

# Public Document Pack

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Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr David Wisinger (Chair)

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

15 July 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, 23RD JULY, 2014** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **A G E N D A**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 14)

To confirm as a correct record the minutes of the meeting held on 18 June 2014.

- 5 **ITEMS TO BE DEFERRED**

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

6 **TRANSFER OF GIFTED UNITS TO BE USED AS AFFORDABLE HOUSING**  
(Pages 15 - 16)

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

The report of the Chief Officer (Planning and Environment) is enclosed.

**REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**ON 23<sup>RD</sup> JULY 2014**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
7.1	052208 - A	052208 - Full Application - Erection of 22 No. Dwellings and Associated Works at Upper Bryn Coch, Mold. (Pages 17 - 38)
7.2	051924 - A	051924 - Combined Heat and Power Biomass Plant at Warwick International Limited, Coast Road, Mostyn. (Pages 39 - 78)
7.3	051772 - A	051772 - Full Application - Installation of Ground Mounted Photovoltaic (PV) Solar Arrays to Provide 45.7 mw Generation Capacity Together with Transformer Stations; Internal Access Track; Electricity Sub-Station; Landscaping; Fencing; Security Measures; Access Gate and Ancillary Infrastructure at Weighbridge Road, Sealand. (Pages 79 - 102)
7.4	052112 - A	052112 - Full Application - Substitution of House Types for 13 No. Houses Previously Approved under Reserved Matters Application Ref: 050796 Pursuant to Outline Planning Permission Ref: 038189 at Broughton Park, Broughton. (Pages 103 - 110)
7.5	052061 - A	052061 - Full Application - Change of Use to Form 2 No. Flats in Existing Dwelling at 14 Howard Street, Connah's Quay. (Pages 111 - 116)
7.6	052209 - A	052209 - Full Application - Retail Extension to Create New Convenience Store and Back of House Facilities at Gladstone House, Main Road, Broughton (Pages 117 - 126)
7.7	051810 - A	051810 - Full Application - Erection of a Stable and Agricultural Storage Building (Part Retrospective) at Fron Haul, Brynsannan, Brynford. (Pages 127 - 136)
7.8	052156 - A	052156 - Full Application - Residential Development of a Total of 45 One and Two Storey Dwellings Including Ancillary Parking, Open Space and New Access from Halkyn Road, at Halkyn Road, Holywell. (Pages 137 - 150)
7.9	052143 - A	052143 - Full Application - Erection of Two Storey Building with a Bakery and Cafe on the Ground Floor and Residential Accommodation on the First Floor at Bridge Inn, Hawarden Road, Hope. (Pages 151 - 162)
7.10	051328 - A	051328 - Full Application - Erection of 6 No. Industrial/Business Buildings with a Total Floor Space of 5,460 m <sup>2</sup> at The Mercant House Ltd., Prince William Avenue, Sandycroft - VERSION 3 (Pages 163 - 170)
7.11	051929 - R	051929 - Retrospective Application for the Retention of Replacement Porch and Amended Window Above at Hillside Cottage, Kinnerton Lane, Higher Kinnerton. (Pages 171 - 176)
7.12	051930 - R	051930 - Listed Building Consent - Retention of a Replacement Structure to Side Forming a Dining Area with Replacement Window Above at Hillside Cottage, Kinnerton Lane, Higher Kinnerton. (Pages 177 - 182)
7.13	045180 - R	045180 - General Matters - Demolition of Existing Hotel Buildings and the Erection of 21 No. Apartments at Bryn Awel Hotel, Denbigh Road, Mold. (Pages 183 - 204)



**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**18 JUNE 2014**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 18 June 2014

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

Councillors: Marion Bateman, Derek Butler, David Cox, Carol Ellis, Jim Falshaw, Ray Hughes, Richard Jones, Richard Lloyd, Neville Phillips, Mike Reece, Gareth Roberts and Owen Thomas

**SUBSTITUTIONS:**

Councillor: Paul Shotton for Ian Dunbar, Mike Lowe for Christine Jones, Veronica Gay for Mike Peers and Brian Lloyd for Carolyn Thomas

**ALSO PRESENT:**

The following Councillor attended as an observer:  
Councillor Haydn Bateman

**APOLOGIES:**

Councillors: Chris Bithell, Alison Halford and Billy Mullin

**IN ATTENDANCE:**

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planners, Planning Support Officer, Democracy & Governance Manager and Committee Officer

**1. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**2. APPOINTMENT OF VICE-CHAIRMAN**

The Chairman sought nominations for the appointment of Vice-Chairman for the Committee. Councillor Paul Shotton nominated Councillor Ian Dunbar which was duly seconded and Councillor Richard Lloyd nominated Councillor Owen Thomas which was also duly seconded. On being put to the vote, Councillor Ian Dunbar was appointed as Vice-Chairman for the Committee.

**RESOLVED:**

That Councillor Ian Dunbar be appointed Vice-Chairman for the Committee.

**3. LATE OBSERVATIONS**

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

#### **4. MINUTES**

The draft minutes of the meeting of the Committee held on 14 May 2014 had been circulated to Members with the agenda.

Councillor Neville Phillips asked that the final sentence in the first paragraph on page 17 be amended to read 'She stated that properties on the main road could not get a mortgage because of subsidence and were sold for cash'.

The Chief Officer (Planning and Environment) referred to the resolution on page 18 and said that the applicant had expressed concern about the educational contribution which had been reported in the Late Observations; discussions would take place with the applicant prior to the appeal to clarify the situation. He also explained that the action identified on page 19 about assessing the need for a pedestrian crossing had been referred to the relevant Chief Officer.

Councillor Richard Lloyd asked that his first name be quoted in the first paragraph on page 20 as two Councillor Lloyds had been present at the meeting.

#### **RESOLVED:**

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

#### **5. ITEMS TO BE DEFERRED**

Councillor Neville Phillips referred to application 7.5 (051966 - Village Road, Cadole) and asked, on behalf of the Local Member Councillor Nancy Matthews who had been unable to attend the meeting to speak on the application due to her being on an interview panel, whether the application could be deferred to allow her to speak at the next meeting of the Committee; the request was duly seconded.

The Chairman explained that there were other Local Members who had applications before the Committee today who were also on the interview panel and he had advised them that the applications could not be deferred just because they were not present at the meeting. The Democracy & Governance Manager said that it would set a dangerous precedent to defer the applications just because the Local Member had a clash of meetings.

Councillor Richard Lloyd did not think that the application needed to be deferred as Councillor Matthews had spoken at the Planning Site Visit held on 16 June 2014. Councillor Gareth Roberts said that it was current practice not to defer items for the reason being given.

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

**RESOLVED:**

That agenda item 7.5 (051966 - Village Road, Cadole) not be deferred.

**6. 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)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application.

The Chief Officer (Planning and Environment) indicated that criticism had been received about the plan on page 29 of the report. He reminded Members that it was a location plan and did not show the constraints but added that when the application for planning permission was submitted to the Committee for consideration, Members would be made aware of the constraints.

The officer detailed the background to the report and explained that this application was to seek approval to determine the application for planning permission at a Special meeting of the Committee due to its major significance and issues of local and regional importance. The Democracy & Governance Manager advised that the date of the Special Committee meeting would be discussed and agreed with the Chairman.

Councillor Derek Butler said that it was his understanding that there were two alternative sites for crematoriums in Flintshire and suggested that determination of the Northop site application may be premature as the Committee needed to decide on the best site for Flintshire out of all of the possible alternatives. The Democracy & Governance Manager said that currently only an application for the proposed site in Northop had been submitted and highlighted point two of paragraph 6.02 which indicated that determination of the application would include consideration of other possible sites in Flintshire.

The Local Member, Councillor Marion Bateman, said that she had been advised that a cut off date of 24 June 2014 had been identified for receipt of other applications and proposed that the recommendation include the words 'unless any other applications come forward before 24 June 2014'; the proposal was duly seconded. The Democracy & Governance Manager queried whether Councillor Bateman was requesting that any applications for crematorium sites be considered at a Special Committee meeting. Councillor Bateman felt that any applications for crematorium sites should be determined at the same time. She added that the Northop site was on green belt land and it was important to consider whether any other sites were more appropriate.

Councillor Carol Ellis concurred that any applications for crematorium sites should be submitted to the same Committee meeting and commented on applications for landfill sites which had been dealt with separately and had

resulted in one being approved and the other being refused but neither being brought forward. Councillor Richard Jones said that he was not aware of other sites or the cut off date of 24 June 2014 and suggested that this application should be considered on its own. Councillor Owen Thomas agreed and said that determination of the application was long overdue and as no other applications had come forward, this application should be considered by the Committee at a Special Meeting to be arranged as soon as possible.

Councillor Gareth Roberts said that the application should be dealt with on its planning merits and added that it could not be compared with the issues identified by the determination of the landfill sites. He was surprised that the applicant had not appealed on grounds of non-determination of the application and reiterated the earlier comments that this proposal should be considered at a Special Planning Committee.

Councillor Neville Phillips proposed that point two of paragraph 6.02 be removed, which was duly seconded. The Democracy & Governance Manager advised that the officer's report could not be amended by a proposition. He added that if another application was submitted then he would have to consider the legal position of determining the application in advance of any new application. He said that all Member comments had suggested the application merited a special meeting, and if it was agreed then it would be on a date determined by the Chairman of the Committee.

The Democracy & Governance Manager reminded Members that the proposal put forward by Councillor Phillips to remove point two of the recommendation was not valid and that the proposal that they were voting on was from Councillor Bateman to allow a Special Planning Committee to be determined provided no other applications came forward by 24 June 2014. On being put to the vote, the proposal was LOST. Councillor Gareth Roberts proposed that a Special meeting be arranged as soon as possible, which was duly seconded, and on being put to the vote, was CARRIED.

**RESOLVED:**

That a Special Planning and Development Control Committee be convened to determine planning application 051043 as soon as possible.

7. **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)**

The Committee considered the report of the Chief Officer (Planning and Environment) 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 it was a re-submission of an application which was considered and refused by the Committee on 12 February 2014 (application number 051066). The proposed site layout had not changed from the previous application but the applicant had 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 officer referred Members to the late observations where it was reported that the previous application was now the subject of an appeal which was to be dealt with by way of an informal hearing. Paragraph 7.05 provided details of the reasons for the proposed replan of this part of the site. The officer recommendation of approval was consistent with that of application 051066 to the 12 February 2014 meeting of the Committee.

Councillor Veronica Gay (on behalf of the Local Member, Councillor Mike Peers) proposed refusal of the application, against officer recommendation, which was duly seconded. She said that the application had not changed from that which had been refused by the Committee and the reasons for refusal which were detailed in paragraph 7.04 should be the same for this application. The Design and Access Statement sought to justify why the proposal should be acceptable but it did not address the reasons for refusal of the earlier application. This area of the southern parcel of the site currently had planning permission for the erection of a total of eight dwellings and the proposed amendments which were detailed in paragraph 7.03 included the substitution of house types to eight smaller units and the addition of eight smaller affordable housing units, which had been relocated from the northern part of the site. She added that it would appear that Redrow did not want the affordable homes in the northern part of the site and this application had done nothing to address the concerns raised. The proposed communal parking area serving 13 properties was still out of character with the site and would have an impact on the amenity of residents.

Councillor Richard Jones said that the application was identical to the refused proposal but some of the information that had been contained in the earlier report had been omitted from this report and he found it patronising that the information had not been included.

Councillor Gareth Roberts concurred that the applications were identical and nothing had materially changed, and queried why the applicant had not appealed the earlier decision of refusal.

In response to the comments made, the officer said that a lot of information had been included in the previous report about the 15% affordable housing requirement which was to be split between the two parts of the site. As the reasons for refusal did not focus on the issue of affordable housing, the details had not been included in this report but he added that one of the fundamental changes was with the Design and Access Statement. The affordable units were not being advanced specifically for affordable housing to meet the 15% requirement and the proposed additional properties on the

replan of the site were to be terraced units which were to be offered under the Right to Buy scheme.

The Planning Strategy Manager asked Members to consider what harm moving the affordable housing to this part of the site would bring and said that this could be an opportunity for Members to review the reasons for refusal of the previous application. He added that evidence to counter the reasons for refusal had been provided in the form of the Design and Access Statement and the compliance with space around dwelling guidelines and parking guidelines.

The Development Manager said that the omission of the information referred to by Councillor Jones was respecting the earlier decision of the Committee and added that the report concentrated on the changes to the proposal. As the applicant had now appealed the earlier decision, there may be aspects of that refusal that officers would need to come back to Committee with.

In response to a question from Councillor Richard Lloyd, the officer said that the requirement for affordable housing had been reduced by the Inspector to 15% for the site. However, the affordable properties proposed for this part of the site would not count towards the 15% required for affordable dwellings by the Housing Strategy Manager for people on the Housing waiting list.

In summing up, Councillor Gay said that the application should be refused for the same reasons as the previous application (051066) on the grounds of:-

- overdevelopment with the associated additional vehicular movements and substantial areas of car parking
- out of character with the existing development
- the impact on the residential amenity of existing occupiers

**RESOLVED:**

That planning permission be refused on the grounds of:-

- overdevelopment with the associated additional vehicular movements and substantial areas of car parking
- out of character with the existing development
- the impact on the residential amenity of existing occupiers

8. **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)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 16 June 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and reminded Members that the application was for retrospective planning permission and that even though objections had been received from the Local Member and Sealand Community Council, the recommendation was for approval.

Mr. L. Smith, the agent for the applicant, spoke in support of the application. He said that the site had a long and troubled history and that the applicant wanted to realise the economic aspect of the site and if approved, would employ two people on a full time basis to undertake caravan servicing. The current consent for B1 use did not have any control for hours of operation and approval of the application would restrict movement of caravans into and out of the site, which would not be used for caravan storage, only servicing.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He felt that the proposal was a resolution to the ongoing difficulties and commented on the fact that the site was poorly designated as B1 without conditions and that the conditions which included hours of operation would provide more control over the site.

In response to a question from Councillor Owen Thomas, the officer said that the area of the site in the proposal equated to the same as had been applied for under the Certificate of Lawfulness for B1 use.

Councillor Richard Lloyd requested that a condition be included on the number of caravans stored on the site in addition to the conditions about height of stored vehicles or materials and the hours of opening. The Development Manager said that the number of caravans would to an extent be self limiting as the application site was relatively small in relation to the total land holding.

Councillor Paul Shotton said that the access to the site was on an unadopted road and had a footpath on one side of the road which children used to walk to school. He said that the site was on green barrier land and the proposal would create lots of traffic and noise and the security lights on the site would affect the residents in the neighbouring properties. Caravans would have difficulties accessing the site if residents cars were parked on the road and he queried the number of caravans on the site at present.

In referring to a comment by the agent that caravans would not be stored on the site, Councillor Marion Bateman queried how this could be determined. The officer responded that the application was for storage of caravans and the original B1 use had no restrictions on hours of operation or height of storage. The proposal would allow more control over the site with the conditions requested and he added that there were currently

approximately 50 caravans on the site, so the visual impact would also be reduced.

Councillor Richard Jones queried whether a condition could be included, to protect the residents, that the owners of the site pay for the upkeep of the unadopted road if the residents were responsible for its maintenance. The Democracy & Governance Manager advised that this was a civil matter and not a planning consideration. Councillor Mike Lowe felt that the restricted hours of use of 8am to 8pm would not be adhered to. The officer explained that there were no restrictions on the current B1 use and that it would be an enforcement issue if the conditions were not complied with. Councillor Owen Thomas said that there had been a number of enforcement issues on the site and queried what work had been undertaken to ensure the applicant complied with any restrictions. The Development Manager advised that previous enforcement issues were not directly relevant to this application but that the Certificate of Lawfulness established the use of this part of the site. He reminded Members of Councillor Butler's comments that a planning permission would allow more control of the site.

In summing up, Councillor Butler said that the conditions suggested would regularise the use of the site and would allow enforcement action to be taken if the conditions were not complied with. He suggested that the applicant could plant leylandii trees to screen the site.

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

The Chief Officer (Planning and Environment) noting the concerns about the impact on amenity and enforcement issues, suggested that a temporary permission be granted to allow the site to be monitored. Councillor Gareth Roberts proposed that the application be approved for a temporary period of 12 months, which was duly seconded. Councillor Owen Thomas suggested that the application should be approved for a period of 18 months to cover the remainder of this season and the whole of the 2015 holiday season. Councillor Roberts amended his proposal to temporary permission for 18 months which the seconder also agreed with.

On being put to the vote, the proposal to approve the application for a temporary period of 18 months, subject to conditions and the applicant then having to reapply for permission, was CARRIED.

**RESOLVED:**

That temporary planning permission for a period of 18 months be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

9. **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) (051537)**

The Committee considered the report of the Chief Officer (Planning and Environment) 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 partly retrospective application was for the treatment of the garden areas at Plots 52-56 Field Farm Lane, Buckley. The application had been deferred at the previous meeting of the Committee to allow negotiations to take place with the applicant following concerns raised at the site visit held on 12 May 2014. Discussions had taken place and had resulted in the applicant now proposing a reduced raised platform area at the rear of Plots 55 and 56 Field Farm Lane with the garden area being at a lower level instead of the tiered gardens which were part of the previous application.

Mr. N. Mellan, the agent for the applicant spoke in support of the application. He detailed the differences in the schemes which included the new proposals for a raised area at 55 and 56 Field Farm Lane with steps down to the garden area instead of the terraced garden area, with a two metre high fence around the garden. It was unlikely that residents would use the raised area and would only be used as an access to the garden area and the proposed screening, which would remain in perpetuity, would mean that the property at Field Farm would not be overlooked. The amended proposal to deal with the differing levels of the site was in accordance with local and national policy and the applicant had no objection to the removal of permitted development rights.

Councillor Derek Butler proposed the recommendation for approval which was not seconded. Councillor Richard Jones proposed refusal of the application, against officer recommendation, which was duly seconded.

The Local Member, Councillor Carol Ellis, indicated that she would give her comments on the proposal and those of Mrs. Biffin (the resident of Field Farm) who had been unable to attend this meeting to address the Committee. Councillor Ellis said that Mrs. Biffin felt that the application would not be before the Committee if plot 56 had been sited in the correct position. She indicated that it was situated 5.5 metres too close to Field Farm and created an overlooking issue from the garden of the property into the bedrooms of Field Farm. Discussions had not taken place with Mrs. Biffin on the design of the garden which had been created without planning permission. She commented on GPS maps which she felt showed an incorrect location of Field Farm, which officers had disagreed with, and said that the amended house type for plot 56 did not accord with the original house layout and this was indicated on the original plan which showed a path running alongside plot 56. Councillor Ellis referred to Local Planning Guidance Note 2 and Policy GEN1 on space around dwellings and said that the proposal did not comply with the

guidelines. She added that if the application was approved, she requested that an additional condition be included to extend the six foot high fence to the whole of the garden area of 56 Field Farm Lane.

The Democracy & Governance Manager advised Members that the application before the Committee was not for the siting of the dwelling but was for the earthworks for the garden area. He added that the issues raised were enforcement issues and the location of the property should not form part of the Committee's decision.

Councillor Richard Jones felt that by creating the earthworks, it would extend the living space which should be refused. Councillor Owen Thomas raised concern about the design of the properties at 55 and 56 Field Farm Lane.

In response to the comments made, the officer said that negotiations had taken place with the applicant following the site visit held on 12 May 2014. The amended scheme did not propose the retention of the sloping area but had been altered and adapted so the top fence line would be reduced to 1.5 metres and would allow access to the remainder of the garden at the lower level. The proposal would prevent overlooking into Field Farm and was a substantial improvement on the original scheme and would address the concerns raised.

In summing up, Councillor Jones said that the original application had been approved with sloping garden areas. He felt that an application should come forward which was more in line with what had originally been approved which was more acceptable to the people that it was affecting. His reasons for the proposal of refusal were overlooking and overbearing impact on residential amenity.

The Development Manager stated that there had to be a level area outside the rear doors to allow access and suggested that what was being proposed was better in terms of amenity as it would be step down from the raised platform into the garden area at the lower level.

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 overlooking and overbearing impact on residential amenity.

**10. CONVERSION OF SHOP & STORE TO 2 NO. DWELLINGS WITH OFF STREET PARKING AT PIONEER STORES, SHOP ROW, VILLAGE ROAD, CADOLE (051966)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a

site visit on 16 June 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 in referring Members to the late observations, said that the second reason for refusal relating to the design of the proposal was being withdrawn. He explained that Cadole was a Category C settlement and the growth rate permitted in Policy HSG3 for such a settlement was 10% unless a local need requirement was met. This application would take the figure to 11.4% and as a local need had not been identified, the proposal did not comply with the Policy.

Mr. D. Fitzsimon, the agent for the applicant, spoke in support of the application. He said that there was no dispute that the proposal exceeded the growth rate for the settlement, but the circumstances in this case were exceptional. Planning permission for two holiday lets had been permitted in 2003 on the basis that the shop was not profitable. It had been advertised extensively and quotes of over £120,000 to convert the shop and store to two holiday lets was not a viable option as the occupancy was expected to be very low based on another holiday property in the area. If two dwellings were permitted, this could generate £475 per calendar month per property in rent and was therefore the preferred option. If the shop closed and permission was not granted to convert to two dwellings, then it would be empty and could be subject to vandalism and dilapidation which could have an impact on the village and the nearby Area of Outstanding Natural Beauty. Mr. Fitzsimon said that the shop and store had been two dwellings in the past and indicated to Members that a flat could be created about the shop without the need for planning permission. He said that approval of the application would not set a precedent and would not undermine Policy HSG3.

Councillor Neville Phillips proposed approval of the application against officer recommendation, which was duly seconded. Councillor Phillips read out a statement from the Local Member, Councillor Nancy Matthews, which indicated that the applicant had been granted permission to convert to two holiday lets in 2013 and reiterated the comments of Mr. Fitzsimon that the conversion was not viable due to costs. The application would return the store and shop to two cottages which was the original purpose of the buildings as reflected in the conversion of the other two properties in the row. Councillor Matthews had asked that the application be approved as the proposal would improve the Conservation Area of Cadole.

Councillor Owen Thomas felt that the conversion to two dwellings would not add to the 11.1% growth in the village as the buildings were already there. He added that the conversion would create affordable accommodation for young people.

In welcoming the proposal, Councillor David Cox felt that the properties would prove to be an asset to the community of Cadole. Councillor Butler said that the other two properties had been converted and questioned what difference converting the shop and store would make but commented on the

loss of the gardens and queried where the recycling would take place. Councillor Marion Bateman felt that paragraph 7.03 about the achievement of affordable dwellings was self explanatory due to the proposed size of the properties. Councillor Gareth Roberts said that his initial reaction was to refuse the application as the proposal exceeded 10%, however he felt that the building would be worthy of retention as it was in the Conservation Area and there could therefore be justification to permit the application. Councillor Richard Jones said that the growth rate of 10% was a guide and that there were many areas, which he detailed, where the rate had been exceeded. He suggested that as it was only two properties, approval of the application was sustainable.

In response to the comments made, the Planning Strategy Manager said that when allocating housing, the 10% limit in policy was absolute. He asked Members to bear in mind the precedent that permitting two extra houses in a Category C settlement area that already exceeded its growth rate would be setting. He said that there was no evidence to suggest that the development would meet a local housing need and it was not possible to enforce affordability on the properties. He reiterated that the applicant had planning permission for two holiday lets and queried whether the applicant had tried to market the properties as holiday lets or sell the shop and store and asked if the suggestion to create a 'live/work' unit with a flat above the shop had been explored. It had also been suggested that the property would fall into a state of dilapidation but the Planning Strategy Manager stated that it was unlikely that this asset would be allowed to deteriorate. He said that if Members were minded to make an exception to the Policy, then this could set a precedent for the future.

In summing up, Councillor Phillips said that the figures about low occupancy rate for holiday lets in the area had been provided by the Tourist Board and other landlords.

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

**RESOLVED:**

That planning permission be granted subject to the conditions to be determined by the Chief Officer (Planning and Environment).

11. **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 (050308)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Amendments to the report including three additional conditions were circulated at the meeting.



The officer detailed the background to the report and explained that initially there had been objections about the traffic generated by the fishery. In order to address the issue and to retain the existing access, the applicant had agreed to rescind the use of the lake within the site as a fishery and as such a Section 106 Agreement is required.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He welcomed the proposal to convert the building.

In response to a query from Councillor Richard Jones about whether the applicant would be able to continue to use the lake as a fishery because of the granting of the Certificate of Lawful Use, the Democracy & Governance Manager said that the applicant was giving up the legal rights through the Section 106 Agreement.

**RESOLVED:**

That planning permission be granted subject to the completion of a Section 106 Obligation whereby the Certificate of Lawful Use was relinquished and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

12. **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 (048850)**

**RESOLVED:**

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

13. **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 (050616)**

**RESOLVED:**

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

14. **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 (051396)**

**RESOLVED:**

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

15. **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 CRREATE A NEW BEDROOM AND CONSTRUCTION A NEW HGIH PITCHED ROOF OVER THE WHOLE STRUCTURE TO CREAT NEW ROOMS IN THE ROOF SPACE LIT AND VENTILATED BY ROOF LIGHTS ONLY AT 28 SUMMERDALE ROAD, QUEENSFERRY (051592)**

**RESOLVED:**

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

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

There were 17 members of the public and one member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.12 pm)

.....  
**Chairman**

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 23 JULY 2014**

**REPORT BY:** **HEAD OF LEGAL & DEMOCRATIC SERVICES**

**SUBJECT:** **TRANSFER OF GIFTED UNITS TO BE USED AS AFFORDABLE HOUSING**

### **1.00 APPLICATION NUMBER**

1.01 Not applicable.

### **2.00 APPLICANT**

2.01 Not applicable.

### **3.00 SITE**

3.01 Various sites.

### **4.00 APPLICATION VALID DATE**

4.01 Not applicable.

### **5.00 PURPOSE OF REPORT**

5.01 To inform the Committee that in future, gifted units may be transferred to North East Wales Homes Ltd (the wholly owned subsidiary housing company) or maybe retained by the Council where this best meets housing need.

5.02 To seek approval for the transfer of gifted units direct to New Homes Ltd (without coming into Council ownership) notwithstanding resolution that they should be transferred to the Council.

### **6.00 REPORT**

6.01 Councillors will be aware that the Council set up a wholly owned subsidiary company called North East Wales Homes Ltd. Its purpose is to help diversify the range of affordable housing that the Council can supply. In particular, one of the aims of the company is to provide affordable housing, ie. housing at below market rent but above social rented levels. This will help people who do not qualify for social housing but who still cannot afford full market rents.

6.02 At present the normal committee recommendation and resolution is for gifted units to be transferred to the Council. In future it is proposed that the recommendation would read that those units are transferred either to the Council or a wholly owned subsidiary company. This will enable units to be transferred directly to the company avoiding the need for the Council to take ownership first. This not only saves time but also legal fees. At its meeting on the 13 May 2014 Cabinet resolved that it was happy for this to take place and delegated authority to the Chief Officer (Community & Enterprise) in consultation with the Housing Portfolio Member to decide whether to transfer gifted units directly to the company or not.

6.03 There are a number of gifted units that could be transferred to the company but which are currently the subject of a resolution that they should be gifted to the Council. Those are as set out below:-

The Groves, Penyffordd – (Taylor Wimpey):- 5 Houses  
Overlea Drive, Hawarden – (Redrow):- 4 Houses  
St Mary's, Northop Hall – (Anywl Homes):- 5 Houses  
Abermoddu – (Anwyl Homes):- 3 Houses  
Saltney – (Edwards Homes):- 4 Houses

6.04 Those units are suitable for transfer directly to the company and the Council would wish to do so. Rather than transferring them to the Council and then to the company for the reasons set out above, it would be quicker and cheaper if they were transferred directly to the company. Officers therefore seek the Committee's authority to do so.

## **7.00 RECOMMENDATIONS**

7.01 To note the change in practice and to approve the transfer of the gifted units listed in paragraph 6.03 to North East Wales Homes Ltd.

**Contact Officer:** Matthew Georgiou  
**Telephone:** 01352 702330  
**Email:** matthew.georgiou@flintsire.gov.uk

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23<sup>RD</sup> JULY 2014**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 22 NO. DWELLINGS AND ASSOCIATED WORKS ON LAND (SIDE OF FFORDD HENGOED) UPPER BRYN COCH, MOLD.**

**APPLICATION NUMBER:** **052208**

**APPLICANT:** **STEWART MILNE HOMES**

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

**APPLICATION VALID DATE:** **29<sup>TH</sup> MAY 2014**

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

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

**REASON FOR COMMITTEE:** **SIZE AND SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of 22 dwellings, creation of a new vehicular and pedestrian access etc at land side of Ffordd Hengoed, Upper Bryn Coch Lane, Mold.
- 1.02 Members will recall that an application for the erection of 23 dwellings and creation of a new vehicular and pedestrian access on the site was reported to the Planning & Development Control Committee on 14<sup>th</sup> May 2014 whereby it was refused planning permission as it was considered that the proposed dwellings on plots 20-23 would have an overbearing effect upon the existing properties of 2-8 Ffordd

Hengoed, thus having a detrimental impact upon their amenities. This current application has been submitted to try and overcome this ground for refusal by deleting the proposed dwelling on Plot 23.

