangerous and hazardous.
- No need for more houses in Mold.
- Still proposals to culvert a section of the stream at south side of site. No culverting or diversion of the stream should be allowed as it will lead to an increase in flooding.
- FCA advises existing culvert under road cannot convey estimated 1 in 100 year peak flow and flooding will occur. Proposed culvert would extend flooding into site.
- Access for construction traffic should be along Maes Gwern to avoid heavy traffic passing through congested areas past schools etc.
- Some of the development is still in the green space.
- Queries left hand movement of vehicles out of site into narrow part of Upper Bryn Coch Lane and right hand turn into site will provide a safe and satisfactory solution for all users of this section of the lane.
- County lane or built up area – which would most people choose?
- Should be a greater mix of properties to include 2 & 3 bedroomed properties and to be affordable also.
- Developer not produced a sectional plan for impact of proposed dwelling (plot 22) on 4 Ffordd Hengoed. Do not know what impact there is going to be in terms of loss of amenities.
- Stream in south east corner of the site should not be altered to damage the tree roots.
- Loss of trees in the area. Woodland belt is an important landuse feature.
- The garage on plot No. 23 will also have an overbearing effect upon the occupiers of No. 2 Ffordd Hengoed. Flintshire County Council have refused previous applications on loss of amenity where building is on the boundary.

5.00 SITE HISTORY

- 5.01 **051610** – Erection of 28 No. dwellings and associated works – Current.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
- STR1 – New Development.
 - STR2 – Transport & Communications.
 - STR4 – Housing.
 - STR7 – Natural Environment.
 - STR9 – Welsh Language & Culture.
 - GEN1 – General Requirements for Development.
 - GEN2 – Development Inside Settlement Boundaries.
 - GEN6 – Welsh Language & Culture.
 - D1 – Design Quality, Location & Layout.
 - D2 – Design.
 - D3 – Landscaping.
 - TWH1 – Development Affecting Trees & Woodlands.
 - TWH2 – Protection of Hedgerows.
 - L1 – Landscape Character.
 - L3 – Green Spaces.
 - WB1 – Species Protection.
 - WB6 – Enhancement of Nature Conservation Interests.
 - AC13 – Access & Traffic Impact.
 - AC18 – Parking Provision & New Development.
 - HSG1(16) – New Housing Development Proposals – Upper Bryn Coch Lane, Mold.
 - HSG8 – Density of Development.
 - HSG9 – Housing Mix & Type.
 - HSG10 – Affordable Housing within Settlement Boundaries.
 - EWP2 – Energy Efficiency in New Development.
 - EWP13 – Nuisance.
 - EWP16 – Water Resources.
 - EWP17 – Flood Risk.
 - IMP1 – Planning Conditions & Planning Obligations.
- Local Planning Guidance Note 2 Space Around Dwellings.
- Local Planning Guidance Note 4 Trees & Development.
- Local Planning Guidance Note 8 Nature Conservation & Development.
- 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 Policies
- Planning Policy Wales Edition 6, February 2014.
 - Technical Advice Note (TAN)2: Planning & Affordable Housing.
 - Technical Advice Note 5: Nature Conservation & Planning.
 - Technical Advice Note (TAN) 11: Noise (1997).
 - Technical Advice Note (TAN) 12: Design (2009).
 - Technical Advice Note 16: Sport, Recreation & Open Space (2009).
 - Technical Advice Note 15: Development & Flood Risk.

The site is located within the settlement boundary of Mold with majority of the site allocated for residential development (Policy HSG1(16)) within the Flintshire Unitary Development Plan. The southern part of the site is designated as green space (L3(171)) Maes Gwern. The majority of this area within the proposals has been retained as such. Therefore, in principle, the development for residential development is considered acceptable. What needs to be considered are the detailed matters of the application.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of approximately 1.21 ha of improved agricultural grassland which slopes downwards from its northern to southern boundary by approximately 2 m. To the south of the site lies a brook and woodland which is designated as green space in the Flintshire Unitary Development Plan (FUDP). Both the northern and western boundaries comprise of a species rich hedgerow with a hedge also located along the eastern boundary adjacent to the rear gardens of Nos 2-8 Ffordd Hengoed. These existing properties are approximately 2 m lower than the site itself. Access to the site is gained via an existing field gate within the north eastern corner of the site, off Upper Bryn Coch Lane.

7.02 It is situated in between the southern side of the narrowest part of Upper Bryn Coch Lane and the northern side of Maes Gwern upon its western end. The rear gardens of Nos 2-8 Ffordd Hengoed lie immediately to the east. On the northern side of Upper Bryn Coch Lane lies the green space set within the modern residential properties of the St. Marys Park development. The site is located in the south west corner of Mold.

7.03 The proposals involve the erection of 23, detached dwellings being all of two storey in height. They will be a mix of four and five bedroomed and will be constructed within facing brick walls with tiled roofs.

7.04 A new vehicular access will be constructed in the location of the existing agricultural access with a cycle and pedestrian access being provided in the south western corner of the site also.

7.05 The level of car parking will be 3 spaces for the four bedroomed dwellings and 3 spaces for the five bedroomed dwellings.

7.06 The majority of the dedicated green space has been retained apart from a small section of road and the corner of a garage to a proposed dwelling to the south of the site and its long term future will be protected by the developer's proposals to instruct a management company to maintain the area.

7.07 Background

Members may be aware that the site was allocated for residential development in the preparation of the Flintshire Unitary Development Plan and was the subject of objections at deposit stage which raised a wide range of issues which were subsequently addressed by the Inspector in her report. Despite these objections, the Inspector recommended to retain the allocation for residential development.

7.08 Issues

The main issues to consider with the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the character and visual appearance of the area, the amenities of adjoining residents, trees, wildlife, flood risk and drainage and the provision of open space and educational contributions.

7.09 Principle of Development

This site is located within the settlement boundary of Mold with the majority of the site allocated for residential development by virtue of Policy HSG1 (16) within the adopted Flintshire Unitary Development Plan. The southern part of the site is designated as green space – L3(117) Maes Gwern whereby development will only be permitted which does not unacceptably harm their function or value as a green space nor threaten their value to the community. However, amended plans have now been received which show that the majority of this part of the site allocated for green space will not be developed and will be retained and managed as green space.

7.10 Policy HSG10 requires, where there is a need, for the Council to negotiate with developers to provide 30% affordable housing in suitable schemes within settlements. The minimum size threshold being 25 dwellings or 1 ha. Although the site is less than 25 dwellings, it is over 1 ha. However, in this instance such a provision has not been requested as the nett developable area is less than 1 ha. with the developer retaining the green space area to the south.

7.11 The indicative yield for the site in Policy HSG1 is 15 units which reflects its small size, the characteristics of the site and its surroundings. However, as part of ensuring sustainable development, there is a fundamental principle embodied in both Planning Policy Wales and the UDP that the most efficient use should be made of land for development. Such principles are expressed in the form of a series of targets against which the Plans performance can be measured. Target 6 in the Housing Chapter of the written statement specifies 'Achieve a minimum of 30 houses/ha on all allocated sites' and specific policy guidance is then given in policy HSG8 'Density of development'. This policy adopts a criteria based approach to ensuring that individual development proposals make the most efficient use of land yet have regard to the character of the site and surrounding area. It is considered that the proposed density of 21 dwellings per hectare on this proposed development is in accordance

with the Plans overall policy thrust as it balances the density of the development with the particular characteristics of the site and its surroundings, as explained later in the report.

7.12 Given the above, the development accords in principle in planning policy terms. What needs to be considered are the detailed matters of the development.

7.13 Highways

It is proposed to create a vehicular access into the site from Upper Bryn Coch Lane which is to be located in the north eastern corner of the site where the existing field access is presently located. From this new vehicular access, it is proposed to have a spine road which runs down to the south west of the site with a cul de sac at the western end of the site. It is also proposed to create a pedestrian and cycle access at the south western corner of the site onto Upper Bryn Coch Lane enabling a through route within the site for pedestrians and cyclists to avoid using the unlit and narrow section of Upper Bryn Coch Road.

7.14 Parking provision within the site will be 3 off road spaces per property. This is in accordance with the Council's maximum standards.

7.15 The Applicant has submitted a technical note to support their application on highway grounds which has been assessed by the Head of Assets & Transportation. This note advises that the likely trip generation as a result of the development would result in 2 & 10 vehicular movements to the site in the morning and afternoon peak hours and 13 and 3 vehicles out of the site in the morning and afternoon peak hours respectively. Vehicle movements into the site from vehicles turning right from the narrow section of Upper Bryn Coch Lane and out of the site up this lane during peak hours have been predicated at 0-1 and 0 respectively. Given these trip generation rates it is considered that there are no capacity issues with the nearby roads including the junction of Bryn Coch Lane and Upper Bryn Coch Lane by Glanrafon School to deal with the increased traffic resulting from the development.

7.16 It has been suggested that a through route within the site and closing off this narrow and unlit section of Upper Bryn Coch Lane would improve vehicle, pedestrian and cycle safety. The closed part would only be used by pedestrian and cyclists. However, it is considered that this would significantly increase the volume of traffic through the site as a result of its use as a 'rat run' for vehicles between the large residential area of south west Mold and Ruthin Road. This section of road from the western corner access of the site for the remaining part of Upper Bryn Coch Lane to its junction with Ruthin Road is also unsuitable, due to its narrow width when opposing vehicles meet and lack of footways. Furthermore, at the Ruthin Road Junction, visibility to the right when emerging from Upper Bryn Coch is limited to well below the stopping sight distance on the derestricted section of Ruthin

Road, where legal speeds can be up to 60 mph.

- 7.17 It is considered that the closing off of the Lane which would only be used by pedestrians and cyclists is also considered unacceptable as it is unlit, darkened by overhanging tree canopies and with no surveillance. It would be safer for both pedestrians and cyclists to travel through the development site which it is proposed.
- 7.18 The overall number of car parking spaces for the development is considered to be sufficient and will not lead to parking on nearby roads to the detriment of highway safety.
- 7.19 Given the above, the Head of Assets & Transportation concludes that there are no highway safety or capacity grounds to resist the development as proposed, and that the current proposals offer an opportunity to provide improved pedestrian and cycle routes through the site and allow the existing narrow lane to be retained to accommodate the limited existing and proposed traffic flows.
- 7.20 Character & Appearance
The site lies on the south western edge of Mold and sits between low/medium density residential development and land to the south which is allocated for employment development as part of Mold Business Park. Land to the west is rural in character and forms part of the green barrier between Mold and Gwernymynydd. The prevailing house types in this part of Mold are large, detached and of two storey.
- 7.21 The development will be of 2 storey detached dwellings with pitched roofs. Their design will be a mix of one and two projecting two storey bays with hipped roofs to the front with a variety of detailing including brick bands, brick heads and cills around the other windows. The external materials will be of concrete tiled roofs with a mix of render and brick walls. The type of dwellings will match those within the locality with the differing styles and detail of those proposed adding variety and interest within the development itself.
- 7.22 The site layout is conventional in style and it is considered reflects the general layout of surrounding roads and properties where dwellings directly front onto the main access roads and arranged around cul de sacs. The proposed layout to the north east of the site has dwellings fronting onto both sides of the main internal road but further into the site westwards, the proposed dwellings front onto only the northern side of internal road as upon the southern side the green space corridor has been retained. To the west, lie proposed dwellings arranged around a cul de sac.
- 7.23 The character and design of the proposed development has been informed in part by the pattern and appearance of the existing dwellings, which are of a modern suburban appearance, and in part

by the need for a development that responds not only to the physical constraints of the site (designated green space, mature trees and hedgerows together with the restricted width of the eastern part of Upper Bryn Coch Lane) but also to current housing market requirements. The latter indicates the need for the larger executive style houses within this part of Mold. The revised layout has been devised so the majority of the retained green space becomes a focal point of the site, with proposed dwellings facing onto it wherever possible.

- 7.24 The density of development upon the developable part of the site equates to approximately 21 dwellings per hectare. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites in Category A settlements, the general minimum net housing density should aim to achieve 30 dwellings per hectare. However, the policy recognises that individual circumstances will vary according to site location and the character of the area. The density of the proposed development is lower than the minimum requirement but given the small size of the site and its constraints, the housing need and the importance of retaining as much of the character and appearance of the site and locality, this is considered acceptable in this case.
- 7.25 The properties will be a mix of 4 & 5 bedrooms. This type of property is reflective of the type in the area. Policy HSG9 only requires housing development's to provide more of an appropriate mix of dwelling sizes and types to create mixed and socially inclusive communities on sites of 1.0 hectare or 25 dwellings or more. As the developable area is less than both a hectare and 25 dwellings, a mix of 2, 3, 4 & 5 bedroomed properties is not required.
- 7.26 Amenities of Existing/Proposed Occupiers (Privacy, Loss of Light, Etc).
The rear gardens of the existing properties of Nos 2-8 Ffordd Hengoed lie immediately to the east of the site with the side elevations of Nos 62, 64, 76 Ffordd Newydd lying to the west of the site. It is proposed that four dwellings will be erected to the west of Nos 2-8 Ffordd Hengoed with seven properties to be located to the south west of Nos 62, 64, 76 Ffordd Newydd. The existing dwellings on Ffordd Hengoed are set at a lower level, by approximately 2 m, from the proposed dwellings in this location.
- 7.27 The separation distances between the rear of the proposed properties to the west of the site and the side elevations of Nos 62, 64, 76 Ffordd Newydd will be approximately 20 m with the side elevation of the proposed dwelling on Plot 10 onto the existing side elevation of No. 76 Ffordd Hengoed being 18 m. These distances accord with the minimum separation distances within the Local Planning Guidance Note 2 'Space Around Dwellings'. Thus it is considered that these proposed dwellings will not have a significant detrimental impact upon the amenities of these existing dwellings in terms of loss of light,

privacy, obtrusiveness etc.

- 7.28 The separation distances between the rear of the proposed dwellings on plot Nos 20, 21 & 22 and the rear of the existing properties of Nos 8, 6 & 4 Ffordd Hengoed vary from approximately 25 m – 23 m, 24 m – 22 m, 23 m – 25 m respectively. Taking into account the proposed difference in levels which vary from 0.1 m – 2 m, these distances and the positions of both the existing and proposed dwellings, it is considered that there will not be a significant detrimental impact in terms of loss of light, privacy, obtrusiveness upon the occupiers of these existing dwellings.
- 7.29 The separation distance between the proposed two storey side elevation of the dwelling on plot No. 23 and part of the rear elevation of the existing two storey property of No. 2 Ffordd Hengoed is approximately 16 m. Upon this proposed side elevation of plot No. 23 an attached single storey garage is also proposed with the separation distance between this and the rear elevation of No. 2 Ffordd Hengoed is 10 m. The separation distances between the proposed two storey side elevation of plot No. 23 and the rear elevation of No. 2 Ffordd Hengoed, meets the minimum standards within the Local Planning Guidance Note 2 (even taking into consideration the difference in levels). The separation distance between the proposed garage and the rear of No. 2 is not met. However, given that the garage is single storey, is at an angle and is not habitable, it is considered that this will not lead to a significant loss of amenity in terms of overlooking, loss of light, obtrusiveness upon the occupiers of No. 2 Ffordd Hengoed.
- 7.30 The separation distance between the proposed two storey side elevation of Plot No. 23 and the other part of the two storey rear elevation of No. 2 Ffordd Hengoed is approximately 12 m with the separation distance of the proposed two storey rear elevation of plot No. 23 and the two storey rear elevation of No. 2 being 14 m. These distances do not meet the minimum separation distances within the Local Planning Guidance Note 2 but plot 23 is to be constructed in a position at an angle to No. 2. Therefore, it is considered that there will be not a significant detrimental impact upon the amenities of the occupiers in terms of loss of light, privacy and obtrusiveness to No. 2 Ffordd Hengoed.
- 7.31 The separation distance between the proposed rear elevation of plot No. 23 and the rear elevation of No. 4 Ffordd Hedgoed is approximately 16 m. Again, this does not meet the minimum separation distances between properties, however, given that the proposed dwelling to plot 23 is to be positioned at an angle to No. 4 and indeed to Nos 6 & 8 also, it is considered that there will be no significant increased loss of amenity to these properties in terms of loss of light, privacy and obtrusiveness.
- 7.32 Within the site itself, the proposed layout shows that the size of the

private amenity gardens and the separation distances between each proposed dwelling accord with those set out in the Local Planning Guidance Note and therefore it is considered that there will be no significant detrimental impact upon the amenities of the proposed occupiers of the dwellings.

7.33 Impact Upon Trees

The site contains mature trees on the northern boundary and within the green space corridor to the south along the brook.

7.34 Amended plans have been received which now excludes development from the majority of the green space corridor in which a number of trees are sited. In addition, the dwellings near the hedgerow and mature trees along the northern boundary have been moved further into the site. Therefore, a large proportion of the mature trees will be retained as part of the development.

7.35 A BS5837:2012 Tree Report has been submitted with the application which provides an objective assessment of the trees which has been used to inform the layout. This layout proposes 3 individual trees and part of one tree group (totalling approximately 15 trees) will be removed to facilitate the development proposals. These are considered as of moderate value.

7.36 The successful retention of the remaining trees will be dependent on the implementation of a Tree Protection Scheme. This addresses ways in which the build-up of ground levels close to the southern boundary can be minimised or avoided. This has been recommended as a condition upon any planning permission granted.

7.37 Mitigation for the loss of trees, is recommended to take the form of new tree planting along the southern boundary and within the green space. Suitable species along the green space southern boundary will include those that are tolerant of wet ground conditions. This replacement tree planting is recommended within the proposed landscaping condition attached to the recommendation to grant planning permission.

7.38 This BS5837:12 report and the recommendations within it have been assessed by the Council's Forestry Officer who considers it acceptable subject to appropriately worded conditions which have been placed upon the recommendation to grant planning permission.

7.39 Wildlife

The site is predominantly improved agricultural grassland which is of limited ecological value. The key features are the hedgerows and the wooded stream which forms a natural green corridor along the southern boundary which is identified within the FUDP as part of a larger green space which also has a value as a wildlife corridor linking to the wider countryside. There are no recorded great crested newts

within 500 m of the site.

