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Head of Legal and Democratic Services
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

6 May 2014

Tracy Waters 01352 702331
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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, 14TH MAY, 2014 at 1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 26)

To confirm as a correct record the minutes of the meetings held on 4 April (Special meeting) and 9 April 2014.

- 5 **ITEMS TO BE DEFERRED**

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

6 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

REPORT OF HEAD OF PLANNING
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 14 MAY 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 - Application for the erection of 23 No. dwellings and associated works at land at (side of Ffordd Hengoed), Upper Bryn Coch, Mold (051105) (Pages 27 - 48) |
| 6.2 | 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: 026269 to allow the above development at Aldi Foodstore Limited, King Street, Mold (051655) (Pages 49 - 54) |
| 6.3 | 051613 - A | Full application - Erection of 41 No. dwellings, open space and access works at Old Hall Road/Greenhill Avenue, Hawarden (051613) (Pages 55 - 82) |
| 6.4 | 051719 - A | Full Application - Erection of a New School Building Including Primary School, Secondary School and Sports Hall Facility, Associated Site Re-Development Including New Pedestrian and Vehicular Access and Playing Surfaces and Demolition Works to Existing High School Building at Holywell High School, Strand Walk, Holywell (051719) (Pages 83 - 102) |
| 6.5 | 051424 - A | General Matters - Appeal against non-determination of full application for the construction of 13 No. detached houses and associated works at land to the rear of Rock Bank, Main Road, New Brighton (051424) (Pages 103 - 114) |
| 6.6 | 051840 - A | Full Application - Erection of 54 No. houses at 142 High Street, Saltney (051840) (Pages 115 - 130) |
| 6.7 | 051727 & 051728 - A | Listed Building & Full Application - Residential development of 47 No units including part demolition of existing modern buildings, conversion of retained modern buildings into 8 No. three bedroom town houses, conversion of listed buildings into 1 No four bedroomed detached house (chapel) and 26 No apartments (7 No one bed and 16 No two bed) and erection of 12 No three bedroom terraced houses at Llesty Hospital, Old Chester Road, Holywell (051727 & 051728) (Pages 131 - 146) |
| 6.8 | 051753 - A | Retrospective application to retain timber stabling and storage, additional storeroom and hardstanding at 25 Rhyddyn Hill, Caergwre (051753) (Pages 147 - 154) |
| 6.9 | 051501 - A | Change of use of land and buildings from B1 use with storage in connection with that use, to use of the buildings for a mixed B1/B8 use and the land for ancillary storage in connection with that use and for caravan storage at Owl Halt Industrial Estate, Manor Road, Sealand (051501) (Pages 155 - 162) |
| 6.10 | 051315 - A | Full Application - Application for the Siting of a Wind Turbine at Orsedd Farm, Gorsedd, Holywell (051315) (Pages 163 - 172) |
| 6.11 | 051537 - A | Full Application - Construction of earthworks and retaining structures to provide raised and tiered garden areas to the rear of plots 52 - 56, Field Farm Lane, Buckley (051537) (Pages 173 - 182) |

| Item No | File Reference | DESCRIPTION |
|-------------------------------|----------------|---|
| <u>Appeal Decision</u> | | |
| 6.12 | 050154 | Appeal by Mr. Frank Taylor against the decision of Flintshire County Council to refuse planning permission for the part retrospective application for erection of a gabion wall and timber panel fence at Cwm y Graig, Rhewl - ALLOWED (050154) (Pages 183 - 188) |

| | | |
|-------------|---------------|--|
| 6.13 | 050463 | Appeal by Mr. M. Rooney against the decision of Flintshire County Council to refuse planning permission for the use of land for the stationing of caravans for the residential purpose for 5 No. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancially to that use and retaining existing stables at Ewloe Barn Wood, Magazine Lane, Ewloe - ALLOWED (050463) (Pages 189 - 200) |
| 6.14 | 050839 | Appeal by Mr. J. Woodcock against the decision of Flintshire County Council to refuse planning permission for the change of use from agricultural to caravan park with 27 spaces including the conversion of shed into campsite nd fishing facilities, conversion of barn into site managers dwelling, formation of an access, construction of fishing pools, parking and ancillary works at Stamford Way Farm, Stamford Way, Ewloe - DISMISSED (050839) (Pages 201 - 206) |

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **4 APRIL 2014**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Friday, 4 April 2014

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTION:

Councillor: Marion Bateman for Carol Ellis

ALSO PRESENT:

The following Councillor attended as an observer:
Councillor: Veronica Gay

APOLOGIES:

Councillors: Richard Jones and Owen Thomas

IN ATTENDANCE:

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

169. DECLARATIONS OF INTEREST

In line with the Planning Code of Practice:-

Councillors Derek Butler and Christine Jones declared that they had been contacted on more than three occasions on the following application:-

Agenda item 4.1 – Outline application – Employment led mixed use development incorporating logistics and technology park (B1, B2, B8) with residential (C3), local retail centre (A1), hotel (C1) training and skills centre (C2, D1), new parkland, conversion of buildings, demolition of barns and associated infrastructure, comprising construction of accesses, roads, footpaths/cycle paths, earthworks and flood mitigation/drainage works at Welsh Road, Garden City (050125)

170. LATE OBSERVATIONS

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

171. OUTLINE APPLICATION – EMPLOYMENT LED MIXED USE DEVELOPMENT INCORPORATING LOGISTICS AND TECHNOLOGY PARK (B1, B2, B8) WITH RESIDENTIAL (C3), LOCAL RETAIL CENTRE (A1), HOTEL (C1), TRAINING AND SKILLS CENTRE (C2, D1), NEW PARKLAND, CONVERSION OF BUILDINGS, DEMOLITION OF BARNS, AND ASSOCIATED INFRASTRUCTURE COMPRISING CONSTRUCTION OF ACCESSES, ROADS, FOOTPATHS/CYCLE PATHS, EARTHWORKS AND FLOOD MITIGATION/DRAINAGE WORKS AT WELSH ROAD, GARDEN CITY (050125)

The Committee had resolved at its meeting on 15 May 2013 that a special meeting of the Committee should be convened to determine the above application. The Committee considered the report of the Head of Planning in respect of the application which had been the subject of a site visit earlier that day. 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 outline application for employment led mixed use development was part of the Northern Gateway site for a major mixed use 170 hectare site allocated in the adopted Flintshire Unitary Development Plan (UDP) under policy HSG2A. The application site formed part of the larger 200 hectare Deeside Enterprise Zone (EZ), designated by the Welsh Government in September 2011 and was part of the major strategic site at Deeside. The EZ had been designated to bring forward investment and new jobs, particularly in the manufacturing sector. The officer provided details of the site's location and explained that to the north was the former RAF Sealand 'south camp' which formed the other half of the UDP allocation and which was in separate ownership. The 70 hectare site was the former Corus Garden City site and comprised agricultural land and buildings namely Sealand Bank Farm and brownfield land with the listed John Summers complex of buildings and formal gardens which were previously occupied by Tata Steel. Sealand Bank Farm was accessed off Farm Road and the Tata Steel complex had an existing access off Welsh Road, which was currently used for emergency access only. Public Rights of Way 1 and 3 crossed the site along with a number of watercourses and ditches which were detailed in the report.

The landowners of the northern parcel of the allocation, Praxis, had an outline permission to develop their part of the site which had been approved by Committee on 18 April 2012 and an application to discharge condition 6 of their permission was approved by Committee on 6 November 2013. The application proposed 43 hectares of B1, B2 and B8 employment uses in the north west of the application site and the focal point for the B1 uses was the reuse of the Listed Buildings to create a campus style development. Light industrial uses B1 would act as a buffer between the listed buildings and B8 uses and within this area it was proposed that a hotel and skills & training centre would be sited. Adjacent to this area was to be a Regional Industrial and Logistics Park to build upon the success of Deeside Industrial Park.

The proposed residential development of up to 600 dwellings was to be located immediately to the west of the existing settlement of Garden City including approximately 70 dwellings being accessed from Farm Road. It was proposed that 21 hectares of parkland comprising formal and informal open space, ecological areas and flood risk and drainage mitigation would be created adjacent to the River Dee which would form an important part of the flood risk and drainage strategy for the site along with providing ecological enhancement and recreation opportunities. The flood protection and drainage strategy, included the strengthening and reinforcement of the existing flood defences, were to be implemented along the River Dee by Welsh Government.

The application included a masterplan framework and an illustrative Masterplan had also been included. The main issues included the highway impact and a Transport Assessment (TA) had been produced to accompany the application as part of the Environmental Statement by Curtins. It had assessed the traffic impacts of the development for two scenarios. Phase 1 of the scheme represented the total quantum of development which could be accommodated on the existing highway network utilising the Welsh Road access without the need to link through to the adjoining PRAXIS site. This equated to 600 residential units and 12,500m² of B2 (Industrial) and 12,500m² of B8 (Warehousing).

The Council was concerned about the highway implications of this quantum of development using the Welsh Road access. Lengthy negotiations had taken place and the applicants Pochin Rosemound Deeside Ltd (PRDL) had suggested a reduced quantum of development which were 290 dwellings (option 1) or 230 dwellings and 12,500m² of B8 storage and distribution units (option 2). The Council was satisfied that the proposed reduced quantum of development in option 1 or 2 of Phase 1 could be accommodated on the county highway network subject to the submission, approval and implementation of a scheme to optimise the signals at the ASDA (Queensferry) junction. The Council were also in agreement that 70 dwellings could be served from the Farm Road access. Any further development after the initial Phase 1 (Options 1 or 2) would require a full Transport Assessment.

On the issue of ecology, an Ecological Mitigation Strategy had been produced which covered the key ecological issues and had satisfied Natural Resource Wales's (NRW) initial concerns. NRW were satisfied in principle with the application on the issue of flooding and a flood mitigation strategy had been produced which included flood risk mitigation measures which were detailed in the report. The application proposed to re-use the listed buildings on the site and details would be included in future reserved matters applications. On the issue of infrastructure requirements and community benefits, the officer explained that this would be covered by conditions which would set out the requirement for the applicant to submit schemes at the appropriate time.

Mr. D. Rowlinson, the agent for the applicant spoke in support of the application. He explained that PRDL were specific employment developers

and not residential developers. The site, which was the largest in the UDP, was of national and regional importance and the total square footage of employment, the residential developments, the open space and the benefits for the community were significant. He explained that approximately 2,000 to 3,000 permanent jobs would be created, along with temporary jobs during the construction of the proposals, and would provide an £11m net expenditure into the economy. It would breathe new life into the area and would provide up to 600 dwellings along with cycle and pedestrian linkages to and from the site area and the works on the flood defences would be a betterment for Garden City. Mr. Rowlinson felt that approval of the first phase was critical and added that there had not been any objections from statutory consultees.

The local Member, Councillor Christine Jones, proposed the recommendation for approval which was duly seconded. She thanked the Planning Officer, Senior Engineer - Highways Development Control, and Planning Strategy Manager for their work on the application, with particular reference to the discussions that had taken place with CADW to enable the listing of the John Summers complex of buildings. She welcomed the conditions which would be included at the reserved matters stage for educational contributions and was of the view that an extension to the school should be secured. She commented upon the likely future need for other community infrastructure such as a health centre and community meeting room. She queried where the compound for the flood defence works would be sited and she hoped that the development would blend in with the main area of Garden City, as the current proposal was some way from that area. Councillor Jones felt that the access off Farm Road was very narrow and asked if a review of the junction could be considered during the reserved matters stage.

Councillor David Evans welcomed the application but queried whether the conditions referred to in the late observations sheet would be included as a matter of course. On the issue of infrastructure he said that the other side of the river did not have any flood defences and asked about the possibility of providing a link between Shotton Station and Hawarden Bridge Station. Councillor Evans raised concern about the possible proposal for three storey properties as he felt that these would be out of character with the area.

In welcoming and supporting the application for a mixed use development, Councillor Mike Peers commented on aspects of the site that he would like to see in the future. He felt that the focus should be upon the areas of leisure, recreation and sustainability, and added that this was an opportunity to maximise the waterfront part of the site. He suggested that housing be located on the river front to make use of the southern aspect and that this area could also include leisure and recreational areas. Councillor Peers referred to condition 27 about public transport improvements including enhancements to Hawarden Bridge Station, which he felt should include interchange facilities and car parking. He suggested that the condition be amended to include infrastructure improvements as referred to in paragraph 7.62. He asked for further information on the Circular 1/2003 referred to in paragraph 3.30 in the response from the Civil Aviation Authority. He

welcomed the recommendation from the Housing Strategy Manager that affordable housing should be provided in accordance with the Council's policy of 30% provision. Councillor Peers felt that the listed building could be used as a hotel rather than for the light industrial use proposed in the application, and he was keen to ensure that the opportunity which the application provided should be maximised.

Councillor Ian Dunbar welcomed the excellent report and the retention of the listed buildings and maintenance of the gardens on the site. He felt that the housing would complement the much needed employment aspect of the site but queried whether the flood defences being put in place would result in flooding further up the river. Councillor Alison Halford commented on the very exciting project and celebrated the fact that serious progress had been made on the application to develop the site. She encouraged all Members to approve the application. Councillor Derek Butler felt that the application was fundamentally important for Flintshire and for the region and was a site of national significance. He commented on the discussions between Praxis and PRDL to link the two parts of the site.

Councillor Chris Bithell concurred that this was a very important development for the whole of Flintshire and the North East Wales Region. He commented on the significant amount of work on the application and he welcomed the submission of the application. He asked whether condition 46 was robust enough in respect of educational contributions and queried whether a Section 106 obligation was more appropriate. He said that it was important that the contributions were sought as the development would have an impact on the schools in the area but it would be difficult to calculate the number of places needed at this stage. With reference to flooding, he referred to the Flood Consequences Assessment which had been undertaken in September 2012 and asked if an updated assessment was required following the wettest winter since 1795. He said that flood defence measures were being put in along the area but queried whether this might result in flooding elsewhere. Councillor Bithell referred to the last line in the comment from the Housing Strategy Manager and asked if the word 'locations' could also be included as it was important that the affordable housing was spread out across the development. Regarding the John Summers building, Councillor Carolyn Thomas made a plea that it become a hotel, café and heritage centre as she felt that this would be an ideal location, especially as it was on the All Wales Coast Path.

In response to the comments made and questions asked, the officer said that:-

- it was envisaged that the compound for the flood defence works would be on this site on a hard standing area on the John Summers land. WG had put in an application for a temporary compound on the Praxis site, but if planning permission was granted today then the landowners might allow use of the land
- three storey dwellings would only be included where appropriate and the details would be the subject of future reserved matters applications

- discussions had taken place regarding the provision of housing on the river front, but NRW had raised concerns that residential uses were more vulnerable to flooding
- the circular 1/2003 reflected the need to ensure that the proposal did not conflict with the operation of Hawarden Airport, which it did not
- condition 27 could be reworded to cover all railway stations in the area
- as the provision of spaces in schools would change during the phases of the development, it was proposed that a condition be included to submit a scheme at reserved matters stage which would assess the appropriate contribution required at the time to ensure that the correct monies were provided
- on the Flood Consequences Assessment completed in September 2012, consultants had been in constant discussion with the applicants and account would be taken of recent events of flooding
- the location of the affordable housing would be determined at the reserved matters stage

The Planning Strategy Manager said that the approval of planning permission would allow the opportunity to develop and bring the site forward but reminded Members that details of the proposals, such as the location of affordable housing, would be included at the reserved matters stage. A number of good ideas had been suggested during the discussions and these could and would be picked up as further details emerged. On the issue of the location of the compound during the flood defence works, the applicant had indicated that they were amenable to its being relocated. In referring to the comments about the need to connect the site to the wider community and that enhancements to the station were important, the Planning Strategy Manager commented on the better working relationship between the two developers helping the delivery of the spine road which was important to this development, and the fact that this development and the PRAXIS site had the potential to use the station. He confirmed that safeguards were in place to ensure that the correct educational contributions were made and it was felt that the measures in place to alleviate the flood risk, which had been a fundamental issue, were appropriate and a robust solution.

The Head of Planning suggested that the word 'implementation' in condition 6 be amended to read 'completion' and that condition 45 include the word 'locations' after 'detailing precise numbers, size and tenures'. He added that the conditions referred to in the late observations would be included.

The Principal Solicitor asked whether the proposer and seconder were prepared to include the amendments suggested by the Head of Planning and they confirmed their agreement.

In summing up, Councillor Christine Jones welcomed the positive comments from the Committee on this exciting application and she looked forward to seeing it develop. She felt that jobs, retail, houses, recreation and leisure were much needed in the area along with the development of the waterfront.

On being put to the vote, the proposal to approve the application with the amendment to conditions 6 and 45 as suggested by the Head of Planning and conditions 22 and 27 as reported in the late observations was CARRIED unanimously.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning with the amendments to conditions 6 and 45 as suggested by the Head of Planning and conditions 22 and 27 as reported in the late observations.

172. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 4 members of the public and 2 members of the press in attendance.

(The meeting started at 1.30 pm and ended at 2.25 pm)

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Chairman

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PLANNING AND DEVELOPMENT CONTROL COMMITTEE
9 APRIL 2014

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 9 April 2014

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Jim Falshaw, Alison Halford, Ron Hampson, Ray Hughes, Richard Jones, Brian Lloyd, Richard Lloyd, Billy Mullin, Neville Phillips and Gareth Roberts

SUBSTITUTIONS:

Councillor: Marion Bateman for Carol Ellis, Mike Lowe for Christine Jones and Veronica Gay for Mike Peers

ALSO PRESENT:

The following Councillor attended as Local Member:-

Councillor Rita Johnson - agenda item 6.2.

The following Councillors attended as observers:

Councillors: Haydn Bateman and Hilary Isherwood

APOLOGIES:

Councillors: Carolyn Thomas, Owen Thomas and Adele Davies-Cooke (for minute 179)

IN ATTENDANCE:

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leaders, Senior Planners, Planning Officer, Senior Minerals and Waste Officer, Planning Support Officer, Democracy & Governance Manager, Housing & Planning Solicitor and Committee Officer

173. DECLARATIONS OF INTEREST

Councillor Chris Bithell indicated that he did not have a personal or prejudicial interest in the following application but as he had been a member of the Task and Finish Group for the hub, he had sought advice from the Monitoring Officer. The Monitoring Officer had advised that member of the Working Group was not a personal interest under the Members' Code of Conduct. However, in the interests of transparency and probity he would nevertheless withdraw from the room following the discussion but before voting took place on the application:-

Agenda item 6.7 – Erection of a Post 16 Education Centre and associated works at Deeside College, Kelsterton Road, Connah's Quay (051722)

In line with the Planning Code of Practice:-

Councillor Marion Bateman declared that she had been contacted on more than three occasions on the following application:-

Agenda item 6.5 – 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 (051497)

174. LATE OBSERVATIONS

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

175. MINUTES

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

RESOLVED:

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

176. 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)

The Head of Planning explained that the application had been deferred at the previous meeting of the Committee to allow a site visit to be undertaken. Following the site visit, potential improvements for highways had been suggested which officers had not had the opportunity to discuss and there had been some confusion about which plan had been consulted on.

Councillor Alison Halford referred to the amended plans reported in the late observations and queried why the issue of gaps between the houses had not been included in the report. She also asked if the amended plans complied with Council's policies on distances between houses. The Development Manager explained that following receipt of objections on the application, discussions had taken place with the applicant who had offered to increase the distances from what was shown in the original plans. He advised that the original application had complied with policy so the proposed increases were a bonus and that deferral of the application would allow officers the opportunity to speak to the applicant. Councillor Richard Jones

asked that the Local Member, Councillor Robin Guest, also be included in any negotiations on the application.

On being put to the vote, the application was deferred.

Agenda item 6.8

The Democracy & Governance Manager advised that deferment of the following application was recommended:-

Agenda item – 6.8 – 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)

He explained that due to recent correspondence received from an objector who had raised a number of points, the issues raised needed to be considered in more detail to establish what was material and what was not.

On being put to the vote, the application was deferred.

RESOLVED:

That applications 6.1 (Upper Bryn Coch, Mold) and 6.8 (Aldi Foodstore, Mold) be deferred.

177. **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 (051726)**

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 7 April 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 and drew Members attention to the late observations where additional comments were reported. Four letters of objection had been received and these were detailed in the report but the recommendation was for approval of the application.

Mr. A. Jones spoke against the application. He acknowledged the need for a permanent site but he felt that a more appropriate site had been refused. He referred to the narrowness of the bridge access to the site and the visibility of the access and raised concern about highway safety. He said that there was no indication of the number of people that could live on the site and it was possible that each site could contain three families. Mr. Jones said

that the issue of the right of way to the site had not been addressed and Welsh Water had not been consulted. He felt that the site was unsuitable for human occupation and he raised concern about the density of the site and added that if housing had been proposed on the site, it would have been refused. He explained that he was the owner of the garage near the site which employed 37 people and added that access across the bridge was vital to his business. The Democracy & Governance Manager advised Members that the private right of way was not a material planning consideration.

Mr. J. Salt spoke in support of the application as the proposal was in line with planning policy. Approval of the proposal would address the issue of need of Gypsy and Traveller pitches in Flintshire which was for the provision of 16 pitches by the end of 2016. The existing access was adequate for the level of development and Highways had not submitted any objections and no accidents had been reported. The proposal would seek to improve the site which had been a storage yard which was adjacent to the settlement boundary of Flint. Mr. Salt added that the soft landscaping proposed would be an improvement to the site and the site would be screened from public areas and would not cause any harm. He said that there were no flooding issues and that the applicant ran an existing site with the Council. He concluded that it complied with all national and local policies and he urged Members to approve the application.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He felt that there were no planning reasons for refusal and that with conditions it was a suitable site which would assist in meeting the needs for Gypsy and Traveller pitches. Councillor Ian Dunbar said that there were no problems with access to the site as the bridge was currently used by heavy goods vehicles.

The Local Member, Councillor Rita Johnson, spoke against the application. She referred to the four letters of objection and suggested that this number may have increased if others had seen the site notice as she felt that it had been placed in the wrong location. Access to the site was provided by a narrow humped back bridge and visibility of other vehicles was very poor and there was no pavement in the area. The bridge was in use 24 hours a day by the coach operator and a sewerage plant was located at the back of the site and vehicles to and from the plant would pass the site two to three times a day. Referring to paragraph 6.06 of the report she stated that the A538 was not a minor road and was already heavily congested, Councillor Johnson felt that the application should be refused. She also referred to Policy G1 of the UDP which covered issues including impact of noise and also highlighted the guidance that developments should not be approved for sites close to water sewerage works. She felt that the issue of children's safety had not been considered. Councillor Johnson also thanked the officer and the Head of Planning for their help in assisting her understanding of the application.

Councillor David Cox spoke against the application and indicated that Flint Town Council had provided a response even though it was not included

in the report. He said that the view of Flint Town Council was that the site was a ribbon development and was outside the settlement boundary. The site was exposed to the sea and there was a risk of flooding and Flint Town Council had requested that the application should be refused.

Councillor Richard Jones queried whether the site was acceptable for good living as it was next to a water facility and a train line, referring to the decision on the site in Ewloe. If the application was approved, he suggested that a Grampian style condition be included regarding connection to the existing pipe located on Network Rail land before any work was carried out on the site.

Councillor Chris Bithell felt that there were no grounds to refuse the application and reminded Members that the applicant could submit an appeal if the application was refused and, in his opinion, costs would be awarded against the Council. The bridge and the access served the bus company and the water authority and the site had been used previously for business purposes so he felt that it was therefore a replacement of use. The proximity of the site to the sewerage works had not been a problem for other users of the site and Flintshire County Council were deficient in the number of pitches required for Gypsies and Travellers. Councillor Billy Mullin felt that the application would enhance the area and would improve the quality of the site. Councillor Ron Hampson referred to the issue of the access to the site and the safety of the children. He commented on the lack of a pedestrian footpath and said that he would be supporting refusal of the application as the site was subject to flood risk. Councillor Richard Lloyd concurred that the highway was not suitable for pedestrians and added that he felt that it was not a suitable site for people to live on.

Councillor Alison Halford agreed with Councillor Bithell that there was a need for Flintshire County Council to provide more pitches and this had been referred to by the Inspector at a recent appeal for a Gypsy and Traveller site application. It was not an ideal site but it was not on a main road (like Magazine Lane) and she added that even though work was ongoing to extend the Riverside site to include more pitches, this application should be approved. Councillor Gareth Roberts concurred that approval of the application was the correct decision.

In response to the earlier comment by Mr. Jones that Welsh Water had not been consulted, the officer advised that they had been consulted but had declined to comment. On the issue of flooding, Natural Resources Wales had been consulted and had advised that the site was outside the designated flood risk area. The Development Manager confirmed that a Grampian style condition could be included, as suggested earlier by Councillor Richard Jones.

The Planning Strategy Manager advised that no objections had been received from Network Rail who were responsible for the bridge to the site so access was not an issue. He confirmed that an application for housing would be reported for refusal as different policies applied but this site complied with the definition in the circular on Gypsy and Travellers sites. On the issue of

ribbon development and the site being outside the settlement boundary as referred to in the comments from Flint Town Council, the Planning Strategy Manager said that this was only applicable to housing. The site was not in a flood risk area and even though the site was in close proximity to the sewerage works and a railway line, the Riverside site was near to the A494 and a sewerage works and an extension to that site was being considered so he asked Members to be mindful of the need to be consistent.

In summing up, Councillor Butler said that he welcomed the inclusion of a Grampian style condition regarding connection to the existing pipe located on Network Rail land before any work was carried out on the site.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the inclusion of a Grampian style condition regarding connection to the existing pipe located on Network Rail land before any work was carried out on the site.

178. **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 (051499)**

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 7 April 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 and explained that if the application was approved, the large amount of waste outside the building on the site would be removed and all processes would be undertaken in the existing building. No objections had been received from statutory consultees and the Local Member had not objected to the application but had raised concern about odours from the site. The officer drew attention to the late observations and said that the main issues that had been considered included the principle of development, need, flood risk, drainage, amenity and habitat. There was no reason to refuse the application and the officer advised that environmental permitting would also regulate the operations on the site.

Councillor Alison Halford proposed the recommendation for approval which was duly seconded. She welcomed the application which had been well thought out and which would bring employment to the area. Councillor Chris Bithell said that the Local Member had been involved in discussions on the proposals and that any issues which had been raised had been addressed. He asked that an additional condition to remove any superfluous

equipment from the site be included if the application was approved. Councillor Halford agreed to include the condition in her proposal for approval.

The Local Member, Councillor Richard Lloyd thanked the officer for her excellent report and said that all of the issues that he had raised had been covered by conditions. His main concern had been the odours from the waste outside the building but if the application was approved, this would be moved inside and any existing waste would be used before any more waste was brought on to the site. Another concern was for the residents of Saltney and those that bordered the site. It was reported that Saltney Town Council had not responded but Councillor Lloyd indicated that they had replied and had requested that all conditions be enforced. He asked the officer to explain what was meant by the comments in paragraph 3.07.

Councillor Richard Jones said that a permit from Natural Resources Wales (NRW) would be required and the site would be monitored by NRW and he queried whether a condition to monitor the site by the Council was also required on the application. He referred to conditions 9 and 10 and queried how they could be enforced and managed and also asked how it could be ensured that there would be no detriment to the residents from leachate from the site. Councillor Derek Butler said that it was a comprehensive report but felt that there was a need to co-ordinate with NRW to ensure that the conditions imposed were complied with.

In response to the issues raised and comments made the officer said that:-

- it was the intention of the applicant to remove all surplus equipment from the site
- paragraph 3.07 referred to statutory nuisance and that the Local Authority had received a number of complaints about odours from the waste on site. If planning permission was granted then nuisance from odour would be controlled by NRW not the Council
- discussions were ongoing with NRW on conditions for the site and the officer assured the Committee that conditions would not be duplicated but would be enforced
- conditions 9 & 10 were strongly worded in the full draft conditions to ensure that the building was sound to prevent odours or dust escaping from the building
- the site would be monitored by the Monitoring Team within the Minerals & Waste shared service
- Condition 17 required submission of a drainage plan to ensure that any leachate was contained within the site

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the conditions reported in the late observations, the extra condition requiring removal of superfluous tanks/equipment from the site and subject to the applicant entering into a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106 to:

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

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.

179. DEMOLITION OF EXISTING DWELLING, ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE AT HIGH CROFT, CILCAIN ROAD, PANTYMWYN (051673)

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 7 April 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 the main issues for consideration. A number of objections, which were detailed in the report, had been received but the application was reported for approval.

Mr. D. Fitzsimon spoke against the application on behalf of the residents of the neighbouring property. The principle was acceptable but the proposed dwelling was much taller than nearby dwellings and was closer to the boundary than the current dwelling. He highlighted paragraph 7.08 which reported the impact on the lounge window of the neighbours at Hill Green but there was also the main bedroom window on the same wall which had not been considered in the report. Mr. Fitzsimon said that Council guidelines indicated that there should be a separation distance from habitable rooms of 12 metres but there was only a gap of 5.5 metres so this was insufficient and did not comply with the guidelines. The patio area was also important to the residents of Hill Green, but this would be overshadowed by the proposed dwelling. He urged Members to refuse the application due to the overbearing nature of the development and its non-compliance with policies HSG1 and GEN 1.

Councillor Alison Halford proposed refusal of the application, against officer recommendation, which was duly seconded. She referred to the proposed increase in floorspace of 324% and the lack of compliance with guidelines about distances between dwellings. There was no mention in the report of the loss of light on the neighbouring dwelling and she queried the

design which appeared to show that vehicles had to drive through the building to access the garage. Councillor Halford felt that the application should be refused as the size of the dwelling was unfair to residents and did not comply with Council guidelines.

Councillor Marion Bateman raised concern about the loss of amenity for the neighbours and queried whether a single storey extension could be included on the side of the dwelling nearest to the bungalow to reduce the height of the building. She referred to paragraph 7.11 which she felt was misleading as the feature of the parking/turning provision was not typical of the area, as was suggested in the report. Councillor Gareth Roberts felt that the proposed dwelling was in keeping with the area and added that the guideline for percentage increases in footprints applied outside the settlement boundary in the open countryside, so was therefore not appropriate for this application as the site was within the settlement boundary.

In response to a query from Councillor Richard Lloyd about increases over 50% of the original footprint, the Planning Strategy Manager explained that the existing dwelling covered 72 sq. m. and the proposed dwelling was 168 sq. m. but the plot was within a settlement and was large enough to support the dwelling proposed. The parking arrangement was not unusual and the distances of 12 metres between dwellings mentioned earlier was not applicable as this proposal was from side to side and provided 5.5 metre separation. The impact on the bedroom window had been considered and the height of the roof in relation to the boundary had been reduced so it was felt that the impact was appropriate.

Councillor Chris Bithell referred to a plan which had been circulated to the Committee Members showing how the light to the bedroom would be affected by the proposal and asked for Officers to comment on the issue. The Development Manager advised that the document had not been received by officers but that the impact on the neighbouring property had been fully assessed. The Democracy & Governance Manager suggested a short adjournment to allow officers to view the plan, and this was duly proposed, seconded and agreed.

Following the adjournment, the officer said that the plan showed the path of the sun and that for the majority of the day it would be on the opposite side of the dwelling to the bedroom so would not impact on the bungalow until the latter part of the day. The Development Manager commented on the plan which referred to the 45 degree rule as reported in Local Planning Guidance 1. He detailed when the rule was applicable but explained that this was not a reason to refuse the application.

In summing up, Councillor Halford said that this was an outrageous development which conflicted with Council policies and was overdevelopment and had an overbearing impact on the neighbours. She also felt that the application would result in loss of amenity and would overshadow the neighbouring property. Councillor Halford felt that the proposed floorspace exceeded policy guidelines and that space around dwellings guidance had

also not been complied with. She also disagreed with the comments of the officer in paragraph 8.02 of the report.

On being put to the vote, the proposal to refuse the application (on the grounds of overbearing impact, overshadowing, loss of amenity and overdevelopment), against officer recommendation, was CARRIED.

RESOLVED:

That planning permission be refused on the grounds of:-

- overbearing impact
- overshadowing
- loss of amenity
- overdevelopment.

180. 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 (051497)

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 7 April 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 seven objections had been received which were detailed in the report. He added that no objection had been received from Highways.

Mrs. J. Butlin spoke against the application on behalf of residents. She said that the original plan which had been approved in 1991 had included two visitor parking spaces. She raised concern that a hedge had been removed which had destroyed a nesting site and indicated that the applicant had used the land for commercial purposes and the site was now obtrusive and an eyesore. Mrs. Butlin commented on the loss of the two visitor parking spaces which were for the whole area of the development and said that this would result in visitors parking in the road which would reduce the access for any emergency vehicles. Removal of the visitor spaces had also created a hazard for the safety of children and others in the community and it was felt that the parking spaces should be restored.

Mr. D. Fitzsimon spoke in support of the application and said that the land in question was shown as visitor parking on the original plans. However a condition had not been placed on the application for them to be retained and they had never been adopted by the Council and had always remained in private ownership. The number of parking spaces per dwelling was in accord with national policy and Highways were satisfied with the level of parking provision on site. Mr. Fitzsimon indicated that removal of the hedge did not require planning permission and the replacement fence fitted in with the

streetscene. He added that the Council could not enforce the use of the land for visitor parking and that third parties did not have a right to park on the land.

Councillor Marion Bateman proposed refusal of the application, against officer recommendation, which was duly seconded. She felt that ownership of the land was not a material consideration and in referring to paragraph 7.2, she suggested that the retention of the parking spaces was crucial, and a condition should have been imposed when the application was approved. Councillor Bateman referred to a letter from the architect on the application in December 1990 indicating that the visitor spaces were for the occupants of 1, 2 and 3 New Brighton Road with the officer reply indicating that the parking for visitors was crucial but had not been conditioned because the issue had been dealt with at the pre-application stage. She referred to paragraph 4.01 in the support statement which included the approved layout for the site but did not formally lay out the position of the two visitor parking spaces. Councillor Bateman asked that residents or visitor parking be identified when quoting figures for maximum parking spaces. She also read out from paragraph 10.66 of Policy AC18.

Councillor Alison Halford felt that the issue was that the authority had not conditioned the provision of visitor parking spaces on the application and that this issue should be addressed. She added that residents had been able to use the parking spaces for 22 years. She also referred to Section 106 arrangements which were being considered by the Audit Committee. The Democracy & Governance Manager explained that the application should be judged on its planning merits and comments of issues to be considered by other committees should be disregarded.

Councillor Derek Butler said that the parking spaces had not been conditioned and that the land had remained in the ownership of the builder until the legitimate sale to the new owner. Councillor Chris Bithell said that there was no reason to refuse the application as the land legally belonged to the developer. He had sympathy with the residents but spoke of the need to accept that a condition had not been included and of the importance to ensure that such issues were conditioned on future applications.

In response to the comments made, the officer said that the loss of the hedge was not covered by conditions and if the site was being used for commercial uses then this would need to be reported to Enforcement as it did not form part of the planning application. On the issue of a Section 106 agreement, land on the site could have been conditioned for parking but this had not been undertaken. The Development Manager sympathised with the residents but the site was now owned by the occupier of 21 Llys y Wern and he could prevent the residents from using it. He said that the fence only needed planning permission because it exceeded one metre in height and abutted the cul-de-sac and added that if the area was to be used for the parking of his vehicles it was arguable whether there was a change of use involved.

In summing up, Councillor Bateman said that the residents of Llys Cae'r Glo were not aware that the land was owned by the developer which had resulted in them not being given the opportunity to purchase it. She added that the deeds of the properties at Llys Cae'r Glo indicated that there were visitor parking spaces on the site. The Democracy & Governance Manager reminded the Committee that the issues about the deeds and land ownership were not relevant to determination of the application.

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

RESOLVED:

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

181. EXTENSION TO DWELLING AND ASSOCIATED WORKS AT DEER LODGE, CYMAU (051394)

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 explaining that this was a revised scheme to the previous application reference 050430 which was refused by Committee in July 2013. The recommendation of refusal of this application was on the grounds of scale and the impact on the dwelling.

Mr. M. Price, the applicant, spoke in support of the application. He said that the extension to the dwelling, that he and his family had lived in for ten years, was required to allow extra space following the birth of their baby daughter. There were three houses in the complex and the others had been extended. The principle of development had been accepted and permission for a single storey extension had been granted in 2002 but this had now lapsed. He felt that the revised proposal complied with planning policy and the 38% increase in the floorspace was below the recommended guideline of 50%. Mr. Price said that the proposal was respectful of the existing building and he commented on the slope of the land which was the reason for the proposed height of the building, which had been reduced since the refusal of the previous application. He indicated that there had not been any objections to the application and it would not affect anyone as it could not be seen. In conclusion, Mr. Price said that the height of the proposal had been reduced and the application complied with the policy guidelines for extensions to dwellings and he therefore requested that the application be approved.

Councillor Alison Halford proposed approval of the application, against officer recommendation, which was duly seconded. She concurred that the proposal complied with policy and reminded Members that the applicant had reduced the ridge height and had complied with the guidelines for extensions to dwellings. She said that refusal of this application with a 38% increase

when an earlier application for a much larger increase in footprint had been reported for approval was not consistent. Councillor Halford asked for clarification on paragraph 2.01 and said that the applicant had worked hard on the application including the suggestion to remove the balcony from the proposal.

Councillor Richard Jones concurred and said that this application was preferable to the earlier proposal which had been refused. The applicant had tried his best and the materials suggested would blend into the countryside and Councillor Jones felt that the proposal was acceptable. Councillor Derek Butler felt that approval of the application would go against the Council's policies and would set a precedent. He said that the application did not comply with policy and the scale of the dwelling needed addressing. Councillor Chris Bithell said that the original building was of historic and architectural merit and worthy of retention. He said that there would have been certain constraints on the alterations that could be carried out on the building such as scale and size and these should be considered by applicants before submission of applications for alterations. He said that the application that Councillor Halford was referring to was for a replacement dwelling in a settlement and could not be compared with this application. Councillor Bithell accepted that there had been a change in family circumstances but suggested that this could be overcome by other means rather than destroying a building that was worthy of retention. He queried what was meant by the subjective nature of the proposal in paragraph 3.01 and reminded the Committee that the applicant could submit an appeal if the application was refused. He said that the policies of the Council should be upheld and the application refused.