- 1.03 The main issues to consider are the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area, the amenities of the adjoining residents, trees, wildlife, flood risk and drainage and the provision of open space and educational requirements.
- 1.04 As the majority of the development is located on the allocation of the land for residential development with the southern section designated as green space and remaining as such within the Flintshire Unitary Development Plan, the proposals are considered acceptable in principle in planning policy terms. The detailed matters are also considered acceptable in planning terms. The applicants are also prepared to pay the requested sums in terms of education and off site open space contributions.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:-
- a. Payment of £61,285 towards educational provision/improvements at Ysgol Glanrafon, Mold. The timing of such payment to be agreed with the Director of Lifelong Learning.
  - b. Payment of £24,200 for the enhancement of existing public open space in the nearby community.

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

**Conditions**

- 1. 5 year time limit on commencement.
- 2. In accord with approved detail.
- 3. Samples of all external materials to be submitted and approved prior to commencement.
- 4. Detailed scheme of hard and soft landscaping to be further submitted and approved in writing prior to commencement.
- 5. Foul water shall connect to public sewerage system.
- 6. Land drainage run-off not permitted to discharge either directly or indirectly into Public Sewerage System.
- 7. No surface water to connect either directly or indirectly to Public Sewerage System.
- 8. Foul water and surface water discharges drained separately

- from the site.
9. No development to commence until developer has prepared a scheme for the comprehensive integrated drainage of site.
  10. No buildings on site shall be brought into beneficial use earlier than 1<sup>st</sup> October 2014 unless upgrading of waste water treatment works has been completed.
  11. Mitigation measures as detailed in Section 4.10 of submitted Flood Consequences Assessment adopted as part of the development.
  12. Biosecurity Risk Assessment to identify risks and control measures to avoid spread of invasive species and diseases, within or off the site to be submitted to and agreed in writing by the Local Planning Authority prior to commencement.
  13. Details of existing and proposed site levels and proposed finished floor levels further submitted to and approved in writing by the Local Planning Authority.
  14. Details of “Design Stage” Assessment and related construction to be further submitted to and approved by the Local Planning Authority.
  15. Each dwelling to be constructed to achieve a minimum Code for Sustainable Homes Level 3 and Achieve 1 Credit under Category Ene1 in accordance with the requirements of Code for Sustainable Homes – Technical Guide April 2009.
  16. No dwelling occupied or unless otherwise agreed in writing until Code for Sustainable Homes “Post Construction Stage”.
  17. Assessment has been carried out, a final Certificate has been issued certifying Code Level 3 and 1 Credit under Ene1 have been achieved in writing by the Local Planning Authority.
  18. Details of all boundary treatments to be submitted and approved.
  19. Reasonable Avoidance Scheme for bats to be further submitted and approved by the Local Planning Authority.
  20. Management plan of green space corridor to be further submitted and approved.
  21. No tree and hedgerow works during bird nesting season.
  22. Siting, layout and design of means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads to be further submitted to and agreed in writing by the Local Planning Authority.
  23. Positive means to prevent run-off of surface water from any part of site onto highway provided in accordance with details submitted to and approved by Local Planning Authority prior to commencement of any site works.
  24. The front of the garages set back a minimum distances of 5.5 m behind the back of footway line.
  25. Construction Traffic Management Plan further submitted to and approved by Local Planning Authority prior to

- commencement of development.
26. Tree Protection Plan and Arboricultural Method Statement to be further submitted and approved. Development after carried out in accordance with TPP and AMS.
  27. Development not commenced until scheme for management of overland flow from surcharging of site's surface water drainage system submitted to and approved by Local Planning Authority.
  28. Removal of permitted development rights for alterations, extensions etc.
  29. No works to commence unless and until a detailed scheme for the rationalisation of Upper Bryn Coch/site access road junction (including landscaping), submitted to and approved by the Local Planning Authority. Such works shall become the subject of a Section 278 Agreement under 1980 Highways Act prior to their implementation.
  30. Details of eastern boundary screening including retention of hedgerow to be further submitted and approved by Local Planning Authority prior to commencement of development.
  31. Prior to commencement of development, details of the reprofiling of the watercourse to the south of the site to be further submitted and approved in writing by the Local Planning Authority.

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

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor R. Guest**

Application is very similar to 051105, but the applicant has at last heeded the concerns over the layout to the rear of Ffordd Hengoed. New distances from the houses need to be considered very carefully.

Subject to exact specification and design, the realignment of the public highway is to be welcomed. Many competing factors and important that the detail of new layout is looked at very carefully. A continuation of the public footpath from its current termination point to the pedestrian entrance to St. Mary's Park would be an important part of this, as would space to allow a vehicle to up to allow passage of a vehicle coming down the narrow section of UBC.

Overall layout of site is still poor, too many shoehorned in. Should have been fewer units or if 22 should be smaller houses. Public confidence in relevance of UDP undermined by departure from indicative figure 15 and this will be reflected in public confidence in LDP.



Surface water drainage raised by some of the constituents needs addressing – what are the arrangements proposed?

Mold Town Council

Concerns relating to highway safety and increase traffic have not been addressed. Objection to the development remains.

Highways Development Control Manager

Application is similar in detail to 051105 to which there have been previous responses. Differences between applications appear to be limited to the deletion of one dwelling and slight re-positioning of another 2. There are no significant highway implications to these amendments. Recommends any permission include suggested conditions.

Head of Public Protection

No adverse comments to make regarding the proposal.

Chief Officer (Education & Youth)

This proposed development will have a significant effect on Ysgol Glanrafon Mold, where numbers on roll already exceed its official capacity by 26. Therefore, the financial contribution requested is £61,285 for that school.

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

Public Open Spaces Manager

Council should be seeking an off site commuted sum payment of no less than £1,100 per unit in lieu of an on site provision.

Community Safety Officer

Supports application if a condition is imposed on the development that all houses are built to Secured by Design Standard Parts 1 & 2 or Codes for Sustainable Homes Part 2.

Welsh Water/Dwr Cymru

If minded to grant consent, advise suggested notes and conditions are placed upon any planning permission granted.

Proposed development would overload the existing Waste Water Treatment Works. However, improvements are planned for completion by October 1<sup>st</sup> 2014. Offers condition to safeguard their security of service to customers and protection of the environment.

Natural Resources Wales

Confirms that both the submitted FCA and planning layout drawing demonstrate that the risks and conveyances of flooding can be acceptably managed in accordance with TAN15 Development & Flood

Risk (2004). Recommends suggested conditions be imposed on any planning permission.

Site has been subject to survey and assessment in respect of statutory protected species. Assessment carried out to a satisfactory standard for purposes of informing the decision making process. Concur with its conclusion and recommendations. Provided recommendations are made a condition of the permission, believe proposals are unlikely to be detrimental to the maintenance of the conservation status of any statutory protected species populations in their natural range.

Recommends applicant be advised or conditioned to outline measures to prevent spread/disposal of any non-native invasive species.

#### Wales & West Utilities

Have no objections to these proposals. Their apparatus may be at risk during construction works and should planning permission be granted then requires the promoter of these works to contact them directly to discuss the requirements in detail.

#### SP Energy Networks

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

#### Airbus

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

### **4.00 PUBLICITY**

#### **4.01 Press Notice, Site Notice, Neighbour Notification**

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

- Development will increase danger to other vehicles, and pedestrians at junction of Upper Bryn Coch Lane and Bryn Coch Lane and opposite Glanrafon School. It is in an area where a lot of young children are in evidence. Danger could be alleviated if entrance were to be from Maes Gwern or at top of Upper Bryn Coch Lane.
- Will add to congestion of cars parked outside of the school thus not enabling emergency vehicles to get through.
- Revised Technical Note Highway Survey logic is unsound. Additional use is unpredictable but drivers will be influenced by extent of traffic congestion at the lower end of Upper Bryn Coch Lane.

- Increase in traffic would have a detrimental impact upon the quality of life and air quality with an increase in airborne pollutants.
- Should be good lighting at the proposed junction with clear signage and good road markings. Should also be safety railings around the play area entrance and pavement area to ensure children do not run onto the pavement and road.
- Planning department have a duty to uphold the scheme put forward in the UDP for a through route within the development of withdraw the plot from the UDP, otherwise approval for the scheme was given under a false premise.
- Pedestrian access into the playing area did not exist at time of UDP. Additional hazardous exit not taken into account by the Planning Inspector. This extra factor may have influenced decision of Inspector and inclusion of site in UDP should be reviewed.
- Development would lead to an increase in children going to Glanrafon School and increased parking by the school which will lead to increased dangers.
- Poor and insufficient visibility from proposed entrance site down the narrow and winding lane for volume of traffic from the development leading to a significant highway safety concern.
- Sensible to make the narrow lane one way up the lane away from the school. Would limit traffic going past park entrance, as well as going down to the T-junction by the school.
- Overdevelopment of the site as only allocated for 15 houses in UDP.
- Other sites in Mold which can take the number of houses provided.
- Other sites along Maes Gwern should be considered for residential rather than industrial use.
- No homes should be given permission on site. Area has already been eroded of its natural beauty.
- Part of Plot 19 and section of road are located in the greenspace. Garages at Plot 19 and Plot 20 are very near to the watercourse and concern of the upheaval during construction will cause damage to the watercourse and wildlife.
- Removal of 15 trees not necessary and would impact upon wildlife and have a detrimental visual impact.

- Alteration of watercourse and change in levels will detrimentally impact upon trees and ecology of the area.
- Root protection areas marked on the plan are the minimum required. Concerned damage will occur to one of the trees which is covered by a TPO.
- AMS should be provided as part of decision making process. Will be too late to amend plans in order to accommodate roots.
- Residents will not appreciate the full effects of replacement trees in their lifetime.
- Existing pond has been drained with its subsequent impact upon wildlife – toads, bats, moorhens etc.
- Loss of ancient hedgerows would have a detrimental impact upon visual and wildlife.
- Proposed fence in front of hedgerow will limit access for wildlife and make cutting difficult for existing properties on Ffordd Hengoed and FCC on roadside.
- Ecological report makes no mention of Wild Guilder Rose, Rosa Acicularis, wild Honeysuckle and two Quercus Robur trees in the so called 'native species poor' hedgerow. There have been sightings of water vole and there is evidence of badger activity in the area, indicating a possible sett nearby.
- Proximity and density of proposed houses to those on Ffordd Hengoed, especially due to change in levels would be detrimental to amenity in terms of loss of light, obtrusiveness, overlooking. Still do not meet separation distances.
- Loss of amenity to properties directly opposite new entrance. Overlooking and glare of headlights from cars leaving the site.
- Loss of amenity to those properties on Ffordd Newydd in terms of loss of light, privacy, obtrusiveness.
- Loss of pond and stream will increase risk of flooding.
- In the event of a blockage or storm flows exceeding design peak, overland flows will occur and could inundate the lower-lying adjacent properties.
- Extra drainage required cannot be accommodated by existing pipework for Upper Bryn Coch area.

- Culvert extension would increase the risk of flooding.
- Surface water not allowed to discharge into stream but should be dealt with on site with soakaways and/or lagoons.
- Requests that all conditions imposed previously (051105) are carried forward to this new application.

## **5.00 SITE HISTORY**

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

**051105** – Erection of 23 No. dwellings and associated works – Refused 27<sup>th</sup> May 2014.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR2 – Transport & Communications.

STR4 – Housing.

STR7 – Natural Environment.

STR9 – Welsh Language & Culture.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

GEN6 – Welsh Language & Culture.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

TWH1 – Development Affecting Trees & Woodlands.

TWH2 – Protection of Hedgerows.

L1 – Landscape Character.

L3 – Green Spaces.

WB1 – Species Protection.

WB6 – Enhancement of Nature Conservation Interests.

AC13 – Access & Traffic Impact.

AC18 – Parking Provision & New Development.

HSG1(16) – New Housing Development Proposals – Upper Bryn Coch Lane, Mold.

HSG8 – Density of Development.

HSG9 – Housing Mix & Type.

HSG10 – Affordable Housing within Settlement Boundaries.

EWP2 – Energy Efficiency in New Development.

EWP13 – Nuisance.

EWP16 – Water Resources.

EWP17 – Flood Risk.

IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 Space Around Dwellings.  
Local Planning Guidance Note 4 Trees & Development.  
Local Planning Guidance Note 8 Nature Conservation & Development.  
Local Planning Guidance Note 13 – Open Space Requirements.  
Local Planning Guidance Note 22 – Planning Obligations.  
Adopted Supplementary Planning Guidance 23 – Developer Contributions to Education.

#### National Planning Policies

Planning Policy Wales Edition 6, February 2014.  
Technical Advice Note (TAN) 2: Planning & Affordable Housing.  
Technical Advice Note 5: Nature Conservation & Planning.  
Technical Advice Note (TAN) 11: Noise (1997).  
Technical Advice Note (TAN) 12: Design (2009).  
Technical Advice Note 16: Sport, Recreation & Open Space (2009).  
Technical Advice Note 15: Development & Flood Risk.

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

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description & Proposals**

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

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

- 7.03 The proposals involve the erection of 22 detached dwellings being all of two storey in height. They will be a mix of four and five bedroomed and will be constructed within facing brick walls with tiled roofs.
- 7.04 A new vehicular access will be constructed in the location of the existing agricultural access with a cycle and pedestrian access being provided in the south western corner of the site also.
- 7.05 The level of car parking will be 3 spaces for the four bedroomed dwellings and 3 spaces for the five bedroomed dwellings.
- 7.06 The majority of the dedicated green space has been retained apart from a small section of road and the corner of the garages to the proposed dwellings on plots 19 & 20 to the south of the site and its long term future will be protected by the developer's proposals to instruct a management company to maintain the area.
- 7.07 Background  
Members will recall that planning application 051105 for the erection of 23 dwellings and associated works on the site was reported to the Committee on 14<sup>th</sup> May 2014 whereby it was refused as it was considered that the proposed dwellings on plots 20-23 would have an overbearing impact upon the existing properties of 2-8 Ffordd Hengoed and thereby detrimentally affecting their amenities. This current application has been submitted to try and overcome this ground for refusal by deleting plot 23 from the scheme.
- 7.08 Members may also be aware that the site was allocated for residential development in the preparation of the Flintshire Unitary Development Plan and was the subject of objections at deposit stage which raised a wide range of issues which were subsequently addressed by the Inspector in her report. Despite these objections, the Inspector recommended to retain the allocation for residential development.
- 7.09 Issues  
The main issues to consider the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the character and visual appearance of the area, the amenities of adjoining residents, trees, wildlife, flood risk and drainage and the provision of open space and educational contributions.
- 7.10 Principle of Development  
This site is located within the settlement boundary of Mold with the majority of the site allocated for residential development by virtue of Policy HSG1 (16) within the adopted Flintshire Unitary Development Plan. The southern part of the site is designated as green space – L3(117) Maes Gwern whereby development will only be permitted which does not unacceptably harm their function or value as a green

space nor threaten their value to the community. However, amended plans have now been received which show that the majority of this part of the site allocated for green space will not be developed and will be retained and managed as green space.

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

7.12 The indicative yield for the site in Policy HSG1 is 15 units which reflects its small size, the characteristics of the site and its surroundings. However, as part of ensuring sustainable development, there is a fundamental principle embodied in both Planning Policy Wales and the UDP that the most efficient use should be made of land for development. Such principles are expressed in the form of a series of targets against which the Plans performance can be measured. Target 7 in the Housing Chapter of the written statement specifies 'Achieve a minimum of 30 houses/ha on all allocated sites' and specific policy guidance is then given in Policy HSG8 'Density of development'. This policy adopts a criteria based approach to ensuring that individual development proposals make the most efficient use of land yet have regard to the character of the site and surrounding area. It is considered that the proposed density of 20 dwellings per hectare on this proposed development is in accordance with the Plans overall policy thrust as it balances the density of the development with the particular characteristics of the site and its surroundings, as explained later in the report.

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

7.14 Highways

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

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



- 7.16 The applicant has submitted a technical note to support their application on highway grounds which has been assessed by the Head of Assets & Transportation. This note advises that the likely trip generation as a result of the development would result in 2 & 10 vehicular movements to the site in the morning and afternoon peak hours and 13 and 3 vehicles out of the site in the morning and afternoon peak hours respectively. Vehicular movements into the site from vehicles turning right from the narrow section of Upper Bryn Coch Lane and out of the site up this lane during peak hours have been predicated at 0-1 and 0 respectively. Given these trip generation rates it is considered that there are no capacity issues with the nearby roads including the junction of Bryn Coch Lane and Upper Bryn Coch Lane by Glanrafon School to deal with the increased traffic resulting from the development.
- 7.17 It has been suggested that a through route within the site and closing off this narrow and unlit section of Upper Bryn Coch Lane would improve vehicle, pedestrian and cycle safety. The closed part would only be used by pedestrian and cyclists. However, it is considered that this would significantly increase the volume of traffic through the site as a result of its use as a 'rat run' for vehicles between the large residential area of south west Mold and Ruthin Road. This section of road from the western corner access of the site for the remaining part of Upper Bryn Coch Lane to its junction with Ruthin Road is also unsuitable, due to its narrow width when opposing vehicles meet and lack of footways. Furthermore, at the Ruthin Road Junction, visibility to the right when emerging from Upper Bryn Coch is limited to well below the stopping sight distance on the derestricted section of Ruthin Road, where legal speeds can be up to 60 mph.
- 7.18 It is considered that the closing off of the Lane which would only be used by pedestrians and cyclists is also considered unacceptable as it is unlit, darkened by overhanging tree canopies and with no surveillance. It would be safer for both pedestrians and cyclists to travel through the development site which it is proposed.
- 7.19 The overall number of car parking spaces for the development is considered to be sufficient and will not lead to parking on nearby roads to the detriment of highway safety.
- 7.20 In relation to the junction arrangement it will formalise arrangements and improve the safety of operation of the junction. The visibility splay indicated to the right on exit from the junction is shown to cross the garden of plot 1, achievable visibility within the confines of the proposed highway are 2.4 m x 35 m to the right and more than 2.4 m x 120 m to the left. These values exceed the minimum requirements of the 20 mph design speed associated with new residential estate roads. Details of street lighting, signage, road markings and highway drainage have not been provided but will be required by the suggested conditions and will be included within any future highway

agreement.

7.21 Given the above, the Head of Assets & Transportation concludes that there are no highway safety or capacity grounds to resist the development as proposed, and that the current proposals offer an opportunity to provide improved pedestrian and cycle routes through the site and allow the existing narrow lane to be retained to accommodate the limited existing and proposed traffic flows.

7.22 Character & Appearance

The site lies on the south western edge of Mold and sits between low/medium density residential development and land to the south which is allocated for employment development as part of Mold Business Park. Land to the west is rural in character and forms part of the green barrier between Mold and Gwernymynydd. The prevailing house types in this part of Mold are large, detached and of two storey.

7.23 The development will be of 2 storey detached dwellings with pitched roofs. Their design will be a mix of one and two projecting two storey bays with hipped roofs to the front with a variety of detailing including brick bands, brick heads and cills around the other windows. The external materials will be of concrete tiled roofs with a mix of render and brick walls. The type of dwellings will match those within the locality with the differing styles and detail of those proposed adding variety and interest within the development itself.

7.24 The site layout is conventional in style and it is considered reflects the general layout of surrounding roads and properties where dwellings directly front onto the main access roads and arranged around cul de sacs. The proposed layout to the north east of the site has dwellings fronting onto both sides of the main internal road but further into the site westwards, the proposed dwellings front onto only the northern side of internal road as upon the southern side the green space corridor has been retained. To the west, lie proposed dwellings arranged around a cul de sac.

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

7.26 The density of development upon the developable part of the site

equates to approximately 20 dwellings per hectare. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites in Category A settlements, the general minimum net housing density should aim to achieve 30 dwellings per hectare. However, the policy recognises that individual circumstances will vary according to site location and the character of the area. The density of the proposed development is lower than the minimum requirement but given the small size of the site and its constraints, the housing need and the importance of retaining as much of the character and appearance of the site and locality, this is considered acceptable in this case.

7.27 The properties will be a mix of 4 & 5 bedrooms. This type of property is reflective of the type in the area. Policy HSG9 only requires housing development's to provide more of an appropriate mix of dwelling sizes and types to create mixed and socially inclusive communities on sites of 1.0 hectare or 25 dwellings or more. As the developable area is less than both a hectare and 25 dwellings, a mix of 2, 3, 4 & 5 bedroomed properties is not required.

7.28 Amenities of Existing/Proposed Occupiers (Privacy, Loss of Light, etc)  
The rear gardens of the existing properties of Nos 2-8 Ffordd Hengoed lie immediately to the east of the site with the side elevations of Nos 62, 64, 76 Ffordd Newydd lying to the west of the site. It is proposed that three dwellings will be erected to the west of Nos 2-8 Ffordd Hengoed with seven properties to be located to the south west of Nos 62, 64, 76 Ffordd Newydd. The existing dwellings on Ffordd Hengoed are set at a lower level, by approximately 2 m, from the proposed dwellings in this location.

7.29 The separation distances between the rear of the proposed properties to the west of the site and the side elevations of Nos 62, 64, 76 Ffordd Newydd will be approximately 20 m with the side elevation of the proposed dwelling on Plot 10 onto the existing side elevation of No. 76 Ffordd Newydd being 16 m. These distances accord with the minimum separation distances within the Local Planning Guidance Note 2 'Space Around Dwellings'. Thus it is considered that these proposed dwellings will not have a significant detrimental impact upon the amenities of these existing dwellings in terms of loss of light, privacy, obtrusiveness etc.

7.30 The separation distances between the rear of the proposed dwellings on plot Nos 20, 21 & 22 and the rear of the existing original properties on Nos 8, 6 & 4 Ffordd Hengoed vary from approximately 26 m – 24 m, 24.5 m – 23.5 m and 26.5 m – 25 m respectively. Taking into account the proposed difference in levels which vary from 0.1 m – 1.45 m and the above distances, the proposals comply with the minimum separation distances within the Local Planning Guidance Note 2 'Space About Dwellings'. As a result, it is considered that there will not be a significant detrimental impact upon the amenities of both the existing and proposed occupiers in this location in terms of

overlooking, loss of light and obtrusiveness.

7.31 Representations have been received from the occupiers living opposite the site entrance that the proposed access will have a detrimental impact upon their amenities in terms of loss of privacy and nuisance caused at night with glare and light pollution from headlights shining into their main rooms. However, the access arrangements will involve a build out area near to the pedestrian entrance to the park which will be planted with shrubs etc and thus provide a screen from the main rooms of this property to vehicles leaving the site. Thus it is considered that the development will not have a significant detrimental impact upon the amenities of these occupiers either.

7.32 Within the site itself, the proposed layout shows that the size of the private amenity gardens and the separation distances between each proposed dwelling generally accords with those set out in the Local Planning Guidance and therefore it is considered that there will be no significant detrimental impact upon the amenities of the proposed occupiers of the dwellings.

7.33 Impact Upon Trees

The site contains mature trees on the northern boundary, along the brook to the south and on the eastern boundary to the rear of No. 8 Ffordd Hengoed. Those that are of significant amenity value are subject to a recently made Tree Preservation Order.

7.34 Development will be excluded from the majority of the green space corridor in which a number of trees are sited. In addition, the proposed dwellings near the hedgerow and mature trees along both the northern and eastern boundaries to the rear of No. 8 Ffordd Hengoed will be sited a good distance away from the trees. Therefore, a large proportion of the mature trees and indeed all of those covered by a Tree Preservation Order will be retained as part of the development.

7.35 The few trees which will be lost will be replaced by new tree planting along the southern boundary and within the green space. Suitable species along the green space southern boundary will include those that are tolerant of wet ground conditions. This replacement tree planting is recommended within the proposed landscaping condition attached to the recommendation to grant planning permission.

7.36 The applicant has submitted a British Standard Tree Report with recommendations which have been assessed by the Council's Forestry Officer who considers it acceptable subject to appropriately worded conditions which have been placed upon the recommendation to grant planning permission.

7.39 Wildlife

The site is predominantly improved agricultural grassland which is of

limited ecological value. The key features are the hedgerows and the wooded stream which forms a natural green corridor along the southern boundary which is identified within the FUDP as part of a larger green space which also has a value as a wildlife corridor linking to the wider countryside.

- 7.40 The key issues are the potential of the mature trees as bat roosts and value of the hedgerow and woodland habitats for nesting birds. There are no obvious signs of badgers along the site boundaries and no setts recorded in the immediate vicinity.
- 7.41 The mature trees offer some potential as bat roosts. The arboricultural report lists one which is to be retained. However, it is considered that other trees have a potential for bats, one which has been hit by lighting and dead tree which has a knothole which has potential for nesting birds/bats. These will be retained.
- 7.42 The key ecological features on the site will be retained as a result of the development.
- 7.43 The plans which have been submitted retain the majority of the green space corridor, which comprises of a combination of wetland and woodland habitat with its long term future protected by the developers proposals to implement a management company to maintain the area. A condition has been placed upon the recommendation that management plan is submitted to and agreed by the Local Planning Authority prior to the commencement of development.
- 7.44 Although the pond will not be reinstated, reprofiling of the brook has the potential to benefit wetland species and details of this will be further submitted and approved prior to the commencement of development. This will be required as a condition.
- 7.45 The majority of hedgerow will be retained in particular along Bryn Coch Lane but also along the eastern boundary. To offset the losses in relation to the new accesses, these existing boundaries will be enhanced together with new planting along the green space corridor. This will be required as part of the proposed landscaping condition attached to this recommendation to grant planning permission.
- 7.46 The trees to be removed shall be first assessed to see whether they have a potential as bat and breeding bird habitat and if so mitigation measures proposed for their loss. Again this is proposed as a planning condition upon the recommendation to grant planning permission.
- 7.47 Flood Risk & Drainage  
Representations have been made that the land is liable to flooding and that the existing drainage infrastructure in the locality is inadequate to serve the proposed scale of development.

- 7.48 The site is in Zone A as defined by TAN15 Development and Flood Risk (July 2004) and shown on the Welsh Government's Development Advice Map (DAM). However, Ordnance Survey mapping indicates that there are watercourses running through the site. Due to the limitations of the flood map, which does not consider catchments smaller than 3 km<sup>2</sup>, the risks from these watercourses are unknown.
- 7.49 In addition, given that there is an area of marshy ground to the east of the site, indicating potential problems with site drainage, the development is likely to increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface run-off. In accordance with Section 8 of TAN15, in all zones, development should not increase flood risk elsewhere.
- 7.50 Given the above, and given the scale and nature of the development, Natural Resources Wales advised that the developer submit a Flood Consequences Assessment, so that the flood risks to the development can be adequately considered in line with the requirements of TAN15 Development & Flood Risk (July 2004).
- 7.51 The Flood Consequences Assessment (FCA) has now been submitted and been assessed by Natural Resources Wales.
- 7.52 The submitted FCA state that the risk of flooding from all sources is considered low and the development is accessible for emergency access and egress during times of extreme flooding as the flood plain does not extend into the development area, and thereby the focus is on the effective management of surface water.
- 7.53 Based on the ground conditions and following soakaway testing, it was considered that infiltration drainage is likely to provide a suitable means of surface water disposal for a portion of the surface water runoff generated by the proposed development.
- 7.54 It is proposed that where an infiltration solution is determined not to be viable the discharge of surface water continue to mimic the predevelopment situation by discharging to the adjacent watercourse.
- 7.55 As the surface water run-off is being increased as a result of the introduction of impermeable areas, it is necessary to restrict the post development rate of discharge to the pre-development rates of run-off for all storm events up to and including the 100 year return period event. Storm water storage will be provided for storm events up to and including the 100 year period with a 30% allowance for climate change.
- 7.56 This FCA has been assessed by Natural Resources Wales who advise that it has been demonstrated that the risk and consequences of flooding can be acceptably managed.

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

7.58 Public Open Space

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

7.59 Educational Contributions

The Chief Officer (Education & Youth) has advised that the proposed development will have a significant effect on Ysgol Glanrafon Mold, where the numbers on roll already exceed its official capacity by 11. Therefore, the financial contribution requested is £61,285 for that school. A contribution is not requested for the Alun School, which has more than 7% surplus places.