- 7.40 The stream has a good flow and is partially vegetated with wetland species such as Brooklime and Flote-grass and/or lined with trees. The pond, created by damming the stream has been drained recently but the area is low lying and is still a wet hollow. Local information states that the pond is a good breeding site for toads and is regularly visited by a heron which suggests the presence of fish and/or frogs.
- 7.41 The key issues are the potential of the mature trees as bat roosts and value of the hedgerow and woodland habitats for nesting birds. There are no badger setts on the development site or in the immediate surroundings areas.
- 7.42 The mature trees offer some potential as bat roosts. The arboricultural report lists one which is to be retained. However, it is considered that other trees have a potential for bats, one which has been hit by lightning and dead tree which has a knothole which has potential for nesting birds/bats. These will be retained.
- 7.43 The key ecological features on the site will be retained as a result of the development.
- 7.44 Amended plans have been submitted retaining the majority of the green space corridor as such, which comprises of a combination of wetland and woodland habitat with its long term future protected by the developers proposals to implement a management company to maintain the area. A condition has been placed upon the recommendation that management plan is submitted to and agreed by the Local Planning Authority prior to the commencement of development.
- 7.45 Although the pond will not be reinstated, reprofiling of the brook has the potential to benefit wetland species and details of this will be included within the landscaping proposals which are to be further submitted as a condition attached to this recommendation to grant planning permission.
- 7.46 The majority of hedgerow will be retained in particular along Bryn Coch Lane but also along the eastern boundary. To offset the losses in relation to the new accesses, these existing boundaries will be enhanced together with new planting along the green space corridor. This will be required as part of the proposed landscaping condition attached to this recommendation to grant planning permission.
- 7.47 The trees to be removed shall be first assessed to see whether they have a potential as bat and breeding bird habitat and if so mitigation measures proposed for their loss. Again this is proposed as a planning condition upon the recommendation to grant planning permission.

- 7.48 Flood Risk & Drainage
Representations have been made that the land is liable to flooding and that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of development.
- 7.49 The site is in Zone A as defined by TAN15 Development and Flood Risk (July 2004) and shown on the Welsh Government's Development Advice Map (DAM). However, Ordnance Survey mapping indicates that there are watercourses running through the site. Due to the limitations of the flood map, which does not consider catchments smaller than 3 km², the risks from these watercourses are unknown.
- 7.50 In addition, given that there is an area of marshy ground to the east of the site, indicating potential problems with site drainage, the development is likely to increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface run-off. In accordance with Section 8 of TAN15, in all zones, development should not increase flood risk elsewhere.
- 7.51 Given the above, and given the scale and nature of the development, Natural Resources Wales advised that the developer submit a Flood Consequences Assessment, so that the flood risks to the development can be adequately considered in line with the requirements of TAN15 Development & Flood Risk (July 2004).
- 7.52 The subsequent submitted FCA states that the risk of flooding from all sources is considered low and the development is accessible for emergency access and egress during times of extreme flooding as the flood plain does not extend into the development area, and thereby the focus was on the effective management of surface water.
- 7.53 Based on the ground conditions and following soakaway testing, it was considered that infiltration drainage is likely to provide a suitable means of surface water disposal for a portion of the surface water run-off generated by the proposed development.
- 7.54 It is proposed that where an infiltration solution is determined not to be viable the discharge of surface water continue to mimic the pre-development situation by discharging to the adjacent watercourse.
- 7.55 As the surface water run-off is being increased as a result of the introduction of impermeable areas, it is necessary to restrict the post-development rate of discharge to the pre-development pre-development rates of run-off for all storm events up to and including the 100 year return period event. Storm water storage will be provided for storm events up to and including the 100 year period with a 30% allowance for climate change.
- 7.56 This FCA has been assessed by Natural Resources Wales together

with the latest amended drawings showing the diversion and culverting of the existing stream who advise that it has been demonstrated that the risk and consequences of flooding can be acceptably managed.

7.57 The proposals have also been subject of consultation with Dwr Cymru Welsh Water who advise that in relation to foul drainage, that a programme of system improvements are planned and are expected to be completed by 1st October 2014. This together with other suggested conditions in respect of the submission, agreement and implementation of detailed drainage schemes can be placed upon any planning permission granted. There are no objections to the proposal therefore on drainage grounds also.

7.58 Public Open Space

The Public Open Space Manager advises that the Council in accordance with Local Planning Guidance Note 13 – Open Space Requirements and Policy SR5 of the Flintshire Unitary Development Plan should be seeking an off site commuted sum payment of no less than £1,100 per unit in lieu of an on site provision. This payment will be used by the County Council to enhance existing public open space in the community. The applicant has indicated that this will be paid in the event of planning permission being granted.

7.59 Educational Contributions

The Director of Lifelong Learning has advised that the proposed development will have a significant effect on Ysgol Glanrafon Mold, where the numbers on roll already exceed its official capacity by 11. Therefore, the financial contribution requested is £73,542 for that school. A contribution is not requested for the Alun School, which has more than 7% surplus places.

7.60 The applicant has indicated that the financial contribution for Ysgol Glanrafon Mold will be paid in the event of planning permission being granted.

7.61 The above figures quoted are based on the guidance within the SPG 'Developer Contributions To Education' which states that the contributions are allocated to the nearest primary and secondary schools to the development irrespective of their medium.

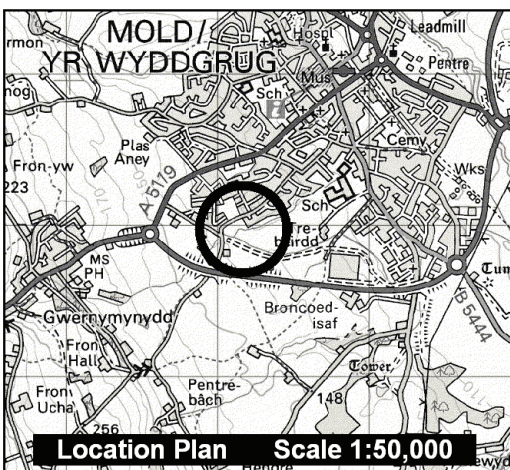
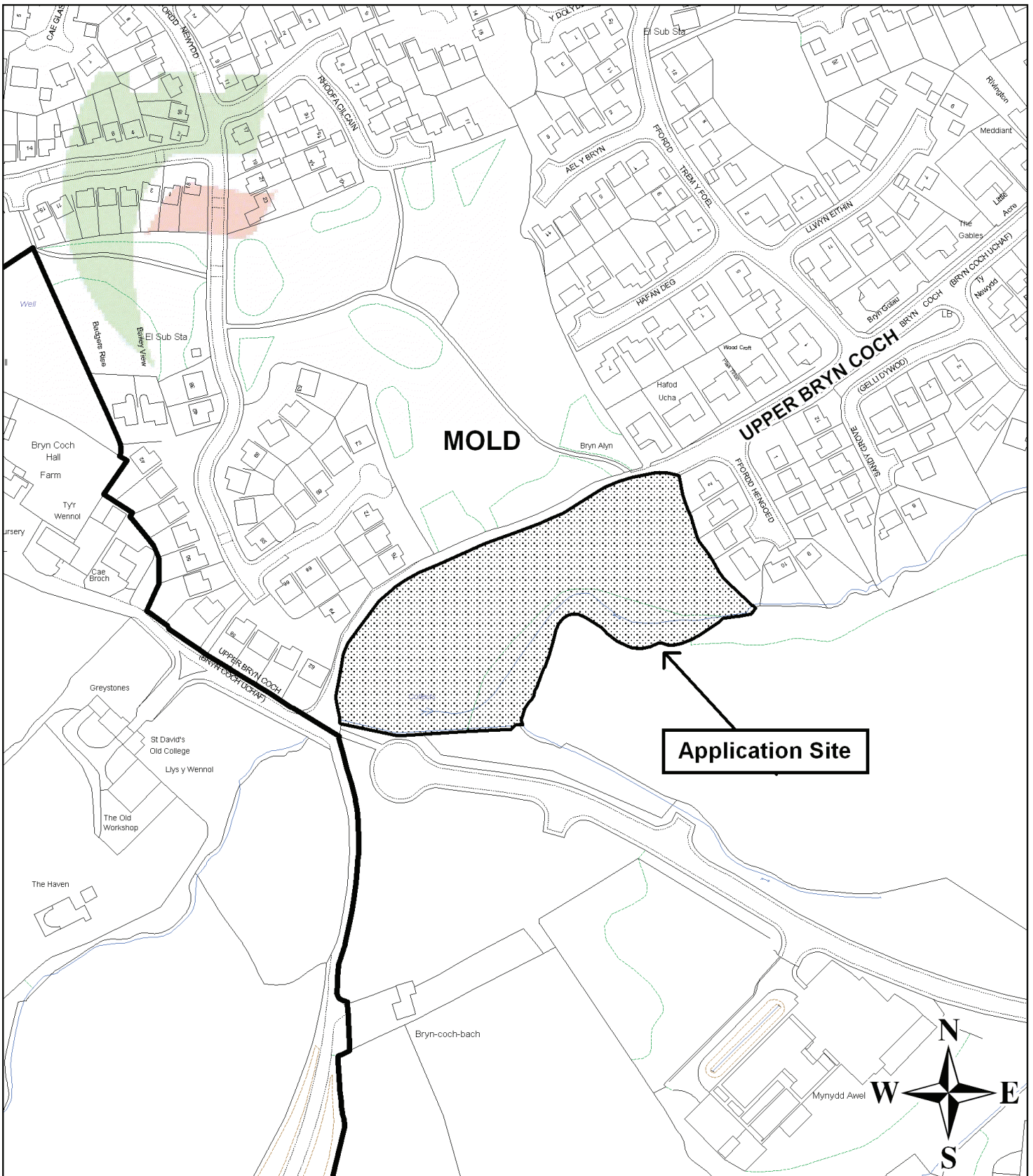
8.00 CONCLUSION

8.01 It is considered that all detailed matters are now acceptable on the part of the site which is allocated for residential development in the Flintshire Unitary Development Plan.

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



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2362

Planning Application **51105**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH APRIL 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - USE OF LAND FOR THE STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSES FOR 6 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF HARD STANDING AND UTILITY/DAYROOMS ANCILLARY TO THAT USE HUNTLEY YARD, CHESTER ROAD, FLINT.**

APPLICATION NUMBER: **051726**

APPLICANT: **MR SIMON DOHERTY**

SITE: **HUNTLEY YARD, HUNTLEY LANE, FLINT, FLINTSHIRE, CH6 5DZ**

APPLICATION VALID DATE: **03.02.14**

LOCAL MEMBERS: **COUNCILLOR R JOHNSON**

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

REASON FOR COMMITTEE: **REQUEST OF LOCAL MEMBER DUE TO CONCERNS REGARDING ACCESS, AND ENVIRONMENTAL IMPACT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 Planning permission is sought for the use of land for the stationing of caravans for 6 residential gypsy pitches together with the formation of hard standing and utility/dayrooms ancillary to that use.
- 1.02 The main issues are considered to be the adequacy of the access, the acceptability of the proposal in policy terms and the impact of the

development upon the general amenity of this area of open countryside.

- 1.03 There is an unmet need for gypsy and traveller sites in Flintshire as identified in the Gypsy Traveller Accommodation Needs Assessment report of March 2013. This proposal could help meet this unmet need, subject to its compliance with the requirements of the relevant development plan policy.

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

- 2.01 That conditional planning permission be granted subject to the following conditions:

1. Time limit on commencement.
2. In accordance with approved plans.
3. Parking and turning facilities to be provided.
4. Finished floor levels of amenity buildings and ground levels to be approved.
5. Landscaping details including details of internal fencing to be submitted and approved.
6. Site only to be occupied by Gypsies and Travellers as defined by WAGC 30/2007 paragraph 3.
7. The permission shall be for use as a permanent gypsy site only and not as a transit gypsy site.
8. Siting of caravans to be in accordance with approved site plan.
9. Details of the means of surface water drainage of the site to be submitted and approved .

3.00 CONSULTATIONS

3.01 Local Member

Councillor Rita Johnson

Objects to the application on the grounds of:

- Inadequate access
- Environmental impact of development

And requests a committee site visit for the same reasons.

Flint Town Council

No response at the time of writing

Head of Assets and transportation

No objection

Head of Public Protection

No objection

Head of Housing

Supports the application as it contributes to meeting the identified projected need for accommodation.

Lifelong Learning

No objection

Natural Resources Wales

No objection to the application as it unlikely to have adverse effects on the neighbouring protected sites

Coal Authority

No objection to the application. Include Coal Authority's standing advice as an advisory note in the interests of public health and safety.

Network Rail

No objection.

As the proposed drainage from the site requires connection to an existing pipe located on Network Rail land the applicant will need to gain approval to connect to the pipe and to discharge any waste from the site via the pipe. An easement may be required and the applicant may need to enter a legal agreement with suitable financial compensation.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notifications

Four letters of objection have been received on the following grounds:

- Road safety concerns over increased traffic at the junction with Chester Road and across the garage forecourt
- Safety of use of narrow access over bridge, currently used by coaches and large Welsh Water vehicles accessing the adjacent Sewage works.
- Site is outside settlement boundary, inappropriate for residential development
- Proximity of Sewage Works
- Inadequate services
- Number of existing gypsy camps in Flintshire
- Refuse collection problems

5.00 SITE HISTORY

- 5.01 **983/90**
Outline- Erection of light industrial units. Approved 15-02-91
- 5.02 **775/93**
Renewal of Outline planning permission ref. 983/90 to allow light industrial units. Approved 25-01-94
- 5.03 **045584**
Erection of a 17.5m high monopole with 3 no. antenna mounted to the pole and ground based equipment cabinet. Approved 02-12-08

6.00 PLANNING POLICIES

- 6.01 **National Policy - Planning Policy Wales**
Local Authorities are required to assess the accommodation needs of Gypsy families in accordance with the Housing Act 2004. Sections 225 and 226 of the Housing Act 2004 came into force on 13th December 2007. This requirement is reiterated in Planning Policy Wales Edition 6, February 2013 (9.2.21).
- 6.02 **Welsh Assembly Government 'Accommodation needs of Gypsy-Travellers in Wales' (2006)**
This independent study was commissioned by the Assembly Government in December 2004 to establish current and future requirements for the accommodation needs of Gypsies and Travellers in Wales. It provided information on the number, location and condition of Gypsy and Traveller sites in Wales and also provided an indication of the need for new site provision. The study contained a number of conclusions and 28 recommendations for the Welsh Assembly Government and Local Authorities to take forward in terms of policy formulation; the existing site network; the need for additional residential site provision; the need for transit site provision; site management; and social housing.
- 6.03 **Welsh Assembly Government Circular: WAGC 30/2007. Planning for Gypsy and Traveller Caravan Sites in Wales.**
This circular replaced Welsh Office Circular 2/94 "Gypsy Sites and Planning". It provides updated guidance on the planning aspects of finding sustainable sites for Gypsies and Travellers. Local housing market assessments provide the key source of information enabling local authorities to assess the level of additional Gypsy and Traveller accommodation provision that is required when preparing Local Development Plans.
- 6.04 Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDP's to ensure that the identified pitch requirement for residential and transit use can be met. It also states that in order to

encourage private site provision, local planning authorities should offer advice and practical help with procedures to Gypsies and Travellers who wish to acquire their own land for development.

- 6.05 The Circular states that in deciding where to provide gypsy and traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services. Sites on the outskirts of built-up areas may be appropriate along with sites in rural or semi-rural settings. Rural settings, where not subject to specific planning or other constraints, are acceptable in principle.
- 6.06 In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could effectively block proposals for any Gypsy and Traveller site in a rural location. Sites should respect the scale of and not be so large as to dominate the nearest settled community serving them and should avoid placing an undue burden on the local infrastructure. Sites, whether public or private should be identified having regard to highways considerations with regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site and on-site business activities. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.
- 6.07 With regard to the Human Rights Act, the Circular states that the provision of the European Convention on Human Rights should be considered as an integral part of local authorities decision making, including its approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of individuals concerned, both Gypsies and Travellers and local residents, and whether it is necessary and proportionate in the circumstances.
- 6.08 Application of the Circular in respect of this application
For the purposes of this Circular and therefore in the context of determining planning applications the definition of "Gypsies and Travellers" means, "persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."
- 6.09 The requirements of the Circular need to be considered in the context of Flintshire's development plan position. The Council has adopted its UDP prior to beginning work on the preparation of the new LDP for the

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

- 6.10 Flintshire Unitary Development Plan
 - STR1 - New Development
 - GEN1 - General Requirements for Development
 - GEN3 - Development in the Open Countryside
 - D1 - Design Quality, Location and Layout
 - D2 - Design
 - D3 - Landscaping
 - D4 - Outdoor lighting
 - L1 - Landscape character
 - AC13 - Access and Traffic Impact
 - HSG14 - Gypsy Sites

7.00 PLANNING APPRAISAL

7.01 Introduction

Planning permission is sought for the change of use of the land for the stationing of caravans for residential purposes for 6 no. gypsy pitches together with the formation of hardstanding and utility/dayrooms ancillary to that use. The land is a formerly developed site outside of but adjacent to the Flint settlement boundary as defined in the Flintshire Unitary Development Plan.

7.02 Site description

The 0.16ha site lies in the open countryside adjacent to the settlement boundary for Flint. The site has had a history of light industrial and storage uses and there are container units and a variety of structures on the site associated with these former uses. The site boundaries are extensively screened by metal panel fencing.

7.03 The site is adjacent to an existing coach yard and divided from the main building envelope of Flint by the Holyhead-Chester railway line. The site occupies an elevated position from the adjacent agricultural land. Given the topography and lay out of the land, as well as screening along the railway line, the site is not easily seen from Chester Road.

7.04 Access to the site is provided by a single bridged access road that crosses the railway line and that also provides access to the coach yard and Sewage works.

7.05 Proposed development

Planning permission is sought for the change of use of a 0.16 hectare site for 6 residential gypsy pitches together with the formation of hardstanding and utility/dayrooms ancillary to that use. The proposed site would be laid out in six pitches subdivided by internal post and rail fencing. The existing site boundary fencing, which is extensive, is to be retained with additional tree and hedge planting proposed within the site.

