

# Public Document Pack

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Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chairman)

CS/NG

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

10 June 2014

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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 18TH JUNE, 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 **APPOINTMENT OF VICE-CHAIRMAN**  
To appoint a Vice-Chairman for the Committee.
- 4 **LATE OBSERVATIONS**

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

5 **MINUTES** (Pages 1 - 26)

To confirm as a correct record the minutes of the meeting held on 14 May 2014.

6 **ITEMS TO BE DEFERRED**

7 **REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

The reports of the Chief Officer (Planning and Environment) are enclosed.

**REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON**  
**18<sup>TH</sup> JUNE 2014**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
7.1	051043	General Matters Application - Erection of a Crematorium with Associated Car Parking, New Access, Landscaping and Garden of Rest on Land East of A5119 & South of Tyddyn Starkey, Starkey Lane, Northop (051043) (Pages 27 - 30)
7.2	052000 - A	Full Application - Re-plan to Plots 124 - 127, 136 - 139 and Addition of Plots 173 - 180 Using Types Previously Approved on Application 049605 at Lane End Brickworks, Church Road, Buckley (052000) (Pages 31 - 42)
7.3	051501 - A	Full Application - 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 43 - 50)
7.4	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 51 - 60)
7.5	051966 - R	Conversion of Shop & Store to 2 No. Dwellings with Off Street Parking at Pioneer Stores, Shop Row, Village Road, Cadole (051966) (Pages 61 - 68)
7.6	050308 - A	Full Application - Conversion of Redundant Out-Building to Form a Single Dwelling Together with the Installation of a Septic Tank at Kinnerton Lodge, Kinnerton Lane, Higher Kinnerton (050308) (Pages 69 - 78)

Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
7.7	048850	Appeal by Wainhomes Ltd Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 18 No. Dwellings with Associated Roads, Sewers and Open Spaces at Land Adjoining Siglen Ucha, Ruthin Road, Gwernymynydd - DISMISSED (048850) (Pages 79 - 84)
7.8	050616	Appeal by Wm Morrisons Supermarkets Plc Against the Decision of Flintshire County Council to Refuse Planning Permission for the Construction of a New Petrol Filling Station and Associated Access Road with Alterations to Existing Highway at Neighbourhood Centre, Ffordd Llanarth, Connah's Quay - DISMISSED (050616) (Pages 85 - 88)
7.9	051396	Appeal by Mr. & Mrs Mark Jones Against the Decision of Flintshire County Council to Refuse Planning Permission for a Detached Double Garage with Storage Space Above at Trefalyn, 53 Ruthin Road, Mold - DISMISSED (051396) (Pages 89 - 92)
7.10	051592	Appeal by Mr. Mark Allen Against the Decision of Flintshire County Council to Refuse Planning Permission to Take Off the Roof of the Existing Bungalow, Demolish the Existing Flat Roofed Garage and Construct a New Brick Garage, Extend at the Back of the Garage to Create a New Bedroom and Construct a New Higher Pitched Roof Over the Whole Structure to Create New Rooms in the Roof Space Lit and Ventilated by Roof Lights Only at 28 Summerdale Road, Queensferry - DISMISSED (051592) (Pages 93 - 96)



## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE** **14 MAY 2014**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 14 May 2014

### **PRESENT: Councillor David Wisinger (Chairman)**

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

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Robin Guest - agenda item 6.1. Councillor David Mackie - agenda item 6.3. Councillor Peter Curtis - agenda item 6.4. Councillor Amanda Bragg - agenda item 6.5. Councillor Veronica Gay (adjoining ward Member) - agenda item 6.6. Councillor Tim Newhouse - agenda item 6.8.

The following Councillors attended as observers:

Councillors: Helen Brown, Chris Dolphin and George Hardcastle

### **APOLOGIES:**

Councillors: Billy Mullin and Neville Phillips

### **IN ATTENDANCE:**

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

## **185. DECLARATIONS OF INTEREST**

Councillor Alison Halford declared a personal and prejudicial interest in the following application as she was a School Governor at Hawarden High School. She had been granted dispensation by the Standards Committee to speak for five minutes and vote on the application:-

**Agenda item 6.3 – Full application – Erection of 41 No. dwellings, open space and access works at Old Hall Road/Greenhill Avenue, Hawarden (051613)**

The Democracy & Governance Manager advised that Councillor David Mackie also had a personal and prejudicial interest in application 6.3 as he was governor at both schools who would receive educational contributions if the application was approved. He had been granted dispensation to speak on the application, but he must leave the chamber after addressing the Committee.

The Democracy & Governance Manager advised that Councillor Peter Curtis was school governor at Holywell High School and he therefore had a personal and prejudicial interest in the following application:-

**Agenda item 6.4 – Erection of a new school building including primary school, secondary school and sports hall facility associated site redevelopment 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)**

However, Councillor Curtis had not submitted a request for dispensation and he was therefore permitted to speak for three minutes and must also leave the chamber following him addressing the Committee. Councillor Curtis indicated that he had submitted a request but the form had not been received.

#### **186. LATE OBSERVATIONS**

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

He also welcomed Matt Georgiou, the Housing & Planning Solicitor, to the meeting and explained that he would be taking over from David Davies, who had retired from the Council. A letter from Mr. Davies had been circulated to the Committee prior to the start of the meeting.

Councillor Derek Butler expressed his gratitude for the advice that had been provided to the Committee by Mr. Davies during his many years as Principal Solicitor. He asked that a letter be sent to Mr. Davies from the Chairman on behalf of the Committee to thank him for his contribution.

#### **RESOLVED:**

That a letter be sent to Mr. David Davies to thank him for his contribution to the Committee during his time as Principal Solicitor.

#### **187. MINUTES**

The draft minutes of the meeting of the Committees held on 4 April 2014 (special meeting) and 9 April 2014 had been circulated to Members with the agenda.

#### **9 April 2014**

##### **Accuracy**

In referring to page 21, Councillor Alison Halford raised concern that a serious issue had been omitted from the minutes. She said that Councillor Chris Bithell had made a suggestion that she was in connivance with the applicant of Deer Lodge, Cymau. She had also been accused of attacking officers and she declared that she had not been aggressive at the meeting.

She suggested that the following words be included in the minutes on page 21, in the paragraph starting 'Councillor Richard Jones':-

“Councillor Bithell indicated that Councillor Halford had something to do with the owner of Deer Lodge which was why he kept bringing the application back to Committee rather than submitting an appeal. Rather than listening to officers, she had attacked them in such a way that her behaviour should be reported to the Standards Committee”.

Councillor Halford indicated that she had defended herself in response to the comments made.

The Democracy & Governance Manager advised that the matter was recorded on page 22 and suggested that this was a more appropriate place to include the words that she had indicated. He asked if Councillor Halford was asking that the wording be in place of the paragraph on page 22 or in addition to it. She proposed that it be an addition to page 22 and this was duly seconded.

In response, Councillor Chris Bithell said that he had not made an allegation of connivance between the applicant and Councillor Halford but had commented that the applicant could have appealed against the decision of refusal. He believed that the paragraph on page 22 was an accurate summary of the discussion at the meeting. He added that he raised concern about the comments of Councillor Halford to the officers and the way she had taken issue with the advice that they had provided.

Councillor Derek Butler concurred that the issue had been accurately summarised on page 22 of the minutes and that the debate had begun when he had spoken about Council policies and had commented on Councillor Halford using the wrong policy in the wrong place.

The Democracy & Governance Manager advised that officers felt that the draft minutes were a correct record of the meeting and that it was for the Committee to decide if the proposed paragraph should be included.

On being put to the vote, the proposal to include the wording suggested by Councillor Halford was LOST. Councillor Ian Dunbar proposed that the minutes included in the agenda were a correct record and this was duly seconded. On being put to the vote, the proposal was CARRIED.

**RESOLVED:**

That the minutes of the meetings held on 4 April and 9 April 2014 be approved as correct records and signed by the Chairman.

**188. ITEMS TO BE DEFERRED**

The Head of Planning advised that the following items on the agenda were recommended for deferral by officers.

**Agenda item 6.9 – 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 (051501) – a site visit had been arranged for 12 May 2014 but it had not been possible to gain access to the site**

**Agenda item 6.11 - 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) – following the site visit on 12 May 2014, it had been identified that there may be potential for further negotiation with the developer for a more acceptable design of properties**

Councillor Owen Thomas indicated that a comment had also been made about whether the dwellings had been erected in the correct positions. The Head of Planning indicated that if the application was deferred, the position of the properties could also form part of the negotiations.

On being put to the vote, application 6.9 (Owl Halt Industrial Estate) and 6.11 (Plots 52-56 Field Farm Lane, Buckley) were deferred.

**RESOLVED:**

That applications 6.9 (Owl Halt Industrial Estate) and 6.11 (Plots 52-56 Field Farm Lane, Buckley) be deferred.

**189. FULL APPLICATION – ERECTION OF 23 NO. DWELLINGS AND ASSOCIATED WORKS ON LAND AT (SIDE OF FFORDD HENGOED), UPPER BRYN COCH, MOLD (051105)**

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 along with suggested amendments to conditions 22 and 28 and an additional condition 31.

The officer detailed the background to the report and explained that the application had been deferred from the meeting held on 9 April 2014 for officers to negotiate highway amendments to the scheme and afford residents adequate time to comment upon any amended plans received. The main issues for consideration included the principle of development, highway implications and amenities of the adjoining residents. The majority of the site was allocated for housing in the Unitary Development Plan (UDP) and the proposal had now been amended to show residential development on the allocated part of the site, which was acceptable in principle in planning terms.



Mr. L. Collymore spoke against the application. He explained that his property was behind the proposed plot 23 and he asked that the plot either be moved or removed as the space around dwellings distances could not be achieved if it was included. A dwelling built on this plot would overshadow existing dwellings, and the elevated nature of the dwelling would mean that it would overlook the garden of number 4. He referred to policies STR1, GEN1 and HSG8 and reiterated his comment that plot 23 should be removed as it was an overdevelopment of the site. Mr. Collymore added that he felt that plot 6 had been shoehorned into the proposals and plot 7 did not comply with space around dwellings guidelines and the back garden of plots 11, 12 and 18 were too short.

Mr. A. Parry from Mold Town Council also spoke against the application. He said that the site had been allocated for 15 houses in the UDP so to apply for 23 was 50% above the permitted figure and added that 15 dwellings would relate well to the development. The proposal for 23 dwellings would generate substantially more traffic and would create future problems for the junction nearby. Residents had raised concern about the access which was opposite to a playing field and was in a single track lane. Mold Town Council had suggested that the access to the site would be better at the western end of the site and would allow vehicles to have direct access to Ruthin Road where the 30mph speed limit could be extended to include the junction. He raised concern about issues of flooding and commented on the culverting of the watercourse which would result in flooding across nearby fields.

Councillor Richard Jones proposed refusal of the application, against officer recommendation, which was duly seconded.

The Local Member, Councillor Robin Guest, spoke against the application. He requested that amendments to the plans on the website for all planning applications be dated so that they could clearly be identified as the latest version. He said that the application for 23 four and five bed houses was on a 1.3 hectare site but because of the need to protect an area of green space, the site area was 0.9 hectares with no reduction in the number of dwellings. The proposal indicated that four dwellings would back onto Ffordd Hengoed and the result of the reduction in site area meant that more properties had been shoehorned in than the site could accommodate. Several changes for plot 23 had been made by the applicant but Councillor Guest felt that the best solution could be to delete the plot altogether. He suggested that a mix of dwellings across the site could achieve a better layout and would achieve space around dwellings guidelines. He raised concern that space around dwellings calculations had been taken from the original existing properties and not from any extensions that may have been erected. In referring to impact on the amenity of the existing residents, he asked that the application be refused. He commented on the considerable improvements on the access to the site following concerns raised and asked that consideration be given to protect the hedge on the eastern boundary of the site if the application was approved and that a condition be included to delete plot 23 from the proposal.

Councillor Chris Bithell said that he did not object to the principle of development of the site which was allocated in the UDP and was in the settlement boundary but he did feel that the proposal was an overdevelopment of the site. Due to constraints on the site to provide a green space, the site area had reduced but the number of properties had not. He referred to plot 23 which would have a significant impact on existing residents and would dominate properties on Ffordd Hengoed. He also had concerns about the access and egress and indicated that the Development Plans Panel had suggested that a straight road through the development would be better as the well used lane was very narrow. The Panel had also suggested that bollards be put on the lane so that it could be used by cyclists and walkers but not vehicles. He agreed that the 30mph speed limit on Ruthin Road could be extended.

Councillor Mike Peers said that he was not in favour of the application because of the layout of the site. He noted that the density of 21 dwellings per hectare was lower than the Council's guidance and suggested that a different mix of dwellings to include 1 and 2 bedroom properties would be better and would provide a greater density. He raised concern that there was no affordable housing on the site and suggested that a different mix of dwellings would allow for the provision of affordable housing. He also asked where the nearest off site play provision was and queried what was meant by alternative planning provision.

In response to the comments made, the officer referred members to paragraph 7.25 where the issue of density was reported. Policy HSG8 advised that Category A settlements should be a minimum of 30 dwellings per hectare but individual circumstances could vary this. Due to the smaller site area and the constraints on the site, 21 dwellings per hectare was considered acceptable. The proposal met space around dwellings guidelines except on plot 23 to the rear extension of number 2 but as it was at an angle and the distances had been calculated from the original building, then it was acceptable. Plot 23 was also at an angle to number 4 so did not have a detrimental impact or loss of amenity for that property. The Senior Engineer - Highways Development Control confirmed that there were no objections from Highways subject to conditions. She also indicated that there was no reason to refuse the application on highway grounds.

On the request to condition the removal of plot 23, the officer said that officers considered the plot to be acceptable and reminded Members that they should consider the application before them.

The Development Manager said that a meeting had taken place with the Local Member and residents. He spoke of the conflicting issues that had been raised by Members, some suggesting a lower density and others that the proposal was overdevelopment of the site. He said that the applicable guidance should not mean that applications were considered as 'planning by numbers' and in commenting on the issue of whether it was overdevelopment of the site said that if the guidance was strictly applied then the site did meet the criteria; this would therefore make a refusal on this ground difficult to

defend at appeal. On the mix of development, negotiations had taken place with the developer and it was felt that the proposals were appropriate for the site.

In summing up, Councillor Jones said that guidance had been considered but that implications on existing residents should also be taken into account. He felt that the application should be refused due to the overbearing impact on properties on Ffordd Hengoed and the non-compliance with separation distances of plot 23. He proposed refusal on the grounds of inadequate separation distances leading to an overbearing impact on properties in Ffordd Hengoed, which would be detrimental to residential amenity.

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

**RESOLVED:**

That planning permission be refused on the grounds of inadequate separation distances leading to an overbearing impact on properties in Ffordd Hengoed, which would be detrimental to residential amenity.

**190. 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)**

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

The officer detailed the background to the report and explained that the original application had included a Section 106 obligation for monitoring of the car park through the use of a Patrol Officer and the provision of a £20,000 commuted sum. Two objections had been received but the officer recommendation was for approval.

Mr. C. Murphy spoke against the application on behalf of an objector who was unable to attend. He said that the Aldi car park management scheme and the use of cameras had been operating for many months without approval. He objected because the applicant was attempting to get rid of the transparent process and replace it with cameras. He felt that this would not be an improvement and that this scheme bore no resemblance to the original Section 106 agreement. Mr. Murphy said that the cameras did not monitor the use of the car park and did not assist users in finding car park spaces but captured the car registration numbers at the entrance. He felt that it created a lucrative revenue stream for the operator. He spoke of a similar scheme in

Northumbria Health Authority which had been installed but had since been removed.

The Democracy & Governance Manager explained that neither the fact that the application was retrospective nor the arrangements at Northumbria Health Authority were relevant to the Committee's decision.

Councillor Derek Butler proposed refusal of the application, against officer recommendation, which was duly seconded. He said that this application was an abuse of the Section 106 agreement. He commented on the £20,000 as part of the original agreement and said that part of that application was that the car park should be able to be used for general parking and not just those who shopped at Aldi or visited McDonalds. He said that the signs that had been erected could not be read and the disabled bays had been removed. He did not think that there had been any mention of a time limit for parking in the original application. He felt that the application should be opposed on material grounds as it did not adequately reflect the needs of the people of Mold. He added that there had not been any evidence that there had been any gross abuse of parking in the car park and without any evidence he felt that the section 106 agreement could not be rewritten. Councillor Mike Peers felt that the 106 agreement originally in place was adequate and was operating well and should not be amended. He suggested that anybody that had been fined as a result of the cameras should be refunded as the cameras did not have planning permission.

Councillor Chris Bithell explained that the car park had originally been provided by Aldi for its customers at no charge and no fines were imposed but this had led to abuse of the system and people had parked there all day for free. He felt that the main issue for consideration was the siting of the cameras and the poles. Shoppers were still able to park there for two hours. Councillor Gareth Roberts said that technology had advanced and that this was a fairer and safer system. Aldi needed to be able to control their car park and he felt that the application should be approved.

The officer said that the original agreement was for a Patrol officer to monitor stays in the car park but it was felt that cameras were now more appropriate. The cameras did not pose any visual impact and therefore the recommendation was for approval.