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

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

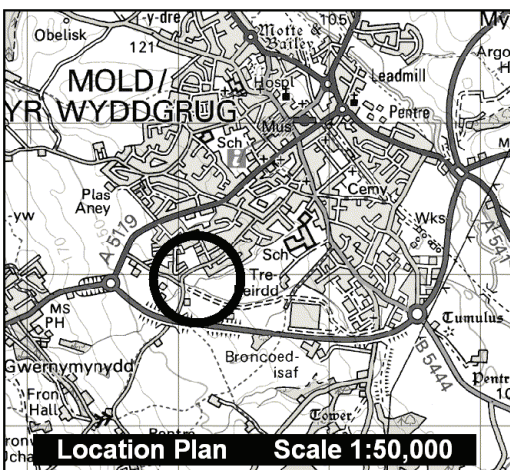
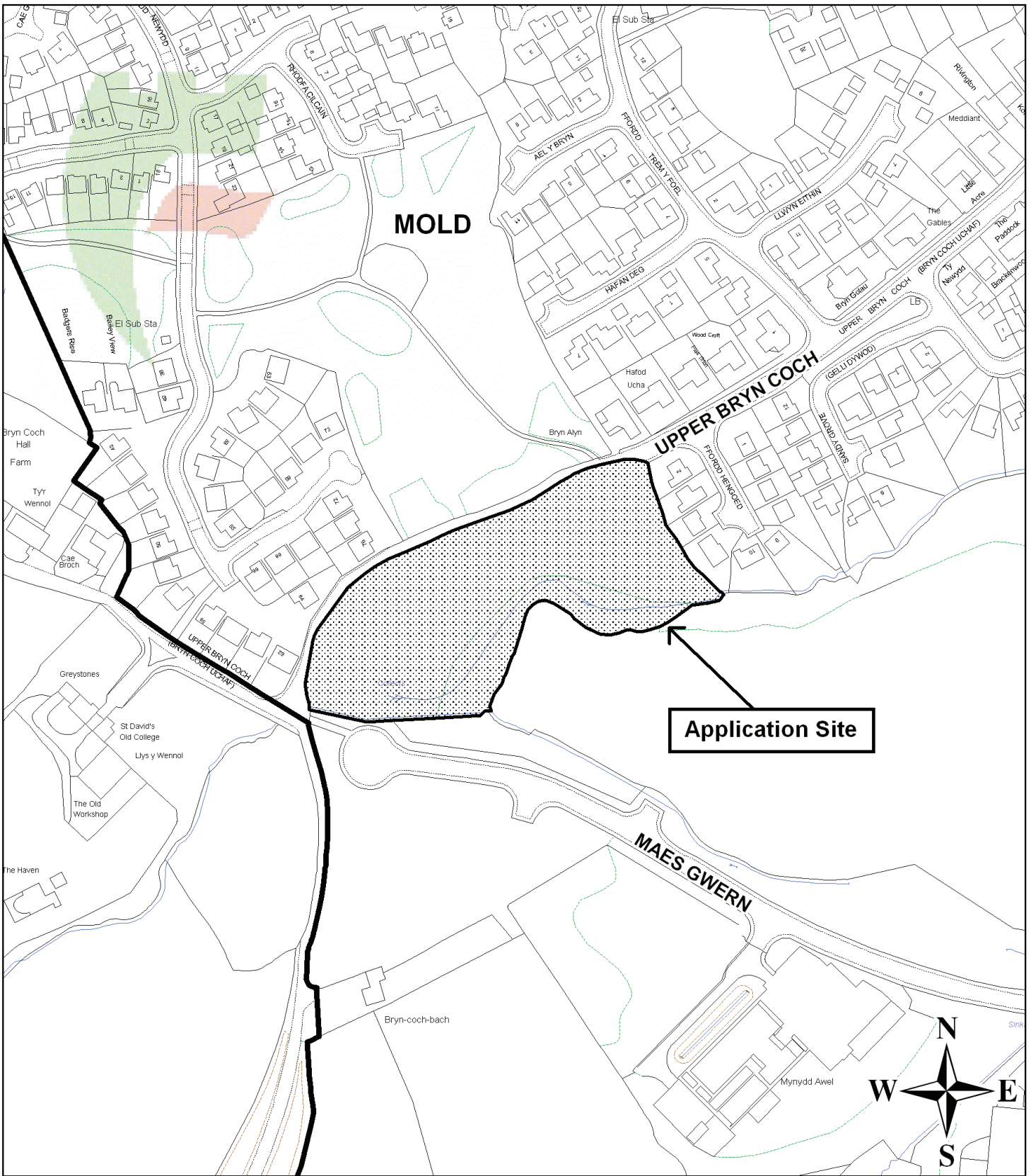
**8.00 CONCLUSION**

8.01 It is considered that all detailed matters are considered acceptable on the part of the site which is allocated for residential development together also with the remaining part which is designated as green space within the Flintshire Unitary Development Plan.

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

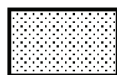
**Contact Officer:** Alan Wells  
**Telephone:** (01352) 703255  
**Email:** alan.wells@flintshire.gov.uk





Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2362

Planning Application **52208**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23 JULY 2014**

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

**SUBJECT:** **FULL APPLICATION FOR A COMBINED HEAT AND POWER BIOMASS PLANT**

**APPLICATION NUMBER:** **051924**

**APPLICANT:** **WARWICK INTERNATIONAL LIMITED**

**SITE:** **WARWICK INTERNATIONAL LIMITED, DOCK ROAD, MOSTYN, HOLYWELL, CH8 9HE**

**APPLICATION VALID DATE:** **01/04/2014**

**LOCAL MEMBERS:** **NONE**

**TOWN/COMMUNITY COUNCIL:** **MOSTYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **NEW NON-RESIDENTIAL DEVELOPMENT WHICH EXCEEDS 15 METRES IN HEIGHT (BUILDING; 15 METRES HIGH AND STACK; 35 METRES)**

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

### **1.00 SUMMARY**

- 1.01 Warwick International is seeking full permission to build a new 8.5 MW combined heat and power (CHP) plant to replace the existing steam generating gas-fired boilers with a steam-and-electricity producing burning plant which would use clean imported biomass as its fuel as opposed to their existing gas fired boilers. The planning application is accompanied by an Environmental Statement. Whilst the majority of the steam and electricity would be used by Warwick International, any surplus electricity would be exported to the grid.
- 1.02 The application site comprises of an area of hard standing 75m x 90m, the building would be 55m x 70m with a stack of 35 metres high.

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

- 2.01 Conditions to include:-
1. Commencement
  2. Approved Documents
  3. Retention of documents on site
  4. Life of the development 25 years
  5. Highways
  6. Plan showing visibility splays
  7. Construction Traffic Management Plan
  8. Access layout
  9. Site investigation works
  10. Implementation of site investigation works including coal issues
  11. Any remedial works for coal stability should it be necessary
  12. Drainage to protect railway
  13. Wood waste only Grade A-C and biomass fuel
  14. Materials of building to be agreed
  15. Chimney Stack height no greater than 35m
  16. Risk Assessment for Piling
  17. Contaminated land scheme
  18. Construction/Decommissioning noise limits
  19. Construction/Decommissioning Environmental Management Plan including noise and dust management/mitigation
  20. Ecological Mitigation
  21. Night time noise Limits
  22. Lighting scheme
  23. Landscaping scheme; include gorse hedge on northern boundary
  24. Standard aftercare of landscaping
  25. Fencing details
  26. Temporary acoustic fencing on the northern boundary
  27. No waste/biomass fuel stored outside
  28. Waste/biomass fuel to be delivered in enclosed containers
  29. Construction/Decommissioning hours of operation
  30. Delivery hours of operation
  31. Permanent closure of access Gate 1
  32. Visibility splay specification and maintenance
  33. Drainage
  34. Maintenance of boundary fence
  35. Liaison committee
  36. Decommissioning
  37. Restoration for the site
  38. Minimum height of the development 7.4m AOD
  39. Details of sea defence wall extending around the building
  40. Drawings of 'pits' within the building
  41. Bollards to be constructed around the perimeter of the site
  42. Flood Action Plan
  43. Pedestrian Access Route constructed at a minimum of 7.4m AOD

### **3.00 CONSULTATIONS**

- 3.01 *Local Member* – Currently, Mostyn does not have a Local Member.
- 3.02 *Town/Community Council* – Mostyn Community Council have objected to the proposal for the following grounds:-
- i. The Community Council support the petition which opposes the application;
  - ii. The 30% level of plastic which is allowed in each load and the subsequent effect on the environment when processed;
  - iii. The contents of the load are not checked on site and therefore there is no guarantee of only clean wood being processed;
  - iv. Impact on the residents of Wirral View;
  - v. Concerns regarding level of carbon emissions from the site because in other areas such as Norfolk, carbon credits have been removed by the Government for this type of process;
  - vi. Concerns regarding the supply of clean wood. Recent press reports indicate Kronospan in Chirk who have a biomass system are in financial difficulties because of the increased cost of clean wood and the withdrawal of subsidy. The Community Council suggests that it would be difficult for the planning authority to resist a request to change fuel if the long term future of the plant was in jeopardy because of the difficult with wood supply;
  - vii. Concerns about the cumulative effect on the highway network. This application will generate a daily increase in large vehicles travelling through the area. The A548 is a busy road with access to the site not particularly good. There have been two major planning applications recently allowed, on appeal, and the Community Council has registered its concerns at the effect these will have on the road network. Despite warnings, some lorries still try to access the A548 from the A55 and have blocked roads in the community on numerous occasions.
- 3.03 The Community Council also feel that it is important to register these objections as the area does not have an elected representative at County Council level at the moment. The Community Council also acknowledges the willingness of the applicant and its agents to attend a meeting of the Community Council and organise a public exhibition.
- 3.04 *Head of Assets and Transportation* – has no objection to the proposal subject to conditions in relation to the submission of a construction traffic management plan, provision of adequate visibility splays, and the submission of detailed siting, layout and design of the means of access to ensure that simultaneous two way vehicle movements can be achieved when accessing and egressing the site.
- 3.05 *Head of Public Protection* – does not object to the proposal subject to conditions in relation to construction/decommissioning hours of operation and the submission of dust and noise management plans.

- 3.06 *Public Rights of Way* – There are no affected public footpaths or Bridleways in the immediate vicinity of the site so there are no observations to make.
- 3.07 *Regional Emergency Planning Manager* - Warwick International Limited have an evacuation plan for the site. It is considered that the addition of this proposal on site would not pose any further risk.
- 3.08 *Welsh Water/Dŵr Cymru* – requests that should planning permission be granted that conditions and advisory notes are included within the development consent to ensure that there would be no detriment to existing residents or the environment and to Dŵr Cymru/Welsh Water’s assets. Suggested conditions and an advisory note relating to ensuring that land drainage run-off, surface water and foul water do not drain into the public sewerage system.
- 3.09 *Natural Resources Wales* – does not object to the proposal subject to conditions in relation to Flood Risk and ecological mitigation.
- 3.10 *The Coal Authority* – does not object to the proposal subject to the imposition of conditions in relation to intrusive site investigation works prior to the commencement of development to establish the exact situation regarding the coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- 3.11 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development.
- 3.12 *Airbus* – There are no aerodrome safeguarding objections to the proposal. The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. This location is outside the 15km safeguarding consultation area.
- 3.13 *Clwyd and Powys Archaeological Trust* – There are no archaeological implications for the proposed development at this location.
- 3.14 *Health and Safety Executive* - does not advise, on safety grounds, against the granting of planning permission in this case.
- 3.15 *Sustrans* – No comments received.

- 3.16 *Network Rail* - The proposal is adjacent to a section of Network Rail land and lies in close proximity to the operational railway. Therefore, whilst Network Rail has no objection in principle to the proposal, they have submitted comments and suggested conditions and informatives to ensure that the works on site do not impact upon the safety, operation or integrity of the railway.
- 3.17 *Port of Mostyn* – object to the proposal as the plans present the potential for congestion on the Dock Road which could cause an obstruction and congestion to traffic travelling to and from the Port. The layout shows space for only two HGVs to wait before entering the site. As a result of this design, it is likely that HGVs will be forced to queue out of the site and onto the roadway and probably even back to the traffic controlled overbridge. Local experience is that due to the traffic lights at the junction of the A548 and the Dock Road that there is traffic ‘bunching’ at certain times of the day. This congestion would be exacerbated if the access along the Dock Road is obstructed by a third vehicle waiting to enter the proposed biomass plant. The Port of Mostyn also have expressed concerns that vehicles leaving the site would encroach into the oncoming traffic lane, thus creating further potential to obstruct incoming vehicles. They have suggested that the entrance should be widened so that vehicles exiting the site would not need to cross the centre line of the carriageway, and that space within the site should be utilised to enable more vehicles to queue within the site to avoid congestion and obstruction.
- 3.18 *Liverpool John Lennon Airport* – No comments received.
- 3.19 *Mostyn Rain (Residents Against Incineration)* – object to the proposal on the grounds that it represents an irretrievable harm to the welfare and interests of the local community. They consider the site to be an inappropriate location due to proximity to residential development. They believe that the nature and processes involved with the proposed incinerator are not in the interests of the safety and amenity of the area. They are not satisfied that the infrastructure, especially the highways aspects, as advised in the accompanying application evidence are properly appreciated, and that they could materially damage the local highways provision in the area. They are concerned about the health and safety impacts, and that the geology and flood risks have not been appropriately taken into account.
- 3.20 *North Wales Fire and Rescue Service* – No comments received.

#### **4.00 PUBLICITY**

- 4.01 This application was advertised by way of press notice, site notices and neighbour notification letters were dispatched to nearest residential receptors. The application was advertised in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 on 3 April 2014.

- 4.02 During the consideration of this application a total of 6 letters of objection have been received in response to the consultation on this application and the material planning issues that were raised are summarised in paragraph 4.06. A total of 3 different petitions have also be received by the Council; the first with 146 signatures against the plans submitted for a biomass incinerator to be built and used at Warwick International, the second with 147 names who's signatories state that they strongly object to the proposal on the grounds of visual and noise impact, the increase in road traffic, the additional risk of explosion at the site which is already under the control of Major Accident Hazard (COMAH) Regulations, and the potential health hazards from airborne pollution; finally the third petition has been signed by 123 people who strongly object to the proposal as the facility would burn waste 24/7, which would give off high levels of carbon and other residual elements of toxins, and such emissions should not be located near any residential development. Flintshire has a key policy of reducing carbon emissions which strongly contribute to Global Warming, climate change and rising sea levels.
- 4.03 The applicant hosted a public exhibition event on 8 April 2014 at Mostyn Community Centre between 1pm and 8pm. Feedback forms were completed by 15 members of the public who attended the event. As part of the feedback form the applicant asked local residents to raise additional facts about the site and the local area that may assist with the development process. The majority of those residents who completed feedback forms were supportive of the proposals as the proposal would:-
- divert waste going to landfill;
  - provide Warwick International with an alternative environmental;
  - friendly source of renewable energy;
  - recycle wood into energy;
  - sustain employment in the area.
- 4.04 The areas of concern raised by local residents who attended the event included air quality, ecology, noise, visual impact and job creation.
- 4.05 Following the event the applicant's agents received letters of concern from two local residents which were passed to the Council by the applicant's agents which are summarised below in paragraph 4.06.
- 4.06 The main planning based representations in objection that are material to the determination of this application include:-
- Impact on health and air quality and increased air pollution;
  - Potential to increase issues with radon gas and many more chemicals;
  - The nature of the material to be incinerated;
  - The project will not assist the reduction of greenhouse gas emissions;



- If the UK Government withdraw Carbon Credits then the facility would be no longer viable;
- Burning tonnes of wood and plastic waste is unacceptable and represents a retrograde move to an obsolete method of energy generation;
- Increased noise pollution which would add to existing high pitched noise from Warwick International which is experienced also overnight;
- Land and water pollution;
- Detrimental impact on surrounding conservation areas and wildlife within it;
- Visual impact;
- Increased traffic;
- Traffic routing through nearby villages rather than main routes which causes disturbance;
- Representations also acknowledge the potential to help employment in the area but this would also increase traffic.

## **5.00 SITE HISTORY**

- 5.01 The site is located within the Warwick International Limited site which has a long history of industrial usage with earliest records in 1878 showing the site as part of a copper work and oil works with a number of lead shafts and brickworks identified on historical maps with some mixed woodland. Subsequently, historical records indicate that the copper works change to a magnetite works, and from oil works into an iron works with increased number of shafts over the years. Historical records also indicate an adjacent coal mine.
- 5.02 The application site was acquired in 1979 by Warwick International and a number of planning permissions have been granted since the early 1980s for chemical processing and metal recovery, and the site has developed incrementally over the years.

## **6.00 PLANNING POLICIES**

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

### **6.02 LOCAL PLANNING POLICY**

*Flintshire Unitary Development Plan* (Adopted September 2011)

- Policy STR1 - New Development
- Policy STR7 - Natural Environment
- Policy STR10 - Resources
- Policy GEN1 - General Requirements for Development
- Policy D1 - Design Quality, Location and Layout
- Policy D4 - Outdoor Lighting
- Policy WB3 - Statutory Sites of National Importance
- Policy AC2 - Public Rights of Way
- Policy AC13 - Access and Traffic Impact

Policy EM7 - Bad Neighbour Industry  
Policy EWP6 - Areas of Search for Waste Management Facilities  
Policy EWP7 - Managing Waste Sustainability  
Policy EWP8 - Control of Waste and Operations  
Policy EWP12 - Pollution  
Policy EWP13 - Nuisance  
Policy EWP16 - Water Resources  
Policy EWP17 - Flood Risk

### 6.03 **GOVERNMENT GUIDANCE**

#### Planning Policy and Guidance

Planning Policy Wales (2014)

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

Technical Advice Note 8 – Renewable Energy (2005)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2009)

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

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 21 – Waste (2014)

Technical Advice Note 22 – Sustainable Buildings (2010)

Technical Advice Note 23 – Economic Development (2014)

### 6.04 Waste Strategy Policy and Guidance

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

Collections, Infrastructure and Markets Sector Plan, 2012

Construction and Demolition Sector Plan, 2012

### 6.05 National Energy Policy

The Energy Act 2013

UK Renewable Energy Strategy (2009)

UK Low Carbon Transition Plan (2009)

Climate Change Act (2008)

Energy Wales: A Low Carbon Transition (2012)

6.06 The main policies to be considered in the determination of this application are the policies of the Flintshire Unitary Development Plan (FUDP) particularly policies relating to waste management and renewable energy, amenity (air quality, noise), visual impact, flood risk, nature conservation and statutory sites. The Policies and guidance contained within TAN21 are also central to the determination of this application. The materiality of the above policies are discussed in the following planning appraisal.

## 7.00 **PLANNING APPRAISAL**

### 7.01 Introduction

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

7.02 ***Details of Proposed Development***

Warwick International is applying for permission to build a new combined heat and power (CHP) plant to replace the existing steam generating gas-fired boilers with a steam-and-electricity producing biomass burning plant. The existing boilers would remain onsite as stand-by boilers but would not be used when the biomass plant is operational.

7.03 The plant is proposed to be rated at 8.5MW to produce purely electricity when steam is not required. When steam is required for Warwick International then the plant would produce 4MW and 45 bar pressure absolute 450°C steam.

7.04 The proposed CHP facility is designed to combust in the order of 10 tonnes per hour of grade A, B and C waste wood and biomass as fuel for steam raising purposes would be used to generate between 5 to 8.5 MW of electricity. This amounts to an annual throughput of just over 80,000 tonnes of biomass fuel per annum based on 8,000 operational hours. This would also provide converted energy in the form of lower pressure steam for use by Warwick International for chemical production purposes to replace their existing gas-fired boilers. Warwick International are the applicants whilst a company called Dalkia would operate the facility on their behalf.

7.05 The project proposes to burn A-C grades of waste wood and biomass with Grade D wood not being considered. The fuel proposed to be burned is similar to the wood that can be found in a civic amenity skip. Grades A-C are defined by the Wood Recycler's Association categories of wood waste, which separate such wood into four main grades; A-D. The emissions from the facility, should it be built, will be compliant to the Industrial Emissions Directive 2010 in terms of the limits as they relate to the combustion of waste. It may be the case that the plant also burns virgin wood sourced from sustainable sources as required and not just waste. The plant however is only specified and designed to burn clean waste wood, biomass or virgin wood. Therefore, no municipal wastes, and no wastes, other than wood waste graded A-C would be used as a fuel to generate energy in this proposed facility. It is proposed that biomass fuel products would arrive at the facility pre-processed and therefore, they may, in some instances be de-classified as a waste and become a 'product'.

7.06 The biomass fuel that would be burnt would be supplied under contract. The contract would ensure that biomass fuel is supplied in accordance with a product specification and supplied for a duration appropriate that can ensure that the CHP plant can operate throughout its design life. The product specification would ensure that the biomass fuel would be supplied in a consistent condition and will meet the specification required.

- 7.07 Waste which would not be permitted includes for example:
- twigs and branches
  - foliage
  - railway sleepers and telegraph poles\*
  - asbestos
  - cardboard
  - felt
  - tar
  - rubber
  - polythene
  - plasterboard
  - soil/bricks/stone/glass
  - plastic
  - foam
  - textiles
  - ferrous and non-ferrous metals.
- \* examples of heavily impregnated with halogenated substances, creosotes oils and tars which would not be permitted.
- 7.08 Biomass fuel feedstock would be transported to site in closed articulated lorries by road. The railway and the port exist as potential delivery options in the future but at present they are not commercially viable and are not considered part of the application. Deliveries would result in an average of 11 additional HGVs per day which equates to 22 vehicle movements per day, during normal working hours.
- 7.09 Whilst it is proposed to operate the CHP facility 24 hours per day, 7 days per week, fuel delivery hours would be 07:00 – 19:00 Monday – Saturday with no deliveries on Sundays or Public Holidays.
- 7.10 Biomass fuel would be delivered in ‘walking floor’ lorries which would discharge the pre-cleaned biomass fuel into a material reception area within the building. Material would then be automatically fed onto conveyors and transported to the combustion equipment fuel delivery system as required.
- 7.11 The steam generated in the boilers would be transported via pipework to a steam turbine for generation of electricity and from there transported on to a heat exchanger for conversion to lower pressure / temperature steam for direct use in the Warwick International site. The generated electricity is proposed to be used to satisfy the parasitic load of the proposed plant and any surplus would be transported to the National Grid.
- 7.12 There would be no processing of wood on site, all waste wood is proposed to be pre-cleaned and there would be no external storage of biomass fuel. In respect to fire risk, the biomass fuel would be of a grade size which has a low risk of spontaneously igniting and may be slightly damp when delivered to site.

- 7.13 The CHP building would be 3,830 square metres, with dimensions of 55m x 70m with a height of 15m at the apexes and the proposed chimney stack would be 35m high. The plant would be completely contained to reduce external noise impact. Dimensions of the total plant including the building and external equipment (tanks, pits, bag filters, chimney and cooling towers etc.) would be 6,880 square metres, with 75m by 90m of hard standing.
- 7.14 **Site Description and Location**  
The proposed development site is situated at the Warwick International site in Mostyn, Holywell. The specific site for the power station is located to the south-east of the operational chemical works, to the north-east of the A548. At present the site is generally flat and surfaced with tarmac which serves as an existing car park area for the Warwick International Site. The site also comprises of soft landscaping and concrete. A redundant portal-framed warehouse building exists in the centre of the proposed development area. In general, the area immediately surrounding the site is Warwick International, the Dee Estuary, a railway line and the A548.
- 7.15 The proposed development area extends to cover 13,200m<sup>2</sup> and is accessed via a private access road that serves the existing Warwick International site.
- 7.16 Warwick International is located on a flat, low-lying (approximately 5m Above Ordnance Datum (AOD) area of land bounded by the Dee Estuary to the east and the A548 (Connah's Quay to Prestatyn road) to the west. The land immediately to the NE, N, E, and SE terminates in embanked sea defences, which peak at 10m AOD, providing protection from the adjacent estuary. The land to the SE is also at an elevation of 5 m AOD and forms the margin of the estuary.
- 7.17 **Relevant Planning Constraints/Considerations**  
The Warwick International site is situated within 150-300m to the south of the Dee Estuary. The Dee Estuary is a Ramsar site, Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area, and a RSPB Reserve.
- 7.18 The site is also located within Zone C1 of the Development Advice Map provided by Natural Resources Wales (NRW) under Planning Policy Wales Technical Advice Note 15 (TAN15) and so therefore, a Flood Consequences Assessment (FCA) is required. NRW's indicative flood risk map (September 2013) indicates that the site has between 0.1% and 1% probability of flooding in any one year. Natural Resource Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within the extreme flood outline. Based on section 5.1 of TAN15, the development is considered to be 'highly vulnerable' to flooding. The site is located on low-lying ground adjacent to the River Dee Estuary.

7.19 The site is allocated within the Flintshire Unitary Development Plan as Employment Land and Policy EM1 applies. Furthermore, Mostyn is also listed within Policy EWP6 as an Area of Search for New Waste Management Facilities.

7.20 **Issues**

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

1. Need for the development;
2. Principle of the Development and suitability of the location;
3. Need for the management of waste wood;
4. Sustainable Energy Supply;
5. Waste Types and quality control;
6. Ecology, Habitats Regulations and impact on designated sites;
7. Air Quality and Human Health;
8. Landscape and Visual Impact;
9. Noise;
10. Geology, soils and contamination;
11. Highways, Traffic, Transportation and Access;
12. Protection of Water Resources and Drainage;
13. Flood Risk;
14. Residential Amenity, fire risk and risk of explosion;
15. Community and Employment, Socioeconomic impacts.

7.21 ***Need for the development***

Warwick International's electrical demand is currently provided by the National Grid i.e. from fossil fuels. The site's heat demand is currently provided by an existing heat raising boiler plant that produces heat and steam on site. The fuel to the heat raising plant is supplied via a natural gas pipeline. The existing facility produces steam but not electricity. The existing boilers are scheduled for renewal and Warwick International is taking the opportunity to seek to move to an alternative system using a renewable source of energy and a more efficient energy generation process which would be more secure.

7.22 The project is designed to meet Warwick International's onsite future steam and electricity requirements, providing a secure, reliable and consistent heat, steam and electricity supply to avoid future local 'brownouts' which have been experienced on site which have cost and efficiency implications. With increase in cost of fossil fuels and the risk of energy security, Warwick International are seeking an alternative source of energy to produce electricity, steam and heat to ensure they can continue to be competitive and reduce their fuel costs.

7.23 ***Principle of Development and suitability of location***

The site is designated as a General Employment Land Allocation and specifically listed within Policy EM1 for Employment Land. The site is an existing brownfield site within the Warwick International Site which has a current industrial land use as a chemical factory. Policy EM1 states that sites listed within the Policy are allocated for B1, B2, B8

employment uses unless otherwise stated provided that the proposal; is of an appropriate type and scale for both the site and its surroundings, it will not unacceptably harm residential or other amenity or restrict neighbouring land uses, it provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network, including access and egress is adequate to safely cater for the type and volume of traffic generated by the proposal, and it has no significant adverse impact on the integrity of nature conservation sites, the landscape and historic features.

7.24 The site is also listed within Policy EWP6 within the Area of Search for New Waste Management Facilities. Where a proposal is made for the development of a site which would involve the management of waste which is listed within the locations identified within the Area of Search policy, then permission will be granted subject to the proposal meeting other relevant plan policies, particularly Policies EWP7 and EWP8.

7.25 As the proposal is intended to supply electricity, heat and steam to the Warwick International site, the CHP plant needs to be located on site in order for the plant to feasibly supply the Warwick International site.

7.26 ***Need for the management of waste wood***

The submitted Waste Planning Assessment submitted by the applicant as required by TAN21, states that the applicant does not consider the proposal to be a waste development as such, but an energy development and a recovery operation. However, the proposal includes waste wood as a feedstock and the process would also produce some waste such as ash as a bi-product which would be removed off-site for further processing and reuse and/or disposal therefore, waste management is an integral part of the project. As such, the proposal would contribute to the management of waste in accordance with the Landfill Directive and the Waste Framework Directive.

7.27 The use of waste wood as a source of fuel would divert waste from disposal and would create a resource from waste which would otherwise be disposed of. This would effectively move this waste up the Waste Hierarchy. Waste incineration facilities dedicated to the processing of municipal wastes only may be considered to be recovery facilities rather than disposal facilities under certain specified conditions. However, whilst this distinction applies to municipal waste only, the applicant proposes to utilise waste wood rather than municipal waste, they have applied the same principles to this application with respect to energy efficiency. The energy efficiency of the proposed development has been calculated using the energy efficiency calculation and the project is considered to be 'recovery' as opposed to disposal. The proposal therefore accords with the National Waste Strategy, TAN21, and is in accordance with the Waste Hierarchy as it would contribute towards reducing waste disposal.

- 7.28 The Collections, Infrastructure and Markets Sector (CIMS) Plan which is one of the suite of waste sector plans which is part of the National Waste Strategy, looks to create conditions to enable as much waste as possible to be managed in Wales. In order to achieve this, Wales will have to establish a network of facilities to deal with the current and future waste arisings. Significant new capacity is required and this proposal would contribute to the network of facilities which are required to deliver the Welsh Governments vision for zero waste by 2050. The proposal would contribute to providing the County and the Region with a network of new and modern waste management facilities by increasing capacity and producing a valuable product from the raw material which would be recovered from the waste stream.
- 7.29 The Construction and Demolition Sector Plan sets targets for construction and demolition waste to prevent, prepare for reuse, recycle and otherwise recover and dispose which this project would contribute towards meeting. TAN21 states that more waste recovery facilities need to be developed across Wales to ensure that sufficient disposal capacity is maintained at a level appropriate to support the overall aims of the National Waste Strategy; Towards Zero Waste and the CIMS Plan. TAN21 and the CIMS plan have effectively superseded the Regional Waste Plan. Therefore, when assessing compliance with UDP Policy EWP7 we have to look to TAN21 and CIMS which the proposal is considered to accord with.
- 7.30 The submitted Waste Planning Assessment provides evidence that whilst waste wood arisings are not expected to increase in the near future, large quantities are still being disposed of in landfill sites and that advances need to be made in collection and sorting infrastructure and that there is a need for more waste wood recovery facilities in order to meet the Welsh Governments aspirations of Zero Waste by 2050. Due to the landfill diversion targets, it is expected that more waste wood will become available for recovery as opposed to disposal. This facility would therefore meet that need.
- 7.31 ***Sustainable Energy Supply and Climate Change***  
The Energy Act 2013 establishes a legislative framework for delivering secure, affordable and low carbon energy and includes provisions on decarbonisation and electricity market reform among other things. The aim of the Act is to reduce dependence on fossil fuels and to increase the generation of electricity from renewable sources by 2020. This project would add towards the aim of secure, affordable and low carbon energy, moving the site on a decarbonised energy source compared to the fossil fuels they currently use. This project would amount to 8.5MW to Flintshire's contribution towards the requirement to increase renewable energy.
- 7.32 The UK Renewable Energy Strategy 2009 shows how the UK can reach the goal of 15% of energy from renewable energy by 2020. It is considered that the project accords with these principles and



contributes towards the 15% target for 2020, thereby contributing to the goals outlined of decarbonising the energy supply, increasing energy security and contributing towards a green economy. The plant would also employ around 17 people, many of whom can be sourced from the local skills base surrounding the application site.