- 7.06 Each pitch would have a static caravan and touring caravan as well as a single storey amenity building, providing cooking and washing facilities. The amenity building serving plots 1 and 2 measure 6.8m x 4.8m with a pitched roof measuring 4.7m to the ridge. The amenity buildings for plots 3, 4 and 5, 6 measure 9.6m x 3.4m with a pitched roof measuring 4m to the ridge. The buildings are proposed to have a clay tile roof, rendered walls and painted timber windows and doors. Each building has 2 solar hot water panels on the southern roof plane.
- 7.07 The proposal is for commercial rental purposes and as such there are no details of individuals intending to use the site, and their personal circumstances have therefore not been considered. As such the site is considered to be addressing a general Gypsy housing need, which will be discussed later in this report, rather than the specific needs of individuals.
- 7.08 Main Issues
The main issues are considered to be the acceptability of the proposal in policy terms, in particular with regard to its demonstrable need and with due consideration given to the impact of the proposal on the amenity and character of the locality.
- 7.09 Need
A Gypsy Traveller Accommodation Needs Assessment (GTANA) was commissioned by five of the six north Wales local authorities (excluding Wrexham County Borough Council) which reported its findings in March 2013. The study aimed to establish the accommodation needs of members of the Gypsy and Traveller community in the period up to 2016.
- 7.10 The study shows that the current distribution of supply of sites is biased towards certain locations and from this the distribution of any need is focused on areas where the Gypsy population currently reside. As such the needs calculation for permanent sites shows a clear bias towards locations where there is current provision (authorised or otherwise) and in particular in Flintshire, Gwynedd and Anglesey. The study indicated a projection of required growth in pitch numbers in Flintshire of 36.
- 7.11 From the GTANA, it is clear that there remains a demonstrable need to be met in Flintshire. What the GTANA has clearly demonstrated is that the main factor in assessing the need for further sites for Gypsies

and Travellers is where that need should be met, rather than just where it arises.

7.12 In summary, the following comprises the additional accommodation currently under consideration to meet the projected growth as set out in the GTANA:

This application (051726)	6 pitches
Application at Factory Road, Sandycroft	4 pitches
Potential extension of FCC site at Queensferry	10 pitches
Potential site at Magazine Lane, Ewloe (awaiting Appeal decision)	5 Pitches
Total	<u>25 pitches</u>

As can be seen by these figures the proposed site could significantly assist in meeting the required need for additional accommodation.

7.13 The applicants have declined to provide details of the proposed residents of the site, and in particular the details of the numbers of children who will be residing on the site, as the proposed site is for commercial rented purposes and the numbers of children living on the site will fluctuate depending on who is living on the site at the time. As such the individual needs of the children cannot be considered as a material consideration in determining this application.

7.14 Access

Although several concerns have been raised with regard to the suitability of the access from the highway no objection or recommendations have been made by the Highways Authority following the consultation process. Site lines at the junction of the access and the A548 Chester Road are generally clear and uninterrupted. The location of the site close to the A548 is in accordance with policy HSG14, which states that sites should be located on or close to main gypsy travelling routes.

7.15 In order to ensure that the site access is left free and unencumbered by overspill parking it should be conditioned that adequate parking and turning facilities are provided on site prior to its occupation.

7.16 Drainage

It is proposed that foul water sewage would be disposed of by connection to the main sewer. It is proposed that surface water disposal of the site will be by way of a sustainable drainage system. As no details of this system have been included in the proposal the prior approval of these details shall be conditioned.

7.17 The site lies outside of the areas designated as being at risk from flooding.

7.18 Ecology

The site is located approximately 140 metres from the following protected sites:

- Dee Estuary Site of Special Scientific Interest
- Dee Estuary Special Area of Conservation
- Dee Estuary Special Protection Area
- Dee Estuary RAMSAR site

7.19 Given the previous use of the site it is not considered that the proposal would give rise to any adverse impacts upon the protected sites. Foul water sewage is proposed to connect to the mains sewer and as such would not impact upon the protected sites.

7.20 With regard to the impact of the proposal on protected species and habitats it is considered that due to the fact that the site has had a long history of industrial and storage uses, is covered in its entirety in hardstanding and well screened by solid panel fencing, which is to be retained, that the proposal would not result in any loss of habitat, nor is it likely to impact in any detrimental way upon any protected species or habitats.

7.21 Landscaping

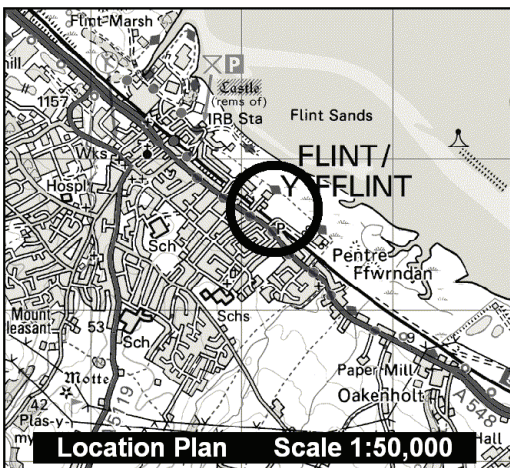
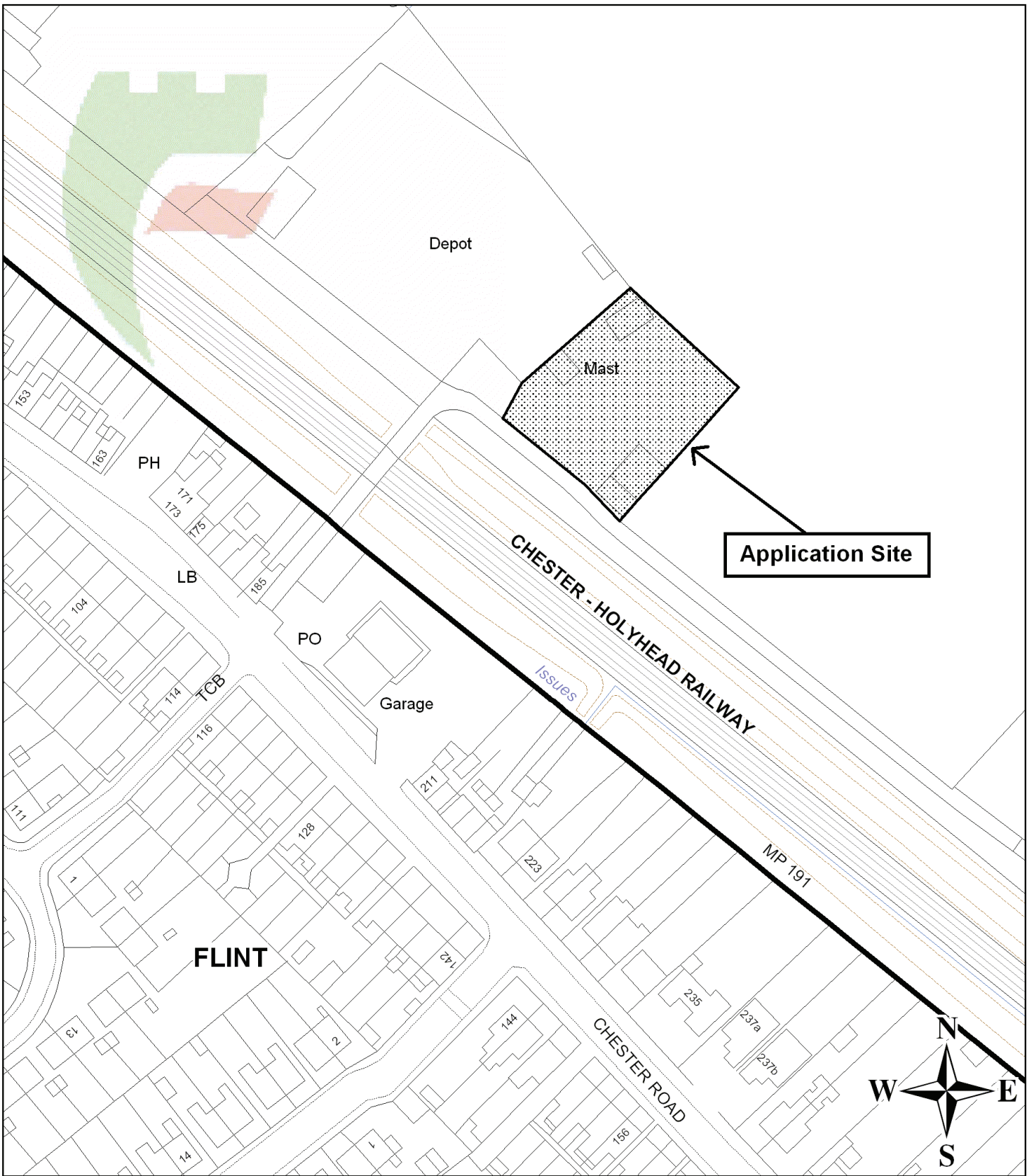
The site has substantial existing screening and as this is to be retained the appearance of the site will remain largely unchanged. The proposal will not unacceptably impact upon the visual amenity of the locality. Internal soft landscaping on the periphery of the site will also help screen the caravans. Conditions requiring the submission and approval of the soft landscaping scheme as well as the internal fencing will ensure that that these screening measures are retained on site.

8.00 CONCLUSION

8.01 For the reasons given above it is considered that the proposal is acceptable in terms of the principle of development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the effects upon the amenities of nearby residents. Furthermore it is considered that the proposal contributes to meeting identified projected need for Gypsy accommodation.

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

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2572

Planning Application **51726**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 9 APRIL 2014

REPORT BY: HEAD OF PLANNING

SUBJECT: APPLICATION FOR THE RETENTION OF EXISTING B2 AND B8 USES, TOGETHER WITH ALL EXISTING PERMITTED USES AND CHANGE OF USE TO INCLUDE SUI GENERIS USE TO IMPORT, STORE, RECYCLE, AND PROCESS WASTE FOR THE MANUFACTURE OF BIOMASS FUEL AND SOLID RECOVERED FUEL PELLETS AND BRIQUETTES AT THE FORMER LAYBOND PRODUCTS LIMITED, RIVERSIDE, RIVER LANE, SALTNEY.

APPLICATION NUMBER: 051499

APPLICANT: LANCASHIRE FUELS 4U LIMITED

SITE: FORMER LAYBOND PRODUCTS/BOSTICK FACTORY, RIVERSIDE, SALTNEY, CH4 8RS

APPLICATION VALID DATE: 21 JANUARY 2014

LOCAL MEMBERS: COUNCILLOR RICHARD LLOYD

TOWN/COMMUNITY COUNCIL: SALTNEY TOWN COUNCIL

REASON FOR COMMITTEE: OUTSIDE OF THE SCHEME OF DELEGATION – SITE AREA OVER 2 HECTARES

SITE VISIT: YES – LOCAL MEMBER REQUESTED

1.00 SUMMARY

- 1.01 Planning permission has been sought to retain the existing use classes on the site (B2 and B8) and to change the use to include sui generis waste management operations. The proposal involves the reception, storage, recycling and processing of waste materials such as waste timber, wood waste products, green waste, sawdust, carpet fibres and residual waste from material recycling facilities (such as

cardboard, paper, plastics fibres) to manufacture biomass and solid recovered fuels in the form of briquettes and pellets.

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

2.01 The applicant entering into a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to:-

- Provision of a commuted sum of £5100 to provide additional funding required for the delivery of Phase 2 of the Saltney and Saltney Ferry 'Sense of Place' Riverside Walk Project.

2.02 Conditions to include:-

1. Commencement
2. Approved Plans
3. Retention of approved plans on site
4. No use of access onto Ewart Street/Flint Road
5. No external storage of waste
6. No food waste
7. Roller doors completed prior to importation of waste
8. Repairs to buildings prior to importation of waste
9. Keep buildings and roller doors maintained
10. Roller doors shut
11. Noise limits
12. Noise management plan scheme
13. No exportation of electricity, steam or heat off-site from the biomass boiler
14. Emergency Flood Management Plan
15. No additional external lighting
16. Retention of existing boundary treatment
17. Drainage plan
18. Dust management scheme
19. Details of biofilters
20. Odour management plan
21. Habitat Regulations mitigation measures

2.03 Informatives in relation to informing Dŵr Cymru/Welsh Water with regards to foul drainage discharge.

2.04 If the Section 106 Agreement (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 Richard Lloyd has requested that the application be referred to the Planning Committee as the site area is over 2 hectares in size. He has concerns over types of waste to be stored on site for example; food which could give rise to odours, and possible toxic fumes from plastic waste. Councillor Lloyd has also requested a Committee Site Visit so that Members can see exactly

where the waste will be stored, and the process involved in making biomass fuel from waste. Councillor Lloyd has also requested the developer enter into a Section 106 agreement to provide for a developer contribution towards Phase 2 of the 'Sense of Place' Riverside Project.

- 3.02 **Saltney Town Council** – No response received
- 3.03 **Adjoining Member** – Councillor Christine Jones agreed that the matter could be dealt with under delegated powers and requested to speak with the case officer.
- 3.04 **Adjoining Community Council – Sealand Community Council**
No objections.
- 3.05 **Head of Assets and Transportation** has no objections and no recommendations on highways grounds
- 3.06 **The Public Rights of Way Officer** has confirmed that Public Footpath 2 abuts the site but is unaffected by the development. The path must be protected and free from interference from the construction.
- 3.07 **Head of Public Protection** – Since the site was acquired a substantial amount waste material has been brought onto site prior to any process being started and as a result, the Local Authority have been in receipt of a few odour complaints which have been investigated by Natural Resources Wales. If Planning permission is granted then the process would be controlled by a Natural Resources Permit as such all Statutory Nuisance functions for odour, noise and dust will pass to the NRW and the Local Authority will no longer be able to enforce against these.
- 3.08 It is understood that should the process/operation be permitted by NRW there should not be any fugitive emissions from the processing and storage of waste. The entire process would be carried out within buildings and odour would be contained by negative air pressure ensuring that no fugitive emissions would escape. All process emissions should be controlled by the Permit and the Management Plans.
- 3.09 It is understood that it is likely that a formal scheme for monitoring noise at the site boundary would be a requirement of the Environmental Permit and that as a minimum, quarterly measurements would be taken in the first year of operation, and annual measurements thereafter. A specific and repeatable procedure for measurement, meeting British Standard 4142 would be formulated by the monitoring body and adhered to so that results may be compared.

- 3.10 However, it is considered important that the Local Authority has something in place to protect the local environment from increasing noise levels therefore in order to have an element of control, a noise condition is recommended should planning permission be granted to ensure that the rating level of noise emitted from the site's process plant, equipment and machinery shall not exceed 5 LAeq (1hr daytime and 5min night time) above the background level. In addition it is recommended that management plans for noise, odour and dust are also submitted and required as conditions.
- 3.11 **Welsh Water/Dŵr Cymru** – No response received
- 3.12 **Natural Resources Wales** – has commented on the application in relation to flood risk, drainage, Environmental Permitting and European Protected Sites. They have offered no objections.
- 3.13 **Airbus** – the proposal does not conflict with aerodrome safeguarding criteria. Accordingly, Airbus have no aerodrome safeguarding objection to the proposal.
- 3.14 **Flintshire County Council Emergency Planning Unit** are content that a requirement for a Flood Management Plan can be conditioned.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice, Neighbour Notification
- 4.02 This application was advertised by way of press and site notice and neighbour notification letters were dispatched to nearest receptors and surrounding business units.
- 4.03 During the consideration of this application a total of 36 letters of objection have been received in response to the consultation on this application.
- 4.04 The main planning based representations in objection that are material to the determination of this application include:
- Odours (which get worse in warm weather),
 - Waste releasing vapours and gases known as bioaerosols
 - Proximity to the High School and residential properties
 - Impact and harm on the surrounding businesses within the business units/industrial estates which surround the site.
 - Impact and harm on adjacent ASKA swimming pool and its users; the odour can be detected within the swimming pool
 - Proximity to a swimming pool used by children and babies; the proposal is unhygienic and poses health and safety concerns for children and babies using this swimming facility due to the unsanitary conditions which have resulted from this facility
 - The site is not within the Area of Search for waste management
 - Processing of food and other wastes would give rise to odour of

- rotting food and infestation by vermin and flies
- Retrospective application without necessary permits or permissions from the Council or NRW
- Serious health concerns from dust and odours
- Dust and windblown waste and fibres
- Dust and ash on cars parked in adjacent units
- External storage of waste
- External processing of waste
- Screening of the site fence is concealing activities on site as the operators process illegal waste
- Flies, vermin and litter
- Pollution
- Traffic and road safety issues, especially due to the high numbers of small children using a facility nearby.
- Noise
- Impact on drainage and blockages of drains from windblown fibres

5.00 SITE HISTORY

- 5.01 The site is the former 'Laybond' and 'Bostick' Factory and has been in industrial use for many years, and is part of a long-established industrial estate.
- 5.02 It has existing planning permission for B1, B2 and B8 Use Classes, and a range of industrial buildings with dedicated drainage systems suited to the previous uses (manufacture, packing and storage of bitumen and solvent-based products).
- 5.03 4/6/13872 – Colas Products Limited, New Warehouse development to form finished products warehouse, storage area, powder plant, and flameproof raw materials warehouse – approved 08.01.1985
- 5.04 96/6/00602 – Laybound Products Limited – Enclosure of existing canopy to tin store and alterations and extension to high flash building to form cut-back production – approved 30.10.1986

6.00 PLANNING POLICIES

- 6.01 The main planning policies and guidance relevant to the determination of this planning application are considered to be:

6.02 LOCAL PLANNING POLICY

Flintshire Unitary Development Plan (Adopted September 2011)

- Policy STR1 - New Development
- Policy STR7 - Natural Environment
- Policy STR10 - Resources
- Policy GEN1 - General Requirements for Development
- Policy D1 - Design Quality, Location and Layout
- Policy D4 - Outdoor Lighting

Policy WB3 - Statutory Sites of National Importance
Policy AC2 - Public Rights of Way
Policy AC13 - Access and Traffic Impact
Policy EM7 - Bad Neighbour Industry
Policy EWP6 - Areas of Search for Waste Management Facilities
Policy EWP7 - Managing Waste Sustainability
Policy EWP8 - Control of Waste and Operations
Policy EWP12 - Pollution
Policy EWP13 - Nuisance
Policy EWP16 - Water Resources
Policy EWP17 - Flood Risk

6.03 **GOVERNMENT GUIDANCE**

Planning Policy and Guidance

Planning Policy Wales (2014)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 8 – (2005)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 21 – Waste (2014)

6.04 Waste Strategy Policy and Guidance

Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010

Collections, Infrastructure and Markets Sector Plan, 2012

6.05 The main policies to be considered in the determination of this application are the policies of the Flintshire Unitary Development Plan (FUDP) particularly policies relating to waste management and amenity, nature conservation and statutory sites. The Policies and guidance contained within TAN21 are also central to the determination of this application.