Councillor Ron Hampson felt that the common sense approach should be taken and the application approved as no objections had been received and the dwelling could not be seen. Councillor Gareth Roberts said that decisions had to be consistent and fair and that the policies in place should be applied. This application could not be compared with agenda item 6.4 as that was for a replacement dwelling within the settlement boundary but this was for an extension in the open countryside.

In response to the comments made, the officer referred to paragraph 7.04 where it was reported that Policy HSG12 allowed the extension and alteration to dwellings provided it was subsidiary in scale and form to the existing dwelling. The ridge height had been reduced but the overall roof height of 6.1 metres was the same as for the previous proposal. It was felt that the roof height could be reduced to a more appropriate height for a single storey extension.

The Planning Strategy Manager expressed his disappointment at some of the comments expressed by Members and concurred that this application could not be compared with the earlier application on the agenda. On the issue of the 38% increase, the first floor had been removed from the previous application and the percentage increase was determined by floor area but the overall mass of the building remained the same as the previous application which had been refused. He queried why the single storey extension required

such a high roof and why roof lights were proposed when there were sufficient windows and patio doors proposed for the extension. He referred to paragraphs 7.07 and 7.08 and reminded Members that if the application was permitted, this could result in an almost identical application to the one refused in 2013 as the Planning Authority would have no control if the applicant wanted to include a first floor.

Councillor Halford raised concern at the comments of the Planning Strategy Manager about the need to comply with policy when there were two reports on the agenda which had inconsistent recommendations for similar applications. Councillor Bithell said that officers had given advice on the policies concerned and expressed concern at the comments of Councillor Halford. The Democracy & Governance Manager agreed with Councillor Bithell to the extent that it was not appropriate for Members to personalise comments when the officer was advising the Committee.

On being put to the vote, the proposal to approve the application, against officer recommendation, was LOST.

RESOLVED:

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

182. ERECTION OF A POST 16 EDUCATION CENTRE AND ASSOCIATED WORKS AT DEESIDE COLLEGE, KELSTERTON ROAD, CONNAH'S QUAY (051722)

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 referred Members to the late observations where comments of the Head of Assets and Transportation were reported. The officer suggested that a framework also be included along with an additional condition for a scheme for cycling provision. The proposal which would accommodate 700 students would be contemporary in design and would also include parking provision on site.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He thanked the officer for the report for the long awaited development for the post 16 education centre on the site which was currently a surplus Coleg Cambria sports field. He referred to the new access off Golftyn Lane and said that the proposal would create a centre of excellence that students would want to attend.

Councillor Derek Butler welcomed the application but referred to highways issues which were being investigated. Councillor Chris Bithell said that concerns had been expressed about parking on the highway but this

application included parking on site so would alleviate the concerns raised. Councillor Richard Jones felt that the proposals did not accord with the Council's plan for Lifelong Learning and suggested that the application could not be approved because of this. He also queried why the Lifelong Learning Directorate had not been consulted on the proposals and suggested that the application be deferred. The Democracy & Governance Manager advised that whether the application complied with Lifelong Learning policy should not concern the Committee and added that the application should be considered on its planning merits. Councillor Bithell responded that the proposal was in line with Lifelong Learning policy and that discussions had taken place as part of the Hub Task and Finish Group. He added that a report on the proposal was being submitted to the meeting of the Lifelong Learning Overview & Scrutiny Committee the following day.

In response to the comments made, the officer said that it was not a requirement for the applicant to consult with Lifelong Learning Directorate on the application. However, he had spoken to Head of Development & Resources who was in support of the scheme.

Councillor Jones queried why application 6.1 had been deferred because consultation had not been undertaken when he had been advised that this application could not be deferred because Lifelong Learning had not been consulted. The Democracy & Governance Manager responded that application 6.1 had been deferred to allow the public to be made aware of plans for the application but it was not necessary to consult with Lifelong Learning on this application and therefore the application should not be deferred to allow consultation with the directorate.

In summing up, Councillor Ian Dunbar said that the development would complement the 21st Century School programme and would be a centre of excellence.

Prior to the vote, Councillor Bithell left the meeting. On being put to the vote, the application was approved.

RESOLVED:

That planning permission be granted subject to:-

- the conditions detailed in the report of the Head of Planning;
- the conditions reported in the late observations including a Section 106 obligation to fund a Traffic Regulation Order and traffic calming measures;
- submission of a framework and full travel plan; and
- an additional condition requiring cycling provision within the site.

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

183. FULL PLANNING APPLICATION FOR MODIFICATION OF PREVIOUSLY APPROVED HOUSEHOLD WASTE RECYCLING CENTRE AT PRINCE WILLIAM AVENUE, SANDYCROFT (051787)

Prior to consideration of the item, the Chairman advised that he would vacate the Chair to allow him to speak on the application. The Vice-Chairman took the Chair for the remainder of the meeting.

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 7 April 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 and indicated that it was an amendment to the scheme which had previously been approved in 2009. The site area had reduced by approximately half for this application when compared to the previous site and a revised layout and scheme were reported. The site would be on one level and would be split into a public area and a service area from where the skips could be removed without conflicting with the public area. There would be a 1.2 metre wall between the public and the skips and the access to, and exit from, the site were detailed. A portakabin would also be included on the site for the operatives of the civic amenity site. No statutory objections had been received but two objections had been received from neighbours due to concerns about increases in traffic and odours and noise from the site. The officer felt that the objections had been addressed in the report.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. Councillor Derek Butler had reservations about the capacity as the site was a replacement for both the Queensferry and Saltney sites. He felt that the site was in the correct location but asked whether there was any potential to expand the site if required.

The Local Member, Councillor David Wisinger, welcomed the report and thanked the officer for including him in the consultation on the application. He indicated that he had been advised of a number of concerns from residents about increases in traffic and noise as a result of the proposal.

Councillor Marion Bateman asked for an explanation of how the traffic would be managed on the site. Councillor Veronica Gay welcomed the new site and the removal of any steps to the skips but she also had concerns about the diminished size of the site. She asked that safeguards be put in place to prevent the previous site in Saltney from becoming an area for fly-tipping. Councillor Gay also raised concern about the exit from the site onto a smaller road which would be used by vehicles removing the full skips from the site. She felt that vehicle movements on the site would be an issue and queried whether vehicles could enter through the proposed exit and leave the site through the proposed entry into the site. Councillor Lloyd also asked for details of the hours of operation and queried whether anyone with a van

permit would be able to use this site. He also asked that the site at Saltney be landscaped once the waste collection site was closed.

In response to the comments and questions from Members, the officer explained that it was considered that there was adequate space on the site to allow the free flow of traffic but he added that operatives would be present to provide guidance. It was estimated that approximately 4,000 tonnes of waste per annum would be brought to the site and there would not be a restriction on the number of times skips could be removed and replaced with empty skips so it was considered that the size of the site was appropriate. It was proposed that the hours of operation on the site would be 7am to 9pm Monday to Sunday, including bank holidays.

The Planning Strategy Manager reiterated the comment that the size of the site was suitable for the movement of traffic but he added that a condition could be included for the on-site management of public traffic. The Senior Engineer - Highways Development Control said that Highways had not submitted an objection to the application. Approval had previously been given for a larger site and as the area was an existing industrial estate, there were no capacity issues. On the issue of exiting the site onto the road used by vehicles removing the skips, the Senior Engineer - Highways Development Control advised that there was adequate width for two vehicles to pass. In response to the suggestion from Councillor Bateman that a right of way be identified, the Senior Engineer - Highways Development Control indicated that a scheme could be considered.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning and subject to the additional condition for an on site traffic management plan.

184. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 29 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.59 pm)

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Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 14 MAY 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: **UNDERTAKEN ON 7TH APRIL 2014.**

MEMBERS WILL RECALL THAT THIS APPLICATION WAS DEFERRED AT THE MEETING ON 9TH APRIL 2014 IN ORDER FOR OFFICERS TO NEGOTIATE HIGHWAY AMENDMENTS TO THE SCHEME AND AFFORD RESIDENTS ADEQUATE TIME TO COMMENT UPON ANY AMENDED PLANS RECEIVED.

AMENDED PLANS HAVE BEEN RECEIVED DETAILING BOTH ALTERATIONS TO THE PROPOSED ACCESS TO THE DEVELOPMENT, REDUCTION IN THE SIZE OF THE PROPOSED DWELLING AND ALTERED GARAGE POSITION ON PLOT 23 AND INCREASING THE SEPARATION DISTANCES BETWEEN PROPOSED AND EXISTING DWELLINGS ON FFORDD HENGOED. RESIDENTS HAVE BEEN

CONSULTED UPON THE APPLICATION AND ANY RESPONSES WILL BE REPORTED AS LATE OBSERVATIONS.

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.
31. No works to commence unless and until a detailed scheme for the rationalisation of Upper Bryn Coch/site access road junction, submitted to and approved by the Local Planning Authority. Such works shall become the subject of a Section 278 Agreement under 1980 Highways Act prior to their implementation.

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

82 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 Glanarafon 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.
- Density figures in report are flawed.
- Plot 23 should be removed to avoid detriment upon the amenities of adjoining residents in terms of loss of light, privacy and obtrusiveness.
- North Eastern boundary of site encroaching into No. 2 Ffordd Hengoed.
- Additional traffic hazard of vehicles reversing out of Plot 23 so close to junction with limited visibility.

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. Amended details indicate a revised layout to the junction of Upper Bryn Coch with the development access road. 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 In relation to the amended junction arrangement it will formalise arrangements and improve the safety of operation of the junction. The visibility splay indicated to the right on exit from the junction is shown to cross the garden of plot 2, achievable visibility within the confines of the proposed highway are 2.4 x 35 m to the right and greater than 2.4 x 120 to the left. These values exceed the minimum

requirements of the 20 mph design speed associated with new residential estate roads. Details of street lighting, signage, road markings and highway drainage have not been provided but will be required by the suggested conditions and will be included within any future highway agreement.

7.20 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.

7.21 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.

7.22 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.

7.23 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.

7.24 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.

- 7.25 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.
- 7.26 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.
- 7.27 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.
- 7.28 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.
- 7.29 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 26 m – 24 m, 24.5 m – 23 m, 27 m – 25 m respectively. Taking into account the

proposed difference in levels which vary from 0.1 m – 1.45 m and the above distances, the proposals comply with the minimum separation distances within the Local Planning Guidance Note 2 ‘Space About Dwellings’.

- 7.30 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. 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).
- 7.31 The separation distance between the two storey rear elevation of proposed Plot 23 onto part of the two storey rear elevation of No. 2 varies from 14 m to 23 m. These distances do not meet the minimum separation distances within the Local Planning Guidance Note 2 but the dwelling on proposed Plot 23 is positioned at an angle to No. 2 and only affects part of the rear of this existing property. Therefore it is considered that there will be no significant detrimental impact upon the amenities of both existing and proposed occupiers of Plot 23 & No. 2 Ffordd Hengoed in terms of loss of light, privacy and obtrusiveness etc.
- 7.32 The separation distance between the proposed rear elevation of plot No. 23 and the rear elevation of No. 4 Ffordd Hedgoed varies from 15.2 m to 23.6 m. 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.
- 7.33 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.
- 7.34 Impact Upon Trees
The site contains mature trees on the northern boundary and within the green space corridor to the south along the brook.
- 7.35 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.

- 7.36 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.
- 7.37 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.
- 7.38 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.
- 7.39 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.
- 7.40 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.
- 7.41 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.
- 7.42 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.
- 7.43 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 lighting and dead tree which has a knothole which has potential for nesting birds/bats. These will be retained.

- 7.44 The key ecological features on the site will be retained as a result of the development.
- 7.45 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.
- 7.46 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.
- 7.47 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.
- 7.48 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.
- 7.49 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.
- 7.50 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.
- 7.51 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.

- 7.52 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).
- 7.53 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.
- 7.54 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.
- 7.55 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.
- 7.56 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.
- 7.57 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.
- 7.58 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.
- 7.59 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.

7.60 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.

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

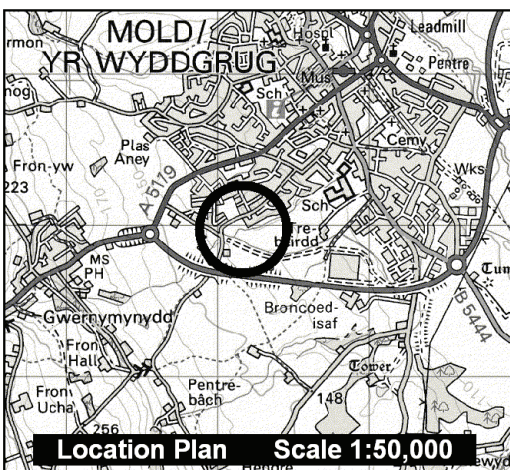
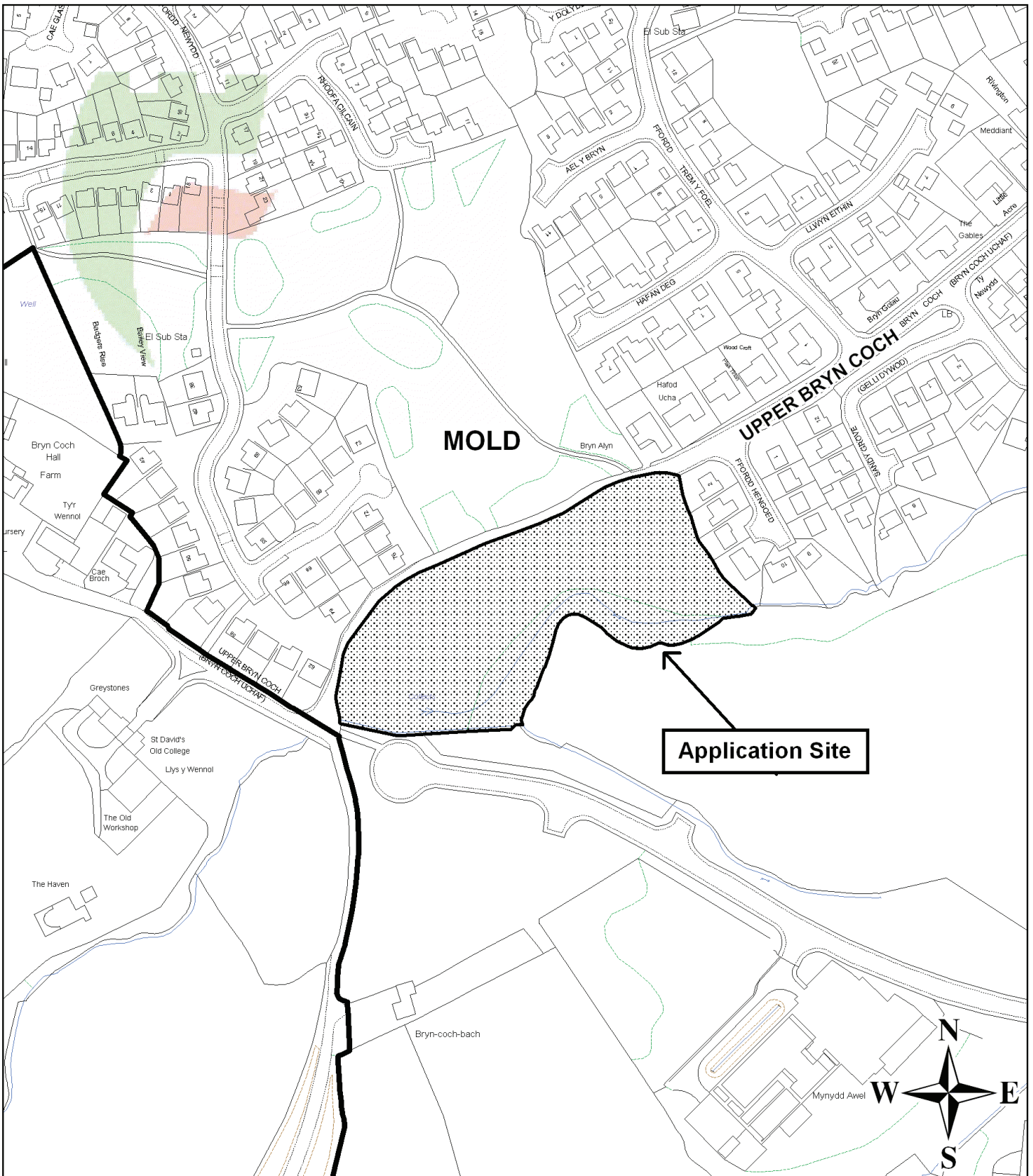
7.62 The above figures quoted are based on the guidance within the SPG 'Developer Contributions To Education' which states that the contributions are allocated to the nearest primary and secondary schools to the development irrespective of their medium.

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.

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



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

Legend



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: **14TH MAY 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 new Section 106 agreement should omit those parts of the existing Section 106 that are specific to monitoring through the use of a Patrol Officer and the requirement of the £20,000 commuted sum as this has already been paid.

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
Two representations have been received objecting to the proposal 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
- The management of the car park can lead to distress and

confrontation

- Does not agree with the officer's opinion that CCTV cameras were not common place in 1999 when the section 106 agreement was entered into

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 Objections have been received concerning the operating processes of the camera system and the company that manages the system; however, these are not considered to be material planning considerations.
- 7.08 The planning permission granted for Aldi and what is now McDonalds was subject to a Section 106 agreement, which included amongst

other things, 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 provision in the 3rd schedule to the section 106 agreement explains that the car park at the store will provide short stay car parking free of charge for customers, not only of the store, but also other shops and facilities within the town centre

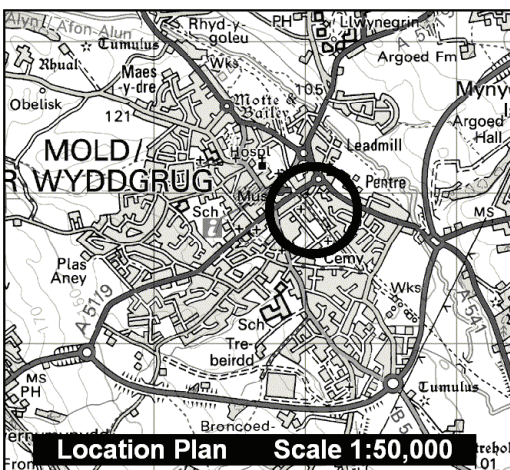
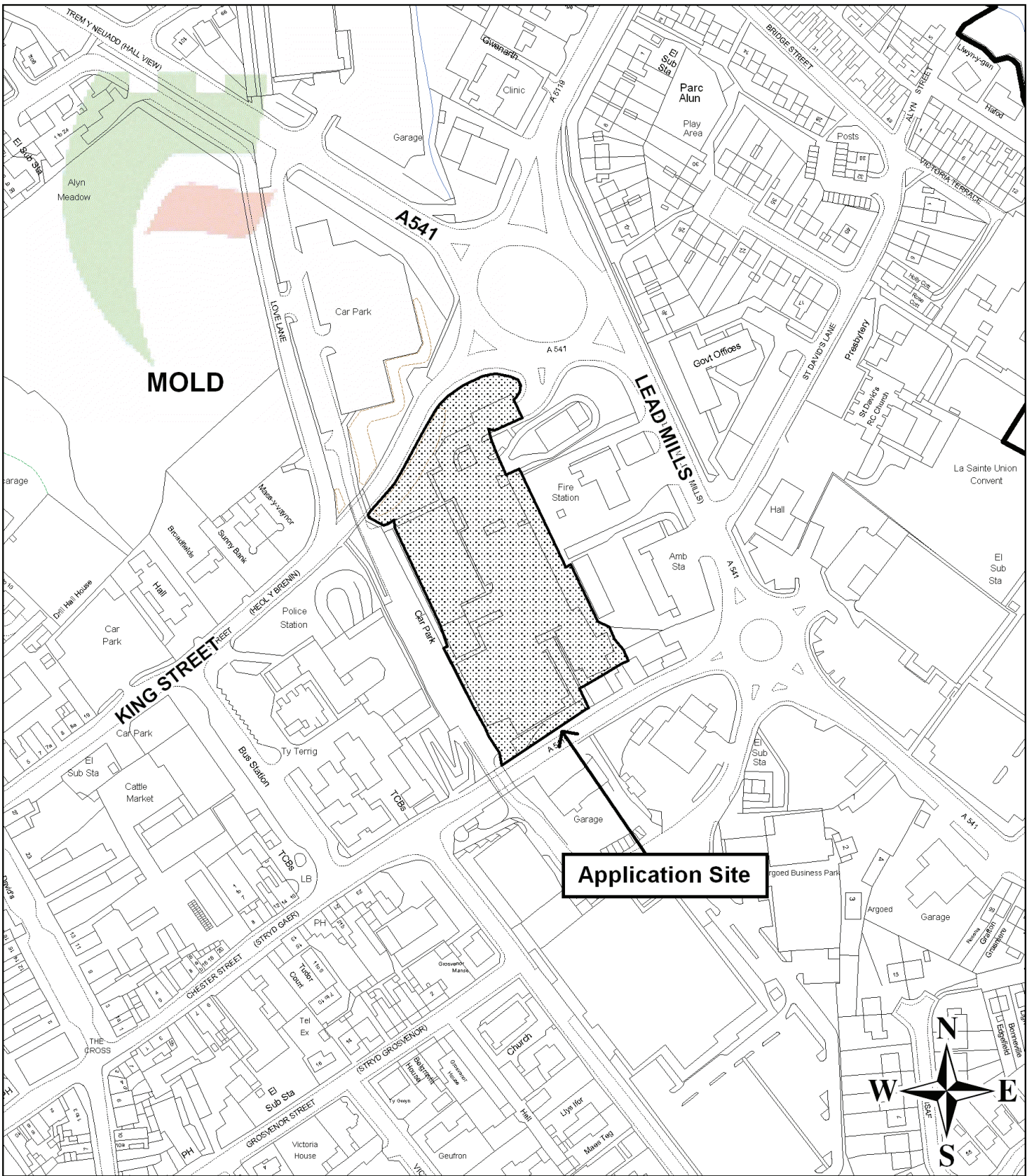
7.09 The s106 was very specific with regard to how the car park would be monitored, i.e. a Patrol Officer. There is no mention that a camera operated system could be used; however, at the time that the s106 was drafted (1999) such systems were not common place and therefore were not included. If the application is approved the new Section 106 will omit those parts of the existing Section 106 that are specific to monitoring through the use of a Patrol Officer. Furthermore, if the application is approved, the s106 will also have to be amended to omit the requirement of the £20,000 commuted sum as this has already been paid.

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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Email: alex.walker@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 1:2500

OS Map ref SJ 2364

Planning Application **51655**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **ERECTION OF 41 NO. DWELLINGS, OPEN SPACE AND ACCESS WORKS AT OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN.**

APPLICATION NUMBER: **051613**

APPLICANT: **ANWYL CONSTRUCTION LTD**

SITE: **AT OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN.**

APPLICATION VALID DATE: **23.12.13**

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

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT AND LCOAL MEMBERS REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for 41 dwellings with on site open space outside but adjacent to the defined settlement boundary for Ewloe. It was previously allocated by the Council and the principle of development has been accepted by both Officers and Members during the UDP process. The UDP Inspector considered it to be a sustainable location for development and an appropriate site for development if the agricultural land issue and be resolved.

It is considered that the submitted Agricultural Land Classification Survey is robust and clarifies the matter of the grade of the agricultural land. The small quantity of subgrade 3a land would not justify a

refusal on these grounds. The proposed development of the site does not raise any highway or ecology issues and it is considered that the proposed layout is in accordance with the Council's Local Planning Guidance Note 2 Space Around Dwellings.

The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise. In this instance it is considered that the material consideration is the need for a 5 year land supply which outweighs the fact the site is outside the settlement boundary in the development plan. In order to ensure that the site comes forward to meet the current shortfall a 2 year planning permission is proposed with a requirement for a phasing plan to ensure that the site is delivered in the short term.

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

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 £122,570 towards educational provision/improvements for Ysgol Penarlag Ewloe and £129,283 towards educational provision/improvements for Hawarden High.
- b) Provision of a play area to be equipped to a specification provided by the Council, upon sale or occupation of 50% of the development. Should the developer require the Council to adopt the POS a commuted sum of 10 years maintenance to be provided to the Council on adoption
- c) The provision of 4 no homes to be presented to the Council as gifted units and allocated in accordance with a local letting policy

- 2.01
- 1. Time commencement 2 years
 - 2. Plans
 - 3. Phasing plan
 - 4. Drainage – foul conditions
 - 5. Surface water drainage including RAM's for ecology
 - 6. Scheme for the provision and implementation of a surface water regulation system
 - 7. Scheme for the management of overland flow from surface water drainage
 - 8. Scheme for the realignment of Greenhill Avenue S278
 - 9. Details of site accesses
 - 10. Front of garages shall be set back a minimum distance of 5.5m behind the footway line
 - 11. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads

12. Positive means to prevent the run-off of surface water onto the highway.
13. Landscaping implementation
14. Tree protection measures
15. Boundary treatment
16. Code 3 for sustainable homes
17. Reasonable Avoidance Measures GCN
18. Hedge removal/scrub clearance outside bird nesting season
19. Materials
20. Removal of permitted development rights - extensions

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor A Halford

Object strongly. Requests committee determination and a site visit to allow members to familiarise themselves with the site, the very congested area and the road access & egress.

3.02 Councillor D Mackie

Object to any proposal to develop this site. I have been contacted by many residents who oppose development on this site. I object to these proposals because the site is outside the settlement boundary, is not included in the FUDP and because new housing in Ewloe has increased by 18.3% and so already exceeds the permitted maximum of 15%. I believe an application of this size will be decided by the Planning Committee and I feel a site visit by the committee will be necessary.

3.03 Hawarden Community Council

Object on the following grounds;

- The site is outside the village settlement boundary
- The site is not included within the current UDP
- The construction of a further 41 house in Ewloe cannot be justified given the number already approved and ongoing new housing allocations
- The site has been designated as a 'Minerals Safeguarding Area' in the UDP

3.04 Head of Assets and Transportation

No objections subject to conditions covering;

- Scheme for the realignment of Greenhill Avenue S278
- Details of site accesses
- Front of garages shall be set back a minimum distance of 5.5m behind the footway line

- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Positive means to prevent the run-off of surface water onto the highway
- Construction traffic management plan

3.05 Head of Public Protection

No adverse comments to make.

3.06 Welsh Water/Dwr Cymru

No objections subject to standard conditions relating to surface water and foul water drainage.

3.07 Natural Resources Wales

The site is in Zone A as defined by TAN15 Development and Flood Risk and as shown on the Welsh Government's Development Advice Map (DAM). However the development of the site will increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface water run-off. Natural Resources Wales's general requirement for surface water run off is that the developed rate of run-off should be reduced in comparison to the undeveloped rate for the same 1 in 100 year climate change event. The submitted Drainage Statement proposes a maximum surface water discharge rate of 7.2 litres per second. This is considered acceptable as it is proposed to attenuate flows over and above this rate in storage tanks.

No objection subject to conditions covering;

- scheme for the provision and implementation of a surface water regulation system
- scheme for the management of overland flow from surface water drainage

3.08 Welsh Government Natural Resources and Food

In an advisory capacity WG have considered the Agricultural Land Quality and Soil Resource Survey submitted with the planning application by Reading Agricultural Consultants Ltd conducted in October 2009.

WG agree with the methodology of the survey which has been conducted in accordance with the Revised guidelines and criteria for grading the quality of agricultural land (MAFF 1988). It was also confirmed that the background information used in the survey was correct. They conclude that the survey appears sound and that a mixture of subgrade 3a and 3b would have probably been predicted for this site. WG explain that this survey may appear to contradict the previous surveys due to the unusual variability in soil profiles present on the site. Due to the scale of the mapping used to undertaken surveys and the small size of the site each survey has shown a variability in soil profiles/textures. WG consider it would be very

difficult to resolve the grade differences between surveys due to the scale of mapping and unusual variability in soil profiles present.

3.09 Airbus

No aerodrome safeguarding issue.

3.10 Housing Strategy Manager

No objection to affordable housing provision proposed.

3.11 Head of Lifelong Learning

The placement of the estimated 7 pupils from the proposed development will increase the pressure on Hawarden High School, which already has twenty four more pupils than its official capacity. The placement of the estimated 10 pupils from the proposed development, will increase the pressure on Ysgol Penarlag Ewloe which only has 9 surplus places. (4.09%)

The financial contributions requested are £122,570 for Ysgol Penarlag Ewloe, and £129,283 for Hawarden High.

3.12 Head of Play Unit

No objection to level of open space provision on site. The play area should be equipped to a specification provided by the Council, to be agreed prior to commencement of development. POS to be provided and equipped upon sale or occupation of 50% of the development. Should the developer require the Council to adopt the POS a commuted sum of 10 years maintenance to be provided to the Council on adoption.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application was advertised as a departure from the development plan.

114 objections were received on the grounds of;

General

- Site is in Hawarden not Ewloe
- Conclusions in UDP Inspectors report are out of date
- Impact on Human Rights – peaceful enjoyment of all possessions and Article 8 respect for privacy and family life
- Poor public consultation by applicant
- Devaluation of property from being overlooked and increase in traffic
- Will be increase in crime as area is opened up. Policing is already inadequate. Youths will cross gardens to get to Ewloe.

Youths already form gangs and cause a nuisance and this development will fuel the situation.

- Loss of view

Land supply/need/UDP policies

- Hawarden does not need another development and is in danger of becoming a town
- Brownfield sites are available in Flintshire and in local area e.g Woodlane/Sorrell Close
- Vacant new build in local area
- No need for more housing plenty being built in area such as St. David's Park
- Site is outside settlement boundary
- Will create further pressure on green barrier
- The countryside should be protected from ribbon development
- Ewloe is a Category B settlement which is above 15% growth at 18.1% and therefore this development would contravene HSG3 of UDP
- No shortfall of housing land supply if accelerated build rates on sites under construction are applied which are not accounted for in JHLA 2012
- Site next to Ewloe Green School is committed and not accounted for in Planning Statement
- Contrary to Policy HSG4 of the UDP – not for forestry or agricultural workers, Policy STR1 – not in a settlement boundary, Contrary to policy STR7 – loss of open countryside/natural environment, Contrary to MIN8 - minerals safeguarded, Policy STR10, GEN1, GEN2, GEN3, HSG5
- Contrary to UDP strategy – decisions should be in accordance with the development plan unless it is out of date or superseded
- JHLA 2021 is two years out of date
- Will set a precedent for other sites to come forward outside the settlement boundary
- Agricultural land quality does not change over time therefore the reports are un-reliable. The best and versatile agricultural land should be protected unless there is an overriding need. Contrary to Policy RE1.

Ecology

- Ecological surveys should be undertaken for Great crested newts, voles
- The surface water outfall will connect to Broughton Brook which runs into the Dell, Hawarden High School's environmental area. There is a concern this will impact on the ecosystem there and the impact of surface water run off into the ponds at the Dell which are fed by the brook
- Bats use the site and sparrow hawks nest in the trees by the high school and use the field for foraging

Highway safety

- Access through estate roads will cause road safety and noise issues
- Limited visibility on access roads
- Most households have 2 or 3 cars leading to an increase in 100 vehicles passing existing residential properties
- Children won't be able to play in the garden due to increased risk of accidents with increased traffic volumes
- Bedrooms at the front of existing properties on Kearsley Avenue will have increased traffic noise from cars stopping at the junction
- Pavements on Kearsley Avenue are un-adopted and in a terrible state causing a poor pedestrian environment especially for the elderly
- Will make an existing cul-de-sac an estate
- Traffic will increase conflict between cyclists and pedestrians
- Existing roads are narrow and not suitable to accommodate any increase in traffic especially construction lorries etc. Two cars cannot pass
- The junction between Wood Lane and Kearsley Avenue is already a busy junction and narrow. Insufficient room for cars to turn in if a car is coming out of the junction. There is poor visibility at this junction. There was an accident in last two weeks.
- Old Hall Road and Greenhill Avenue have steep inclines which are impassable during adverse weather
- School drop off and pick up time the roads are congested and cars park on the road on Old Hall Road and Kearsley Avenue due to the sites proximity to Hawarden High School blocking access to existing properties. Added traffic will add to the

problems at these times and will adversely affect child safety.

- At the lower end of Wood Lane it will lead to increased congestion at peak times during school drop off and pick up. This leads to queues onto Kearsley Avenue
- Increased traffic on the roads will mean children can't play in the estates
- Highways should carry out a full daily/weekly survey to assess the traffic issues in the vicinity of the site and the area
- Approach roads are substandard and very narrow
- Junction between Kearsley Avenue to Greenhill Avenue has restricted visibility and it is difficult not to cut the corner
- Use of Old Hall Road and Greenhill Avenue from Wood Lane as access route to the proposed development negatively impacts far more existing residents and is a longer access route which uses more road junctions than access from Wood Lane via Springdale as previously proposed. This route is also further away from the busy Highway junction.
- There should be a third access via Springdale as this is closer to a bus stop
- Challenge Transport Statement as peak traffic periods are inaccurate not 8.00 - 9.00 and 17.00 - 18.00 but 2.45pm – 6pm due to the High School's proximity; should have included school times; junction from Kearsley Avenue and Wood Lane does not provide good visibility; the comparisons made in terms of traffic generation are unsuited to local circumstances; failed to assess carriageway width.
- Difficulty turning right out of Springdale
- No account taken of child road safety
- Difficult pedestrian environment already due to congestion when walking children to school
- Record of personal injury accidents at the junction of The Highway and Wood Lane which is fed by traffic from Greenhill Avenue
- Impact of construction traffic
- Area is not well served by public transport. Train station is 1 mile away and bus service is only once every half an hour

Detrimental impact on residential amenity

- Difference in architectural style from the existing houses which

are predominately 1960's and single storey bungalows (95%)

- Site is elevated and therefore the development would have an overbearing impact and would have an invasion of privacy on existing surrounding dwellings and those on the next road due to the topography of the area
- Plans don't show difference in levels on Old Hall road, Sandy Way and Melbreck Avenue.
- Overlooking from proposed development into Melbrook Avenue, Old Hall Road and Greenhill Avenue.
- Loss of light and natural daylight
- No footpaths proposed in new development
- Over development, density, layout and landscaping
- Overshadowing to adjacent and surrounding properties
- Excessive height proposed dwellings
- Loss of greenfield site and greenspace would harm local residents amenity
- Development on the site and mineshafts on the site and in the area might lead to subsidence to surrounding properties
- Increased pollution and noise and smell due to increase in vehicles
- Regularly walk dog here

Public services

- Issues with surface water drainage in the area. Drainage information submitted with application is 10 years old.
- Loss of natural drainage due to development of the site will lead to increasing flooding to surrounding properties
- Sewage system does not have capacity
- NHS dentist is full and has long waiting list
- Schools are at or near capacity

Comments on Design and Access Statement

- The development is not sustainable as under extreme pressures to maintain roads, sewers, electricity surges, loss of water pressure,
- Development is not off Springdale but Kearsley Avenue, Old Hall Road, Sandy Way, Melbreck Avenue and Greenhill

Avenue

- Only existing point of access is from Kearsley Avenue not as stated
- The photos in the D & A are not reflective of the adjacent properties in the area
- Affordable housing gifted units are seen as a form of payment to the Council
- Construction will not necessarily provide local employment opportunities as work contracted to large firms from elsewhere
- UDP inspectors report is out of date, more development has taken place since then
- The development does not harmonise with surroundings, the developer just wants large properties to maximise profits
- There are lots of 4 bedroom dwellings on the market in this area and the new development at Overlea Drive is underway
- Not a mix of dwelling types
- No bungalows for the disabled
- Ewloe has a higher crime rate than Hawarden because there are more houses

A petition with 135 signatories from local residents who have a direct interest in the proposed development and its effect on their lifestyle and the local neighbourhood objecting to the development on the grounds of;

- The status of the Flintshire UDP – contrary to principles.
- The supply of housing land in Flintshire – sufficient land available allocated for residential development in the UDP to meet household projections over the plan period. Other sites have come forward since JHLA Study 2012 which would meet any shortfall.
- The Ewloe settlement boundary – lies outside the settlement boundary contrary to UDP policy.
- Agricultural land – site in use for agriculture as part of Kearsley Farm. Submitted agricultural land study is at variance with previously submitted studies for the site. Need land for food production.
- The effect of the proposed development on local services – 2 of the local Primary Schools and the Secondary School are over subscribed. Only 1 doctors surgery which struggles to cope with demand. Additional demand on these services will aggravate the situation to the detriment of current residents
- The effect of the proposed development on road transport – entry and exit to and from the site to Wood Lane will be via

Kearlsey Avenue. The junction between Wood Lane and the highway is a notorious bottleneck in the morning and pm rush hour. Additional road traffic in this critical area will only make this problem worse to the detriment of current residents.

Letter from Mark Tami MP objecting on grounds of;

- Outside settlement boundary
- Ewloe is over its growth limit
- Local road network is congested
- Schools are full

5.00 SITE HISTORY

5.01 038718 - Erection of 47 dwellings, construction of new vehicular and pedestrian access and associated works Refused 27.11.06

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 - Housing on Unallocated Sites Within Settlement Boundaries

HSG5 - Limited Infill Development Outside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

HSG10 - Affordable Housing within Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

RE1 - Protection of Agricultural Land

Planning Policy Wales Edition 6

TAN 1

The proposal accords with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for 41 dwellings with on site open space and access works.

7.02 Site Description

The application site is 1.9 hectares of agricultural land situated to the south of an existing residential estate made up of Old Hall Road, Kearsley Avenue, Greenhill Avenue and Sandy Way accessed from Wood Lane. To the south west is further residential development on Marlborough Avenue and Springdale which are accessed a separate access from Wood Lane. The site is situated to the south east of Ewloe and to the west of Hawarden.

7.03 The site is agricultural land, bounded to the north, east and west by existing residential development and to the south by agricultural land. The surrounding residential development is a mixture of two storey properties to the west and predominately single storey and dormer bungalow properties to the north dating from circa 1960/1970. The application site is relatively flat but is slightly elevated above the existing residential estate. The site is bounded by a an existing hedgerow along parts of its north western and north eastern boundary with the existing residential development. There are a small number of hedgerow trees along this boundary.