- 7.33 The UK Low Carbon Transition Plan details the actions to be taken to cut carbon emissions by 34% by 2020. This project would allow Warwick International to reduce its use of gas, which is a fossil fuel, for steam raising purposes. It would also contribute towards these overarching UK goals of generation of electricity from low carbon sources and increasing employment in “green jobs”.
- 7.34 The Climate Change Act puts in place a framework to achieve a mandatory 80% cut in the UK's carbon emissions by 2050 with an intermediate target of between 26% and 32% by 2020. This project would add up to 8.5MW to Flintshire's contribution towards the requirement to increase renewable energy.
- 7.35 The Welsh Government's publication Energy Wales: A Low Carbon Transition, provides the energy policy statement. One of the key strands of the policy is relating to the delivery of renewable energy. The current policy is to ensure that Wales benefits economically from energy developments.
- 7.36 Clean waste wood materials would be used to generate heat, electricity and steam which would be used on site at Warwick International, thus replacing existing gas generated boilers which would effectively reduce reliance on fossil fuels on site. It would also recover energy which is a vital component of the waste management system in Wales and is supported by TAN21 and TAN8.
- 7.37 The proposal would also utilise an existing brownfield site, a principle which is supported by the new TAN21 on Waste, as is locating proposals where site infrastructure is present which includes electricity grid connections.
- 7.38 Policy EWP1 of the Flintshire Unitary Development Plan states that there will be a presumption in favour of renewable energy schemes subject to them meeting other relevant requirements of the plan which will be considered in the following sections of the report.
- 7.39 Warwick International currently uses natural gas to provide its heat for steam and mains electricity. Both of these are non-renewable resources. The project has the following benefits:
- The new project is designed to meet Warwick International's onsite future steam and electricity requirements;
  - The security and consistency of electricity supply to Warwick Chemicals would be improved;
  - This project would decrease the carbon footprint of their

operations by about 30,000 Tonnes of CO<sub>2</sub> per year, and therefore reduce the embodied carbon in their products;

- This low carbon form of energy would supply an energy intensive industry that is competing on a global scale;
- For direct power production the proposed CHP plant is expected to replace 100% of Warwick International's 2015 electrical energy demand and initially 92% of the heat demand;
- Warwick International is expected to use only part of the electrical output thereby generating some surplus electricity which would be sent to the national grid.

7.40 TAN 22, Planning for Sustainable Buildings, introduces BREEAM or equivalent scheme to be used for non-residential buildings. National Planning Policy requires that new developments for major non-residential buildings meet "Very Good" under the BREEAM scheme (a recognised standard designed to improve the overall sustainability of new development under a single framework), and to meet an "Excellent" standard for reducing Carbon Emissions (carbon index of 40). 'Major' means a building with either a floor space of 1,000 m<sup>2</sup> or more or a site with an area of 1 hectare or more.

7.41 From 31 July 2014 Building Regulations will be replacing the BREEAM requirement for the purposes of decision making. However, whilst the BREEAM scheme will be superseded at the end of July, the consideration of the assessment of the proposal against BREEAM is still material until these changes come in to force. However, the applicant has argued that whilst the footprint of the building would exceed the minimum thresholds as set out in TAN22, the application of the policy to this proposal would be inappropriate. The proposed building has been designed as a power station. As such it must meet certain needs, such as heat loss (once steam has been used to turn a turbine, it must be cooled before release, hence the need for cooling at any power station). Therefore putting in place policies to make the building retain heat, while commendable in any normal non-residential development, would be inappropriate in this case.

7.42 However, the office and welfare facilities proposed as part of the proposal would be fully insulated for heat and noise to provide a comfortable working environment. The proposed office and welfare facilities fall well below the threshold of 1,000 m<sup>2</sup> and therefore, the applicant's have argued that an assessment against BREEAM is not considered applicable in this instance which has been accepted.

7.43 ***Waste Types and quality control***  
Concerns have been raised in relation to the types of waste proposed to be processed within the biomass CHP plant. The Community Council believe that 30% of the waste stream would consist of plastic.

7.44 The application provides details of the specification for the wood/ biomass fuel that the proposed development is designed to treat. The

Specification includes waste wood classified by the Wood Recycler's Association as categories Grade A-C. This includes clean recycled wood such as wood off-cuts and wood from civic amenity sites. The likely contaminants from these material streams are incidental, such as metals e.g. nails and metal fixings and some coatings. The specification states that plastic, among others, is considered a 'not acceptable material'. The application proposes wood to be supplied to the facility under a formal contract. Dalkia, the proposed operator of the facility operates other biomass CHP facilities elsewhere in the UK, and therefore have been able to provide an indication of the typical contractual arrangement for the supply of wood that would be received. The contract would specify the minimum biomass content which would typically be a minimum of 96% and an expected 99.5% biomass. The supply contract applies responsibility to both the supplier and the receiver to take independent samples of the material using a common method. Visual inspection of the wood loads delivered into the reception building would be carried out, in addition to a daily sampling exercise. Sampling would be sent to an independent laboratory for analysis.

- 7.45 The level of plastic (as a component of 'other not acceptable material') within the waste stream is conditioned within the contract to be below <0.5% by mass. This would be demonstrated through adherence to the supply contract conditions which would be quality assured on account of daily test results provided from an independent laboratory. Should this quality not be achieved would be considered by the operator a breach of contract. Furthermore, if the site accepted such quality, this would risk damaging the equipment as the plant is not designed to burn plastics as the heat load would be too high.
- 7.46 Concerns have also been raised in relation to the quality control procedures to ensure that only clean wood waste would be accepted. It should also be noted that as the wood is classed as a waste, the wood is subject to the waste regulations enforced by Natural Resources Wales. This would ensure that for all wood movements from their source to the facility would be documented by a consignment system and a duty of care placed on the waste producer and all parties in the supply chain to ensure that the waste is identified, measured and handled appropriately.
- 7.47 Concerns have also been raised by the Community Council in relation to the ability to sustain a supply of clean wood and the viability of the project should alternative fuel stocks be more economic as opposed to clean waste wood. There concerns relate also to the ability of the local planning authority to resist a future request to change the fuel, if the long term future of the plant was at risk should there be difficulty with future wood supply.
- 7.48 The environmental statement and accompanying assessments have been undertaken with the fuel being a clean wood grade A-C. Should

planning permission be granted, a condition would be for only clean wood waste between Grade A-C and biomass fuel. This would ensure that the imported waste is appropriate for the facility, and that no odours would be emitted from the facility. Should a future application be received by the Council to consider a change in fuel stock, a fresh Environmental Statement would be required, and the application would be determined, under its own merits. However, the specified plant has been designed to accept wood/biomass only and would be conditioned accordingly.

7.49 The concerns of the Community Council are understood and any proposed development needs to be viable and sustainable. The operator intends to procure a wood supply contract to provide financial certainty for a long period. In the extreme and unlikely event that the wood/biomass fuel market collapsed, Warwick International could default back to generating their onsite heat and power demand using natural gas as they propose to retain their existing boilers as a back up. The UK Government is taking active steps to develop supply chains in renewable fuels. The proposed development offers a contribution to the UK's efforts to develop renewable fuel markets for both economic prosperity and environmental benefit.

7.50 ***Ecology, Habitats Regulations and impact on designated sites***  
The site lies immediately to the south of The Dee Estuary SPA, SAC, Ramsar site, SSSI and the RSPB Reserve. Concerns have been raised in relation to the impact of the proposal on these designated sites and the habitats and species contained within them. The special interests of the Dee Estuary include, but are not limited to the inter-tidal mud and sand flats, salt marsh reeds and swamp, other freshwater transitions and coastal grazing marsh habitats as well as the site's internationally important over-wintering bird assemblages.

7.51 The Ecological Impact Assessment submitted as part of the Environmental Statement highlights that an unmitigated scheme would cause significant negative effects on the ecology at the Dee Estuary. The proposal could have a number of direct and indirect impacts on the designated sites, habitats and species during the demolition, construction, operation and decommissioning phases of the proposal. These impacts could be caused from noise, dust, emissions, light and water pollution and the presence of people.

7.52 Mitigation measures to reduce any impacts during all the phases of the project have been drawn together in a mitigation table and are proposed to ensure that the project would not have an adverse significant effect on the adjacent designated sites, the habitats and species contained within them. This mitigation table, along side the Ecological Impact Assessment which was submitted as part of the Environmental Statement has informed the Habitat Regulations Assessment process in which has been carried out by the Local Planning Authority in consultation with Natural Resources Wales.

- 7.53 The Habitats Regulations Assessment concluded that, providing the development is carried out as detailed within the Environmental Statement with the mitigation measures proposed to avoid disturbance of roosting wintering birds and degradation of water and air quality, that the proposal is not likely to have an adverse significant environmental effect on the Dee Estuary SAC, SPA, SSSI, Ramsar Site or habitats and species contained within them. Natural Resources Wales concurred with the conclusion that, subject to mitigation there should not be an adverse significant effect on the designated sites.
- 7.54 Should planning permission be granted, the implementation of mitigation measures shall be conditioned to be undertaken as detailed within the Mitigation Plan which includes lighting, security fencing, temporary acoustic barriers, and permanent gorse planting. The approval and implementation of a Construction Environmental Management Plan would include a construction Dust Management Plan, avoidance measures for protection of the water environment, rapid response protocol and pollution prevention plan.
- 7.55 Subject to a condition ensuring that the mitigation measures as specified are implemented, it is considered that the proposal accords with the provisions of Policies WB2 and WB3 of the Flintshire UDP, TAN5 and the Conservation and Habitats Regulations (2010).
- 7.56 ***Air Quality and Health***  
Concerns have been raised by both residents, RAIN and the Community Council in relation to the proposal and its impacts on air quality and health on surrounding residents and in particular the residents of Wirral View.
- 7.57 The proposed CHP development is effectively an extension to a long established industrial site which is known to have a certain level of industrial process emissions and the Local Planning Authority did not wish to see any further significant increase in process emissions. The introduction of this CHP plant would also result in a reduction in the use of the existing boilers. Therefore, emissions would be offset to a certain extent.
- 7.58 An assessment of the impacts on local air quality arising from the construction and operation of the proposed Biomass CHP Plant at the Warwick International site has been conducted as part of the Environmental Statement. The assessment has also considered the consequences for human health of exposure to any emissions to air from the plant. The proposed development may have potential implications for local air quality through emissions to atmosphere from construction activities, including vehicle movement, also vehicle movements associated with the delivery of fuel and the removal of ash, and the flue gases emitted through the CHP plant stack, should no mitigation measures be specified and adopted on site.

- 7.59 The study on potential construction dust impacts concluded that the risk of dust emissions from demolition, earthworks and construction were low to medium risk. Adopting the appropriate mitigation measures for controlling dust emissions as detailed above in the mitigation plan and Construction Environmental Management Plan, it is considered that the impact of construction activities, human health and habitats would be 'not significant'.
- 7.60 The assessment concluded, traffic associated with construction and operation of the project would be well below the assessment criteria, and that the impact of vehicles emissions on local air quality would be neutral and would not require any further assessment.
- 7.61 In relation to impacts on humans and health, the pollutants of interest emitted from the CHP plant are primarily particulate matter, metals and dioxins. Unlike substances such as nitrogen dioxide, which have short term, acute effects on the respiratory system, dioxins/furans and metals have the potential to cause effects through long term, cumulative exposure. The applicants carried out the necessary assessments and created 'realistic' worst case estimates of risk on health of residents. The Head of Public Protection is satisfied that the predicted concentrations of emissions from the proposed CHP at sensitive receptors and that public exposure to fine particles in particular would be negligible. Given the "worst case" nature of the assessments carried out at the request of the Local Authority, the Head of Public Protection is also satisfied that the applicants have demonstrated that the public would not be subject to a significant carcinogenic risk or non-carcinogenic hazard, arising from exposures via both inhalation and the ingestion of foods. The key findings of the assessment are that there would be no meaningful impacts from process emissions on sensitive human receptors for the proposed CHP plant.
- 7.62 The modelling undertaken as part of the application shows that much of the emissions would move to the north and dissipate out well before reaching the Wirral and therefore, harmful emissions would not travel towards the south in the direction of Wirral View. It is also important to note that this project is proposed to replace the existing fossil fuel powered boilers on site. Therefore, the emissions have been offset by a reduction in overall boiler emissions. The emissions to air would be treated (a process referred to as "scrubbed") using commercially available technologies and techniques to meet the requirements of the Industrial Emissions Directive (IED).
- 7.63 Furthermore, the waste derived biomass fuel would be already "pre-treated" and would be biologically inactive and would have the non-combustible components removed. There is therefore little risk of release of pathogens and odour from the storage and handling of the waste derived fuels.

- 7.64 The air emissions modelling that has been undertaken concluded that a chimney stack height of 26 metres would meeting the requirements of the Industrial Emissions Directive. However, to improve the emissions reduction the applicants have proposed a chimney height of 35 metres. The increased height of the stack has a minor visual impact which will be examined in the following section. However, it would have an improved effect on emissions. Should planning permission be granted, a condition would be imposed to ensure that the facility would have a chimney stack of no greater than 35 metres which would allow the flexibility in design should Natural Resources Wales accept a chimney stack height lower than 35 metres.
- 7.65 The facility would also be tightly regulated for air quality and emissions by Natural Resources Wales through the Environmental Permitting Regulations via an Environmental Permit. The Environmental Permit, should one be issued, would set the emissions limits to ensure that there would be no risk to human health and the environment. The plant would be subject to the Industrial Emissions Directive which covers all forms of thermal treatment of waste. There is no evidence that the proposed development would give rise to adverse health impacts, or would materially affect well being within the surrounding business and residential communities.
- 7.66 TAN21 states that planning authorities should take into account the ability of Environmental Permits to control the operations of waste facilities, and its interactions with the environment and should not duplicate control more appropriately imposed as part of the permit. Therefore, at this stage, Natural Resources Wales has not made comment on the planning application in relation to air quality and emissions as this is something they will assess when considering the Environmental Permit application. The application for an Environmental Permit was duly made on 3 June 2014 and is under consideration by Natural Resources Wales. The boundary in which the permit would apply to coincides with the planning boundary and therefore the Local Planning Authority should not duplicate any controls in which Natural Resources Wales will impose. Should planning permission be granted, the facility would not be able to operate without an Environmental Permit being in place.
- 7.67 The Community Council has raised concerns in relation to emissions and have commented other projects where Carbon Credits have been withdrawn by the UK Government for this type of facility.
- 7.68 The application explains that the need for the development is driven by the need to help Warwick International Limited to remain competitive by reducing the financial cost and the environmental impact of the current practice of obtaining energy through burning natural gas. By replacing the use of natural gas with biomass fuel, the use of biomass would be generally classed as 'carbon neutral'

because the Carbon Dioxide released by burning wood is equivalent to the Carbon Dioxide can be absorbed by the growth of new trees.

- 7.69 Whilst concerns have been raised within one of the petitions that this proposal would increase levels of carbon emitted into the atmosphere, this project would actually decrease the carbon footprint of the operations of Warwick International by about 30,000 Tonnes of CO<sub>2</sub> per year, and therefore reduce the embodied carbon in their products; as this low carbon form of energy would supply an energy intensive industry that is competing on a global scale.
- 7.70 If Carbon Credits were removed it would normally be for non-compliance on a project with the feedstock or similar reasons, not policy affecting the sector. For the facility to operate, an Environmental Permit is required ensure that the proposed facility would be operating in line with permits and guidance, and the planning permission would regulate the feed stock by condition.
- 7.71 In summary, the assessments and modelling submitted to support the planning application have concluded that there would be no meaningful impacts from process emissions on sensitive human receptors for the proposed CHP plant during the operation. As discussed previously, there would be a construction environmental management plan which would include a dust management plan which would ensure that dust is controlled during demolition, construction and decommissioning.
- 7.72 In relation to operation, the plant has been designed to meet the requirements of the Industrial Emissions Directive (IED). The facility would also be tightly regulated for air quality and emissions by Natural Resources Wales through the Environmental Permitting Regulations via an Environmental Permit. There is no evidence within the supporting information that the proposed development would give rise to adverse health impacts, or would materially affect well being within the surrounding business and residential communities. The Head of Public Protection does not object to the proposal and is satisfied that the overall operational impact of the installation of this plant would have no material adverse effect on residential amenity or any significant reduction in local air quality. As such, subject to conditions, the proposal complies with Policies GEN1, STR1, EWP8 and EWP 12 of the Flintshire Unitary Development Plan.
- 7.73 ***Landscape and Visual Impact***  
The site does not lie within any landscape designations. However it lies on the fringe of the Dee Coastal Estuary and is also close to the registered park and garden at Mostyn Park which rises on the slopes to the south and west of the site. The site is also visible from the Flintshire coastal path. Locally the houses of Wirral View, Mostyn directly overlook the site from an elevated vantage point which is approximately 100 metres away from the application site. The main



coast road A548 and the Holyhead to Chester railway line lies between the application site and Wirral View which is located at an elevated position.

- 7.74 The Community Council has objected to the proposal due to the visual impact on residents of Wirral View. There is an existing industrial building located on the application site and the wider Warwick International Limited site is heavily industrialised in nature. The site already has a number of chimney stacks and wind turbine masts are exported from the Port of Mostyn. Also, other activity of an industrial nature occurs in the back drop of the Warwick International Site.
- 7.75 It is considered that the landscape assessment provides enough detail on each of the viewpoints from which the site will be seen to make a convincing case that the development would not unduly or unnecessarily harm local views. The development would be seen in the in the foreground of the existing industrial developments around Mostyn Dock and Dock Road so this proposed development would not contribute a significant additional impact from most perspectives. Viewed from the east however, the proposal would present a larger building than is currently on site and would feature more prominently than current building and would have a strong presence as the right hand side part of the middle ground view from the coastal path when looking towards the wooded slope of Mostyn Park.
- 7.76 The development would also be seen directly from the windows and rear gardens of Wirral View. From this position, however, the view is already compromised by the existing industrial development and is also blighted by considerable night time light pollution. It is considered that the impact from other locations, including Pen y Ffordd Road is considerably less significant due to the presence of the existing industrial development and in particular the local dominance of the Port of Mostyn.
- 7.77 In order to mitigation against the visual impact of the development the Council's Conservation and Design officer has recommended that in order to break down the apparent bulk of the building, the long elevations should be broken down visually by differentiating the cladding colour of the two gabled bays, the colour cladding, colour of the roof and external pipe work should be conditioned and approved prior to their use.
- 7.78 Should planning permission be granted, a landscaping scheme shall be required by condition which shall provide for additional planting on site to further mitigate visual impacts of the proposal. Also, a lighting scheme shall be required prior to their installation to ensure that light pollution from the site is kept to a minimum and is acceptable.
- 7.79 Subject to conditions in relation to approval of materials, landscaping and lighting, it is considered that the proposed development would not

have an unacceptable landscape or visual impact and would comply with the provisions of Policies GEN1, D1, D2, D3, WB2 EWP8 and EWP13 of the Flintshire Unitary Development Plan.

7.80 **Noise**

As stated previously, the proposed CHP development is effectively an extension to a long established industrial site which is known to have a certain level of industrial plant noise and the Local Planning Authority did not wish to see any further significant increase in noise as a result of this proposal. The introduction of this CHP plant would also result in a reduction in the use of the existing boilers. Therefore, noise emissions would be offset to a certain extent.

7.81 The potential noise impacts of the construction, operational and decommissioning phases of the proposed CHP plant have been assessed including noise monitoring at the nearest residential area to the development site, night time noise monitoring and computerised noise modelling of the proposed CHP plant has been carried out in order to quantify the potential noise impacts associated with the proposed scheme.

7.82 From the results of the investigations submitted with the planning application, environmental statement and ongoing discussions with the applicant's consultants, the Head of Public Protection is satisfied that the overall operational impact of the installation of this plant would have no material adverse noise effect on residential amenity in terms of noise pollution. Indeed the Authority's need to adequately control both the overall level of noise and potential tonal noise from the proposed new plant formed an integral part of the discussions with the applicant, and ultimately has had a positive effect on the design and layout of the plant.

7.83 The noise impact of the proposed development, for the construction, operational and decommissioning phases, was determined by reference to the existing noise climate at the nearest residential area to the development site. Baseline noise monitoring surveys have been carried out at our request by the applicants consultants at the nearest residential area in order to quantify the prevailing noise climate. In addition the Local Authority have not had any noise complaints relating to the existing facility at Warwick International, and it has been demonstrated within the submitted assessments that this new installation would not increase the noise levels from the site.

7.84 A major reduction in predicted noise emissions has been achieved by the changes to the plant layout, in particular the moving of the cooling towers to the north of the installation, increases the distance to receptors and effectively is screened by the plant building. This then would effectively reduce the overall noise emissions and they would be lower than predicted. In noise terms, this represents a significant reduction. As a result, operational noise from this new facility would

be even more unlikely to add to the overall site emissions or affect the amenity of the nearest sensitive receptors.

- 7.85 The main potential source of impact on the community would likely to be from the construction and to a lesser extent the future decommissioning phases of the installation. However, it is considered that as construction/decommissioning would be temporary in nature, it would not appropriate to impose the higher standard of control that the permanent ongoing sources associated with the development would be required to achieve. The Head of Public Protection has recommended conditions to minimise the impact of these phases on nearby receptors which include limiting hours of operation during construction/decommissioning and to require the submission of management plans for the control of noise.
- 7.86 It has been concluded that the construction of the CHP plant would not result in any unacceptable noise impact at residential locations during the proposed daytime working hours.
- 7.87 The operational noise impact assessment found that there would be no perceptible increase in the existing noise levels and therefore the operation of the CHP Plant will result in no impact in terms of noise. Furthermore, as the design of the project was developing the cooling towers were moved to the north of the site which has an improved effect on noise levels. It is important to note that there would be no waste wood processing on site, and that the site lies within an existing industrial chemical plant.
- 7.88 Mitigation Measures have been identified for the construction and operational phase of the development which would be included as part of a construction environmental management plan which would be conditioned and include:
- Construction/decommissioning hours of operations limited to 07:00 – 19:00 hours on Mondays to Fridays and 07:00-13:00 hours on Saturday mornings;
  - Delivery hours limited to 07:00 – 19:00 hours on Mondays to Saturday;
  - ensuring that all works are completed in accordance with the guidance for noise control set out in BS5228: 2009;
  - ensuring that modern construction plant is used, complying with the relevant EC noise emission requirements;
  - ensuring regular and effective maintenance of plant and machinery on the site e.g. lubrication of bearings, maintaining the integrity of silencers, engine covers etc.;
  - when loading wagons and dumpers, minimising the height from which material is dropped by loader/ excavator;
  - Good management practices;
  - site roads should be kept in a state of good repair to reduce noise from the passage of empty vehicles;
  - using localised temporary noise screening measures for any

- breaking out concrete foundations during demolition works;
- front part of building to be constructed of double-skin insulated cladding;
- effective acoustic enclosure;
- Construction/Decommissioning noise management plan to be included as part of a site environmental management plan.

7.89 Should planning permission be granted, a condition would be imposed setting construction noise limits and also night time noise limits for the operational phase of the development.

7.90 As stated above within the air quality section, once the site is operational, Natural Resources Wales would regulate pollution control through the Environmental Permit which would include noise controls and therefore the local planning authority should not impose conditions in relation to operational noise however we would ensure that noise from construction and decommissioning would be controlled to acceptable levels. There is no evidence within the supporting information that the proposed development would give rise to adverse noise levels, or would materially affect well being within the surrounding business and residential communities. As such, the proposal complies with Policies GEN1, STR1, EWP8, EWP 12 and EWP13 of the Flintshire Unitary Development Plan.

7.91 ***Geology, soils and contamination***

The potential impact of the proposed CHP power station on geology (including soils) and potential contaminated land at the site has been assessed by a combination of site investigations and literature review.

7.92 The application site falls within the defined Development High Risk Area in relation to legacy coal mining. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

7.93 It is considered that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment which accompanies the planning application. The Coal Mining Risk Assessment has been informed by an appropriate range of sources of information including; BGS maps, historic ordnance survey maps, past intrusive site investigation findings and a Coal Mining Report.

7.94 The Coal Mining Risk Assessment correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site is in the likely zone of influence from 8 coal seams at shallow to 234m depth, last worked in 1890. The shallow mine workings are recorded at a depth of 23m. The site is also in an area of likely historic unrecorded underground coal mine workings at shallow depth.

- 7.95 Section 6 of the Coal Mining Risk Assessment concludes that intrusive site investigation works should be carried out on site in order to establish the exact situation in respect of coal mining legacy issues on the site. The report recommends that four boreholes are drilled on site to depths of 20m to 35m in order to intercept the anticipated coal seams and to inform any mitigation measures which may be required and also to provide additional information for the further assessment of mine gases.
- 7.96 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
- 7.97 The Coal Authority recommends that the Local Planning Authority impose a condition should planning permission be granted to require these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- 7.98 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above. As such, it is considered that, subject to the condition, the application complies with the provisions of Policies EWP15 and MIN8 of the Flintshire Unitary Development Plan.
- 7.99 Once in operation the power station would likely have a minimal effect on the soils, geology and contaminated land at the site. Due to the industrial history of the site the land, the ground investigation found the presence of asbestos and elevated levels of cyanide and lead in the soils together with copper, selenium and trichloromethane in groundwater which is expected due to the previous use of the site and not as a result of Warwick International's activities. Therefore, during construction protection measures would be imposed to ensure the health and safety of the construction workers. The project would have a full and thorough Construction Environmental Management Plan to manage these risks.
- 7.100 The study team took the risk management approach into account and

re-assessed the remaining risk and conclude the risks would be moderate for contaminated soils and asbestos, moderate for ground gases and slight for risks of the site to the ground (e.g. through a spill). It is considered that the potential risk for contamination into the Dee Estuary can be managed. The proposed ground disturbance works would be confined to a relatively small area and comprise piling and some ground clearance. It is considered that any potential contamination that would be brought to the surface during construction works can be managed and would be relatively low. Furthermore, there has been no past history of problems with contamination from construction works at this location.

7.101 Should planning permission be granted, prior to the commencement of piling or ground clearance works taking place, a scheme to deal with the risks associated with contamination of the site, shall be submitted to and approved in writing by the Local Planning Authority. As such, subject to the submission and subsequent approval of scheme to deal with the risks of contaminated land it is considered that the proposal would comply with the provisions of Policies GEN1 and EWP14 of the Flintshire Unitary Development Plan.

7.102 ***Highways, Traffic, Transportation and Access***

The proposed application would generate, during the operational phase of the development 22 HGV movements on a daily basis, which would, if spread out evenly during the day result in 2 vehicle movements per hour during the proposed 12 hour day for deliveries. At this level, it is not anticipated that traffic resulting from this proposal would cause any significant traffic disruption. The proposal is to access the development site through an existing access point on site, and then on to the highway. Whilst the access is not currently in use, it has been in the past when it was used as the main entrance to a concrete block manufacturing plant. During which time, vehicle movements from this activity were more than the proposed use.

7.103 The proposed access is in close proximity to two other access gates that lead on to the Dock Road which could present inter-visibility issues. One is located immediately to the west of the development access point and at present is used to access the car park on the development site. Therefore, should planning permission be granted, the use of this site as a car park would cease rendering the access point to the west redundant. Visibility from the adjacent gateway to the east is restricted by an overgrown hedge. However, the hedge is maintained by the applicant and they would ensure that the necessary visibility is achieved through the life of the development. A plan will be required to demonstrate that the required visibility can be achieved which would be secured by condition.

7.104 Concerns have also been raised in relation to vehicles queuing on the public highway waiting to access the site should the gates be closed prior to delivery hours commencing at 7.00 am. The access gates

would be set back from the public highway allowing 2 HGVs to park off the public highway should it be required which is considered adequate. Additional concerns have been expressed with regards to vehicles queuing to use the weighbridge which is located within the site. However, it is considered that there is sufficient room on the site to allow vehicles to park and wait before using the weighbridge, should there be a queue, and it is considered that this is an internal management issue which would be addressed by the operator.