The Democracy & Governance Manager said that the issue for the Committee was the visual appearance of the cameras and he reiterated the fact that the application was retrospective, the withdrawal of a similar scheme by Northumbria Health Authority and fines already imposed were not relevant to their consideration.

Councillor Richard Lloyd suggested that if the application was approved, then the signage could be made larger. Councillor Richard Jones asked if the car park could still be used by general shoppers and the Development Manager advised that the original section 106 agreement allowed short term use by shoppers.

In summing up, Councillor Derek Butler said he was not aware of the two hour stipulation on the original Section 106 agreement. His objection to the application was because the signs were difficult to see and he was not aware whether they specified a maximum of two hours parking.

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

Councillor Lloyd proposed approval with improved signage, which was duly seconded. Councillor Owen Thomas felt that the signs should be located at the entrance to the car park.

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

**RESOLVED:**

That planning permission be granted with improved signage and subject to the conditions detailed in the report of the Head of Planning and subject to the applicant entering into a Section 106 obligation/unilateral undertaking to replace the Section 106 Agreement dated 28 September 1999 in respect of the car parking management. The new Section 106 agreement to 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.

**191. ERECTION OF 41 NO. DWELLINGS, OPEN SPACE AND ACCESS WORKS AT OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN (051613)**

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 12 May 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 the site was adjacent to the defined settlement boundary for Ewloe. Officers had been faced with a difficult decision on the application which was a departure from policy but on balance it was difficult to refuse the application. He drew Members' attention to the late observations where a summary of the 65 letters of objections were reported. A revision to condition 8 had also been suggested and an additional condition that a Construction Traffic Management Plan be submitted was also requested.

Mr. J. Dathan spoke against the application and said that he felt that it should be rejected because the site was outside the Unitary Development Plan (UDP). Since 2000, there had been 18.1% growth in the settlement of Ewloe and if this application was approved this figure would increase to nearer to 20%. He referred to the JHLA [*Joint Housing Land Availability*]

statement which indicated that there was shortfall in the five year housing supply but said that if all of the developments that had permission were completed in Flintshire then the deficit would not exist. The land on the site had been described by DEFRA as good agricultural land in a study undertaken in 2013 and Mr. Dathan queried whether this was the best site for the application. He queried the affordability of, and the need for, the 14 five bed roomed houses and raised concern that the figure of only 17 pupils coming from the proposed 41 had been identified as he felt that this would be at least 100 pupils. He asked that the Committee refuse the application.

Mr. S. Goodwin, the agent for the applicant, spoke in support of the application. He said that the site had been previously allocated in the UDP which had been fully supported by the Inspector and had only been recommended for deletion because an agricultural land survey had not been undertaken using the correct guidance. This had now been carried out and the land had been graded as 3B and therefore had no protection which meant that the reason for its deletion had been overcome. The services and facilities in the area were adequate and the highway was suitable. He referred to the Council not having a five year housing supply and said that if the application was approved, this windfall site should assist in the shortfall in housing. Mr. Goodwin said that a condition that the site be started within two years had been suggested and added that there had been no objections from professional consultees even though there had been objections from other parties.

Councillor Alison Halford proposed refusal of the application against officer recommendation which was duly seconded. She referred to debates which had been held at the December 2013 and January 2014 Planning Committee meetings on an application at 37 Wood Lane, Hawarden, where the applicant had to prove that the property was required for local need. It had been indicated that this was the only way that properties in the area could be built as the growth in the settlement of Ewloe had already exceeded 15% and Councillor Halford felt that this proposal for 41 dwellings was already known about when that application was determined. In referring to the shortfall in the five year housing supply, which she felt was a moveable feast, she said that this was not a suitable excuse to build outside the UDP. She quoted from the report to the Committee in January 2014 about policy HSG3 and reiterated earlier comments that the growth in the settlement had already reached 18.1%, which was in excess of the growth figure of 15% for the settlement and that any additional properties in the area should be for local need only. Councillor Halford felt that the needs of the residents should be considered and that this application in a busy road should be refused.

Councillor Mike Peers felt that there was one rule for developers and one rule for everyone else. He said that the application was not finely balanced as the site was outside the settlement boundary and should therefore not be permitted. He sought clarification on the wording in the statement about the five year housing supply and suggested the ward of Ewloe had already provided its share of properties and that this application to increase the growth to more than the current level of 18% was not acceptable.

He referred to the application for 37 Wood Lane, Hawarden which had been granted permission for a property for local need but a charge of 30% had been put on the property which would be paid back to the Council if the dwelling was sold. He asked if a charge of 30% would also be put on these properties if the application was approved. He felt that the application should be refused on the grounds of it exceeding the growth figure of 15% and because the site was outside the settlement boundary.

Councillor Chris Bithell raised concern that the application was reported for approval against the UDP which had been approved by the Council and which residents of Flintshire would expect to mean something. He said that it was currently not in the plan and should not be considered as a fair site and he commented that many other sites had also been deleted from the plan due to their unsuitability. On the issue of the lack of a five year housing supply, he asked about the proposals which had already been granted permission but which had not been developed. The recommended growth figure for the Category A settlement was 15% and even before this application, the growth was already at 18.1% which Councillor Bithell felt was significant and he concurred that the application should be refused as the site was outside the settlement boundary.

The other Local Member, Councillor David Mackie, spoke against the recommendation and referred to issues which he felt had not been covered in the report. The main issue was the five year land supply and there were a number of ways to address this, particularly where development progresses faster than envisaged. He referred to dwellings proposed on the Northern Gateway site and other applications which had been approved and he felt that the five year supply had been met and therefore this development was not required, particularly as there were a number of similar sites to be considered. As he had earlier declared a personal and prejudicial interest in the application, the Democracy & Governance Manager advised that part of the dispensation from the Standards Committee was that Councillor Mackie now had to leave the meeting for the remainder of the debate.

Councillor Derek Butler felt that the issue of the five year land supply needed to be addressed and indicated that he had asked Councillor Aaron Shotton, the Leader of the Council to raise the issue with the Welsh Government. He felt that landbanking by developers needed to be addressed and said that the Council had five and a half years of permissions which would more than meet the land supply. This application was not for a windfall site and was not in the settlement boundary and he felt that it was premature to grant permission and that it should be considered as part of the Local Development Plan (LDP) process. Councillor Butler said that there was a need to prevent 'bolt-on' planning applications and in reiterating the comments about the Northern Gateway site said that there was no shortage of housing and that supply of houses was being held up by developers not commencing.

Councillor Gareth Roberts raised concern at the recommendation for approval of the application against Council policy and said that if it was granted then the implications for the area and Flintshire were horrendous. He

commented on the calculation for the land supply and said that the Council had 13.6 years of sites at completion so for the Welsh Government (WG) to suggest that there were only 4.5 years of supply was incorrect and it meant that any application had to be considered for approval. He referred to the statements of the Minister for Housing and Regeneration in paragraph 7.21 about the need to increase the supply of housing and the objection from the local MP to the application.

In response to the comments made the officer said that:-

- the material consideration for the need for a five year land supply outweighed the fact that the site was outside the settlement boundary
- WG used the residual method to calculate land supply
- the growth rate for any settlement was for guidance and each application should be judged on its own merits
- a recent land classification survey had indicated that there was only a small area of 3A quality
- a traffic assessment had been undertaken and there were no fundamental highway concerns
- on paragraph 7.21 and the comments of the Minister and WG, the recent statement had endorsed the need to increase housing supply
- the application was finely balanced

The Planning Strategy Manager said that officers could not force developers to build on sites that had already been granted planning permission and added that there were sites that the Committee had taken too long to determine and which therefore should be further forward. The five year supply was not a moveable feast and he said that it defined how national policy could override the UDP. He had discussed the residual calculation method, which he felt was not working, with WG but until it was changed, the land supply figure would continue to be calculated in this way. He commented on TAN1 guidance which indicated that Councils must maintain a five year supply and were required to use the residual method. As the LDP was at least five years away then the authority would need to expedite planning on suitable sites. This site had been deemed to be suitable in 2003 and had been included in the UDP but had been recommended for deletion by the UDP Inspector based on a concern about the possible loss of best and most versatile agricultural land. The Planning Strategy Manager said that no comments on what harm exceeding the growth figure would bring had been expressed and added that the Inspector had indicated that a 2% growth would not make a significant difference to a sustainable settlement. He disagreed that the site was a 'bolt-on' site and said that the site was infill and that even though Councillor Roberts had said that the implications for the area would be horrendous, he had not said what harm would be created by approving the application.

Councillor Richard Jones asked if there would be enough properties for a five year housing supply if all of the sites allocated in the UDP were developed and queried whether the applicants for this application owned any of those sites. In response, the Planning Strategy Manager said that the



developer was not relevant but that the applicant did own other sites as did other developers. He commented on the rates at which developments were undertaken and said that if all sites allocated were developed, then this would result in more than the five year supply.

In response to a question from Councillor Peers about whether a charge of 30% would be put on these properties, the Planning Strategy Manager said that the context of the two applications could not be compared but that it was for Members to judge if the charge should apply on this application. He added that the Housing Strategy Manager had considered that the gifting of four units met the requirement of Policy HSG10 on affordable housing.

In summing up, Councillor Halford said that the site was not in the settlement boundary and that the Council's policies should not be ignored. She commented on the five year supply and concurred with Councillor Butler that determination of the application was premature and that it should be considered as part of the LDP process. She proposed that the application should be refused on the following grounds:-

1. the site lay outside the UDP settlement boundary and granting permission would be contrary to UDP policies
2. it would be premature to grant permission for the site rather than it being considered as part of the LDP process
3. permission would result in the loss of grade 3a agricultural land
4. there was an insufficient case to say that there was a deficit in the 5 year residential land supply in Flintshire
5. the housing growth level for Ewloe had already exceeded 15% and granting permission for the site would increase the growth rate to 19.8%.

Councillor Roberts requested a recorded vote but was not supported by the required number of Members. On being put to the vote, the proposal to refuse the application, against officer recommendation, for the reasons shown above was CARRIED.

**RESOLVED:**

That planning permission be refused for the following reasons:-

1. the site lay outside the UDP settlement boundary and granting permission would be contrary to UDP policies
2. it would be premature to grant permission for the site rather than it being considered as part of the LDP process
3. permission would result in the loss of grade 3a agricultural land
4. there was an insufficient case to say that there was a deficit in the 5 year residential land supply in Flintshire
5. the housing growth level for Ewloe had already exceeded 15% and granting permission for the site would increase the growth rate to 19.8%.

**192. 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)**

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 12 May 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the new school would provide a combined through school for infants, junior and secondary school pupils. The proposed primary school would be single storey with the secondary school being three storey and a video of the proposals was displayed for the Committee and those present to view. He commented on the Scheduled Ancient Monuments which would be dealt with by CADW and added that all of the issues around the application had been considered extensively.

Mr. A. Green spoke in support of the scheme but he was disappointed that the area currently used by the community for activities such as dog walking was not being retained in the proposal. He said that the area was often used and was an important facility for the community and its removal would affect the wellbeing of the community. He suggested that an area be retained to allow walking and dog walking to continue.

Councillor Peter Curtis, the Local Member welcomed the application which would be one of the biggest investments in Holywell and the building would be for the children of the future. He said that some of the concerns raised had been addressed but others had not reached a satisfactory conclusion such as the loss of the playing field, which he hoped could be rectified. The traffic situation was also of great concern, particularly on Strand Walk and Penymaes Road. He requested that he be advised and consulted on any proposals to complete the works on the road, which he felt was dangerous. He sought a cast iron guarantee that the area where the current school sat would be used for sports facilities when the school was knocked down and not for housing. Councillor Curtis, having earlier declared an interest then left the meeting.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He congratulated all who had been involved with the application and welcomed the exciting scheme. He spoke of the three areas of concern which were the play area, the capacity at the school and the access to the site, all of which had been addressed.

Councillor Chris Bithell welcomed the comments made and said that the proposal would address a number of issues. He said that a 'walk-through'

tour had been well received by Members, parents and teachers and had given a huge injection of confidence. In referring to paragraphs 7.32 to 7.34 on the community use, he was confident it would continue but said that as the safety of the children was paramount, free access into the school grounds should not be permitted and exercising dogs on the sports field was unacceptable. However, use of the facilities by local teams could continue. Councillor Mike Peers also welcomed the proposal but said that community involvement was important. He asked why the proposal appeared to only show solar panels on the roof of the high school area.

In response to the comments made, the officer said that the panels would be put onto the taller building to prevent any overshadowing from trees and what had been proposed exceeded BREEAM standards. On the issue of community involvement, the sport facilities would be available outside of school hours and would be managed. However there would be a period during the development process (September 2016 to February 2017) where the pitches would not be available for use by the school or the community. The teams that used the pitches had been made aware of the situation and had been advised that they would need to make alternative arrangements. The area referred to by Councillor Curtis where the school was currently positioned was to become an all weather pitch and would therefore not be used for housing. On the issue of dog walking, he concurred that access onto the school grounds could not be permitted but said that the site was surrounded by footpaths and woods and dog walkers would be encouraged to use the paths to exercise their dogs instead of using the school field. The proposal included a new footpath on part of Penymaes Road which would link with Abbotts Way. A traffic impact assessment had considered all aspects and traffic calming was proposed near where the access would be created.

**RESOLVED:**

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

**193. 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)**

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 along with matters of clarification were circulated at the meeting.

The officer detailed the background to the report. The application had been deferred at the Planning Committee held on 12 March 2014 to confirm surface water drainage proposals to serve the proposed development, the implications for the development given the previous mining history on the site and in order to further assess the impact of the two storey development on

occupiers of existing bungalows at Argoed View. The applicant had lodged an appeal on non-determination so the decision on the planning application would be made by the Planning Inspectorate and this report to Committee sought to establish the Authority's stance on the appeal. The officer recommended that the Planning Inspectorate be advised that the Council raise no objection to the development subject to conditions, an Unilateral Undertaking to ensure the payment of £1,100 per dwelling in lieu of on site play provision and a Section 106 Obligation to secure the payment of £36,771 for primary school places at Mynydd Isa primary School and £36,938 for secondary school places at Argoed High School (as reported in the late observations).

Mrs. J. Walters spoke against the application on behalf of the 27 residents who had signed a petition on the amended scheme but added that they were opposed to this application, but were not opposed to development of the site. The proposal was for three and four bedroomed houses on higher ground than the existing properties of which 70% were bungalows. No amount of screening would allow the residents to maintain their privacy and Mrs. Walters would be able to see numerous windows of the new dwellings from her property if approval was granted. She commented on an earlier layout for development on the site which was to be recommended for refusal due to space around dwellings guidelines not being complied with. Mrs. Walters said that the officer had since indicated that space around dwellings guidance had been relaxed for this development and there had been no insistence to build bungalows. The ridge height was to be four metres higher than the existing dwellings. A mining report which had been undertaken indicated that entry to a mine shaft was under the site and that building on plot 1 should be avoided but the applicant proposed to build on this plot. She also raised concern about surface water and the proposed access to the site which would be at the end of the dual carriageway. She added that the application was in contravention of the UDP and she asked the Committee to refuse the application.

Mr. S. Jones spoke in support of the application on behalf of the applicant. He reinforced the positive report of the Planning Officer. When the design decision was taken it was felt that the character of the development should reflect the two storey dwellings on the front of the site but account had also been taken of the properties on Argoed View which were mostly one or one point five storey bungalows. The issue had been discussed with the officer and the floor levels had been reduced and proposed dwellings moved within the layout but space around dwellings guidelines had been complied with. The other issues which had caused concern were drainage and mining. A pipe system had been designed and agreed with Welsh Water and Natural Resources Wales and conditions 6, 7, 8, 9 and 21 addressed the concerns. The developer had addressed the issue of mining and the Coal Authority had not raised any objections. He commended the report and asked the Committee not to raise any objection to the appeal.

Councillor Gareth Roberts proposed the recommendation that the Council raise no objection to the appeal; this was duly seconded. Councillor

Roberts said that the concerns had been addressed. Councillor Chris Bithell concurred and said that there was a mixture of dwellings on the site which reflected surrounding properties. There had been no issues on highway grounds and there was no basis to uphold any objection to the appeal.

The Local Member, Councillor Amanda Bragg, said that she was not against development but she had material concerns about this development. She quoted from an email sent in December 2013 which indicated that the two storey dwellings had a lesser distance to the border than was required in the Council's policy and the development would therefore be detrimental to the privacy and amenity of the existing dwellings. The ridge heights had not been reduced and the development would have a significant impact on the residents of Argoed View. The two storey dwellings would overshadow the existing properties and would overlook into the bungalows. She referred to a bungalow which had been approved on the neighbouring site in 2010 as it had not been overbearing and was not overdominant or contrary to amenity. Councillor Bragg felt that reducing the ridge heights would be more in line with the character of the area and she referred to TAN12 on the scale of developments compared to surrounding areas. She spoke of the Tree Canopy Report where it was reported that Tree Preservation Orders were in place, but this was not the case.. She had contacted the Coal Authority who had confirmed that there was a mine entry under the proposed plot 1 and had indicated that it was likely there would be more mine entries in the area. She stated that properties on the main road couldn't be sold because of subsidence.