7.04 Proposed Development

It is proposed to erect 41 two storey predominately detached dwellings constituting 2 two bedroom, 5 three bedroom, 20 four bedroom, 14 five bed room properties (2 and a half storey with rooms in the roof). The two bedroom properties and 2 of the three bedroom properties form two pairs of semi-detached properties which are to be gifted to the Council for affordable housing provision. The proposed development is accessed from two points of access from the existing housing estate to the north via Greenhill Avenue and Old Hall Road. An area of 0.31 hectares of public open space is provided within the development in the south west corner with new hedge planting around its boundaries.

7.05 The application is accompanied by a Design and Access Statement, Planning Statement, Code for Sustainable Homes pre-assessment, Tree Survey, Landscape Strategy, Ecological Survey, Agricultural Land Quality and Soil Resource Survey, Drainage Statement and a Transport Statement.

Principle of development

7.06 The site is located adjacent to but outside the settlement boundary for Ewloe in the adopted UDP. The site is not located within the designated green barrier which abuts the eastern edge of Ewloe, as the site is bounded on all sides by residential development except for its southern boundary. Beyond the site to the south lies the green barrier designation. In planning terms the settlement boundary of Hawarden is located further to the east.

- 7.07 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type. Given that the proposal is for 41 dwellings and does not fall within the scope of above policy framework, then proposal is contrary to these policies in the adopted UDP.
- 7.08 The applicant seeks to justify the development in terms of a broader policy context, having regard to the following points:
- i) The planning history of the site and the Inspector's comments following the UDP inquiry
 - ii) The present lack of a 5 year supply of housing land
 - iii) The present level of growth in Ewloe being below 15%
 - iv) The recent Ministerial statement by Carl Sargeant about the need to increase the supply of housing throughout Wales in order to meet housing needs and to contribute to the economy of Wales
- 7.09 Planning history
An application for planning permission for 47 dwellings on the site was made in November 2004 and refused in November 2006 on the grounds of; the site being outside any settlement boundary; development in the open countryside and green barrier; premature in the context of emerging UDP and overdevelopment.
- 7.10 The site was subsequently allocated for housing in the deposit draft UDP along with other housing allocations in Ewloe. However, during the progression of the UDP other housing schemes came forward within the settlement which led the Council to re-evaluate the level of growth in the settlement against the Plans spatial strategy and settlement hierarchy which led to publication of Proposed Change 321 which deleted the site as a housing allocation.
- 7.11 The Inspector at the UDP public inquiry assessed a range of objections relating to Ewloe and these included those objections to allocated sites, an objection seeking the reinstatement of the deleted allocation and other objections seeking the allocation of 'omission' sites for housing. The Inspector recommended that that the allocation be deleted (i.e. supported PC321) based on a concern about the possible loss of best and most versatile agricultural land and the lack of robust evidence with which the Inspector could make an informed decision to recommend that the allocation be reinstated. It is necessary to look in more detail about the Inspector's comments and

reasoning in respect of both Ewloe as a whole and this site in particular.

- 7.12 The Inspector generally saw Ewloe as a sustainable location for development and growth over the Plan given its accessibility and range of facilities and services. The Inspector comments *'Ewloe is a category B settlement where commitments and allocations will result in growth towards the upper end of the indicative band of 8 - 15%. However, given the settlement's facilities and location close to major centres of employment and population this level of growth would not be untoward. There have been no overriding objections from service providers such as the local health board, the local education authority or DCWW. The indications are that the services and facilities in the locality are sufficient to cater for the increased population'*.
- 7.13 In terms of the agricultural land issue the Inspector comments *'PPW advises that land in Grades 1, 2 and 3a should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable. The Agricultural Land Classification Map indicates a substantial portion of the site as Grade 2 with the remainder being Grade 3. Whilst such grading is only intended as a broad guide I do not consider it should be dismissed lightly. It has been suggested that the land is of much poorer agricultural quality and should not be considered as being within the best and most versatile category. However, there is some doubt as to whether the report was prepared in accordance with the relevant guidelines and I do not consider those findings to be conclusive'*. The Inspector then went on to say *'I am satisfied that sufficient land has been allocated elsewhere to accommodate the envisaged growth in the County and it follows there is no overriding need for this land to be allocated until this matter is resolved. If the agricultural land quality issue can be resolved the allocation could be considered again as part of the LDP'*.
- 7.14 In terms of the level of growth in the settlement the Inspector looked at the reasoning behind PC321 and commented *'The reason given in PC321 to delete this allocation is **In view of recent completions, commitments and other sequentially preferable allocations, there is no longer considered to be a need for this site.** The Council did not delete the allocation on the basis of other issues raised in objections to the allocation'*. The Inspector comments on Ewloe being an appropriate location for growth and that an additional 47 dwellings resulting in an additional 2% growth would not be excessive in terms of local facilities, services and the local highway network and also comments on the development of the site being a logical rounding off of existing development. However, the Inspector did not consider the additional 2% growth that would result from this allocation would be unduly onerous and did not amount to sufficient justification to delete the allocation. The Inspector's reasoning is set out below:

“11.65.5. I have considered the other objections made against the allocation. The UDP allocates land to accommodate the required growth in the plan period and given Ewloe’s facilities and location close to major centres of employment and population, I consider it is an appropriate settlement for further development. This site would accommodate some 47 dwellings resulting in additional growth of some 2%. This would not be excessive. There have been no overriding objections to the allocation from service providers such as the local health board, the local education authority or DCWW. The indications are therefore that the services and facilities in the locality are sufficient to cater for the increased population.

11.65.6. From my visits to the area, and bearing in mind the scale of development, I consider the highway network is suitable and would not be overloaded or unacceptably congested by the development of this land. This site is within a well established residential area and is bordered with housing development on three sides. It would be a logical rounding off of development and would harm neither the character of the locality nor the integrity of the green barrier. Mitigation for wildlife interests could be addressed as part of the development control process. The effect of development on property values is not a planning matter.

11.65.7. Turning to the reason given by the Council for deleting the allocation. When the UDP was issued it was envisaged that the allocations and commitments would result in growth of 11%. This is the mid point of the indicative growth band of 8 – 15% for this category B settlement. However, completions and commitments in the first five years of the plan, when combined with the outstanding allocations would result in a growth rate of 15%. I do not consider that growth at the upper end of the indicative band would be untoward. The adjustments made to the allocations in Ewloe result in growth of 13%. Sites with planning permission and planning applications since 2005 would increase that slightly. However, bearing in mind the site’s location within a residential area I do not consider the additional 2% growth that would result from this allocation would be unduly onerous and does not amount to sufficient justification to delete this allocation.”

- 7.15 The Inspector concluded ‘*However, whilst I do not consider the above matters amount to sufficient justification to delete the allocation they are outweighed by the need to resolve the agricultural land classification issue*’ and comments further ‘*Whilst I accept the merits of many of the points made in favour of retaining this allocation they do not outweigh the need to resolve the agricultural land classification issue*’. The Inspector noted that despite Ewloe having experienced a significant level of growth in the past 10 years or so she did not support the argument that there is now a need for a cooling off period. The Inspector comments ‘*Even if I were to accept such a stance, deleting a site that would provide some 2% growth would not make a significant difference*’.

- 7.16 In summing up the stance taken by the Inspector it is clear that the she considered the allocation to be reasonable and also did not identify any harm to the settlement that would arise from the additional 2% growth. Nevertheless, the Inspector did not consider that she could recommend the allocation of the site with the uncertainty over the agricultural land issue.
- 7.17 Ewloe's Growth Rate
In the applicant's justification they incorrectly state that no planning consent exists on the housing allocation at West of Ewloe Green Primary School, however a Reserved matters approval for 23 dwellings was granted on this allocated site on 12/12/13 and development has commenced on site. Notwithstanding progress on this particular application the 15% growth level for Ewloe has already been exceeded as a result of completions alone (15.8%). The combined growth rate for Ewloe taking into account completions and commitments is 18.1% and by incorporating the application site (41 dwellings) would increase the growth rate to 19.8%. Although this is higher than the scenario considered by the Inspector at the time of the UDP inquiry, it is still not clear that this level of growth would be harmful given the Inspector's comments about the settlement and the site. Growth rates are not ceilings and each settlement should be judged on its own merits.
- 7.18 Housing Land Supply
PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The most recent published housing land supply figure is contained in the Joint Housing Land Availability Study 2012 published in September 2013. This identifies a housing land supply of 4.5 years calculated using the residual method with a base date of April 2012. This falls below the 5 year requirement.
- 7.19 The Council has previously argued in its submissions to PINS that the residual method of calculation does not give a true picture of the actual amount of land available in the County and that the past completions method of calculation provides a more accurate measurement of land supply as it is measured against what the house building industry is actually delivering on the ground, rather than merely against what the Plan originally set out to provide. Using the past completions method over the last 5 year period this gives a supply of 13.6 years. WG however use the residual method and where in such circumstances the Council does not have a 5 year land supply the Council is required to demonstrate, in accordance with PPW and TAN1 to set out the measures by which it will seek to make good the shortfall in housing land supply. The 2012 JHLAS Report states that to maintain a 5 year supply '*The Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites as well as addressing any difficulties or obstacles preventing the delivery of allocated sites*'.

- 7.20 The recent appeal decision (APP/A6835/A/13/2204741) on application 050616 at the Neighbourhood Centre, Ffordd Llanarth, Conna's Quay reiterates the view Inspectors take in relation to a 5 year land supply. This key issues in this appeal was whether the site allocated for housing was required for housing development or could be lost to an alternative use. The Inspector acknowledged that the appeal site was identified in the JHLAS as being within Category 3i indicating that due to major physical or other constraints development was unlikely within 5 years and was therefore not counted in the 5 year land supply. The Inspector considered that "*since the five year land supply is deficient notwithstanding the site limitations its potential to meet some of the County's housing need is a compelling reason to adhere to its allocated purpose and not permit a use other than residential.*" This demonstrates the importance that is placed on having a 5 year supply by Inspector's and gives an insight into the approach an Inspector is likely take in relation to the principle of a suitable site coming forward which would contribute to the 5 year land supply.
- 7.21 Welsh Government advice
Carl Sargeant the Minister for Housing and Regeneration has issued two Ministerial statements the first on 17.07.13 and the second in March 2014. Both statements state that his main duty was to increase the supply of housing (both market and affordable) in order to meet growing housing needs and to stimulate the economy. However, the Minister was quite clear that this equated to the building of more homes. In working towards this aim, the granting of planning consents will achieve nothing unless there is a clear commitment from the housebuilder to implement the permission and deliver completions.
- 7.22 The applicants Planning Statement states '*The applicant is a well-established regional house builder active in the area (Croes Atti, Flint) who has a land purchase option with land triggered by a planning consent. Consequently, if granted planning consent the site is likely to come forward quickly and deliver completions within 5 years*'. However, there is no clear commitment from the applicant in terms of a timetable for the delivery of the site. If the housing need situation is as pressing as the applicant is arguing then delivering completions over a 5 year period will achieve little. It is therefore considered that any planning consent should be time limited to commencement within 2 years of the date of the permission with a phasing plan to ensure that any development on the site meets the current land supply shortfall. This would reflect the fact consent would be granted only as a result of exceptional circumstances at the time of the application and the need to ensure that the site is not 'land banked' for delivery at some unspecified time in the future.
- 7.23 Precedent
The Council does not wish to set a precedent for any windfall sites to come forward outside settlement boundaries however, it is considered

that there are a special set of circumstances in relation to the planning history of this site. Although the site is outside the settlement boundary, it was previously allocated by the Council and the principle of development has been accepted by both Officers and Members during the UDP process. Furthermore the Inspector considered it to be a sustainable location for development and an appropriate site for development. The Inspector also commented that the site could be considered as part of the LDP if the agricultural land issue and be resolved.

7.24 Agricultural land classification

Four previous Agricultural Land Classification (ALC) field surveys have been conducted on the site to inform the development plan process and to support the previous planning application. These have all come to different conclusions on the Grade of the agricultural land and are listed below.

018/1980 (ADAS / Welsh Office) Kearsley Farm, Hawarden, Clwyd: The entire site area was assessed as Grade 2 agricultural land. The survey noted a *“very complex arrangement of parent material patterns”* and a high variability in subsoil textures.

February 1988 Hawarden, Clwyd: This survey was conducted in detail by Michael Boddington & Associates (MBA). The site was identified as a mixture of ALC Subgrade 3b (dominant) and Subgrade 3c.

018/1988: (ADAS / Welsh Office) Land at Spring Dale, Off Wood Lane, Hawarden, Clwyd: This survey was conducted shortly after the MBA survey above. This survey identified the entire site as Grade 2 agricultural land.

2007: Appraisal of an agricultural field and its land classification known as Land off Greenhill Avenue, Ewloe, Flintshire: The report was prepared by Promar International. The report suggested the *“...if the fields were to be re-evaluated clinically it would be grade 4 or grade 3b at best”*. Validation of the Promar report suggested it had not been conducted according to the 1988 MAFF Guidelines.

7.25 This application is accompanied by an Agricultural Land Quality and Soil Resource Survey undertaken by Reading Agricultural Consultants Ltd conducted in October 2009. This survey aimed to carry out a definitive assessment of the quality of agricultural land on the site and to address the limitations of the previous survey by Promar International put forward during the preparation of the UDP. The report classifies the site as mainly Subgrade 3b (moderate quality land) 1.3 hectare (76%) and with a small area of Subgrade 3a (good quality land) 0.4 (24%). In policy terms only 3a is classed as the best and most versatile agricultural land and is protected by policy RE1 of the UDP.

- 7.26 The Welsh Government Department for Natural Resources and Food have been consulted on the application for their advice on this matter and have considered it in light of TAN6 paragraph B6 which is circumstances where applications do not meet the criteria for formal consultation set out in the GDPO but where the LPA requires some technical assistance. In such instances consultation responses are confined to technical detail and do not comment on the merit of applications. The GDPO only requires LPA's to consult with WG on proposals for development for non-agricultural purposes which is not in accordance with the development plan, and would involve the loss of 20 hectares or more of grades 1, 2 or 3a agricultural land or a loss which is less than 20 hectares but is likely to lead to further losses amounting cumulatively to 20 hectares or more.
- 7.27 In this advisory capacity WG have considered the Agricultural Land Quality and Soil Resource Survey submitted with the planning application by Reading Agricultural Consultants Ltd conducted in October 2009. They consider that one of the reasons for the difference in the survey results previously undertaken is that the MAFF guidelines for undertaking Agricultural Land Classification were revised in 1988. The 1980 survey was undertaken using the old guidelines but the subsequent survey undertaken by Micheal Boddington and Associates in 1988 was undertaken with the new guidelines. WG advised that the 1988 survey undertaken by the Welsh Office used a hybrid of the new and old guidelines therefore providing some explanation as to the inconsistencies in results.
- 7.28 WG agree with the methodology of the survey which included soil pits and lab analyses. The Survey has been conducted in accordance with the Revised guidelines and criteria for grading the quality of agricultural land (MAFF 1988). It was also confirmed that the background information used in the survey was correct. They conclude that the survey appears sound and that a mixture of subgrade 3a and 3b would have probably been predicted for this site. WG explain that this survey may appear to contradict the previous surveys due to the unusual variability in soil profiles present on the site. Due to the scale of the mapping used to undertaken surveys and the small size of the site, each survey has shown a variability in soil profiles/textures. WG consider this factor and the changes in Agricultural Land Classification assessment guidelines in 1988 account for the apparent differences in grading.
- 7.29 It is therefore considered that due to the scale of the area of Subgrade 3a land, it is not considered that this is significant and weighs against granting planning permission.
- 7.30 Layout and variety of housing types
Concerns have been raised about the proposed 2 and 2 and a half

storey nature of the properties proposed due to the predominance of bungalows on the existing estate to the north of the site. Residents consider that the new development will have an overbearing impact on the existing properties around the site and will have a detrimental impact on residential amenity and adversely affect privacy. Specific reference has been made with regard to the relationship between the bungalows on Melbreck Avenue and the proposed development and the differences in levels.

- 7.31 The separation distances between the proposed two storey properties and the existing bungalows on Melbreck Avenue range from between 30 - 45 metres from habitable room to habitable room. The separation distances between the proposed and existing properties are in excess of the 22 metres set out in the Council's Local Planning Guidance Note 2 Space Around Dwellings even taking into account any difference in levels. There is also existing trees and hedgerow in part along this boundary which it is proposed to retain.
- 7.32 In terms of the height of the proposed properties, the three and four bedroom house types vary in height from 7.5 metres to 8.3 metres. The 2 and a half storey properties with 5 bedrooms which have rooms in the roof; the Kinmel is 9.3 metres and the Penarth is 9 metres in height. It is not considered that the difference in height between the three and four bedroom properties and the five bedroom properties is significant and will not look out of character in the street scene. To the west of the site the majority of properties are two storey semi-detached dwellings, with two large two storey detached properties to the south west. In terms of the difference in architectural style the existing estate is predominately 1960/70's style properties which have been altered and extended significantly in some cases in to dormer//two storey properties. It is not considered that the proposed dwellings would adversely affect the architectural quality of the area and the proposed brick and render would be in keeping with the local vernacular.
- 7.33 There has also been objections to the proposed house types and the relationships with existing properties on Greenhill Avenue, Old Hall Road, Sprindale and Marlborough Avenue. The initial layout had not taken into account the extensions that some properties have built. The amended layout aims to address these overlooking issues with changes in house types to ensure that the proposed layout is in accordance with the Council's Local Planning Guidance Note 2 Space Around Dwellings. It is also considered that the private garden areas of the proposed dwellings are in accordance with the Council's standards providing at least 70m² for all dwellings.
- 7.34 Density
The application site is 1.99 hectares. 0.31 hectares is provided as public open space leaving 1.68 hectares as developable area. The density of the scheme is therefore 24 dwellings to the hectare. This is

a low density development and therefore is not considered to be overdevelopment. Policy HSG8 refers to the density of development and advocates making the most efficient use of land also reflecting the characteristics of the site and surrounding area. The text of the policy advocates that on unallocated sites developers should aim to achieve 30 dwellings per hectare in Category B settlements, although individual circumstances will vary according to the site location. It is considered that the proposed density of 24 dwellings to the hectare is appropriate in this location.

7.35 Affordable Housing

Policy HSG10 of the UDP requires the provision of affordable housing on windfall sites within settlement boundaries. Although this site is outside a defined settlement boundary the same principles apply. The starting point for affordable housing is 30% provision, traditionally this has been provided at discounted market value housing which has been slow on take up due to difficulties in obtaining mortgages. In order to ensure delivery of affordable housing and to meet the need in the area the Council's Housing Strategy Manager considers that in this case the proposed 4 gifted units meets the requirement. These units will be social rented by the Council and secured by S106 agreement.

7.36 Highways

Residents have raised numerous concerns regarding the highway and road safety implications of the proposed development relating to the inadequacy of the estate roads and junctions to the site.

7.37 A Transport Assessment undertaken by AXIS dated November 2013 was submitted with the planning application. This assesses the local highway network which leads to the application site. This states that Old Hall Road and Greenhill Avenue are both 4.8 metres in width with 1.8 metre footways. These roads in turn lead to Kearsley Avenue which is also 4.8 metres in width. Kearsley Avenue then leads on to Wood Lane which is 6.3 metres in width. Wood Lane leads on to the Highway B5125. The Head of Assets and Transportation considers that the existing estate road width meets with the Council's former Highway Design Guide for residential streets and the guidance now provided in Manual for Streets. Some minor realignment of the existing carriageway is required to join Greenhill Avenue to the new development due to the position of the existing turning head. This will all be works within the highways and can be undertaken under a S278 agreement.

7.38 The Transport Statement assesses all the estate road junctions which would lead to the application site. The visibility at the junctions of Old Hall Road and Kearsley Avenue and Kearsley Avenue to Wood Lane are in excess of that required for a 30mph road. The junction from Greenhill Avenue to Kearsley Avenue has restricted visibility due to third party gardens. The visibility is below the requirements for a

30mph road however speeds along Kearsley Avenue at this location are likely to be low given it terminates 40 metres to the south of Greenhill Avenue. The visibility achieved equates to a prevailing speed of 20mph using Manual for Streets 2, which is likely to be representative of conditions in this area. During the surveys undertaken no evidence of congestion or delay were observed at the junction between Wood Lane and The Highway. The Head of Assets and Transportation raises no concerns in relation to this assessment.

- 7.39 Residents have raised concerns regarding accidents on the roads leading to the development. There have been 3 accidents in the last 5 years at the Wood Lane junction with the Highway and one recorded along Wood Lane at its junction with Spring Dale. These are noted in the applicants Transport Statement. The Head of Assets and Transportation does not consider that this a sufficient cluster for any action to be taken in terms of junction improvements.
- 7.40 Residents have questioned why access has not been provided via Springdale which is seen as a more direct route to Wood Lane passing fewer properties. In considering planning applications, we can only consider whether the proposed scheme is acceptable and not suggest alternatives.
- 7.41 In terms of sustainability the site is within 800m – 1200 metres of Penerlag Primary School, Hawarden High School, local food and convenience shops and a dental surgery. The site is therefore within walking distance of a range of services and local facilities. There are bus stops on Wood Lane and B5125 The Highway which are within a 400 metres walk of the centre of the site with the No 4 service every half an hour and the x44 hourly which both serve, Mold, Buckley, Hawarden and Chester. There is also a train station in Hawarden which is on the Wrexham to Bidston Line. It is therefore considered that the site is in a sustainable location.
- 7.42 Residents have raised concerns that the footways in the vicinity of the site are un-adopted and that no footpaths are provided within the development. The Head of Assets and Transportation has confirmed that all the footways in the adjacent estate roads are adopted apart from the footway along the northerly side of Kearsley Avenue. Footpaths are provided linking the existing footways on Greenhill Avenue and Old Hall road into the proposed site along the majority of the new development frontages. There are some internal courtyards where a shared surface is shown and this in line with the approach's advocated in Manual for Streets.
- 7.43 It is considered that the development proposed would not result in a detrimental impact on the local highway network either in operational or highway safety terms. The Head of Assets and Transportation does not object to the proposed development subject to conditions set out in the consultation response.

- 7.44 Open Space
The applicants are providing 0.31 hectares of open space on site. This is in accordance with Local Planning Guidance Note 13 Open Space which requires 54m² of open space per dwelling. The equipping and adoption of this area would be covered by a S106 agreement.
- 7.45 Drainage
Residents have raised concern regarding existing problems with surface water and foul drainage in the area. The application is accompanied by a Drainage Statement which covers flood risk, surface water drainage and foul water drainage.
- 7.46 Flood risk
NRW have clarified that the site is in Zone A as defined by TAN15 Development and Flood Risk and as shown on the Welsh Government's Development Advice Map (DAM).
- 7.47 Surface water
Welsh Water have previously confirmed that no surface water from this development can connect to the public surface water sewers in close proximity to the site to prevent hydraulic overload of the public sewerage system. A site investigation has concluded that ground conditions are not suitable for a soakaway therefore it is proposed to take surface water via an outfall sewer across the adjoining fields to the east and connect to Broughton Brook. Surface water flow rates to the brook had previously been agreed with NRW. All flows over and above these discharge rates will be catered for on site in underground storage tanks.
- 7.48 The development of the site will increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface water run-off. Natural Resources Wales's general requirement for surface water run off is that the developed rate of run-off should be reduced in comparison to the undeveloped rate for the same 1 in 100 year climate change event. The submitted drainage Statement proposes a maximum surface water discharge rate of 7.2 litres per second. This is considered acceptable as it is proposed to attenuate flows over and above this rate in storage tanks. The details of this can be secured by condition. Welsh Water have raised no objection to the proposed surface water proposals.
- 7.49 Foul drainage
Welsh Water have previously confirmed only foul flows can be accommodated within the existing sewerage system and a connection can be made to the combined public sewers within or near Kearsley Avenue. Welsh Water raise no objections subject to standard conditions to the proposed development.

7.50 Ecology

An extended phase one survey was submitted with the planning application. This concluded that;

- the main area of development was semi-improved grassland
- the stream recorded burrows which are required to be resurveyed in Spring 2014
- RAM's may need to be developed to protect the off – site sewer works if protected species are confirmed
- Any features lost need to be negated and mitigated through the landscape enhancement
- No major adverse impact on species or habitats have been identified

7.51 No designated ecological sites are located within the development area or adjacent to it. Two ponds are recorded within 200 metres of the proposed development and 45 metres of the offsite drainage route in the school wildlife area. No records of the ponds are available however it is considered that if great crested newts were present the use of the development site by GCN as foraging habitat would be low due to better quality foraging habitats and potential refuges adjacent to the wildlife pond area. Potential for GCN on the development site is therefore concluded to be low, however it is recommended that a precautionary approach is taken during the construction phase and reasonable avoidance measures to exclude newts from the construction area, particularly the off-site sewer area are employed.

7.52 No badger setts or outliers were recorded within the site boundaries or within 30 metres of the proposed development, although large mammal tracks were recorded within adjacent fields. No potential bat roost sites were identified within the development site however the mature trees within the field boundaries offer potential for roosting bats and foraging. These are not proposed to be removed. Within the stream that runs through the school wildlife area some burrows were recorded which could be used by water voles but it was difficult to see if these were active and it could not be surveyed at the time due to seasonal constraints. The development itself will not affect this stream corridor and any potential impact is related to the offsite drainage works. It is therefore considered that reasonable avoidance measures in relation to drainage works will mitigate any potential impacts in this regard.

8.00 CONCLUSION

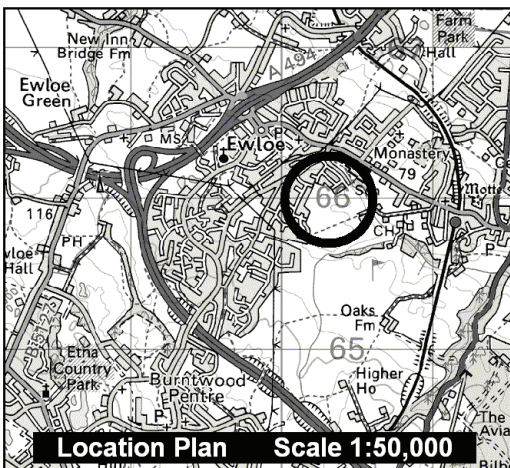
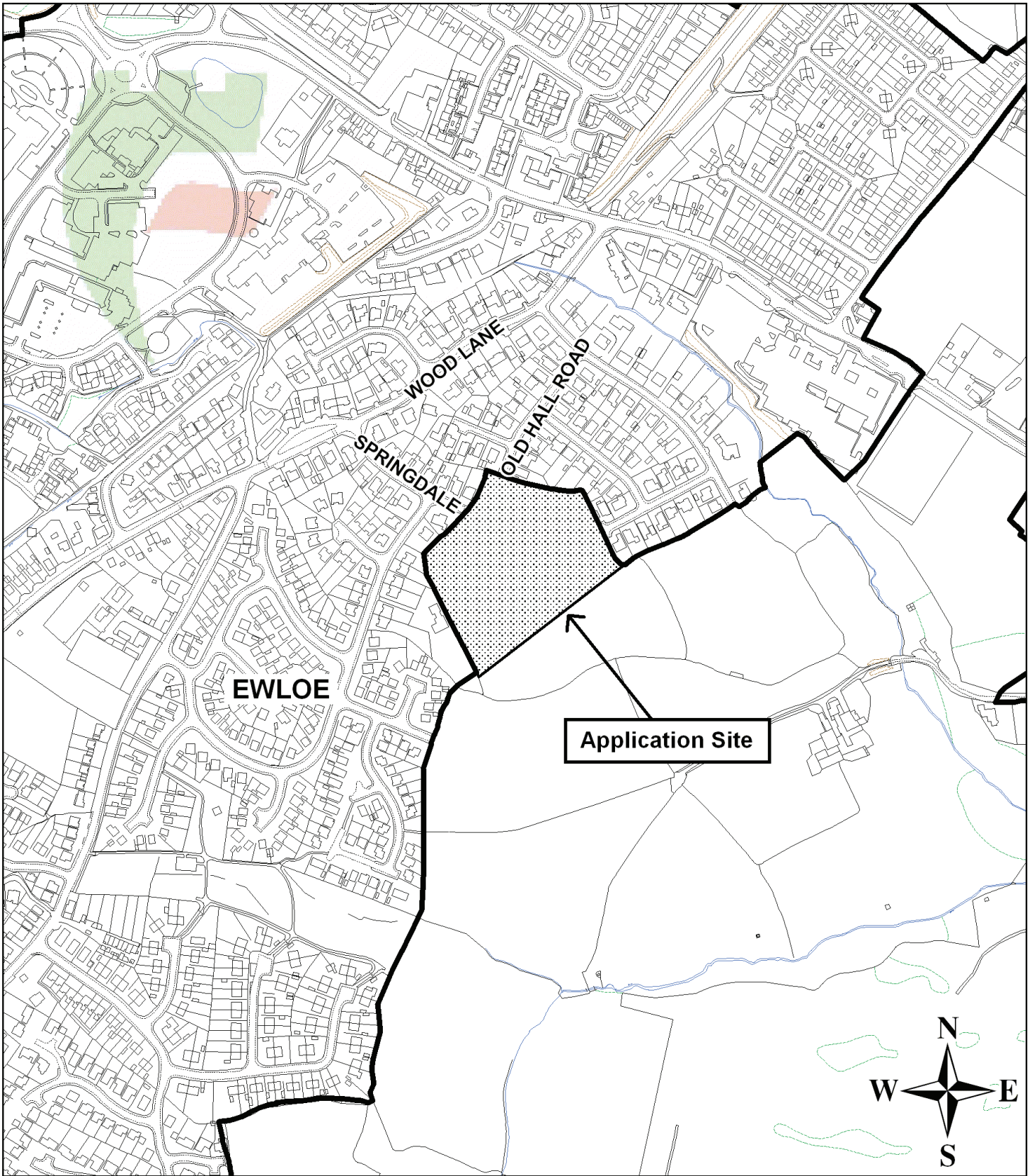
8.01 The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise. In this instance it is considered that the material consideration is the need for a 5 year land supply which outweighs the fact the site is outside the settlement boundary in the development plan. In order to ensure that the site comes forward to meet the current shortfall a 2 year planning permission is proposed

with a requirement for a phasing plan to ensure that the site is delivered in the short term.

- 8.02 It is considered that the submitted Agricultural Land Classification Survey is robust and clarifies the matter of the grade of the agricultural land. The small quantity of subgrade 3a land would not justify a refusal on these grounds. The proposed development of the site does not raise any highway or ecology issues and it is considered that the proposed layout is in accordance with the Council's Local Planning Guidance Note 2 Space Around Dwellings.
- 8.03 Although this application is a departure from the development plan and has been advertised as such, it would not need to be referred to Welsh Government under The Town and Country (Notification) (Wales) Direction 2012. The Direction requires local planning authorities to refer applications for 'significant residential development' where they are minded to grant planning permission for residential development of more than 150 residential units, or residential development on more than 6 hectares of land, which is not in accordance with one or more provisions of the development plan in force. The application does not fall within this definition.
- 8.04 The new direction does not contain a requirement to refer 'any other development' that is not in accordance with the development plan and there is therefore no requirement to refer any other residential proposals, unless it exceeds 150 dwellings or includes residential development on more than 6 hectares of land.
- 8.05 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 1:5000

OS Map ref SJ 3066

Planning Application **51613**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14th MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION: ERECTION OF A NEW SCHOOL BUILDING INCULDING PRIMARY SCHOOL, SECONDARY SCHOOL AND SPORTS HALL FACILITY, ASSOCIATED SITE RE-DEVELOPMENT INCLUDING NEW PEDESTRIAN AND VEHICULAR ACCESS AND PLAYING SURFACES AND DEMOLITION WORKS TO EXISTING HIGH SCHOOL BUILDING AT "HOLYWELL HIGH SCHOOL", STRAND WALK, HOLYWELL, FLINTSHIRE**

APPLICATION NUMBER: **051719**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **HOLYWELL HIGH SCHOOL SITE, STRAND WALK, HOLYWELL, FLINTSHIRE**

APPLICATION VALID DATE: **13TH FEBRUARY 2014**

LOCAL MEMBERS: **COUNCILLOR P. J. CURTIS**

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

REASON FOR COMMITTEE: **SITE AREA EXCEEDS THAT FOR WHICH DELEGATED POWERS TO DETERMINE EXIST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application present proposals for the provisions of a school facility to provide educational facilities for both primary and secondary age children upon the site of the former Holywell High School site.

- 1.02 The proposals look to provide the educational facilities currently provided at 3 sites across Holywell (Ysgol Y Fron, Ysgol Perth-y-Terfyn and Ysgol Uwchradd Treffynnon [Holywell High School]), upon a single site.
- 1.03 The proposals include the demolition of the existing school building upon the site and the re-development of the site to provide ancillary recreation, sports, access and parking facilities. Also proposed are improvements to pedestrian access along Pen-y-Maes Road.

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

2.01 Conditions

1. 5 year time limit for commencement.
2. In accordance with approved plans.
3. Samples of materials and finish colours to be submitted and agreed. Including materials for external surfaces.
4. Submission and agreement of surface water attenuation scheme prior to commencement.
5. Full foul and surface water drainage scheme to be submitted and agreed.
6. Notwithstanding submitted details full external lighting scheme to be submitted and agreed prior to the first use of the premises hereby approved
7. BREEAM design stage conformity certificate to be submitted before commencement of development.
8. BREEAM final conformity certificate to be submitted prior to first use of the premises.
9. No works within 10 metres of the centreline of the intermediate pressure gas pipeline without prior consultation and agreement.
10. Tree and hedgerow protection measures to be submitted and agreed and erected prior to development commencing.
11. Phasing and timing of development plan to be submitted and agreed. To include period during which sports fields unavailable for use.
12. Final details of boundary treatments to be submitted and agreed prior to installation.
13. Final planting proposals and timings to be submitted and agreed.
14. Implementation of planting proposals.
15. No surface water to connect into the public system.
16. No works to trees without an ecologist present.
17. Scheme for finish specification of sports fields.
18. Ecological mitigation works and eradication to be undertaken as per reports.
19. Scheme for the provision of new accesses and footpaths to be submitted and agreed.

20. The siting, layout and design of the means of site accesses to be submitted and agreed.
21. Visibility splays of 2.4m x 43m in both directions in 30mph or 2.4m x 22m for 20mph restricted areas. No obstruction to visibility in excess of 0.6m.
22. Visibility splays to be made available and kept free from all obstructions for the duration of site construction works.
23. Facilities shall be provided and retained within the site for the safe setting down and picking up of primary school pupils, parking and turning, loading and unloading of vehicles, all in accordance with a scheme to be submitted to and approved.
24. The gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
25. Scheme to prevent the run-off of surface water from any part of the site onto the highway to be submitted and agreed.
26. All proposed access gates shall be designed to open inwards.
27. A detailed traffic management scheme to be submitted and agreed prior to commencement.
28. A Final Travel Plan shall be submitted to and approved prior to the first use of the school buildings.
29. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member:

Councillor P. J. Curtis

Advises Committee that he is a governor of Ysgol Uwchradd Treffynnon (Holywell High School).

(The Chairman has requested a site visit in view of the significance of the development to Flintshire and so that Members can fully appreciate the characteristics of the site prior to determining the application)

Adjoining Ward Members:

Councillor Mrs. R. Dolphin

No response at time of writing.

Councillor J. Johnson

No response at time of writing.

Holywell Town Council

The general principle of the proposals is welcomed and supported.

Raises concerns in relation to the anticipated flow of traffic upon the area and town in general. Queries the adequacy and acceptability of the proposed traffic management measures and parking/pedestrian

arrangements at the site.

Raises the issue of the use of the school fields by community sports teams during the course of development. Has requested the Head of Lifelong Learning to liaise with these groups to make alternative arrangements.

Head of Assets and Transportation

No objections subject to the imposition of conditions as specified within this appraisal.

Public Rights of Way

Public footpaths 6 and 44 abut the site to the north but are unaffected by the proposals. These paths must be kept free from interference during the course of construction.

Head of Public Protection

No adverse comments.

Community Services - Emergency Planning

No objections

Public Open Spaces Manager

Proposals represent an opportunity to improve the standard of recreation provision in the area. Requests that the detailed specifications of sports and recreation provisions are requested to be agreed via a condition before they are provided.

Notes that the existing provision of facilities will not be available for use for a period during construction works and requests agreement of the time frame for the period over which they will be unavailable and when the replacement facilities can be expected to become available for use by the community.

Sport Wales

No objection subject to sports facilities being suitable for purpose and arrangements being made with local community sports groups for alternative venues during the period over which the existing pitches will be unavailable.

Welsh Water/Dwr Cymru

No adverse comments. Foul water is agreed to discharge to the existing public sewer. Surface water is not permitted to discharge to the sewer. DCWW advises that surface water should be discharged to the adjacent watercourse.

Natural Resources Wales/Cyfoeth Naturiol Cymru

No adverse comments. Advises that a condition should be imposed requiring the submission, agreement and provision of a surface water regulation system.

In relation to protected species, NRW note that the ecological assessments accompanying the application have indicated mitigation measures where required in relation to bats and birds. Requests that external lighting is the subject of a condition to ensure no adverse impacts upon bat flight paths.

Notes no Great Crested Newt activity on site and notes that large fish populations in nearby pools make them unsuitable as GCN habitat.

Considers that the favourable conservation status of protected species on site and in the vicinity will not be compromised as a consequence of the proposals and suggested mitigation measures within the ecological assessments

Coal Authority

No adverse comments. Standard advice applies.

Clwyd Powys Archaeological Trust (CPAT)

Notes the presence of the Scheduled Ancient Monument, Wat's Dyke, along the north western boundary of the school site. Offers advice in relation to Scheduled Ancient Monument Consent but considers that as there is no significant development along the western fringes of the school site, there is no requirement for an archaeological investigation.

CADW

Notes the proximity of the Scheduled Ancient Monument, Wat's Dyke, to the site. Advises that Scheduled Ancient Monument Consent is required for the replacement fence line to north west end of the development site.

Requests that a condition is imposed requiring the agreement of any external lighting is agreed in consultation with CADW.

Subject to the above, CADW does not consider the proposals will adversely affect the Setting of Wat's Dyke.