- 7.105 Concerns have been raised in relation to the proximity of the access in relation to the traffic signals on Dock Road. These signals are located 60m away from the proposed entrance gate and under normal operation queuing for the lights should not cause a significant problem.
- 7.106 Swept path plans have been provided by the applicant of a vehicle accessing and exiting the site from the existing gateway. It is noted that the path of the exiting vehicle would collide with that of an oncoming vehicle and that these two manoeuvres can not occur simultaneously. The swept path diagram would suggest that if an exiting vehicle were to avoid the path of an incoming vehicle it would have difficulty in negotiating the exit onto the highway without over running the verge. However, with access improvements in terms of access widening a safe and adequate access/egress would be achieved to ensure that two-way vehicle movements can be achieved safely. A plan would be required to demonstrate that this can be achieved prior to the commencement of development and improvements works would have to be carried out prior to the commencement of construction which would be secured by condition.
- 7.107 Concerns about the cumulative effect on the highway network have been raised by residents and the Community Council. The Community Council claim that this application would generate a daily increase in large vehicles travelling through the area and that existing development consents in the vicinity would exacerbate problems on the A548 which is a busy road with poor access to the site. Residents and the Community Council have also raised concerns with regards to the routing of vehicles as they feel they would travel through outlying villages as opposed to the main routes.
- 7.108 As part of the Environmental Statement, an independent specialist consultant carried out a Transport Assessment. This assessment considered the impact of the development in the construction, operational and decommissioning phases on the surrounding road network. Current traffic levels on the A548 were obtained and the traffic anticipated to be generated by the proposed development assessed against it. The assessment found that the percentage increase on traffic on the A548 at would be on average less than 1%. It is also worth reminding members that the vehicle movements associated with the operation of the development is for the delivery of

fuel for a replacement boiler system. Should Warwick Chemicals have chosen to replace their existing boilers with coal fired boilers, then this coal would be required to be delivered to the site. Furthermore, a planning application would not be required.

- 7.109 It is considered that the application is adequately supported by a Transport Statement which shows that during the operational stages, traffic generation from the proposed development would not have a significant impact upon the operation of the highway. The construction phase however could have a more significant impact and a construction management plan would be provided which would be required by condition.
- 7.110 The Head of Assets and Transportation has not objected to this proposal subject to conditions in relation to the submission of a construction management plan, provision of adequate visibility splays which would be maintained throughout the life of the development, and the submission of detailed siting, layout and design of the means of access to ensure that two way vehicle movements can be achieved accessing and egressing the site.
- 7.111 Concerns have also been raised in relation to vehicles accessing the site via minor roads and causing traffic disruption in outlying villages. The operator would ensure contractual arrangements which would ensure that all deliveries use main roads. If suppliers are observed breaching this contractual condition they would lose the contract. Companies such as Warwick International Limited and Dalkia, the proposed operators, currently operate this type of approach as part of demonstrating the commitment to quality and community relationships.
- 7.112 ***Protection of Water Resources and Drainage***  
The applicant has assessed the potential for spillage on site. Existing drainage and interceptors present on the site would be used. The potential for spillage on site has been assessed and the sources of potential contaminants have been identified in a hazard register as part of the Environmental Permit application.
- 7.113 There would be a number of measures in place to ensure that contamination from the facility should not occur. All chemical storage containers would meet relevant standards i.e. self bunded etc. and would be housed within the building. There would be no storage of chemicals outside of the building. No waste wood/ biomass fuel would be stored outside of the building. In the event that wood spillage occurs on site roads, there would be negligible potential for runoff contamination due to the nature of the waste. Site road drainage would be routed to the Warwick International drainage system.
- 7.114 Surface Water pollution can be avoided by standard pollution prevention measures, a requirement of the Environmental Permit



issued by Natural Resources Wales. There is some distance between the construction site and the River Dee Estuary for contaminants to enter the estuary through surface water and existing drainage on site would intercept any surface water.

7.115 Dŵr Cymru/Welsh Water have not raised any objections to the proposal, but have suggested a number of conditions and advisory notes in relation to drainage and water resources.

7.116 ***Flood Risk***

The site is also located within Zone C1 of the Development Advice Map provided by Natural Resources Wales (NRW) under Planning Policy Wales Technical Advice Note 15 (TAN15) and so a Flood Consequences Assessment (FCA) is required. NRW's indicative flood risk map (September 2013) indicates that the site has between 0.1% and 1% probability of flooding in any one year. Natural Resource Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within the extreme flood outline. The site is located on low-lying ground adjacent to the Dee Estuary.

7.117 The existing use of the site is classified as 'less vulnerable development' whereas based on section 5.1 of TAN15, the development is considered to be 'highly vulnerable' to flooding.

7.118 ***Development Lifetime and Climate Change***

The applicant has considered predicted flood level over the 35 year development lifetime which has been agreed with Natural Resources Wales and the Local Planning Authority. The Welsh Government, in their letter to Chief Planning Officers (9th January 2014) indicated that the development lifetime for all applications other than residential ones should be 75 years. However, in this particular case, the site and its surroundings are already developed and there is an existing building on the application site. The site has a history of previous industrial/employment land use development and therefore, by virtue of previous development, there is already an established employment/industrial use on this site, and the granting of a further consent on this site would have to take that into account. Furthermore, departing from the advice from the Welsh Government would not be considered to be setting a precedent as each application would have to be determined on its own merits.

7.119 Should planning permission be granted, a condition should be attached to provide an end date for the development which would be 25 years from the commencement of development. This would ensure that flood risk has been mitigated appropriately. A period of 25 years is below the proposed mitigation provided with the submitted Flood Consequence assessment (which is 35 years) and is in line with the life expectancy of this type of plant and technology. There would also be a conditional requirement to decommission the plant and restore the site at the end of the 25 year period.

7.120 *Flood risk to the development*

The reports submitted by the applicant have considered both the predicted 'still water level' (0.5% probability flood event, with an allowance for climate change) and the impact of wave action. The report concludes that the still water level would be 6.66m AOD in the year 2050. Natural Resources Wales welcomes the fact that this level incorporates an estimate of 'uncertainty' (based on inherent uncertainties in predicting flood levels).

7.121 The report has considered the impact of both wave action as well as inundation modelling. The largest waves predicted by the model would be 1.80m in height (based on a north-easterly wind direction) and would result in large volumes of overtopping. The resulting peak of waves approaching the shore would therefore be expected to approach 7.56m AOD. However, the site is protected to some extent by a sea-wall made of rock and masonry blockwork - with an effective crest height of 6.8m AOD. It is therefore accepted that wave heights would diminish as the wave travels inland.

7.122 In terms of inundation modelling, the report concludes that still water levels on the site would only be elevated (above the estuary still water levels) in the vicinity of the existing sea-wall. This is considered to be primarily due to overtopping water being trapped behind the sea-wall. In view of the above, the developer's proposals to set a development platform at 7.40m AOD in height is considered to be sufficient to ensure that the development remains dry in the design flood event with respect to 'still water levels'.

7.123 Estimates of wave heights immediately adjacent to the development platform not been provided, however, given that it is located some distance behind the coastal frontage and sea-wall, it seems probable that the wave heights would not be as high as the 7.56m AOD predicted for the frontage. Nevertheless, the developer proposes to provide a continuous dwarf-wall around the site, with a crest height of 7.70m AOD. The only areas within the building which do not comply with section A1.14 of TAN 15 are the 'pit' areas which house conveyors and machinery associated with the development. Strictly speaking, these areas cannot comply with TAN15 as they are below the predicted 0.5% probability flood level, however these areas would be 'lockout' areas i.e. not normally accessed by workers. Additionally, it is understood that there would be no way for water to enter the pits other than if flood levels exceeded the 7.4mAOD development platform.

7.124 Should planning permission be granted, a condition would require the height of the building and surrounding development platform to be constructed to a minimum level of 7.4m AOD. The only exceptions to this would be vehicle access ramps. Also, details of the flood defence wall which would extend around the site shall be provided for the

approval of the Local Planning Authority and the existing sea-wall shall be reinforced, if it is deemed necessary. Drawings shall also be submitted demonstrating that water cannot enter the 'pits' within the lower areas of the building.

7.125 *Access/escape routes car parking*

The submitted Flood Consequence Assessment Reports have considered risks on land adjacent to the raised development platform. The submitted model considers the volume of overtopping and concludes that the predicted rate of overtopping "would be dangerous to even trained staff". The Addendum report concludes that the risk classification on the seaward side of the development would be 'danger to all'. It is therefore clear that neither the car parking area nor part of the access road to the site comply with TAN15: all four parameters in section A1.15 are exceeded.

7.126 Notwithstanding the above, it is accepted that the site has a current use which could lead to vehicles being parked in the flood risk area. It may therefore be argued that the proposals do not constitute a detriment beyond the existing situation. The Regional Emergency Planning Manager has been consulted and does not object to the proposal as it would not pose any further risk. However, mindful that materials could be stored in the car park area and access road, Natural Resources Wales have requested that suitable fencing / bollards should be provided around the perimeter of the site to minimise the risk of objects being washed from the site during the event of a flood. Details of such fencing must be submitted to the local planning authority for approval prior to commissioning of the site.

7.127 The Addendum to the Flood Consequences Assessment suggests that an emergency evacuation procedure for Flooding be adopted for the site. Should planning permission be granted, a condition would require the developer to produce and maintain a Flood Action Plan for the site, addressing matters such as evacuation procedures.

7.128 A pedestrian access set at minimum level of 7.40m AOD would be provided between the development platform and Dock Road which would ensure a safe access route for workers/visitors to the site in the event of a flood. This would be secured by condition should planning permission be granted.

7.129 *Impacts elsewhere*

The Flood Consequence Assessments conclude that parts of the Warwick International site adjacent to the development site would be flooded to an additional 340mm, as a result of the displacement of water due to the raising of the 'development platform'. This is clearly in conflict with TAN15 which states that there should be no increase in flooding elsewhere. However, the Warwick International, Health, Safety & Environment Manager has confirmed that Warwick International accepts this additional risk.

- 7.130 Furthermore, correspondence between Natural Resources Wales and the consultant working on behalf of the developer has confirmed that the risk of impact from the development on third party receptors beyond the Warwick International is low. Natural Resources Wales have also confirmed that they would agree with this assessment given the extensive width of the estuary at this location, the risks to third parties away from the immediate area would seem to be low.
- 7.131 Whilst this element of the proposal and the car park and part of the access road does not comply with the requirements of TAN15, Warwick International, the applicants have confirmed that they accept this additional risk to their land. Furthermore, TAN 23 Economic Development states that where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. On balance, the importance of the proposal to Warwick International as it would provide a secure and affordable fuel supply to allow them to continue to complete globally, would outweigh the potential low risk to third parties. The proposal would also provide a facility to manage waste wood and divert waste wood from landfill which would assist achieving waste disposal targets and comply with the Waste Hierarchy.
- 7.132 As such, it is considered that confirmation from NRW that they would concur with the conclusions of the Flood Consequence Assessment and that the risk to third parties would be low and therefore this, with the importance placed on TAN23 and Economic Development this is sufficient to override the requirements of TAN 15.
- 7.133 ***Residential Amenity***  
All waste imported to the site would be pre-treated wood waste grade A-C or biomass. These materials would present a very low risk of producing odour, creating litter or attracting birds and vermin. Comprehensive management systems would form part of the requirements of the Environmental Permit for the site and would be set out in detail in the Waste Management System that will be required under the Permit should planning permission be granted. It is considered that there would be no conflict with Policies GEN1, EWP8, EWP12 and EWP13 of the Flintshire Unitary Development Plan.
- 7.134 TAN21 advises that where a proposal would cause adverse impacts on amenity, and the problems cannot be mitigated to an acceptable standard by conditions, planning permission should be refused. As discussed above, it is considered that dust and noise can be controlled adequately by mitigation, management and control limits, and that the highway network has sufficient capacity to accommodate the proposed movements. The Head of Public Protection has concluded that there would be no material adverse effect on residential amenity. As such, it is considered that there would not be

an adverse impact on amenity as the predicted impacts could be adequately controlled by condition. Therefore, the proposal would accord with the provisions of TAN21, and Policies GEN1, EWP6, EWP12 and EWP13 of the Flintshire Unitary Development Plan.

- 7.135 The risk of fire is often considered to be a concern associated with waste facilities and the storage of waste. Fire risk and emergency procedures are assessed by Natural Resources Wales as part of the Environmental Permitting Regulations.
- 7.136 One of the petitions raised a serious concern in relation to the increased risk of explosion at the site, especially given that site is regulated by the COMAH regulations. It is considered that the proposal would not increase the risk of the explosion on site which is already highly regulated by the Health and Safety Executive and they have not advised on safety grounds against the proposal.
- 7.137 ***Community and Employment – Socioeconomic Impacts***  
Warwick International is one of five global plants which manufacture and supply of bleach activators for the detergent and biocides industries and they supply 53% of the world's requirements. The Mykon TAED is an activator which produces the powerful oxygen based bleach which is found in washing detergent products such as Vanish and dishwasher tablets.
- 7.138 The main focus of the planning application project is to provide the Warwick International plant, with a more secure, renewable source of energy for the next 25 years. This would allow them to compete on a global scale with other manufacturers of their bleach activating chemical. By raising steam and supplying power to Warwick International, the project would secure this large local employer to this site for 20-25 years. It would also provide a more reliable, cheaper and greener source of energy, which would allow Warwick International to be more competitive and ensure that the 'brownouts' in energy supply do not occur.
- 7.139 In addition to ensuring the continual employment of workers at the Warwick International Site, the plant would create jobs itself. The likely job creation will be between 8-25, with 17 being the average on a shift pattern basis. During construction there would also be a requirement for a workforce with particular skills for each stage of the development. Construction workers of varying skill and speciality would be required could be formed from the local base available as Mostyn has the skills required.
- 7.140 The study undertaken as part of the Environmental Statement found that the project would have a positive impact on the local community not just through job creation, but by securing Warwick International's power supplies and therefore stability for the next 25 years.

- 7.141 TAN23; Economic Development states that local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development. This proposal is not speculative, the applicant would be the end user of the steam/heat/electricity but they have sourced an operator who has designed the plant to their specification and requirements.
- 7.142 The applicant and operator are supportive of forming a Liaison Committee for the site, which would provide a formal forum for liaison with the local community which would seek to address concerns that the local community may have in relation to the proposal. The applicant would also ensure that the Community Council and local residents are able to make direct contact with the site manager as and when required, so that more informal, day to day contact is possible for the local community. Should planning permission be granted, a condition would require a scheme setting out the terms of reference of a liaison committee.

## **8.00 CONCLUSION**

- 8.01 The proposal involves the construction of a new 8.5 MW combined heat and power (CHP) plant to replace the existing steam generating gas-fired boilers with a steam-and-electricity producing burning plant which would use clean imported biomass as its fuel as opposed to gas. The planning application is accompanied by an Environmental Statement. Whilst the majority of the steam and electricity would be used by Warwick International, any surplus electricity would be exported to the grid. The project would provide Warwick International with a secure, low carbon fuel which would ensure they can continue to be competitive within a global market and would reduce their reliance on fossil fuel consumption and intern reduce their CO<sub>2</sub> emissions.
- 8.02 The proposal accords with the UK and Welsh Government's energy policies which support the diversification of energy generation which displaces the use of fossil fuels. Not only would the proposal contribute to renewable energy targets, it would also contribute to carbon dioxide reduction targets.
- 8.03 The application site is allocated as employment land and is within the area of search for new waste management facilities and is in principle appropriate for waste management development. The proposal accords with the National Waste Strategy; Towards Zero Waste, TAN21 and is in accordance with the Waste Hierarchy as it would contribute towards meeting landfill diversion targets for waste wood. The proposal is considered to be a recovery operation as opposed to disposal due to the efficiency of the proposed plant.

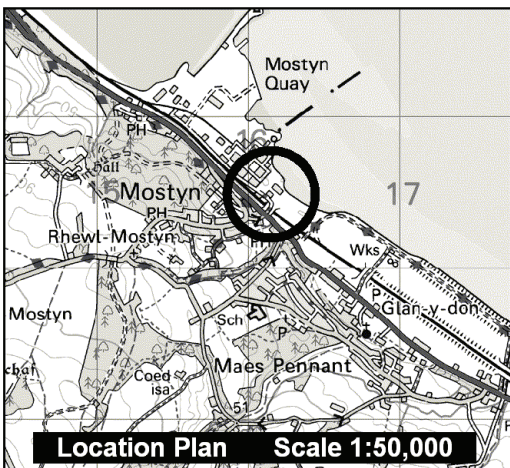
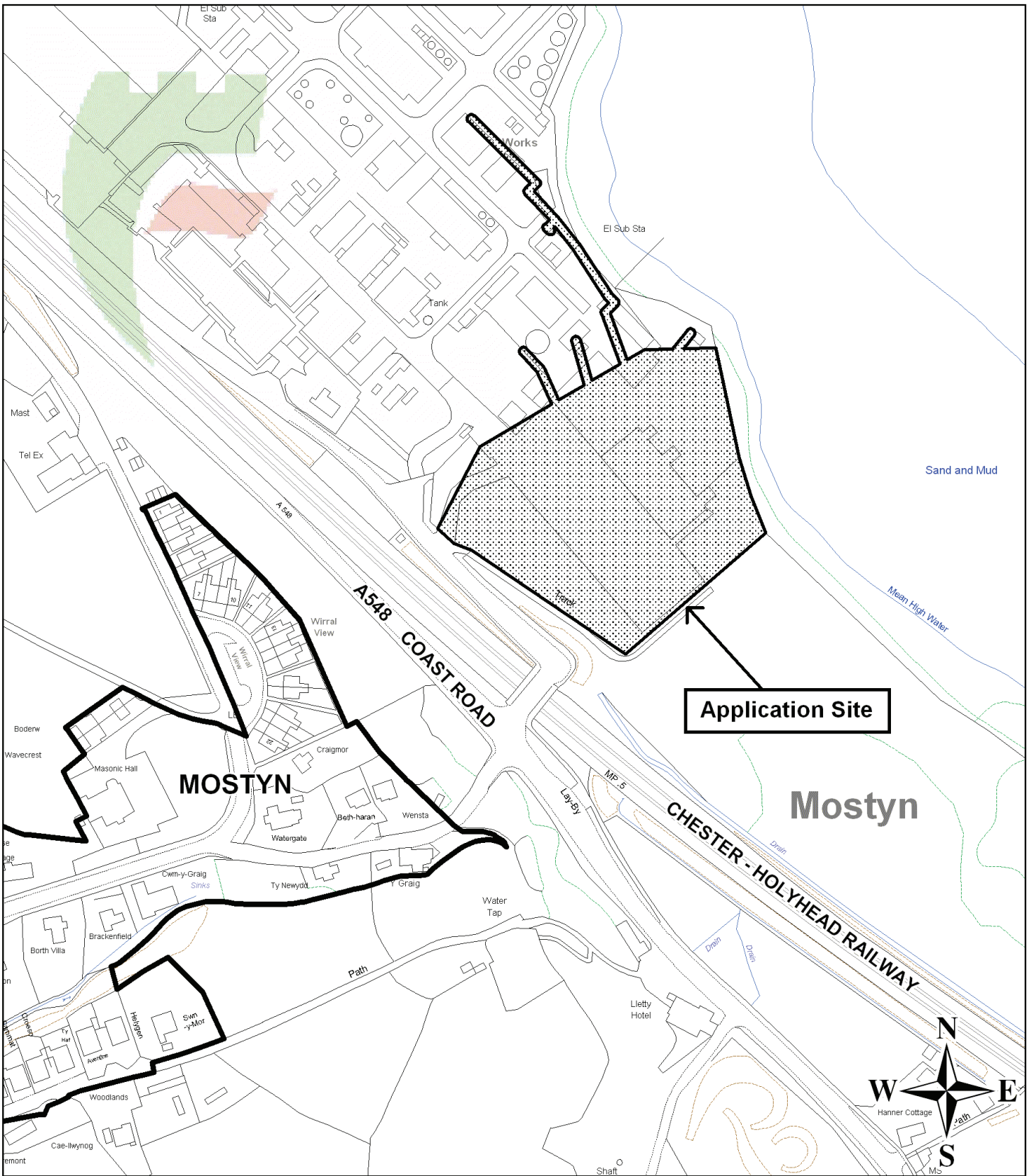
- 8.04 To meet the Welsh Government's vision for zero waste by 2050, the CIMS Plan state that significant new waste management infrastructure capacity is required and this proposal would contribute to the network of facilities required to assist in meeting landfill diversion targets. The proposal would contribute to providing the County and the Region with a network of new and modern waste management facilities by increasing capacity and producing a valuable product from the raw material which would be recovered from the waste stream.
- 8.05 The Construction and Demolition Sector Plan sets targets for construction and demolition waste to prevent, prepare for reuse, recycle and otherwise recover and dispose which this project would contribute towards meeting.
- 8.06 TAN 21 states that where a proposal is environmentally unacceptable, or would cause impacts on amenity, and the problems cannot be mitigated to an acceptable standard by conditions, planning permission should be refused. It is considered that the proposal would be acceptable and would not give rise to an unacceptable impact on amenity and therefore planning permission should be granted. The proposed biomass CHP plant would only be permitted to operate with an Environmental Permit which would be subject to strict regulatory controls and compliance with the Industrial Emissions Directive. During the construction and decommissioning stages there would be adequate controls on dust, noise, and vehicle movements through the imposition of conditions and good management practices.
- 8.07 Whilst the site is in close proximity to the Dee Estuary Ramsar, SPA, SAC, SSSI, the Habitats Regulations Assessment concluded that, providing the development is carried out as detailed within the Environmental Statement with the mitigation measures proposed to avoid disturbance of roosting wintering birds and degradation of water and air quality, that the proposal is not likely to have an adverse significant environmental effect on the Dee Estuary SAC, SPA, SSSI, Ramsar Site or habitats and species contained within them.
- 8.08 It is considered that the highway network would accommodate the proposed vehicle movements, and the improvements to the existing access, maintenance of adequate visibility splays would facilitate safe access and egress into and out of the site. Subject to the approval of a construction access management plan there is no reason to refuse this application on highways grounds.
- 8.09 Provided the conditions are included on any planning permission as detailed above, it is considered that the development platform itself complies with the requirements of TAN 15 in relation to Flood Risk. Nevertheless, it is clear that the area around the development would remain vulnerable to flooding in terms of the vehicle access routes and car parking areas which fail to comply with TAN 15. However, on balance, taking into account the importance of the project in economic

terms and the ability to provide a secure, low carbon and affordable fuel for the applicants, and the advice provided in TAN 23, it is considered that the economic importance would outweigh the low risk of flooding in the other areas of the site. A Flood Action Plan would be required by condition and a pedestrian access route built at a minimum elevation of 7.4m AOD would ensure the safety of operatives of the site in the event of a flood.

- 8.10 In considering this application the Council has taken into account all the environmental information and matters that are material to the determination of this application, as set out in the Application, Supporting Statement, Environmental Statement and technical appendices. The environmental statement has considered and assessed the impacts on ecology, nature conservation and adjacent designated sites/protected species, air quality and human health, landscape and visual amenity, noise, geological and geo-environmental impact, transport and highways, flood consequences and hydrology, and socio-economic impacts of the proposed development.
- 8.11 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.12 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted subject to conditions.

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





Planning & Environment,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 1680

Planning Application **51924**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23<sup>RD</sup> JULY 2014**

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

**SUBJECT:** **FULL APPLICATION - INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC (PV) SOLAR ARRAYS TO PROVIDE 45.7 MW GENERATION CAPACITY TOGETHER WITH TRANSFORMER STATIONS, INTERNAL ACCESS TRACK, ELECTRICITY SECURITY MEASURES, ACCESS GATE AND ANCHILARY INFRASTRUCTURE AT LAND NORTH OF WEIGHBRIDGE ROAD, SEALAND.**

**APPLICATION NUMBER:** **051772**

**APPLICANT:** **ATEM SOLAR LIMITED**

**SITE:** **LAND NORTH OF WEIGHBRIDGE ROAD, SEALAND, DEESIDE**

**APPLICATION VALID DATE:** **11/2/2014**

**LOCAL MEMBERS:** **CLLRS C. JONES & B. DUNN**

**TOWN/COMMUNITY COUNCIL:** **SEALAND COMMUNITY COUNCIL & CONNAHS QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 The proposal is a full planning application for a photovoltaic solar farm and ancillary works on agricultural land adjacent to Weighbridge Road, Deeside. The site extends to approximately 109 hectares. The issues for consideration are the principle of development/planning policy context, impacts on visual amenity, impacts on residential

amenities, highways and ecology.

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

2.01 The proposed development is considered acceptable subject to the applicant entering into a Unilateral Undertaking in regards to securing the long term use of the generation of electricity to serve the needs of UPM Papermill with only any surplus supplied to the national grid prior to the issuing of the planning permission and subject to the following planning conditions,

1. Commencement of development within 2 years
2. Carried out in accordance with the submitted details
3. No generation of electricity hereby permitted shall take place after 25 years from the date on which electricity is first transmitted from the site, nor after electricity ceases to be generated for a continuous period of 6 months, whichever is the earlier.
4. No generation of electricity hereby permitted shall take place unless a monthly record is kept by the site operator of the amount of electricity generated that month; and that record shall be made available for inspection by the local planning authority
5. When electricity ceases as per the requirements of any of the circumstances in condition 3, within 12 months all plant/machinery/development to be removed and land restored to its agricultural use/condition with an agricultural report submitted confirming to the LPA the verification of such works carried out.
6. The supporting framework for the solar arrays shall not be concreted into place but shall be driven in using a "ground screw" or pile method.
7. Site developed in accordance with recommendations in Chapter 11 of the submitted FCA
8. No fencing or other structure erected within 7m from the banks of Shotwick Brook West
9. Access to the bank of Shotwick Brook West to be afforded to NRW for maintenance and emergency access
10. No land drainage run-off into the public sewerage system
11. No surface water to connect to the public sewerage system
12. Foul and surface water drainage drained separately from the site
13. Prior to the commencement of development the submission for approval of scheme for site access off the A548 roundabout
14. Prior to any other building works the forming of the site access shall be kerbed and completed to carriageway base course layer
15. Site access to have a gradient of a minimum distance of 10m

- shall be 1 in 24 and a maximum of 1 in 15.
16. Constructional/delivery times to be submitted for approval to the LPA
  17. No part of the solar panel or associated structure shall be higher than 2.8 metre above existing ground level
  18. Full details of the insulation to substation (s) and other equipment cabinets to be submitted to and approved by the Local Planning Authority prior to commencement of development.
  19. Full details of the security cameras and fencing to be submitted to and approved by the Local Planning Authority.
  20. Full details of both hard and soft landscaping works to be submitted to and approved by the Local Planning Authority.
  21. Drainage capture for construction compound to be submitted for LPA approval
  22. Prior to commencement of development, a detailed long-term Biodiversity, Habitat & Landscape Management Plan based on the biodiversity and landscape features in the “Environmental Statement” shall be submitted to and approved by the Local Planning Authority. The Management Plan shall in particular refer to a timescale for implementation, protected species mitigation measures and removal of shooting rights over the whole site edged in red. The approved Management Plan shall be reviewed every 3 years through written agreement with the LPA and continue for the lifetime of the planning permission for a 25-year period.
  23. No existing trees/hedges/bushes shall be cut down, uprooted or destroyed nor any tree pruned, topped or lopped other than in accordance with the approved landscape plans and particulars, without prior consent of the Local Planning Authority.
  24. No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August.
  25. No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

##### **Councillor C. Jones**

Requests the application be referred to planning committee and a committee site visit takes place due to the siting/location of the development and its scale

##### **Councillor B. Dunn**

Requests application be referred to planning committee due to scale

##### **Connah’s Quay Town Council**

Objects on the grounds of visual impact on open countryside, loss of

natural habitat, loss of agricultural land. The Council would prefer a development of this type to be sited on a “brownfield” area of which there are many on Deeside Industrial Park Estate.

Sealand Community Council

Objects on the grounds of loss of Grade 2 good quality agricultural land which is a vital commercial asset, would have a major detrimental impact on the general open landscape in Sealand, would have a negative impact on wildlife/wildfowl due to habitat loss and is too great an impact on the visual appearance of the rural area

Highways Development Control Manager

No objection subject conditions

Rights of Way

Public footpath 3 abuts the site but is unaffected by the development. The path must be protected and free from interference from the construction.

Civil Contingencies Manager

No objections/comments

Pollution Control Officer

No adverse comments

Economic Development

Green energy is part of the transformation of the Deeside Enterprise Zone. A large solar park will provide a source of sustainable, secure energy, a critical factor for many companies locally that are high consumers of power. The proposal will be a visible statement of the region’s commitment to alternative energy and also provide a funding stream for a proposed North Wales Advanced Manufacturing Skills and Technology Centre. Strongly urges the Committee to support the application

Welsh Government Department for Natural Resources and Food

Objects to the proposal in the long term national agricultural interest. The loss of 109 hectares of Best and Most Versatile Land (BMV) is inconsistent with Welsh Government planning policy towards the conservation of BMV land

Welsh Water/Dwr Cymru

Request drainage conditions are attached to any grant of planning permission. Notes to applicant

Natural Resources Wales

No objections subject to conditions relating to flood risk management

Clwyd Powys Archaeologist Trust

No archaeological implications for the proposed development

National Grid  
Notes to applicant

Campaign for the Protection of Rural Wales

The application should be refused as it fails to justify a need for the proposed development that would outweigh the loss of use of Grade 2 agricultural land and encroachment into the open countryside designated as a green Barrier

Royal Society for the Protection of Birds

Recommend shooting rights be removed for overall site and the need for a biodiversity monitoring programme as part of the ecological enhancement measures across the whole site.