7.00 **PLANNING APPRAISAL**

7.01 Introduction

The details of the proposed development will be outlined below along with a description of the site and location, site constraints and the issues that will be assessed within the main planning appraisal.

7.02 ***Details of Proposed Development***

Planning permission has been sought to retain the existing use classes on the site (B2 and B8) and to change the use to include sui generis waste management operations. The proposal involves the reception, storage, recycling and processing of waste materials such as timber, green waste, sawdust, wood waste products, carpet fibres and residual waste from material recycling facilities (cardboard, paper, plastics) to manufacture biomass fuel and solid recovered fuels in the

form of briquettes and pellets. Processing would involve shredding, screening, drying, milling and the processed material would be pressed into a pellet or briquette using pressure to create fuel products.

- 7.03 There would be no new built development on site. All operations would be carried out within the existing buildings on site. The primary purpose of the operations seeking permission is to manufacture a fuel from residual waste and waste wood. Whilst the original description of the development for the planning application included food waste within the description, it has been confirmed that there would be no food waste imported to the site. Furthermore, the original description also included 'waste to energy use'. This reference has been removed from the description of development but the proposal does include the provision of a small 750kw biomass boiler which would be fuelled by the pellets produced on site and the heat produced would be used to dry the waste products when necessary and the electricity produced would be used on site. There would be no exportation of electricity off site from the production of energy via the combustion of biomass or solid recovered fuel.
- 7.04 The application is partially retrospective as the applicant has commenced importing waste into the site. However, within this waste there is no food waste contained within it. Equipment has also been installed within the existing buildings.
- 7.05 All processing would be carried out within existing buildings, with the unloading of delivery vehicles taking place within buildings, and the loading of vehicles with biomass products also taking place under cover with roller shutter doors closed at all times, except to allow the passage of vehicles.
- 7.06 The proposal suggests that there would be up to 40,000 tones per annum of residual waste from materials recycling facilities with 25,000 tonnes per annum of pure waste wood. The pure waste wood products would be used to create a biomass fuel and the residual waste would be blended with wood wastes to create a solid recovered fuel. The waste materials would be stored and processed within the confines of existing buildings with environmental controls.
- 7.07 ***Site Description and Location***
The site is the former Bostick/Laybond factory site and is located on the western boundary of an existing industrial estate along River Lane, Saltney. The site is a 3.54 hectare site predominantly under hard paved surfaces and buildings which have been developed for industrial use for many years, and is part of a long established industrial estate.
- 7.08 The existing extant planning permission includes B1, B2 and B8 Use Classes, and a range of industrial buildings suited to previous uses

such as manufacturing, packing, storage of bitumen and solvent-based products. One building within the site is currently in use for storage for a furniture (bed) distributor but once the lease has ended, the applicants would also use this building for the manufacture of fuel waste and the storage of waste. There is existing industrial development on the eastern and southern boundaries of the site and an extant planning permission for industrial development, yet to be implemented, is located on the western boundary.

7.09 ***Relevant Planning Constraints/Considerations***

The application area lies partially in Zone C1 of Welsh Government's Development Advice Map, as referred to in TAN15: Development & Flood Risk. The Flood Map also confirms that a small area on the south western boundary of the site is located within the extreme flood risk outline.

7.10 The site area is not within an environmentally sensitive area as defined in Regulation 2(1) of the Environmental Impact Regulations 1999. However, the Afon Dyfrdwy/River Dee Special Area of Conservation and Site of Special Scientific Interest is located immediately adjacent to the site as it abuts the northern boundary of the site.

7.11 The site is adjacent to public right of way, which is located along the northern boundary of the site and parallel with the River Dee. The site is also allocated within the Flintshire Unitary Development Plan (UDP) as a Principal Employment site and lies within one of the Areas of Search for waste management facilities as defined by Policy EWP6 of the Flintshire UDP. The site is also within the Settlement Boundary.

7.12 **Issues**

The main land use planning issues associated with the determination of this planning application are considered to be:-

1. Principle of the Development and suitability of the location
2. Need
3. Flood risk
4. Drainage
5. Access/transport
6. Amenity; Air Quality, dust and bioaerosols, Noise, Odour, Flies, Vermin and litter
7. Habitats Regulations and impact on designated sites.
8. Environmental Permitting
9. Public Rights of Way

7.13 ***Principle of the Development and suitability of the location***

As stated previously, the site is allocated within the Flintshire UDP as a Principal Employment site and is located within an existing Industrial Estate with existing B2 and B8 uses permitted on the site. It could be argued that the proposed process of manufacturing fuel briquettes

and pellets could be carried out under the existing use class provision in which the site benefits under the B2 and B8 use classes. However, for the avoidance of doubt, the applicant has applied for planning permission for sui generis waste uses. This will also allow the Local Planning Authority to gain control of the operations through planning conditions which would not be permitted should the applicant carry out the proposed operations under the existing permitted uses on site.

7.14 The proposal involves the manufacturing of fuel pellets/briquettes from waste and therefore, it is considered that the principle of undertaking manufacturing processes is accepted under the existing consents under the B2 use class. The raw materials used for creating the fuel would be from waste. This site lies within one of the Areas of Search listed within Policy EWP6. Where a proposal is made for the development of a site which would involve the management of waste which is listed within the locations identified within the Area of Search policy, then permission will be granted subject to the proposal meeting other relevant plan policies, particularly Policies EWP7 and EWP8.

7.15 ***Need***

The proposal would contribute to the management of waste in accordance with the Landfill Directive and the Waste Framework Directive. The production of fuel pellets and briquettes from waste would divert waste from disposal and would create a resource from waste which would otherwise be disposed of. This would effectively move this waste up the Waste Hierarchy and it would be considered to be the recovery of waste. The proposal therefore accords with the National Waste Strategy; Towards Zero Waste, as it would contribute towards reducing waste disposal.

7.16 The Collections, Infrastructure and Markets Sector (CIMS) Plan which is one of the suite of waste sector plans which is part of the National Waste Strategy, looks to create conditions to enable as much waste as possible to be managed in Wales. In order to achieve this, Wales will have to establish a network of facilities to deal with the current and future waste arisings. Significant new capacity is required and this proposal would contribute to the network of facilities which are required to deliver the Welsh Government's vision for zero waste. The proposal would contribute to providing the County and the Region with a network of new and modern waste management facilities by increasing capacity and producing a valuable product from the raw material which would be recovered from the waste stream.

7.17 TAN21 states that more waste recovery facilities need to be developed across Wales to ensure that sufficient disposal capacity is maintained at a level appropriate to support the overall aims of Towards Zero Waste and the CIMS Plan.

7.18 The proposal would also utilise existing redundant buildings, a principle which is supported by the new TAN 21 on Waste, as is

locating proposals where site infrastructure is present which would include electricity grid connections. Whilst this application does not include the provision of a large Energy from Waste Facility, the site is located adjacent to three sub-stations which would provide the infrastructure for exportation of energy should the applicant wish to expand the site in the future. This would however be subject of an additional planning application.

7.19 TAN21 and the CIMS plan have effectively superseded the Regional Waste Plan. Therefore, when assessing compliance with UDP Policy EWP7 we have to look to TAN21 and CIMS which the proposal accords.

7.20 Residues from material waste recycling facilities would be used to make fuel pellets and briquettes which would effectively reduce reliance on fossil fuels. It would also recover energy which is a vital component of the waste management system in Wales and is supported by TAN21 and TAN8.

7.21 **Flood risk**

The application area lies partially in Zone C1 of Welsh Government's Development Advice Map, as referred to in TAN15: Development & Flood Risk. NRW's Flood Map also confirms that a small area on the south western boundary of the site is located within the extreme flood risk outline. NRW have based their comments on the development proposals on the basis that the sui generis change of use planning application seeks to maintain a "less vulnerable" use of the site as per Figure 2 of TAN15. The Local Planning Authority would concur with this approach. There is no new built development on site to increase flood risk and there would be no external storage of waste materials and the site has adequate existing drainage.

7.22 The submitted Flood Consequences Assessment (FCA) is considered to be commensurate to the nature and scale of the development and NRW have no overall objections to the development proposals. The FCA has considered the potential flood risks that may arise from failure of flood defences along the River Dee in this location, during the 1 in 200 year tidal event (including allowance for sea level rise over the next 75 years). The results of this assessment show that the entire site and it's adjoining access and egress routes would be susceptible to flooding during that event. In order to manage this risk, the FCA recommends that a Flood Management Plan be undertaken, in consultation with FCC emergency planners, so that the users of the site know what to do before, during and after a potential flood event.

7.23 Subject to a condition for the submission of a Flood Management Plan, the proposed development is considered acceptable and inline with Policy EMP17: Flood Risk of the adopted Flintshire UDP and TAN15.

7.24 **Drainage**

All processing and storage would be carried out under cover within the existing building. Whilst the feedstock would arrive in a dry condition from which water is not expected to drain, a dual drainage system is provided for surface and foul water. The floors of the bunded buildings drain into the foul system and surface water is discharged through interceptors on site at present.

7.25 Whilst drainage details have been provided with the application, these details are considered to be incomplete. The access statement states that the floors of the bunded buildings drain into the foul system. As these bunded areas are to be used to store and treat biodegradable waste, there is likely to be a discharge of leachate. The applicant may therefore need to inform Welsh Water/Dŵr Cymru of a trade discharge to their foul sewer system. Dŵr Cymru have been consulted but have not commented on the application. An informative would be added to any decision notice regarding this matter.

7.26 The access statement also states that surface water is discharged through interceptors but it does not state where the interceptors discharge to. It is known that there is a discharge point at the rear of the site into Mold Junction Drain. Should planning permission be granted, prior to the importation of any additional waste, a drainage plan of the site which includes both foul and surface water drainage systems and storage areas, spill kits and fire fighting equipment shall be submitted for approval to the Local Planning Authority. Subject to the submission of drainage details, the project is considered to be inline with Policy EWP16 of the Flintshire UDP.

7.27 **Access/transport**

The application provides an indication of average and maximum daily vehicle movements. The maximum HGV and small delivery vehicles would be 30 movements which would include deliveries of waste and also exportation of fuel pellets. Some pellets would stay on site for use within the in-house biomass boiler.

7.28 Whilst the applicant has applied for a 24 hour operations for pellet/briquette production, deliveries would be between 07:00 – 19:00 Monday to Saturday, with no deliveries on Sundays or public holidays. Access and egress would be restricted only to the access from and onto River Lane. Should planning permission be granted, a condition would prevent access from and onto Ewart Street/Flint Road.

7.29 The Head of Assets and Transport has not objected to the proposal. The application forms part of is an existing site, on an existing industrial estate with no new access provision. It is considered that the local highway network and access has sufficient capacity to accommodate the proposed vehicles. Subject to a condition to restrict access to River Lane only, it is considered that the proposal is inline with the provisions of Policy AC13 of the Flintshire UDP and TAN18.

7.30 ***Amenity; Air Quality; dust and bioaerosols, Noise, Odour, Flies, Vermin and litter***

Concerns have been raised in relation to the application due to the impact on amenity of the occupants and users of the units surrounding the site, residential properties and the proximity to St David's High School. The High School is located approximately 300 metres to the south of the site but there are additional industrial units and the railway lane between the site and the school. The nearest residential properties are approximately 200 metres to the south of the site, again with industrial units and the railway lane between the site and the residential properties.

7.31 Concerns have been raised which include external storage of waste which would give rise to reduced air quality, unacceptable levels of dust, bioaerosols, noise, odour, flies, vermin and litter which could all give rise to a detrimental impact on amenity. Whilst there is a large amount of waste currently stored on site outside, should planning be granted, all waste storage and processing would be undertaken within the existing buildings. This would be conditioned. At present the site boundary has been covered with black sheeting which has been installed to prevent windblown dust, fibres and litter from the waste which is currently stored outside. The purpose is not to conceal what is happening within the site boundaries as some objectors have raised. Once the waste which is stored outside is removed, the sheeting would also be removed.

7.32 Should planning permission be granted, all waste would be stored and processed inside the buildings with the roller doors shut, and the buildings would be maintained to ensure that the proposal would not give rise to wind blow dust and litter. A negative air pressure would be maintained within the process buildings so that dust, odours and bioaerosols would not be vented to the atmosphere. Air drawn from the storage and process buildings would be ducted into a biofilter which would be installed for this purpose. In relation to dust, the site has a road sweeper which would be used to clean internal and external areas to ensure dust is kept to a minimum. Should planning permission be granted, details of the biofilter would be required to be submitted and installed as approved. A dust management plant would also be required.

7.33 The application seeks 24 hour production for fuel pellets. Processing of waste would involve shredding, screening, drying and the creating the pellets/briquettes by pressure. The machinery used within the process would give rise to noise emissions. However, the nature of the machinery and processes involved are akin to that associated with B2 use which is permitted on site. However, internal processing of waste with the doors shut should ensure that noise is not excessive or harmful to amenity. Should planning permission be granted, a condition would be imposed to ensure that the rating level of noise

emitted from the site's process plant, equipment and machinery shall not exceed 5 LAeq (1hr daytime and 5min night time) above the background level. Furthermore, a noise management plan would also be required.

- 7.34 Objections and complaints have been received in relation to the site emitting an odour. For a long period of time a large quantity of waste (approximately 4,500 tonnes) has been stored on site, both externally and internally which have given rise to odour complaints which the Local Authority and Natural Resources Wales have investigated. Should planning permission be granted, any waste stored on site would be within a building, and furthermore would not be stored for such a long period of time. Thus reducing the time in which any waste could generate odours.
- 7.35 Some waste such as wood has an odour which would not be considered to be malodorous. It is accepted that odours would be emitted from the waste due to the biological degradation of the waste. However, all activities would be carried out inside the existing buildings, the biofilter would ensure odours are controlled affectively, and an odour management plan would be required by condition.
- 7.36 Furthermore, food waste would not be permitted to be imported on site and the existing waste stored on site does not contain food waste which would give rise to malodours. Independent testing of waste which is currently stored on site has been carried out and concludes that the waste is derived of paper, plastics, plastic film, cardboard, carpet fibres, wood and wood products. There was no evidence of food waste following the independent testing. As such, since there would be no food contained within the waste stream, there would nothing which would attract vermin, or flies on site.
- 7.37 Subject to conditions in relation to noise limits, the submission of a dust and odour management scheme, and details of the biofilter, no food waste, no external processing or storage of waste, and the roller doors shut and maintenance of the buildings, it is considered that there should be no detrimental impact on amenity. As such, it is considered that the proposal accords with the provisions of TAN21, EWP8, EWP12 and EWP13 of the Flintshire UDP.
- 7.38 Furthermore, in addition to planning controls secured by condition, NRW would also require pollution prevention mechanisms and methods as part of the Environmental Permit process
- 7.39 ***Habitat Regulations and impact on designated sites.***
The site is immediately adjacent to the River Dee SSSI/SAC which is principally designated for migratory fish (Atlantic salmon) and otter. There is a strip of salt marsh adjacent to the river (an SSSI rather than an SAC feature) but the habitats immediately adjacent to the development (and the cycle path) are transitional habitats dominated

by nettle. The site boundary consists of a wall with railings and 4 metre high vegetation which should be retained and enhanced.

7.40 Whilst the wall and the railings are within the control of the applicant, the vegetation is not, and therefore we cannot condition the requirement of an enhanced landscaping scheme off site. However, the Saltney 'Sense of Place' project does include landscaping of the river corridor and footpaths adjacent to the River Dee which abuts the site boundary. Therefore, should the applicant contribute to this project to facilitate its delivery, the landscaping would be enhanced which would assist in mitigation against indirect impacts of the SAC.

7.41 It is considered that the change of use proposal would have no direct impacts on the SAC or features, but there is the potential for indirect effects for example on the water quality of the River Dee and noise disturbance on River Dee features namely otter. However, the required drainage plan would ensure that there should be no indirect effects on the river quality of the River Dee.

7.42 The applicant submitted a statement to inform the Habitat Regulations Assessment process. It is considered that, as long as mitigation measures as specified are adhered to, it is considered that the proposal is not likely to have a significant effect on the SAC, SPA or Ramsar Site.

7.43 Subject to a condition ensuring that the mitigation measures as specified within the submitted Habitat Regulation Assessment are implemented, and contributions to the Saltney and Saltney Ferry 'Sense of Place' Riverside Walk Project, it is considered that the proposal accords with the provisions of Policy WB2 of the Flintshire UDP, TAN5 and the Conservation and Habitats Regulations (2010)

7.44 ***Environmental Permitting***

The applicant is in the process of applying to NRW for an Environmental Permit for *'Making solid fuel (other than charcoal) from waste by any process involving the use of heat'*. Within the permit application, the applicant will need to demonstrate to NRW that any impacts from the activities are minimised or managed appropriately. NRW are currently undertaking investigations as the applicant has brought waste materials onto the site prior to an Environmental Permit being granted. This matter is not material to the planning process as planning permission (should it be granted) would be granted to the land and not the operator. However, no more mixed waste must be accepted at the site until an Environmental Permit is in place.

7.45 Furthermore, the applicant has applied to NRW for a Waste Installation Permit. This application does not include the provision for an energy from waste facility. It does however include the provision of a 750kW biomass boiler which would be used for internal heating and

drying within the process and the heat would be used in the production of waste fuel pellets which would be produced on site as part of this application. Should the applicant wish to install a larger energy from waste unit, this would require an additional planning permission from the Local Planning Authority and a waste installation permit from NRW.

7.46 Should planning permission be granted, a condition would be attached to ensure that there would be no exportation of the heat, steam or electricity produced on site that has been derived from waste recovery.

7.47 ***Public Rights of Way***

The Public Rights of Way officer has confirmed that Public Footpath 2 abuts the site but is unaffected by the development. Whilst the proposal would not directly physically affect the public right of way, the proposal may have an impact on the enjoyment of the right of way.