Wales & West Utilities

Advises that an intermediate/high pressure gas main crosses the site. Advises that no excavation works are to be permitted above or within 10 metres of this pipeline without prior consultation with Wales & West Utilities.

SP Energy Networks

Notes the existence of apparatus in the vicinity and requests that the developers' attention is drawn to this fact.

4.00 PUBLICITY

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

3No. responses received at time of writing. 2No. letters are supportive but raise the following issues;

- Where will local junior football sides will play during the course of development?
- Will the site will be publically accessible for dog walking and general access?

1No. letter makes objection on the following grounds;

- Adverse impacts upon existing residential amenity arising from noise and disturbance
- Increased traffic with increased risks to highway and pedestrian safety
- Increased potential for anti-social behaviour

5.00 SITE HISTORY

5.01 **3/HO/723/77**

Extension

Permitted 14.2.1978

3/HO/101/79

Extensions

Permitted 21.6.1979

3/HO/438/81

Extension for 6th form unit

Permitted 1.9.1981

156/91

Extensions, additional car parking and play areas

Permitted 18.6.1991

697/93

Erection of a satellite dish

Permitted 11.2.1994

97/866

Temporary siting of a double mobile classroom

Permitted 15.10.1997

99/310

Renewal for siting of a double mobile classroom

Permitted 6.5.1999

04/21/37877

Temporary siting of a double mobile classroom
Permitted 13.8.2004

05/40721

New electricity sub-station and switch room
Permitted 14.2.2006

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR8 - Built Environment
- Policy STR10 - Resources
- Policy STR11 - Sport, Leisure & Recreation
- Policy GEN1 - General Requirements for Development
- Policy GEN3 - Development outside Settlement Boundaries
- Policy D1 - Design Quality, Location & Layout
- Policy D2 - Design
- Policy D3 - Landscaping
- Policy D4 - Outdoor Lighting
- Policy D5 - Crime Prevention
- Policy TWH1 - Development Affecting Trees & Woodland
- Policy TWH2 - Protection of Hedgerows
- Policy WB5 - Undesignated Wildlife Habitats
- Policy WB6 - Enhancement of Nature Conservation Interests
- Policy HE6 - Scheduled Ancient Monuments & other Nationally Important Archaeological Sites.

- Policy AC1 - Facilities for the Disabled
- Policy AC2 - Pedestrian Provision & Public Rights of Way
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision and New Development
- Policy SR1 - Sports, Recreation and Cultural Facilities
- Policy SR4 - Protecting Recreational Open Space
- Policy CF1 - Retention of Existing Facilities
- Policy CF2 - Development of New Facilities
- Policy CF5(b) - New Community Centres
- Policy EWP2 - Energy Efficiency in New Development
- Policy EWP3 - Renewable Energy in New Development

7.00 PLANNING APPRAISAL

7.01 Introduction

The application concerns itself with the provision of educational facilities within Holywell which are currently located at 3 different sites. Holywell High school presently occupies the site to which this application relates and in that regard, the location of the school as a result of these proposals is unaltered.

7.02 Ysgol Perth-y-Terfyn (infants) is presently located upon premises

along Halkyn Steet and sits on an adjacent plot to Ysgol Y Fron (juniors). Both of these premises are severely restricted in terms of the space available for outdoor education, play and sports and no scope exists for the expansion of either school at these sites without unacceptably compromising that situation further.

- 7.03 The current numbers of pupils (and the capacities) at each school are;
- Ysgol Perth-y-Terfyn - 98 full time pupils (110)*
 - Ysgol y Fron - 143 full time pupils (194)*
 - Holywell High School - 474 full time pupils (1074)*

* These figures are correct at January 2014

- 7.04 The proposed scheme, as detailed further below, seeks to re-locate the infant and junior schools to the proposed building upon the Holywell High School site.

- 7.05 The Site and Surroundings
The site comprises some 13 hectares of land is presently occupied by Holywell High School buildings, with the remainder of the site used for the recreation and sports facilities at the school.

- 7.06 The site occupies a north facing slope which slopes markedly in this direction with the southernmost boundary of the site being some 40m higher than the northernmost. This slope is gradual across the north - south axis of the site and is reflective of the general landform in the locality.

- 7.07 The existing school building is laid out in a finger block plan form at the approximate midpoint of the site slope. The building is arranged to provide 2 storey accommodation but is terraced down the slope in three level such that the facilities appear arranged in 3 long linear 2 storey blocks with interconnecting corridors linking the adjacent block. Land to the north and south of the school building is used a sports pitches and hard surfaces recreation/sports areas or vehicle parking and turning facilities.

- 7.08 The site boundaries are formed by a variety of forms of metal fencing with certain areas having mature and established associated hedgerows interspersed with mature trees. These are located primarily along the north and north eastern boundary, abutting the Coed Pen-y-Maes and properties along Nant-y-Coed. Another strong belt of trees marks the northern and eastern boundaries of properties abutting the site which are located upon Strand walk and Strand Lane.

- 7.09 The site is currently accessed from a variety of points upon its boundary, enabling both vehicular and pedestrian access to and from the site. Vehicular access is currently derived from 3 points along the western boundary adjacent to Strand Walk. Pedestrian access

presently exists in 2 points. One lies adjacent to a vehicular access off Strand Walk and the other is derived through the north eastern boundary from Nant-y-Coed.

7.10 The site is located in an area of the town which is characterised mainly by existing large scale housing areas, namely the areas at the Strand and Pen-y-Maes. The town centre and main commercial centre of Holywell lies approximately some 600 metres to the south west of the site.

7.11 The Proposal

This application, submitted by the Council as Local Education Authority proposes the following;

- The demolition of the existing Holywell High School premises;
- The construction of a new school on the site of existing areas of recreation space to provide replacement infant, junior and secondary school facilities;
- The creation of a new vehicular access from Pen-y-Mae Road;
- The creation of new pedestrian access points from Strand Park, Pen-y-Maes Road and Strand Walk;
- The creation of replacement sports, play and recreation areas across the site; and
- The creation of improved pedestrian routes along Pen-y-Maes Road.

7.12 The new school premises is intended to provide a combined through school with capacity for 315 pupils of primary school age and capacity for 600 pupils of secondary school age.

7.13 The Principle of Development

The majority of the site is located outside of the settlement boundary of Holywell as defined in the Unitary Development Plan. However, a smaller triangular piece of land to the north, abutting the existing residential development at Maes-yr-Odyn, which once formed the tennis courts to the former Grammar School in this location, is located within the defined settlement boundary. This land is allocated under Policy CF59(b) of the plan (New Community Centres).

7.14 Policy GEN3 address the issue of development outside of settlement boundaries. It identifies those types of development which are considered to be acceptable in such locations. Criterion (g) applies in this case as the site constitutes an existing educational premises in the open countryside and the proposals relate to the type of development which reflects this current use.

7.15 The area of land covered by Policy CF5(b) is proposed to be used to provide pedestrian access and both vehicular drop off and parking facilities in association with the school and community uses of the proposed building and premises. Whilst this is not a Community

Centre per se, it is, I consider, reflective of the overall aspiration of this policy in aiding in the provision of community facilities in the locality.

7.16 Accordingly, I consider that the principle of the development of this site in the manner proposed is acceptable as a matter of principle.

7.17 Design and Appearance

The design brief for this site required a single building to provide a facility for the housing of 3 schools. This building would have to meet the needs of both primary and secondary age users and enable the delivery of the curriculum whilst at the same time ensuring that the primary and secondary schools are segregated and separate in operation.

7.18 The design evolved to represent the segregation through the identities of the schools within the building such that primary level school is housed within a single storey structure, with the secondary school in a three storey structure, whilst all being part of one building. This approach allowed the levels change on the site to be incorporated at the site of the new school and utilised to reduce the massing and impact of the three storey element in both the landscape and upon the neighbouring single storey element. This is cleverly achieved within the building where the secondary school meets the central service/admin hub of the building and is such that when the building is viewed externally, the differences in scale of the proposed elements of the building flow into each other through the 2 storey hub building and down slope in such a fashion that a marked levels difference is not readily apparent to the eye. The service/admin hub also acts as the 'buffer' between the 2 schools with pupils unable to move from one to the other.

7.19 The building has a very contemporary design and serves to provide some 9148m² of floor space into a very tight footprint. This is achieved in part by the creation of same size floor plates for most classrooms within the building which minimises wasted space and also reduces build costs. Although a very modern design solution, the exterior of the building does have somewhat of an Art Deco influence.

7.20 External materials are selected to be representative of the wider locality and have a robust simplicity to them which serve to have a minimalistic appearance from a distance but has greater warmth, depth and texture when viewed closer. The simple palette comprises stacked slate, ivory coloured render and grey window and door surrounds. These are supplemented by a range of coloured panels which serve to break the mass of the elevations on the three storey block.

7.21 I consider the design to be the most appropriate response to the site topography. Locating the building in its proposed position serves the dual purpose of cleverly using the topography as part of the internal

function space of the building but also allows the massing of the building to not appear overstated in the landscape or overbearing in relation to existing nearby properties.

7.23 Environmental Performance

The building is designed to achieve BREEAM 'Excellent' requirements for a 25% reduction in carbon emission and represents best practice in terms of the creation of a sustainably performing building.

7.24 The building employs a mixture of passive design measures which result in enhanced U-values, enhanced air tightness of the building, management of solar gain and carefully designed shading (brise soleil). These serve to manage the ambient conditions within the building and therefore reduce the demand from the building for power to cool, light or heat the building.

7.25 All communal and teaching spaces are naturally ventilated via a mix of single sided and cross flow ventilation. This serves to ensure that such areas are more comfortable in warmer climatic conditions. One of the largest demands for energy in educational establishments arises from IT emitted heat and the need for these systems to be cooled to maintain performance. The building has been designed in such a way as the majority of IT equipment is located within designated areas within the building and on the north facing elevation, thereby minimising additional heat from solar gain. Contained the energy demand from IT in this fashion makes the natural ventilation solution for the other teaching spaces much more viable and results in a net benefit in energy use and therefore carbon emission. Other energy demand management measures include heat recovery within the building and the use of low energy demand equipment, lighting.

7.26 The energy demand that does arise is proposed to be delivered from renewable energy sources. These include the provision of a roof mounted 6kW wind turbine and roof mounted photo voltaic arrays to generate 73MWH per annum. This system anticipates production capable of being fed back into the national grid in the event of surplus supply.

7.27 These measures combined serve to produce an anticipated carbon output of 14.9kgCO₂/m². This is well in excess of the Target Emission Rate of 19.96kgCO₂/m² and exceeds the 25% reduction required by BREEAM Excellent.

7.28 Sport and Recreation

The proposed scheme also seeks to re-develop the sports and recreation provision at the site. At present sports pitches are located to the north and south of the site and includes an all-weather pitch. Obviously, during the summer months, these pitches are overlain by markings to facilitate athletics and field athletics. Hard surfaced tennis courts are located adjacent to the existing staff car park. The existing

grassed pitches, especially those to the north are poorly drained and, in times of particularly inclement weather, can be rendered unplayable.

- 7.29 The proposals will create a grassed sports pitch for primary age pupils to the south of the site and hard surfaced areas are provided for netball and hockey. The secondary sports provisions are made to the north of the site and consist of two grassed pitches and the provision of a full size all weather pitch. In addition, this is proposed to be surrounded by a grassed running track. Tennis courts areas are located directly adjacent to the north facing elevation of the secondary school element of the building.
- 7.30 Both school are proposed to be provided with indoor sports halls. In the case of the primary school, this space doubles up as an assembly hall and dining room. The secondary sports hall is proposed to be used solely as a sports hall and is proposed to be laid out to facilitate the widest range of indoor sports and recreation feasible in this space. This facility, in addition to the external sports pitches is to be made available outside of school hours for use by community sports groups (see below).
- 7.31 The sports proposals have been the subject of consultation response from both the Council's Leisure Services department and Sport Wales. Whilst both are concerned that the development process will see the pitches unavailable for use for a period of time, both recognise that the proposals represent an opportunity to improve the standard of provision at the site. Both have requested that a scheme for replacement provision to be secured during the period of on site unavailability should be a conditional requirement of the proposals.
- 7.32 Community Use of Facilities
The building and surrounding spaces have been designed to enable use by community groups outside of the school day. In terms of sports, this is in recognisance of the fact that the existing sports facilities are widely used by a number of local sports teams for matches and practice areas. This has historically been undertaken in agreement with the school and it is proposed that this situation will continue, albeit upon a more formal basis.
- 7.33 In addition, the secondary school sports hall is proposed to be made available for out of hours use by the community. The layout of this part of the building has been designed to allow for a reception space at the most northerly entrance to the site. This will enable use of the facility to be strictly controlled and monitored.
- 7.34 During use by community groups, access will be derived via the vehicular access from Strand Walk and its adjacent pedestrian access point only.

- 7.35 The existing children's play area which bounds Strand Walk is unaffected by the proposals and will remain available for community use as a separate securely fenced off area from the school site.
- 7.36 A space is allocated within the central admin hub to serve as a community room for after school hours school clubs.
- 7.37 Landscaping and outdoor spaces
In addition to the formal sports and recreation provision on the site, the remaining external spaces within the site are arranged as either landscaped spaces or spaces for outdoor education and play by school children.
- 7.38 The proposals take account of the sloping nature of the site to create 2 outdoor amphitheatre areas. A small one for the primary school overlooks the netball courts and can serve as either an outdoor auditorium for performance or display but can also act as an informal viewing area for matches taking place on the courts.
- 7.39 The larger is located opposite the northern elevation of the secondary school with a canvass tarpaulin structure proposed to provide shelter over the performance space. Again, informal viewing is facilitated by grass 'seats' formed by tiers within the land from the elevated pints to the north.
- 7.40 Hard surfaced areas adjacent to the primary school are proposed to be arranged to provide opportunities for soft play and outdoor education spaces including allotment space for the children. In addition, an area adjacent to the eastern boundary of the site is proposed to be laid out as a tree planting area. This space will be used to provide the 'Forest School' lessons which primary school pupils undertake. This space will be used to, in part, provide a location for the bird and bat boxes indicated to be required via the ecological assessment of the site.
- 7.41 The majority of the secondary school external space is not formally laid out. Hard surfaces exist and large areas of grassland adjacent to the sports pitches are proposed. In a similar vein to the amphitheatres, the significant break of slope to the north of the school, between it and the proposed all weather sports pitch, is tiered to create a terrace for spectators of sports being undertaken on the pitch but can also serve as an informal congregation space.
- 7.42 This break of slope requires a variety of solutions for access to the sports areas. This is achieved by 2 staircases, a ramped access to the east and via a disability access external lift from the school level to the pitch level.
- 7.43 Amenity Impacts
I am mindful that the site is bounded to the south, east and west by

existing areas of residential development. At the time of writing this report only one objection letter has been received raising concerns in respect of the potential impact upon the amenity of nearby residents. It should be noted that there is no fundamental change of use involved between the site as it currently exists and the proposals. It is a school site and will remain a school site.

- 7.44 I am satisfied that the solution to addressing the levels change across the site is such that neither the building nor the arrangement of external spaces will have any adverse impacts as a consequence of overbearing impacts. The management of the topography is such that the massing of the building sits lower in the landscape and this assists in ensuring that the impacts of the building is lessened.
- 7.45 Concerns have been raised that the proposals will give rise to significant increases in traffic which will, in turn, adversely affect amenity. It is clear following perusal of the transport assessment that there will be an increase in traffic, but this is not so significant as would give rise to concern or be deemed unacceptable. The scheme has been designed to distribute the load of traffic and pedestrians across the area via the creation of new vehicular and pedestrian access points. In addition, a study of the existing travel patterns and addresses of existing pupils indicates that, especially in relation to the primary school pupils, the majority of them are drawn from the residential areas which abut the site. In addition, both schools have a higher than average incidence of pupils walking to school and given that the school will be closer as a result of the development, there is no reason to believe that the level of walking to school will not be higher.
- 7.46 Accordingly I do not consider that the proposals are such that would give rise to unacceptable impacts upon amenity.
- 7.47 Highways Matters
The site currently served via vehicular access points off Strand Walk. The northernmost access serves to access the school bus drop off and collection point. The most southerly access serves the staff and visitor car parking area, with access at their mid point acting as a service access. Pedestrian access to the site is served via these access points from the westerly approaches to the site. Pedestrian access from the east is derived via a footpath access from the residential area at and adjoining Nant-y-Coed.
- 7.48 The proposed scheme seeks to utilize the existing southerly vehicular access off Strand walk to access the proposed parking and turning area for the school buses serving the site. This proposal has been the subject of careful consideration and enables use of the access as both an access and egress route for buses, with a waiting area located just inside the site at a point allowing simultaneous passage of buses of the access road and avoiding the need to have buses waiting on

Strand Walk. The other existing vehicular accesses are retained as access for maintenance vehicles to the proposed sports only.

- 7.49 A new vehicular access is proposed to be created at the site boundary with Pen-y-Maes Road. This access will serve the staff and visitor car parking areas which will be barrier controlled. It also allows access to the proposed drop off facility for primary school pupils.
- 7.50 Further points of dedicated pedestrian access are proposed to be created off Strand Walk, Pen-y-Maes Road and from a drop off point along Strand Park. This will enable the segregation of walking traffic from vehicular traffic and reduce the risks to one from the other. Members will note that in conjunction with the vehicular access created from Pen-y-Maes Road, footways are provided along the western edge of the road, abutting the site. These extend to the junction with Abbots walk to the north and the boundary of the site with the adjacent Maes-yr-Odyn development to the south. An existing footpath route runs around the eastern and northern edge of this development. It is proposed that this scheme will enable a link to be created between the new footways and this existing, albeit poor path. I propose to condition a scheme for the improvement of the links and the surface of this existing footway to be agreed and implemented prior to the first use of the new school.
- 7.51 The planning application is supported by a Planning Statement incorporating a Transport Assessment; this Transport Assessment is further supported by substantial Appendices. The Head of Assets and Transportation considers that these documents provide a reasonable review of existing transportation issues and assessment of the future requirements. The application includes a Travel Plan Framework, with the intention of developing and implementing a Final Travel Plan following occupation of the school. This is would be best developed at an early stage and should be implemented with the school opening. I propose that this requirement should be conditioned.
- 7.52 A drop-off facility with 22 spaces has been proposed for the primary school. Whilst this is less than the current demand for parking at the existing infant and junior school, the new location of the school, with closer proximity to the residential areas from which the preponderance of pupils are derived, together with the implementation of a travel plan, will contribute to a reduction in this demand. On that basis and with an opportunity to slightly increase the area of the proposed drop off facility, I propose to add a condition requiring the final details to be submitted and agreed before the commencement of those works.
- 7.53 Traffic management measures will be required on access roads leading to the school site and a condition will be necessary requiring submission and further approval of detail. The requirement for a 20 mph traffic management zone on Pen-y-Maes Road has been identified within the application. In addition to this, each entrance will

require highway “school” warning signs and zig zag road markings will be required at the proposed vehicular entrances and the senior school drop-off. These matters can be addressed through appropriately worded conditions

7.54 In view of all of the above, the Head of Assets and Transportation does not raise objection to the proposals, subject to these conditions.

7.55 Drainage

The site is presently drained by surface water discharging to a Welsh water surface water sewer which in turn discharges into an adjacent watercourse and flows to the north towards its eventual outfall into the River Dee. Foul water is drained via an existing combined sewer in Strand Walk.

7.56 The proposals essentially intend to replicate the existing situation, albeit that surface water is intended to outfall directly into the watercourse at a rate attenuated to be at least equivalent to the current discharge rate but ideally, represent a 50% betterment. This can be achieved by the installation of subterranean attenuation tanks within the site. Foul flows will continue to be discharged into the combined sewer.

7.57 Both proposals have been the subject of discussions with both Dwr Cymru/Welsh Water and Natural Resources Wales, who have advised an acceptance in principle to this drainage strategy. It is proposed that the exact details of the drainage regime are the subject of a condition. I propose to condition accordingly.

7.58 Historic Environment

The north western boundary of the site presently abuts a well preserved section of Wat’s Dyke which is a Scheduled Ancient Monument. The scheme proposes to respect the monument and its immediate setting by drawing back the site boundary some 10 metres from the position of the Dyke in order that any works which will be required in erecting the proposed boundary fencing in this location will not involve damage or degradation of the monument.

7.59 The proposals have been the subject of consultation with both CADW and CPAT. Both of whom see no risk to the integrity of the monument or its setting as a consequence of the proposals. This aspect of the scheme requires Scheduled Ancient Monument Consent in addition to planning permission and Members are advised that such an application is presently before CADW for their consideration.

7.60 The area of land adjacent to the Dyke but proposed now to be outside of the school site will be maintained by the Council as part of the existing grounds maintenance undertaken along the dyke where it abuts the footpath.

7.61 Impact on the Natural Environment

The site is not within any statutorily protected sites and there are no such sites within 1km of the site. 2 locally designated Wildlife Sites are in close proximity to the north west and north east respectively, of the site. These are the Greenfield valley Wood and Pools and Coed Pen-y-Maes.

7.62 Both an ecological desk study and Phase 1 Habitat Survey have been undertaken of the site. The site is predominantly school buildings, hard surfaced areas and amenity grassland which is of little ecological value. Mature broad leaved trees and hedges within and upon the boundaries of the site are considered to have ecological value and these are to be retained and protected during the course of development.

7.63 A bat survey revealed little opportunity within the site for roosting sites for bats. The only suitable sites were considered to be those mature trees which are to be retained. In these circumstances, no further bat surveys are required. Should any of those trees require work or removal, an ecologist will need to be present to oversee the work and ensure there is no compromise to any bats which may be found. I shall condition accordingly.

7.64 No evidence of amphibians (Great Crested Newts), reptiles or badger setts within the site were found. It is noted that whilst pools are located some 200 metres from the site, these have high levels of fish populations and are therefore unsuitable habitat for Great Crested Newts.

7.65 The report recommends mitigation measures to improve the ecological value of the site as a whole, including the provisions of bird nest boxes and bat roost boxes. The report also identifies an infestation of Japanese Knotweed within the site and a scheme has been submitted to eradicate this invasive species. I shall condition that the recommendations of the survey report are undertaken in full in accordance with a time frame to be submitted and agreed.

7.66 Other Matters

Queries have been raised in relation to access to the site by pedestrians wishing to walk from the Pen-y-Maes area to the Strand and on into Holywell town centre. Similarly, the use of the school fields for people to walk their dogs upon has also been raised.

7.67 The site is a school. Unfettered and unmonitored access throughout the school day is not permitted and will not be encouraged or facilitated, especially where public footpaths and footways adjacent to carriageways exist for all routes from this area. In addition, adequate existing facilities for walking and dog walking exists via the public footpaths into Coed Pen-y-Maes. Furthermore, dog walking on the site is not an appropriate use for school recreation areas and brings other

associated risks to health.

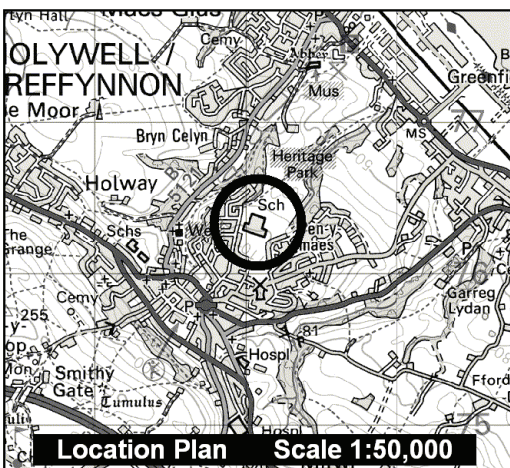
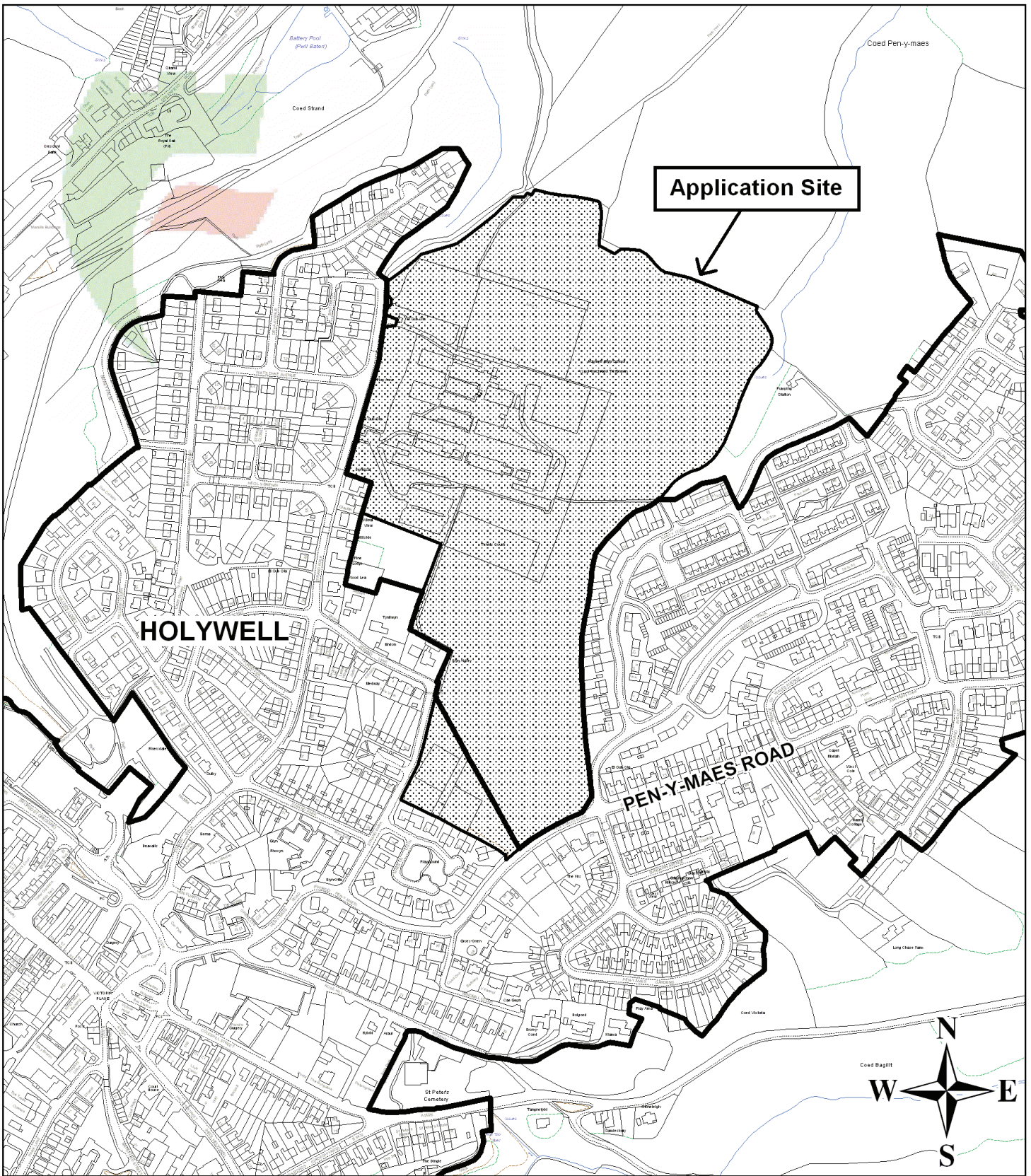
7.68 Accordingly, neither of these requests will be accommodated through these proposals.

8.00 CONCLUSION

8.01 I consider the proposal to acceptable as matter of planning policy principle. I am satisfied that the proposed development takes account of the applicable planning policies and represents the correct balance between the various issue which relate to this site. I am satisfied that with the application of appropriate conditions, the scheme is acceptable in all other respects.

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 1:5000

OS Map ref SJ 1976

Planning Application **51719**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 14TH MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **GENERAL MATTERS – APPEAL AGAINST NON-DETERMINATION OF FULL APPLICATION FOR THE CONSTRUCTION OF 13 NO. DETACHED HOUSES AND ASSOCIATED WORKS AT LAND TO THE REAR OF ROCK BANK, MAIN ROAD, NEW BRIGHTON**

APPLICATION NUMBER: **051424**

APPLICANT: **EDWARDS HOMES LTD**

SITE: **LAND TO THE REAR OF ROCK BANK, MAIN ROAD, NEW BRIGHTON, MOLD**

APPLICATION VALID DATE: **29TH OCTOBER 2013**

LOCAL MEMBERS: **COUNCILLOR A. BRAGG**

TOWN/COMMUNITY COUNCIL: **ARGOED COMMUNITY COUNCIL**

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

SITE VISIT: **YES (UNDERTAKEN 10TH MARCH 2014)**

Members will recall that consideration of this application was deferred at the Planning & Development Control Committee meeting held on 12th March 2014. The application was deferred in order to confirm surface water drainage proposals to serve the proposed development and the implications for development given the previous mining history on the site. The report has been updated accordingly.

In the intervening period, the applicant has lodged an appeal with the Planning Inspectorate against non-determination of this application. The purpose of the report is to obtain Planning Committee resolution in respect of the approach to the adopted in respect of this appeal (which is to be considered by way of an Informal Hearing).

My recommendation is that the Council raises no objection to the proposal (and adopt that stance for the appeal) subject to (i) payment of a commuted sum of £1,100 per dwelling in lieu of on site recreational provision and the imposition of the conditions referred to in paragraph 2.01.

1.00 SUMMARY

1.01 This full application proposes the erection of 13 No. detached houses and associated works on land to the rear of Rock Bank, Main Road, (A5119) New Brighton, Flintshire. Amended plans were received in progression of the application with a further round of consultation undertaken. For Members information, the application has been the subject of a committee site visit, this being undertaken on 10th March 2014.

2.00 RECOMMENDATION: TO ADVISE THE PLANNING INSPECTORATE THAT FLINTSHIRE COUNTY COUNCIL RAISES NO OBJECTION TO THE DEVELOPMENT FOR THE PURPOSE OF THE APPEAL, SUBJECT TO THE FOLLOWING:-

2.01 The applicant entering into a Unilateral Undertaking to ensure the payment of £1,100 per dwelling in lieu of on site play provision and imposition of the following conditions.

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. Site and finished floor levels of buildings to be submitted and approved.
5. Site is crossed by a public sewer which must be safeguarded.
6. Surface water scheme to be submitted and approved.
7. No land drainage run-off to discharge into public sewerage system.
8. No surface water to connect into public sewerage system.
9. Foul and surface water shall be drained separately from site.
10. No buildings to be brought into beneficial use earlier than 1st October 2014 unless upgrading of Waste Water Treatment works has been completed.
11. Submission and implementation of ecological mitigation.
12. Siting, layout, design and means of site access to be submitted and approved.
13. No commencement on forming site access until detailed design has been submitted and approved.
14. Access to have visibility splay of 2.4 m x 43 m in both directions.
15. Visibility splays to be kept free from obstruction during site

- works.
16. Facilities to be provided for parking/turning of vehicles.
 17. Front of garages to be set back behind back of footway or edge of carriageway.
 18. Detailed layout, design, traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads to be submitted and approved.
 19. Positive means to prevent run-off of surface water onto highway to be provided in accord area with details to be submitted and approved.
 20. No development to commence until land contamination survey has been undertaken with appropriate mitigation where necessary.
 21. Discharge of surface water to be limited to Greenfield run-off rate off the level of which is to be agreed.
 22. Treatment of recorded mine entry to be in accordance with the geotechnical report submitted.

3.00 CONSULTATIONS

3.01 Local Member Councillor A. Bragg Original Scheme

Request for discussions with case officer prior to formulating a view on progress of application.

Amended Scheme

Request site visit and planning committee determination in order to assess impact of development on character of site/surroundings and impact of development on occupiers of existing development at Argoed View.

Argoed Community Council Original Scheme

The application could create traffic problems to the area and will have a profound effect on the amenities of the area such as schools, community centre and doctors considering that another 23 houses are being built in the area. Councillors have concerns for safety.

Amended Scheme

No responses received at time of preparing report.

Head of Public Protection

The site is located within 250 m of a former landfill site and there is potential for land to be contaminated. Recommend that any permission includes conditions requiring land contamination survey to be undertaken with appropriate remediation where necessary.

National Resources Wales

Advise that Natural Resources Wales have records of Great Crested

Newts (GCN) within approximately 350 m of the site. No objection to the proposal subject to the imposition of a condition requiring Reasonable Avoidance Measures to ensure that the development has no detrimental impact on the GCN population that may cross the site.

County Ecologist

The application is accompanied by an ecological survey which is satisfactory. No objection to the development subject to tree protection/hedgerow enhancement and reasonable avoidance measures in respect of wildlife habitats.

Dwr Cymru/Welsh Water

Recommend that any permission be subject to the imposition of a grampian condition to prevent occupation of any dwelling prior to 1st October 2014, unless upgrading of Waste Water Treatment Works has been completed. In addition request imposition of conditions in respect of surface, land and foul water drainage.

The Coal Authority

Confirm that there is no objection to the development subject to the imposition of condition requiring treatment of the mine entry on site in accordance with the applicant's geo-technical report.

Airbus

No aerodrome safeguarding objection to the proposal.

Public Open Spaces Manager

Request the payment of £1,100 per dwelling in lieu of on site recreational facilities, the payment being used to enhance existing facilities in the community.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification Original Scheme

Three letters of objection with accompanying petition signed by 25 residents, the main points of which can be summarised as follows:-

- detrimental impact on the amenities of existing residents by way of overlooking and overshadowing.
- the erection of 2 storey dwellings adjacent to existing bungalows of Argoed View would be out of character with the form of existing development.
- proposal will result in increased vehicular movements onto A5119 and there will be conflict with movements associated with the development of the Argoed Garage Site recently granted permission for 23 houses.
- conflict with vehicular movements associated with Rock Bank which houses people with disabilities.
- adequacy of foul and surface water drainage.

- impact on ecology.

Amended Scheme

Two letters with accompanying petition signed by 27 residents received which re-iterates previous objections and does not consider that re-positioning of dwellings overcome initial objections, as the 2 storey dwellings relative to properties on Argoed View will be overbearing and impact on privacy/amenity.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy TWH1 – Development Affecting Trees & Woodlands.

Policy WB1 – Species Protection.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy HSG9 – Housing Mix & Type.

Additional Guidance

Local Planning Guidance Note 2 – Space About Dwellings.

The proposed development generally complies with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction/Site Description

The site, the subject of this application amounts to approximately 0.47 hectares in area. It comprises an irregular shaped area of agricultural land to the rear of existing residential properties fronting onto the Main Road (A5119) and Argoed View, New Brighton. Vehicular access into the site is obtained from the A5119, to the east of an existing property 'Rock Bank' and west of a property Ty Banc Cerrig.

7.02 Planning Policy

Although not an allocated housing site the site is located within the settlement boundary of New Brighton a Category B settlement as defined in the adopted Flintshire Unitary Development Plan, which in

accordance with Policy HSG3 allows for growth of between 8 – 15% over the plan period 2000 – 2015. As at April 2013, completions and commitments have resulted in 8% growth and therefore the principle of residential development at this location is acceptable in accordance with Policy HSG3.

7.03 Proposed Development

The plans the subject of this application propose the erection of a total of 13 No. 2 storey detached dwellings, to be constructed having facing brick/render external walls and concrete tile roofs. Vehicular access to serve the development is proposed from an access off the A5119, to the east of a property Rock Bank with 4 No. properties proposed to be served from a private drive at the head of the cul-de-sac.

7.04 Main Planning Issues

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

- a. Principle of development having regard to the planning policy framework.
- b. Scale of development.
- c. Impact on character of the site and surroundings.
- d. Impact on privacy/amenity.
- e. Adequacy of access.
- f. Adequacy of foul and surface water drainage.
- g. Acceptability of site layout having regard to previous mining activities at this location.
- h. Potential land contamination.
- i. Impact of development on protected species/wildlife habitats.
- j. Open and play space.

7.05 Principle of Development

Although not an allocated housing site, it is located within the settlement boundary of New Brighton as defined in the adopted Flintshire Unitary Development Plan. The principle of residential development to meet general housing demand is therefore acceptable subject to ensuring a well balanced layout and the safeguarding of residential amenity.

7.06 Scale of Development

It is considered that the scale of development proposed i.e., 13 No. dwellings on approximately 0.47 hectares would not represent overdevelopment at this location. For Members information the scale/density of development proposed is approximately 28 dwellings per hectare which is at a slightly lower level than the 30 dwellings per hectare which is specified as a minimum density in Policy HSG8 of the adopted Flintshire Unitary Development Plan. The scale of development is established having regard to the site constraints in particular the need to safeguard a number of existing trees/hedgerows

on the site's north western boundary with the density also being reflective of the scale of development on the periphery of the application site.

7.07 Impact on Character of Site/Surroundings

The character of existing development at this location is principally defined by bungalows at Argoed View, a number of which have been adapted to provide accommodation within the roof space, two storey dwellings fronting onto the Main Road and Ty Banc Cerrig a property with a fairly steep roof pitch incorporating dormer windows adjacent to the proposed site access. Whilst the objections raised requesting the introduction of bungalows on plots 1-4 along the common site boundary with properties at Argoed View are duly noted when viewed in the wider site context, it is considered that the principle of two storey dwellings along this boundary would not be out of character given the existing mix of house types with differing ridge heights at this location.

7.08 Impact on Privacy/Amenity of Occupiers of Existing/Proposed Dwellings

Individual consultation on the application has been undertaken with the occupiers of existing residential properties which are adjacent to the application site, with one of the main areas of concern as previously highlighted being the introduction of 2 storey dwellings along the common site boundary with bungalows at Argoed View.

7.09 On the basis of the initially submitted plans, particular concerns were expressed at officer level regarding the position of the proposed dwellings on plots 1-4 relative to this site boundary with a number of these proposed dwellings having shallow garden depths. Having regard to the relationship to the garden areas of existing properties this would have resulted in significant overlooking and the recommendation would have been for permission to be refused.

7.10 Having regard to the objections received, the applicants/agent gave further consideration to amending the house types along this boundary by reducing the ridge heights accordingly. The amended plans however principally propose that the dwellings on plots 1 & 2 be moved forward by approximately 1.8 m with a slight orientation in their position. Although third party objections consider this change to be minimal to alleviating the impact on the amenity of the occupiers of these existing dwelling, the increased distances between properties with no overlooking between main habitable windows would in my view be acceptable to maintain privacy/amenity. There is not in this instance (as there is no direct overlooking involved), a need to apply the guidance contained in Local Planning Guidance Note 2 – Space Around Dwellings.