Coal Authority

No observations

Liverpool John Lennon Airport

Will not impact on operations and therefore no objections to the application.

**4.00 PUBLICITY**

- 4.01 The proposed development has been advertised as a departure to the development plan by means of a press and site notice. Neighbour consultations have also taken place via letter.

There are 3 letters of support summarised as follows,

- The development of the solar park would appear to be a positive development linked to the ambitions for Advanced Manufacturing in the Deeside Enterprise Zone and the applicants intended financial contribution a further benefit that would help young people and communities in Flintshire
- Solar park is a key investment and improvement to the local grid as well as local jobs which will be created both in construction and on-going operations
- Is a positive proposal that will provide a very welcome boost to the local economy and is a welcome investment for the area
- Would provide an opportunity for Coleg Cambria to forge a link with the developer/the solar park and for students to gain first-hand experience of renewable energy and for land based/agricultural course via the biodiversity aspect of the scheme.
- Protects future energy requirements, generates sustainable

energy, provides employment and protects the environment.

Five letters of objection have been received summarised as follows,

- Any loss of high grade agricultural land will have an immediate impact upon the agricultural industry and result in loss of food production
- Will be detrimental to the existing farm business on the site and the site is critical to the future agricultural business on the site and threatens 160 jobs with serious consequences for the business if permitted
- The site is green barrier and it is not considered the most suitable site has been chosen
- Will have a severe ecological/wildlife impacts
- There is no power purchase agreement in place with UPM
- Older industrial land/brownfield land and grade 3 agricultural land should be used instead or roofs on the industrial estate
- Questions access rights to existing pump house

In addition to the above objections further objections have been received from Puddington & District Parish Council and Burton Residents Association which are summarised as follows,

#### Puddington & District Council

- Alternative brownfield site should be explored
- Would erode the percentage of high grade agricultural land and the impact that would have on those currently employed or benefitting commercially from the use of the site
- The site is located on Green Barrier and is adjacent to the Cheshire Green Belt
- Concerned about the future decommissioning of the land and the future use of the site after its proposed 25 year lifespan and may lead to further industrial development to the detriment of the Parish boundary in physical and visual terms
- Questions if the Parish will gain via community benefits due to visual impacts arising from the scheme

#### Burton Residents Association

- There is no legal contract between the applicant and UPM to supply energy needs and thus no guaranteed end user
- Questions if the rest of the land in the same ownership shall be developed
- The proposal should be refused as the benefits that would accrue from the proposal do not outweigh the harm. The proposed development would be contrary to the adopted Flintshire UDP and national guidance which states that development in Green Barrier land or on the best and most versatile agricultural land should only be allowed in very special circumstances which the applicant has failed to demonstrate



- Any grant of planning permission may result in the 25 year lifespan being extended near the time when the permission is due to expire
- Solar park itself would not be a major employer and its financial and green energy benefits would cease after 25 years
- Would result in the loss of 6 employees along with seasonal workers and have an adverse effect on the existing farm business
- The temporary use of land for sheep and bee keeping is a gross under use of the natural capability of the land
- The 3 metre high security screening to the site will totally alter the character and appearance of the open landscape until 2040 which will negate the purpose of the Green Barrier designation and adversely impact on the Cheshire Green Belt. It would have the appearance of a very large industrial/storage complex
- Questions the need to generate electricity from the site especially when the nearby Scottish Interconnector will draw 2000 MW down from Scotland

Another response requests the applicant incorporates biodiversity into a mitigation plan and this be subject to a planning condition.

## **5.00 SITE HISTORY**

### **5.01 Ref. 97/8/5/0638**

An outline planning application was submitted by the former Welsh Development Agency (WDA) to Flintshire Council on 5th June 1997 and called in by the Secretary of State for Wales on 9th October 1997. The outline planning application proposed employment development on 80 ha. of a larger site that includes the site that is the subject of this planning application. At an inquiry in 2000/01 planning permission was refused. The scheme was dismissed due to the lack of need for the development and the absence of an end user and it concluded that the agricultural land should not be lost.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

STR1 – New Development

STR7 – Natural Environment

STR10 – Resources

GEN1 – General Requirements for Development Control

GEN3 – Development in the Open Countryside

GEN4 – Green Barriers

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

TWH1 – Development Affecting Trees and Woodlands

TWH2 – Protection of Hedgerows

L1 - Landscape Character

WB1 – Species Protection  
WB6 – Enchantment of Nature Conservation Interests  
AC2 - Pedestrian Provision and Public Rights of Way  
AC13 - Access and Traffic Impact  
RE1 – Protection of Agricultural Land  
CF7 – Development by Utilities  
EWP1 – Sustainable Energy Generation  
EWP5 – Other Forms of Renewable \Energy Generation

Planning Policy Wales (2014);  
Technical Advice Note 5: Nature Conservation and Planning (January 2011);  
Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010);  
Technical Advice Note 8: Renewable Energy (July 2005);  
Technical Advice Note 23: Economic Development (February 2014)

## **7.00 PLANNING APPRAISAL**

### **7.01 The Proposed Development and Site Description**

The proposed development is for a 45MW ground mounted solar park, set within an overall site of some 109 hectares (94.5 hectares of agricultural land to be used directly for the siting of solar equipment with the balance of the site consisting of an ecological mitigation area (approx.15 hectares). The proposed development was assessed under the Environmental Impact Regulations and deemed to require an Environmental Statement which has been duly submitted with the application for assessment. The proposals are further detailed as follows,

- The installation of Photovoltaic (PV) panels laid out in arrays (rows) running across the site. Each array will be mounted on a metal framework. The distance between arrays responds to the change in ground levels across the site and the need to eliminate overshadowing of panels. The metal frameworks that house the Photovoltaic (PV) cells will be supported at intervals by posts which are driven into the ground at a depth of between 1 to 1.5m. The solar panels will be installed at approximately 30 degrees from the horizontal facing south in order to maximise exposure to solar radiation. The panels would be mounted at around 0.6 metres from the ground at the lowest point (the southern edge). The maximum height of the arrays will respond to the site's topography and will be capped at 2.8m above ground level.
- Conduits, set at a depth of about 1m, running between the arrays to safely house the connecting cables. These will be linked to inverters and small cabins which house necessary equipment, which are located at intervals throughout the site.

- An electricity substation is to be positioned to the south and will connect by cables direct to UPM Papermill and another to the national grid via a different sub-station on Deeside Industrial Estate.
- With regards to site security and safety, fencing will be installed within the site. A variety of different types of fencing are proposed according to the security risk (e.g. distance to a vehicular access). The maximum height of the fences will be 2m. Thermal security cameras will be positioned at appropriate locations around the site on 8m high lattice towers. The cameras work in connection with the photoelectric beam sensors, which are located around the internal perimeter of the fencing.
- The development is expected to generate renewable energy for 25 years. After this time, the frame mounts can be 'pulled' out from the ground along with ancillary development such as cabling etc and the site restored to productive agricultural use.
- The existing field gate access is to the south of the site at the traffic island junction of the A548 and Tenth Avenue known as 'parkway roundabout' will be upgraded to allow HGV's and other vehicles associated with the construction of the development access/egress to the site. Post construction traffic will generally consist of non-HGV maintenance and repair vehicles. Access to the site will utilise an existing access to the north-west from Weighbridge Road, which also serves the sailing club.

7.02 The site is on flat land to the north of Weighbridge Road (A458) and north of Deeside Industrial Park. The site is roughly rectangular in shape and is in agricultural use. The north east site boundary runs immediately adjacent and parallel to the boundary between Wales and England, beyond which gently rising ground lie agricultural fields and the villages of Puddington and Shotwick. The site area wraps around Shotwick Lake Sailing Club and agricultural land. A RPSB reserve lies to the northwest. The application site is adjacent to Weighbridge Road (A458) which is a dual carriageway beyond which is Deeside Industrial Park. A public right of way lies to the east of the site linking Shotwick with Deeside Industrial Park.

7.03 The applicant has also submitted the following information in support of the proposed development,

- Planning Statement
- Design & Access Statement
- Alternative Site Search Assessment
- Statement of Community Involvement
- Centre for Solar Energy Report from Glyndwr University

- 7.04 Within the Unitary Development Plan the site is located in open countryside and also within a designated green barrier.

#### **The Principal Development Plan Policies and Government Advice**

- 7.05 The Planning and Compulsory Purchase Act 2004 states at S. 38(6) that, “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 7.06 The development plan is therefore the starting point for the consideration of this application. The proposed development has been advertised as a departure to the adopted UDP because the site is not allocated in the UDP for any specified use nor is it within a settlement boundary.

#### **Strategic Policies STR1, 7 & 10**

- 7.07 There are a number of strategic policies to be found in the UDP which are of relevance to this proposal and I refer to each in turn. **STR1** New Development – should generally be located within existing settlement boundaries, allocations, development zones and principal employment areas and will only be permitted outside these areas where it is essential to have an open countryside location. Given the sheer scale of the development I have no doubt that the proposal in the broader sense satisfies criterion **a.** of STR1.

**STR7** Natural Environment – the stated aim of this policy is to safeguard Flintshire’s natural environment by (inter alia) protecting the open character and appearance of strategic green barriers around and between settlements. The green barrier at this location is not around or between Flintshire settlements. Nevertheless it is a strategic planning designation where it abuts and compliments the West Cheshire Green Belt. In addition criterion **g** seeks to protect the quality of land, soil and air.

**STR10** Resources – criterion **a** requires that new development must make the best use of resources through utilizing suitable brownfield land wherever practicable in preference to greenfield land or land with ecological, environment or recreational value. It is arguable that the proposal does not do this as it is a greenfield site and part of the sites intrinsic environmental value is it’s open character, however the policy refers to “*wherever practicable in preference to*” and in this instance there is an arguable case to be made that the proposal is policy compliant (considered later in this report). It is my view that the proposal is part compliant with criterion **e** of STR10 in that it clearly utilizes clean, renewable and sustainable energy generation.

#### **Welsh Government Advice**

- 7.08 The Welsh Government (WG) has clear priorities to reduce carbon

emissions, with one of the important ways of delivering this being through the continued development of renewable energy generating projects. TAN8 included a target of 4 Twh per annum of renewable energy production by 2010 and 7 Twh by 2020. The WG's most recent version of Planning Policy Wales (PPW) Edition 6 2014 has been drafted in the light of their Energy Policy Statement (2010) which sets out the sustainable renewable energy potential for a variety of different energy technologies.

7.09 PPW advises that the WG's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimizing environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production.

7.10 When considering planning applications for renewable energy schemes, WG advises that planning authorities should take into account:-

- “The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy.
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
- The impact on the national heritage, the coast and the historic environment.
- The need to minimize impacts on local communities, to safeguard quality of life for existing and future generations.
- To avoid, mitigate or compensate identified adverse impacts”.

7.11 In addition to this there is a raft of further key documentation relevant to the proposal, for example, EU Energy Strategy 2020, Climate Change Strategy for Wales (2010), Energy Wales a Low Carbon Transition (2012), Planning implications of Renewable and Low Carbon Energy – Practice Guidance (Welsh Government, 2011) and Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (Welsh Government, 2010)

7.12 The above paragraphs therefore set out the UDP's strategic approach to development in the County together with the national planning policy framework associated with renewable energy proposals.

#### **Other Material UDP Policies**

7.13 Before I turn to the more detailed policies of the UDP which are material to this planning application I would state that it is my view that

the main issues to be considered in relation to this application are the principle of development at this location having regards to the statutory development plan, the effects upon the visual appearance and character of the landscape, the loss of agricultural land and any other material considerations associated with the proposal i.e. the economic benefits, all of which are considered in the policies below.

### **Policy GEN1**

- 7.14 UDP Policy GEN1 sets out the general requirements to be met by all new development. It states that development that requires planning permission and is in accordance with the Plan's other policies should satisfy a list of criteria. By virtue of its sheer scale I consider that the development would pose difficulties when harmonising with the site and its surroundings – discussed later in this report. Other criterion require the development to not have a significant impact on (amongst other things) wildlife species and other landscape features. Whilst the site is not a designated landscape it is undoubtedly a landscape feature in its own right by virtue of its openness and therefore the development of the scale proposed will undoubtedly have visual impact on the landscape – this aspect of the proposal is assessed later in the report.

### **GEN1 Criteria K and the Loss of Agricultural Land**

- 7.15 In addition criterion **k** states that the development should not result in the permanent loss of the best and most versatile agricultural land where either suitable previously developed land or land in lower agricultural grade is available. The application site is grade 2 agricultural land. The applicants contend that its loss would not be permanent on the basis that once the arrays of panels are in situ sheep grazing can take place underneath them. Welsh Government Department for Natural Resources and Food object to the proposed development because it is not in the long term national interest to lose 109 hectares of the best and most versatile agricultural land. Objections received as part of the consultation process for the proposal have raised similar issues regarding the loss of such high quality agricultural land.
- 7.16 The land clearly falls within the best and most versatile agricultural land, however when assessing the proposal against criteria K of GEN1 it is important to note that reference is made to the "*permanent loss*". The safeguarding of the best and most versatile agricultural land is reinforced in UDP Policy RE1 and Paragraph 4.10 in PPW. Whilst I am conscious of the high quality agricultural land that is to be developed I am also conscious of the fact that the site would not be lost to agriculture in the long term since the proposal is limited to a period of 25 years with the reinstatement of the land to agricultural use at the end of that period – this is **critical** in the assessment of the proposal i.e. reversibility of the scheme. Furthermore in the interim the site would have a degree of agricultural value for the grazing of sheep. The national asset of Grade 2 is not being permanently lost as a result

of any grant of planning permission, however the intensity of that agricultural use would undoubtedly be diminished, but in my opinion not to such a degree as to override the need in national policy for renewable energy development and the other economic benefits that would also accrue (considered later in this report).

### **Policies GEN3 & GEN4 and Site Selection in Open Countryside/Green Barrier Location**

- 7.17 **GEN3** sets out those instances where development will be permitted in the open countryside and criterion **j** refers to other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere. I have stated earlier that a proposal of this size and scale does require an open countryside location. But in terms of the principle of this type of development it could also be accommodated on brownfield sites, land allocated for employment uses or in the Plan's Principal Employment Areas. However as regards other potential use of allocated employment sites, the use of a 109 hectare site would prove impractical as it would represent some 42% of the allocated sites in Policy EM1 of the UDP. The loss of so much allocated employment land to the proposed solar farm would significantly harm the plan portfolio of employment sites in terms of being able to meet present and future employment needs. Although there are brown field sites within the county they are not of the scale of the proposal and many such sites are in areas of flood risk.
- 7.18 Whilst the site is open countryside it is also designated green barrier. **GEN4** deals with development in these locations and the proposal does not constitute any of the uses referred to in criteria (a) to (f). Criterion **g** refers to other appropriate rural uses for which a rural location is essential. Notwithstanding these circumstances the policy also goes on to state that development should only be permitted provided that it would not contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier. Objections have been received relating to the detrimental impact of the proposed development on the designated Green Barrier.
- 7.19 A core element of the Plan's spatial strategy is the designation of green barriers to ensure the protection of important areas of open land. This is certainly the case in this instance as the site sits within a larger swathe of green barrier number 16 Sealand – Cheshire Border (N River Dee) where it abuts the West Cheshire green belt designation in England. The character of the site is in complete contrast to the industrial estate located to the south. Indeed the A548 provides a logical, firm and defensive boundary to the limits of built development on the Deeside Industrial Park. In essence the green barrier designations are intended to perform the same basic functions as green belts albeit without the same level of permanence. The

reasons and explanations to Policy GEN4 sets out the intentions at paragraph 4.15 of the Written Statement. In this case the land has been designated as it comprises an extensive area of flat and open agricultural land.

7.20 The site is on flat land to the north of Weighbridge Road (A458) and north of Deeside Industrial Park. The site is roughly rectangular in shape and is in agricultural use. The north east site boundary runs immediately adjacent and parallel to the boundary between Wales and England, beyond which gently rising ground lie agricultural fields and the villages of Puddington and Shotwick. The site area wraps around Shotwick Lake Sailing Club and agricultural land. A RPSB reserve lies to the northwest. The application site is adjacent to Weighbridge Rd (A458) which is a dual carriageway beyond which is Deeside Industrial Park. A public right of way lies to the south of the site linking Shotwick with Deeside Industrial Park. Residential properties are located sporadically on the rising land to the east. The proposed arrays would face away from the land to the north-east and face southerly towards the Deeside Industrial Park and as stated previously would extend to a maximum height of 2.8 metres. The proposed substation to serve the development would be located to the south east boundary in proximity to the Deeside Industrial Park. A 2m security fence would extend to the site's boundary. Generally any views of the site would indicate arable farmland interspersed by hedging.

7.21 In broad terms Policies GEN3 & 4 refer use of land in open countryside/green barrier only where it is appropriate and essential with other brownfield sites being preferential. The applicant has submitted an alternative site search assessment detailed below.

#### **Alternative Site Search**

7.22 The applicant has submitted a series of sites as part of their alternative site search to locate the development elsewhere which was based on the following criteria:-

- Site size (capability of accommodating circa 45MW of solar panels);
- Topography (flat or gently sloping sites);
- Land availability and ownership;
- Capability of grid connection;
- Proximity to road network (a suitable location which is served by appropriate highway infrastructure);
- Site Specific Allocation;
- Flood Risk;
- Landscape and Visual Considerations;
- Sensitive areas as defined by EIA Regulations; and
- Previously developed land.

The chosen sites were as follows:-



- Land north of Deeside Industrial Estate (The Application Site)
- Land north of UPM paper mill
- Land north of Tata steel
- Land west of Tata steel
- Land adjacent to Toyota
- Land South of Deeside Industrial Estate
- Connah's Quay Power Station
- Land Between the A494 and Chester
- Hawarden Airport
- Land at Rake Lane Farm
- Land east of Queensferry
- Land around Bilberry Wood
- Land south of Connah's Quay
- Land Between Connah's Quay and Flint
- Land north of Connah's Quay

7.23 The application site was judged to best meet the criteria referred to above. The other sites were discounted due to issues such as visual impacts, area of land, allocation for another use in the UDP, prohibitive connection costs, and orientation to ensure maximum solar gain. It is considered the applicant's alternative site assessment reasonably justifies the development of the proposed application site as the most sequentially preferable in an open countryside/green barrier location as opposed to somewhere else such as brownfield land. Critically the applicant maintains the current site is in close proximity to the end user i.e. UPM Papermill which allows for the provision of a marked reduction in the cost of supplying the infrastructure needed to supply electricity to UPM. In simple terms, the further the customer is away from the source of power generation the greater the cost to the end user. The applicant states there will be a direct connection to UPM thereby allowing them to enter into a private agreement with UPM which would result in a supply of discounted electricity at approx. 5% to the business (in affect they cut out the "middle man"). With UPM's spend on energy being well over £2 million a month the savings would make a considerable difference to their operations over the lifetime of the development. A separate connection would feed any excess or surplus electricity into the national grid. From a global and sustainable perspective when UPM is drawing down electricity from the solar power this in effect creates additional capacity in the rest of the grid thereby improving long-term energy security. On a general point related to the power supply, the applicant will have to build a new substation at a cost of £300,000 which will not only deal with the electricity generated by the development but also be available for the use of businesses on the adjacent Deeside Industrial Park.

**Visual Impacts of the Proposed Development in Regards to GEN3 & 4 and Effects on "Openness"**

7.24 The proposed development has been accompanied by an

Environmental Statement which amongst other issues has assessed the visual effects of the proposed development from various vantage points around the site. These vantage points have been assessed from close (500m), medium (upto 2 Km) and long range views (beyond 2 Km). I visited the site at a time of the year when the native planting has little foliage so the site was at its most visible. However, when existing trees and vegetation are taken into account, the visibility of the site in close views is significantly reduced by the presence of existing trees and vegetation to the site boundaries and those in the wider landscape. Despite benefiting from the filtering effect of existing vegetation, at close range there would be clear views of the site which are unlikely to benefit much from any proposed mitigation by way of landscaping, however these views when compared along with the medium and long term visual impacts are not considered unduly unacceptable in visual terms. The application details include visual mitigation by way of landscaping screening in the form of native species hedgerows and tree planting to the field boundaries to augment and reinforce those already existing.

- 7.25 Green barriers should also only be designated where there is significant development pressure, however in the case of the proposed development it is temporary in nature, reversible and still open to a degree of agricultural use. The applicants argue that the site does not have any particular landscape value however it should be noted that green barrier designations need not have any intrinsic inherent quality (landscape or nature conservation) although it would add further weight to the reason for designation. In short a key purpose is to retain openness.
- 7.26 Given the flat and open nature of the landscape I conclude that development would be particularly visible on this site to the north of Weighbridge/Shotwick Road and this is particularly the case also when viewing the site from a public footpath which is situated to the eastern boundary of the application site where there are uninterrupted views across the whole of the site up to the boating lake. There is no doubt the site's development would inevitably change the character of the field it is in, erode its rural quality and diminish the open nature of the green barrier designation, however, there would be little change to the topography of the actual field and it is proposed to reinforce the existing field boundaries with new planting and to locate the arrays marginally away from the field boundaries which should allow for increased growth of hedging and trees. The increase in hedging and trees around the site would be in accordance with the rural characteristics associated with the area. The views apparent from the public footpath running to the east of the site would benefit from the enhanced landscaping which to the immediate observer would greatly enhance screening of the site from view and it is arguable due to the low lying nature of the proposed development still give an appearance of openness.

- 7.27 Therefore it is considered bearing in mind the above in regards to Policies GEN3 & 4 that on a finely balanced assessment the proposed development would comply with the policies i.e. in sequential terms the site is acceptable, it does not prejudice the green barrier designation nor the future long term use of the land for agriculture i.e. it will have some degree of impact on open countryside and openness of the green barrier but not to the extent that it is unacceptable given the temporary nature of development and that the landscape can be relatively simply returned to its original condition.
- 7.28 The UDP recognizes that the use of renewable energy, as opposed to conventional sources of power will help offset the use of finite resources and will assist in limiting the release of greenhouse gases into the atmosphere thereby contributing to addressing climate change. As such the Plan strongly encourages the generation of energy from renewable sources where its location and operation is environmentally acceptable. Policy EWP1 therefore presumes in favour of renewable energy schemes subject to them meeting the other relevant requirements of the Plan and more detailed criteria are contained in **EWP5** – Other Forms of Renewable Energy. The proposed development is considered to broadly accord with these policies.

#### **Economic Case**

- 7.29 The applicant maintains the supply of cheaper electricity to UPM will assist in retaining a local business in the locality. The development would also result in a new substation being built which would serve not only the site but also the wider Deeside Business Park. The Council's Economic Development Section strongly urges support of the proposed development. The applicant maintains the development will safeguard upto 500 jobs in the region such as those at TATA and other supply chain companies during construction and in the maintenance/management of the solar park once operational. There is also the less tangibly measured benefits of supplying cheaper electricity to UPM which is likely to assist that company and thereby in the long term assist employment stability within the area. Set against this is the loss of 6 employees along with seasonal workers attributed to the current tenanted farmer on the site and a partner sub tenant who maintain 160 jobs with them would be at threat by the proposed development. Both business concerns highlight the importance to the site to their business, however, the land in question is not the only land that both business farm from.
- 7.30 It is necessary at this stage to consider a wider sub-regional role of this part of the country. The Deeside area is seen by the Welsh Government as an economic driver in North East Wales and is key to the Council's economic development programmes and aspirations for the county. Progress is being made in bringing forward the Northern Gateway development and the area has also been designated as an Enterprise Zone. A key focus of the Enterprise Zone is to attract

advance manufacturing with an emphasis on renewable energy generation. In this wider context of a vibrant and forward moving economic hub, the proposal has the potential to make a contribution. The supply of cheaper electricity to a major local employer and the wider infrastructural improvements to the network capacity at Deeside Industrial Park have to be weighed against the existing use of the site in economic/employment terms. In locational terms it is imperative that the site is as close to UPM Papermill as possible due to cost implications. Bearing in mind the physical restraints on siting further away from the UPM and the fact that any electricity will be fed direct to UPM and controlled via a Unilateral Undertaking, then on balance there is likely to be a greater benefit to the local economy as a result of the proposed development as opposed to the retention of the existing use.

### **Impact on Residential Amenities**

- 7.31 The proposal is located some distance away from residential properties with the closest being located on higher ground to the east near to the villages of Shotwick and Puddington (approximate distances ranging from 0.5-1.0 Km). Potential noise impacts would be limited to the construction phase and thereafter once operational there is the potential for noise from the sub-stations which would be insulated. The PV arrays do not generate noise. The Council's Pollution Control Officer has no objections to the proposed development on noise grounds. Due to the relatively remote nature of the development relative to residential development and its location relative to Deeside Industrial Park to the east it is considered noise generated against background levels would not be such as to create a nuisance.
- 7.32 As regards the issue of solar reflection/glare the applicant maintains As regard the issue of solar reflection/glare, the applicant maintains that reflection of sunlight from PV panels is unwanted as it leads to less production of electricity and therefore PV manufacturers use anti-reflective coating in the glass that changes the reflectivity from a specular distribution to a diffuse distribution. The applicant states reflection of sunlight will be minimal with very little glare. The applicant states that the intensity of glare from PV panels would be less than other surfaces including that of grass. Based on submitted details it is considered unlikely the proposed development would be detrimental residential amenity especially when the bulk of potentially affected properties are located to the north/east of the site i.e. behind the direction at which the PV panels would face.
- 7.33 A planning condition should be attached restricting hours of construction as detailed in paragraph 2.01 of this report and also to condition that any substations are insulated to mitigate against any potential for noise.

### **Highways/Traffic Considerations**

- 7.34 The existing field gate access is to the south of the site at the traffic island junction of the A548 and Tenth Avenue known as 'parkway roundabout' will be upgraded to allow HGV's and other vehicles associated with the construction of the development access/egress to the site. Post construction traffic will generally consist of non-HGV maintenance and repair vehicles. It is envisaged the proposed development would result in relatively few vehicle trips during its operational phase and these will access the site via an existing access to the north west from Weighbridge Road, which also serves the sailing club.
- 7.35 The planning application was supported by a Construction Traffic Management Plan. The Council's Highways Development Control Manager has raised no objections to the proposed development subject to conditions referred to at paragraph 2.01 of this report relating to improvements to the proposed access from the A548 roundabout.

### **Drainage**

- 7.36 The application was accompanied by Flood Consequences Assessment (FCA) which conclude that the development is not at risk from flooding and will not cause flood risk elsewhere. Welsh Water has suggested the inclusion of standard land drainage conditions referred to at 2.1 of this report. Natural Resource Wales having reviewed the submitted FCA are of the opinion the risks and consequences of flooding can be acceptably managed subject to conditions referred to at paragraph 2.01 of this report.

### **Ecology**

- 7.37 The application has been supported with a Desk Study and Extended Phase 1 Habitat Survey Report. The site does not benefit from any statutory nature conservation designation. There are two non-statutory designated sites within a 2Km area of the site i.e. the Burton Mere Wetlands RSPB reserve and the Shotton Steel Local Wildlife Site. The desk and field studies for the site indicate it is dominated by agricultural habitats with smaller areas of species poor semi improved grassland/ditch drainage habitat and hedgerows. Species recorded on the site included Berwick's and Whooper Swans. A single Badger sett was recorded off-site at approximately 50 metres away. The site also is subject to visits from other over wintering birds.
- 7.38 An area approximating to 14 hectares of the overall site is proposed to be managed habitat with particular benefit for swans. The land will be managed via a Biodiversity Management Plan. In addition the 9 metre wide buffer strips between each row of arrays is to be seeded with farmland bird seed mixes (to be included within the Habitat Management plan) to encourage insects, seed and grassland nesting habitats such as the Corn Bunting which has been sighted in the locality in the not too distant past.

- 7.39 The Council's Ecologist has no objections to the proposal subject to the imposition of planning conditions relating to the submission/approval of the Biodiversity Management Plan for the whole site, removal of shooting rights of the overall site, timing of construction works and drainage capture in regards to the construction compound – all of which are referred to at paragraph 2.01 of this report.
- 7.40 Whilst the site does afford a degree of over wintering land to migrating fowl it nonetheless has limited ecological value due to its agricultural use. The proposed mitigation of managed habitat land in addition to the rest of the site being seeded in an ecologically friendly way to the Council's approval would clearly enhance the ecological value of the site. In addition, the removal of shooting rights from the land would minimise disturbance of birds within the site and on the adjacent RSPB Reserve.

### **Archaeology**

- 7.41 The application is supported by a Heritage Assessment which in summary states the proposal would not affect any designated assets given the separation to the closest listed building. Within the wider locality there are a number of listed buildings most notably the Church of St. Michael at Shotwick which is Grade 1 and within a designated conservation area that covers the village. The nearby village of Puddington has a number of listed properties in addition to being a conservation area. There are a number of Scheduled Ancient Monuments, Registered Park and other sites of archaeological interest in the wider area.
- 7.42 The Clwyd Powys Archaeologist Trust states there are no archaeological implications for the proposed development.
- 7.43 The proposed development is considered sufficiently distant from any potential sites of archaeological interest and therefore not considered detrimental to those interests.