7.48 As discussed above, Councillor Richard Lloyd has requested that the applicant enter into a Section 106 agreement to contribute towards the funding required for Phase 2 of the Saltney and Saltney Ferry 'Sense of Place' Riverside Walk Project. This project has already secured funding from alternative sources and requires a further £5100. The project would deliver community benefits in the form of a nature trail adjacent to the site along the River Dee, management of woodland and vegetation along the river, the creation of paths and linkages to the All Wales Coastal Path to increase accessibility, the provision of benches, interpretation and information panels, wildlife habitat creation and art work.

7.49 The applicant has agreed to enter into this section 106 legal agreement which would provide funding for landscaping along the river corridor and other community benefits. The delivery of this project would mitigate against any impacts the proposal may have on the Public Right of Way and, as such, it is considered that the proposal would accord with Policy AC2 of the Flintshire UDP.

8.00 **CONCLUSION**

8.01 The proposed application for change of use to retain existing uses and include sui generis waste use to create fuel pellets and briquettes from waste would effectively reduce reliance on fossil fuels and divert waste from disposal and move this waste up the Waste Hierarchy. It would use existing buildings which are permitted for B2 and B8 uses which are akin to the proposed development.

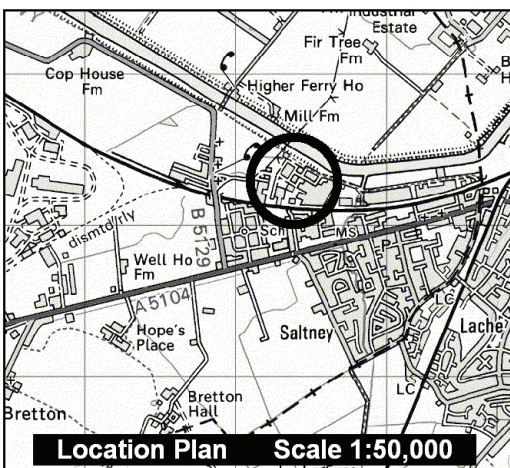
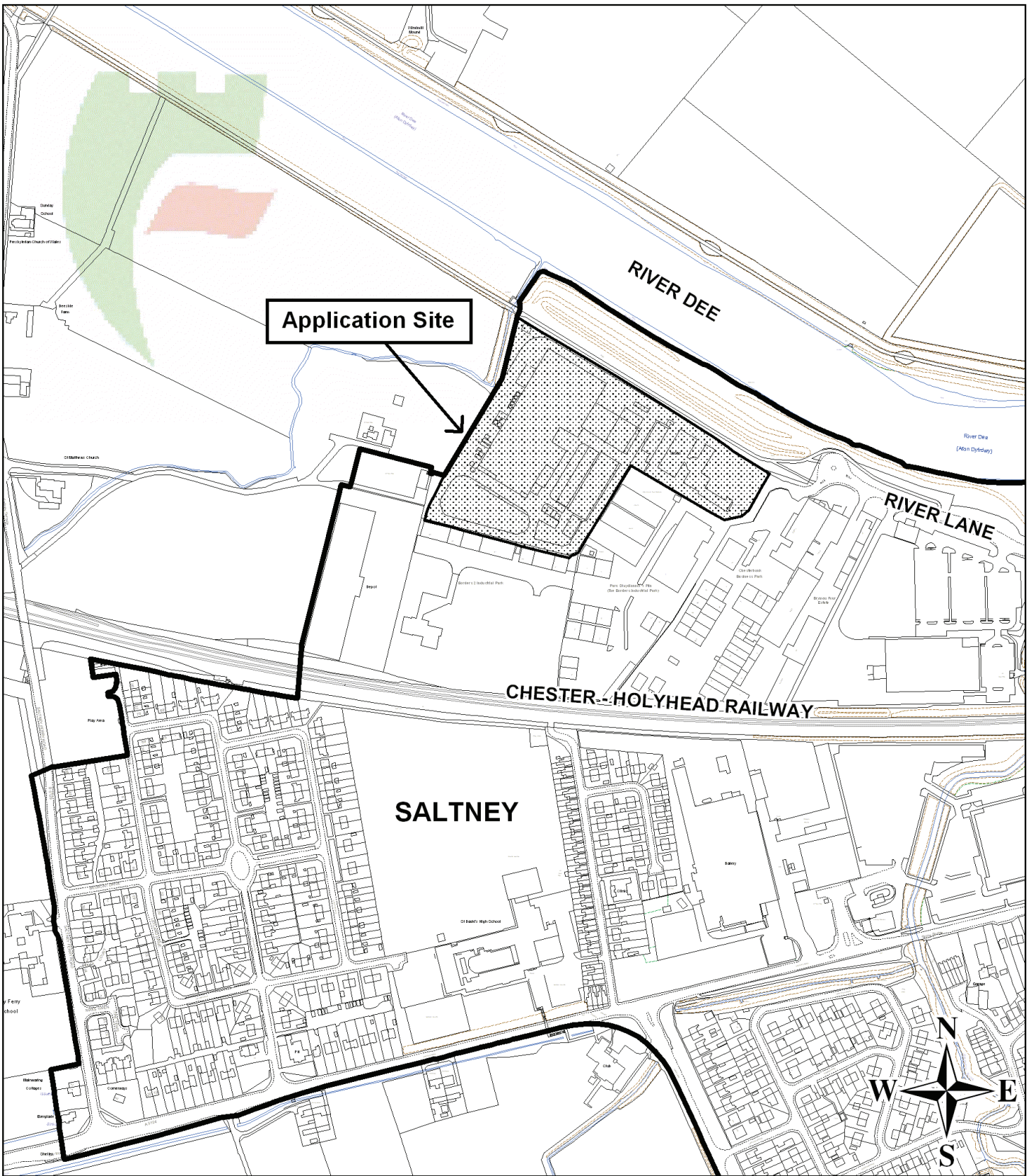
8.02 TAN 21 states that where a proposal is environmentally unacceptable or would cause impacts on amenity, and the problems cannot be mitigated to an acceptable standard by conditions, planning permission should be refused. It is considered that the proposal

would be acceptable and would not give rise to an unacceptable impact on amenity and therefore planning permission should be granted. The storage and processing of waste, and the manufacture of fuel pellets/briquettes would be carried out within existing buildings and there would be adequate controls on dust, noise, and odour through the imposition of conditions and good management practices.

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.

8.04 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above and to the applicant entering into a Section 106 legal agreement to provide funds towards the implementation of Phase 2 of the Saltney 'Sense of Place' Riverside Walk Project to mitigate against impacts on the public right of way and to provide mitigation in relation to the SAC, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted. If the Section 106 Obligation (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.

Contact Officer: Hannah Parish
Telephone: (01352) 703253
Email: hannah.parish@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 3765

Planning Application **51499**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9 APRIL 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **DEMOLITION OF EXSITING DWELLING, ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE AT HIGH CROFT, CILCAIN ROAD, PANTYMWYN.**

APPLICATION NUMBER: **051673**

APPLICANT: **Mr P JONES**

SITE: **HIGH CROFT, CILAIN ROAD, PANTYMWYN**

APPLICATION VALID DATE: **15 JANUARY 2014**

LOCAL MEMBERS: **CLLR A DAVIES COOKE**

COMMUNITY COUNCIL: **GWERNAFFIELD**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This planning application seeks consent for the demolition of the existing dwelling and the erection of a replacement dwelling and detached garage.
- 1.02 The main issues to consider in the determination of this application are the scale and design of the dwelling, the plot size, potential impact upon amenity and the development in relation to the wider street scene.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

- 2.01
1. Time limit on commencement
 2. In accordance with the approved plan
 3. Finished floor levels of the dwelling and garage to be approved
 4. Details of proposed landscaping
 5. Omission of the dormer window on the garage
 6. Contamination land investigation site investigation
 7. Dwelling to be built to Code to Sustainable homes level 3
Code 3 final certificate to be submitted to local planning authority

3.00 CONSULTATIONS

3.01 Local Member

Councillor A. Davies Cooke

Requests referral of the application to committee and site visit due to following;

- Misleading details on application
- Percentage increase in relation to previous dwelling
- Ridge line height in relation to existing dwelling and adjacent homes
- Contravention of FCC Planning Guidance Notes
- The amenity area of neighbours will be affected by development
- Affects potential for right to light
- Building of gable wall over 3 times the height of the current bungalow eaves
- The street scene will be drastically altered
- Community Council are against the application
- Less than 2m from neighbouring property

Gwernaffield Community Council

- The area of proposed dwelling is far greater than the existing footprint
- The increase in footprint will increase the surface water drainage problems with in the site.
- The front garden regularly suffers from flooding and this area has a history of serious flooding
- No mention of concrete raft for the new dwelling, mining history and the former shaft located between the High Croft and the adjacent property
- Concern with regards to the excavation of rock to the rear, the safe removal of this material given the former lead mining history of the area

Head of Assets and Transportation

Have no objection to the proposal and do not intend to make a

recommendation on highway grounds.

Head of Public Protection

No objection in principle, however as the site is in an area with an extensive historical use, including lead mining, quarrying and lime kilns around the site, there is justification that contamination could be present in all or part of the site. The proposed development could be particularly vulnerable to the presence of contamination, therefore recommend that any consent be conditioned to contaminated land investigation.

4.00 PUBLICITY

4.01 Neighbour Notification

As a result of which objections have been received on the following grounds:-

- History of drainage problems
- Overdevelopment of the site
- The proximity of the development to the boundaries
- The size and massing of the proposal, affect light to property and shade rear amenity area
- Underpass access departure to rest of parking arrangements in same street
- Separation distances
- Structural integrity questioned
- Design and access statement is a token

5.00 SITE HISTORY

5.01 No previous history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

Local Planning Guidance Note No 2 Space Around Dwellings

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application seeks consent for the demolition of the existing

detached single storey bungalow, and the replacement of the property with a two storey dormer bungalow and detached garage.

7.02 Replacement Dwelling

The proposed property is to be sited on the foot print of the existing property (approximately 72m² in its footprint). but at approximately 168m² in its footprint is significantly larger than the property it is to replace. However this is indicative of other detached two storey dormer properties in the immediate area and the wider street scene, within this established residential area. As the site lies within the settlement boundary the replacement of the dwelling is acceptable in principle and the plot is large enough to accommodate the dwelling proposed.

7.03 Since the initial submitted scheme, the application has been amended by a reduction in the scale of the roof, leading to a reduction in the overall massing of the roof design by the hipping of the roof, which gives a greater visual separation between adjacent properties. This also reflects the roof type on the existing dwelling and that adjacent to it. The area is comprised of a number of property styles, plot sizes and no one design or plot size predominating and in this context the proposal is not out of context.

7.04 Street Scene

In support of the application the applicant's agent has submitted a street scene which clearly shows the proposed ridge line in relation to the existing neighbouring properties and shows the general topography of the street. The proposed property has a ridge line approximately 1 metre lower than Kiln Lodge, it will however be higher than the adjacent single storey property Hill Green, which is a single storey property.

7.05 Sewerage

The applicant proposes connecting to the existing mains drainage sewerage. Whilst objections have been raised with regards to past problems with sewerage backing up and a history of surface water drainage problems in the area, the drainage provision for the site will be subject to Building Regulations approval and the requirements of Dwr Cymru/Welsh Water and will need to be compliant with their requirements. However, this is a replacement, not an additional dwelling.

7.06 Development Form

The siting of the property is to extend across the width of plot, rather than being centrally located at a present. This leads to a change in the visual perception of massing of the property. However the proposed property achieves a separation distance of 2m off the boundary with Hill Green and a separation of 6m to the flank wall of Hill Green. It is offset 3m off the boundary with Kiln Lodge and 8m

from the flank wall of Kiln Lodge. Whilst the garage is proposed to be located 1m. from the boundary with Kiln Lodge, the applicant has confirmed that all the development will take place on land within his ownership. The overall visual massing of the scheme has been reduced by the applicant amending the scheme to provide a hipped roof design , which breaks up the overall scale of the property on the plot and on the wider street scene. The development form proposed is similar to the adjacent property Kiln Lodge, which utilizes virtually all of the plot width and this form of development is common to other properties in the street scene, such as Dellwood and Tilston.

7.07 The existing property was built as a matching pair of detached single storey properties in the 1930's and whilst this would have been reflective of the scale and form of development in this period, there have been significant changes to individual properties and the wider street scene since this time as the area has evolved piecemeal overtime. As such the proposal is considered to be reflective of the majority of the type of development in the immediate area, and indeed the existing two small properties of High Croft and Hill Green could be considered to be out of context with the existing street scene.

7.08 Design/Separation Distances

There is a side lounge window on the flank wall of Hill Green and the proximity of the development to this has been considered in relation to this window, however the window is a secondary window to the lounge and in this context is compliant with the guidance note with regards to Space Around Dwellings. The proximity of the flank wall of the proposed dwelling at 5.5m to the flank wall of Hill Green is noted however as its not the only window serving the lounge, there is sufficient distance to allow light provision and will not lead to significant detriment to the residential amenities currently enjoyed by this property. In addition the applicant proposes two small windows on the flank wall with Hill Green to serve a kitchen area and an upper floor dressing area, both these windows are proposed to be obscure glazed and as such will not lead to overlooking.

7.09 The 2m separation from the boundary with Hill Green has raised concerns with regards to the height of the proposed dwelling at 7.6m high to the ridge affecting the amount of light available to the residents of Hill Green . Due to the route the sun travels through the day from east to west, it would appear that the light received would not lead to a significant loss and would not adversely affect amenities.

7.10 In view of a number of concerns received in relation to the massing, scale and perceived overdevelopment that the proposed dwelling is to have, the applicant has amended the scheme and has hipped the roof. This effectively enables a greater visual break between the properties to be achieved and visually leads to reduction in the mass / scale of the property.

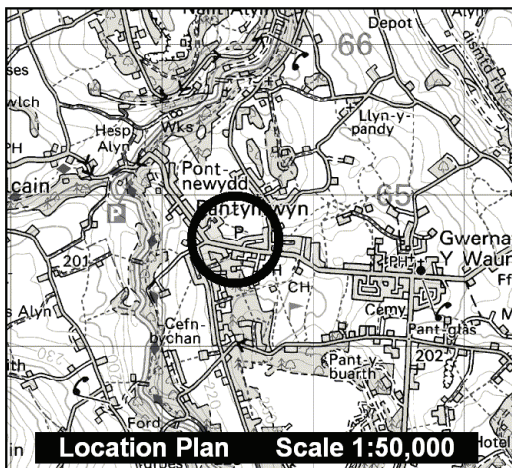
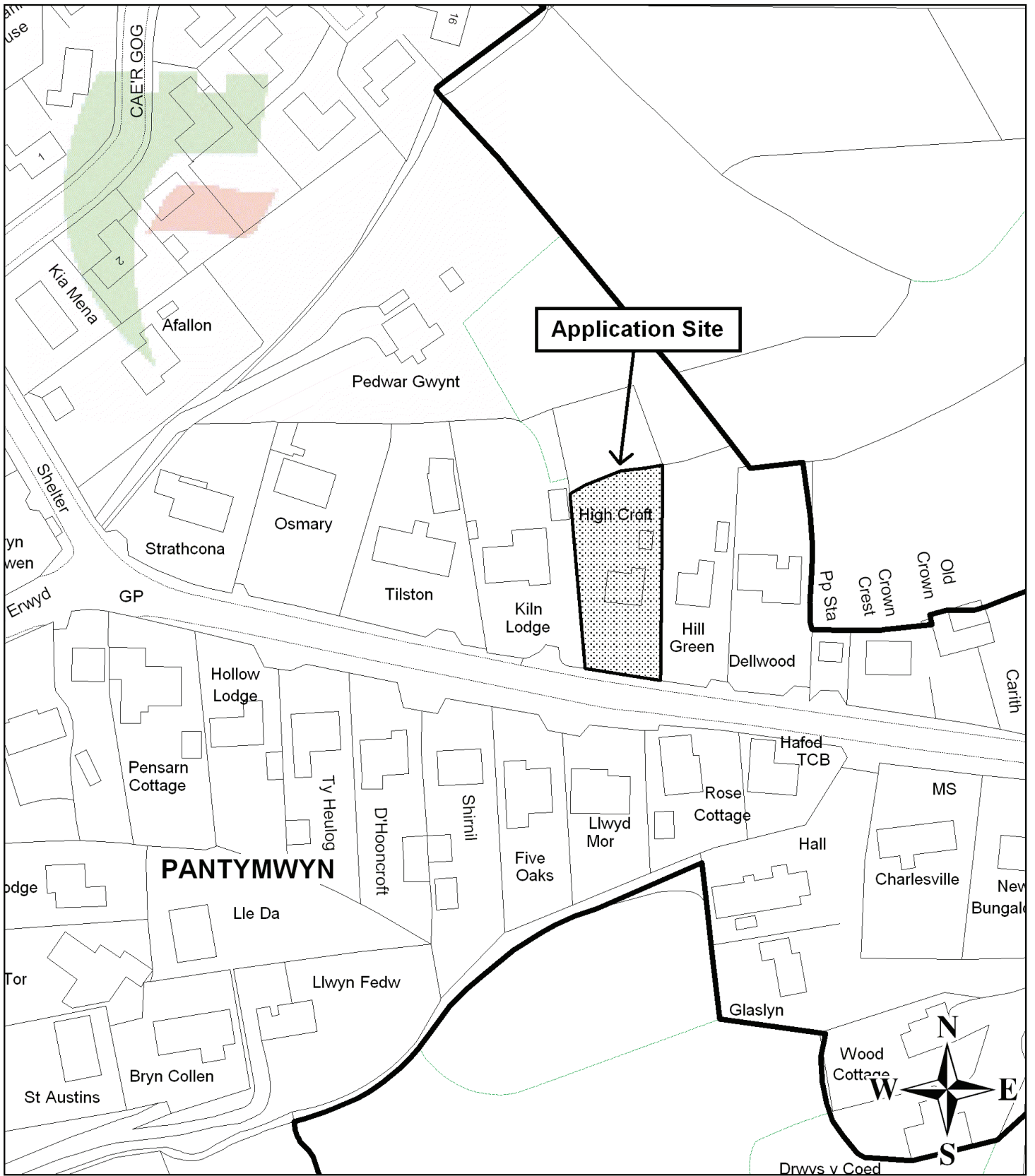
7.11 Parking /turning Provision

The design of the dwelling proposed incorporates an open space to the lower floor which allows vehicular access to the proposed garage to the rear of the property. Whilst this feature is typical of this area, the servicing of the garage via this route is not considered to be out of context with the existing garages site to the side /rear of the existing properties in the immediate area and is not considered to adversely impact upon amenity currently enjoyed by surrounding residents. Both the highways and environmental health officers have been consulted on the proposal and neither have raised objections to the scheme on this aspect, as such it is not considered that the parking and turning arrangements will adversely affect amenity and it is noted that Kiln Lodge and Hill Green show a similar garage position.