7.11 In addition to the above an assessment of the relationship of the dwellings proposed to the rear of existing properties Sholden, Bryn

Awel and The Poplars which have access onto the Main Road (A5119) has been undertaken. Notwithstanding that there is a difference in site levels of approximately 1 m at this location the gable elevation of Plot 13 relative to existing properties Sholden and Bryn Awel would be 22 m with the rear elevation distances between the dwelling on Plot 11 to The Poplars being approximately 30 m. This is in excess of the 12 m and 22 separation distances as specified in Local Planning Guidance Note 2 and is acceptable accounting for the difference in site levels at this location.

7.12 Adequacy of Access

Vehicular access to serve the development is proposed off the A5119 Main Road, New Brighton to the north of an existing dwelling Rock Bank and south of Ty Banc Cerrig. The objections received relating to the adequacy of the access onto the A5119 and generation of increased vehicular movements at this location given the relationship of the site to the former Argoed Service Station which has permission for the erection of 23 No. dwellings are duly noted. Consultation on the application has been undertaken with the Head of Assets & Transportation in order to assess the acceptability of the access arrangements and detailing of internal site layout. Whilst the Head of Assets & Transportation confirms that there is no objection to the principle of development as the road/footpaths width and dimensions of the turning head are all acceptable subject to the imposition of conditions, clarification on the surface water drainage proposals for the site has been requested and is addressed in paragraph 7.15 of this report.

7.13 Adequacy of Foul/Surface Water Drainage

Consideration of the application was deferred at the Planning & Development Control Committee held on 12th March 2014 in order to ensure the acceptability of the drainage infrastructure to serve the proposed scale of development from both a foul and surface water perspective. This has been the subject of consultation with Dwr Cymru/Welsh Water and Natural Resources Wales (NRW) and is a particular area of concern to interested third parties.

7.14 For Members information Dwr Cymru/Welsh Water have confirmed in respect of foul drainage from the site that they have no objection to the proposal subject to the imposition of a Grampian condition to control occupation of any dwelling until after 1st October 2014 given current proposals to improve the capacity of the Mold Waste Water Treatment Works by this date. In addition it is requested that foul surface and land drainage is separated at this location to avoid overloading the capacity of the foul sewer system.

7.15 Given concerns about ensuring adequate surface water drainage proposals at this location, particularly given the recent history of development at the former Argoed Service Station and capacity of the foul sewer to accommodate surface water discharges, it is proposed

that a new sewer be constructed with surface water being discharged into a watercourse on farmland approximately 350 m to the south of the application site. This arrangement will require an easement to be agreed with the existing landowner. Consultation on the surface water drainage scheme has been undertaken with Dwr Cymru/Welsh Water, Natural Resources Wales and the Council's Technical Services Drainage Department all of whom have confirmed that this arrangement is acceptable to serve the development subject to the imposition of conditions to control run-off and discharge rates. This is an aspect of development that could be controlled by condition.

7.16 Previous Mining Activities/Impact on Site Layout

The Coal Authority have advised that Plot 1 of the proposed site layout is located directly over the recorded position of one of the two mine entries within the site. The applicant's agent has submitted additional information from Geotechnical Consultants providing details on how it is intended to treat the mine entry to ensure ground stability at this location. This information has subsequently been assessed by the Coal Authority who confirm that they have no objection to the proposal subject to a condition to ensure that work is undertaken in accordance with the methodology contained in this report.

7.17 Land Contamination

The Council's Head of Public Protection has advised that the application site is located within 250 m of a former landfill site and there is potential for the land to be contaminated. To this effect it is considered that if Members are agreeable to supporting the principle of development at this location, then this can be covered by way of the imposition of a condition requiring a land contamination survey be undertaken prior to the commencement of development with appropriate mitigation where required, if evidence of contamination is found.

7.18 Ecological Impacts

Although not a protected ecological site, consultation on the application has been undertaken with Natural Resources Wales and the Council's Ecologist. It has been confirmed by NRW that there are records of the presence of Great Crested Newts (GCN) within 350 m of the site and the Council's Ecologist advises that the trees/hedges on the site boundaries provide a bird nesting habitat and potential for bat roosts. It is recommended that any permission be subject to the imposition of appropriate conditions to provide mitigation/enhancement of trees and hedgerows to protect species and habitats accordingly.

7.19 Open & Play Space

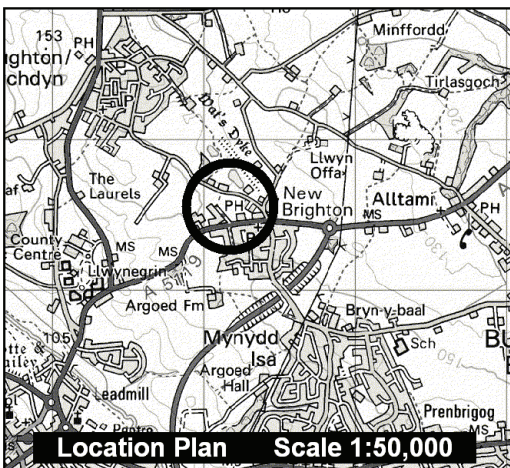
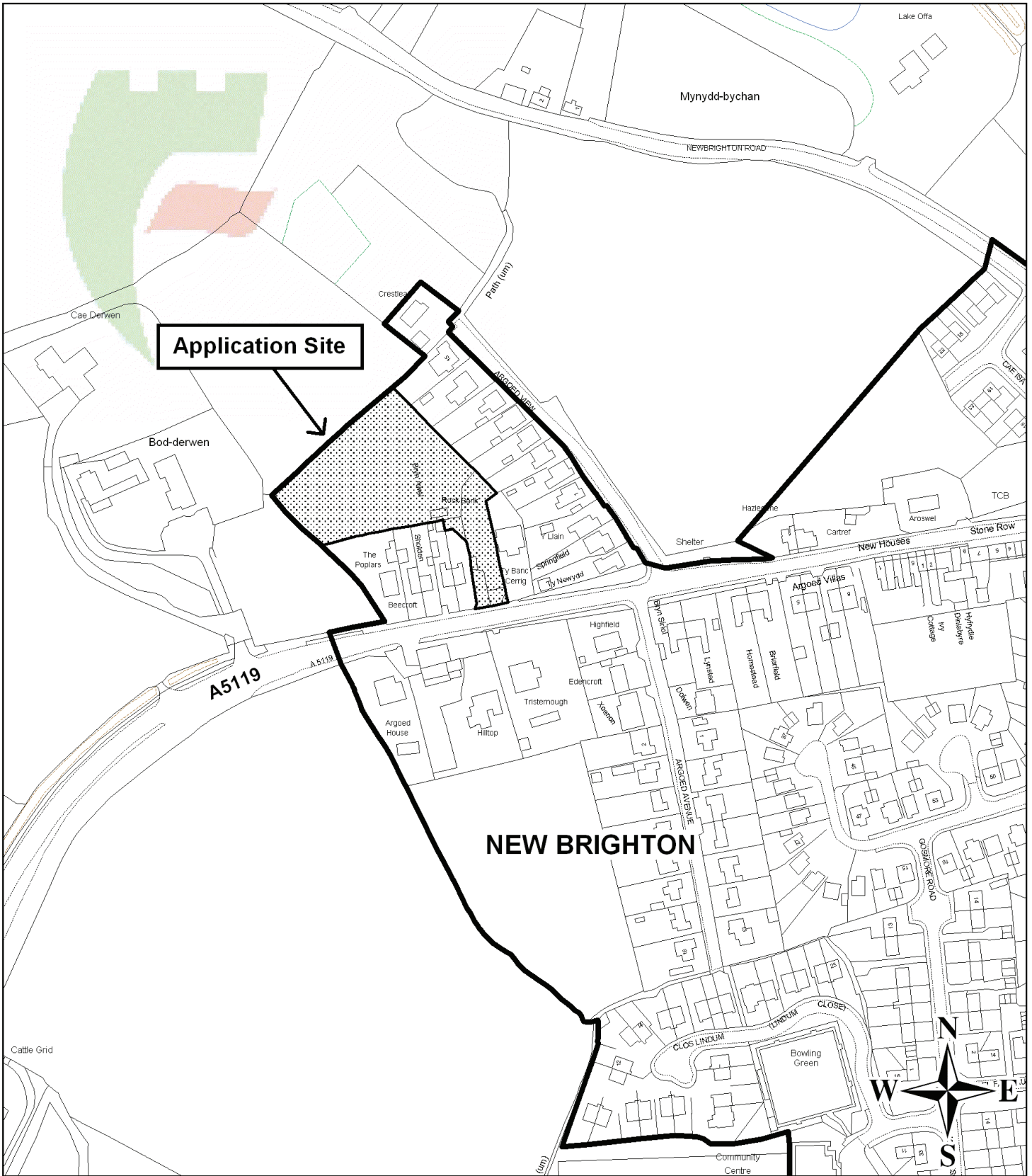
The Public Open Spaces Manager considers that the provision of on-site recreational facilities is not required, given the relationship of the site to existing provision. Accordingly it is requested that that the development is subject to a commuted sum payment of £1,100 per

dwelling towards the improvement/enhancement of existing facilities within the community.

8.00 CONCLUSION

- 8.01 In conclusion, it is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings. Whilst the objections received from the occupiers of existing bungalows at Argoed View requesting the introduction of bungalows along this common site boundary are duly noted, it is considered that:- i. the orientation and distances would be acceptable and would not require consideration in accord with the Council's Space Around Dwellings Guidance; and ii. the character of existing development is of a mix of house types including bungalows a number of which have been adapted to provide accommodation within the roofspace. It is considered that issues in respect of surface water land contamination, capping of mine shafts and protection of wildlife habitat can be covered by the imposition of conditions. I therefore recommend that Members raise no objection to the appeal.
- 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 2565

Planning Application **51424**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **ERECTION OF 54 NO. HOUSES AT 142 HIGH STREET, SALTNEY**

APPLICATION NUMBER: **051840**

APPLICANT: **EDWARDS HOMES SALTNEY LTD**

SITE: **142 HIGH STREET,
SALTNEY, CH4 8SQ**

APPLICATION VALID DATE: **5TH MARCH 2014**

LOCAL MEMBERS: **COUNCILLOR R. LLOYD**

TOWN/COMMUNITY COUNCIL: **SALTNEY TOWN COUNCIL**

REASON FOR COMMITTEE: **SIZE & SCALE OF DEVELOPMENT & MEMBER REQUEST**

SITE VISIT: **YES.**

1.00 SUMMARY

- 1.01 This full application proposes the erection of 54 houses, of which 4 will be 'gifted' affordable, public open space, new vehicular access and all associated works on land at 142 High Street, Saltney. Members may recall that a similar application, but for 58 units of which 17 were to meet affordable needs was granted planning permission subject to a Section 106 Obligation on 23rd April 2013 under Ref: 046381. The main issues to consider within the determination of this planning application are the principle of development in planning policy terms, the provision of educational contributions, public open space and affordable housing, the effects of the development upon the visual appearance and character of the area together with the effects upon proposed/existing occupiers in terms of privacy, loss of light etc, the

highway and wildlife implications and the effects upon trees. All these matters have been resolved and are considered acceptable in planning terms.

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 (sum to be confirmed) towards educational provision/improvements at St. Anthony's RC Primary School. The timing of such payment to be agreed with the Director of Lifelong Learning.
- b. Payment of a 10 year maintenance commuted sum to be agreed by the Public Open Spaces Manager.
- c. The provision of 4 No. homes to be presented to the Council as gifted units and allocated in accordance with a local lettings policy.

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

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Details of all external materials of dwellings to be submitted and approved.
4. Submission and approval of existing and proposed finished floor levels.
5. Landscaping scheme to be further submitted and agreed.
6. Finished floor levels set no lower 6.08 AOD.
7. No development commenced until scheme for provision of surface water drainage works has been approved by Local Planning Authority. Scheme implemented before construction of impermeable surfaces draining to system.
8. Land drainage run-off not be permitted to discharge, either directly or indirectly, into public sewerage system.
9. Surface water only allowed to connect to the public sewerage system at a rate of 20.151/S or less.
10. Foul water and surface water discharges drainage separately from the site.
11. No building permitted within 3 m either side of centreline of the public sewer.
12. No commencement of development until developer prepared a scheme for comprehensive and integrated drainage of the site showing how foul water, surface water

- and land drainage will be dealt with and approved by the Local Planning Authority.
13. Prior to commencement of development details of ground levels, earthworks and excavations near to the railway boundary to be submitted and approved by Local Planning Authority and Network Rail.
 14. Prior to any vibro-impact works on site, risk assessment and method statement to be submitted and approved by Local Planning Authority and Network Rail.
 15. Siting, layout and design of the means of site access shall be in accordance with details to be submitted to and approved prior to the commencement of any site works.
 16. The forming and construction of the means of site access not commence unless and until the detailed design thereof has been submitted to and approved.
 17. Works associated with forming the means of site access shall be kerbed and completed to carriageway base course layer up to the internal tangent point of the entrance radii prior to the commencement of any other site building operations.
 18. Proposed access shall have a visibility splay of 2.4 m x 43 m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the applicant and/or Highway Authority and within which there shall be no significant obstruction to visibility.
 19. The stated visibility splays at the proposed point of access shall be made available and kept free from all obstructions for the duration of site construction works.
 20. The front of the garage shall be set back a minimum distance of 5.5 m behind the back of footway line or 7.3 m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
 21. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads shall be submitted to and approved.
 22. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved.
 23. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing.
 24. Details of boundary to rear of open space including type, height and materials to be further submitted and agreed.
 25. Specification of type, location and amount of play equipment to be submitted and agreed.
 26. Solid barrier at least 2 m high erected between proposed properties and social club.
 27. Double/secondary glazing to achieve minimum of 34 dB(A) to be installed on properties facing High Street and Railway.

- Windows not in direct line to achieve minimum of 25 dB*A).
Acoustic ventilation provided in all rooms with glazing.
28. Desk top study and site investigation report to be submitted and approved.
 29. Boundary treatments to be submitted and approved.
 30. Protection of boundary hedgerows and trees.
 31. Felling of trees take place outside bird nesting season or otherwise agreed in writing by Local Planning Authority.
 32. Minimum code requirement.
 33. Design stage assessment.
 34. Post construction stage assessment.
 35. Removal of permitted development rights – extensions, outbuildings 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. Lloyd

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

Adjoining Local Member Councillor V. Gay

Verbal response received of a request for a committee site visit in order for new Members to view the site.

Saltney Town Council

Whilst in favour of, and unanimously support the development object to the departure from the County's own policy of 30% affordable housing and also the difficult access to the development from High Street in view of the close proximity of the entrance to Park Avenue and bus route. In the original application, Town Council asked for road layout to be one way with the entrance on the High Street and the exit onto the road at the rear of Ableworld etc and hence onto Bridge Street and traffic lights.

Head of Assets and Transportation

Recommends any permission include suggested conditions.

Head of Public Protection

No objections in principle. Long history of industrial and commercial use within the site. Also some potential noise issues relating to the proximity of the High Street and mainline railway affecting the residential zone of the application.

Looked at the proximity of the social club to the development as there may have been some potential for disturbance etc from the venue affecting residents.

Given the above, recommends suggested conditions are attached to any approval with a requirement for a contaminated land investigation and noise mitigation measures.

Open Spaces Manager

No objections to the proposed location and size of P.O.S. shown within the application. P.O.S. should be completed upon 50% sale or occupation of the development and should the developers require the Council to adopt the P.O.S. a 10 year maintenance commuted sum payment would be required.

Director of Lifelong Learning

A Section 106 Contribution is not requested for St. David's High School, as it has significant surplus places. However, this proposed development will increase the pressure on St. Anthony's RC Primary. Therefore, the financial contribution initially requested for that school is £159,341.

Housing Strategy Manager

Recommends that 4 gifted houses are applied to this development to provide a better housing choice for local people.

Network Rail

Suggests conditions and advisory notes are placed upon any planning permission granted.

Natural Resources Wales

In terms of flood Risk, the FCA has proposed finished floor levels of 6.08 AOD, 300 mm above the modelled outputs. Consider approach to be reasonable no objection to the development subject to inclusion of suggested conditions.

Proposal will not affect the features, ecological integrity or functionality of any sites of ecological, geological and/or geomorphologic interest.

The proposed scheme will not affect the character or integrity of any statutory protected or naturally important landscapes.

Appears that site has not been subject to survey and assessment in respect of protected species.

Proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any populations of European protected species that may be present at the application site.

Advise consultation with the Authority's ecologist in respect of surveys

and assessments.

Not considered possible effects on all local or regional interests including those relating to the upkeep, management and creation for wild birds, including their nesting sites. Decision should take account of possible adverse effects on such interests. Advise seeking advice from your Ecologist.

Welsh Water/Dwr Cymru

Suggest any planning permission granted should include suggested conditions and advisory notes.

Wales & West Utilities

No apparatus in the area.

SP Energy Networks

Have plant and apparatus in the area. Developer needs to be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to electrical apparatus.

Airbus

Proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria.

Any cranes used during construction phase should have a crane permit issued by Airbus. Therefore no aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

Two letters of objection received. The grounds of objection being:-

- Overlooking onto neighbouring properties.
- Too many houses.
- In an area at risk of flooding.
- Additional noise and traffic will detrimentally affect adjoining residents.
- Add to traffic congestion along High Street to the detriment of highway safety.
- Very large and very old trees have been felled. No reason for this as they went down each side of the site. Trees help to keep the air clear and should be protected.
- Both roads and houses are suffering because of the increased weight of HGV's travelling along High Street.

5.00 SITE HISTORY

5.01 **051847** – Discharge of condition Nos 3, 4, 7, 8, 11, 12, 15, 20 & 22 attached to planning permission ref: 46381 – Current.

051841 – Erection of 2 No. temporary (for the lifetime of the construction period) stacker signs located within the area of Plot 1 in accordance with details indicated on Dwg. No. 10015.08 – Current.

046381 – Residential development consisting 58 No. two storey dwellings, open space, roads and all associated works – Granted 23rd April 2013.

042788 – Outline – Mixed use development comprising retail, leisure and residential facilities, off site highway improvements plans associated engineering works – Granted 31st December 2008.

042728 – Prior approval determination for the demolition of 142 High Street, Saltney – Prior approval required 21st February 2007.

4/6/8 – Erection of factory building – Granted 14th November 1974.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR11 – Sport, Leisure & Recreation.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

TWH1 – Development Affecting Trees & Woodlands.

TWH2 – Protection of Hedgerows.

WB1 – Species Protection.

AC13 – Access & Traffic Impact.

AC18 – Parking Provision & New Development.

HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

HSG8 – Density of Development.

HSG10 – Affordable Housing within Settlement Boundaries.

SR5 – Outdoor Playing Space & New Residential Development.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP16 – Water Resources.

EWP17 – Flood Risk.

Local Planning Guidance Note 2 ‘Space Around Dwellings’.

Local Planning Guidance Note 9 ‘Affordable Housing’.

Local Planning Guidance Note 11 ‘Parking Standards’.

Local Planning Guidance Note 13 ‘Open Space Requirements’.

Local Planning Guidance Note 22 ‘Planning Obligations’.

Adopted Supplementary Planning Guidance 23 ‘Developer

Contributions to Education’.

National Planning Policy

Planning Policy Wales (Edition 6, February 2014).

Technical Advice Note (TAN) 2: ‘Planning & Affordable Housing’ (2006).

Technical Advice Note (TAN) 11: ‘Noise’ (1997).

Technical Advice Note (TAN) 12: ‘Design’ (2009).

Technical Advice Note (TAN) 15: ‘Development & Flood Risk’ (2004).

Technical Advice Note 16: ‘Sport, Recreation & Open Space’ (2009).

As the site is located within the settlement boundary of Saltney as defined by the Flintshire Unitary Development Plan and a current permission exists on the site for residential development, the principle of residential development in planning policy terms is acceptable. What needs to be considered are the detailed matters of the development including the requisite community benefits in terms of educational contributions, affordable and public open space provision.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises an area of 1.48 hectares and is predominantly brownfield in nature having previously contained the large detached property of 142 High Street and its ancillary buildings, together with the large industrial tyre buildings which occupied the far north western corner of the site and formed part of the St. David’s Retail Park. The greenfield part of the site lies to the north east forming an area of under utilised land which was historically used as allotments. The site has now been cleared with the trees within it having been felled.

7.02 It is strongly defined with established boundaries. It is bounded to the north by the existing Chester – Holyhead railway line which runs east-west, to the east and west by existing retail/commercial units, to the south by existing residential development.

7.03 The site is located off the northern side of High Street, Saltney, to the rear of the former property of No. 142 and extends up to the railway line. It essentially forms a ‘T’ shape with its longer side backing onto the railway with its western arm extending up to Sabre House on the St. David’s Retail Park and its eastern arm extending up to Nos 3-5 Cwrt Erwain.

7.04 This is a full application for the erection of 54 two storey dwellings, of which 4 will be gifted to meet affordable needs, public open space, new vehicular access.

7.05 The proposed development is detailed as follows:-

- 54 No. dwellings which will be detached, semi-detached and

terraced 2 storey, 2, 3 and 4 bedroom dwellings achieving a gross density of 36.48 units per hectare. Four will be gifted to the Council for affordable needs and will be located within the north western corner of the site.

- A public open space comprising approximately 1,551 m² of a “village green”. In addition, landscaping will be provided throughout the remainder of the site in the form of landscape buffers, new trees/hedges and ornamental planting.
- A new vehicular access to serve the development located off High Street between numbers 140 & 144 High Street.

7.06 Background

Members may recall that planning permission was granted subject to a Section 106 Agreement on 23rd April 2013 for the erection of 58 two storey dwellings (including 17 affordable dwellings), open space, roads and all associated works on this site (046381). This is essentially an amendment to the previous application with the main differences being:-

- A reduction in the number of units from 58 to 54.
- The provision of 4 gifted affordable units within the North Western corner of the site rather than 17 affordable units on a shared equity basis dispersed within the site.
- Substitution of house types.

7.07 Previous to the application mentioned above, Members may recall that the site once formed part of a much larger mixed use scheme comprising retail, leisure, residential and highway improvements which also included the former GT Owen wholesale retail site, the Saltney Social Club and the St. David’s Retail Park. This development was granted outline planning permission under 042788 on 31st December 2008. Members will also recall that a separate planning application was later submitted and granted planning permission for the erection of the Morrisons supermarket, petrol filling station on the Old Bramhall Quicks/GT Owen site under 045999 on 20th August 2009. These developments have now been constructed.

7.08 The previous outline consent did include this current and the previous application site for residential but with the site including the Saltney Social Club and involved a new vehicular access off High Street, in the location of the existing access into the Club. This current application as did the previous approval (046381) excludes the Social Club and involves a single vehicular access off the High Street in between Nos 140-144 High Street.

7.09 Issues

The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, educational contributions, the provision of open space and affordable housing, the effects of the development upon the visual appearance and character of the area together with the effects upon proposed/existing occupiers in terms of privacy, loss of light etc, the highway and wildlife implications and the effects upon trees.

7.10 Principle of Development

The site is unallocated 'white land' within the Saltney settlement boundary and adjacent to, but, outside of the Saltney Town/District Centre as defined by the Flintshire Unitary Development Plan (FUDP). Within this Policy, the plan also defines Saltney as a Category B settlement which allows residential development up to 15% growth since 2000.

7.11 Planning permission 046381 for the erection of 58 two storey dwellings (including 17 affordable dwellings) exists on the site.

7.12 Given the above, this development for 54 dwellings accords with Policy HSG3 of the FUDP and is therefore acceptable in principle in planning policy terms. What needs to be considered are the detailed matters of the proposals including the level of provision of community benefits.

7.13 Educational Contributions

The Director of Lifelong Learning has advised that the introduction of this development would create an estimated extra 13 primary age pupils and an estimated 9 secondary pupils.

7.14 St. Anthony's RC Primary School has been identified to be the nearest suitable school to the development which has only 4.09% surplus places. St. David's High School is the nearest secondary school which has more than 18% surplus places. Therefore, it is considered that the 13 pupils will have a significant effect on St. Anthony's RC Primary and the Director of Lifelong Learning has initially requested a financial contribution of £159,341 to this school.

7.15 However, given that St. Anthony's is a catholic faith school and in close proximity is another primary school (Wood Memorial), the planning department is currently in discussions with the Director of Lifelong Learning to negotiate a suitable financial contribution as it is considered that not all of the proposed 13 primary age pupils will go to St. Anthony's. This contribution is not known at the time of writing this report but Members will be advised of this sum within the late observations report.

7.16 Public Open Space Provision

The applicant is proposing 1,551 m² of public open space on site as a 'village green'. This is located to the north of the site and will be

equipped as a children's play area – the specification of which has been provided for the previous planning application for this location and remains as a condition upon this recommendation to grant planning permission.

7.17 The Public Open Spaces Manager considers that given the size, location and type of development that this is acceptable.

7.18 Affordable Housing Provision

The applicant has indicated that it is intended to provide 4 affordable houses to be given to the Council and allocated in accordance with a local lettings policy to ensure that the properties are used for applicants who can not access the private rental market but do not qualify for social housing. The rent will be set at an affordable rent which means that local people who are working will be able to save for a deposit in the future. These dwellings are to be located within the north west corner of the site and are to be semi detached and two bedroomed. Whilst this type of affordable housing provision does not equate in terms of numbers to the 30% on site provision required by Policy HSG10, it does equate to the provision in monetary terms.

7.19 Members may recall that the previous application proposed 17 affordable units which were dispersed throughout the development.

7.20 The Housing Strategy Manager advises that the large development in Broughton by Bellway Homes & Bloor Homes will provide 81 shared equity properties. First priority is given to people who are local to Broughton & Bretton and then Saltney. Given the above, it is considered that to have a further 17 properties (as proposed by the previous application) in close proximity to the Broughton allocation would be difficult to occupy as there are no applicants registered on the Affordable Homeownership Register for homeownership opportunities in Saltney at this time.

7.21 Therefore, the Housing Strategy Manager advises that the proposed number and type of affordability of the houses proposed with this current application are acceptable. In addition, the grouping is also acceptable as it will mean that they are delivered at the same time thus making the hand over easier. Amended details have been received which splits these units up as they were located alongside one another.

7.22 Visual Appearance & Character

The layout of the overall development together with the type and design of the dwellings will be similar to that given planning permission under 046381. The scheme still incorporates a village green, retains existing boundary hedgerows and trees, shrubs etc and the design of the proposed dwellings including simple pitched roofs, detailed brick band courses, bay windows and a unifying palette of materials including brick, render etc. The dwellings will be of a similar

type and design to those on the new developments on Boundary Lane.

7.23 Given the above, it is considered that the development will be in keeping with the existing character and appearance of the area.

7.24 Effect on Existing/Proposed Occupiers

With the proposed development being either located to the rear of the existing properties on High Street or in close proximity to the existing railway line, social club or commercial buildings, the effects upon the amenities of both the existing and proposed occupiers in terms of loss of light, privacy, obtrusiveness, noise etc need to be considered.

7.25 Given, however, that the existing properties on High Street have long rear gardens and the depth of the rear gardens of the proposed dwellings, the separation distances within the Local Planning Guidance Note 2 'Space Around Dwellings' have been met and thus there will be no significant increased detrimental impact upon the amenities of the existing/proposed occupiers in this location. With regard to those proposed dwellings in close proximity to the Social Club, the Council's Public Protection Department have recommended that a 2 m high solid barrier is erected between the proposed properties and the social club to mitigate against any potential disturbance from the use of the car park e.g., vehicle headlamps. A condition to this effect has been placed upon the recommendation. A condition is also placed upon the recommendation to protect the amenities of the proposed occupiers that will be in close proximity to the railway line from noise disturbance. This is in terms of double/secondary glazing to be fitted etc.

7.26 Highway Implications

The development will still be served by a new vehicular access off the High Street in between Nos 140 – 144. The internal access roads serving the proposed dwellings and car parking arrangements have not changed significantly either from the scheme approved under 046381.

7.27 These highway details and car parking arrangements have been assessed by the Head of Assets & Transportation who recommends that any permission should include suggested conditions. These have been placed upon the recommendation.

7.28 The comments of the Town Council are noted, however, it is considered that a proposed exit point from the site through the St. David's Retail Park is not suitable due to the potential conflict with traffic using this road to access and service the units on the Retail Park. In addition, an entry on the High Street and exit point onto the access into St. David's Park could be used as a 'rat run' through the site for traffic wishing to avoid the traffic lights further up the High Street in gaining access to Bridge Street and beyond.

7.29 Wildlife

An ecological report was submitted with the previous application which was assessed by both the Countryside Council for Wales and the Council's Ecologist. The report did not identify the presence of any protected species on the site.

7.30 With the additional landscaping proposed, there is the potential for the establishment of habitats for wildlife. There is a wildlife corridor between the rear boundary of the site and the railway line but this lies outside of the application site. However, the rear boundary hedgerow and some other trees on the site will be retained as part of the development.

7.31 The Council's Ecologist in the assessment of the ecological implications upon the previous application concluded that the site was not of high ecological value. There is scope to enhance the site through the planting of native species and fruit trees around the boundaries of the site and within the 'village green'. Native (hawthorn, holly, backthorn etc) hedge planting around the boundaries of the site would compliment the proposed boundary trees to be planted. Such proposed planting could also provide a barrier against access e.g., into the railway corridor. A condition has been placed upon the recommendation requiring a landscaping plan to be submitted and approved incorporating planting requirements.

7.32 Trees

The majority of the trees within the site have been removed in accordance with details agreed as part of the previous approval.

7.33 The existing trees upon the northern and southern boundaries to the eastern side are to be retained and protected during development.

7.34 Additional planting will be undertaken upon the village green as part of the further landscaping scheme required to be submitted as part of the condition attached to the recommendation.

8.00 CONCLUSION

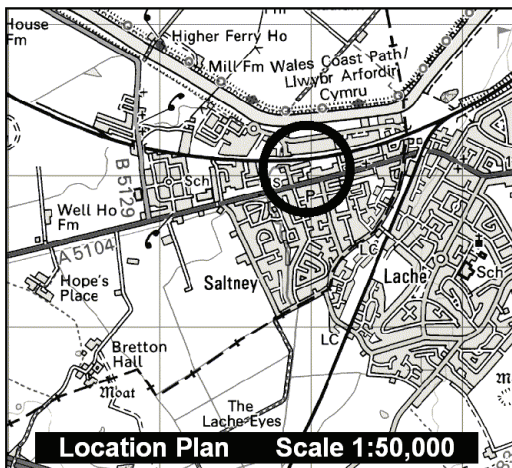
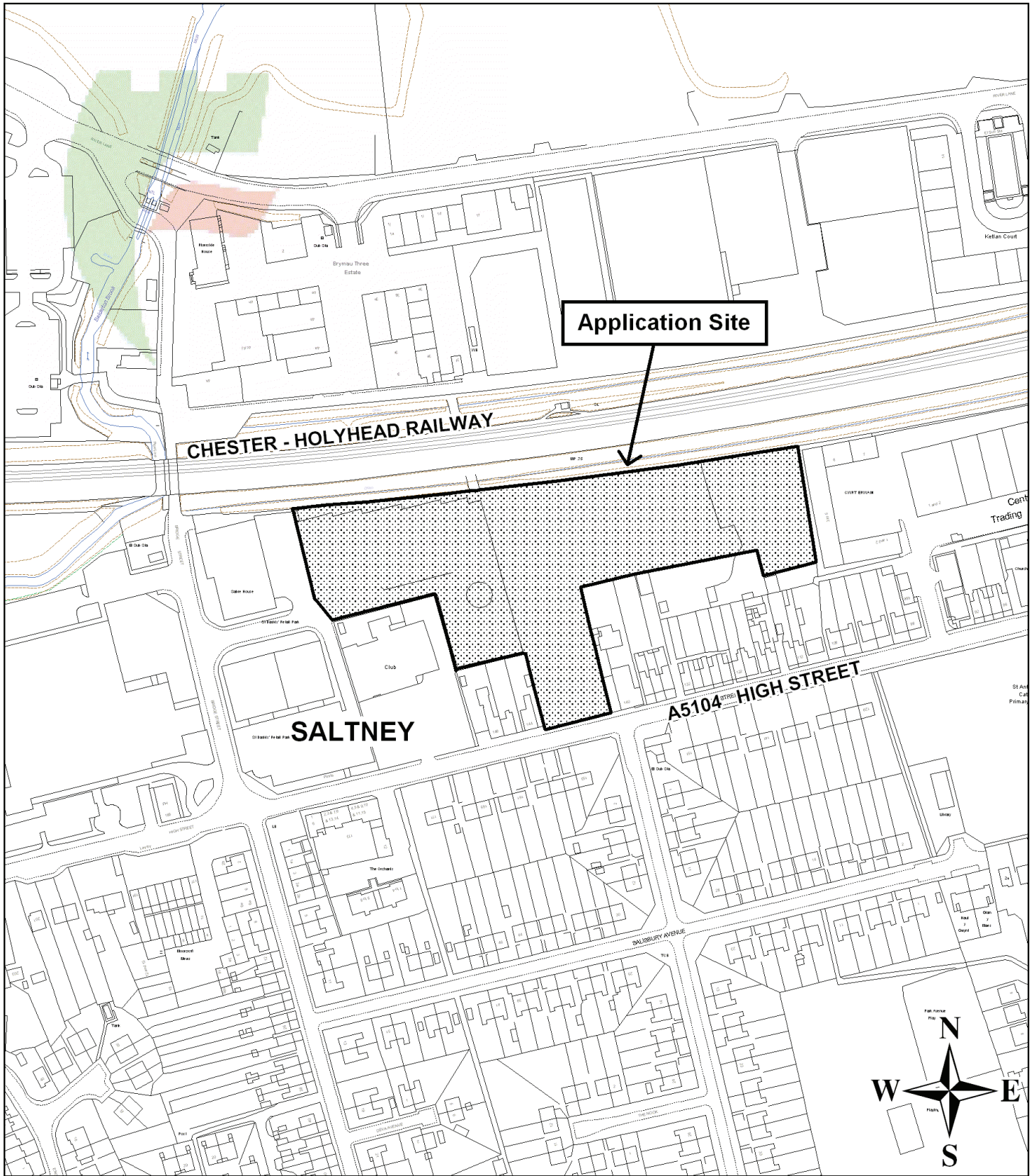
8.01 It is considered that for the above reasons the development is acceptable in planning terms and will also regenerate this particular area and its wider environs.

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

Contact Officer: Alan Wells

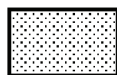
Telephone:
Email:

(01352) 703255
alan.wells@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 1:2500

OS Map ref SJ 3865

Planning Application **51840**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RESIDENTIAL DEVELOPMENT OF 47NO. UNITS INCLUDING PART DEMOLITION OF EXISTING MODERN BUILDINGS, CONVERSION OF RETAINED MODERN BUILDINGS INTO 8NO. THREE BEDROOM TOWN HOUSES, CONVERSION OF LISTED BUILDINGS INTO 1NO. FOUR BEDROOM DETACHED HOUSE (CHAPEL) AND 26NO. APARTMENTS (8NO. ONE BED AND 18NO. TWO BED) AND ERECTION OF 12NO. THREE BEDROOM TERRACED HOUSES AT LLUESTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

APPLICATION NUMBER: **051727 & 051728**

APPLICANT: **KEHAR BUILDERS LTD**

SITE: **LLUESTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

APPLICATION VALID DATE: **12.02.14**

LOCAL MEMBERS: **COUNCILLOR G ROBERTS**

TOWN/COMMUNITY COUNCIL: **HOLYWELL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application (051727) and Listed Building Consent (051728) for residential development of 47no. units including part demolition of existing modern buildings, conversion of retained modern buildings into 8no. three bedroom town houses, conversion of listed buildings into 1no. four bedroom detached house (chapel) and

26no. apartments (8no. one bed and 18no. two bed) and erection of 12no. three bedroom terraced houses. It is considered the proposed scheme provides a sympathetic scheme of conversion and new build which complement each other to restore and ensure the future reuse of a Grade II Listed Building.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION AND LISTED BUILDING CONSENT, SUBJECT TO REFERRAL TO CADW. ANY PLANNING PERMISSION AND LISTED BUILDING CONSENT SHOULD INCLUDE THE FOLLOWING CONDITIONS:-

- 2.01
1. Time commencement
 2. In accordance with plans
 3. Archaeological watching brief for early stages
 4. Photographic record of the site
 5. Details for the footway and junction works
 6. Completion of above works prior to occupation
 7. Details of siting, layout and design of the means of access
 8. Visibility splay of 2.4x43m
 9. Visibility splays to be kept free of obstruction
 10. Access gates shall open inwards only and positioned a minimum distance of 5.m from the edge of the carriageway
 11. Site investigation prior to commencement of new build
 12. Bat mitigation full details for licence
 13. Replacement nesting places for house martins and swifts
 14. New build – Code 3 for sustainable homes
 15. Tree protection measures during construction and construction of hardsurfaces around trees to be in accordance with Tree Survey
 16. Surface water drainage
 17. Detailed scheme for play area on site
 18. Details of usage of land to the north for informal recreation to south east
 19. Pointing specification
 20. Windows, rooflights details and samples
 21. Materials including glazing
 22. Hard and soft landscaping details and implementation
 23. Railings and gates
 24. Cycle rack details
 25. Sections

3.00 CONSULTATIONS

3.01 Local Member

Councillor G Roberts

Preliminary view is the proposed development acceptable in principle.

Holywell Town Council

No objection.

Head of Assets and Transportation

No objection subject to the imposition of conditions covering:

- Details for the footway and junction works and completion prior to occupation
- Details of siting, layout and design of the means of access
- Visibility splay of 2.4x43m and to be kept free of obstruction
- Access gates shall open inwards only and positioned a minimum distance of 5.m from the edge of the carriageway

Head of Public Protection

No objections in principle to this application, however, the site has an extensive historical use as a Work House and Hospital and there was also a gas works on site and there could also be asbestos present in the building fabric. In addition the site is in an area which includes an extensive lead mining history, therefore, there is considerable justification to believe that contamination could be present in all or part of the site. Additionally the proposed development which includes residential accommodation could be particularly vulnerable to the presence of contamination. No objections subject to the imposition of a conditions requiring a site investigation prior to the commencement of development of the new build.