Councillor Ron Hampson said that the developer had made no attempt to reduce the ridge height and some of the properties were to be built over a mine shaft which could result in subsidence. He felt that the developer had not made any attempt to meet the demands and concerns of the residents and therefore the application should be refused.

Councillor Mike Peers sought clarification on the proposed plot over the mine shaft and asked if details of what the developer had originally proposed and what changes had been undertaken by the developer since then.

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

- the applicant had been aware of the concerns of residents about the ridge height on the common boundary with Argoed View. They had taken the comments on board and in plots 1 to 4 the garden depth had been significantly short of the requirements in the guidelines so the layout had been adapted accordingly.
- there was a mix of house types on the boundary
- he explained that it would not have been appropriate to insist on bungalows, but that would have been an option for the applicant and agent
- space around dwellings guidance related to where main habitable windows faced each other but in this instance, the guidance did not apply because the properties were at a 45 degree angle to the existing

dwellings, but in any case the distances were far in excess of the requirements.

- it was recognised that there were two mine shafts (one at the access and one under plot 1) but there were no objections from the Coal Authority. The issue could be addressed by capping the mine shaft
- a proposal for piped surface water onto agricultural land had been identified and there had been no objections from Welsh Water to the proposal

In summing up, Councillor Gareth Roberts referred to ways that the issue of the mine shaft could be overcome which were by infilling or putting a concrete slab over it.

**RESOLVED:**

That the Planning Inspectorate be advised that the Council raise no objection to the development subject to the recommended conditions, an Unilateral Undertaking to ensure the payment of £1,100 per dwelling in lieu of on site play provision and a Section 106 Obligation to secure the payment of £36,771 for primary school places at Mynydd Isa primary School and £36,938 for secondary school places at Argoed High School (as reported in the late observations).

**194. ERECTION OF 54 NO. HOUSES AT 142 HIGH STREET, SALTNEY (051840)**

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 12 May 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 which included four gifted properties and an area of public open space for a village green. A similar application for 58 units with 17 affordable homes had been granted in April 2013. He highlighted the late observations where the education contribution of £47,802.00 for St. Anthony's RC primary school was reported. On the issue of affordable housing, Councillor Richard Lloyd had requested that the four gifted properties not be split and remain in their original position which the Housing Strategy Manager found acceptable. The density of the site equated to 36 dwellings per hectare.

Mr. S. Jones spoke in support of the application. He welcomed the positive report and reiterated that an extant permission was in place and therefore the principle of development had been established. He commented on the suggestion that a second access to the site could be created through St. David's Retail Park but it was felt that this would create a rat run; he reminded the Committee that the extant permission had been granted with only one access. The number of dwellings had been reduced from 58 to 54 to

allow the creation of an informal public open space to complement the play area. He commended the report to the Committee.

Councillor Richard Lloyd proposed the recommendation for approval which was duly seconded. He welcomed the proposal which would improve the central area of Saltney and would allow four families to be housed in the gifted properties. He preferred the gifted units to remain in their original position and not be split, as grouping them together would make future maintenance easier. He sought clarification that tenants of the four gifted properties would not be permitted to buy the dwellings. He spoke of concern raised about access to the site and hoped that this could be resolved by Highways in the future. The village green would provide open space and the school would benefit from the educational contributions. He asked that the local history group be involved in the naming of streets on the site.

Councillor Chris Bithell felt that it was a good development. He raised concern about the affordable housing being grouped as it was normal practice to spread them across a development and sought clarification about paragraph 7.21 on the positioning of the dwellings.

The adjacent Ward Member, Councillor Veronica Gay, said that the proposal was welcomed by Saltney residents but raised concern about the extra pressure that the access would put on the high street. There were currently no restrictions on where vehicles could park and this created a problem as several properties in the area did not have off street parking. Problems would occur near Park Avenue which was almost opposite the access to the site and a high hedge and parked vehicles already reduced visibility when vehicles were turning left onto the high street. Buses had to cross the main carriageway and as the road served as an access to the A55 and Broughton Retail Park, it was extremely busy. Councillor Gay referred to the Highway Code, codes 221, 223 and 238 to 244, which she did not feel were being complied with and asked that stricter rules be enforced and yellow lines be provided. She felt that a full traffic management assessment was needed and suggested that a pedestrian crossing in addition to the one on Bridge Street be provided to make access to the two nearby schools safer.

Councillor Owen Thomas concurred that the gifted units should remain together and welcomed the suggestion for a further pedestrian crossing.

In response to the comments made, the officer provided details of where the gifted units would be situated based on the advice of the Housing Strategy Manager which was reported in paragraph 7.21 and said that the grouping meant that they would be delivered at the same time thus making the handover easier.

The Head of Planning said that the applicant could not be asked to provide a pedestrian crossing but he could write to Highways on behalf of the Committee to ask them to assess the need for a crossing.

In summing up, Councillor Lloyd said that the positioning of a crossing was important and even though adding another crossing in the area could be difficult, the safety of the children was paramount. He reiterated his comments that plots 47 to 50 not be split.

**RESOLVED:**

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

- (a) payment of £47,802 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 (Plots 47,48,49,50) to be presented to the Council as gifted units and allocated in accordance with the local lettings policy.

**195. 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 BEDROOM DETACHED HOUSE (CHAPEL) AND 26 NO. APARTMENTS (8 NO. ONE BED AND 18 NO. TWO BED) AND ERECTION OF 12 NO. THREE BEDROOM TERRACED HOUSES AT LLUESTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL (051727 & 051728)**

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 12 May 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 for ease of reference, application 051727 for planning permission would be presented, debated and voted upon first and then the listed building application (051728) would be considered.

**051727**

The officer explained that the site was an allocated site in the Unitary Development Plan and he indicated that the red brick building on the site was not part of this application. No objections had been received from statutory consultees but one objection had been received following third party consultation. He explained that ordinarily, an application of this nature would attract a section 106 obligation for community benefits but the site had been



the subject of a detailed viability study and it had been resolved that if the normal request was undertaken, then the scheme would cease to be viable. The issue of education places had been considered in the report but the provision of a new school in Holywell had superseded the comments provided. The officer drew Members attention to the late observations where a time limit for commencement within two years was proposed.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He spoke of the wonderful old building and commended the architect and officers for their work on the application. He concurred that applying a section 106 obligation to the scheme would make it unviable and welcomed the scheme for future generations.

Councillor Gareth Roberts commented on the worthwhile site visit and said that the scheme was a culmination of a few years of hard work and paid tribute to the Planning Officer and Senior Engineer - Highways Development Control. He said that the open area to the south of the site would remain and in speaking on the access and egress, said that improvements to the inadequate junction could be considered when an application for the other part of the site was submitted.

Councillor Owen Thomas commented on the magnificent building and welcomed the building being brought back into use. Councillor Richard Jones requested that investigations into any asbestos on the site be carried out. Following Councillor Bithell's agreement to include this in his proposal, the Development Manager confirmed that it would be considered when dealing with other contaminants on the site.

The Planning Strategy Manager referred to the late observations and explained that the additional condition requiring the submission and agreement of a phasing plan for the development would include the renovation of the Listed Building prior to occupation of the new building. He also introduced Jerry Spencer, the Conservation and Design Officer, to the Committee and commented on his input into consideration of the application.

#### 051728

The officer explained that the Listed Building Consent recommendation would require a number of additional conditions to ensure that the required level of detail was secured to safeguard the integrity of the listed building. It was requested that the formation, scope and nature of such conditions be delegated to the Head of Planning and that documentation on the listed building application be submitted to CADW. The scheme had been the subject of a heritage statement and officers were satisfied that the proposal did not damage the integrity of the listed building and would bring the building back into use.

**RESOLVED:**

051727

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning, the two additional conditions referred to in the late observations and a two year time limit for commencement of the development.

051728

That listed building consent be granted and that delegated authority be given to the Head of Planning for the formation, scope and nature of such conditions and that the documentation be submitted to CADW.

**196. RETROSPECTIVE APPLICATION TO RETAIN TIMBER STABLING AND STORAGE, ADDITIONAL STOREROOM AND HARDSTANDING LAND REAR OF 25 RHYDDYN HILL, CAERGWRLLE (051753)**

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 12 May 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application was retrospective and it was considered that the works undertaken were 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.

Mrs. D. Woolrich spoke against the application. She commented on the impact of the proposal on the residents and spoke of the lights, music and CCTV which had now been included on the development and said that the site was very intrusive to the residents at numbers 27 to 47. Mrs. Woolrich referred to the site history and highlighted the first application for a 40 metre by 20 metre riding area with six stables for private use, which it was felt was excessive for private use. The hardstanding area had not originally been requested or agreed to, but had since been put in place and the gate to the site had been changed to a large security gate. Mrs. Woolrich requested that the application be refused.

Councillor Carolyn Thomas proposed refusal of the application, against officer recommendation, which was duly seconded. Councillor Carolyn Thomas felt that the field should be put back to what it was originally with the hardstanding being removed and replaced with grass. Councillor Christine Jones concurred that there should be no hardstanding in the field.

The Local Member, Councillor Tim Newhouse, spoke against the application. He explained that he had met with the applicant in 2011 and had indicated that he had no objection to the application as long as no

hardstanding was laid and that natural screening was offered by the applicant in a straight line back from the boundary between numbers 25 and 27. At the Planning Committee meeting in December 2011, a speaker for the applicant said that the site would be properly maintained and that screening would be offered and as a result of this, the application was approved by the Committee. However, in April 2012, hardstanding was dumped on the site which was contrary to the permission that had been granted and since then, the applicant had submitted and withdrawn numerous planning applications to prevent her having to restore the site. Councillor Newhouse felt that if there was to be any hardstanding on the site it should be grasscrete and should not extend beyond the straight line back from the boundary between numbers 25 and 27. He felt that the applicant should comply with the permission granted and should maintain the site and provide screening as suggested in December 2011.

Councillor Derek Butler raised significant concern that the applicant could be granted permission and then fail to comply with what had been approved. He felt that the proposal should be thrown straight out and in highlighting paragraph 7.13 said that the application must be refused and the applicant be asked to comply with the original approval.

Councillor Owen Thomas felt that the extension to the stables was difficult to see and therefore did not impact on any of the neighbours. He suggested that the hardcore area was a turning space and had been installed for safety reasons. He said that the area was not unsightly and could be conditioned to apply topsoil and reseed the area and therefore not refuse the application.

Councillor Mike Peers expressed his amazement at what had been undertaken at the site, contrary to the planning approval that had been granted. He applauded the Local Member for his investigations and agreed that the application should be refused and returned to what had originally been permitted.

The officer said that the application was not necessarily wrong just because it was retrospective. Negotiations had been undertaken to reduce the size of the hardstanding and a condition that grasscrete be used could be imposed if Members were minded to approve the application. The Development Manager reiterated that negotiations had taken place with the applicant which included discussions on conditions. The hardstanding on site exceeded what was required and discussions had also taken place about the turning circle to establish what was necessary.

Councillor Carolyn Thomas reiterated her earlier comment that the hardstanding should be removed and the screening put in line with the boundary between numbers 25 and 27 as approved in the original application. She added that she felt that the application was overdevelopment of the land and not in compliance with the planning permission that had been granted. She also referred to the earlier comment from the third party speaker that there were lights on the site. The officer explained that the plan before the

Committee showed what the reduction would be if this application was approved. He added that lights on the site had not been part of the original application and that an application would have to be submitted if they were to remain on the site as the lights were currently unauthorised.

Councillor Mike Peers suggested that the application before the committee be refused and the applicant be asked to submit a new application. The Development Manager sought clarification from the committee that the reason for refusal was that the area of hardstanding was not reasonably required in connection with the authorised use of the land and building.

**RESOLVED:**

That planning permission be refused due to the area of hardstanding going beyond what is reasonably required in connection with authorised use of the land and the building.

**197. SITING OF A WIND TURBINE AT ORSEDD FARM, GORSEDD, HOLYWELL (051315)**

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

The officer detailed the background to the report and explained that the application had been deferred at the 11 December 2013 meeting pending comments from Natural Resources Wales and the Ecologist with regards to potential impact on bats and birds. No objections had been received from CADW, Natural Resources Wales or Clwyd Powys Archaeological Trust but Whitford Community Council had objected to the initial scheme due to a number of concerns about the siting of the turbine. Their observations on the amended scheme were reported in the late observations.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

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

**198. APPEAL DECISION FOR GABION WALLS AND CONCRETE POST AND BASE PANEL FENCE WITH WOODEN BOARD AT CWM Y GRAIG, RHEWL, MOSTYN (050154)**

**RESOLVED:**

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

**199. 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, EWLOE (050463)**

The Head of Planning advised that this appeal would be considered in detail at a future meeting of the Planning Strategy Group.

Councillor Gareth Roberts raised concern about the decision of the Inspector to allow a development in the green barrier. Councillor Chris Bithell concurred and commented on the survey of Gypsy and Traveller needs undertaken by Bangor University. He said that only Flintshire, Wrexham and Gwynedd Councils had provided pitches for Gypsy and Travellers and it seemed that the other authorities had no intension of allowing such developments. He suggested that a workshop or training session be undertaken.

**RESOLVED:**

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

**200. 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 AND FISHING FACILITIES, CONVERSION OF BARN INTO SITE MANAGERS DWELLING, FORMATION OF AN ACCESS, CONSTRUCTION OF FISHING POOLS, PARKING AND ANCILLARY WORKS AT LAND OPPOSITE STAMFORD WAY FARM, STAMFORD WAY (050839)**

The Head of Planning advised that this appeal would be considered in detail at a future meeting of the Planning Strategy Group.

**RESOLVED:**

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

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

There were 81 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 5.25 pm)

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**Chairman**

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 18 JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **GENERAL MATTERS APPLICATION - ERECTION OF A CREMATORIUM WITH ASSOCIATED CAR PARKING, NEW ACCESS, LANDSCAPING AND GARDEN OF REST ON LAND EAST OF A5119 & SOUTH OF TYDDYN STARKEY, STARKEY LANE, NORTHOP.**

**1.00 APPLICATION NUMBER**

1.01 051043

**2.00 APPLICANT**

2.01 J.E. DAVIES & SON

**3.00 SITE**

3.01 LAND EAST OF A5119 & SOUTH OF TYDDYN STARKEY, STARKEY LANE, NORTHOP.

**4.00 APPLICATION VALID DATE**

4.01 18<sup>TH</sup> JULY 2013

**5.00 PURPOSE OF REPORT**

5.01 To seek authority for the holding of a Special Planning & Development Control Committee in July 2014 to determine planning application 051043 which is for the erection of a crematorium with associated car parking, new access, landscaping and garden of rest on land to the east of the A5119 and south of Tyddyn Starkey, Starkey Lane, Northop.

**6.00 REPORT**

6.01 The procedure for determining major applications is in accordance with the policy approved by the Planning Committee on 7<sup>th</sup> July 1999 (minute number 98). This policy provides that, where the Committee considers an application to be of major significance, the application

will be dealt with by a special meeting of the Committee. The policy also provides for interested parties to be given the opportunity of making oral representations to the Committee as part of the decision making process.