8.00 CONCLUSION

- 8.01 The proposed scheme as a replacement dwelling of the existing property within the settlement boundary of Pantymwyn is compliant with the above policies.
- 8.02 The form, scale and design of the proposal is considered to harmonise with the site and surroundings with regards to its siting, scale, design, materials and external appearance.
- 8.03 The proposal whilst utilizing the width of the plot is not out of context with other forms of development in the same street scene and enables sufficient separation distances to be achieved, without significant detriment to amenity.
- 8.04 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1964

Planning Application **51673**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9th APRIL 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – RETROSPECTIVE CHANGE OF USE OF LAND TO RESIDENTIAL PURPOSES IN CONNECTION WITH NO. 21 LLYS Y WERN AND ERECTION OF A BOUNDARY FENCE – LAND AT LLYS CAE’R GLO, SYCHDYN**

APPLICATION NUMBER: **051497**

APPLICANT: **MR & MRS ELWELL**

SITE: **LAND AT LLYS CAE’R GLO. SYCHDYN,**

APPLICATION VALID DATE: **25/11/2013**

LOCAL MEMBER: **CLLR M BATEMAN**

TOWN/COMMUNITY COUNCIL: **NORTHOP COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **EFFECT OF THE LOSS OF PARKING SPACE ON LLYS CAE’R GLO**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the change of use of land for residential purposes. The land has previously been used as visitor parking for Llys Cae’r Glo. The planning application is retrospective with the land having been fenced off to become accessible from Llys y Wern only. The matters for consideration are the loss of parking for Llys Cae’r Glo and the visual appearance of the fence.

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

2.01 Conditions

1. In accordance with plans and specifications.
2. Remove permitted development rights.

3.00 **CONSULTATIONS**

3.01 Local Member

Councillor Marion Bateman

Requests committee determination with a site visit.

Northop Community Council

Oppose the planning application as it is an unreasonable contravention of the original planning permission and the loss of visitor parking would compromise road safety.

Head of Assets and Transportation

No objection.

Head of Public Protection

No adverse comments.

4.00 **PUBLICITY**

4.01 Neighbour Notifications

7 objections received, which are summarised as follows:

- Impact upon highway safety;
- The visitor spaces were a condition of the original planning permission;
- Loss of the boundary hedge;
- The new fence hinders the use of the adjacent parking space (no. 7 Llys Cae'r Glo);
- Residents were unaware of the sale of the land; and
- Damage to the grass verge as a result of parked vehicles.

5.00 **SITE HISTORY**

5.01 91/0432 – Erection of seven dwellings – Approved 14/10/1991

6.00 **PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development

Policy AC18 – Parking Provision and New Development

7.00 **PLANNING APPRAISAL**

7.01 Llys Cae'r Glo is a small cul-de-sac comprising of 8 no. dwellings (or 12 including numbers 30 - 36 New Brighton Road). Llys Cae'r Glo was

originally granted consent on 14th October 1991 and was subject to 6 conditions, which are summarised below:

- 1) Commencement of development within 5 years;
- 2) Submission of sample materials;
- 3) Submission of a landscaping scheme;
- 4) In accordance with amended plans received 26th July 1991;
- 5) Finished floor levels of Plot 11 to be agreed; and
- 6) Screen fencing for Plot 11 to be agreed.

7.02 The land which is the subject of this planning application was shown as 2 no. visitor parking spaces on the approved layout drawing. There was no condition imposed to ensure that these spaces are to be maintained for the life of the development. Had these 2 no. parking spaces been crucial to the original permission being granted then it would have been considered necessary to condition that these spaces are retained in perpetuity – this is not the case. Significantly, this land remained in private ownership and has now been purchased by the owner of No. 21, Llys y Wern. On this basis there is nothing to prevent it being fenced off to stop its use for the parking of vehicles or indeed for its use for this purpose exclusively by No. 21.

7.03 Policy AC18 of the Flintshire Unitary Development Plan specifies that all development must provide appropriate parking in accordance with Flintshire County Council's Parking Standards, which will be applied as a maximum. Flintshire County Council's shift from minimum to maximum parking standards is in accordance with national planning guidance.

7.04 The current remaining parking provision within the Llys Cae'r Glo development has been assessed to be 19 no. spaces; this includes both garage and driveway spaces. The relevant guidance to consider is Local Planning Guidance Note No. 11: Parking Standards. This guidance specifies maximum parking standards. Given that this is a cul-de-sac of 2 and 3 bedroomed dwellings the maximum parking provision based on 2 car park spaces per unit therefore allows a maximum of 24 spaces for the 12 units. The 19 no. parking spaces are therefore considered to be an acceptable number of parking spaces in line with current Parking Standards, with no detriment to highway safety in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.

7.05 There is evidence that a number of parking spaces, originally provided as part of the Llys Cae'r Glo development, are no longer available for this use. This is a common trend in that domestic garages are often used for domestic storage purposes, rather than for parking vehicles and this is not development and is therefore not subject to any control.

7.06 The owner/occupier of the nearest neighbouring property, 7 Llys Cae'r Glo, has mentioned in their letter of objection that they are now unable to open their car doors fully due to the position of the new fence.

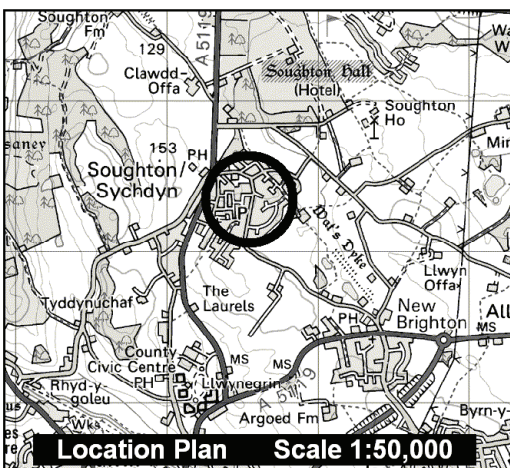
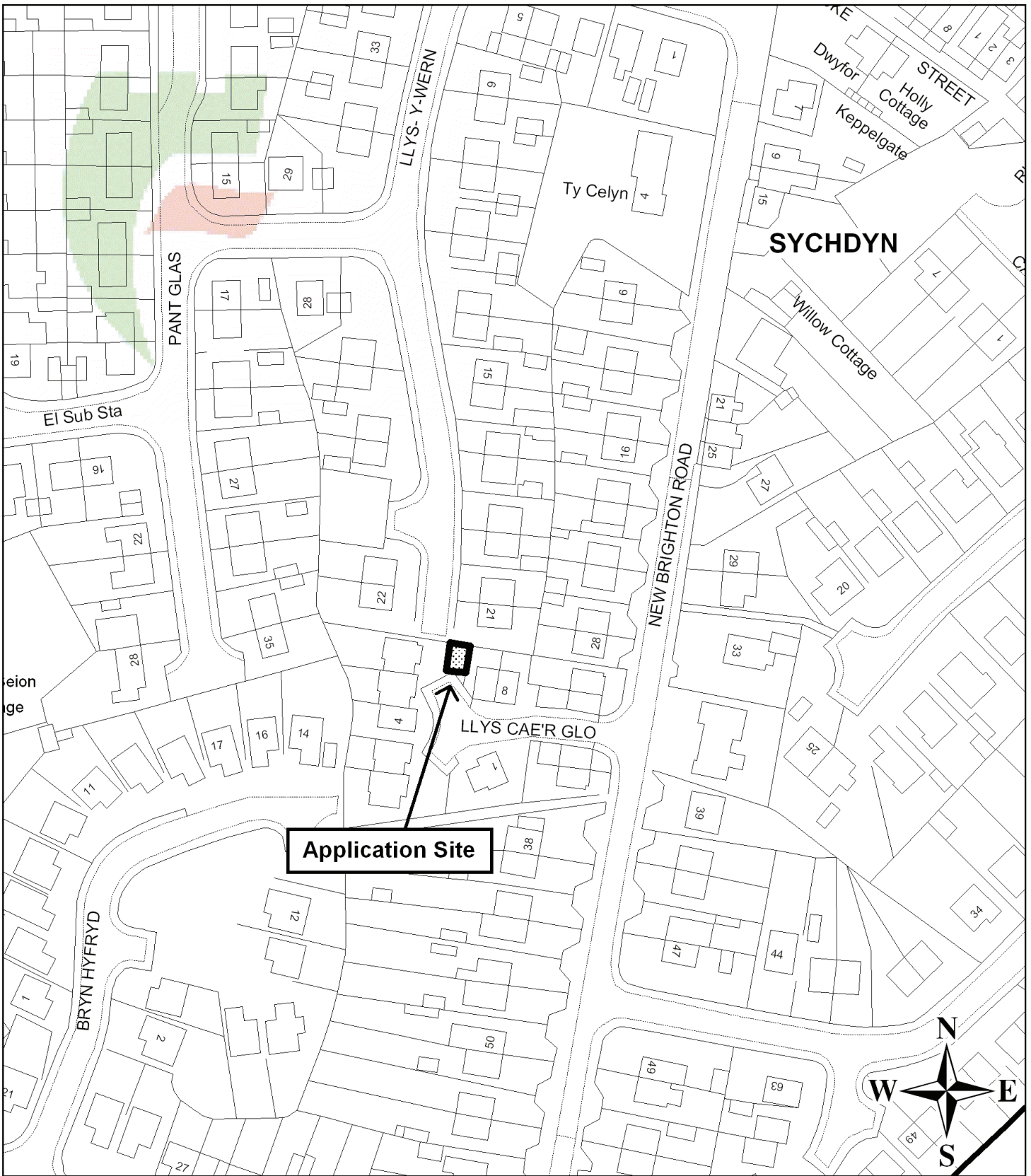
However, the parking space serving No.7 measures 2.6 metres wide, which is 0.2 metres wider than a domestic parking space is required to be.

- 7.07 The original hedge has been removed as a result of this change of ownership and a fence erected to enclose the land and make it fall within the curtilage of 21 Llys y Wern. As the fencing erected is over 1 metre in height and is adjacent to a highway it requires permission and therefore forms part of this planning application. The fencing is consistent with other fencing within the cul-de-sac and does not appear incongruous in the streetscene. It is therefore considered visually acceptable and in character with its surroundings in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.
- 7.08 Whilst I have sympathy with the residents of Llys Cae'r Glo and having been made very aware of their concerns, there are no planning grounds to resist this development. Having assessed the proposal against planning policy and taking into account all material planning considerations I am of the opinion that this proposal is acceptable.

8.00 CONCLUSION

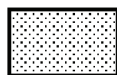
- 8.01 The proposal is considered acceptable in both principle and detail.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance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

Contact Officer: Lauren Eaton-Jones
Telephone: (01352) 703299
Email: Lauren_Eaton-Jones@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2466

Planning Application **51497**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 9TH APRIL 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **EXTENSION TO DWELLING AND ASSOCIATED WORKS AT DEER LODGE, CYMAU.**

APPLICATION NUMBER: **051394**

APPLICANT: **MR M PRICE**

SITE: **DEER LODGE, FFYNNON FARM, CYMAU, FLINTSHIRE LL11 5EY**

APPLICATION VALID DATE: **24TH OCTOBER 2013**

LOCAL MEMBERS: **COUNCILLOR HILARY ISHERWOOD**

TOWN/COMMUNITY COUNCIL: **LLANFYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE SUBJECTIVE NATURE OF THE PROPOSAL**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a revised scheme to the previous application, ref 050430, which was refused planning permission at Planning Committee in July 2013. The application is for the erection of a rear extension at Deer Lodge, Cymau, Flintshire. The main issue in regard to this application is the scale and design of the proposed extension in relation to the existing dwelling, which is a converted barn.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. In the opinion of the Local Planning Authority the proposed development by virtue of its scale and design, would have a

detrimental impact on the simple agricultural character of the building and would detract from the rural character of the area. As such the proposal is contrary to Policies GEN 1, D2 and HSG12 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 1: Alterations and Extensions

3.00 CONSULTATIONS

3.01 Local Member

Councillor Hilary Isherwood

Refer application to Planning Committee due to the subjective nature of the proposal

Llanfynydd Community Council

No response at time of writing report

Head of Assets and Transportation

No objection and no recommendations on highway grounds

Head of Public Protection

No response at time of writing report.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

No representations at time of writing report.

5.00 SITE HISTORY

5.01

12/050430

Erection of a two storey extension including a balcony to the existing barn. Refused 25/07/2013

01/01337

Single storey side extension. Planning permission granted 14/02/2002

4/4/23726

Conversion of large barn into a dwelling house and conversion of small barn into 2 cottages for holiday let. Planning permission granted 01/11/1994

4/4/14354

Change of use and alterations to agricultural building to form one dwelling. Planning permission granted 05/11/1985

4/4/13780

Outline application for erection of one dwelling house in connection with fruit farm. Planning permission refused 5/3/1985

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General requirements for Development

Policy D2 – Design

Policy AC18 – Parking provision and new development

Policy HSG7 – Change of use to residential outside settlement boundaries

Policy HSG12 – House extensions and alterations

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a revised scheme to the previous application ref 050430 which was refused planning permission at Planning Committee in July 2013. This householder application seeks planning permission for the erection of a rear extension to Deer Lodge, The Cymau, Flintshire.

7.02 Site Description

The site is located outside any defined settlement boundary and set within a rural landscape. The property, a converted barn, originally forming part of a farm unit which comprises of the former farm house with garage which is a converted outbuilding; a further barn conversion with garage and the converted barn which is the subject of this application. Access to the site is via a private road off Ffordd Las.

The building is a single storey barn conversion with a three storey element to the north west elevation. The building is of stone construction under a tile roof, with render to the three storey element. The main issue in relation to this application are the scale, form and design of the proposed extension.

7.03 Principle of Development

Planning permission for the conversion of the barn into a residential dwelling was granted in November 1994. Conversion of existing rural buildings provide an exception to National and Local planning policy where there is a presumption against new residential dwellings in the open countryside. In order to meet policy criteria which allow such conversions, the building must be structurally sound and capable of conversion without significant extension and have traditional architectural and historic features which merit retention.

7.04 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 design and setting of the existing dwelling.

7.05 Planning History

Members may recall an application for a two storey extension with

balcony (Ref 050430) at this site being considered at planning committee in July 2013, the resolution of which was to refuse the application on the grounds of scale, form and design.

7.06 After the refusal of that proposal a further application, which is the one before you, was submitted in October 2013. This proposal is for rear extension. The balcony has been removed and by changing the angle of the ridge height it has been reduced by approximately 1 metre. The proposal is described as a one and half storey extension.

7.07 Proposed Development

The Design and Access states that the extension is single storey only with an increase in floorspace of 38%. However, the height from ground floor to eaves height remains the same as the previous application which was for a two storey extension. Internal alterations, such as the installation of a mezzanine area which would increase the floorspace, does not require planning permission.

7.08 The proposed single storey extension includes the installation of 4 rooflights. There are ample windows to the proposed extension to allow for natural light and therefore there is no necessity for the installation of rooflights.

7.09 Discussions have been held in regard to officer concerns relating to the amended scheme, namely the height and scale of the proposed extension. The agent expressed concerns over the difficulty of reducing the height due to land and floor levels. However the ground floor level remains the same as the previous scheme and incorporates a staircase to the doorway allowing access to the existing dwelling. It is the officer's opinion that as the proposed extension is for ground floor accommodation only, the ridge height could be reduced further. During negotiations with the agent and applicant, suggestions were made to that effect, such a repositioning the extension to centralise the door the existing dwelling, which could result in a reduction in ridge height of at least 1m. As compromise officers accepted that although the proposed extension was still considered to be too long, if the ridge height were to be reduced, the length could remain as the extension would then appear to be more subservient to the existing dwelling in line with Policy HSG12. However, neither the height or the length have been reduced.

7.10 In view of the discussions held further details have been submitted, such as sectional drawings; however no changes to the scale and form of the extension have been made and negotiations have now come to an impasse.

8.00 CONCLUSION

8.01 In view of the above it is my opinion that the proposed extension is out of character, by virtue of the height and length, with the simple form of

the converted agricultural building and therefore does not comply with Policy GEN1 and HSG12 of the Flintshire Unitary Development Plan. As such I recommend the application is refused for the reason given earlier in 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: Celeste Ringrose
Telephone: (01352) 703202
Email: Celeste.ringrose@flintshire.gov.uk

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 9TH APRIL 2014

REPORT BY: HEAD OF PLANNING

SUBJECT: ERECTION OF A POST 16 EDUCATION CENTRE AND ASSOCIATED WORKS AT DEESIDE COLLEGE, KELSTERTON ROAD, CONNAH'S QUAY.

APPLICATION NUMBER: 051722

APPLICANT: COLEG CAMBRIA

SITE: COLEG CAMBRIA, KELSTERTON ROAD, CONNAH'S QUAY

APPLICATION VALID DATE: 11/2/2014

LOCAL MEMBERS: CLLRS P. SHOTTON & A. DUNBOBBIN

TOWN/COMMUNITY COUNCIL: CONNAHS QUAY TOWN COUNCIL

REASON FOR COMMITTEE: SCALE OF DEVELOPMENT AND COUNCIL INTEREST

SITE VISIT: NO

1.00 SUMMARY

1.01 This is a full planning application for the erection of a post 16 Education Centre and associated works at Deeside College, off Golftyn Lane, Connah's Quay to accommodate approx. 700 students. The issues for consideration are the principle of development, design/appearance, visual/residential impacts, ecology impacts, and highway impacts.