Head of Streetscene

There is adequate space for the safe collections of waste from the site.

Head of Lifelong Learning

At present there are 96 children on roll at Perth y Terfyn Infants School, which has a capacity of 110 (10.9% surplus) and 143 at Ysgol y Fron with 26% surplus places. Holywell High School has 525 pupils on roll with a capacity of 1075 (48% surplus).

The Head of Lifelong Learning considered that the generation of the Primary age pupils together with a total of 19 pupils expected from other developments in the area will eliminate the surplus places at Perth y Terfyn Infants school and a contribution is therefore required of £110,313 to meet this shortage of places. A contribution to the Junior and Secondary School is not required due to the surplus of places.

Head of Leisure Services

No response received at time of writing.

Welsh Water/Dwr Cymru

No response received at time of writing.

Clwyd Powys Archaeological Trust

Two prior archaeological reports on the cultural heritage aspects of

this former workhouse have been produced (2008 and 2013) which effectively provide a history of the surviving buildings and the equivalent of a Level 2 English Heritage Buildings Survey (specification from EH - Understanding Historic Buildings 2006). The proposed development appears to be entirely sympathetic to the fabric, plan and external elevations of the original listed workhouse buildings. Internally the buildings have been heavily modernised and very little of architectural merit or historical value survives. No further archaeological work would be recommended here with regard to the surviving listed buildings.

There is also some potential highlighted in the 2013 report for sub-surface remains of later Victorian extensions to the main 1840 cruciform plan, which have since been demolished. Should these foundations be revealed by the landscaping and creation of parking areas then they should be fully recorded.

Recommend a watching brief condition to allow monitoring and recording during the early stages of development.

Royal Commission on the Ancient and Historical Monuments of Wales
The proposals to convert the former listed hospital and listed chapel are in principle to be welcomed. Given the interest and complexity of the site it is reasonable to require as a condition of the consent that a photographic record of the site is made before development for deposit in the National Monuments Record of Wales.

Ancient Monuments Society

No work should begin on the new build until the conversion of the Listed building is well advanced. Would question the use of plain glazing in the chapel conversion as it is highly likely that John Douglas would have used diagonal quarries contained by lead cames, although as the windows are boarded up it is unclear if they are present. If they are they should be retained.

The Georgian Group

No response received at time of writing.

Society for the Preservation of Ancient Buildings

No response received at time of writing.

The Victorian Society

No response received at time of writing.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

1 objection received on the grounds of;

- All developments in Holywell would have an impact on the amount of traffic that comes through Halkyn which has hardly

any paths

- Concern over access to the site. Where will the access be and how will it incorporate access with least disruption to Old Chester Road.
- Potential contamination to surrounding homes during development

1 letter of support but raises the issue that the proposal will lead to increased traffic on Old Chester Road and may cause accidents especially in icy weather. Old Chester Road is used as a short cut by some people and traffic calming may help.

1 letter in support on the grounds that;

- Current state of disrepair is unattractive for people entering Holywell and has led to the use of the site for anti-social behaviour
- Site should be put to a beneficial reuse
- Will provide employment for local tradesman

1 enquiry on whether there were plans to develop or maintain the land to the south of the site.

1 enquiry as to whether the buildings are listed as they are very old and have a lot of history to the town.

5.00 SITE HISTORY

5.01 045131 Residential development (69 no. units) comprising the conversion of historic buildings (38 no. units) and the erection of new-build dwellings (31 no. units). File closed 20.11.13

045133 LISTED BUILDING APPLICATION - Residential development (69 no. units) comprising the conversion of historic buildings (38 no. units) and the erection of new-build dwellings (31 no. units) File closed 20.11.13

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

HE2 - Development Affecting Listed Buildings and their Settings

AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
HSG1 - New Housing Development Proposals
HSG8 - Density of Development
HSG9 - Housing Mix and Type
HSG10 - Affordable Housing within Settlement Boundaries
SR5 - Outdoor Play Space and New Residential Development
EWP3 - Renewable Energy in New Development

The proposal accords with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application (051727) and Listed Building Consent (051728) for residential development of 47no. units including part demolition of existing modern buildings, conversion of retained modern buildings into 8no. three bedroom town houses, conversion of listed buildings into 1no. four bedroom detached house (chapel) and 26no. apartments (8no. one bed and 18no. two bed) and erection of 12no. three bedroom terraced houses.

7.02 Site Description

Lluesty Hospital is situated to the west of Holywell town centre and is elevated above the town. It was built as a workhouse and used more recently a community hospital. The workhouse itself and the adjacent chapel and entrance buildings are Grade 2 Listed. There are a number of more modern buildings in the grounds. The site also contains the former Infirmary building which is not part of the application site and in separate ownership. The site has been vacant since the hospital closed and has fallen into disrepair prior to purchase by the current owner. The site has sloping topography and is therefore a prominent site in terms of the setting of the town of Holywell.

7.03 The site is located to the west of Old Chester Road and is situated in a predominately residential area with Llys Emlyn Williams and the entrance to a residential development opposite the site. To the north is a further residential development with open land sloping upwards to the south west. To the east is the Old Infirmary building and beyond that a further residential development known as the Beeches. There is a petrol filling station on the other side of Old Chester Road and The Stamford Gate Public House off Halkyn Road to the east. The site is accessed from the south from the A5026 Halkyn Road off Old Chester Road. There is also a secondary access to the north of the site behind the former chapel off a minor road which leads to the B5121.

Proposed Development

7.04 This is a full planning application for residential use of the Lluesty Hospital site. The scheme involves a mixture of conversion of the

existing buildings and new build creating a mix of property types. It is proposed to convert the workhouse building into 23 apartments; 7 one bedroom and 16 two bedroom. The two buildings on the site frontage would be converted to 1 one bedroom and 2 two bedroom apartments. The majority of the apartments are split over 1 and 2 levels. The 1960's ward block would be converted to 8 three bedroom townhouses. These each have private amenity space to the rear. There are 12 new build three bedroom houses on land to the south west of the existing complex of buildings. These are 2 storey on the southern elevation and 3 storey on the northern elevation to take advantage of the sloping nature of the site. They would use a mixture of stone, render and glazing to complement the other buildings on sit. The former chapel would be converted to a four bedroom dwelling. The application is accompanied by a Design and Access Statement, Heritage Assessment, Methodology of development works, Landscape Strategy, Ecological Survey, Tree Survey and a Bat Survey.

7.05 Access into the site would be via a one way system with an entrance off Old Chester Road at the western extent of the site and the exit from an existing access between two existing buildings. 6 units would be accessed off the existing Brynford Road access; 5 apartments and the chapel. The entrance to the site would have security gates and railings designed to an agreed specification to respect the Listed Building. New paths and footways are to be provided within the site. Bin stores and cycle stores are proposed in appropriate locations for each element of the residential scheme. Due to the location of the site within proximity of Holywell town centre one cycle rack has been provided for each bedroom on the site. The roads and footways on the site are to be privately maintained through a management company for the site as a whole. The existing pavement on Old Chester Road is to be extended to provide safe pedestrian refuge. 83 parking spaces are provided within the site for the proposed residential units in the form of driveways and parking courts.

7.06 The proposed scheme would utilise the existing foul drainage which was used for the site's previous use. Surface water drainage will also utilise the existing system although site investigations have been undertaken for the use of soakaways on the site.

| | |
|--|---|
| PHASE Protect Listed Buildings. | 1. <ul style="list-style-type: none"> - repairs to listed buildings (Workhouse, Chapel and Cottages.) - structural repairs where necessary - replace / repair roof - replace all leadwork - replace all rainwater goods - repair, clean and repoint all stonework - refurbish / renew all windows and external doors - demolish lift shaft and make good |
|--|---|

| | |
|--|--|
| | <ul style="list-style-type: none"> - demolish tanks and remove from site - demolish surplus buildings |
| PHASE 2. Site Enabling Works. | <ul style="list-style-type: none"> - infrastructure for roads - infrastructure for utilities - gas, electric, water, phones - prepare site for drainage |
| PHASE 3. Create 8no. Townhouses. (Ex. Ward block) | <ul style="list-style-type: none"> - enabling works to separate ward block from workhouse - convert ward block into 8 townhouses - landscape site - construct pavement and associated works on Old Chester road. - fit railings, electric gates and fencing to whole site. - construct play area - market 8 town houses |
| PHASE 4. Fit out Listed Buildings. | <ul style="list-style-type: none"> - Internal works to convert Workhouse, Cottages and Chapel into apartments. - Market listed building apartments |
| PHASE 5. New Housing | <ul style="list-style-type: none"> - Build 12 no. Semi-detached houses on the hill - including Landscaping and all Hard standings. |

Issues

7.07 Principle of Development

The application site is allocated within the Flintshire Unitary Development Plan for residential development. The Council produced a Development and Conservation Brief for the site in 2006 to support the UDP residential allocation under policy HSG1. This set out which buildings the Council wanted to retain and which would be supported for demolition along with identifying areas for new development. The site as a whole is allocated for 70 dwellings within policy HSG1 of the UDP. It is considered the proposed scheme concurs with the strategic aims the Council has for this site, respecting the character of the Listed Building while providing a new use in accordance with its residential allocation.

7.08 Impact on the historic environment

The historic buildings on the site vary in age and comprise; the former workhouse, which is a cruciform building of classical proportions completed in 1840 by John Welch; a chapel in the Gothic style by John Douglas of Chester completed in 1884 and a nursing home extension in a classical style with interior elements of art nouveau completed in 1902. There are two stone faced buildings dating from the mid Victorian period of a domestic scale on the north eastern frontage of the site facing Old Chester Road. During the 20th century a number of functional brick and concrete buildings and extensions

were added to serve the hospital use of the site.

- 7.09 A Heritage Statement has been submitted with the application which describes the character of the buildings and their attributes along with the impacts of the proposal on them. The workhouse and the chapel were Grade II Listed by CADW in 1991 as “an especially good Classical example of a former workhouse building”. It has the standard workhouse grid plan with separate courtyards for men and women with a linking central octagon. There may have been alterations in 1869 and it was enlarged to the right in 1902 with modern extensions during its hospital use.
- 7.10 It is proposed to demolish a number of the buildings and modern extensions. These are of little architectural merit and will assist in exposing parts of the Listed Buildings. The demolitions are therefore deemed to be acceptable. The proposed redevelopment aims to conserve historic features of the buildings and sympathetically replace missing features. Internally the building has been extensively modernised with internal partitioning and no significant features of historic or architectural significance remain. The internal layout aims to maintain the original character with the recording and preservation of any features of historic interest.
- 7.11 The proposed scheme aims to convert the buildings to a residential use to ensure the preservation of the buildings as heritage assets, without significantly affecting the exterior and preserving the workhouse’s appearance. This is to be achieved by maintaining the historic quadrant, retaining the front wall and sloping grassed areas, retention of external chimneys and internal staircases and limiting the number of new door openings in the external fabric, closure of existing door openings creation of new window openings and closure of existing window openings. The open spaces in the quadrant areas will be resurfaced with the introduction of new formal planting along with discrete parking areas.
- 7.12 The scheme for the conversion of the chapel proposed to convert it into a single dwelling house as this has the least intrusion in terms of the historic fabric of the building. In order to have a first floor there is the need to insert rooflights in the existing roof and the existing modern windows will be replaced to match the originals.
- 7.13 A condition survey of the windows in the Listed Buildings has been undertaken which each of the 280 windows being surveyed and documented. Where possible the original windows will be refurbished and rebuilt. In other cases new windows will be made to match the existing. A Methodology for the Development Works has been submitted which sets out how it is proposed to deal with the roof tiles, lead and rainwater goods, along with details for repair of the stone work and masonry and the elements of demolition.

- 7.14 The workhouse building is an imposing structure and is three and four storey in places. Behind the workhouse the site slopes upwards with a significant change in levels. The retention of the ward block and its reuse assists in providing a transition between the different areas of the site and the new build properties on the elevated ground.
- 7.15 Highways
The site would have historically had significant traffic generation associated with its use as a hospital. Due to the presence of Listed Buildings on the site and the desire to retain them this has implications for what can be achieved in terms of the internal road layout and any external highway improvements. Due to the topography of the site and the location of the buildings the proposed layout of the internal access roads does not conform to the requirements for adoptable public highway, therefore these would remain in private ownership.
- 7.16 It is proposed to provide a new length of footway along the frontage between blocks A and E and to change the roundabout junction at the entrance to Yr Aber to a T junction. Provision of the footway will enable the existing road junction (adjacent to block A) to be modified resulting in significant improvements to visibility. This can be provided through a 278 agreement.
- 7.17 The existing wall fronting the site severely restricts the visibility of drivers existing the main access. It is therefore proposed to use this as an entrance only, with the exit via an existing access located between Blocks E and D. Visibility from this exit is restricted but can be improved to an appropriate 2.4 x 43m. It is proposed to improve visibility from the existing access point (adjacent to Block A) by setting back the wall which achieves a visibility splay of 2.4 x 43m. There is no objection to the use of Brynford Road for the limited number of units.
- 7.18 Impact on the natural environment
A Phase 1 Ecological Survey has been undertaken. The area immediately around the buildings is hardstanding with some areas of amenity grass and borders with shrubs. The site is bounded by a line of mature trees, bushes and vegetation from the south eastern corner around the southern boundary and along the western edge of the site to its north west corner. A number of mammal pathways were observed during the site survey. There was no conclusive evidence of badgers on the site. The site proposed for the new build development is generally of moderate ecological value. The retention and protection of the mature and semi-mature trees and enhancement of the hedgerows as key boundary features are important in terms of maintaining connective features of the site and screening of the development.
- 7.19 A bat survey was undertaken in August 2013. The report confirms

the presence of bats within buildings on the site. No outstanding habitats present but the report considers that they may provide foraging areas for bats and be important for flight lines. The emergence surveys one dusk and one dawn, concentrated on the northern section of the site which confirmed the presence of small roosts of Pipistrelle and Brown Long Eared Bats. In addition a single Lesser Horseshoe bat was picked up within the loft space within a building. As the loft space of the workhouse is not being converted, this will form the basis of the mitigation strategy.

- 7.20 Bats are a European Protected Species under the Conservation and Species Regulations 2010 (as amended). European protected animal species and their breeding sites or resting places are protected. It is an offence to damage or destroy a breeding or resting place of such an animal. A licence will be required to undertaken the development works and to provide the mitigation. The there tests under the regulations need to be demonstrated before a licence is granted.
- 7.21 (1) **Regulation 53(2)(e)** states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”. In this case the development works are for the preservation of a Listed Building which will also involve making the building safe in terms of public safety and preserving it for future generations in the public interest. There will also be social and economic benefits in terms of construction jobs created and the creation of a variety of housing types.
- 7.22 (2) **Regulation 53(9)(a)** states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”. The application site is a residential allocation within the Unitary Development Plan. Alternatives to providing residential development within Holywell have been considered through the development plan process in allocation the site. There is also the requirement under other legislation to protect Listed Buildings and works are required to the building to prevent further deterioration.
- 7.23 (3) **Regulation 53(9)(b)** states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.” The Listed Building is deteriorating due to vandalism and exposure to the elements. The suitability of the building as a resting place for bats is therefore also declining. The restoration of the building and mitigation in the form of retention and repair to the roof space will provide a betterment and therefore improve the favourable conservation status of the bat

species using the site.

7.24 A Tree Survey was undertaken in September 2013 in accordance with BS5837. None of the trees on site are covered by a Tree Preservation Order. The tree cover on the site is principally peripheral. This assessed the condition of the trees on the site and whether they were worthy of retention or required removal. The report recommends tree protection measures are undertaken to avoid damage to the retained trees during construction. These can be conditioned. A landscaping scheme has been drawn up for the whole site.

7.25 S106 contributions

Prior to the submission of the application the applicants submitted a financial assessment which was assessed by the District Valuer in December 2013. This included a breakdown of construction costs, purchase price of the site and estimated sales values of the properties to determine the profit to be made. The District Valuer concluded any financial contributions towards S106 requirements would not make the scheme viable. In his opinion he considered the scheme was not viable without such payments due to the current market conditions.

7.26 Open space

Local Planning Guidance Note 13 requires developments for 25 dwellings or more to provide the minimum of 56.65 square metres of open space per dwelling. In this instance due to the nature of the site and the limited amount of open land this is not achievable. The developer has offered to put forward the sloping land to the south east of the development site as use for residents for informal recreation. This is suitable for dog walking and free play but not for any formal sports. Provision will also be made on site for a small formal play area for young children. It is considered that this provides adequate play provision and recreation opportunities for site residents.

7.27 Affordable housing

The Council's starting point for affordable housing in accordance with policy HSG10 for allocated sites within settlement boundaries. This site raises different issues to 'normal' Greenfield development sites. A significant portion of this site is the conversion of Listed Buildings which has higher cost implications in terms of the work necessary and the level of detail involved. The new build development therefore assists in funding these elements. Any provision of affordable housing is deemed to be un-viable by the developer and the District Valuer. However it is considered that as the development would provide a mix of housing types with a significant number of one and two bedroom apartments, by virtue of the housing market in this area these would be affordable by nature. It is therefore considered that in order to achieve a scheme for the restoration of the Listed Building in the current economic climate and following the District Valuer's

conclusions it would not be viable to request any affordable housing commuted sum.

7.28 Education contribution

The Head of Lifelong Learning has estimated that the development would generate 9 primary age pupils and 7 secondary age pupils. At present there are 96 on roll at Perth y Terfyn Infants School, which has a capacity of 110 (10.9% surplus) and 143 at Ysgol y Fron with a 26% surplus. Holywell High School has 525 pupils on roll with a capacity of 1075 (48% surplus).

7.29 The Head of Lifelong Learning considered that the generation of the Primary age pupils together with a total of 19 pupils expected from other developments in the area will eliminate the surplus places at Perth y Terfyn Infants school and a contribution is therefore required of £110,313 to meet this shortage of places. A contribution to the Junior and Secondary School is not required due to the surplus of places.

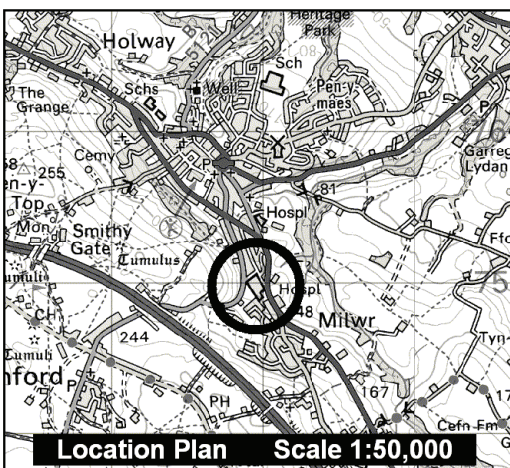
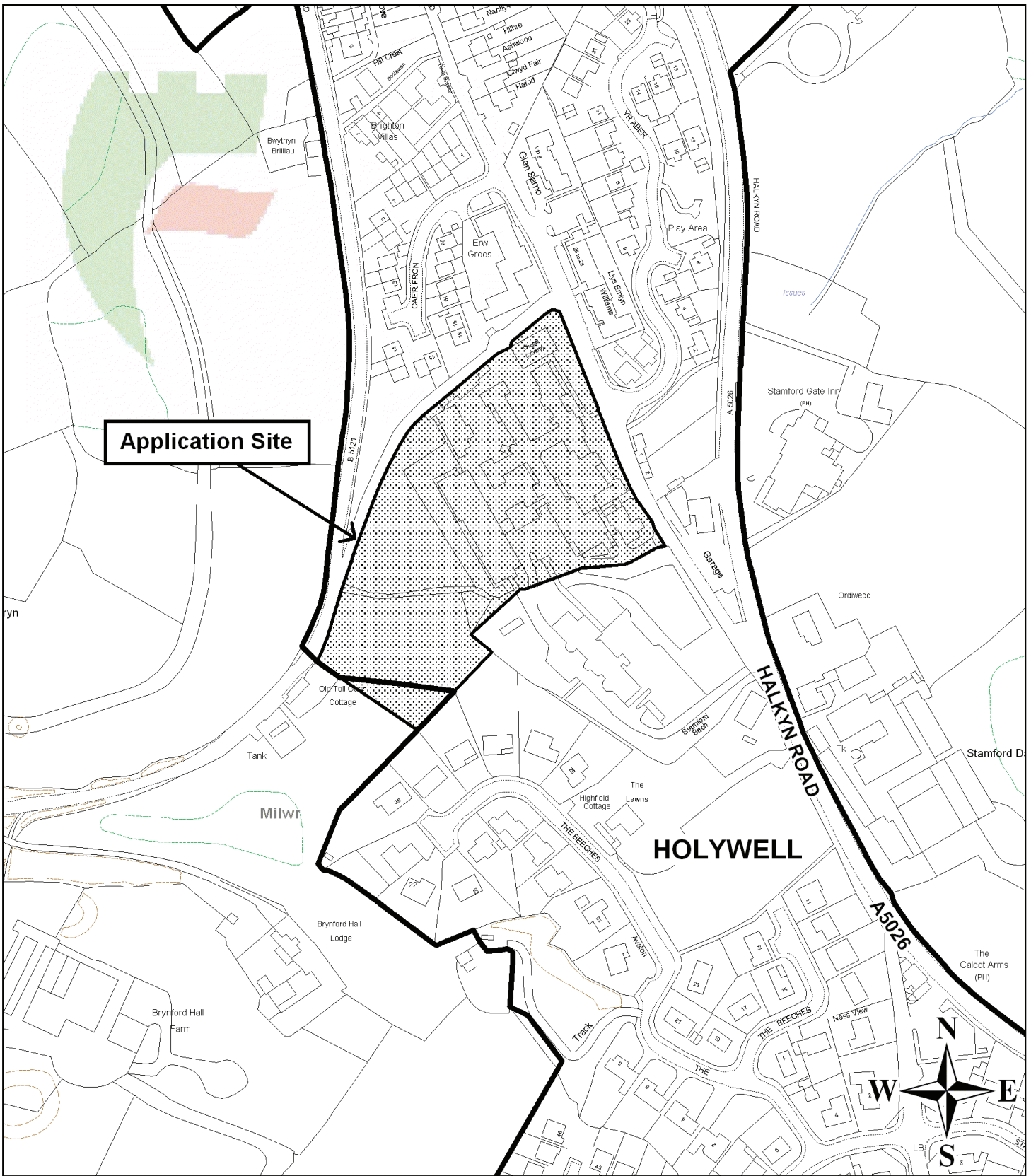
7.30 Members will be aware of the Council's proposals for the new Holywell School project (051719) which encompasses infant, junior and secondary school provision in one new purpose built building. This scheme is due to start construction on site in September 2014 with its opening scheduled for September 2016. This makes provision for 315 Primary school places (infants and juniors) and 600 Secondary School places. It is therefore not considered that it is reasonable to ask for a contribution towards education provision in this instance as Perth y Terfyn has more than 5% surplus places at present and by the time this development is ready for occupation there will be adequate provision of places in the new school.

8.00 CONCLUSION

8.01 It is considered the proposed scheme provides a sympathetic scheme of conversion and new build which complement each other to restore and ensure the future reuse of a Grade II Listed Building in accordance with the UDP policies and the development brief for the site.

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

Contact Officer: Emma Hancock
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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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OS Map ref SJ 1874

Planning Application **51727**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **RETROSPECTIVE APPLICATION TO RETAIN TIMBER STABLING AND STORAGE, ADDITIONAL STOREROOM AND HARDSTANDING LAND REAR OF 25 RHYDDYN HILL, CAERGWRLE**

APPLICATION NUMBER: **051753**

APPLICANT: **MRS MCKAY**

SITE: **LAND REAR OF 25 RHYDDYN HILL, CAERGWRLE, WREXHAM**

APPLICATION VALID DATE: **4TH FEBRUARY 2014**

LOCAL MEMBERS: **COUNCILLOR T NEWHOUSE**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUEST OF CLLR. NEWHOUSE**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full retrospective planning application for the retention of timber stables and storage, additional storeroom and hardstanding. It is considered that the works are acceptable in terms of the principle of development and the impacts of the proposed development on the character of the area and the amenities of nearby residential properties.

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

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

1. Time commencement.
2. In accordance with plans.
3. Personal permission.
4. Not for commercial use.
5. There shall be no burning of waste on the site.
6. Any external lighting to be approved

3.00 CONSULTATIONS

3.01 Local Member

Councillor T Newhouse

Requests Committee determination and site visit if the application is to be recommended for approval.

Hope Community Council

Opposed to the retrospective approval of the development. Only the development originally approved should be permitted.

Head of Assets and Transportation

No objection subject to the proposal being only for private use by the Applicant.

Head of Public Protection

No objection subject to a condition prohibiting the burning of waste associated with the keeping of horses on the site.

Natural Resources Wales

No comments received.

British Horse Society

No comments received.

Ramblers Association

No comments received.

4.00 PUBLICITY

4.01 Neighbour Notification

5 letters have been received from local residents objecting to the proposal on the grounds of:

- The application is in retrospect.
- The original planning permission has not been carried out.
- The large hardstanding will result in further future development of the site.

- Detrimental impact on the landscape and open countryside.
- Loss of views.
- Over development of the land.
- Odours and flies cause problems.
- Stables are possibly being used on a commercial basis.

5.00 SITE HISTORY

- 5.01 050499 - Retrospective application for the change of use to equestrian, erection of stables, tackroom, storeroom and midden for private use and laying of a hardstanding for access and parking of trailer (withdrawn 18.04.2013)
- 5.02 049841 - Retrospective application for the change of use to equestrian, erection of stables, tackroom and storeroom for private use and laying of a hardstanding for access and storage of trailer (withdrawn 28.01.2013)
- 5.03 049658 - Retrospective application for an area of hardstandings for vehicular access to stables for delivery of feedstuffs, veterinary and farrier visits, turning and storage (withdrawn 21.05.2012)
- 5.04 048894 - Construction of timber stabling/associated storage (3 Stables) for private use only including change of use to equestrian (permit 09.12.2011)
- 5.05 048418 - Change of use of land to equestrian, construction of a 40 x 20 metre riding arena with surrounding timber fence along with construction of timber stabling and associated storage for private use only (refused 04.05.2011)

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 GEN 1 - General Requirements for Development
 GEN3 - Development in the Open Countryside
 D1 - Design Quality, Location and Layout
 SR1 - Sports, Recreation or Cultural Facilities

7.00 PLANNING APPRAISAL

7.01 Site Description

The site lies behind the residential properties along Rhyddyn Hill in an open countryside location where no other specific designations apply. The site is accessed from the adjacent Bridleway (which is accessed from Rhyddyn Hill). There is one point of access from this bridleway into the field which is proposed to be retained as part of this proposal, one stable unit had already been erected on site in the position applied for.

- 7.02 The application site falls outside of the settlement boundary for Hope, Caergwrle, Abermorddu and Cefn-y-Bedd, as do all of the properties located on Rhyddyn Hill.
- 7.03 The fact that the site is in open countryside is not significant in itself in terms of the fact that this form of development would normally be outside settlements. In terms of planning policy, this form of development complies with the above quoted policies, subject to consideration being given to any unacceptable impacts on the landscape and neighbouring residential amenity.

The Proposal

- 7.04 The proposal seeks planning permission for the retention of the stable block, store room and large area of hardstanding.
- 7.05 Planning permission has previously been granted for the stable block on a site further to the south of the site (048894). However, this application also includes for the store room and hardstanding.
- 7.06 The hardstanding at present is currently far in excess of what would be deemed acceptable and this aspect has been the subject of lengthy negotiations (resulting in the withdrawn applications referred to in the site history). However, the current proposal seeks to reduce the scale of the hardstanding to an area commensurate with the needs for turning vehicles using the site, i.e. a car and horse trailer and a lorry to deliver feed.
- 7.07 The store room is required for the storage of tack and feed associated with the stabling of the horses on the site.

7.08 Impact on Landscape

The site is an open countryside location with residential properties to the north of the site. Stables are commonly found within the open countryside in locations such as this, with associated hardstanding required to adequately access and serve the site.

- 7.09 The design of the stables and store room are typical for such a setting and whilst there are objections with regard to the siting of the stables being so close to neighbouring properties, this in fact reduces the visual impact it has on the landscape as the development is closer to the built-form, i.e. the residential properties on Rhyddyn Hill.

7.10 Impact on Residential Amenity

Due to the close proximity of the development to residential properties, there is the potential for the development to adversely affect the amenities of the occupants of these properties.

7.11 Given the relatively small scale of the development it is considered that it does not result in a materially adverse impact on the neighbouring residential amenity in terms of noise nuisance, odour or overlooking.

7.12 Objections have been received concerning the loss of outlook/view from the neighbouring residential properties; however, the loss of a view is not a material planning consideration.

7.13 **Other Considerations**

The proposal is only for the private use of the stables by the applicant. Any potential use of the site for a commercial livery will be considered if and when such an occurrence takes place and is not a material consideration in the determination of this application. For the avoidance of doubt, and to prevent the stables being used by anyone other than the applicant, a condition can be imposed restricting the use of the stables to the applicant only.

7.14 Many objections have been received relating to the fact that the application is in retrospect and therefore it should be refused. However; section 73A of the Town and Country Planning Act 1990 (as amended) allows for planning applications to be submitted for development which has already been undertaken and this cannot be a reason for its refusal.

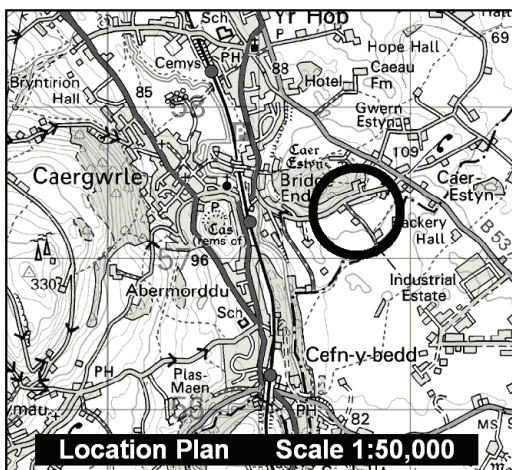
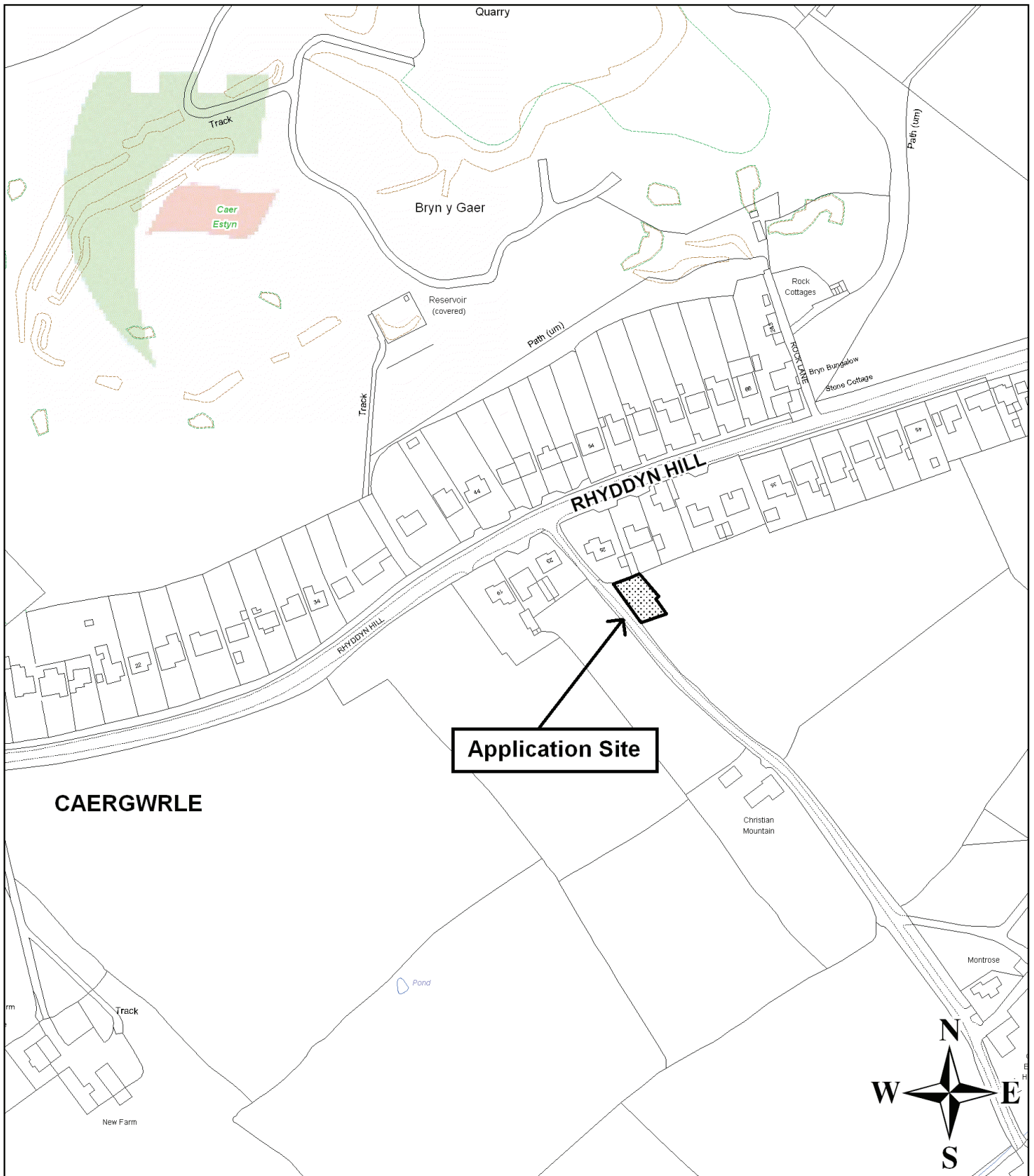
8.00 CONCLUSION

8.01 It is considered that the proposal meets the relevant policies, does not have a material detrimental impact on the open countryside or on the amenities of the occupants of the neighbouring residential properties 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.

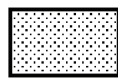
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Environment Directorate,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Director: Mr. Carl Longland

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3157

Planning Application **51753**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **CHANGE OF USE OF LAND AND BUILDINGS FROM B1 USE WITH STORAGE IN CONNECTION WITH THAT USE, TO USE OF THE BUILDING FOR A MIXED B1/B8 USE AND THE LAND FOR ANCILLARY STORAGE IN CONNECTION WITH THAT USE AND FOR CARAVAN STORAGE AT OWL HALT INDUSTRIAL ESTATE, MANOR ROAD, SEALAND.**

APPLICATION NUMBER: **051501**

APPLICANT: **MR HUGH HOULBROOK**

SITE: **LAND AT OWL INDUSTRIAL ESTATE, MANOR ROAD, SEALAND**

APPLICATION VALID DATE: **20TH NOVEMBER 2011**

LOCAL MEMBERS: **COUNCILLOR C. JONES**

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

REASON FOR COMMITTEE: **COUNCILLOR C. JONES REQUESTS COMMITTEE DETERMINATION**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application seeks retrospective planning permission for the material change of use of land which benefited from a B1 use to a mixed use of B1 and B8 comprising caravan servicing and caravan storage. It is considered that the proposal considered in the above terms is acceptable in terms of the principle of development and the impact of the proposal on the surrounding environment.

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

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

1. Time commencement
2. In accordance with plans
3. Adequate facilities for turning, loading, unloading and parking shall be provided within the site
4. There shall be no outside storage of any materials/plant/vehicles/caravans over 4m in height
5. The use of the site shall be restricted to between the hours of 8am and 8pm Monday-Sunday including bank holidays

3.00 CONSULTATIONS

3.01 Local Member

Councillor C M Jones – requests committee determination and site visit. Refers to the fact that this has been to committee previously and has been the subject of two appeals. Does not consider this application to be appropriate.

Sealand Community Council

The application would:

- create a substantial nuisance for local residents
- would be visually intrusive
- nuisance levels would be exacerbated at nights with the provision of flood lighting
- noise levels would be unacceptable
- traffic hazards would be considerable with traffic to the site having access to and from an unadopted highway - Manor Road
- Manor Road is a narrow highway that would make turning into the site a difficult manoeuvre. The access from the A548 Sealand Road to Manor Road is restricted and not suitable for any increase in vehicular flows. Access from the site to Garden City is via the Foxes Lane underpass which has a very restrictive head room.

Head of Assets and Transportation

No objection. Recommends that any permission should include a condition regarding the provision of adequate facilities for turning, loading, unloading and parking within the site.

Head of Public Protection
No comments received

Natural Resources Wales
No comments received

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification
No comments received

5.00 SITE HISTORY

5.01 **048255**

Application for a lawful development certificate for an existing mixed use over the whole site but with separate buildings identified as having a specific planning use as set out in the statutory declarations and supporting statement – Part Granted/Part Refused 24th April 2012

047553

Change of use of land for touring caravan and/or motor home storage. Refused 15th October 2010. Appeal to Planning Inspectorate to be heard by way of informal hearing 6th July 2011.

041754

Continued use of land for caravan storage – Refused 22nd July 2009.
Appeal to the Planning Inspectorate withdrawn 4th March 2010.

039033

Retrospective application for the siting of 4 No. security lights to 1 CCTV security owners overlooking existing storage area – Refused 13th March 2006.

035699

Proposed erection of 5 starter units adjoining existing factory building – Refused 23rd July 2003.

00/0705

Demolition of detailed brick garage and construction of new office accommodation – Granted 21st September 2000.

97/8/0726

Erection of 5 static units adjoining existing industrial building. Granted 6th January 1998.

4/8/23572

Change of use from B1 to B8 – Granted 4th October 1994.

4/9076

Change of use of building to general warehousing and ancillary offices.

Refused 3rd February 1981.

4/3953

Erection of an agricultural storage building.

Granted 30th June 1977.

In addition to the above, an Enforcement Notice was served on 3rd April 2012 (ref: 132287) requiring the following:

- (1) Permanently cease the use of the Land for the storage of caravans, motorhomes and boats.
- (2) Remove from the Land all caravans, motorhomes and boats and security lighting erected in association with the unlawful change of use.