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

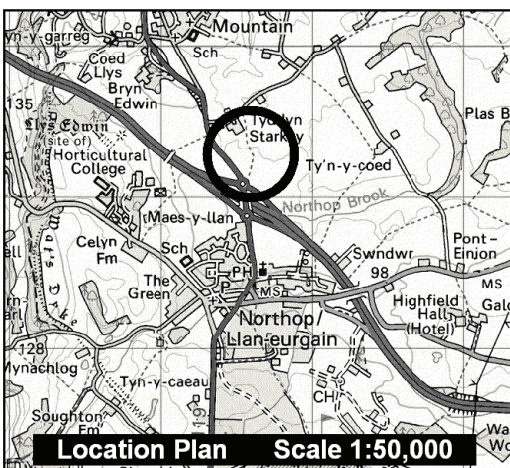
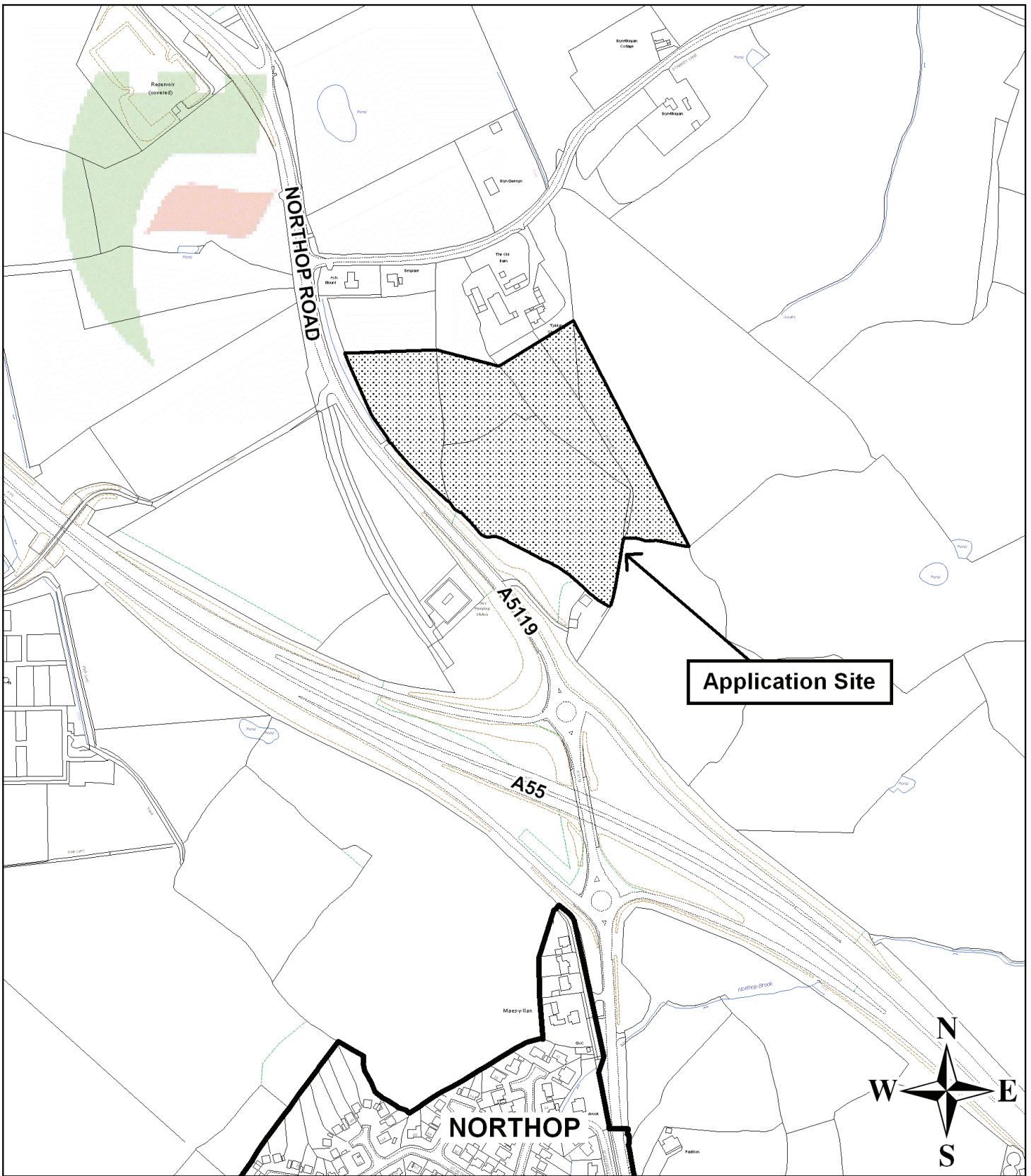
1. The proposed is a unique application which has generated significant interest both within and outside the County and the outcome of which will have an affect not only locally but also at a sub-regional level.
2. Determination of the application will include consideration of other possible sites in Flintshire for a crematorium.

## **7.00 RECOMMENDATIONS**

7.01 That a Special Planning & Development Control Committee be convened to determine planning application 051043 as early as possible in July 2014.

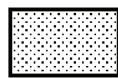
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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 2469

Planning Application **51043**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **FULL APPLICATION – RE-PLAN TO PLOTS 124 – 127, 136 – 139 AND ADDITION OF PLOTS 173 – 180 USING TYPES PREVIOUSLY APPROVED ON APPLICATION 049605 AT LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY**

**APPLICATION NUMBER:** **052000**

**APPLICANT:** **REDROW HOMES NW**

**SITE:** **LAND AT LANE END BRICKWORKS, CHURCH ROAD, BUCKLEY.**

**APPLICATION VALID DATE:** **10<sup>TH</sup> APRIL 2014**

**LOCAL MEMBERS:** **COUNCILLOR D. HUTCHINSON**  
**COUNCILLOR M.J. PEERS**

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

**REASON FOR COMMITTEE:** **REQUIREMENT FOR SUPPLEMENTAL PLANNING OBLIGATION AND NEED TO ASSESS DEVELOPMENT RELATIVE TO EXISTING PERMISSION DUE TO RESIDENTS OBJECTIONS AND PARTLY RETROSPECTIVE NATURE OF APPLICATION**

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

### **1.00 SUMMARY**

- 1.01 This full application which is partly retrospective proposes amendments to the southern parcel of a previously approved residential development currently under construction at the former Lane End Brickworks, Buckley. The changes principally incorporate

the substitution of house types on 8 No. plots and addition of a further 8 No. dwellings with associated modifications to the curtilage areas and access arrangements.

1.02 For Members information the application has been resubmitted following the refusal of a previous application under 051066 on 27<sup>th</sup> February 2014, following consideration at the Planning & Development Control Committee on 12<sup>th</sup> February 2014. Although the proposed site layout has not changed from that previously considered by Members in respect of application 051066, in support of this current application, the applicant has submitted additional information within the Design and Access Statement setting out the design principles adopted in order to seek to address the previous reasons for refusal. The application is being reported to the planning committee for determination at the request of the local Members and in accordance with the Council's delegation scheme as a supplemental planning obligation is required.

**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 supplemental planning obligation re-enforcing the provisions entered into in respect of highway, ecological, and open space requirements, together with the need to increase the number of affordable housing units required to be provided within the site from 44 - 46. 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.

Conditions

1. In accordance with approved plans.
2. Materials to be submitted and approved.
3. Positive means to prevent run-off of surface water from any part of the site onto highway to be provided.
4. Detailed layout, design, means of street lighting and construction of internal estate roads to be submitted and approved.
5. Development to remain subject to conditions imposed on planning permission reference 049605.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor D. Hutchinson

Request planning committee determination and question the re-submission of an application for a site layout previously refused under application 051066.

Councillor M.J. Peers

Request planning committee determination and question the re-submission of an application for a site layout previously refused under application 051066.

Buckley Town Council

No observations save that enquiries have been requested to identify the changes between the previous and current application.

Head of Assets & Transportation

Following receipt of amended plan, no objection subject to the imposition of conditions to prevent run-off of surface water onto highway and design of internal estate road.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

No objection given previous planning history.

Natural Resources Wales

No response received.

**4.00 PUBLICITY**

**4.01 Site Notice, Neighbour Notification**

19 letters of objection received, the main points of which can be summarised as follows:-

- Increase in number of dwellings from that previously approved would result in overdevelopment.
- Impact on privacy/amenity by way of overlooking.
- Increase in vehicular movements.
- Introduction of affordable housing in this area of the site will impact on make up of existing development and result in increased noise and change of environment.
- Previously approved site layout was more characteristic and reflective of sites surroundings.

**5.00 SITE HISTORY**

**5.01 037558**

Outline – Restoration of former brickworks and quarry, development of up to 300 dwellings, creation of open space, woodland area of habitat creation and landscaping and formation of new and improved vehicular and pedestrian access.

An appeal to the Planning Inspectorate by way of a Public Inquiry in respect of application Code No. 037558 was allowed on 9th October 2006.

**039052**

Outline – Restoration of former brickworks and quarry, development of up to 300 dwellings, creation of open space, woodland and area of habitat creation and landscaping and construction of new and improved vehicular and pedestrian access – Withdrawn – 29th March 2007.

**044109**

Reserved Matters – Erection of 296 dwellings, creation of open space, woodland and area of habitat creation and landscaping – Permitted 8<sup>th</sup> December 2008.

**046665**

Reserved Matters – Re-plan to Plots 1-11, 131-136, 137-139 and 147-169 (33 plots in total) – Permitted 1st April 2010.

**046778**

Reserved Matters – Amendment to previously approved site layout to allow for a re-plan of plots 12-19, 22-29, 140-146, 154-162, 170-175 of the southern parcel and plots 176-178, 189-236, 249-256, 258-297 of the southern parcel to provide a total of 224 plots – Permitted 11<sup>th</sup> February 2011.

**048632**

Full Application – Substitution of house types on plots 112–116 – Permitted 12th July 2011.

**049064**

Full Application – Substitution of house types on plots 83, 90 95–103 & 170–171 approved at reserved matters stage under ref: 046778 – Permitted 28th October 2011.

**049605**

Full Application – Re-plan to plots 33 – 36, 41–78, 121–130, 136-145\* 172 on Reserved Matter approval 046778, using house types used elsewhere on said appeal – Permitted 28th June 2012.

**050333**

Full Application – Re-plan to the northern parcel of former brickworks with mix of 2, 3 & 4 bedroom detached, semi-detached and terraced dwellings with associated parking and amenity spaces (partly retrospective) – Permitted 28th January 2014.

**051066**

Full Application – Re-plan to plots 124 – 127, 136 – 139 and addition of plots 172 – 180 as amendments to layout previously permitted under application ref: 049605 – Refused 27<sup>th</sup> February 2014.

**6.00 PLANNING POLICIES**

## 6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.  
Policy STR2 – Transport & Communications.  
Policy STR4 – Housing.  
Policy STR7 – Natural Environment.  
Policy STR8 – Built Environment.  
Policy STR10 – Resources.  
Policy GEN1 – General Requirements for Development.  
Policy GEN2 – Development Inside Settlement Boundaries.  
Policy GEN3 – Development Outside Settlement Boundaries.  
Policy GEN6 – Environmental Assessment.  
Policy D1 – Design Quality.  
Policy D2 – Location & Layout.  
Policy TWH1 – Trees & Woodland Protection.  
Policy TWH2 – Development Affecting Trees & Woodlands.  
Policy WB1 – Protected Species.  
Policy WB2 – Sites of International Importance.  
Policy WB3 – Sites of National Importance.  
Policy WB4 – Local Sites of Wildlife & Geological Importance.  
Policy HE6 – Scheduled Ancient Monuments.  
Policy HE7 – Other Sites of Lesser Archaeological Significance.  
Policy AC2 – Pedestrian Provision & Public Rights of Way.  
Policy AC3 – Cycling Provision.  
Policy AC4 – Major Traffic Generating Developments.  
Policy AC13 – Access & Traffic impact.  
Policy AC14 – Traffic Calming.  
Policy AC15 – Traffic Management.  
Policy AC18 – Parking Provision & New Development.  
Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.  
Policy HSG8 – Density on Development.  
Policy HSG9 – Housing Mix & Type.  
Policy HSG10 – Affordable Housing Within Settlement Boundaries.  
Policy SR5 – Play Areas & New Housing Development.  
Policy MIN4 – Mineral Restoration & Aftercare.  
Policy EWP2 – Energy Efficiency in New Development.  
Policy EWP11 – Pollution.  
Policy EWP12 – Nuisance.  
Policy EWP13 – Derelict & Contaminated Land.  
Policy EWP14 – Development & Unstable Land.  
Policy EWP15 – Water Resources.  
Policy EWP16 – Flood Risk.

### Additional Guidance

Local Planning Guidance Note 2 – Space Around Dwellings.

It is considered that the proposal generally complies with the above policies.

## 7.00 PLANNING APPRAISAL

7.01 Introduction

This full application relates to a proposed re-plan on approximately 0.28 hectares (0.71 acres) of land within the southern parcel of a wider residential development of 19.9 hectares (49 acres) currently under construction at the former Lane End Brickworks, Buckley. The development has two distinct inter-related phases namely the southern parcel of the development which is accessed from Church Road in contrast to the northern parcel which has a separate access into the site from Drury Lane.

7.02 Proposed Development

The plans submitted as part of this application propose modifications and amendments to the site layout on an area of the southern parcel of the site which currently has planning permission for the erection of a total of 8 No. dwellings. This comprises 7 No. detached dwellings fronting onto a central courtyard with one dwelling facing onto an existing approved estate road.

7.03 It is proposed that the site layout be amended at this location by:-

- i. the substitution of the detached house types currently permitted on plots 124 – 127 and 136 – 139 by 8 No. smaller affordable housing units in 2 No. x 4 blocks.
- ii. the addition of plots 172 – 180 as amendments to the layout for a total of 8 No. smaller affordable housing units to be provided within a terrace of 6 No. units and a pair of semi-detached dwellings.

The terraced units would be served by a central courtyard accessed off the main estate road, with the pair of semi-detached dwellings having a direct access from the main estate road.

7.04 This current application has been resubmitted following the refusal of a previous application under Code No. 051066 on 27<sup>th</sup> February, following consideration at the Planning and Development Control Committee on 12<sup>th</sup> February 2014. The previous application proposed the same site layout as this current application and was refused for reasons which are summarized as follows:-

- Overdevelopment with the generation of additional vehicular movements and substantial areas of parking of the frontage of the terraced properties.
- A form of development that is out of character with development previously permitted and completed within this part of the site layout.
- Overdevelopment of this part of the site which would be detrimental to the privacy/amenity of the occupiers of existing residential properties.



7.05 In support of the current application and in order to seek to address the previous reasons for refusal, the applicant has advised in the accompanying Design and Access Statement that the reason for the proposed replan of this part of the site with substitution of house types is based on:-

- (i) the proposal to make more efficient use of the site which is borne from requests from prospective purchasers for smaller more affordable dwellings.
- (ii) the consideration that the design will sit comfortably with its location utilizing arts and crafts elements used on other house types within the site.
- (iii) the massing of the development is reflective of various areas of the development already approved and completed. There will be little change to the approved scheme as regards scale and massing.
- (iv) the current proposed layout is similar to previously approved schemes for the site.
- (v) all spatial interface distances are met as set out in the Flintshire County Council Guidelines.
- (vi) elevational treatments will be in keeping with others within the existing approval.
- (vii) the dwellings as proposed each have their own parking bays and driveways providing parking to the front of their properties. All parking is situated within each of the plots own area.

7.06 Consequently as a result of the proposed re-plan, this application proposes 171 dwellings within the southern parcel and with 143 dwellings units within the northern parcel; provides for a total of 314 dwellings within the overall site, as compared to 306 units currently permitted.

7.07 Affordable Housing Provision

In allowing the appeal for the development of up to 300 dwellings at this location under Code No. 037558 on 9<sup>th</sup> October 2006, provision was made for 15% affordable housing within the site given abnormal restoration costs. This was addressed by way of a planning condition and Section 106 Obligation. As the overall density of development is proposed to be increased to 314 dwellings this now requires 46 affordable units to be provided within the overall development.

7.08 Design/Appearance

The plans submitted propose the substitution of house types and associated modifications to the site curtilages, the pattern and orientation/relationship of the dwellings to each other and existing development being acceptable to provide a well-balanced layout.

7.09 The house types/designs are reflective of the character of development that this has already been permitted, completed and

occupied for both affordable housing and general market purposes within the estate layout. The house types include The Letchworth (semi detached). Broadway/Evesham (terraces). These units are distributed throughout the development with some of these aforementioned units also being occupied and available as general market housing. Within the northern panel there is also a similar form of terraced unit (Kent), which has a different form of elevational treatment. In visual terms is difficult to differentiate when compared to the Broadway/Evesham house type whether it is an affordable or general housing market unit and it is possible given the flexibility of affordable housing provision within the site for these to be targeted to meet this requirement should circumstances require. This it is therefore considered would provide for a consistency in terms of design and use of materials.

7.10 Density & Development

The proposed development of 16 units on approximately 0.28 hectares represents a higher density of development (54 dwellings per hectare) than that specified as a minimum requirement (30 dwellings per hectare) as outlined in Policy HSG8 of the Flintshire Unitary Development Plan. It is my view having regard to the mix of house types proposed within the layout that this level of provision within a central area of the southern parcel, would not represent overdevelopment or imbalance the overall site layout within the southern parcel or in combination within the northern parcel of the development.

7.11 Impact on Privacy/Amenity

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

7.12 The objections raised in respect of the proposed introduction of additional units in comparison to these as currently permitted within this part of the site layout are duly noted. For Members information however, although the density of development is proposed to be increased within this part of the site, the interface distances between dwellings of approximately 21 m and 15 m are maintained in accordance with that previously permitted having regard to Council's Local Planning Guidance Note 2 - Space Around Dwellings.