## **8.00 CONCLUSION**

- 8.01 The principal considerations in terms of the overall planning balance are considered to be as follows:

The matters which weigh in favour of the proposal:

- The strong national support for renewable energy in order to tackle the effects of climate change is a significant factor in favour of the proposal, and carries substantial weight in addition to the adopted development plan policies to promote renewable energy are considerations of significant weight
- The ecological enhancements that would be provided with the scheme are of considerable weight
- Visually the scheme would be mitigated via existing and

proposed landscaping

- The economic gains provided via supplying reduced energy for a major local employer over 25 years and the upgrade of electrical plant which would serve all of the Deeside Industrial Park carries significant weight

The matters which weigh against the proposal (the harm):

- It is arguable the development constitutes inappropriate development in the Green Barrier affecting its reason for designation, which carries significant weight
- The character and appearance of the landscape would undergo a marked change. This is of considerable weight
- Loss of Grade 2 land for a period of 25 years to intensive agricultural use is significant
- Loss of current agricultural jobs

8.02 The case for renewable energy at national, regional and local level has significant weight and alongside the economic benefits arising from the development, is considered to provide the very special circumstance necessary to justify this development in the Green Barrier and on Grade Two agricultural land. Furthermore, the proposal is not a permanent development within the landscape and can be easily reversed and would allow grazing of sheep, which maintains an element of the land's original purpose. The proposal would provide enhancements to the local ecology via the reserved mitigation land.

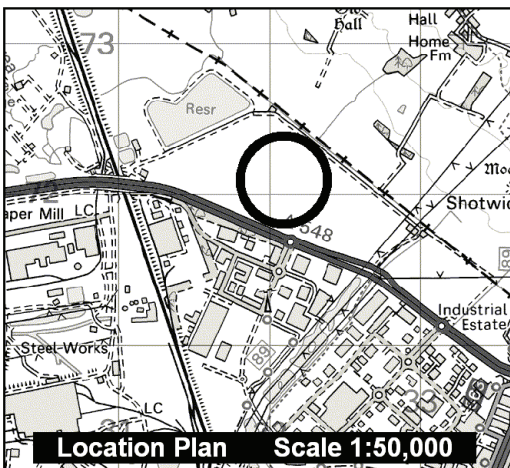
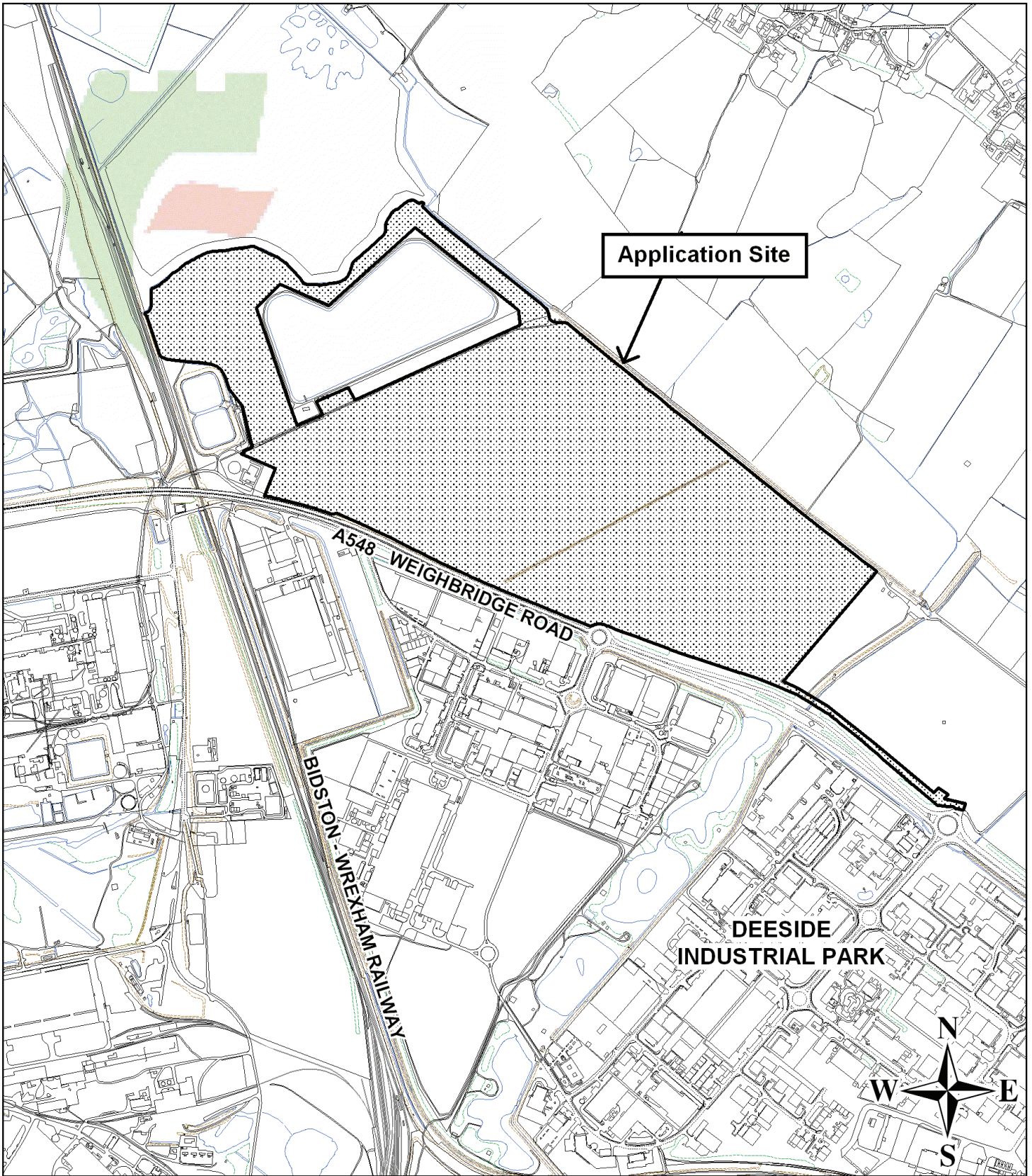
8.03 Therefore, on finely balanced decision, the proposal is considered to be broadly in line with the adopted UDP and having regard to national planning guidance, a recommendation of approval is made subject to the signing of the unilateral undertaking and imposition of conditions referred to at paragraph 2.01 of this report.

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

**Contact Officer:** Declan K. Beggan  
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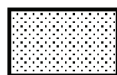


**Location Plan Scale 1:50,000**



Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:15,000

OS Map ref SJ 3272

Planning Application **51772**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23<sup>RD</sup> JULY 2014**

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

**SUBJECT:** **FULL APPLICATION – SUBSTITUTION OF HOUSE TYPES FOR 13 NO. HOUSES PREVIOUSLY APPROVED UNDER RESERVED MATTERS APPLICATION REF: 050796 PURSUANT TO OUTLINE PLANNING PERMISSION REF: 038189 AT BROUGHTON PARK, BROUGHTON.**

**APPLICATION NUMBER:** **052112**

**APPLICANT:** **BLOOR HOMES**

**SITE:** **BROUGHTON PARK, BROUGHTON**

**APPLICATION VALID DATE:** **8<sup>TH</sup> MAY 2014**

**LOCAL MEMBERS:** **COUNCILLOR B. MULLIN**  
**ADJACENT WARD MEMBERS**  
**COUNCILLOR D. BUTLER**  
**COUNCILLOR M. LOWE**

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

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

1.01 The proposal is a full planning application for the substitution of 13 No. houses. The proposed 2.5 storey (dormer style) properties would replace previously permitted 2 storey dwellings. The primary considerations are impacts on visual and residential amenities.

### **2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,**

**SUBJECT TO THE FOLLOWING:-**

- 2.01
1. Five year permission.
  2. Carried out in accordance with submitted details.
  3. Samples of external materials to be agreed beforehand.
  4. Positive means to prevent surface water run-off from any part of the site onto the highway to be submitted and approved by the Local Planning Authority.
  5. Prior to commencement of development submission/approval of finished floor levels for dwellings.
  6. Submission for approval of all drainage details.

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor W. Mullin

Requests the application be referred to Planning Committee due the two and half storey nature of the development.

Adjacent Ward Councilor D. Butler

Requests the application be referred to Planning Committee due the two and half storey nature of the development.

Adjacent Ward Councilor M. Lowe

Requests the application be referred to Planning Committee due the two and half storey nature of the development..

Broughton & Bretton Community Council

Objection due to the two and half storey nature of the development.

Highways Development Control Manager

No objection subject to conditions

Pollution Control Officer

No adverse comments.

Airbus

No aerodrome safeguarding objection.

Clwyd-Powys Archaeological Trust

No comments.

National Grid UK Transmission

Notes to Applicant regarding plant in the locality.

**4.00 PUBLICITY**

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

## **5.00 SITE HISTORY**

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

### **038189**

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

### **050796**

Reserved matters application following the grant of outline planning permission – permitted 21/10/13

## **6.00 PLANNING POLICIES**

6.01 Adopted Flintshire Unitary Development Plan

Policy STR1 - New development

Policy STR2 - Transport and communications

Policy STR4 - Housing

Policy STR7 - Natural environment.

Policy STR11 - Sport, Leisure and Recreation.

Policy GEN1 - General requirements for development.

Policy GEN2 - Development inside settlement boundaries.

Policy D1 - Design Quality

Policy D2 - Location and layout.

Policy D3 - Building Design

Policy D4 - Landscaping.

Policy D5 - Crime Prevention

Policy AC2 - Pedestrian Provision and Public Rights of Way

Policy AC3 - Cycling Provision

Policy AC13 - Access and traffic impact.

Policy AC18 - Parking provision and new development.

Policy HSG1 - New housing development proposals.

Policy HSG8 - Density of development.

Policy HSG9 - Housing mix and type.

Policy HSG10 - Affordable housing within settlement boundaries.

Policy SR1 - Sports, Recreation or Cultural Facilities

Policy SR5 - Public Open Space - new housing development.

Policy EPW - Energy Efficiency in New Development

Policy EWP3 - Renewable Energy in New Development

Policy EWP17 - Flood Risk

Planning Policy Wales

## **7.00 PLANNING APPRAISAL**

7.01 The Proposed Development

The proposed houses are located on an overall site which is roughly triangular in shape and is boarded to the west by existing residential

development (separated by hedging), to the south by the A55, to the east by the off slip road from the A55 and to the north by a roundabout beyond which is a newt reserve linked to Broughton Retail Park. The overall site as originally submitted was approximately 11.2 hectares in area, is generally flat, and is currently being built out. As part of the works required for a future Broughton Interchange, the overall site was reduced in size to 9.66 hectares.

7.02 The Flintshire Unitary Development Plan (FUDP) shows the land as a housing commitment and outline planning permission has now been issued along with a reserved matters approval. The proposed development for a substitution of 13 no houses which have been previously approved under those applications is therefore considered acceptable in principle.

7.03 Design and Appearance

The proposed dwellings are 4 & 5 bed, 2.5 storey in height and will either have external walling of brick and/or render, have a flat roofed dormer with the main roof being tiled. The previously permitted reserved matters application ref. 050796 permitted a number of 2.5 dormer style dwellings and therefore in broad terms the proposed house types would not appear out of character to those already permitted and therefore considered acceptable subject to conditions. The proposed dwellings are located well within the overall site and therefore not considered detrimental to existing adjacent residential amenities nor to future amenity. The proposed dwellings are dispersed across the site and would visually enhance the permitted scheme by introducing a further degree in variation and interest in the street scene.

7.04 Impact on Residential Amenity

The proposed dwellings are considered to be located at some distance from existing residential properties. The proposed development is therefore not considered to be detrimental to the amenities of adjacent properties.

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

7.06 Highways

The proposed development would be accessed via the existing roundabout onto the Broughton Hall Road. Access for the development was permitted as part of the granting of the outline planning permission along with details permitted in the subsequently approved reserved matters application. The Highways Development Control Manager has raised no objections to the proposed development.

7.07 Other Issues

The previous outline and reserved matter applications for the site provides for public open space, affordable housing and educational contributions.

7.08

As regards ecology matters, Natural Resources Wales has not raised any objections to the proposed development. Drainage for the development is subject to the requirement of conditions imposed on the outline planning permission.

**8.00 CONCLUSION**

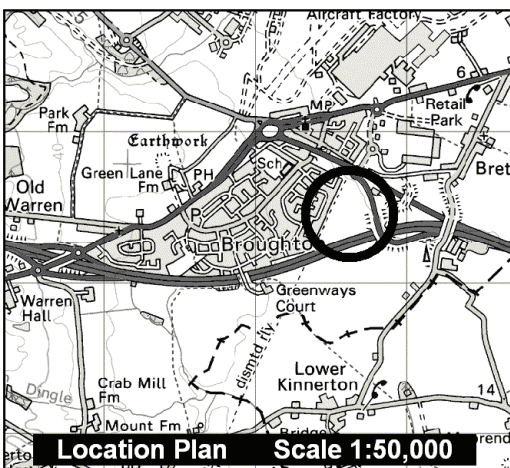
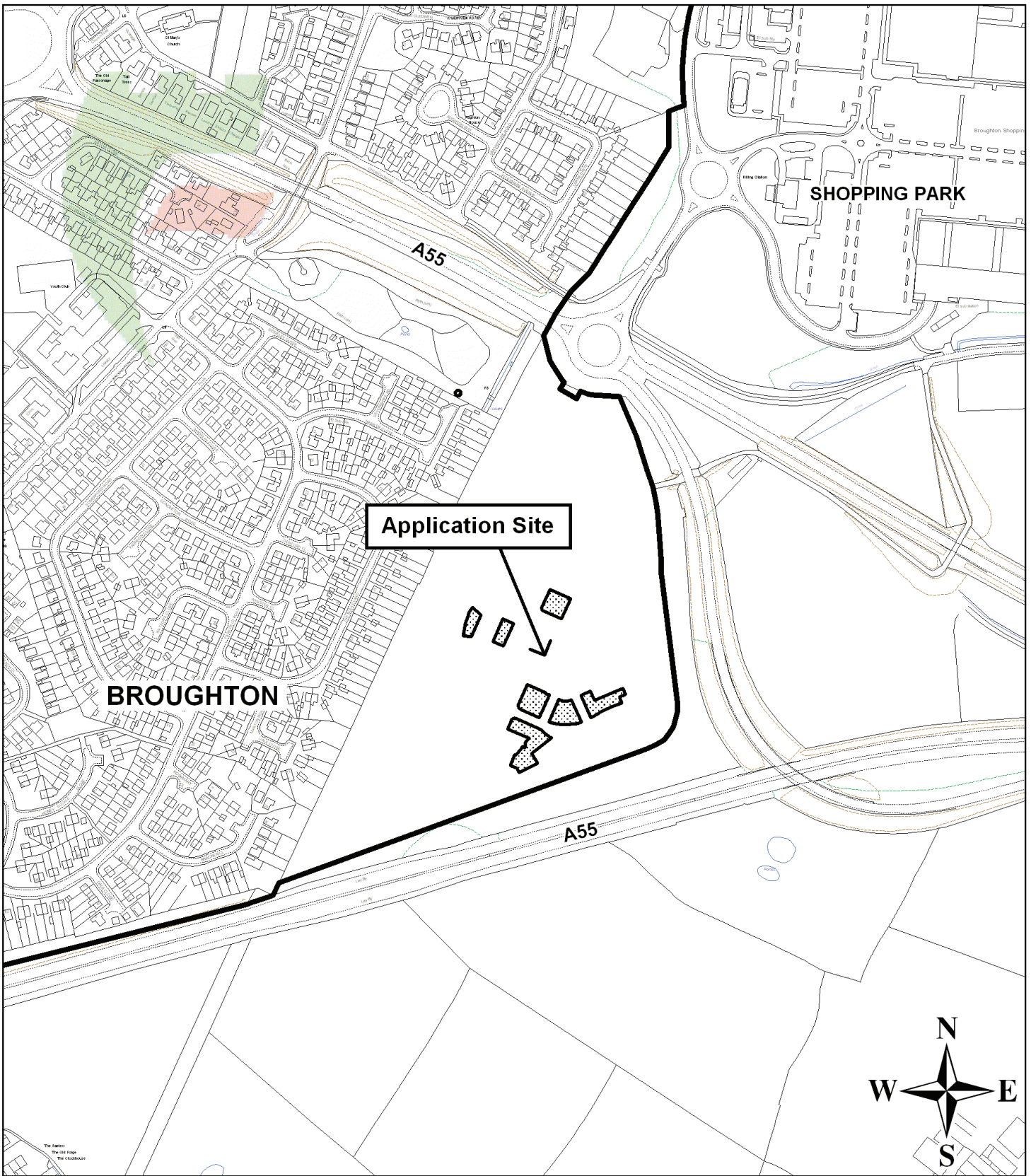
8.01 The proposed development is considered acceptable subject to the conditions referred to at paragraph 2.01 of this report.

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

**Contact Officer:** Declan Beggan  
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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 3463

Planning Application **52112**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23 JULY 2014**

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

**SUBJECT:** **FULL APPLICATION CHANGE OF USE TO FORM 2 FLATS IN EXISTING DWELLING AT 14 HOWARD STREET, CONNAH'S QUAY.**

**APPLICATION NUMBER:** **052061**

**APPLICANT:** **MRS C HOGG**

**SITE:** **14 HOWARD STREET, CONNAH'S QUAY, DEESIDE**

**APPLICATION VALID DATE:** **25 APRIL 2014**

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

**TOWN COUNCIL:** **CONNAH'S QUAY**

**REASON FOR COMMITTEE:** **CLLR A.P. SHOTTON AND CLLR ATTRIDGE REQUEST COMMITTEE DETERMINATION DUE TO CONCERNS REGARDING PARKING AND ACCESS. SITE VISIT REQUESTED SO MEMBERS CAN APPRECIATE THE CONCERNS OF LOCAL MEMBERS.**

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

### **1.00 SUMMARY**

1.01 This is a full application for the conversion of an existing dwelling into two flats. The issues for consideration are the principle of development, parking / highway issues and amenity.

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

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

1. 5 year time limit.
2. In accordance with approved plans.

### **3.00 CONSULTATIONS**

#### 3.01 Local Members

Cllr A.P. Shotton and Cllr J.B. Attridge

\_Request determination of the application at committee and site visit due to concerns with regards to parking and access.

#### Connah's Quay Town Council

Objects as it may cause an issue with parking and road safety. Also the application would set a precedent and further applications would be difficult to refuse.

#### Head of Public Protection

Has no adverse comments to make regarding this proposal.

#### Highways

Amended details with regards to parking provision on the application site were requested on the original submission, these have now been received. Having considered these details, highways have raised no objection to the proposal and do not intend to make a recommendation on highway grounds.

### **4.00 PUBLICITY**

4.01 Neighbour Notification as a result of this publicity objections have been received on the following grounds;

- Change in occupation from family accommodation, the proposal will set precedent and change this aspect to the detriment of the community.
- Parking on street of concern, restrict driving conditions and highway safety will be compromised. Safety implications for children playing.
- The street is very busy and will create more congestion, on street parking.
- Don't see how cars will turn round in back garden and get in and out of parking area if more than one car, parking on the corner blocks views of other cars and people walking, especially as it's a school route.
- Overlooking from kitchen, dining room, living room making a lack of privacy.
- Consider insufficient light entering kitchen/dining/living room

ground floor flat, accommodation is very minimal.

**5.00 SITE HISTORY**

5.01 No relevant history.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN1 - General Requirements for Development.

**7.00 PLANNING APPRAISAL**

Proposal

7.01 The application site is within a category A settlement of Connah's Quay. This application seeks consent for the subdivision of an existing detached two storey property in to two flats.

7.02 The ground floor flat comprises of a single bedroom flat and the first floor flat proposes a two bedroom flat, each having their own kitchen and bathroom area. The size, light conditions and layout of the flats has been considered by the environmental health section and they have raised no objection to the proposal in terms of their size or layout.

7.03 Street Scene Character

The street scene is currently made up of a variety of house designs, ranging from two storey terraced, detached and semi detached properties to single storey properties to the rear of the site. Currently the property No. 14 is occupied as a single dwelling as are other properties in the vicinity. Whilst I note concerns being raised by residents of Howard Street with regards to the proposal being out of character with the current street, other than changing the window design, there are no other external changes proposed. As such the proposal is not considered to change the visual character of the street scene and the change in occupation is not considered to adversely impact on the residential character.

7.04 Amenity

As mentioned above there is little by way of external alteration and no extension to the property is proposed in its conversion. The existing separation distance between the building and the single storey properties to the rear at Green Park is approximately 20 metres but what is a bedroom at present will become a first floor living room serving the upstairs flat. Considering that the properties are not directly in line the additional activity associated with this change is not considered to have a material impact on residential amenity of the property to the rear.

7.05 Highway issues  
The main concerns raised are with regard to the parking provisions and the implications of the development on highway and pedestrian safety, especially as this area forms a route to school. The application been considered by the Highways officers who requested an amendment to provide 3.no independently useable parking spaces within the rear of the site, which use the existing dropped kerb vehicular access onto Howard Street. On the basis of this amendment it is considered that the scheme satisfies the requirements for parking provision on site in accordance with the relevant policy. Consequently, Highways officers have raised no objection to the proposal and have advised that they do not intend to make a recommendation on highway grounds.

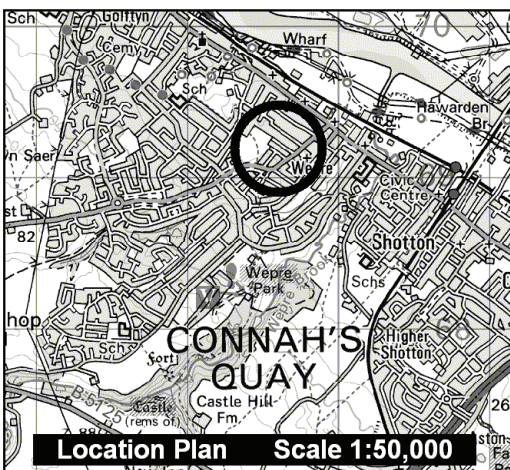
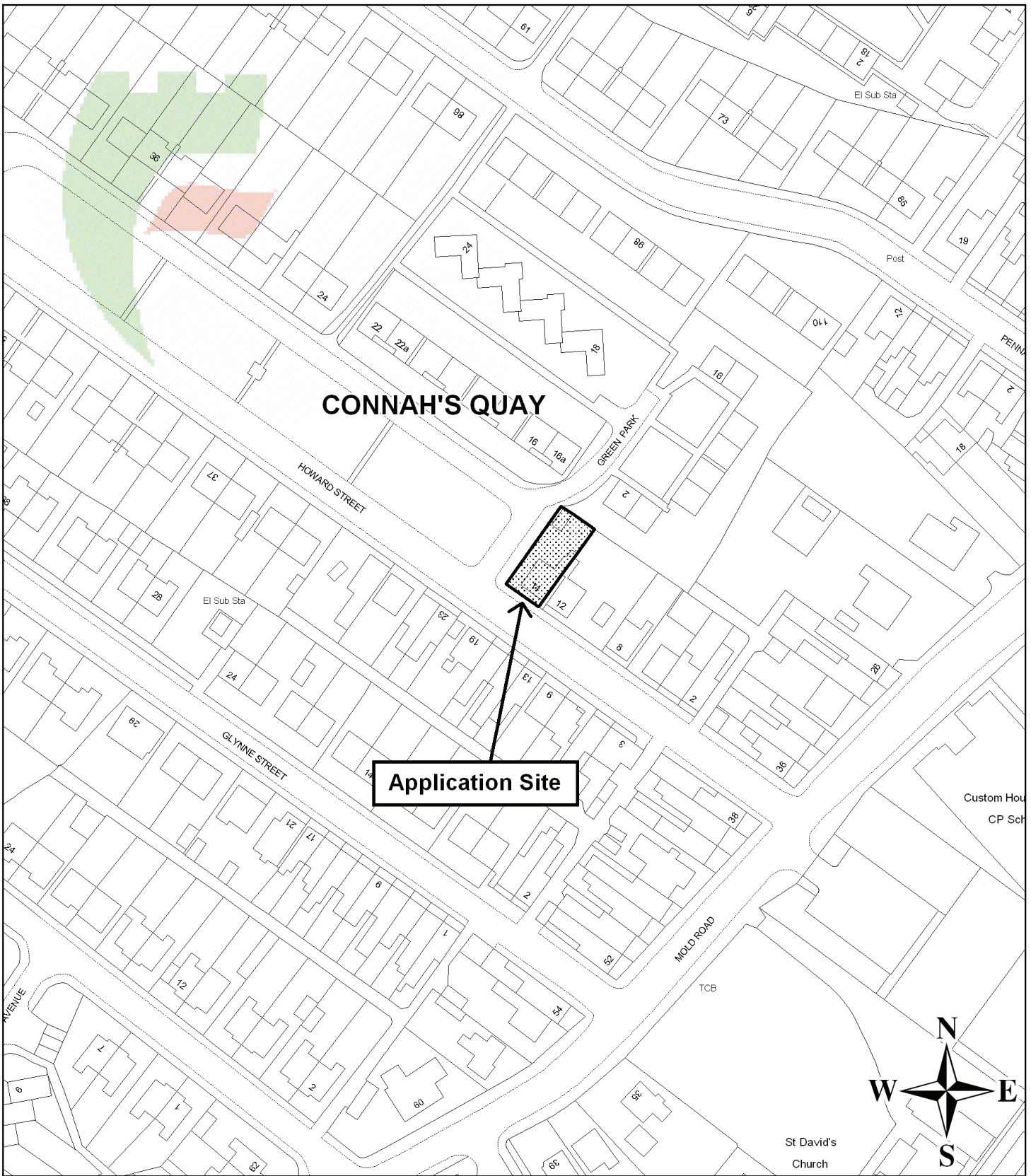
7.06 Sound Mitigation  
The Design and Access statement submitted in support of this application makes reference to the installation of fire/ sound proofing between the ground and first floor flats and this enables the amenity of these residents to be safeguarded in compliance with the above policy.

## **8.00 CONCLUSION**

8.01 The proposed scheme allows for the provision of two flats which add to the housing mix in the area and considered acceptable in principle and in detail in compliance with the adopted Flintshire Unitary Development Plan Policy GEN1, subject to the specified conditions.

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

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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **52061**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23<sup>RD</sup> JULY, 2014**

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

**SUBJECT:** **PROPOSED EXTENSION TO CREATE NEW CONVENIENCE STORE AND BACK OF HOUSE FACILITIES AT GLADSTONE HOUSE, MAIN ROAD, BROUGHTON**

**APPLICATION NUMBER:** **052209**

**APPLICANT:** **ROWLANDS EXECUTIVE PENSION SCHEME**

**SITE:** **PPPJ LEIGHTON MOTORS LTD, GLADSTONE HOUSE, MAIN ROAD, BROUGHTON**

**APPLICATION VALID DATE:** **30.5.14**

**LOCAL MEMBERS:** **COUNCILLOR W. MULLIN**

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST – RAISES CONCERNS REGARDING HIGHWAY PROBLEMS AT JUNCTION WITH BROUGHTON HALL ROAD**

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

### **1.00 SUMMARY**

- 1.01 This application seeks planning permission for the extension to the existing building to create new convenience store and back of house facilities and storage at Gladstone House, Main Road, Broughton. The application site lies within the settlement boundary of Broughton and is located fronting onto the main distributor road which runs through Broughton to the A55 Trunk Road. The site is located on the junction with Main Road and Broughton Hall Road and comprises of a brick built two storey building with hardstanding to the front. The ground floor of the building has an authorised use for car sales with car lot to the front and is currently vacant. The first floor has office use, half being used by an architect's practice and the remaining half

by private hire taxi office.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING CONDITIONS AND THE APPLICANT'S AGREEMENT TO PAY A COMMUTED SUM of £4,000 AND ENTERING INTO A SECTION 106 AGREEMENT FOR HIGHWAY IMPROVEMENT WORKS:-**

**2.01 Conditions**

1. Time limit on commencement of development
2. Development in accordance with submitted plans
3. Detailed scheme for the realignment of the goods vehicle exit prior to commencement
4. Approval of precise siting, layout and design of the means of site access prior to commencement
5. Forming and construction of the access not to commence until the detailed design approved
6. Facilities shall be provided and retained within the site for the parking and turning, loading, unloading of vehicles
7. The proposed vehicle exit gates shall be designed to open inwards only
8. Deliveries and servicing of the site shall be restricted to avoid operating hours
9. Positive means to prevent run off of surface water onto the highway to be approved prior to commencement
10. Hours of opening
11. Approval of materials
12. Contaminated land survey to be approved prior to commencement
13. Outdoor lighting scheme to be approved
14. Landscaping details to be approved prior to commencement
15. Implementation of landscaping
16. Details of security shutters to be approved

**3.00 CONSULTATIONS**

**3.01 Local Member  
Councillor W. Mullin**

Requests the application is referred to Planning Committee and a Committee site visit undertaken. Raises concerns with regards to highway problems at the junction with Broughton Hall Road.

**Broughton & Bretton Community Council**

The Council objects to this application on the grounds of the hazards which will be created at this very busy junction by the turning of traffic into and out of the site and also the inadequacy of car parking.