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

- 2.01 That conditional planning permission be granted subject to the following conditions:

Conditions

1. 5 year time limit
2. In accordance with approved plans
3. Approval of external materials to roofs, walls, windows, terraces including external ground surfacing
4. Compliance with BREEAM standard
5. Submission for approval of landscaping scheme
6. Implementation of landscaping scheme
7. No commencement of development until submission for approval of details for root protection area for specified trees to be retained.
8. Submission for approval of further details for the relocation of badgers and the timing of such works and the long term safeguarding of the site new sett for their use.
9. Submission for approval of details for public art
10. Submission for approval of comprehensive scheme for the foul, surface and land drainage
11. No land drainage into the public sewerage system
12. No surface water into the public sewerage system unless otherwise approved
13. Foul and surface waters drained separately from the site

3.00 CONSULTATIONS

3.01 Local Members

Councillor P. Shotton

Acceptable development, pleased about off road parking arrangements as parking now proposed on site. Long awaited development.

Councillor A. Dunbobbin

Supports the application

Adjacent Connah's Quay Ward Members

Councillor Ian Dunbar

Fully endorses the application for the youngsters of Flintshire and a wait its construction

Connah's Quay Council

Do not object to the application

Head of Assets & Transportation

Awaiting final comments which will be reported as late observations to the Planning Committee

Environment Directorate (Rights of Way)

There are no affected public footpaths or bridleways in the immediate

vicinity, therefore no observations to make.

Public Open Spaces Manager

No objections subject to detailed specification of equipment being subject to a planning condition and maintenance payment.

Civil Contingencies Manager

No objections or comments

Head of Public Protection

No adverse comments

SP Energy Networks

Applicant's attention brought to plant/machinery in the locality.

Welsh Water

Requests standard conditions be applied relating to land, surface, foul drainage and comprehensive drainage. Notes to applicant.

Natural Resources Wales

No objections subject to condition regarding surface water details

Sport Wales

Object due to the loss of recreational sports ground

Liverpool John Lennon Airport

No objections

Clwyd Powys Archaeological Trust

No archaeological implications

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application has been publicised by means of site notices, press notices and neighbour notification letters. The proposal has been advertised as a departure to the adopted development plan.

Two emails of objection have been received in response to this application whose comments are summarised as follows,

- Access should be off an improved Kelsterton Road access point in the interests of highway safety as the proposed access off Golftyn Lane is heavily used by traffic, is hazardous, has a lot of on road parking and a major route used by children
- Local road infrastructure cannot cope with any more traffic especially buses in an area where there is a football field/sports ground, high school, large college and sports centre on the site
- Local residents cannot access properties safely already due to volume of traffic in the area

- Litter will increase in the locality as a result of the proposal

5.00 SITE HISTORY

5.01 None of direct relevance although the overall campus has a long planning history of development

6.00 PLANNING POLICIES

6.01 Adopted Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy GEN1 - General Requirements for Development
- Policy GEN2 - Development inside settlement boundaries
- Policy D1 - Design Quality
- Policy D2 - Location and Layout
- Policy D3 - Building design
- Policy D4 - Landscaping policy
- Policy D6 – Public Art
- Policy AC2 - Pedestrian Provision and Public Rights of Way
- Policy AC13 - Access and Traffic Impacts
- Policy AC18 - Parking Provision and New Development
- Policy SR4 – Protecting Recreational Open Space
- Policy EPW2 - Energy Efficiency in New Development
- Policy EWP3 - Renewable Energy in New Development
- Policy CF2 – Development of New Facilities
- Policy SR4 – Protecting Recreational Open Space
- Policy IMP1 – Planning Conditions and Planning Obligations

Planning Policy Wales

Technical Advice Note 18 - Transport

Technical Advice Note 22 - Sustainable Buildings

7.00 PLANNING APPRAISAL

7.01 Principle of Development

This is a full planning application for the erection of a post 16 Education Centre and associated works at Deeside College, off Golftyn Lane, Connah's Quay. The site measures 2.42 in hectares in area and fronts onto Golftyn Lane. The proposed development is detailed as follows,

- Approx. 6800m² in area including associated parking, servicing and landscaping
- A new vehicular and pedestrian access off Golftyn Lane
- Visitor parking and staff parking in addition to parking provision for coaches/buses for students and serve the overall campus

- Would cater for approx. 700 students
 - Accommodation to be provided over 3 floors including classes, art studios, staff facilities, external terraces, study areas, and café
 - The building would stand at 14.7 metres to its parapet
 - Would be contemporary in design using coloured external cladding
 - Landscaping
- 7.02 The proposal is submitted as a result of the Council's restructuring of sixth form provision at various schools in the County and would lead to amalgamation of a number of sixth forms to allow for a post 16 education centre which would be run in conjunction with College Cambria.
- 7.03 The majority of the site is surplus sports field owned by the Coleg Cambria with the rest being surplus land within the overall site which is currently used as informal parking space. The site is bordered to the south by Golftyn Lane, to the west by Connah's Quay High School, to the east by the athletic grounds attached to the college and to the north by parking/campus buildings associated with the college.
- 7.04 The application is accompanied by a Design & Access Statement, Environmental Strategy, Tree Survey, Biodiversity Survey and Report, Ecology Report, Transport Assessment, Green Travel Plan, Drainage Strategy, Badger Survey/Mitigation and Geo-environmental/technical investigations.

Principle of Development/Policy Context

- 7.05 The proposed site is located within the Connah's Quay settlement boundary where the principle of development is generally accepted. Relevant UDP Policies are SR4 (protecting recreational open space) and CF2 (development of new facilities). Policy SR4 of the UDP does not preclude per se the development of recreational open space however there needs to be adequate recreational open space in the surrounding area and the Council needs to be satisfied the land will not be required in the longer term for the school or community use. The applicant maintains the land is surplus to requirements and that they have more than adequate provision within the site which contains an athletics track and other related sports catered for within the boundaries (in addition to an indoor sports complex). Policy CF2 is permissive of new educational facilities on suitable sites within development boundaries. The applicant has been advised to further justify the loss of the playing field which will be presented to Members as late observations at Planning Committee. I await the applicant's further justification for the loss of the playing field, however, when considering both policies there appears to be a reasonable case for the loss of recreational land and the redevelopment of the site for educational purposes and therefore the proposed development is considered acceptable in principle.

- 7.06 Design/Appearance/Landscaping
The proposed development would be provide accommodation to be provided over 3 floors including classes, art studios, staff facilities, external terraces, study areas, and café. The building would be of a distinctive contemporary design using coloured external cladding facing towards the entrance of the site onto Golftyn Lane.
- 7.07 In sustainability terms, the orientation of the proposal is such that solar panels are positioned on the roof of the southern elevation, whilst photovoltaic panels would generate electricity whilst an air source heat pump would provide heat from the ground during the winter months.
- 7.08 Visually the building would be seen against the existing Connah's Quay High School to the south and the rest of Coleg Cambria to the west and therefore in visual terms would not look out of character within the street scene as viewed from Golftyn Lane. The contemporary design is considered acceptable. The use of coloured external cladding to the building needs careful consideration in regards to quality and finish of the material proposed (including external hard landscaping to ground surface material) and to this end a condition should be attached to any grant of planning permission requiring submission of samples prior to them being applied.
- 7.09 Landscaping on the site involves new tree planting to the eastern boundary with Golftyn Lane and to the boundaries of the site. Existing planting is retained in part (primarily to the west where there are some mature trees and hedging to the front of the site). Whilst the proposed landscaping is acceptable in principle it lacks sufficient detail and therefore a condition should be attached to any planning permission requiring a detailed planting scheme. The mature trees need to be protected during construction works via a suitably worded planning condition.
- 7.10 In line with council Policy D6, public art should be required on a publicly accessible building and is considered the proposed development should require some form of public art with such details submitted for approval to the Council beforehand. Ordinarily the public art would be either mounted on the external fabric of the building or be some form of stand-alone structure within the grounds. The planning condition should include reference to the timing of such works and the method of delivery.
- 7.11 The proposed development is considered acceptable in design and appearance subject to the imposition of conditions referred to above.
- 7.12 Impact on Existing Residential Amenities
The nearest residential properties to the proposed development are located on the opposite side of Golftyn Lane at approximately 65

metres away (wall of existing properties to wall of the proposed building) and therefore it is not considered there would be any detriment to existing amenities by way of overlooking/privacy/proximity. Whilst the proposed development would lead to more students visiting the overall site it is not considered this would be unduly detrimental to adjacent residential amenities over and beyond that which already exists.

7.13 The proposed development would be adjacent to and overlook Connah's Quay High school at approx. 30 metres away (wall to wall at its closest point, however on average this distance is approx. 50 metres away). The separation distance is considered acceptable especially bearing in mind both sites serve educational needs.

7.14 Ecology

The applicant has submitted a biodiversity survey/report, ecology report, and badger survey/mitigation to support their application. Neither the Council ecologist nor Natural Resources Wales have raised any objections to the proposed development subject to mitigation works to safeguard any potential protected species that may enter the site i.e. badgers. These mitigation works would include relocation of the existing badgers to a new nearby sett within the college grounds – this can be achieved via a suitably worded planning condition. In general ecology terms the site offers little value as it is a mown grass field/hard standing area, however, the mature trees to the rear of the site offer reasonable potential for roosting bats and these should be safeguarded via condition. It is considered that an appropriately worded condition can provide for the required mitigation works.

7.15 Highways

The applicant has submitted a detailed transport statement in support of their proposal. The proposed development would be accessed by vehicular traffic via one point on to Golftyn Lane which would allow for access to staff and visitor car parking, coach/bus parking manoeuvring space and pedestrian access for the students. Pedestrian access would also be possible for the overall college site from the north/west and there would also be a footway link into Connah's Quay High. Historically public transport visiting the overall site park on the public highway on Kelsterton Road and Golftyn Lane which is detrimental to highway safety and ideally should be eliminated if possible. The proposed development would result in public transport being diverted away from the Kelsterton Road entrance to the new entrance via Golftyn Lane.

7.16 The Head of Assets and Transportation is awaiting amended highway details in relation to the submitted transport assessment which shall be reported to the Planning Committee as late observations.

7.17 Whilst objections to the proposed development have been raised on

highway grounds, nonetheless, it is not considered the proposed development would be unduly detrimental to highway safety subject to a satisfactory resolution of the points of detail requested by the Head of Assets and Transportation subject appropriately worded planning conditions.

7.18 Other Matters

In regards to drainage/flood issues, the proposed development has not been objected to by neither Welsh Water nor Natural Resources Wales and therefore subject to appropriately worded planning conditions the proposal is considered acceptable.

8.00 CONCLUSION

8.01 The proposal provides for a quality well designed modern educational facility which is acceptable in principle and detail subject to appropriately worded planning conditions.

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH APRIL 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RETROSPECTIVE APPLICATION FOR THE ERECTION OF AUTOMATIC NUMBER PLATE RECOGNITION CAMERAS AT ENTRANCE/EXIT TO CONTROL THE LENGTH OF STAY IN CAR PARK AND VARIATION TO SECTION 106 AGREEMENT OF PLANNING PERMISSION REF: 028289 TO ALLOW THE ABOVE DEVELOPMENT AT ALDI FOODSTORE LTD., KING STREET, MOLD.**

APPLICATION NUMBER: **051655**

APPLICANT: **ALDI STORES UK LIMITED**

SITE: **"ALDI FOODSTORE LTD", KING STREET, MOLD**

APPLICATION VALID DATE: **29TH JANUARY 2014**

LOCAL MEMBERS: **COUNCILLOR R C BITHELL**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

REASON FOR COMMITTEE: **A SECTION 106 OBLIGATION IS REQUIRED**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a retrospective planning application for the retention of automatic number plate recognition cameras used for the purpose of car park management at Aldi, Mold. It is considered that the proposal is acceptable in terms of the principle of development and the impacts of the proposal.

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 replace the Section 106 Agreement dated 28th September 1999 in respect of the car parking management.

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

1. In accordance with approved plans
2. Details of the bollards to be submitted and agreed

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor C Bithell – no comments received at time of writing

Mold Town Council
No objection

Head of Assets and Transportation
No objection

Head of Public Protection
No adverse comments

4.00 PUBLICITY

- 4.01 Site Notice
One letter of received objecting on the following grounds:

- The justification for the camera system was undertaken by the camera supplier
- The cameras do not differentiate between legitimate car park users for McDonalds and those that use Aldi, and also those that return within a short period of time
- The justification is inadequate
- The disabled parking bays are no longer clearly identifiable
- The signage is not readily visible
- There is no evidence of any prior consultation with McDonalds.
- The cameras harvest registration details and do not survey the actual parking spaces

5.00 SITE HISTORY

- 5.01 P/98/26/00345 - DEVELOPMENT OF FOOD RETAIL STORE (CLASS A1) AND PUBLIC HOUSE/RESTAURANT (CLASS A3) (approved 14/ 8/1998)

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN1 – General Requirement for Development

7.00 PLANNING APPRAISAL

- 7.01 The application seeks retrospective planning permission for the installation of cameras to automatically monitor the length of stay of cars. The application requires planning permission because the cameras and pole on which they are attached are operational development.
- 7.02 The key material planning considerations are the impact the cameras and pole have on the visual amenities of the area.
- 7.03 The application site is within Mold town and the siting of the cameras is within the parking area of the Aldi car park, facing the entrance/exit to the site.
- 7.04 The site comprises two large commercial buildings in the form of McDonalds and Aldi, a large hardstanding area (the car park) and there are a number of lighting columns around the site, which are similar in design to the camera pole.
- 7.05 Reference is also made to the installation of bollards at the entrance to the site. Whilst the details concerning these are very limited, a condition can ensure that details are agreed prior to their installation.
- 7.06 It is considered that the proposal has no adverse impact on the visual amenities of the area.
- 7.07 The planning permission granted for Aldi and what is now McDonalds was subject to a Section 106 agreement, which included for, *inter alia*, a commuted sum of £20,000 for a shortfall in car parking spaces and very specific details on the management of the car park. The reasoning behind the management of the car park being included within the s106 was to prevent the public using the car park associated with Aldi and what is now McDonalds for free parking to visit the shops in town instead of using the pay and display car parks within the town.
- 7.08 The s106 was very specific with regard to how the car park would be monitored, i.e. a car park warden. There is no mention that a camera operated system could be used; however, at the time that the s106 was drafted (1999) such systems were not common place and therefore were not included. As such, if the application is approved, the s106 will have to be amended with regard to the process in which the car park will be monitored, in that these rather onerous elements should be omitted. Furthermore, given that the commuted sum was

paid, this element of the s106 should also be omitted in any new s106 that is drafted.

7.09 Other considerations

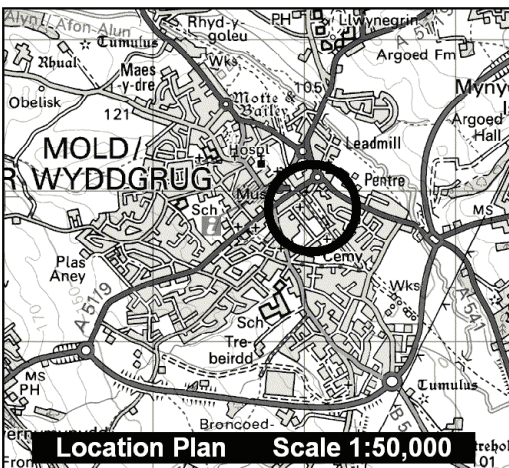
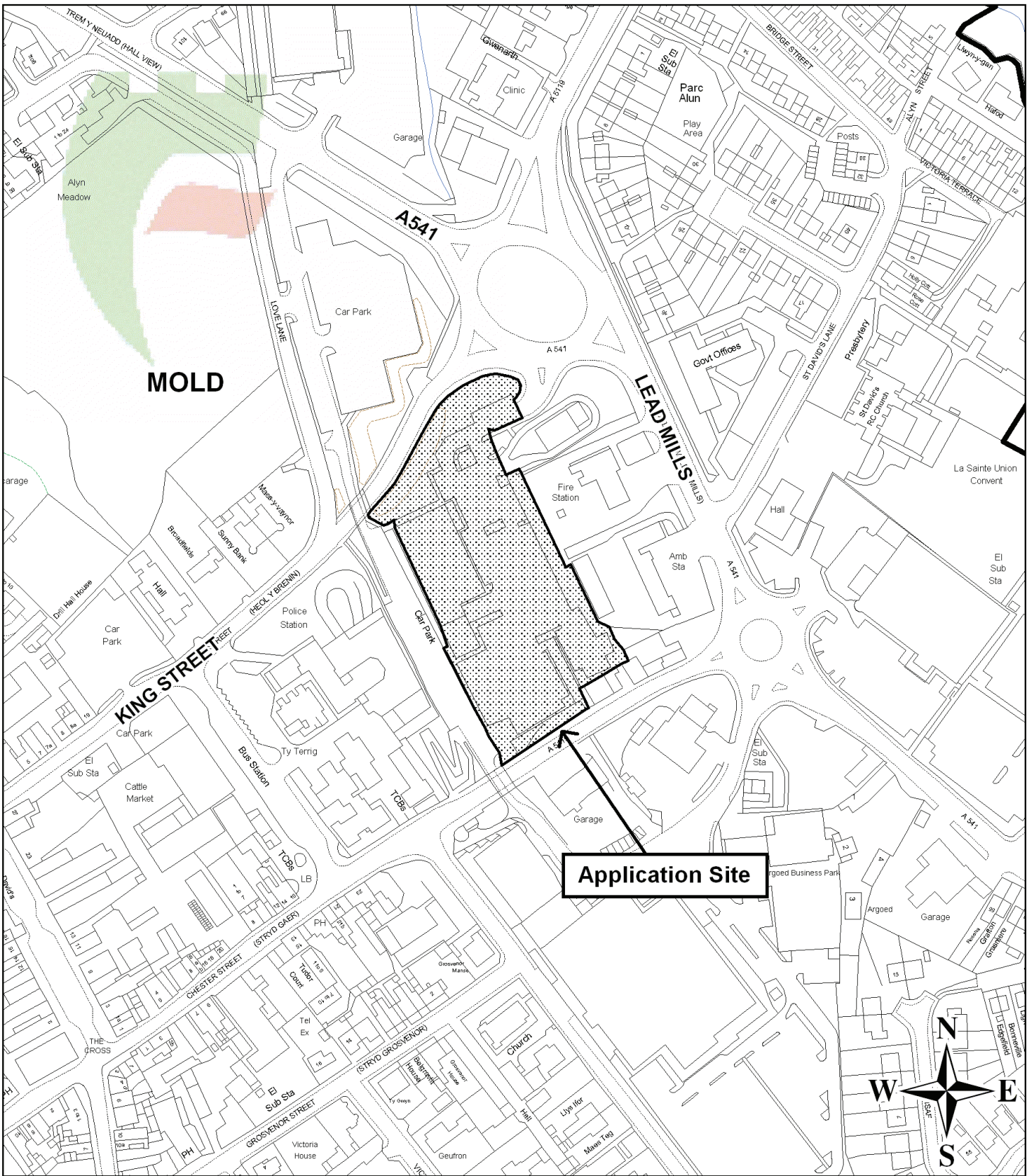
Objections have been raised to the proposal, however, these are mainly with regard to the suitability of the cameras as a car parking monitoring system. However, planning permission is only required for the cameras because they represent operational development. The suitability of them as an effective car park management system is not a planning consideration.