7.13 Adequacy of Highways

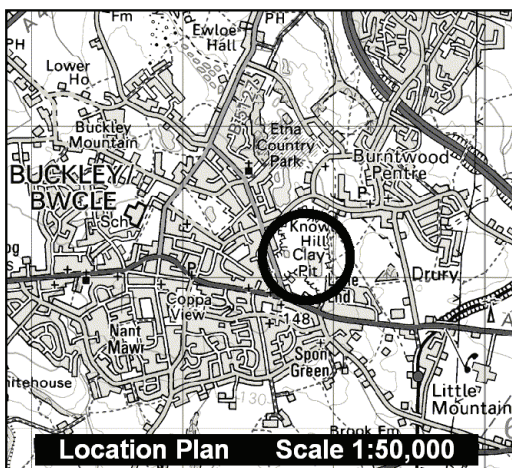
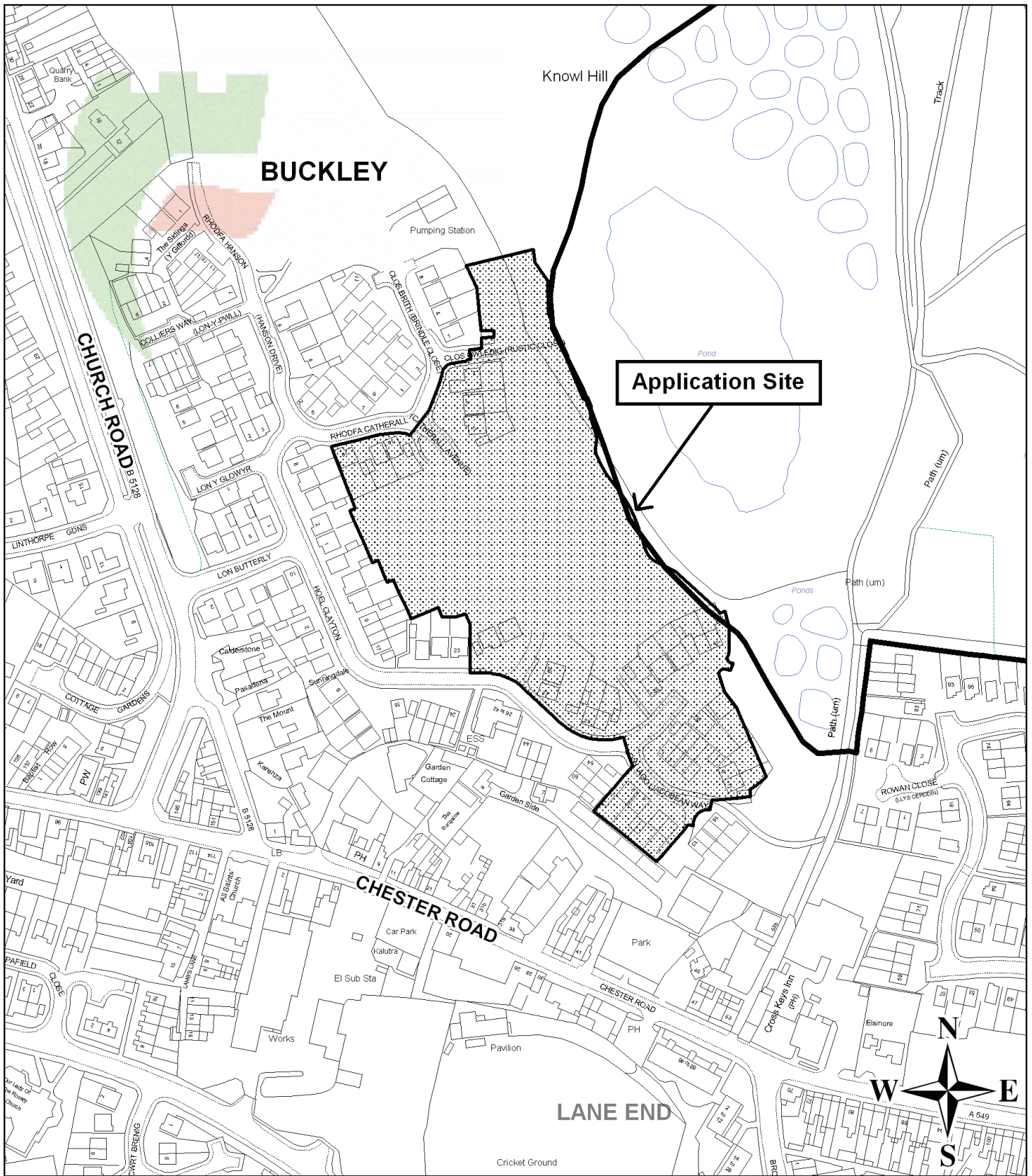
Consultation on the application has been undertaken with the Head of Assets & Transportation. It has been confirmed that there is no objection to the revisions to the site layout or access/parking arrangements to serve the development subject to conditions.

8.00 CONCLUSION

- 8.01 It is considered that the modifications proposed to the site layout incorporating the introduction of a number of additional housing units is acceptable at this location having regard to the character of the site/surroundings and relationship to existing residential properties. The house types proposed have already been introduced within the development providing for a high quality scheme and balanced layout. My recommendation remains consistent with that previously advanced in respect of application 051066 and subject to the completion of a supplemental legal obligation, I consider the application can be supported.
- 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.

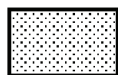
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 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2863

Planning Application 52000

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**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:** **20<sup>TH</sup> 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**

**MEMBERS WILL RECALL THAT THIS APPLICATION WAS DEFERRED AT THE MEETING ON 14<sup>TH</sup> MAY 2014 IN ORDER FOR MEMBERS TO UNDERTAKE A SITE VISIT PRIOR TO THE MEETING ON 18<sup>TH</sup> JUNE 2014.**

### **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 24<sup>th</sup> April 2012

**047553**

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

**041754**

Continued use of land for caravan storage – Refused 22<sup>nd</sup> July 2009.

Appeal to the Planning Inspectorate withdrawn 4<sup>th</sup> March 2010.

**039033**

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

**035699**

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

**00/0705**

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

**97/8/0726**

Erection of 5 static units adjoining existing industrial building. Granted 6<sup>th</sup> January 1998.

**4/8/23572**

Change of use from B1 to B8 – Granted 4<sup>th</sup> October 1994.

**4/9076**

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

Refused 3<sup>rd</sup> February 1981.

**4/3953**

Erection of an agricultural storage building.

Granted 30<sup>th</sup> June 1977.

In addition to the above, an Enforcement Notice was served on 3<sup>rd</sup> 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 15<sup>th</sup> 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 3<sup>rd</sup> 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.

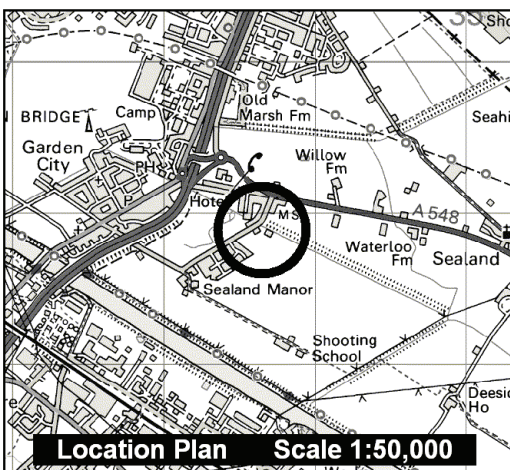
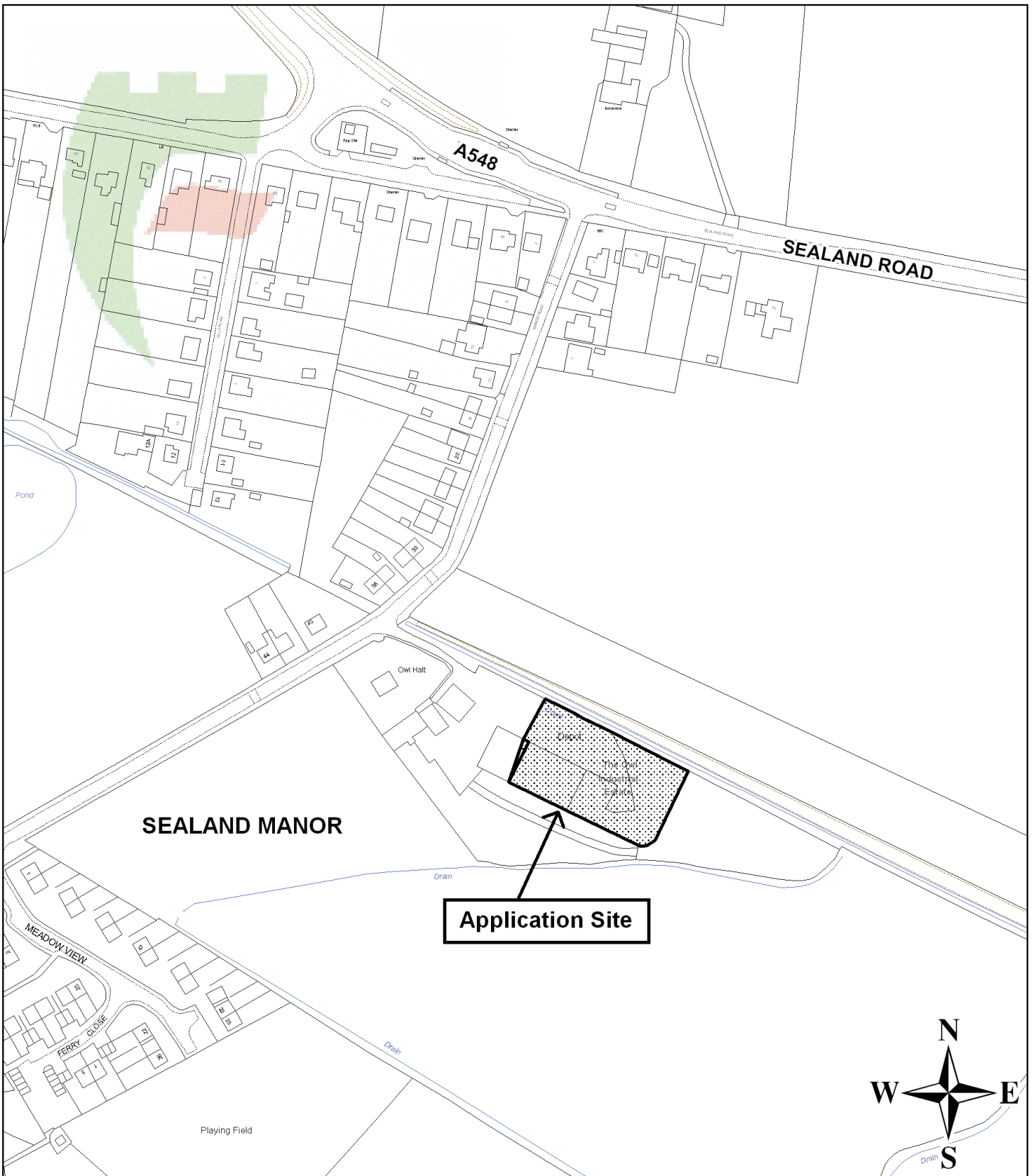
7.10 Residential Amenity

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**  
**Telephone: (01352) 703247**  
**Email: alex.walker@flintshire.gov.uk**



**Location Plan Scale 1:50,000**



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
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Planning Application **51501**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**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:** **29<sup>TH</sup> 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 (UNDERTAKEN 12<sup>TH</sup> MAY 2014)**

Members will recall that consideration of this application was deferred at the Planning & Development Control Committee meeting held on 14<sup>th</sup> May 2014. The application was deferred in order to seek to secure further modifications to the treatment of the retaining structures particularly to the rear of plots 55 & 56 of the development in order to safeguard the privacy/amenity of occupiers of nearby residential properties. For Members information amended plans have subsequently been received and a further round of consultations undertaken.

### 1.00 SUMMARY

1.01 This full application which is partly retrospective proposes the retention 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 – 55 sold and occupied. Plot 56 is currently for sale, and is located to the east of an existing property Field Farm.

**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

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.

Further Amended Plans

Awaiting response at time of preparing report.

Buckley Town Council

Amended Plans

No observations – Councillor C.A. Ellis advised the committee that a request had been made for a deferment of the decision, the request was granted.

Further Amended Plans

Awaiting response at time of preparing report.

**4.00 PUBLICITY**

4.01 Neighbour Notification  
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.

#### Further Amended Plans

Awaiting response at time of preparing report.

#### 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 12<sup>th</sup> May 2004.

### **042356**

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

### **043841**

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

### **044085**

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

### **046805**

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

### **050382**

Substitution of 9 No. house types (plots 43-48 and 54-56) – Permitted 7<sup>th</sup> 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.

It is considered that the proposal generally complies with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This full application which is partly retrospective proposes the retention 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 7<sup>th</sup> March 2013 with development having been undertaken in accordance with this permission. The approved garden areas associated with plots 52 – 56 of the development as initially permitted were given the difference in site levels 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 was amended from that initially submitted and a revised scheme proposed:-

- 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 proposed 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 was accompanied by a regrading of site levels to allow for access to the gardens which was proposed to be tiered on a further two levels. It was 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 was also proposed that a 1.8 m screen boundary fence on top of 1.8 m log retaining boundary with supplemental hedgerow planting in front be introduced to help screen the development and safeguard the privacy/amenity of occupiers of both Field Farm and plot 56 of the development.

7.04 Following the committee site visit undertaken by members on 12<sup>th</sup> May 2014, consideration of the application was deferred at the request of the Head of Planning in order to explore the potential for further modification to the treatment proposed particularly with respect to the rear garden areas of plots 55 & 56.

7.05 As a result further amended plans have been received and it is now proposed to:-

- i. retain 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.
- ii. incorporate a revised platform approximately 1.5 m wide immediately to the rear of plots 55 & 56 with steps down to the garden level to access a sloping garden area as initially proposed as part of the originally approved estate layout. It is not proposed to provide any additional tiers within these garden areas. A 2 m high screen boundary fence defining the western site curtilage boundary is proposed with supplemental hedgerow planting in front. In addition a 2 m high screen fence on the near boundary with properties 14/16 Aberllenerch Drive is proposed.

7.06 **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.
- Position of Plot 56 relative to Field Farm and 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.

7.07 **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.

7.08 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.

7.09 **Impact on Privacy/Amenity**

Particular concerns have been raised by the occupiers of Field Farm to the position of Plot 56 of the development and whether the dwelling is the correct position in accordance with previously approved plans.

7.10 It has been established by officers that the dwelling is in the correct position relative to the site boundaries although a discrepancy has occurred whereby the position of Field Farm is approximately 1.8 m further away from the site boundary than its actual siting.

7.11 On this basis no enforcement action can be taken as the dwelling on Plot 56 is accurately positioned relative to the site boundaries in accordance with the previously approved site layout.

7.12 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, given 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.

7.13 As a result of these concerns a series of 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 reduce the raised garden areas immediately to the rear of plots 55 & 56 in order to reduce the scope for their use as 'sitting out areas' will substantially help to safeguard the privacy and amenity of the occupiers of the existing dwellings at this location.

7.14 **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.

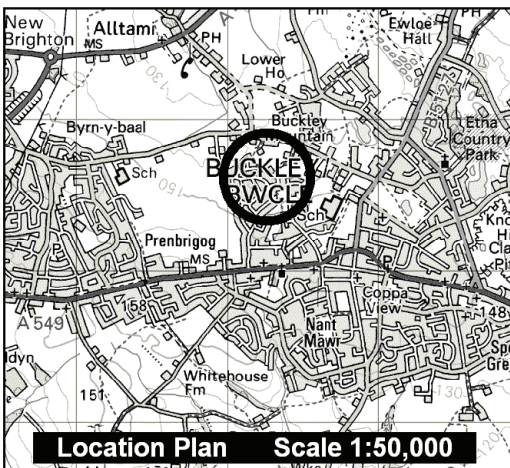
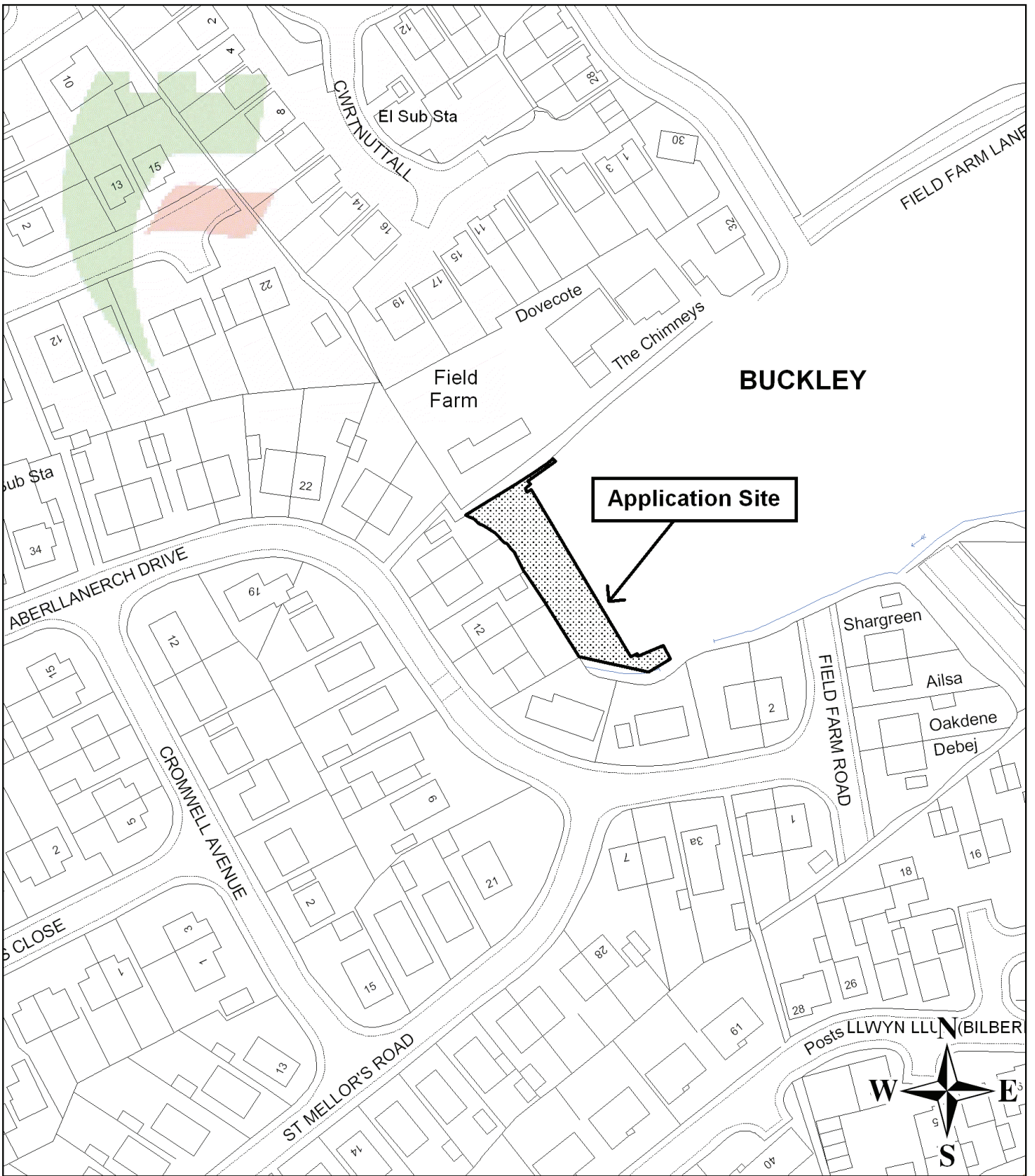
## **8.00 CONCLUSION**

8.01 In conclusion, it is considered that the further amended scheme submitted as part of this application in respect of plots 55 & 56 provides an acceptable solution to ensuring that the privacy/amenity of the occupiers of Field Farm/Aberllanerch Drive are safeguarded subject to the incorporation/retention of associated boundary screening. 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.