The notice was appealed and subsequently upheld and came into force on 15th January 2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 – General Requirements for Development

GEN3 – Development outside Settlement Boundaries

GEN4 – Green Barriers

AC13 – Access and Traffic Impact

EM4 – Location of Other Employment Development

7.00 PLANNING APPRAISAL

7.01 Site Description

The application site is located within a small industrial estate which all falls within an area designated as Green Barrier as defined in the Flintshire Unitary Development Plan (FUDP). The site is currently used for caravan storage with ancillary servicing facilities.

7.02 The site comprises a palisade fence boundary and a hardcore hardstanding with a large, metal clad industrial style building. Access to the site is via a gated access within the industrial estate.

7.03 Key Issues

It is considered that the key issues to consider in the determination of this application are:

- Impact on the green barrier
- Impact on residential amenity
- Impact on highway safety

7.04 Green Barrier

The site is located within the green barrier. Policy GEN4 of the FUDP sets out the specific criteria for which new development will only be permitted within green barriers.

7.05 An enforcement notice was served on the land adjoining the south of the site on 3rd April 2012 which prohibits, amongst other things, the storage of caravans; however, the enforcement notice has no effect on the current application site. Planning permission for caravan storage has previously been refused on the land which is the subject of the Enforcement Notice for the reason that it is considered inappropriate development in the green barrier.

7.06 Notwithstanding this, unlike the site which is the subject of the enforcement notice which had no previous lawful use, the site which is the subject of this application benefits from a certificate of lawful use for B1 Use (ref: 048255). Therefore, the possible uses of the site under its current lawful use are a significant material consideration in the determination of this application.

7.07 Given that there are a variety of uses which could take place within the parameters of the existing lawful B1 use without the need for planning permission, many of which could be far more detrimental to the character of the area and nearby residential amenities. For example, a B1 use could involve regular HGV deliveries to the site, the operation of heavy machinery, unrestricted outside storage of materials/vehicles/plant used in connection with the said B1 use, etc.

7.08 As such, it is considered that the proposed use has a considerably lesser impact on the green barrier than what could be carried out under the existing lawful use of the site and would therefore comply with policy GEN4 of the FUDP.

7.09 Highway Impact

Access to the site is off Manor Lane which is served by Sealand Road. It is considered that the proposal will not have any detrimental impact on highway safety or the free flow of traffic.

7.10 Residential Amenity

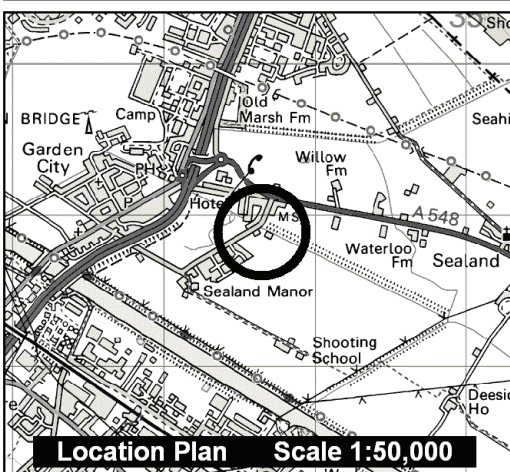
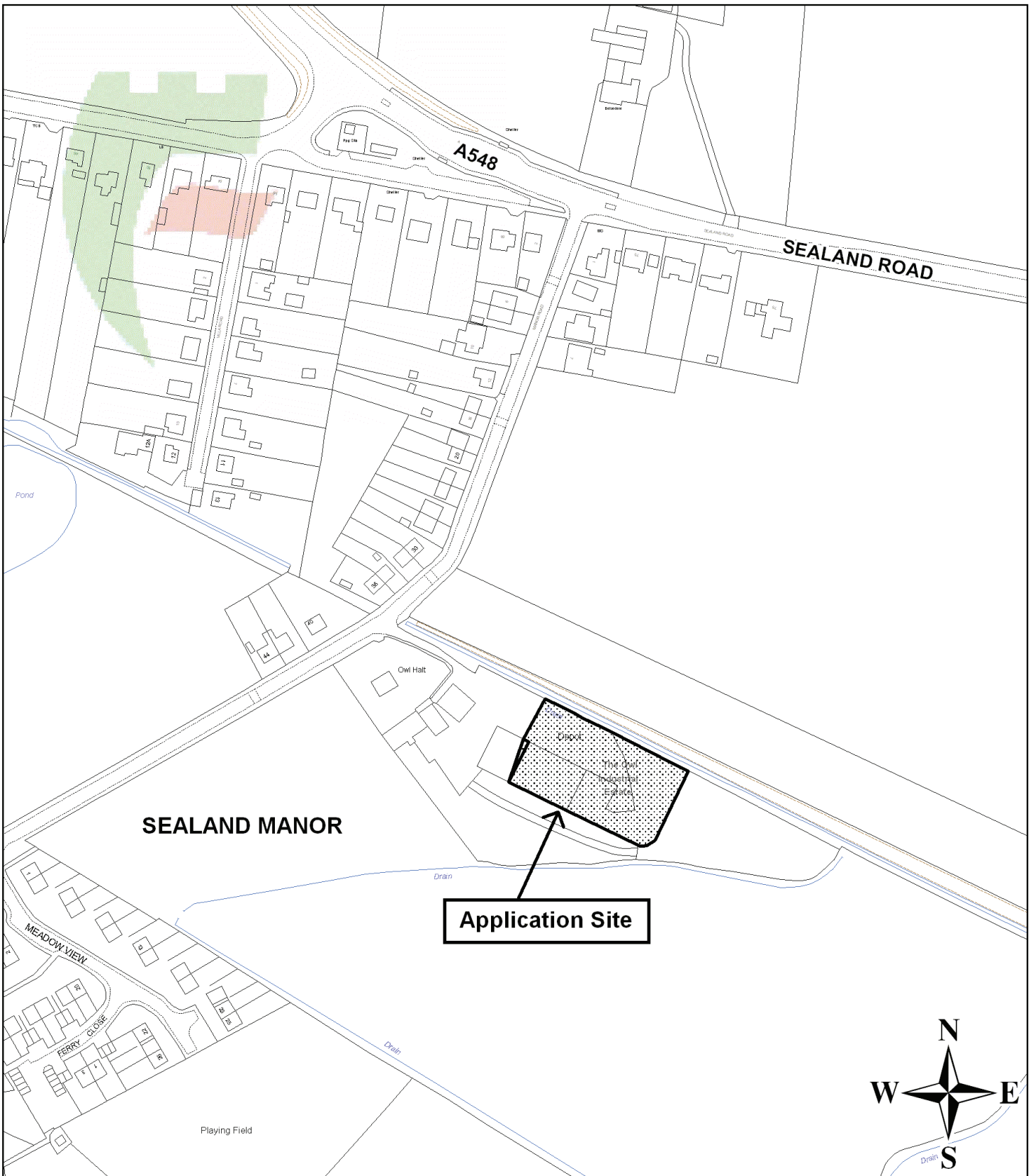
The access to the industrial estate is opposite residential properties on Manor Lane. In order to minimise any disturbance caused to these residents, in particular by way of caravans being picked-up/dropped-off at early morning/late at night, a condition can be attached to any such permission restricting the hours of operation of the business.

8.00 CONCLUSION

8.01 It is considered that the proposal does not have a material detrimental impact on the green barrier or on the amenities of the occupants of the nearby residential properties 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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| | |
|---|---|
| | Environment Directorate, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Director: Mr. Carl Longland |
| | <p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary |
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| <p>Map Scale</p> | <p>1:2500</p> |
| <p>OS Map ref</p> | <p>SJ 3368</p> |
| <p>Planning Application</p> | <p>51501</p> |

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14 MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **SITING OF A WIND TURBINE AT ORSEDD FARM, GORSEDD, HOLYWELL**

APPLICATION NUMBER: **051315**

APPLICANT: **Mr M POTTLE**

SITE: **ORSEDD FARM, GORSEDD, HOLYWELL**

APPLICATION VALID DATE: **3 OCTOBER 2013.**

LOCAL MEMBERS: **COUNCILLOR C J DOLPHIN**

TOWN/COMMUNITY COUNCIL: **WHITFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **Members may recall that the application was deferred at the 11 December 2013 Committee, pending National Resources Wales and the Ecologist comments with regards to potential impact on bats/birds, which has now been considered.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application has been submitted as a full application and seeks consent for the erection of one 5kw wind turbine, the height of which has been reduced to a hub height of 15m high and a blade tip height of 17.75m high.
- 1.02 The turbine is proposed to generate electricity for use within the existing plant nursery unit within which it is set.

The main issues to consider in the determination of this application are the visual impact, its potential impact upon the adjacent conservation area, vistas and impact upon residential amenity and wildlife.

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. Decommissioning of the site upon cessation of use.
 4. Limiting of noise emitted to not exceed 42Db LAeq (1hr) to any nearby residential property.
 5. A linear copse of trees of native species to be planted, in the planting season prior to the installation of the turbine and be maintained for the lifetime of the turbine.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C.J. Dolphin

No response received at time of writing the report.

Whitford Community Council

Objected to the initial scheme due to number of concerns with regards to the siting of the turbine in proximity to the conservation area and within sight of two ancient monuments.

Since these comments were received, the application has been amended by being reduced in scale , at the time of writing no comments had been received in relation to the amended scheme.

Pollution Control

Conclude that the manufacturer's noise data predicts that the distance between the turbine and nearby residential properties is that of an acceptable level and have no objection to the development.

Energy Services

No response received at time of writing report.

Defence Infrastructure Organisation Safeguarding

Has no objections to the proposed development. If planning permission is granted we would be like to be advised of, the date construction starts and end, the maximum height of the construction equipment, the latitude and longitude of the turbine.

Airbus

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria, accordingly, we have no aerodrome safeguarding objection to the

proposal.

Natural Resources Wales

Confirms that they concur with the research of the Stirling Research paper 2012, and confirm that there was only a weak effect upon bats when 20m from a small turbine and in this instance due to the reduced height of the turbine to under 18m and the location 20m from foraging areas that they were of the opinion that a bat activity survey will not be required in the consideration of this application.

Clwyd Powys Archaeological Trust

Whilst there are no predicted direct impacts to any recorded archaeology, the turbine may have a visual impact on the setting of two scheduled burial mounds located to the north west of the proposed turbine. It would appear that the monument will be screened from the development by the intervening properties and the existing tree cover. CADW have been contacted in case they wish to comment on any potential setting impact.

Having further discussed the case with CPAT, they verbally confirmed that the proposal is acceptable to CPAT.

At the time of writing no additional comments/observations have been received with regards to the lower height turbine.

CADW

The proposed development is located in the vicinity of a number of scheduled ancient monuments, the nearest being three well preserved barrows, of Bronze age date. It is likely that the adjacent buildings of Pen Y Bryn Farm will provide effective screening, whilst additional screening from a more distant view will be provided by housing, boundaries and vegetation. All three barrows are now located within an area of modern housing and relic industrial features, their original Prehistoric setting have been effectively lost.

In Cadw's opinion the proposed turbine will have no significant impact on the setting of the listed scheduled monuments or the registered parks and gardens in the vicinity.

No additional comments/observations have been received at the time of writing this report with regard to the lower height turbine now proposed.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

As result of this publicity letters of objection have been received from residents, these objections are on the following grounds;

- Confirmation of noise levels from the turbine.
- The introduction of a turbine, albeit lower than the original submission, will introduce a diverse element in to the landscape.
- Impact on the character of the area and will be detrimental to residential amenity.
- The turbine will be visible in the landscape on all approaches to the village, local planning guidance note No 21 stipulates that this visual impact must be evaluated by the Local Planning Authority.
- The proximity of the turbine to the Gorsedd conservation area adds weight to the assessment on the character of the area.
- Granting consent would create a precedent and make it hard to control the positioning a further turbines.
- There is no high conifer hedge between the application site and my property Marland
- Do not consider that the trees would mask the noise of the turbine and in relation to the A55 noise consider that the environmental health department survey should be carried out in the summer months.,
- Suggest the use of solar panels.

5.00 SITE HISTORY

- 5.01 09/46396 - Erection of two storey extension - Permit 04.08.09
 06/40904 - Creation of new vehicular access - Permit 12.06.06
 05/040744 - Erection of glass house - Permit 31.01.06
 02/34565 - Erection of an agricultural shed - Permit 04.12.02

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 STR1 - New Development
 GEN1 - General Requirements for Development
 GEN3 - Development in the Open Countryside
 D2 - Design
 WB1 - Species Protection
 EWP4 - Wind Turbine Development
 TAN 8 - Technical Advice Note Planning for Renewable Energy

7.00 PLANNING APPRAISAL

- 7.01 Introduction
 This is a full application for the erection and installation of one 5kw wind turbine, for the generation of electricity for use in connection with

the existing plant nursery unit. The site is located within a site which is in the open countryside, adjacent to the village of Gorsedd and its associated conservation area.

7.02 Site Description

The site is located within the open countryside, adjacent to Gorsedd village and its associated conservation area.

7.03 The proposed turbine is to be located within the existing grounds of the nursery unit, which is enclosed by a mature high conifer hedge, acting as shelter belt to the existing site.

7.04 In addition the turbine is proposed to be located on the eastern edge of the Halkyn Mountain and Holywell common registered historic landscape, accordingly CADW have been consulted and the applicant was requested to consider the topographical visual influence of the turbine. CADW have now confirmed that they have no objection to the proposal.

Principle of Development

7.05 Development of clean renewable energy generation sources is encouraged under TAN8, Technical Advice Note, Planning for Renewable Energy.

7.06 In addition the adopted Flintshire Unitary Development Plan also encourages the use of this type of energy generation, under the above policies and especially in compliance with Policy EWP4 Wind Turbine Development, subject to no significant adverse impact upon visual amenity of the area, the conservation area, noise generation, residential amenity or upon wildlife.

Justification

7.07 Development for the erection of one 5kw turbine, now of a reduced height of 15 m hub height and total rotor blade tip height of 17.75m as such turbine is considered to be micro generation, of the type encouraged by the above TAN and policies. The height of the turbine has been designed to achieve the most energy generation at this location. The design, location and materials proposed have been chosen to mitigate any potential adverse impact.

Visual Impact, Shadow Flicker and Potential Noise Impact

7.08 The application has been considered by the energy officer, the environmental health officer and the conservation officer with regard to the above impacts. The environmental health officer has considered all the information submitted with the application and considers that a turbine of the design, size and position proposed in the application, will be within the recommended noise levels.

7.09 The conservation officer has considered the location of the turbine in relation to the Gorsedd conservation area and listed vicarage and

parish church, due to the tall shelter belt of trees and the shape of the landform the turbine will not be seen from the church yard or the garden of the former vicarage, further more it would not be visible in tandem with either the church or the vicarage. As the turbine will not be seen in conjunction with the historic part of the village it would not adversely impact upon these area. The turbine will not be a competing focal point to detract from the church spire. The conservation officer has recommended a condition regarding the planting of a linear copse of trees to be planted on the field boundary to the east of the turbine.

- 7.10 The turbine will be visible from the open countryside, however this view is already compromised by a range of electricity pylons and the communications mast of Moel y Parc, as such the incremental impact would be minimal. The turbine due to the rising land behind it would not be a sky line feature. Due to the sun and its subsequent position in the sky during the year, the location of the turbine blades would not result in shadow flicker on the gardens of properties within the vicinity. Any potential adverse impact upon residential amenity could be mitigated for by the planting of a linear copse of largely native species 2 to 3 trees deep along the field boundary to the east of the turbine.
- 7.11 Whilst I am mindful of the concerns raised with regards to noise, both of the turbine and in conjunction with the existing back ground noise of the traffic on the A55, these concerns have been considered by environmental health and they consider that the sound emanating from the A55 would be approximately 45d BA and if the noise from the turbine was 40d BA the combined sound pressure level would be 46.1 d BA, which is considered to be a marginal increase in total noise, and it should be remembered that the turbine will only be running in windy conditions and the wind itself will create a lot of masking noise from rustling trees etc.
- 7.12 The concerns raised in regard to infrasound and the potential effect on health, this aspect is not currently included within the wind turbine guidance, as such it carries little weight in the determination of the application .The environmental health section have also considered shadow flicker, and concluded due to the distance between the nearby properties and the turbine, that this should not be an issue.
- 7.13 The location of the turbine has been carefully chosen with regard to its potential impact upon visual amenity. The site is located within the existing nursery unit, set against a backdrop of a mature conifer hedge on a level site. Whilst this hedge does to some extent screen the mast of the turbine, nevertheless, due to the height of the turbine and its blades, it will inevitably be visible from the surrounding area and on the approach roads in to the village of Gorsedd. The land upon which the turbine is to be located is designated as open countryside in the development plan, where the siting of these types of structure would normally be expected to be located. The proximity of the turbine to Gorsedd, its associated conservation area and the registered

historic landscape to the eastern edge of the site has been considered.

7.14 In this instance, the installation of the turbine is not considered to introduce an alien feature in to the landscape, as these structures are becoming increasingly common in the landscape, in addition there are other features with a vertical emphasis, such as telegraph poles in the area. As such the proposal is not considered to be sky line development, is not considered to be prominent in the landscape or dominate the vistas from the adjoining conservation area of Gorsedd, due to the turbines slim line design, tapering mast top and small turbine head in addition to the transient nature of the movements of the turbine blades. The design and materials of the turbine proposed also reduces the visibility of the turbine over distance and as there are no ground work housing or compound fencing this also reduces any potential adverse impact upon the landscape.

7.15 Due to the proximity of the turbine in relation to the residential unit the environmental health officer has had regard of the acoustic details accompanying the application and considers that a turbine of the design, size and in the position proposed will be within recommended noise levels.

7.16 Protected Species

Due to the open countryside location of the proposed turbine and the possible impact upon protected species such as bats and birds, Natural Resources Wales and the county ecologist have again been consulted on the reduced height turbine now proposed.

They have considered the proposal and due to the reduced height of the turbine and its location, both Natural Resources Wales and the county ecologist have assessed the application details in line with the Stirling Research paper 2012 (as guidance) and this report considered that there was only a weak effect upon bats 20m from a small turbine, restricted to a height of 18m, as such there is no need to undertake bat activity surveys.

7.17 The applicant in this instance has confirmed that bats forage on this site among the green houses which are over 20m from the proposed turbine and the turbine is below 18m in height, accordingly both bodies are of the opinion that a bat activity survey will not be required in the consideration of this application.

8.00 CONCLUSION

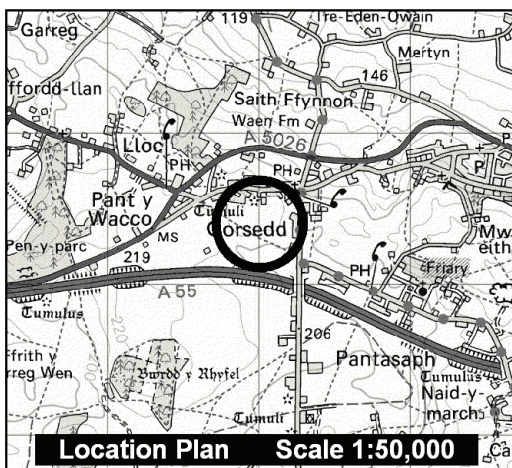
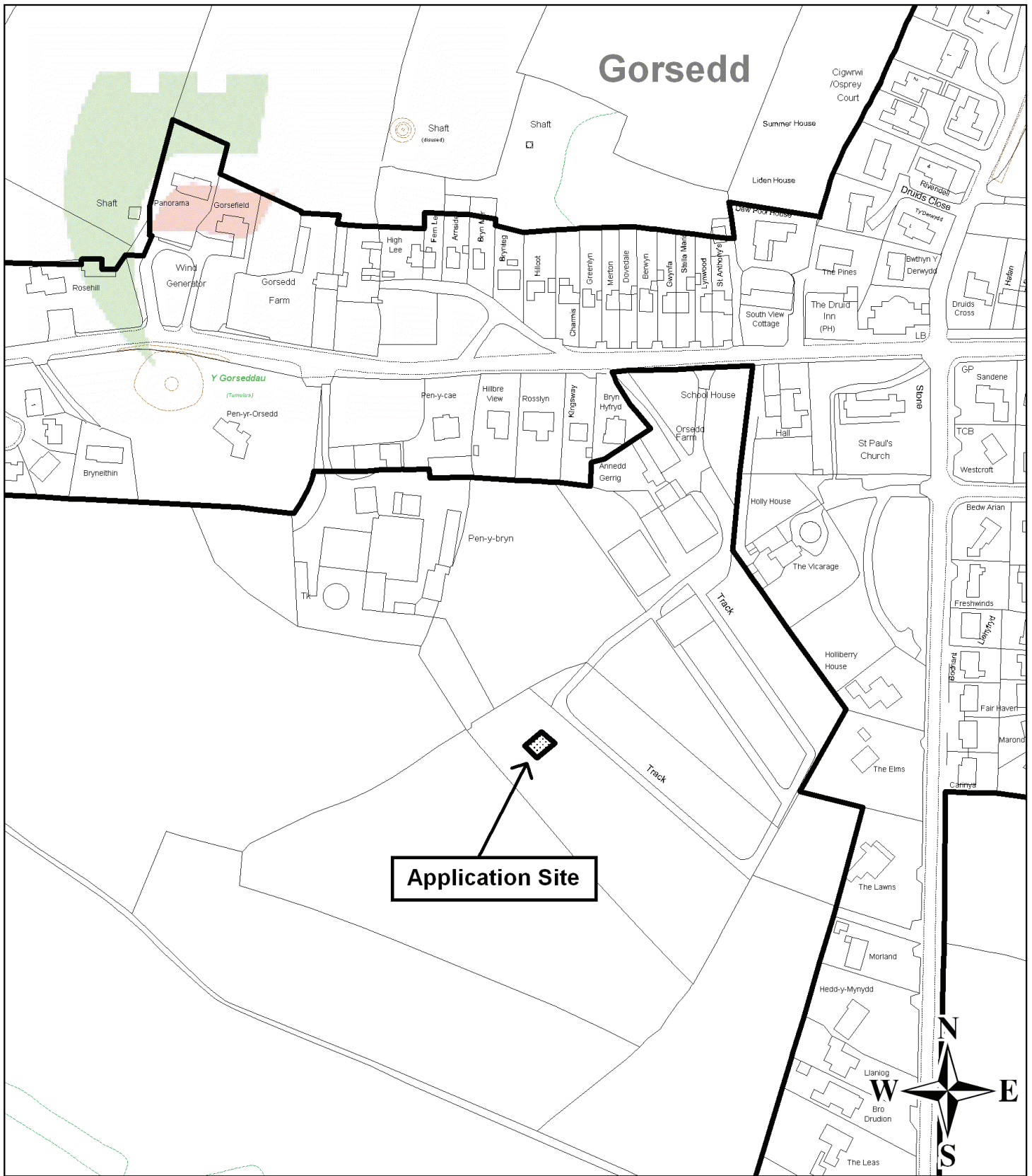
8.01 It is considered that the 5kw wind turbine will enable the micro generation of a clean source of renewable energy to be generated and used in the existing nursery business, in compliance with the above policies and technical guidance.

8.02 Any impact will be mitigated by the sensitive location, design and

materials proposed, as such it is considered compliant with the above policies.

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

Contact Officer: Barbara Kinnear
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Email: Barbara.Kinnear@flintshire.gov.uk



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

Legend

 Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

 Application Site Extent

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Map Scale 1:2500

OS Map ref SJ 1576

Planning Application **51315**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO PROVIDE RAISED AND TIERED GARDEN AREAS TO THE REAR OF PLOTS 52 – 56, FIELD FARM LANE, BUCKLEY (PARTLY RETROSPECTIVE).**

APPLICATION NUMBER: **051537**

APPLICANT: **PERSIMMON HOMES NORTH WEST**

SITE: **LAND AT FIELD FARM LANE, BUCKLEY**

APPLICATION VALID DATE: **29TH NOVEMBER 2013**

LOCAL MEMBERS: **COUNCILLOR C. ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS RELATIONSHIP OF DEVELOPMENT TO EXISTING PROPERTIES AND IMPACT ON EXISTING PUBLIC FOOTPATH**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application which is partly retrospective proposes the retention, construction and modification of retaining structures to provide raised and tiered garden areas to the rear of plots 52 – 56 of the Field Farm development at Buckley. For Members information, the dwelling units on the above plots have been completed with plots 52 & 53 occupied, although plots 54 & 55 have been sold unoccupied at the time of the preparation of this report. Plot 56 is currently for

sale, and is located to the east of an existing property Field Farm. Amended plans have been received in progression of the application with a further round of consultation being undertaken.

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

- 2.01
1. Time limit on commencement.
 2. In accordance with approved plans.
 3. The works hereby approved in respect of plots 55 & 56 shall be commenced within one month of the date of this permission and completed to the satisfaction of the Local Planning Authority within one month of the commencement of site works.
 4. The fence/wall/hedgerow and retaining structures as marked in red on the attached plan shall be retained in perpetuity at a minimum height of 1.8 m.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Mrs C.A. Ellis
Original Submission

Request site visit and planning committee determination in order to assess relationship of development to existing properties and impact on existing public footpath.

Amended Plans

Request site visit and planning committee determination in order to assess relationship of development to existing properties and impact on existing public footpath.

Buckley Town Council
Original Submission

The planning application appears to be a retrospective application and it is queried as to why it is not referred to as retrospective to help soften the visual impact of development.

Amended Plans

Awaiting response at time of preparing report.

4.00 PUBLICITY

4.01 Neighbour Notification
Original Submission

One letter of objection received from the occupiers of Field Farm, the main points of which can be summarised as follows:-

- Question need for retaining structures.
- Proposal would lead to overlooking of Field Farm to detriment of

- privacy/amenity.
- Question structural integrity of log retaining walls.

Amended Plans

One letter received from the occupiers of Field Farm who consider the amended scheme to be an improvement on that initially submitted subject to:-

- The introduction of solid screen fencing on the corner of the proposed platform to the rear of plot 56 to avoid the potential for overlooking.
- The introduction of landscaping in front of the fences on the western site boundary of plot 56.
- The introduction of landscaping along the gable elevation of plot 56.

Public Rights of Way

The application should not impact upon Public Footpath 21 which runs adjacent to plot 56. Do not consider it necessary for the footpath to be closed during site works and consider that it should be open and available for use during this period.

5.00 SITE HISTORY

5.01 036776

Outline – Residential Development – Approved 12th May 2004.

042356

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

043841

Reserved Matters – Residential development of 79 No. dwellings and 24 No. apartments – Withdrawn 8th October 2007.

044085

Variation of Condition No. 2 attached to planning approval reference 036776 to extend the time for the submission of reserved matters and commencement of development – Approved 7th December 2007.

046805

Reserved Matters – Residential development consisting of 89 No. two strong dwellings, open space, roads and associated works – Permitted 8th August 2010.

050382

Substitution of 9 No. house types (plots 43-48 and 54-56) – Permitted 7th March 2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location and Layout.

Policy D3 – Landscaping.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application which is partly retrospective proposes the retention construction and modification of existing retaining structures to provide raised and tiered garden areas to the rear of 5 No. plots (52-56) within the Persimmon Homes Field Farm development at Field Farm, Buckley. The properties the subject of this application have a common rear site boundary with existing bungalows to the south at Nos 6-16 Aberllanerch Drive, with plot 56 also being located to the east of an existing detached dwelling Field Farm which is accessed through the estate development. The line of Public Footpath 21 linking the development to Aberllanerch Drive runs between the curtilage boundaries of plot 56 and Field Farm.

7.02 Background

By way of the background of planning history at this location which is referred to in paragraph 5.00 of this report, the overall site comprising 4.5 hectares in area has the benefit of planning permissions for the erection of a total of 90 dwellings. Three of the plots the subject of this application (54, 55 & 56) have been the subject of a substitution of house type application, this being permitted under Code No. 050382 on 7th March 2013 with development having being undertaken in accordance with this permission. The approved garden areas associated with plots 52 – 56 of the development as initially permitted were sloping in nature from the rear of the dwellings to the common site boundary with Aberllanerch Drive.

7.03 Proposed Development

Following officer, member and residents concerns regarding the potential for overlooking of existing dwellings at Field Farm and Aberllanerch Drive associated with the raising of ground levels on plots 55 & 56 of the development, the application has been amended with a further round of consultation being undertaken.

7.04 For Members information the amended plans propose:-

- Retention of the ground levels and log retaining walls/steps already constructed to the rear of plots 52-54 to allow for use of the garden on two levels.

- Revisions to the treatment of the raised rear garden areas previously constructed on plots 55 & 56. This proposes the introduction of a raised platform approximately 1.5 m wide immediately to the rear of the dwellings to allow for access to the gardens from the doors within the rear elevations of the dwellings. This is accompanied by a regrading of site levels to allow for access to the gardens which are proposed to be tiered on a further two levels. It is proposed that each tier be lowered by approximately 0.75 m. On the western site boundary of plot 56 which is closest to Field Farm it is also proposed that a 1.8 m screen boundary fence on top of 1.8 m log retaining boundary with supplemented hedgerow planting in front is introduced to help screen the development and safeguard the privacy/amenity of occupiers of both Field Farm and plot 56 of the development.

7.05 **Main Planning Considerations**

The main issues to be taken into account in consideration of this application are:-

- Visual impact associated with proposed raising/tiering of the garden areas.
- Impact of development on the privacy/amenity of the occupiers of Field Farm and Aberllanerch Drive.
- Impact on public footpath 21 the line of which is adjacent to plot 56 and Field Farm.

7.06 **Visual Impact**

The rear garden areas associated with plots 52-54 of the development are enclosed with a substantial hedgerow screening the development from the rear of Nos 8/10/12 Aberllanerch Drive. The new gardens associated with Nos 55 & 56 however, are visually more prominent as there is limited screening/planting on the common site boundaries of these plots with 14/16 Aberllanerch Drive and Field Farm on the opposite side of Public Footpath 21.

7.07 It is considered that the tiered garden areas associated with Plots 52 – 54 are acceptable in the context of the immediate environs with the proposed modifications to plots 55 & 56 helping to provide for visually attractive garden areas, which are more functional for the occupiers of these dwellings as the modifications proposed will enable them to be more easily maintained.

7.08 **Impact on Privacy/Amenity**

For Members information, the officer recommendation on the basis of the plans initially submitted as part of this application would have been for permission to be refused, give concerns about the impact of the raised garden areas associated with plots 55 & 56 on the privacy/amenity of the occupiers of Field Farm and Nos 14/16

Aberllanerch Drive.

7.09 As a result of these concerns amended plans have been received proposing modifications to the previously constructed garden areas on plots 55 & 56 as outlined in paragraph 7.04 of this report. It is considered that these combined changes which principally (a) reduce the raised garden area immediately to the rear of plots 55 & 56 in order to reduce the scope for their use as 'sitting out areas' (b) the stepping down of the garden in 2 further tiers each of which is approximately 0.75 m lower than the previous level and (c) the introduction of a 1.8 m fence on top of a 1.8 m log retaining wall with associated landscaping to the front of the fence on the site boundary with Field Farm will help to safeguard the privacy and amenity of the occupiers of the existing dwellings at this location. In order to ensure the retention of the boundary treatment in perpetuity this can be covered by the imposition of conditions if Members are mindful to grant permission.

7.10 **Impact on Public Footpath 21**

Public Footpath 21 runs alongside the western site boundary of plot 56, between it and Field Farm. During site construction work on plot 56, the footpath has been the subject of a temporary closure. Consultation on this application has been undertaken with the Public Rights of Way Section in order to consider the impact of the proposed development on the footpath and its users. It is considered that given the extent of changes to garden levels and introduction of associated screening/landscaping on the boundary of plot 56 adjacent to the footpath that it is not considered that the nature/extent of these works will not oblige the footpath to be closed whilst the works are undertaken.

8.00 CONCLUSION

8.01 In conclusion, it is considered that the amended scheme submitted as part of this application provides an acceptable solution to ensuring that the privacy/amenity of the occupiers of Field Farm/Aberllanerch Drive are safeguarded. As the associated landscaping/screening on the site boundary is fundamental to the safeguarding of privacy/amenity it is considered that, if Members are mindful to grant permission that a condition be imposed on any decision to retain the screening/landscaping in perpetuity. I therefore recommend accordingly.

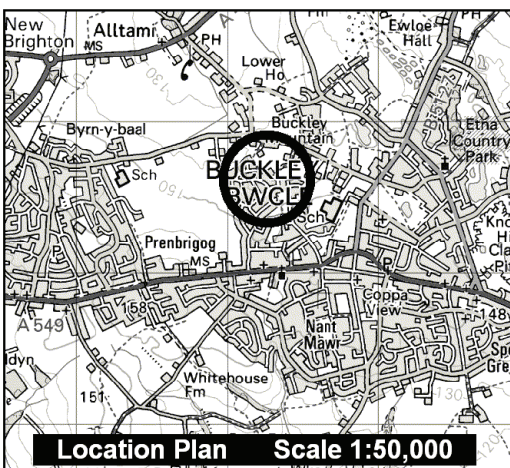
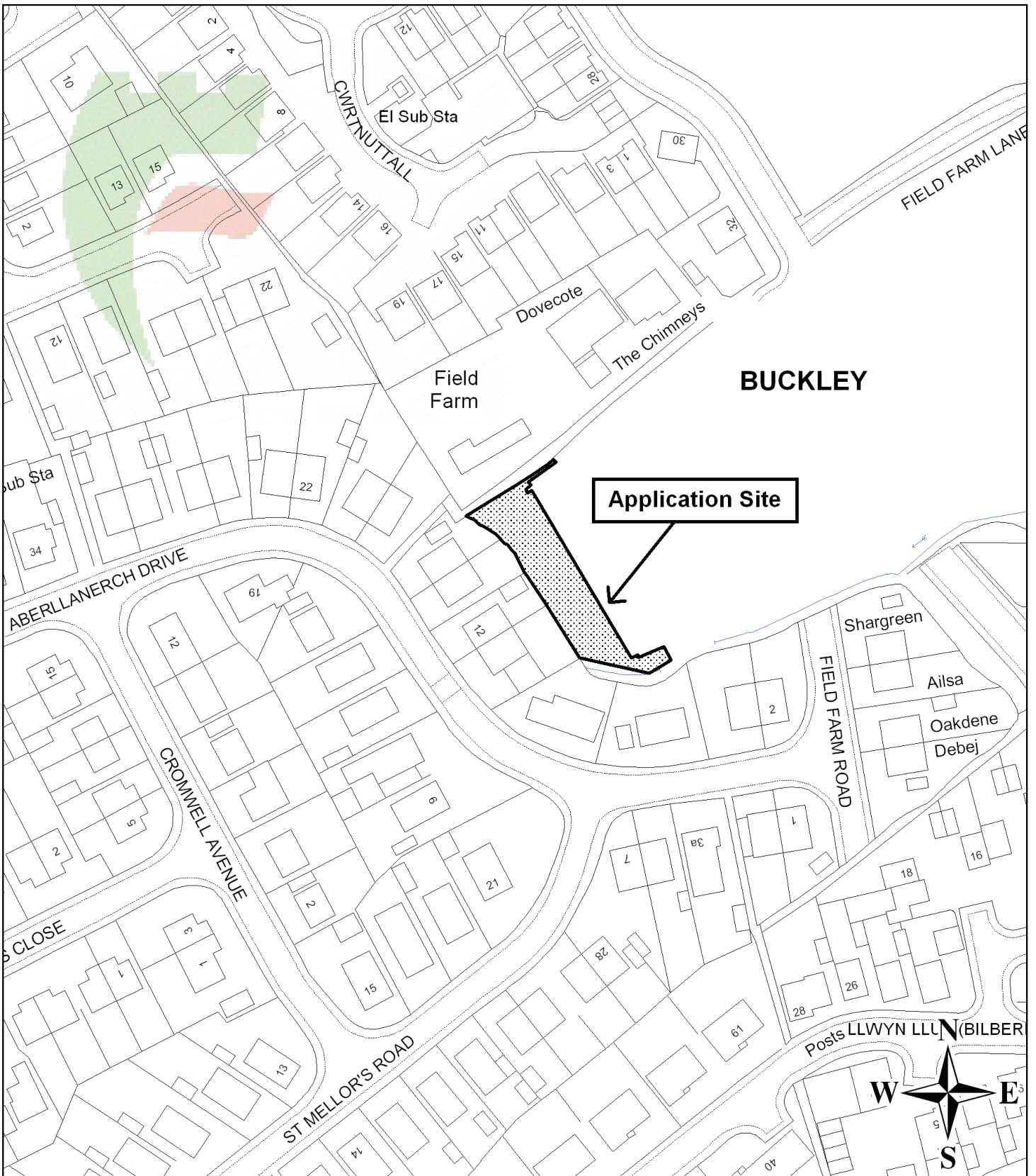
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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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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OS Map ref SJ 2764

Planning Application **51537**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14 MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL DECISION FOR GABION WALLS AND CONCRETE POST AND BASE PANEL FENCE WITH WOODEN BOARD AT CWM Y GRAIG, RHEWL, MOSTYN**

1.00 APPLICATION NUMBER

1.01 **050154**

2.00 APPLICANT

2.01 **MR F TAYLOR**

3.00 SITE

3.01 **CWM Y GRAIG, RHEWL , MOSTYN, FLINTSHIRE**

4.00 APPLICATION VALID DATE

4.01 **10 SEPTEMBER 2012**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to the appeal against the refusal of planning permission for the erection of fence and gabion wall at Cwm-y Graig, Rhewl, Mostyn. The appeal was refused at Committee, contrary to officer recommendation and was considered under the written representations procedure.

6.00 REPORT

6.01 The Inspector considered the main issue in this case was the effect of the development on the stability of the land to the south of the site.

6.02 The appeal relates to the erection of a fence and gabion wall along

the rear boundary. These are at the bottom of and front a steep bank which is outside the appeal site.