8.00 CONCLUSION

8.01 It is considered that the proposal does not have a material detrimental impact on visual amenities of the area and is hereby 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.

Contact Officer: Alex Walker
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Location Plan Scale 1:50,000



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2364

Planning Application **51655**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **9TH April 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL PLANNING APPLICATION FOR MODIFICATION OF PREVIOUSLY APPROVAL HOUSEHOLD WASTE RECYCLING CENTRE AT PRINCE WILLIAM AVENUE, SANDYCROFT.**

APPLICATION NUMBER: **051787**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **PRINCE WILLIAM AVENUE, SANDYCROFT, DEESIDE**

APPLICATION VALID DATE: **13/02/14**

LOCAL MEMBERS: **COUNCILLOR D. WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUESTED FOR REFERRAL BY LOCAL MEMBER**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for a household waste recycling centre (Civic Amenity Site), on Prince William Avenue, Sandycroft. The proposal is presented to the committee as a modification of a scheme for a similar facility that was previously approved on this site (ref: 045980), and has since been implemented, although construction has not been completed. That being the case, members should be aware that the proposed use of the site has already been established in principle. The modified scheme has a site area approximately half the size of the original and comprises separate public access and egress points and additional access points for HGVs to collect and deposit skips. This application seeks the siting of 5 skips and 3 waste compactors on the site, which will benefit from a concrete and tarmac surface. The

site will be secured by 2.1m high palisade gates and fencing, and a porta cabin will also be situated on site to provide welfare facilities for on site operatives.

- 1.02 The design details of the civic amenity site have been altered from that previously approved, the split level aspect of the facility has been removed in favour of a level site equipped with low level skips allowing members of the public to easily deposit waste without the need to climb steps. The public access area is proposed to have a tarmac surface and a 1.2m high wall will separate it from the skips and the service area they occupy. HGVs will enter the site service area through a separate access to that used by the public when collecting and delivering skips used at the facility.

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

- 2.01
1. Time Commencement
 2. In accordance with the approved plans
 3. Hours of operation
 4. Measures to prevent dirt and debris on the public highway
 5. Noise Control
 6. Dust and Wind blown material control
 7. Control of Lighting
 8. Flood Protection
 9. Control of fuels and stored liquid
 9. Removal of existing waste material from site

3.00 CONSULTATIONS

3.01 Local Member – Queensferry Ward
Councillor D. Wisinger

Requested a planning committee determination and committee site visit so that a number of interested members local to the application site can assess the site and its access.

Queensferry Community Council

No response at time of writing.

Head of Assets and Transportation

No objection

Head of Public Protection

No adverse comments. Contaminated land remediation had been required for the original scheme, but considering no excavation of the site is proposed by this application, remediation is not deemed necessary for this scheme.

Planning Policy

Site is located within an area of search as defined by policy EPW6 suggesting where new waste management facilities could be appropriately located subject to compliance with policies EWP7 and EWP8 of the Flintshire UDP. No objection in principle.

Health & Safety Executive

Do not advise against development.

Natural Resources Wales

No objection subject to site re-profiling and erection of perimeter fencing in accordance with the submitted plans.

Airbus

No aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

A Site Notice was erected on 14 March 2014 opposite the site entrance, a Press Notice was placed in The Chronicle on 13 March 2014, and ten neighbour notifications issued. This will allow for consultation responses to be received by the Authority up until the 4th of April 2014.

No public responses have been received in relation to this application at the time of writing this report.

5.00 SITE HISTORY

5.01 The site was formerly part of a chemical works, in 1988 the site changed use to a coal yard and all buildings associated with the previous use, except for one adjacent to the western boundary were demolished. The use as a coal yard ceased prior to 2008 and has since lain derelict. The site already benefits from planning consent to develop a household waste recycling centre, granted on the 16th September 2009.

An application was made under reference: 051431 in October 2013 to revise the layout of the civic amenity site previously approved, however this application was withdrawn in February 2014 after concerns were raised in relation to the site's design.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR10 – Resources

Policy GEN1 – General Requirements for development

Policy D6 – Outdoor lighting

Policy EWP6 – Areas of search for new waste management facilities

Policy EWP7 – Managing Waste sustainability
Policy EWP8 - Control of waste developments and operations
Policy EWP12 – Pollution
Policy EWP13 - Nuisance
Policy EWP16 – Water resources
Policy EWP17 - Flood risk

National And Regional Policy

TAN15 – Flood Risk

TAN21 – Waste

Wise About Waste; National waste Strategy

Towards Zero Waste

The proposed development is in general accordance with all of the policies and guidance stated above.

7.00 PLANNING APPRAISAL

7.01 Site Description and Proposal

This proposal is for the provision of a household waste recycling centre, also known as a civic amenity site, on the site of a former coal yard on Prince William Avenue, Sandycroft. The site is surrounded by industrial and commercial land uses with no residential properties in the immediate vicinity, the nearest being approximately 290m away. This application follows the approval of a similar facility in September 2009. This proposal sees the facility provided on a reduced site area of approximately 56m x 34m. The original scheme was for a split level recycling centre which made use of the whole of the site under the Council's ownership measuring 7,825m², while the site area occupied by the latest proposal is considerably reduced at 3,340m². However, it should be noted that the application site area is 640m² larger than that proposed by application ref: 051431 that was withdrawn in February 2014.

7.02 As a result of the earlier approval, the buildings that previously occupied the site have now been demolished, but the inert materials they were constructed from still remain in stockpiles on the site floor. Also as a result of the previous approval, an access road has been provided along the western boundary of the site area and the site itself is secured by 2.1m high palisade fencing and gates. As a requirement of the previous permission realignment of the fence to the west of the site running along Prince William Avenue has been undertaken in order to achieve the visibility splays required by the Highways Authority.

7.03 At present the majority of the site's surface is covered by a concrete pad, but it has begun to degrade and its cover is patchy. So much that in some places, specifically the southern perimeter and to the north of the site, natural regeneration has occurred. Grasses and scrub like vegetation are now present along with what appears to be a small fruit

tree at the eastern boundary. There are two significant stockpiles of inert waste currently present within the wider site as a result of the aforementioned demolition works, however only one of the stockpiles is within this application site area. It is conceivable that the material could have been utilised in the raising of levels required to fully implement the earlier permission, however this application does not propose a significant change in levels, and as such, should approval be granted the applicant will be required to remove any excess waste not used for levelling purposes from the site.

- 7.04 The proposed development includes alterations to the site's existing access arrangements. It is proposed that members of the public will enter the site in their vehicles, predominantly cars, through the existing access off Prince William Avenue. Once within the site, vehicles will have an area of tarmac hardstanding approximately 30m by 30m to manoeuvre and park prior to unloading. Once finished unloading the vehicles will exit through a designated gate at the west of the site and onto the existing access road. Vehicles will then travel down the access road and back onto Prince William Avenue. Separate access and egress points will allow for fluidity of vehicle movements to and from the site and alleviate congestion within the site unloading area itself.
- 7.05 The scheme proposes 5 designated vehicle unloading bays directly opposite the skips, covering an area of approximately 60m². However there is sufficient room within the site to allow for a greater number of vehicles to be unloading at any one time. The area immediately behind the designated parking bays which could be utilised for this purpose is approximately 200m² and vehicles parked in this area would not prevent the flow of traffic through the site. As such the scheme provides an approximate area of 260m² for the unloading of vehicles. In addition there is further usable space for vehicles to manoeuvre and wait within the site if necessary.
- 7.06 It should be noted that although permission ref: 045980 covers a larger total site area, due to its layout it only provides an area of approximately 175m² for the unloading of vehicles without compromising the through flow of traffic.
- 7.07 Predicted vehicle movements to and from the site based on those occurring at other similar facilities have been provided to the highways department and it is considered the site is large enough to deal with prospective traffic volume negating the need for vehicles to queue on the public highway.
- 7.08 The remainder of the site which will not be accessible to the public will be laid with a concrete surface and is approximately 18.5m x 32m. This area will accommodate 4 no. 5m x 2m skips with a lip level of 1.4m. The original proposal was to create a raised area to enable easy loading into skips that would be located below. This application

proposes that a 1.2m high wall separates the skips from the public unloading area. The skips are proposed to have a low lip level of 1.4m, which means that members of the public will simply be able to walk up to the skips and deposit their refuse. Using low level skips has negated the need to provide stairs to allow public access or a split level site. A 1.2m high wall will run directly in front of the skips separating them from public access area but still allowing waste to be easily deposited into the skips beyond. Also proposed are 3 refuse compactors located adjacent to the skips which are also low enough not to require specific raised access arrangements.

- 7.09 HGVs will enter the northern part of the site via a separate gated access off the access road to deliver empty skips and remove those that are full. The proposed separate access points for HGVs and the public will remove any potential conflict and should ensure the fluidity of the site's operation.
- 7.10 Eight 8m high steel tubular lighting columns are proposed around the perimeter of the site to ensure efficient lighting of the site. A porta-cabin is also proposed to be permanently located on the site to provide facilities, including a kitchen and w/c for the site operatives. The cabin is approximately 3.1m x 5.5m and 2.5m high and will be located in the south western corner of the site. Site drainage infrastructure, including oil interceptors will be constructed prior to the hard surfacing of the site to ensure that surface water is directed to mains drainage.
- 7.11 It is anticipated that the site will accept approximately 4,000 tons per annum of mixed waste, of which approximately 2,500 is expected to be diverted from landfill. Materials expected to be recycled include; wood, glass, cardboard, inert material, and plastic, it is also expected that approximately 408 tonnes of compost will be able to be produced from material deposited at the facility.

Flood Risk

- 7.12 A Flood Consequences Assessment was conducted to supplement the application submitted in 2009 and it was included as one of the application's approved documents. The FCA has been resubmitted with this application as its findings are considered to remain relevant and applicable to the site and the proposed development. The current application site covers a significantly smaller surface area than the previously approved civic amenity site and as such, it is considered the scheme poses a decreased flood risk than that which would be present should the originally approved scheme be fully constructed.
- 7.13 The original scheme approved under ref: 045980 proposed an average increase in level of 0.64m over an area of 7825m². The revised proposal has a reduced average increase in level of 0.25m over an area of 3340m². In addition to this, the proposed development will have improved perimeter fencing that would contain floating debris

in the event of flooding.

- 7.14 Although the application site lies within a C1 flood risk zone, it is considered that given the less vulnerable nature of the proposal, flooding would not present an unacceptable risk to the development and the development itself does not cause an increase to the risk of flooding.

Need and Policy

- 7.15 This proposal meets European, National UK and Welsh Assembly Government strategy, policy and guidance objectives to divert waste away from landfill and to maximise recycling. Towards Zero Waste sets out the over arching waste strategy for Wales. There is a need for a network of new waste treatment facilities across Wales to serve both public sector and private sector originated wastes and this is acknowledged in the Collections, Infrastructure and Markets Sector Plan. In particular the plan identifies a number of priority materials for reuse and recycling, including paper, cardboard, metal, glass, plastics and food. The proposal site meets entirely the criteria set out in the published policy and guidance for Civic Amenity sites. TAN 21: Waste 2014 provides guidance to local planning authorities on the location, suitability and criteria for waste management sites.
- 7.16 The proposal is in accordance with all the relevant local policies, specifically those included in the unitary development plan; it maximises resources, the proposal meets with the requirements in terms of location, design, and the requirements for waste operations and addresses the matters of pollution, nuisance, water resources and flood risk.
- 7.17 The Flintshire Unitary Development Plan seeks to address the issue of identification of areas of search for new waste management facilities as required by national policy guidance, policy EWP 6 seeks to guide development to locations which have the potential to accommodate such facilities; Prince William Avenue is identified as a suitable location, subject to any proposal meeting with other relevant policy guidance.

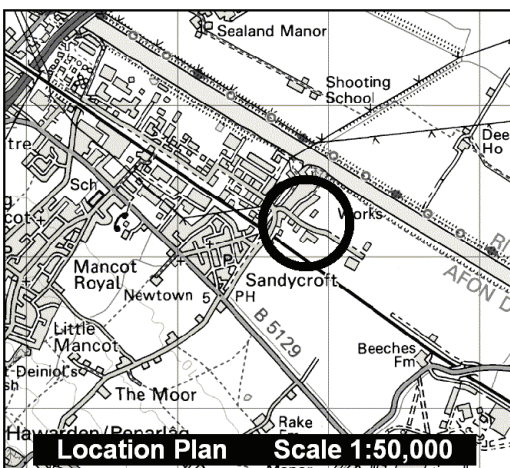
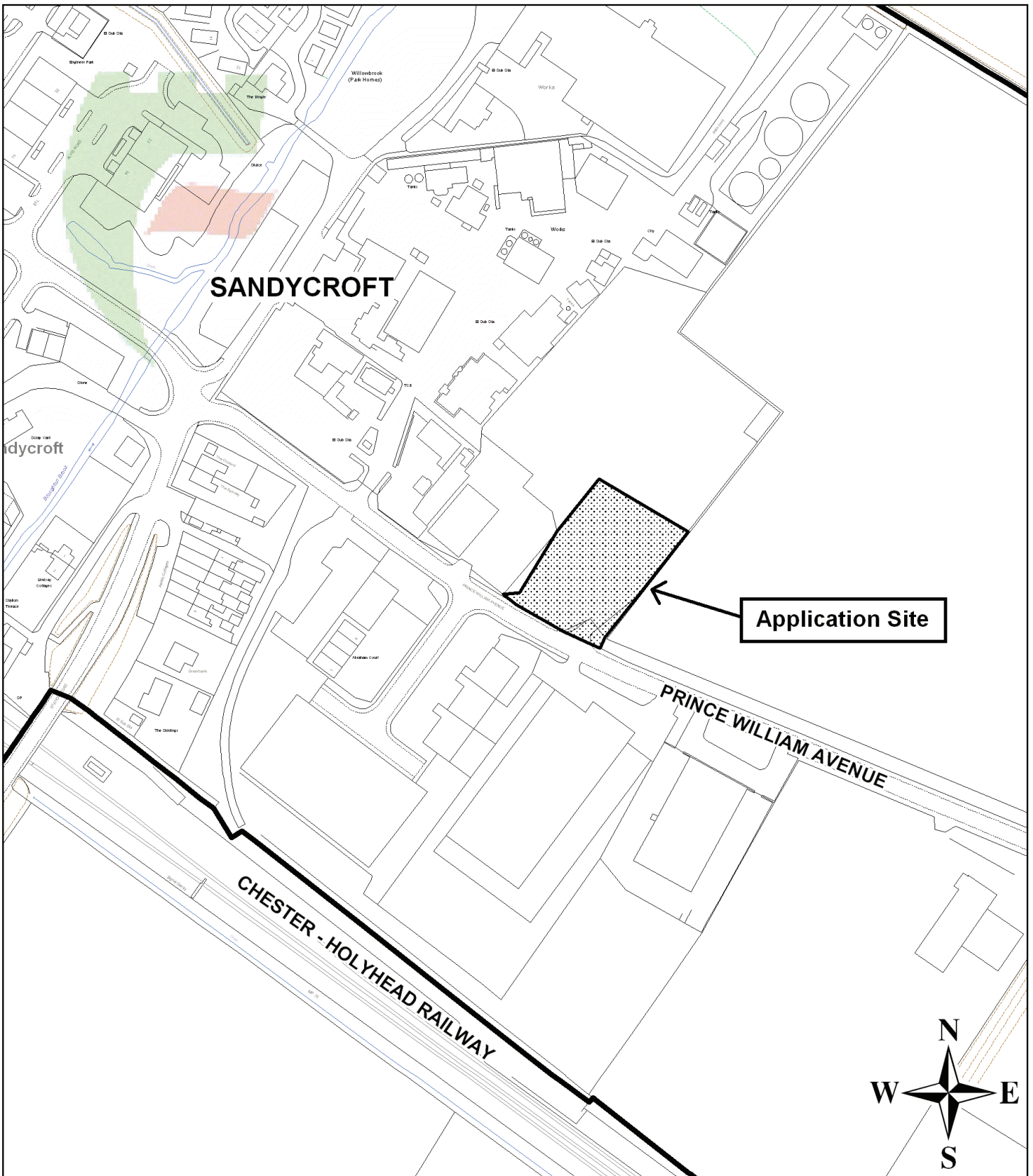
8.00 CONCLUSION

- 8.01 This proposal for a civic amenity site has already been established in principle by the approval of a similar application in 2009. Further to this, the facility is a necessary public provision within the county of Flintshire and meets with all the relevant policy and guidance, both national and local. The proposal is in accordance with the principle of sustainable waste management and the waste hierarchy, in that the facility will contribute to the diversion of waste away from landfill. The site itself is located within an area of search for waste management facilities as defined by policy EPW6 of the Flintshire Unitary

Development Plan.

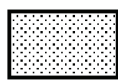
- 8.02 It is not considered that the proposal will have an adverse impact on neighbouring land uses due to the mitigation afforded by the proposed conditions and no objections have been received from the statutory consultees. The local authority highways department have raised no objection to the proposal in terms of traffic impact. It should also be noted that the scheme provides a greater unloading and waiting area than the scheme previously approved under ref: 045980.
- 8.03 Taking into account the above and the reasons outlined in this report it is recommended that this application be approved subject to conditions.
- 8.04 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



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3367

Planning Application **51787**

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