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**Email:** Robert\_Mark\_Harris@flintshire.gov.uk

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2764

Planning Application **51537**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 18 JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **CONVERSION OF SHOP & STORE TO 2 NO. DWELLINGS WITH OFF STREET PARKING AT PIONEER STORES, SHOP ROW, VILLAGE ROAD, CADOLE.**

**APPLICATION NUMBER:** **051966**

**APPLICANT:** **MR H MORRIS**

**SITE:** **CONVERSION OF SHOP AND STORE TO 2NO. DWELLINGS WITH OFF-STREET PARKING**

**APPLICATION VALID DATE:** **7<sup>TH</sup> APRIL 2014**

**LOCAL MEMBERS:** **COUNCILLOR N. MATTHEWS**

**TOWN/COMMUNITY COUNCIL:** **GWERNYMYNYDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **COUNCILLOR N. MATTHEWS REQUEST**

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

### **1.00 SUMMARY**

- 1.01 This application seeks planning permission for the change of use of a shop to 2no. dwellings at Pioneer Stores, Cadole. The proposed development is unjustified in terms of not meeting the criteria of Policy HSG3 of the adopted Flintshire Unitary Development Plan, which allows for a 10% growth rate, all of which should meet a housing need, for category C settlements, which has already been exceeded. Furthermore, it is consider that the proposal would be detrimental to the character of the existing building and the Area of Outstanding Natural Beauty.

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

2.01 The proposal is hereby recommended for refusal on the following grounds:

1. It is the opinion of the Local Planning Authority that the proposed development is unjustified in terms of not meeting the criteria of Policy HSG3 of the adopted Flintshire Unitary Development Plan which allows for a 10% growth rate for residential development that meets a local housing need only. The settlement of Cadole has already exceeded its growth rate. As such, the proposal is contrary to policies GEN1 and HSG3 of the adopted Flintshire Unitary Development Plan.
2. By reason of its design, the proposed development would have a detrimental impact on the character of the existing building, the Conservation Area of Cadole and the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty. As such, the proposal is contrary to policies GEN1, HE1, HSG3 and L2 of the adopted Flintshire Unitary Development Plan.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor N Matthews

No objection to this application to return the end pair of this row of cottages to their original use. Requests a site visit and determination by committee.

Gwernymynydd Community Council

No comments received.

Head of Assets and Transportation

No objection.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

No objection subject to conditions concerning drainage.

Welsh Government Trunk Roads

No objection subject to conditions.

National Grid

No objection.

Natural Resources Wales

No objection.

#### **4.00 PUBLICITY**

- 4.01 Neighbour Notification  
No comments received.

#### **5.00 SITE HISTORY**

- 5.01 **046837** - Change of use to provide 2 no. holiday cottages (approved May 2013)
- 036235** - Conversion of shop and store to form 2 No. dwellings (refused 2003. Dismissed at appeal)

#### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
GEN1 – General Requirements for Development  
HSG3 – Housing on Unallocated Sites Within Settlement Boundaries  
D2 – Design  
AC13 – Access and Traffic Impact  
AC18 – Parking Provision and New Development

#### **7.00 PLANNING APPRAISAL**

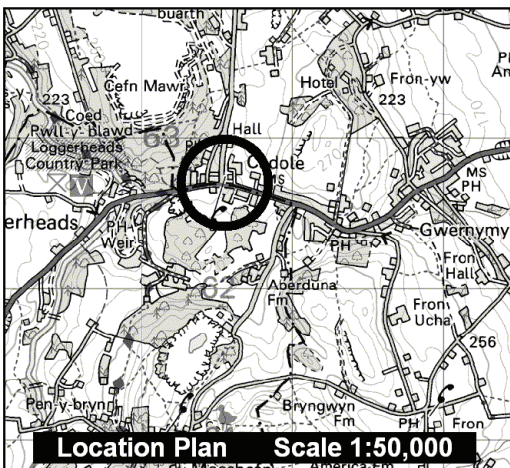
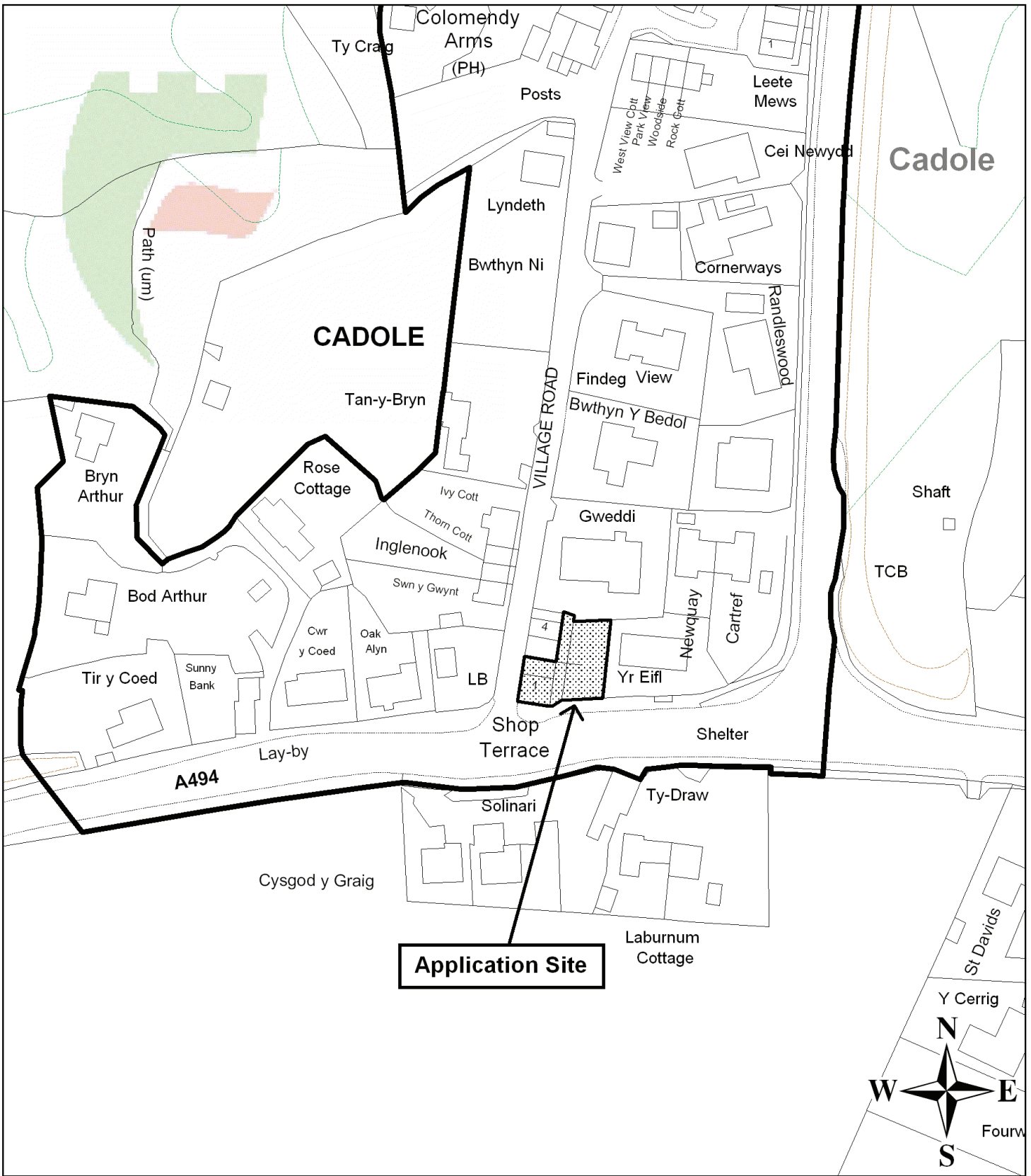
- 7.01 Introduction  
This application seeks planning permission for the change of use of an existing shop into 2no. dwellings. The application site is currently a local convenience shop located within the settlement of Cadole, as defined in the adopted Flintshire Unitary Development Plan (FUDP). The site is also located within the Conservation Area of Cadole and within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).
- 7.02 The proposal includes for the subdivision of the building into 2no. two bed dwellings, including works to the roof on the rear elevation to provide additional headroom at first floor, resulting in an asymmetrical roof.
- 7.03 The developer has suggested that the dwellings will be affordable but has not explained how this would be achieved.
- 7.04 Principle of Development  
Policy HSG3 of the FUDP allows for a 10% growth rate for residential development in category C settlements providing they meet a local housing need. At present, the growth rate for Cadole stands at 11.1%. Therefore, as the allocated growth rate has been exceeded, any further increase in the number of residential units will represent an unsustainable form of development contrary to policy HSG3 and as such, in principle, the proposal is unacceptable.

- 7.05 Design  
The existing building is part of a traditional terrace of cottages and a traditional country shop with small cottage gardens in a prominent roadside location at the fringes of Loggerheads Country Park. As such it makes a strong contribution to the rural character of the area.
- 7.06 The proposed works to facilitate the change of use would result in a substantial change to the appearance of these properties in that the narrow gabled cottage form with low cat slide outrigger would give way to a much wider asymmetric gabled house form. This would erode the traditional character of the property which is seen gable on from the public road.
- 7.07 Furthermore, policy AC18 of the FUDP requires a maximum parking provision of two parking spaces per unit. In order to accommodate the four parking spaces, the proposal includes for the loss of the entire cottage garden area. The almost entire replacement of the garden area with a row of four standard parking spaces would destroy the traditional setting of the building and introduce an open plan urban character to the external space of the development which would be dominated by cars. From an amenity perspective, there would be very little space to create any garden area at all or for enclosed storage of bins and recycling and these containers, which would be likely to be a prominent and semi permanent feature on the roadside.
- 7.08 As such, the proposal would result in unacceptable harm caused to the existing building, the conservation area of Cadole and the AONB.
- 7.09 Other Considerations  
There is an extant planning permission (ref:046837) for the change of use of the shop into 2no. holiday lets; however, the applicant is now claiming that the works required to create the holiday lets would render the scheme financially unviable. The applicant claims that the change of two residential units would provide affordable accommodation and would be worth the financial investment required to renovate the property.
- 7.10 Furthermore, the applicant claims that the property was originally a dwelling and that the proposal is returning it to its original use. Also, the first floor of the shop can be converted into a flat without planning permission.
- 8.00 CONCLUSION**
- 8.01 It is considered that the proposal represents an unsustainable form of residential development and, by reason of its design, would unacceptably harm the character of the existing building, the conservation area of Cadole and the AONB.

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.

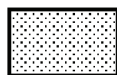
**Contact Officer:** Alex Walker  
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**Email:** alex.walker@flintshire.gov.uk

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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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Planning Application **51966**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **FULL APPLICATION – CONVERSION OF REDUNDANT OUT-BUILDING TO FORM A SINGLE DWELLING, ASSOCIATED WORKS AND ALTERATIONS TOGETHER WITH THE INSTALLATION OF A SEPTIC TANK AT KINNERTON LODGE, KINNERTON LANE, HIGHER KINNERTON**

**APPLICATION NUMBER:** **050308**

**APPLICANT:** **MRS C MONDO**

**SITE:** **KINNERTON LODGE, KINNERTON LANE, HIGHER KINNERTON**

**APPLICATION VALID DATE:** **22/11/2012**

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

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

**REASON FOR COMMITTEE:** **SECTION 106 REQUIRED TO RESCIND USE OF FISHERY WITHIN THE SITE**

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

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the conversion of a redundant outbuilding to a single dwelling, associated works and alterations together with the installation of a septic tank at Kinnerton Lodge, Kinnerton Lane, Higher Kinnerton. The building is a curtilage building to Grade II listed Kinnerton Hall and a Listed Building application has also been submitted, which is being considered in conjunction with the planning application. The reason for referral to Planning Committee is

the need for a Section 106 agreement relating to the access, and therefore the Listed Building application is being dealt with under delegated powers. Both applications are recommended for approval.

1.02 The building is worthy of retention and the proposed conversion is sympathetic to the existing building, nearby listed building and its setting. The conversion to a residential unit would enable this special building to be preserved for the future.

1.03 The Highway Authority have undertaken a traffic survey along Kinnerton Road and advise that the increase in traffic from a further dwelling using the existing access would have an adverse impact on Highway Safety. In order to address this issue and to retain the existing access, the applicant has agreed to rescind the use of the lake within the site as a fishery. As such a Section 106 agreement is required.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO THE COMPLETION OF A SECTION 106 OBLIGATION WHEREBY THE CERTIFICATE OF LAWFUL USE IS RELINQUISHED AND SUBJECT TO THE FOLLOWING:-**

- 2.01
1. Time commencement
  2. In accordance with plans
  3. Photographic record of the site
  4. Structural works – meeting prior to development with Conservation Officer
  5. Protection of birds during the nesting season
  6. Submission of a scheme of mitigation for nesting swallows
  7. Tree protection measures during construction and construction of hardsurfaces around trees to be in accordance with Tree Survey.
  8. No boundary treatment to North East of site.
  9. Windows, rooflights details and samples.
  10. Details of any gates to be submitted
  11. Retention of walls as existing.
  12. Photographs and details of works to Weathervanes
  13. Sections and treatment of archways to first floor
  14. Details and sample of materials to be used in ceilings
  15. Full details of insulation and flooring
  16. Full details of circular window including sections
  17. Window and door details
  18. Samples of: New roof tiles, ironmongery, mortar
  19. Details and sample of chimney pots and cowling.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor P Lightfoot

No response at time of writing report.

Higher Kinnerton Community Council

No objections to the proposal.

Head of Assets and Transportation

No objection subject to the applicant entering into a Section 106 legal agreement surrendering the commercial use of the lake.

Head of Public Protection

No adverse comments.

SP Manweb

It has been noted that we SP Manweb plc have high voltage and low voltage apparatus within the area of the proposed development, the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the Electrical apparatus.

Wales & West Utilities

No response at time of writing report.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

No representations at time of writing report.

**5.00 SITE HISTORY**

5.01 **051083**

Application for a Lawful Development Certificate for existing use of lake as coarse fishery. Granted 20/01/ 2014

**050759**

Listed Building Consent for conversion of redundant outbuilding to form a single dwelling, associated works and alterations and installation of septic tank. Recommended for approval subject to CADW clearance.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR8 - Built Environment

GEN1 - General Requirements for New Development

GEN3 (c) – Development in the Open Countryside

D2 - Design

L1 – Landscape Character

HSG7 – Change of Use to Residential Outside Settlement Boundaries

AC13 – Access and Traffic Impact

TWH1 - Development Affecting Trees and Woodlands  
WB1 - Species Protection  
HE2 - Development Affecting Listed Buildings and their Settings

**7.00 PLANNING APPRAISAL**

**7.01 Introduction**

The application seeks planning permission for the change of use from outbuilding to a dwelling. The site lies within the open countryside outside any settlement boundary as defined in the adopted Unitary Development Plan.

**7.02 Site Description**

Kinnerton Lodge, a large detached country house with various outbuildings, is accessed via a private drive off Kinnerton Lane, with elegant white metal gates at the entrance. To the south west of the grounds lies the red brick Victorian building which is the subject of this application. A lake, which is used as a fishery, is located to the northern part of the site and sits within an area of mixed woodland.

7.03 The 'L' shaped Victorian building is set in a courtyard with red brick walls to the south and western boundaries, with a small building (proposed study) to the south west corner. The building is constructed of red brick with slate roof which has detailed finials and two distinct weathervanes. The original use of the building is unclear but at some time in the past it has been used for livestock, at the present time the building is unused and falling into a state of disrepair.