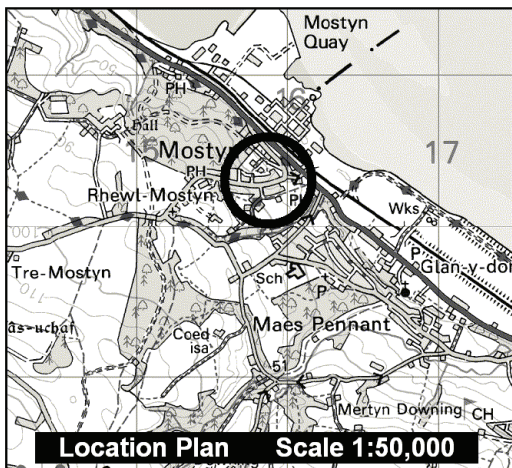
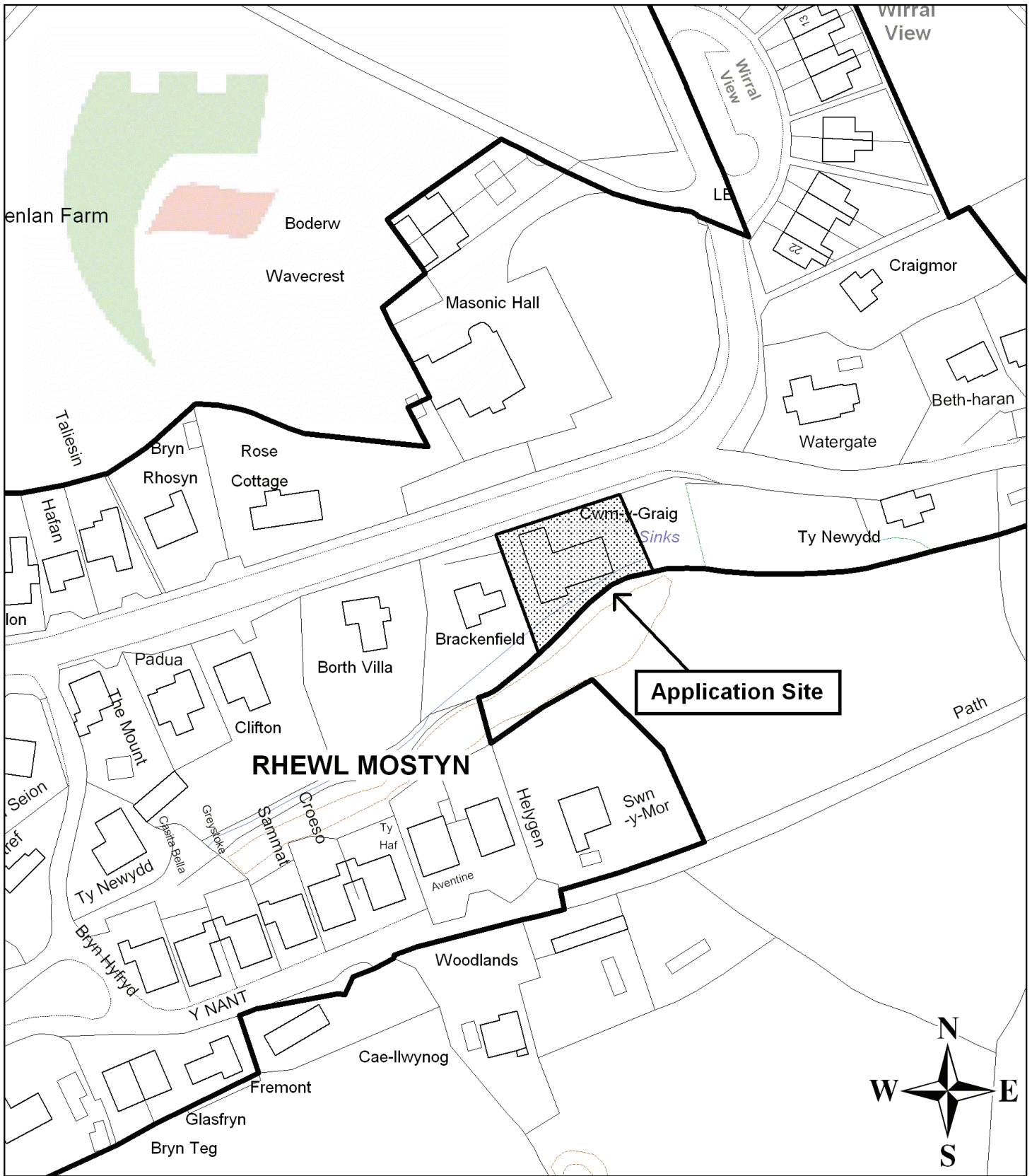
- 6.03 The Council 's concerns were with regard to the stability of the bank , the appellant provided additional information prepared by a firm of chartered engineers and architects, they confirmed the gabion wall was not acting as a significant retaining structure and that the embankment behind showed no significant signs of slippage. The Council's structural engineer considered that the gabions would serve the purpose intended and that the ground profile would not impose sufficient loading to overwhelm the gabions, even in the long term. Having regard to all the evidence submitted in relation to the former coal mining element of the site, the Inspector considered that a Coal Mining Risk Assessment was not required. No site specific evidence was provided by the Council to indicate the presence of a shaft which, combined with the excavation and development, has made or is likely to make the bank unstable.
- 6.04 The Inspector concluded in view of the above that the risk of land instability as a result of the development is low, and in any event steps are included to negate any risk and adjacent land users and the general public would not be put at risk, the development thus complies with Policy EWP16 of the adopted Flintshire Unitary Development Plan.
- 6.05 The Inspector noted that a water course runs across the site, this was culverted some years ago, and has not been significantly affected by the development. He advised that he is aware that works at the site including landscaping, are not yet complete and does not consider the unfilled gap to present a significant hazard.
- 6.06 The Inspector noted the boundary dispute, but advised that he was not empowered to adjudicate in such matters, and these matters must be addressed through alternative channels outside the remit of planning.
- 6.07 The Inspector considered that as there was no ambiguity with regards to the plans, that it was unnecessary to condition that the works be carried out in accordance with the submitted plans.

7.00 CONCLUSION

- 7.01 Having regard to all the matters raised, the Inspector concluded that the appeal should be **ALLOWED**.

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

Legend

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14th MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR.M ROONEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSE FOR 5 No. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARDSTANDING AND UTILITY DAYROOMS ANCILLARY TO THAT USE AT LAND ADJACENT TO EWLOE BARN WOOD, MAGAZINE LANE, EWLOE - ALLOWED.**

1.00 APPLICATION NUMBER

1.01 050463

2.00 APPLICANT

2.01 MR.M.ROONEY

3.00 SITE

3.01 LAND ADJACENT TO EWLOE BARN WOOD, MAGAZINE LANE, EWLOE

4.00 APPLICATION VALID DATE

4.01 01.02.13

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the refusal of planning permission for the 'Use of land for the stationing of caravans for the residential purpose for 5No. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use'. The application was refused by Planning and Development Control Committee on 15th May 2013. The

appeal was considered through a Public Inquiry. The Appeal was ALLOWED.

- 5.02 An application for full costs was made against the Council and a partial award was given in relation to the work undertaken prior to the withdrawal of the air quality reason for refusal and in respect of any work undertaken in relation to the reason for refusal relating to the power lines.

6.00 **REPORT**

6.01 **Background**

The Inspector referred to the previous Inspectors' decision and specifically paragraphs 103 and 104 of Inspector Gardener's Appeal Decision which state:

9.1 "Very exceptional circumstances are therefore in place sufficient to outweigh the green barrier impacts I have described. I would therefore grant planning permission for the proposal other than for an unresolved matter which I return to next.

9.2 Nevertheless, on a precautionary basis, I do not consider that planning permission should yet be granted. I have set out my concerns at the possibly unsatisfactory living conditions which the site might provide because of traffic noise and pollution. PPW advises, in relation to noise levels, that a careful assessment should be made before determining planning applications, possibly with a technical noise assessment provided by the applicant. TAN 11 points out that the weight to be given to such matters may be affected by other considerations, such as the need for the proposed development. Whether that is so or not in this case cannot be properly assessed until the implications of traffic noise and pollution from the A55 are known."

- 6.02 The Inspector noted that the Council withdrew their objection to the proposal relating to air pollution.

6.03 **Issues**

The Inspector noted that the Statement of Common Ground states that if he found that there would not be any unacceptable living conditions on the site the harm caused to the Green Barrier is clearly outweighed by other considerations amounting to very exceptional circumstances and planning permission should be granted. Accordingly, the main issue in this case is whether the noise from traffic using the A55 would materially harm the living conditions of the occupiers of the appeal site. The Inspector referred to UDP policies and guidance in Technical Advice Note 11 Noise.

- 6.04 TAN 11 explains that when deciding the NEC of a site the noise levels should be representative of typical conditions. The noise expert did not ascertain what the normal level of traffic using the A55 was on a typical weekday in October. However, there is absolutely no evidence

before me that the level of use of the A55 was anything other than typical. The survey displays all the characteristics of a typical weekday's use of the A55. There were no suggestions that traffic numbers were any higher or lower than usual or that the speed of traffic was significantly slower or higher than usual or that any other relevant factor was anything other than typical.

- 6.05 It was also suggested that the traffic conditions were not typical because the A55 is significantly busier in the summer season when tourists and visitors would be using it. Again there was no empirical evidence to support the assertion that the levels of traffic in the summer are significantly higher than in October. Further, there was no evidence as to what the effect, if any, would be if higher volumes of traffic were using the A55. There was a general consensus that higher volumes of traffic may be travelling slower than when normal volumes of traffic are using the road and thus the noise levels would decrease. The Council did not suggest to the appellant at the application stage that further noise measurements should be carried out at other times of the year or in other weather conditions. The Inspector stated that he is aware that the onus is on the appellant in a case such as this but having carried out a noise survey that is prima facie compliant with TAN 11 I consider the Council should have asked for further information if they considered the survey not to be typical. In any event the Inspector was satisfied that the noise survey complies fully with TAN 11.
- 6.06 Without any mitigation the levels of noise at the appeal site fall within NEC C for both day and night. TAN 11 explains that planning permission should not normally be granted in such circumstances. However, it is proposed to build a bund and erect a fence to act as a noise barrier. The noise barrier would be built adjacent to the A55 and also adjacent to parts of the site's side boundaries. The Inspector was advised that the top of the noise barrier would be a minimum of 2 metres higher than the level of the carriageway along the A55 – this was not disputed. The appellant calculated that the noise barrier would have the effect of reducing the level of noise within the site by 12db. This would bring the external noise environment within the high end of NEC A (daytime) and the low end of NEC B (nighttime).
- 6.07 TAN 11 explains that noise within:
- *NEC A need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable.*
 - *NEC B should be taken into account when determining planning applications and, where appropriate, conditions should be imposed to ensure an adequate level of protection.*
- 6.08 During the night time the Inspector stated that he would expect that the majority of the occupiers of the site would be within their static caravan. The relevant British Standard requires static caravans to

have a noise reduction index exceeding 35dB. When applying that 5 BS standard the noise within the living rooms and bedrooms of the static caravans would be reduced to a level that was good. During the daytime the dayrooms would be in use. The Inspector was not provided with any evidence as to what the levels of noise would be within these structures. He had no doubt from my own experience that the noise levels would be wholly acceptable even if the dayrooms were being used for rest.

6.09 The Inspector noted that the Council suggested that the noise barrier would not be as effective as the noise expert claims. They are of the view that the noise from the A55 should be measured at a level 0.5m above the level of the road – as set out in the Welsh Office document entitled “Calculation of Road Traffic Noise” (the CRTN methodology). The noise expert measured the noise at road level. It was agreed that the primary source of noise would be at road level.

6.10 The Inspector did not accept the Council’s criticism of the noise expert’s approach for the following reasons:

- TAN 11 does not advocate the CRTN methodology.
- The CRTN methodology is used where the noise source is not in existence –in this case it is.
- The CRTN methodology cannot be translated into, or compared against, TAN 11 criteria.
- The appellant’s calculations were based on the noise barrier being 2 metres higher than the level of the A55. For the majority of its length the noise barrier would exceed that height.
- There was no explanation of the physics involved to explain why the noise barrier would be less effective than that claimed by the appellant’s noise expert.

Accordingly, the appellant was unable to challenge that assertion.

6.11 The Council referred to the noise maps published by the Welsh Government. Having regard to the noise maps the Council suggested that the average levels of noise maybe higher than as measured by the appellant’s noise expert. However, these noise maps carry the following warning, “*The noise levels in these maps are calculated rather than measured and are based on assumptions. So the maps should not be relied upon to tell how noisy it really is outside specific properties*”. As stated above, the Council do not have any evidence, so far as the Inspector was aware, to contradict the levels of noise as recorded by the appellant’s noise expert.

6.12 There was much discussion at the Inquiry as to whether it would be possible to prohibit the use of touring caravans on the pitches as overnight sleeping accommodation. There were no calculations as to what the levels of noise would be within the touring caravans. However, the Inspector considered that it is unlikely that the touring caravans would be used as such because:

- The touring caravans will often be off-site as the gypsies travel

to seek out work away from the site.

- When the touring caravans are on site it seemed unlikely to the Inspector that they would be used as sleeping accommodation because of the greater degree of comfort and quiet that would be achieved by sleeping within the static caravan.

- 6.13 The Inspector also had regard to the assertions made by the Council that the noise barrier will be as effective as claimed because of the distance of the static caravans from the noise barrier. This was a matter which the appellant's noise expert disputed. The Inspector did not have sufficient evidence before him to accept the Council's view that the noise barrier will not be as effective as has been claimed.
- 6.14 The Inspector was aware that the appellant's noise expert made no specific reference to the HGV convoy effect in his initial Environmental Noise Survey dated 16 October, 2012 (the October Survey). However, the effect of the HGV convoy on noise readings is clearly recorded in the results of the October Survey. The fact that there was no specific reference in the text of the October Survey to the HGV convoy does not undermine its conclusions. The Inspector did not consider that this matter requires any further exploration or evaluation as suggested by the Council. The results reflect the typical conditions of the night-time use of the A55 by the HGV convoy. Further, there is no evidence before me that any individual noise events during the night time period occur with such regularity that the site should be treated as being within NEC C.
- 6.15 The Inspector had regard to the high levels of noise outside the static caravans and dayrooms during the daytime. He recognised that a significant number of children, as well as adults, are likely to be on the site at various times and using the outdoor area for recreation and leisure.
- 6.16 Having regard to all the evidence that is before him, including his own experience, he did not consider that the external noise climate would be unacceptable. It would clearly be possible to secure lower levels of noise within each individual pitch by the erection of further enclosures typical of many rear garden areas found throughout the country.
- 6.17 He is aware from his own experience that road noise increases in wet weather. The survey was carried out when the A55 was dry. The appellant's noise expert's opinion was that the noise within the site from traffic using the A55 in wet conditions would still be acceptable. Further, in those weather conditions the occupants of the site would be likely to be inside the utility / day rooms or the static caravans.
- 6.18 Further, the Inspector did not consider that the noise within the site would be materially louder even if the wind direction differed from that when the noise survey was carried out. On the balance of probabilities he concludes that the noise from traffic using the A55 would not

materially harm the living conditions of the occupiers of the appeal site following the construction of the noise barrier subject to its retention thereafter. Accordingly, the proposal accords with the relevant provisions of the development plan.

6.19 Other Matters

The Inspector had regard to the concerns raised by local residents and others regarding inappropriate development, harm to the openness of the Green Barrier, harm to the character and appearance of the area, highway safety, drainage, ecology and sustainability. All these matters were addressed by Inspector Gardener in his Appeal Decision and by the Council in their Committee Report. Inspector Gardener found that very exceptional circumstances outweighed any harm that arose from these matters and the Council concurred with that view at the Inquiry. The Inspector also agrees with that assessment.

6.20 He was advised that the only difference between the scheme that was before Inspector Gardener and the appeal proposal is that the noise barrier has been increased in height and extended in total length. Parts of the additional noise barrier are likely to be seen by users of Magazine Lane and the A55. Further, some works have been carried out to the vegetation growing between the A55 and the appeal site. However, he did not consider that in the context of the scheme that was before Inspector Gardener the additional parts of the noise barrier materially alters the level of harm to the character or appearance of the area or the impact on the openness of the Green Barrier. Further, a landscaping scheme would need to be approved and this would provide opportunities for introducing new vegetation (where necessary) around the perimeter of the site to reduce the visual impact of the noise barrier.

6.21 The Inspector has noted the concerns of the neighbouring farmer of potential harm to his livestock and business generally if the watercourses adjacent to the appeal site become polluted due to a failure to maintain any cesspit that is used for the disposal of foul water. However, any foul water disposal system must first be agreed in writing by the Local Planning Authority and Welsh Water would need to be re-consulted. He is satisfied that a safe system for the disposal of foul water could be provided on the appeal site. If there was to be an escape of effluent that results in damage to the adjoining owner's property there are civil law remedies available to him. The Inspector stated that it is not possible for him to impose a condition requiring any future occupiers of the appeal site to take out public liability insurance.

6.22 He is aware that the ditch adjacent to Magazine Lane is not currently well maintained. There are powers available to the Council to require action to be taken if the failure to maintain the ditch prevents the free flow of water.

6.23 Conditions

The Inspector considered the conditions suggested by the Council and others discussed at the Inquiry in the light of the advice in Circular 35/95 "*The Use of Conditions in Planning Permissions*" (the Conditions Circular). He imposed the conditions suggested by the Council with some amendments. Other minor amendments have been made to the conditions to reflect advice in the Conditions Circular.

6.24 The Inspector imposed conditions requiring:

- The noise barrier to be erected prior to the occupation of the site and for its retention thereafter as agreed at the Inquiry. This is necessary to protect the residents of the site from exposure to excessively high levels of noise.
- That the touring caravans shall not be used as overnight sleeping accommodation unless otherwise agreed in writing by the Council. This is because the Inspector does not have any evidence that the night-time noise within the touring caravans would be of an acceptable level. He is aware that the Council does not consider such a condition to be enforceable and thus fails to comply with advice in the Conditions Circular. While the Inspector understands the difficulties of securing evidence to show that the condition has been breached, he considers from his experience whilst this condition may present some evidential difficulties it would be possible to secure compliance with the condition without unacceptable difficulties.

6.25 The Inspector considered that there was no need for a temporary permission in this instance. The very exceptional circumstances outweigh the harm to the Green Barrier. It was agreed at the Inquiry that even if the emerging LDP progressed in accordance with the proposed timetable it would not meet all the accommodation needs for the gypsy and traveller community in the area. The Inspector therefore granted a permanent consent which was not personal to the occupiers. The site can therefore be occupied by any persons defined as a gypsy and traveller.

6.26 The Inspector also did not consider it relevant to impose the condition relating to the approval of the plan for the construction of the bund as suggested by the Council in relation to the issues of safety and the overhead power lines. He was not convinced that it is either reasonable or necessary as there was no evidence before him to show that the residential use of the site would be inherently unsafe for the occupiers.

6.27 Costs application

The appellants made an application for a full or partial award of costs against the Council in respect that the Council acted unreasonably with regard to all reasons for refusal. A partial award of costs was

allowed.

- 6.28 In relation to the noise reason for refusal the Inspector considered that the Council did not require additional noise information that exceeded that required by TAN 11 and the Council's decision on this issue amounts does not amount to unreasonable behavior but merely a difference in approach.
- 6.29 The Council did not produce any evidence as to the levels of noise on the appeal site from traffic using the A55 and attempted to undermine the appellant's evidence through a critique. It was agreed at the Inquiry that the onus of showing living conditions would be acceptable falls on the appellant. The Inspector did not consider that the Council's approach to the noise evidence amounts to unreasonable behavior.
- 6.30 In respect of the air quality reason for refusal and the matters covered in the submitted Addendum report, the Inspector noted that there is no obligation on the Council to assess or manage the matters which were covered in this report or which were of concern to the Council. The Council accepted that the proposal met current standards, however, the Council were aware that a report from the World Health Organisation (WHO) that questions whether the existing standards are adequate. Accordingly, the Council Officer advising on these matters could not support the application without knowing if the pollutants identified by the Council had been assessed at the appeal site and whether the potential risks associated with them had been fully investigated. The Inspector did not consider that the Council's precautionary approach regarding this matter amounts to unreasonable behaviour.
- 6.31 The appellants submitted an Addendum Report in relation to the Air Quality reason for refusal at the same time as lodging the appeal with the Planning Inspectorate on 21st October 2013. Given the conclusions of the Addendum Report the appellant asked the Council to withdraw the "air quality" reason for refusal within 14 days i.e. by 5 November 2013. The Council confirmed on 16 January 2014 that they wished to withdraw the Air Quality reason for refusal. By that date the appellant's air quality expert had produced a draft Proof of Evidence. The Inspector considered the Council's conduct in relation to this matter amounts to unreasonable behaviour. He was aware that there were delays in:
- obtaining the advice of the relevant Environmental Health Officer who is responsible for these matters, and
 - getting the relevant authority to withdraw this reason for refusal from the relevant Committee.

However he felt that the appellant was entitled to recover his wasted costs in respect of preparing the proof of evidence in relation to this reason for refusal between 5th November 2013 and 16th January 2014.

- 6.32 With regard to the reason for refusal relating to the power lines the Inspector noted the conclusions of Inspector Gardener who stated “They do not present a significant risk to future occupants.” The Inspector referred to the response from Scottish Power Energy Networks (SPEN) and the paragraphs of the Committee Report which dealt with this issue. At the time the Council made their decision they did not know what the clearance distance was between the bund / fence and the power lines. There was no explanation from the Council as to why SPEN did not either know or ascertain this information. In the run up to the Inquiry the appellant measured the current clearance distance and the shortest distance between the ground and the power lines is about 7.993m. The bund would be 2m in height. Assuming the existing lowest point of the power lines would be above the proposed bund there would still be a clearance of 5.99m between the ground level at the top of the bund and the power lines. The Inspector was advised that the minimum distance is 5.2m.
- 6.33 The appellant considers the Council acted unreasonably:
- In having regard to the issue of health and safety at work because this is a matter that is controlled by other legislation.
 - By the Council failing to consider whether this was a matter that could be addressed by the imposition of a condition.
- 6.34 The Inspector agrees with the appellant in respect of this matter. The issue of the safety of workers is governed by a separate regime of controls and in my view there was unreasonable behaviour on the part of the Council to refuse the application on this basis because:
- The development would not reduce the clearance distance between the ground and the power lines to an unacceptable degree.
 - Even if it did, the matter could have been dealt with by way of a condition prohibiting development until the issue of the power lines had been resolved.
- 6.35 While an employee of SPEN prepared a Proof of Evidence in anticipation of the Inquiry – he did not give evidence because he concluded that a condition could be imposed that would deal with their concerns. However, mention was made within the Proof of Evidence that the reduction in clearance between the ground and the power lines would fail to maintain the safety of users of the site. There is no explanation as to why the future users of the site would be endangered. The Inspector therefore concluded, for the reasons explained above, that the appellant is entitled to his costs of dealing with this reason for refusal.
- 6.36 With respect to the green barrier reason for refusal the Inspector concluded that this reason for refusal amounts to unreasonable behaviour by the Council. It is clear from all the documentation that the Officers advising the Committee were fully aware of Inspector Gardener’s conclusions on this issue, however, there are material

differences between the bund/fence that was proposed in the first appeal and the noise barrier currently proposed. The Inspector did not consider that it was unreasonable behaviour on the part of the Council to conclude that the noise barrier would cause harm to the openness of the Green Barrier and materially harm the landscape of the Green Barrier.

7.00 CONCLUSION

7.01 The appeal is allowed and permanent planning permission is granted for the use of the land for the stationing of caravans for residential purpose for five gypsy pitches together with the formation of additional hard standing and utility dayrooms ancillary to that use. There are a number of pre-commencement conditions in respect of;

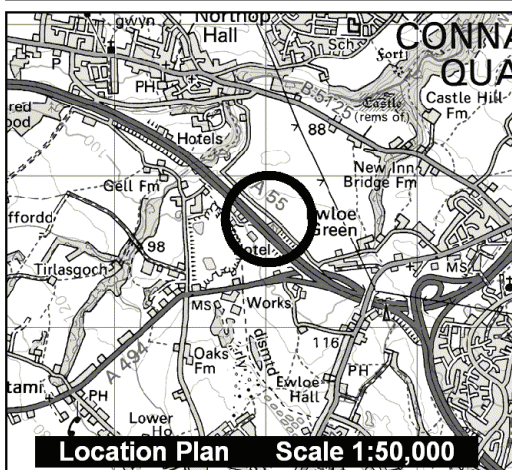
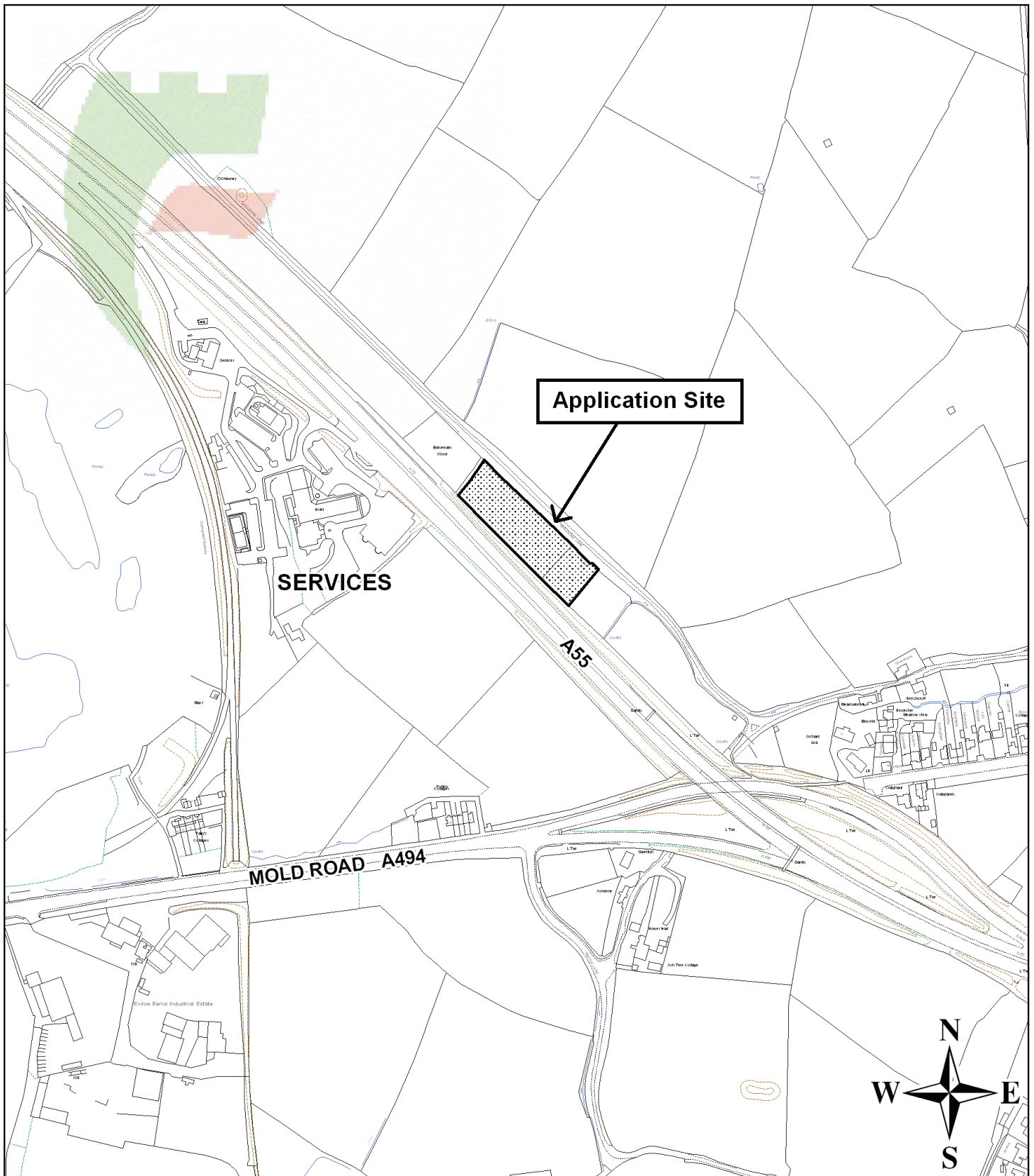
- Detailed design of the access
- Details of visibility splays
- Landscaping scheme including the bund and boundary treatment
- Approval of materials for day rooms.

7.02 There are a number of pre-occupation conditions relating to;

- Disposal of foul sewage and surface water
- Erection of bund and fence
- Static caravans to be in accordance with BS 3632:2005

7.03 A partial award of costs was granted to the appellant in relation to the work undertaken prior to the withdrawal of the air quality reason for refusal and in respect of any work undertaken in relation to the reason for refusal relating to the power lines.

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

Legend



Application Site Extent



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **50463**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14th MAY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY MR. J. WOODCOCK AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE FROM AGRICULTURAL TO CARAVAN PARK WITH 27 SPACE INCLUDING THE CONVERSION OF SHED INTO CAMPSITE AND FISHING FACILITIES, CONVERSION OF BARN INTO SITE MANAGERS DWELLING, FORMATION OF AN ACCESS, CONSTRUCTION OF FISHING POOLS PARKING AND ANCIALLY WORKS AT LAND OPPOSITE STAMFORD WAY FARM, STAMFORD WAY DISMISSED**

1.00 APPLICATION NUMBER

1.01 050839

2.00 APPLICANT

2.01 MR J WOODCOCK

3.00 SITE

3.01 LAND OPPOSITE STAMFORD WAY FARM, STAMFORD WAY, EWLOE, DEESIDE

4.00 APPLICATION VALID DATE

4.01 24TH MAY 2013

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the refusal of planning permission for the 'Change of use from agricultural to caravan park with 27 spaces including the conversion of shed into campsite and fishing facilities, conversion of barn into site

managers dwelling, formation of an access, construction of fishing pools, parking and ancillary works. The application was refused by Planning and Development Control Committee on 9th October 2013 contrary to officer recommendation. The appeal was determined by way of written representation. The Appeal was DISMISSED.

6.00 REPORT

6.01 The Inspector stated that the application site was located in 'green barrier' as defined by the Flintshire Unitary Development Plan (UDP) and reiterated the restrictions for development in green barriers set out in Policy GEN4 of the UDP and in Planning Policy Wales Edition 6 (PPW).

6.02 He considered that the main issues were;

- Whether the proposal would be inappropriate development in the green barrier; and
- Whether there are other considerations which clearly outweigh the harm to the green barrier, thereby justifying it on the basis of very exceptional circumstances.

6.03 Green barrier

The Inspector considered whichever category of development the proposed use would fall as listed in policy GEN4 the main considerations are whether it would maintain openness of the green barrier and would not conflict with the purpose of including land within it. In the case of GEN4, the development should not contribute to the coalescence of settlements, and unacceptably harm the open character and appearance of the green barrier.

6.04 The Inspector notes that openness is an important attribute of green barriers and in this case the sloping field of the appeal site has an expansive an open character. Apart from two retained outbuildings the remainder of the field is free from built development. The proposal would involve a significant engineering operation to form two large ponds, the creation of hard-standings for caravan pitches and a considerable area would be taken for the formation of access roads and parking pools. The activity associated with the use for fishing purposes would be year round, the café would be open throughout this period, and the caravan use would be active for some 8 months of the year. None of these uses could be regarded as maintaining openness or not unacceptably harming the open character. The change to the open character would be irreversible and permanent in terms of the coverage of the site and the associated activity would significantly diminish openness of the current site.

6.05 The Inspector refers to the fact that the Appellant contends that a rural location is essential for the use, but the Inspector considered that it is no more essential than any other location within or located outside the green barrier. The use does not have an essential requirement to be

located on the appeal site. He therefore concluded that the primary functions of the use are regarded as inappropriate development in the green barrier in conflict with PPW and GEN4. Whilst green barriers can provide opportunities for access to the open countryside and provide opportunities for outdoor sport and recreation, these functions are dependent upon the test of inappropriateness and impact on openness. In his view, the proposal as a whole would not accord with one of the purposes of a green barrier which is to safeguard the countryside from encroachment. Given the conclusions on the use, the other components of the facility would be an ancillary function of that use, the manager's dwelling and the café/reception building. However, the extent of the coverage of proposed extensions to these buildings would on their individual impact fail to maintain openness and would also be regarded as inappropriate development in the green barrier.

6.06 Other considerations

The Inspector acknowledges that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accordance with the plan.

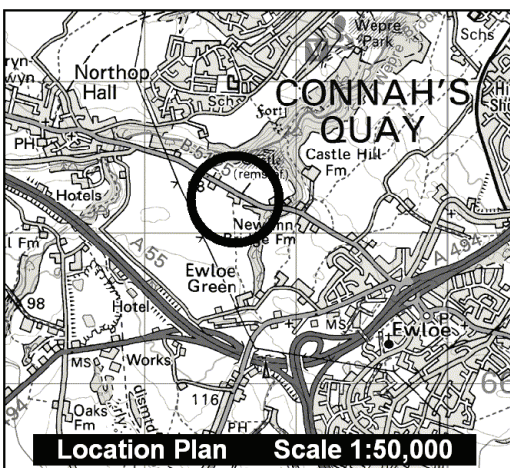
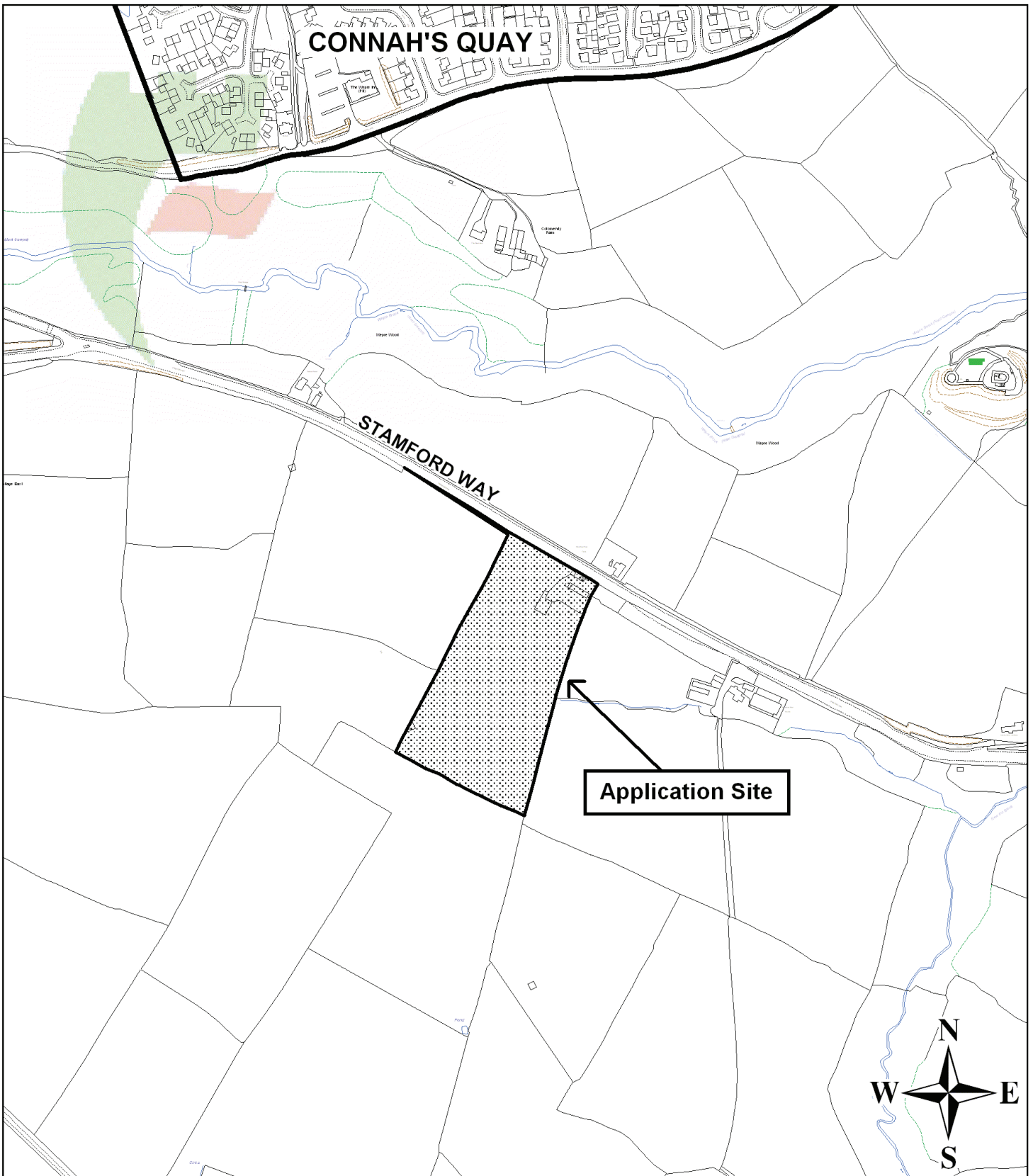
6.07 The Inspector refers to the fact that the Appellant has not provided a detailed case that other considerations would clearly outweigh the harm to the green barrier by inappropriate development, other than indicating that tourism and sport and leisure enterprises are appropriate alternative uses and the assertion that the business case provides a firm basis to grant permission for a rural based enterprise bringing economic benefits and employment, designed to meet a tourism need and bring about biodiversity enhancement and additional landscaping. While the Inspector recognises that PPW and aligned technical advice notes encourage a diverse rural economy, seek to meet the needs/demands of tourism/sport and recreation, encourage biodiversity and landscaping, but only in respect that these objectives are consistent with the UDP and PPW in relation to green barrier policies.

7.00 CONCLUSION

7.01 In the Inspectors view, the balance of the argument which is purported to be in favour of the proposal does not clearly outweigh the harm to the green barrier. The arguments put forward on need, tourism and economic benefits, biodiversity and the benefits of additional landscaping would not add weight in favour of the proposal and would not diminish the substantial weight against the development by reason of inappropriateness. He therefore considered individually and cumulatively these other considerations and these do not clearly

outweigh the harm by reason of inappropriateness. He therefore concludes that the proposal is unacceptable having regard to the strict control over development in the green barrier contained in national and local policies. For the reasons given above, and having regard to all other representations submitted, the Inspector concluded that the appeal should be DISMISSED.

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 Flintshire County Council, County Hall,
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Legend



Application Site Extent



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:5000

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Planning Application **50839**

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