**7.04 Principle of Development**

The proposed development has been considered under criterion a) of Policy HSG7 where an assessment is made as to whether the building is suitable for employment use and if so should be marketed for 1 year. In this instance it is considered that the building is not suitable for economic use and therefore the 1 year marketing exercise was not required.

7.05 The policies listed above generally require that the proposed development does not have a detrimental impact on the historic character of the listed building or its setting and is in keeping with the surrounding area.

7.06 Policy AC13 permits development where the approach roads are adequate for the traffic generated and does not compromise public safety or amenity. In addition it must provide a safe vehicular access to and from the main highway.

7.07 I consider that the amended proposal generally complies with the relevant criteria of these development plan policies.

7.08 There is no statutory requirement to have regard to the provisions of

the development plan when considering applications for listed building consent, and therefore the application for listed building consent has been assessed in line with Planning Policy Wales 2014 Ed6, Section 6.1 – Objectives and Para 6.5.8 & 6.5.9 – Listed Buildings and Welsh Office Circular 61/96 Alterations and Extensions to Listed Buildings Appendix D

7.09 **The Proposal**

The proposal seeks to undertake a conversion of the building to form a dwelling house.

7.10 The scheme as originally submitted had several issues in terms of access, loss of trees and inadequate detail.

7.11 During the application process there was a change of agent and numerous negotiations have been undertaken, with both the original and new agent. The details discussed included:

7.12 The detail of the circular window; retention of existing window frames and windows, the roof, weathervanes, finials, the internal archway at first floor, retention of trees and amendments to the residential curtilage.

7.13 The result of all the negotiations and amendments is a scheme which improves the condition of the existing building. The proposed development is sympathetic to the historical and special features of the existing building, the listed hall and the setting and enables the retention and preservation of this special building for the future.

7.14 **Site Access**

One of the main issues with the proposed conversion was that of the access from the site onto Kinnerton Lane. Having undertaken a traffic survey at the site the Highway Authority advised that an increase in traffic using the existing access was not acceptable in terms of highway safety.

7.15 In order to retain the existing access, the applicant put forward a proposal to rescind the use of the lake as a fishery at the site. However, at that time it came to light that the fishery did not benefit from any planning permission and therefore the use could not be rescinded. It appeared that the fishery had been in existence for a considerable length of time and in order to establish the use of the lake as a fishery the applicant was advised to submit a Certificate of Lawful Use application. The evidence submitted showed that the lake had been used as a fishery for over 10 years and was granted.

7.16 Before the Certificate of Lawful Use was granted and as a result of much discussion an amended scheme was submitted to provide a new access. On Highways advice the existing access was to be permanently closed and with the land to the gate being put to grass

verge. The issues with the new access were the impact on the woodland and the setting of the listed building.

7.17 Upon the granting of the Certificate of Lawful Use the original proposal to rescind this use was viable and the application was once more amended to retain the existing access, which is an important feature in the listed buildings setting.

7.18 Highways are satisfied that this decrease in use may be used to offset the traffic generated by the proposed conversion.

7.19 On the basis that a Section 106 Legal agreement will be used to secure the trade off between the fishery use and the proposed development Highways officers have no objection to the existing means of access being utilised to serve the conversion, as originally proposed.

7.20 The Highways officer advises that given the location of the site and access constraints, it would be beneficial for the Applicant to arrange for temporary signage to be provided, advising highway users of the likelihood of construction traffic entering and leaving the site, as such a note to the affect shall be included with any decision notice.

7.21 **Ecology**

A protected species survey has been submitted with the application and the Council's ecologist is satisfied with the survey. No bats were found at the site, but swallows use the building for nesting. In view of this conditions shall be attached to any planning permission to provide ensure mitigation for the nesting swallows is provided. A condition to ensure nesting birds are protected would also be imposed.

**8.00 CONCLUSION**

8.01 The amended scheme for the proposed development is sympathetic to the historical and special features of the existing building, the listed hall and the setting. The building is in a poor state of repair and the proposed conversion would ensure the retention and preservation of this special building for the future.

8.02 Ensuring the relinquishment of the existing fishery by legal agreement, the existing access can be retained thus preserving the setting of the listed building addressing the issue of Highway safety.

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

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **APPEAL BY WAINHOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 18 NO. DWELLINGS WITH ASSOCIATED ROADS, SEWERS AND OPEN SPACES AT LAND ADJOINING SIGLEN UCHA, RUTHIN ROAD, GWERNYMYNYDD – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 048850

### **2.00 APPLICANT**

2.01 WAINHOMES LTD

### **3.00 SITE**

3.01 LAND ADJOINING SIGLEN UCHA,  
RUTHIN ROAD, GWERNYMYNYDD

### **4.00 APPLICATION VALID DATE**

4.01 19/7/2011

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal of planning permission at committee, contrary to officer recommendation for the erection of 18 No. dwellings with associated roads, sewers and open spaces at land adjoining Siglen Ucha, Ruthin Road, Gwernymynydd. The appeal was determined by way of informal hearing and a site visit. The appeal was **DISMISSED**.

### **6.00 REPORT**

6.01 The application was refused, contrary to officer recommendation, as it would cause irretrievable harm to the character of this area close to the Clwydian Range AONB through its detrimental visual impact and

due to relative site levels, contour changes and built form, the proposed development was considered to have an overbearing impact in relation to neighbouring properties. The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the surrounding area and on the living conditions of future neighbouring residential occupiers with particular regard to visual impact.

6.02 Character and Appearance

The Inspector was of the opinion that any form of residential development on the appeal site would inevitably alter its character and that some infilling and re-profiling would be reasonably necessary to facilitate development, however, the proposed land raising supported by a crib lock retaining wall was deemed excessive, appear contrived and be obtrusive when seen from Ruthin Road causing significant harm to the character and appearance of the settlement. The Inspector was of the opinion that whilst planting may provide some filtering of views of the crib wall this would not be very effective during the winter months and would not disguise the substantial change in levels over a short distance.

6.03 Residential Living Conditions

The Inspector was of the view that the retaining wall and the proposed dwelling to plot 18 immediately adjacent to the eastern boundary with the newly permitted outline planning permission for three dwellings would have a dominant and oppressive visual appearance when viewed from the curtilages attached to the permitted properties. The Inspector was of the opinion such a relationship would be harmful to the living conditions of future occupiers and conflict with UDP Policy GEN1 which requires that development should not impair the development of adjoining land.

6.04 Other Matters

The Inspector referred to other issues raised during the course of the appeal, namely,

- drainage (surface water could be addressed via Sustainable Drainage Scheme, whilst foul drains could be achieved via a suitably worded planning condition),
- highway safety (noted that Welsh Government as the trunk road authority was content with the proposals)
- structural integrity of the retaining wall (would be subject to building regulations and via the NHBC's certification scheme)
- mine shaft (could be addressed via further investigations)
- lead mining (could be addressed via planning condition)
- the unilateral undertaking would adequately address the financial contribution in lieu of public open space

6.05 Costs Award

The appellant applied for an award of costs on the grounds that the

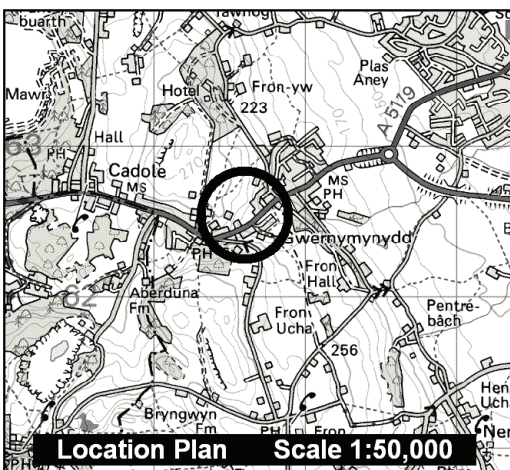
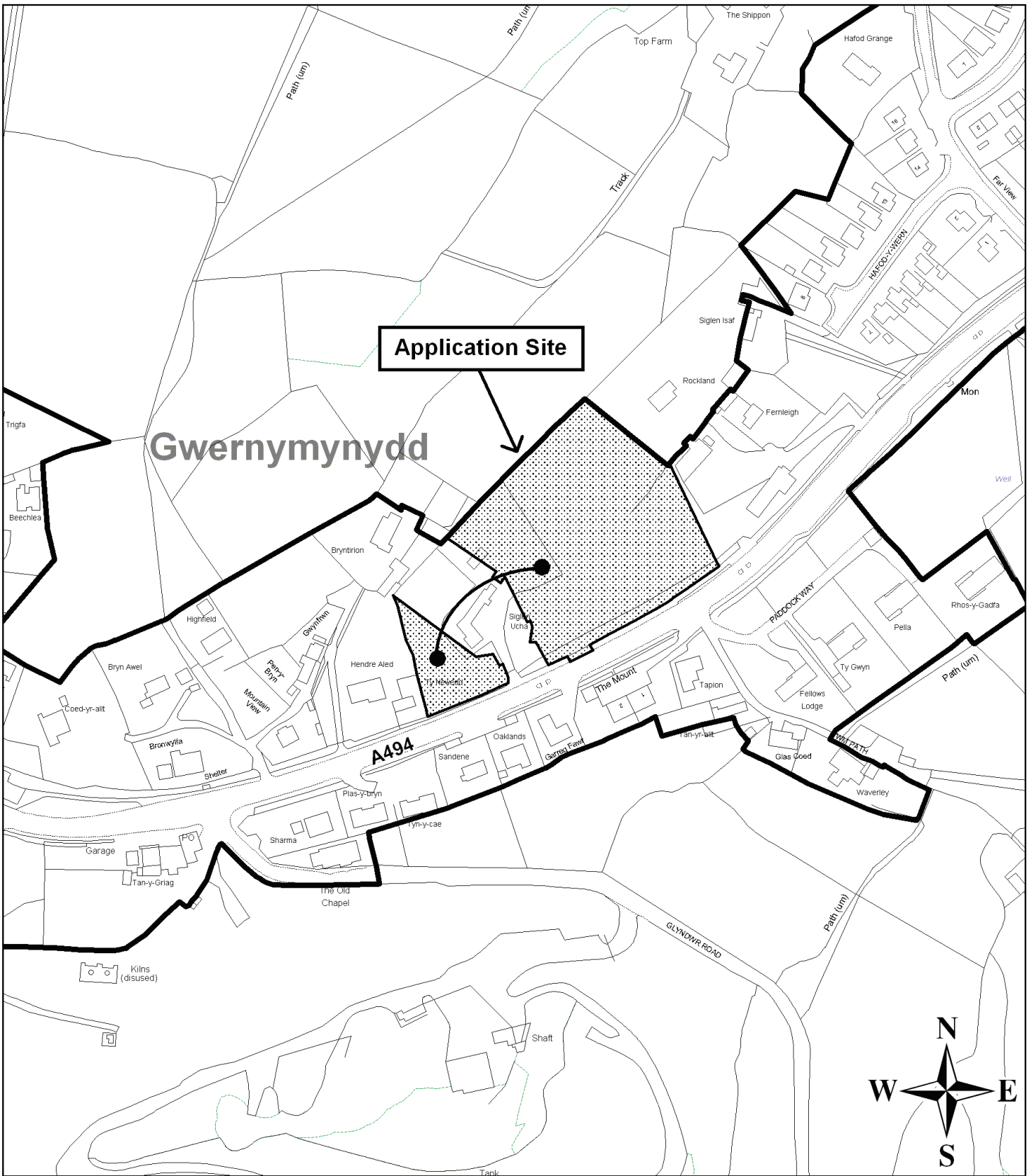
wording of the first reason for refusal was vague and that they were required to produce evidence relating to aspects of the reason for refusal not substantially pursued. The Inspector was of the opinion that the first reason for refusal was not entirely clear in the way it referred to the AONB and the Council's statement included no evidence to support the allegation of harm to the AONB. The Council's planning consultant referred to harm being to Gwernymynydd and the Ruthin Road street scene with the AONB forming a backdrop at a higher level - the Inspector was of the opinion therefore that this was not considered evidence and did not substantiate that particular element of the reason for refusal. The Inspector therefore took the view that the Council's behaviour was deemed unreasonable and had resulted in the appellant's incurring unnecessary and wasted expense which justified a **partial** award of costs.

## **7.00 CONCLUSION**

- 7.01 The Inspector dismissed the proposed development due to its obtrusive visual impacts on the character/appearance of the area and also its potential detriment to adjacent residential properties located to the eastern boundary.
- 7.02 The Inspector awarded a partial award of costs against the Council as he considered the Council had not substantiated the reference in the Council's first reason for refusal in regards to harm to the AONB.

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Environment Directorate,  
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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 **48850**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **APPEAL BY WM MORRISONS SUPERMARKETS PLC AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A NEW PETROL FILLING STATION AND ASSOCIATED ACCESS ROAD WITH ALTERATIONS TO EXISTING HIGHWAY AT NEIGHBOURHOOD CENTRE, FORDD LLANARTH, CONNAH'S QUAY – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 050616

### **2.00 APPLICANT**

2.01 WM. MORRISON SUPERMARKETS

### **3.00 SITE**

3.01 NEIGHBOURHOOD CENTRE,  
FFORDD LLANARTH, CONNAH'S QUAY

### **4.00 APPLICATION VALID DATE**

4.01 18/3/2013

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal of planning permission for construction of a petrol filling station and associated access road with alterations to the existing highway at the neighbourhood centre, Ffordd Llanarth, Connaah's Quay. The application was refused by the Planning Committee, contrary to officer recommendation and the decision notice issued on 1<sup>st</sup> August 2013. The appeal was determined by way of written representations and was **DISMISSED**.

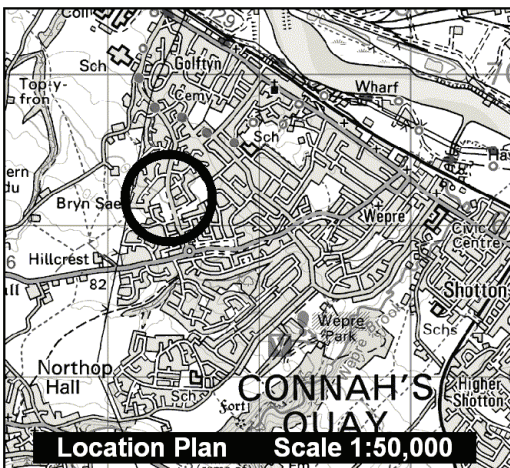
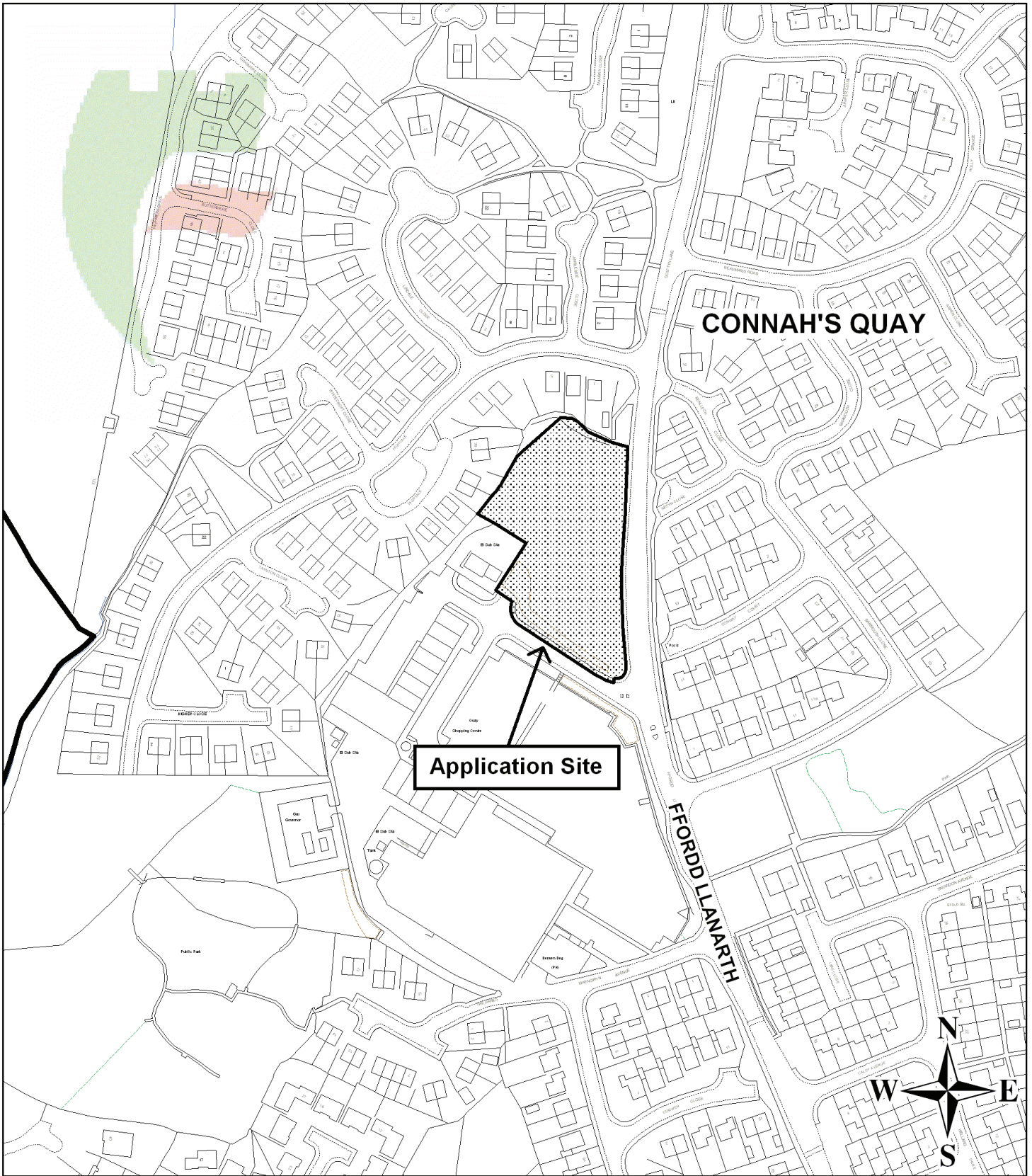
## **6.00 REPORT**

- 6.01 The application was refused, contrary to officer recommendation, because it would have resulted in the loss of a residential site allocated UDP. The Inspector considered the main issue to be whether the site was required for housing development.
- 6.02 The Inspector noted that Planning Policy Wales requires that “local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing”. The Inspector also noted that the Flintshire Joint Housing Land Availability Study of September 2013 revealed that at the base date of April 2012 the housing land supply for the County was 4.5 years.
- 6.03 The Inspector was of the opinion the required five year supply of housing was deficient and notwithstanding the site’s limitations she considered its ability to meet some of the County’s housing need is a compelling reason to adhere to its allocated purpose and to not permit a use other than residential. The Inspector also noted that even though the site’s provision was small in scale it was clear that other similarly modest UDP allocations under HSG1 are anticipated. The Inspector concluded the site is required for housing development.
- 6.04 The Inspector noted the council considered the scheme to be acceptable in respect of several development control matters and had no reason to disagree with that position.

## **7.00 CONCLUSION**

- 7.01 The Inspector concluded that as the site is allocated for housing development, the proposed development would not be in accordance with the development plan and having taken into account all other considerations did not consider these were sufficient to outweigh the need for housing land in the County. The appeal was subsequently **DISMISSED**.

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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 **50616**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **APPEAL BY MR & MRS MARK JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DOUBLE GARAGE WITH STORAGE SPACE ABOVE AT TREFALYN, 53 RUTHIN ROAD, MOLD**

### **1.00 APPLICATION NUMBER**

1.01 051396

### **2.00 APPLICANT**

2.01 MR & MRS MARK JONES

### **3.00 SITE**

3.01 TREFALYN, 53 RUTHIN ROAD, MOLD, CH7 1QH.

### **4.00 APPLICATION VALID DATE**

4.01 24<sup>TH</sup> OCTOBER 2013

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision, following the refusal under officer delegated powers of a full planning application for the erection of a detached double garage with storage space above at Trefalyn, 53 Ruthin Road, Mold, CH7 1QH. The appeal was considered by way of an exchange of written representations and was DISMISSED

### **6.00 REPORT**

6.01 The inspector considered the main issue in this case to be the effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to visual impact and overlooking.

6.02 The inspector noted that the proposed garage would have its ridge running parallel to Ruthin Road and this would result in an

approximately 6 metre wide and 5.5 metre high gable being located within 200m to 250mm of Trefalyn's eastern boundary. Given its location, height, scale and mass and in his opinion it would have a dominant and oppressive visual appearance when seen from the private open space to the rear of No 1 and the side of No 2 Powys Villas, which is very limited in extent, thereby creating a sense of being hemmed in. A similar visual impact would be gained when looking through any ground floor habitable room windows in the rear elevation of No 1. In his opinion this would result in significant harm to the relevant occupiers living conditions and, as a result, the proposal conflicts with *Flintshire Unitary Development Plan* (UDP) policies GEN1 and HSG12.

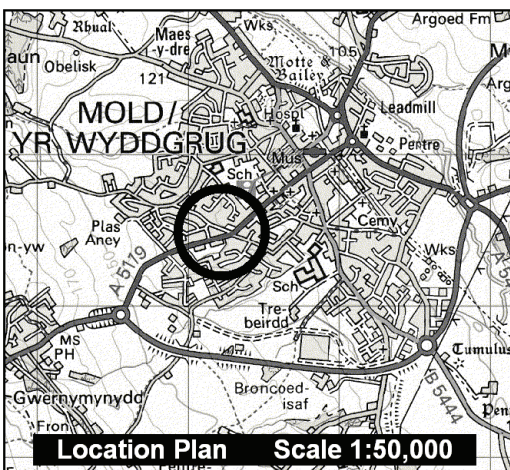
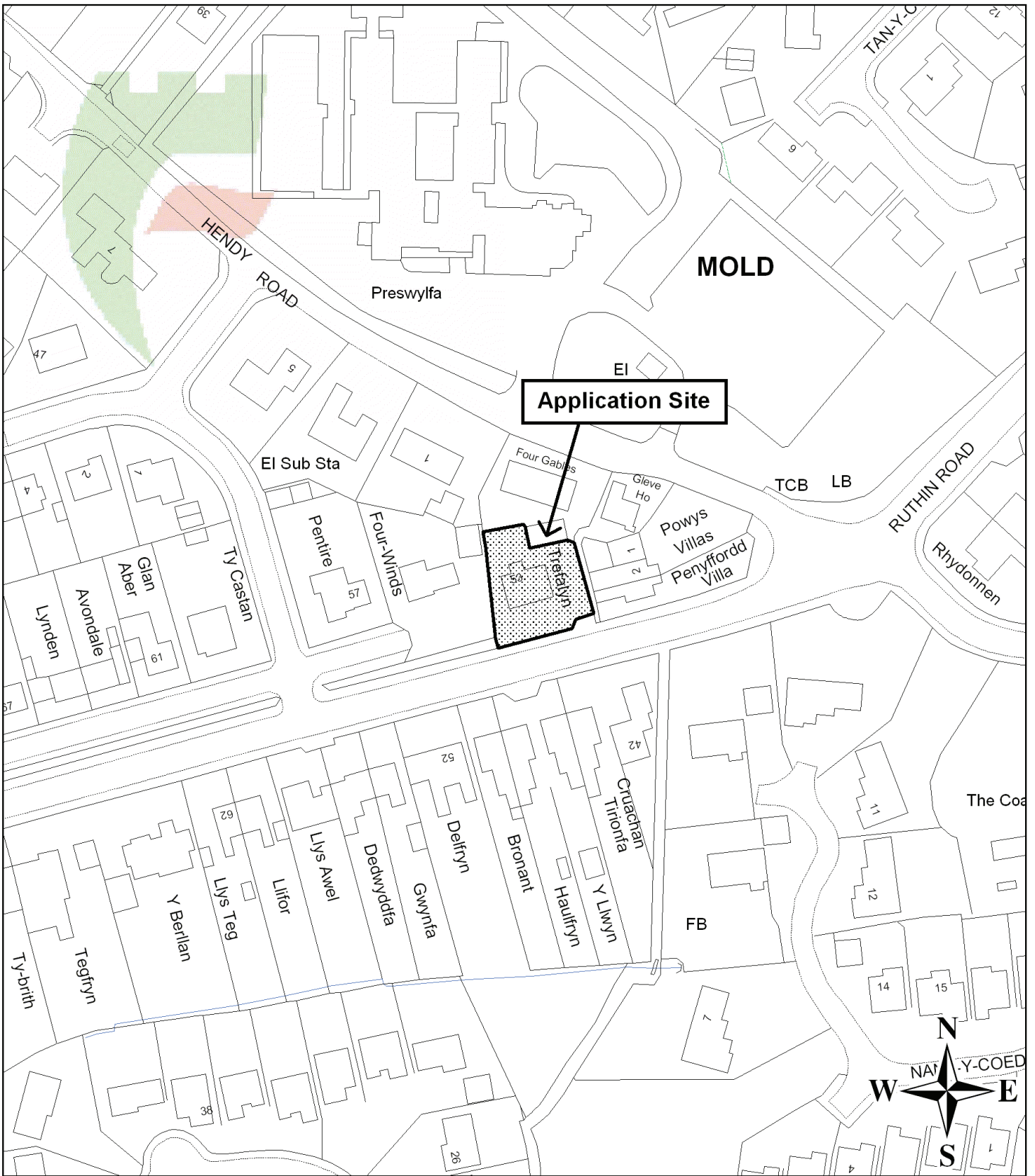
6.03 The two rooflights proposed in the rear roof slope could also provide views into habitable rooms in the rear elevation of Four Gables at somewhat shorter distances than such views from windows in the rear elevation of Trefalyn. On the basis of the available evidence the inspector was not convinced that the boundary wall was high enough to prevent such views and a consequential loss of privacy to the occupiers of Four Gables. This loss of privacy would harm the living conditions of the occupiers of Four Gables and add to the conflict with UDP policies already identified above.

6.04 He notes that the appellants compared their proposal with the existing garage at Four Winds. However, although that is also on the boundary it did not have an intimate a relationship with neighbouring dwellings, which have much larger private open spaces to their rears than the one to the rear of No 1 and the side of No 2 Powys Villas, as the appeal proposal would have with Powys Villas. The appellants also referred to a rear access tower forming part of a proposal to convert Trefalyn to flats which has previously been granted planning permission. Nevertheless, in terms of visual impact it would not have been particularly close to the boundary and although it could have overlooked Four Gables the plans submitted are not sufficiently clear to show whether any mitigation, such as obscure glazing, was to be incorporated or not. In any event, it is an accepted planning principle that applications, and appeals, are considered on their individual merits, which is what he had done in this case.

## **7.00 CONCLUSION**

7.01 For the reasons outlined above the appeal was **DISMISSED**.

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Environment Directorate,  
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 Director: Mr. Carl Longland

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **51396**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **APPEAL BY MR. MARK ALLEN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION TO TAKE OFF THE ROOF OF THE EXISTING BUNGALOW, DEMOLISH THE EXISTING FLAT ROOFED GARAGE AND CONSTRUCT A NEW BRICK GARAGE, EXTEND AT THE BACK OF THE GARAGE TO CREATE A NEW BEDROOM AND CONSTRUCT A NEW HIGH PITCHED ROOF OVER THE WHOLE STRUCTURE TO CREATE NEW ROOMS IN THE ROOF SPACE LIT AND VENTILATED BY ROOF LIGHTS ONLY AT 28 SUMMERDALE ROAD, QUEENSFERRY – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 051592

**2.00 APPLICANT**

2.01 MR. MARK ALLEN

**3.00 SITE**

3.01 28 SUMMERDALE ROAD, QUEENSFERRY, DEESIDE

**4.00 APPLICATION VALID DATE**

4.01 30<sup>TH</sup> DECEMBER, 2013

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the decision made in the appeal against the refusal under delegated powers of planning permission to take off the roof of the existing bungalow, demolish the existing flat roofed garage and construct a new brick garage, extend at the back of the garage to create a new bedroom over the whole structure and to create new rooms in the roof space lit and ventilated by roof lights at 28 Summerdale Road, Queensferry. The appeal was DISMISSED.

## **6.00    REPORT**

6.01    The application was refused under officer delegated powers on 13<sup>th</sup> February, 2014 for the following reason:-

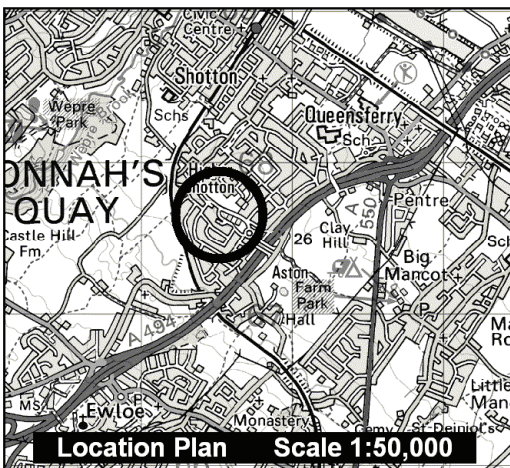
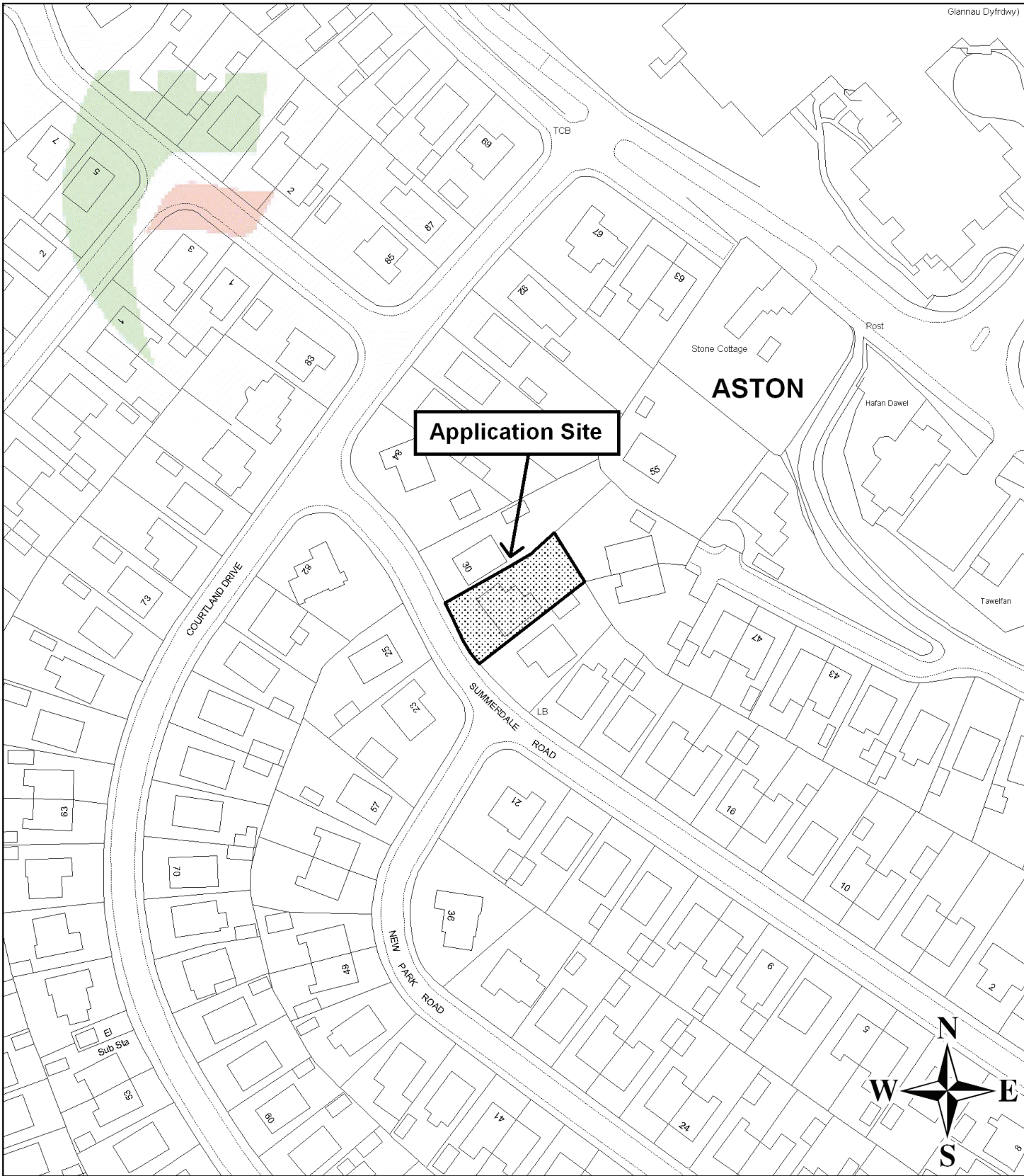
‘In the opinion of the Local Planning Authority, the proposal, due to its scale, design and increase in roof height would introduce a discordant note into the street scene which would be visually harmful to its character and appearance. As such the proposal conflicts with Policy GEN1 (a) and Policy HSG12 of the Flintshire Unitary Development Plan.’

6.02    In determining the appeal, the Inspector considered that the main issue in this case was the effect of the on the street scene in Summerdale Road. The Inspector noted that Summerdale Road is characterised by detached bungalows, some of which have gables facing the road whilst others have ridges parallel to the road, and some have hipped roofs. Whilst this presents a varied roofscape in the street scene, overall heights are generally broadly comparable. The proposal would see the ridge height of number 28 increased by approximately 2.1 metres and the span of the pitched roof increasing from around 7.4 metres to some 10.745 metres. The Inspector took the view that the height, scale and mass of the resulting structure would give it an obtrusive and discordant visual appearance that would feature prominently in views from the road. As a result the proposal would be harmful to the street scene in Summerdale Road and, as such, would conflict with planning policy.

## **7.00    CONCLUSION**

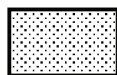
7.01    Taking the above and all other matters into consideration the Inspector concluded that the proposal would conflict with policies GEN1 and HSG12 of the Flintshire Unitary Development Plan and the appeal was **DISMISSED**.

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Environment Directorate,  
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 Director: Mr. Carl Longland

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **51592**

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