**Head of Assets and Transportation**

Although the proposal does not meet the maximum car parking

standards, advises that the applicant has submitted sufficient information in terms of parking accumulation at other stores to justify the adequacy of the reduced level of parking provision. Therefore has no objection to the proposal subject to the imposition of suitable conditions and the applicant entering into a section 106 obligation and paying a commuted sum towards highway improvement works.

Head of Public Protection

Requests that a condition is imposed on any permission requiring a contaminated land survey prior to development.

**4.00 PUBLICITY**

4.01 Site, Notice, Neighbour Notification

No responses received at time of writing report

**5.00 SITE HISTORY**

5.01 Ref: 051738 - Extension of existing car sales showroom/office with external car lot into retail unit with new shop front and stores extension, with remodelling of the external areas as car park. Refused 19.6.14

Ref: 044063 – Change of use from service station to car sales approved 28.2.08

Ref: 041641 – Renewal of existing permission for private hire taxi office approved 1.8.06

Ref: 037448 – Change of use of first floor to private hire taxi office approved 29.7.04

Ref: P/99/11/0516 – Change of use from petrol station and shop to car sales. Permission granted following appeal and subject to the imposition of conditions.

Ref: 97/11/327 – Replacement forecourt sign – consent 28.5.97

Ref: 4/11/21597 – Erection of an extension to form store. Approved 7.7.92

Ref: P4/11/19654 – Change of use of part of garden to rear of 147 Main Road for the siting of a container and the provision of two staff parking spaces approved 4.9.90

4/11/15169 – Erection of building to house car wash approved 7.10.86

**6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy GEN1 – General Requirements for Development  
Policy GEN2 – Development Inside Settlement Boundaries  
Policy STR1 – New Development  
Policy STR5 – Transport and Communications  
Policy D1 – Design Quality Location and Layout  
Policy D2 - Design  
Policy S1 – Commercial Allocations  
Policy S4 – Small scale shopping within Settlements  
Policy AC18 – Parking Provision and New Development  
Local Planning Guidance Note 11 – Parking Standards

The proposal would generally comply with the above planning policies

## **7.00 PLANNING APPRAISAL**

### **7.01 The proposal**

This application seeks planning permission for extension to form a convenience store with associated back of house and storage facilities at Gladstone House, Main Road, Broughton. The application site lies within the settlement boundary of Broughton and is located fronting onto the main distributor road which runs through Broughton to the A55 Trunk Road. The site is located on the junction with Main Road and Broughton Hall Road and comprises of a brick built two storey building with hardstanding/ parking to the front. The ground floor of the building has an authorised use for car sales with car lot but is currently vacant. Prior to this use the site was used as a petrol station with associated shop.

7.02 An earlier application for a larger extension and remodelling to form convenience store under application reference 051738 was refused under delegated powers on 19<sup>th</sup> June, 2014 on the grounds of insufficient parking provision and impact on visual amenity. The current application is an amended proposal which has resulted from lengthy negotiations with the applicant and shows the provision of additional parking and a reduced scale of extension.

7.03 Gladstone House has a ground floor authorised use as car sales with the first floor having office use, half being used by an architect's practice and the remaining half by private hire taxi office. There are currently three parking spaces to the side of the existing building which provide staff parking for the first floor architect's office. The existing building has a ground floor area of 208 sqm approximately. The application seeks to utilise the existing ground floor as retail use with a single storey extension to the side to provide storage with remodelling of the outside car lot to provide car parking area to serve the retail development. The extension proposed is single storey projecting to the side and rear and measures approximately 160 sqm. The proposed A1 retail use for the store is 228 sqm with 90 sqm for storage purposes. In addition to the retail use proposed the existing

first floor office has a floor area of space of 125 square metres which remains unchanged.

7.04 The design of the new building includes a new shop front with glazed panels and the building including the extension being faced with colour block material. A flat roof is proposed to the majority of the extension with a parapet upstand to the front. Plant for the retail unit will be on the flat roof to the rear so that the visual impact from public viewpoints is low. Plant will be acoustically treated to ensure that no loss of amenity is experienced to the neighbouring properties. A bin/delivery yard is to be located to the side of the extension and will be enclosed in a weld mesh fencing to a height of 2.5m for security purposes. The applicant is proposing external lighting to the car park area and bin delivery area by the use of bollards and building mounted lights. Vehicular access and egress is proposed via the existing access point from Main Road into the car park with delivery vehicles exiting through the existing access on Broughton Hall Road which will be on a limited basis by the use of a secured gate. The applicant is proposing 13 car parking spaces including disabled spaces within the frontage of the site, dedicated to the retail use only, plus three parking spaces to be retained for the first floor office staff.

7.05 Principle of Development/Planning Policy

The existing building has an authorised use for car sales. Therefore permission is not required for the change of use of the building to a convenience store. The property is located adjoining the recognised Local Centre of Broughton Hall Road where there are several shops which meet local needs (hair salon, chandlers, fast food takeaway). The scale of development is modest in terms of extension and is well related to the existing Local Centre. It is considered that the development would comply with Policy A1 and S4 (Small Scale Shopping within Settlements). Policy STR1; STR5; GEN1; D1-D4; D7; S1; & S4 are also applicable to this development. Therefore the proposal is acceptable in principle subject to matters of design and impact.

7.06 Design/Appearance

The proposal incorporates a single storey extension to the side and rear with the whole building being over clad in colour block. The single storey extension in terms of design is considered small scale and sympathetic to the original building. As this amended proposal keeps the extension away from the frontage of the site, it is considered not to harm visual amenity. Also, with the remodelling, the appearance of the building following development would be greatly improved visually. The applicant is proposing external lighting to the car park area and bin delivery yard via a mixture of low level bollard lights and building mounted lights. Details of the proposed lighting will be conditioned to be submitted and approved prior to the commencement of development to safeguard visual amenity and the neighbouring properties.

7.07 **Access and Highway Considerations**

The proposal utilises the existing vehicular access from Main Road for customers with a second access for the exiting of delivery vehicles only located onto Broughton Hall Road, secured by a lockable gate. The proposal includes for 13 retail spaces on the frontage of the site including disabled spaces and the retention of 3 parking spaces for the first floor office use. The maximum parking standards as set out in the Council's Local Planning Guidance Notes equates to 29 spaces (23 for the retail use and 6 for the office use). However, the private hire use granted at first floor level has a condition attached which prevents vehicles parking on site, therefore reducing the parking requirement for the office use to three. Additional public parking is available less than 150m away from the site on Broughton Hall Road. As part of the supplementary information, the applicant has submitted additional information by way of traffic surveys of comparative stores which conclude that 13 spaces is sufficient to serve the proposed retail use. Also, staff will be prevented from parking on the car park to the front of the site through the tenancy agreement. The Council's Highways Officer in his observations has advised that the additional information submitted by way of comparative surveys is sufficient to justify the adequacy of the reduced level of parking provision.

7.08 The Highways Officer also advises that any shortage in operational parking spaces is likely to result in shoppers parking on the highway. Parking on Main Road in the vicinity of the site is, however, prevented by an existing traffic regulation order and by the zig-zag markings associated with the pedestrian crossing. This may encourage drivers to park within the junction of Broughton Hall Road and it is therefore recommended that a commuted sum and Section 106 agreement is requested to extend the parking restriction through and around this junction. It is also recommended that the proposed goods vehicle exit from the store be formalised and any existing, unnecessary dropped kerbs on the radius be replaced with full height kerbs in order to discourage motorists from parking on the wide footway. Deliveries and servicing shall be restricted to be undertaken outside of operating hours.

7.09 Taking the above factors into consideration, it is concluded that subject to the highway improvement works and the imposition of suitable conditions, the proposed parking and access arrangements are acceptable to serve the proposed use.

8.00 **CONCLUSION**

8.01 In conclusion it is considered that subject to the imposition of the recommendations of the Highways Officer and the applicant entering into a legal agreement and payment of commuted sum for highway improvement works, the proposed extension and use as a convenience store is acceptable and will comply with planning policy.

The application is therefore recommended for approval.

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

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23 JULY 2014**

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

**SUBJECT:** **ERECTION OF STABLE AND AGRICULTURAL STORAGE BUILDING PART IN RETROSPECT AT FRON HAUL, BRYNSANNAN, BRYNFORD, HOLYWELL**

**APPLICATION NUMBER:** **051810**

**APPLICANT:** **MR A EVANS**

**SITE:** **FRON HAUL, BRYNSANNAN, BRYNFORD, HOLYWELL**

**APPLICATION VALID DATE:** **19 FEB 2014**

**LOCAL MEMBERS:** **Cllr M.G. WRIGHT**

**TOWN/COMMUNITY COUNCIL:** **BRYNFORD**

**REASON FOR COMMITTEE:** **REQUEST FOR REFERRAL OF APPLICATION TO COMMITTEE BY CLLR M.G. WRIGHT**

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

### **1.00 SUMMARY**

1.01 This application seeks consent for the stables and agricultural storage building (part in retrospect). The main issues to consider are the justification for the buildings / building design, use and appropriateness of the development in the open countryside. It is considered that the proposal is in compliant with policies GEN 1, D2, WB1 and RE2 of the adopted Flintshire Unitary Development Plan.

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

2.01 That conditional planning permission be granted subject to conditions

1. In accordance with approved plans
2. No commercial use of the buildings
3. Amphibian Reasonable Avoidance Measures (RAM's)

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### Councillor M.G. Wright

Requested referral of the application to Planning committee due to his objections with regards to the agricultural storage building.

He considers that this building is unjustified, as the property is a residential property with no grazing rights associated with the paddock, as it is his understanding, that when the paddock area was sold, it was done so with out the common grazing rights.

He also believes that the building is being used for the repair of horse boxes, which is not suitable within a row of residential properties.

##### Brynford Community Council

The Community Council strongly objects to the development, noting that it is partly retrospective and questions why enforcement action has not been taken.

The Council believes that the scale and location of the development will have a detrimental impact on residential dwellings and has been advised that the building is being used for commercial / business use for the building and refurbishment of trailer boxes which is not in keeping with a residential area.

##### Rights of Way

There are no affected public footpaths or bridleways in the immediate vicinity, therefore have no observations to make.

##### Head of Public Protection

Have no adverse comments to make regarding this proposal.

##### Natural Resources Wales

NRW do not object to the principle of the proposal, providing any consent is subject to a condition in respect of amphibian reasonable avoidance measures (RAM's).

### **4.00 PUBLICITY**

#### **4.01 Neighbour Notification**

Objection received on the following grounds;

- Fron Haul is a domestic property set in a residential area
- The application site is not an agricultural unit
- The erection of an agricultural building adjacent to a domestic property is inappropriate
- Previous application for change of use of land to residential refused, if this was refused then surely this proposal should be.
- Design and access statement makes reference to the building being required for the storage of hay grown on site, questions if this could be stored in polythene, eliminating the need for the building.
- Double garage which has consent could be used for the store, rather than the proposed building.
- Location of the proposed building has a detrimental effect on privacy and amenity on the use of neighbours conservatory and garden.
- Building out of character
- Concern over retrospective nature of the development
- Stables have attracted rats and the agricultural building would exacerbate this.

## **5.00 SITE HISTORY**

5.01 **08/044766** - Erection of Replacement Dwelling and Garage - Permit 11 June 2008

**050823** - Change of Use to Garden Area Refused 1 July 2013.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 GEN 1 - General Requirements for Development  
 D2 - Design  
 RE2 - New Agricultural and Forestry Buildings  
 WB1 - Species Protection

## **7.00 PLANNING APPRAISAL**

### Introduction

7.01 This application is partly in retrospect and concerns the stables and the agricultural building erected on site. The stable block has been built partly within the residential curtilage of the replacement property and partly out side, in an area designated as open countryside. The partly erected agricultural building, which adjoins the stable, lies outside the curtilage of the dwelling on an open paddock area, within the open countryside.

### 7.02 Site History

Consent was granted for a replacement dwelling in 2008 under

planning ref 044766, with the residential curtilage being determined at this stage to coincide with the rear boundaries of the plots on either side. This planning permission also allowed the erection of a large (8m. x 6m x 4.4m. to ridge.) detached garage within the curtilage of the dwelling and adjacent to its boundary with the Gables, which has not been built. The applicant has indicated that he is prepared to forego this if permission is granted for the agricultural building.

7.03 Stable Block

Horses have been stabled on site since 2007 and the current wooden stable block measures 12.8 m. x 4.85 m. (approximately 61 square metres) in its footprint and 3.4m high to the apex roof. The stable block is constructed of timber with a corrugated sheeted roof and is used for the housing of the applicant's three horses. Part of the stable block is within in the residential curtilage, with a section which projects outside the curtilage. If the whole of the stable had been within the curtilage then it would be permitted development.

7.04 Agricultural Store

The part erected agricultural store measures 11.8 m. x 6.8 m. (approximately 80 square metres) in its footprint and 3.8m in height to its apex. It is proposed that the steel frame will be clad with profiled steel cladding and a profiled steel sheet roof.

7.05 Works on the part erected steel framed agricultural store were started with out the benefit of planning consent, the applicant was subsequently advised by the enforcement section to cease works and submit a retrospective application for the proposal, which is the subject of this application. As part of the stable block was erected on land out side the residential curtilage, the applicants were advised to amend the application to include this building.

7.06 The agricultural store building has been erected on land which forms part of the grassed paddock area, used for grazing in connection with the keeping of the horses for recreational purposes. This land is designated as open countryside, as such the erection of a justified agricultural building, such as this would be considered to be appropriate and compliant with Policies GEN1 and RE2.

Justification

7.07 The applicant has justified the requirement for the agricultural store building in connection with the keeping of the horses, the production of hay (for feed) from the paddock area and the storage of the necessary machinery and feed in connection with this use.

7.08 In addition to the 3 acre paddock area to the rear of the site, the applicant retains further land of approx. 1 acre in Lloc for the same purposes. The applicant also has grazing rights for 15 sheep on the adjacent common. Whereas this right has been questioned by other parties there is no evidence to suggest that this is not the case. .

- 7.09 In addition to the use of the building in connection with the horses it is also proposed to provide for storage of feed for the sheep and to provide emergency lambing facilities and welfare provision for the sheep and horses, as such it is considered that the building is reasonably required and forms a justified development in the open countryside.
- 7.10 Retrospective Nature of Development  
Concerns have been raised with regard to the retrospective nature of the development and whilst this is noted, the application has to be considered on its own merits and its compliance with the above adopted Flintshire Unitary Development Plan policies.
- 7.11 Design and Use of the Buildings  
Both the stable block and agricultural store are considered to be constructed of appropriate materials for their prescribed uses. The scale of the buildings is also considered appropriate for their proposed uses.
- 7.12 The location of the buildings to the rear of the site limit any visual impact when viewed from the front of the site and the surrounding street scene. The buildings are visible from the rear of the site and objections have been raised on this aspect, in that the buildings are visible from adjoining gardens and from the objector's conservatory. In this respect it should be noted that the approved but unbuilt garage building would be closer to the objector's property.
- 7.13 Buildings such as these are not uncommon or alien in a semi rural setting such as the application site, whilst they may be in view they are separated by approx. 20m from the adjoining properties as such it is considered that the development should not be detrimental to the amenity of surrounding occupants if used for their stated purposes.
- 7.14 Business use  
Objections have been received from other parties, including the Local Member and the Community Council that the applicant is operating a commercial business from the premises for the repair/ building of horse trailers/boxes. This has been investigated by enforcement officers and whereas there is some evidence of the sale of a horse box and work on another, the scale of any business involved is not likely to amount to a change of use. The application must be considered on the basis of the agricultural need presented in its support but I do recommend that a condition be imposed to limit the use of both buildings to the stated purpose, stipulating that no commercial use shall be carried out from the site. This is in the interests of residential amenity and will allow a stronger control than exists at present.
- 7.15 Other Matters

Highway officers have considered the application and have raised no objection to the proposal providing that the agricultural building/stables are not to be used in connection with any commercial business, to ensure that there will be no increased use of the existing residential access of the existing site and the land to the rear.

- 7.16 Natural Resources Wales have advised that the site is located 60m. away from Halkyn common and Holywell Grass lands Site of Special Scientific Interest (SSSI) and the Halkyn Mountains Special Area of Conservation where a population of great crested newt and an assemblage of amphibian species comprising of common frog, common toad, palmate newt, common and great crested newt, form a feature of the SSSI. Great crested newts are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Due to proximity of the site to these sites it is possible that Great crested newts or amphibians may cross/use the development site. To ensure that the development has no detrimental impact on the favourable conservation status, NRW request that an Amphibian Reasonable Avoidance Measures Strategy (RAM's) is agreed with the local planning authority prior to commencement of any further development on the site.,This recommendation has been covered in this report by the suggested imposition of such a condition.
- 7.17 Concerns have been raised with regard to rats being evident and the concern that the agricultural building will exacerbate this, however this issue is not a material planning consideration considering that the keeping of horses and livestock is a legitimate use of the land. Environmental Health officers have raised no objection to the proposal in this respect.
- 7.18 The paddock area to the rear of the site was the subject of a previous application for the change of use of this land to residential under application 050823, this was refused, as the extension of the residential use into open countryside represented an unacceptable form of development. In this case the proposed development connected with the keeping of horses and livestock is considered appropriate development in the open countryside, compliant with the above policies.

## **8.00 CONCLUSION**

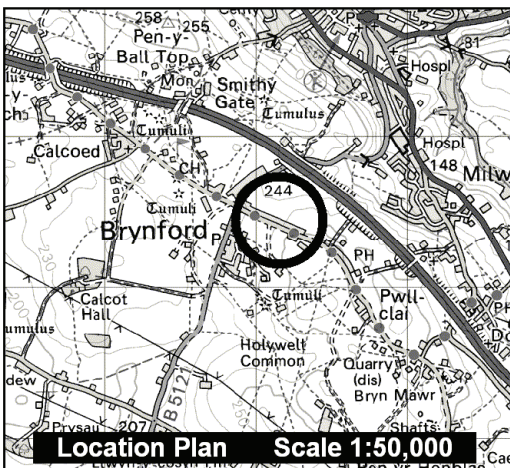
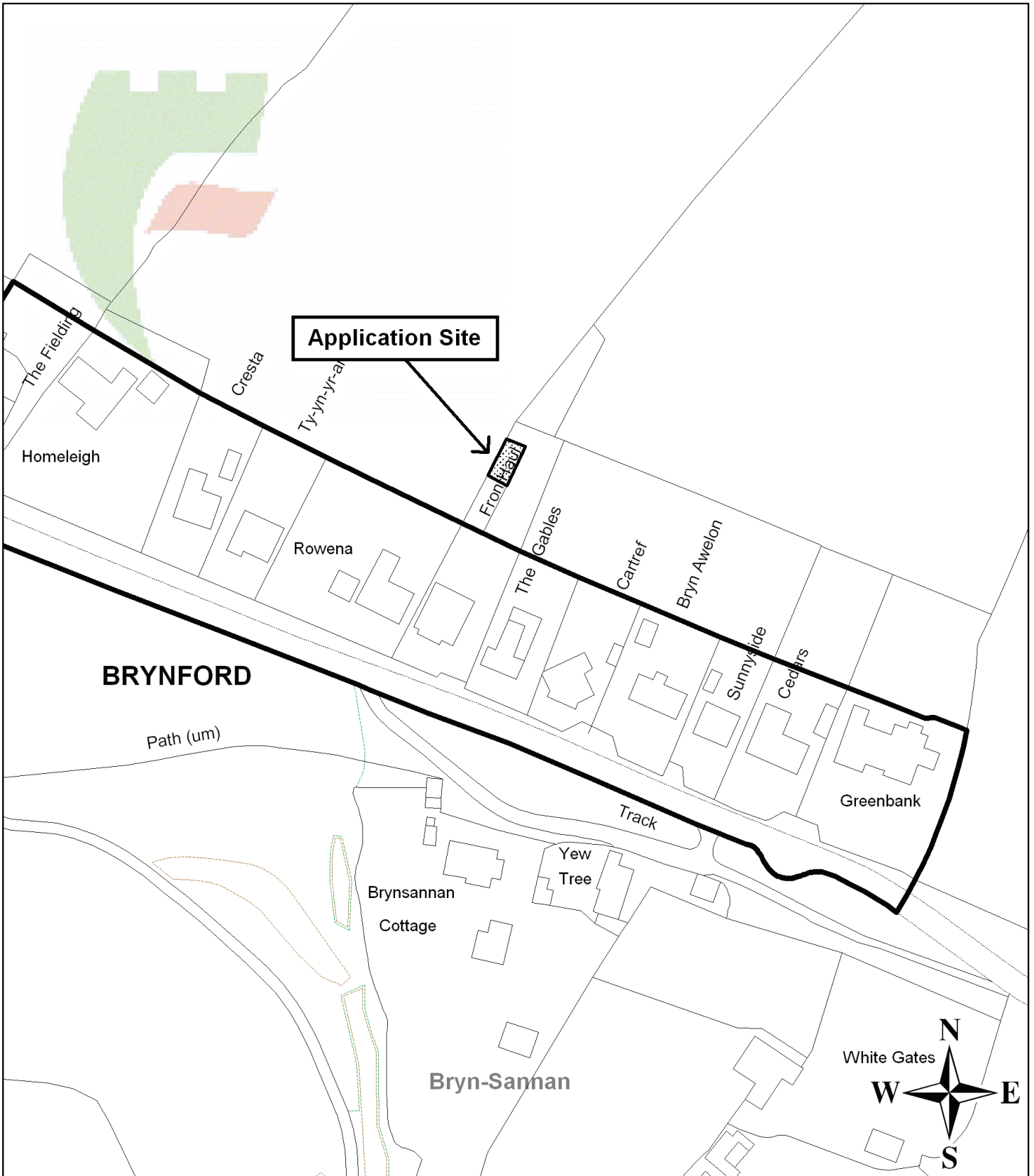
- 8.01 The proposal is compliant with the above policies. The form, scale, design and use of the buildings are considered appropriate to the stated need and the open countryside location and the application is therefore recommended for approval subject to appropriate conditions
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic



society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer:** Barbara Kinnear  
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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **51810**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23<sup>RD</sup> JULY 2014**

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

**SUBJECT:** **FULL APPLICATION – RESIDENTIAL DEVELOPMENT OF A TOTAL OF 45 ONE AND TWO STOREY DWELLINGS INCLUDING ANCILLARY PARKING, OPEN SPACE AND NEW ACCESS FROM HALKYN ROAD AT LAND ADJACENT TO BRIGNANT, HALKYN ROAD, HOLYWELL.**

**APPLICATION NUMBER:** **052156**

**APPLICANT:** **WALES AND WEST HOUSING ASSOCIATION**

**SITE:** **LAND ADJACENT TO BRIGNANT, HALKYN ROAD, HOLYWELL.**

**APPLICATION VALID DATE:** **30.05.14**

**LOCAL MEMBERS:** **COUNCILLOR P J CURTIS**  
**COUNCILLOR H G ROBERTS**

**TOWN/COMMUNITY COUNCIL:** **HOLYWELLTOWN COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT AND S106 AGREEMENT**

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

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the erection of 45 dwellings on land to the west of Brignant, Halkyn Road, Holywell. Full planning permission was previously granted for 44 dwellings (048264) on 21.11.12. This is a revised application following the sale of the site to Wales and West Housing Association, which amends the layout and house types on the site. The site is allocated for residential development in the Flintshire UDP. Issues relating to access and

egress, land contamination and drainage were resolved during the consideration of the previous application. The amended application raises no significant issues and it recommended that planning permission is granted subject to a S106 agreement and conditions.

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

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

- a) The provision of 16 No. affordable homes in accordance with an agreed letting policy
- b) Maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into).
- c) Commuted sum for maintenance of play area/ open space for a period of 10 years, upon its adoption by the Authority

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

1. Time limit on commencement
2. Development in accordance with plans
3. Surface water drainage scheme to be agreed, including on site attenuation to greenfield run-off rate
4. Implementation of surface water drainage scheme
5. Approval of the design, equipment, landscaping and fencing of the open space
6. Implementation of open space details/play area equipment in relation to first occupation of 50% of dwellings
7. Land remediation strategy - agreement of details and implementation including material management plan
8. Delivery times and numbers in relation to importation and removal of materials
9. Site levels and dwelling finished floor levels (f.f.l) to be approved.
10. Boundary treatment and landscaping - scheme and implementation
11. Retention of trees and hedges.
12. Materials to be approved
13. All dwellings to achieve minimum Code 3 (Sustainable Homes)
14. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
15. The siting layout and design of the means of the site access and off-site works to include a 1.8 metre wide footway along the site frontage.
16. Scheme to provide a 90m unobstructed Stopping Sight Distance (SSD) on southern side of Halkyn Road, prior to

- formation of site access
17. Access formation kerbed and completed to carriageway base course prior to commencement of other site works
  18. Visibility splay of 4.5m x 120m along nearside channel lines. No obstruction to visibility in excess of 0.6m
  19. Proposed access off A5026 shall have a 90m forward visibility stopping sight distance between 1.05m and 2.00m to an object height of between 0.26m and 2.00m both above the road surface
  20. No obstructions to visibility during construction of site works
  21. Provision of parking, turning and loading and unloading space
  22. Positive means to prevent surface run-off onto the highway
  23. Grampian condition - foul drainage improvements prior to occupation
  24. Foul/surface water to be drained separately
  25. No surface water to connect to foul/combined sewerage system
  26. No land drainage into public sewerage system
  27. Details of location and design of pumping station
  28. No removal of hedgerow within bird breeding season unless agreed in writing

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

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor G Roberts**

Preliminary views are the application is acceptable in principle.

#### **Councillor P Curtis**

Agrees to the determination of the application under delegated powers.

#### **Holywell Town Council**

No objection however the Council wishes to reiterate its concerns made at the time of application ref 048264 by the former owners of the site, regarding the;

- Perceived access difficulties in relation to traffic using the A5026
- Compounding of drainage/flooding problems due to lack of capacity of the existing sewerage system
- Potentially inadequate infrastructure within the community at present to deal with the impact of a development of this size

#### **Highway Development Control Manager**

The previous planning consent was conditional upon works to improve the visibility towards vehicles waiting to turn right into the proposed

site entrance. As yet these works have not been undertaken. No objection following submission of revised information subject to a Section 106 Obligation/Grampian style covering the provision and maintenance of the required visibility splay on the southern side of Halkyn Road and for this to be implemented before any other site works and conditions:

- detailed layout, design, means of traffic calming and signing, surface water
- drainage, street lighting and construction of the internal estate roads
- the siting layout and design of the means of the site access along with the external improvement works to include a 1.8 metre wide footway along the site frontage and a scheme to achieve a 90m unobstructed Stopping Sight Distance (SSD)
- access formation shall be kerbed and completed to carriageway base course prior to commencement of other site works
- the gradient of the access from the edge of the existing carriageway shall be 1 in 24 for a minimum distance of 10m
- visibility splay of 2.4m x 120m along nearside channel lines in both directions. No obstruction to visibility in excess of 0.6m
- proposed access off A5026 shall have a 90m forward visibility stopping sight distance between 1.05m and 2.00m to an object height of between 0.26m and 2.00m both above the road surface
- no obstructions to visibility during construction of site works
- Construction Management plan
- provision of parking, turning and loading and unloading
- positive means to prevent surface run-off on the highway

#### Head of Public Protection

A land contamination assessment report was submitted with the previous application and a site investigation was carried out, with more investigations undertaken following initial comments. The methodology of this was acceptable and the previously proposed remediation has been discussed and agreed subject to further conditions over the detailed remediation, including a material management plan and amounts of materials. These matters can be dealt with by condition.

#### Welsh Water/Dwr Cymru

Hydraulic modelling was undertaken by the previous developer that confirmed that further improvements were required to upgrade the network to accept foul flows. Conditions required to account for this.

#### Natural Resources Wales

No response received at time to writing.

#### Chief Officer (Education and Youth)



No requirement for a contribution as there are already 5 S106 agreements for Ysgol Perth y Terfyn and due to Holywell new school project.

#### **4.00 PUBLICITY**

##### **4.01 Press Notice, Site Notice and Neighbour Notification**

4 objections on the grounds of;

- additional traffic and impact on highway safety, tuning right out of the development, poor visibility
- concern over lack of street lights and pavements
- conflict with access from this development and the private drive accessing a number of properties opposite the site which has restricted visibility, along with the accesses from the Stamford gate and Shell garage
- potential for pedestrian conflict crossing the road near the site access, no footways
- where there are footways the vegetation is overgrown making it difficult to walk along them
- traffic calming required
- the access is close to the junction with the B5432
- what provisions are in place for dealing with copper and lead contamination
- previous application for larger private dwellings was more in keeping with the local area
- lack of regular maintenance of highway areas and road drains which are blocked and may lead to flooding to some properties

##### **Holywell Town Football Club**

No objections to the plans but insist that a 2 metre high fence is erected along the boundary of the proposed site and the football ground. The fence is required to keep the football ground secure as it is private land and to ensure no access can be had from the new houses which will back onto the car park of the ground behind the main stand.

#### **5.00 SITE HISTORY**

##### **5.01 048264**

Erection of 44no. two storey and three storey dwellings including associated parking, open space and formation of new access. Approved 21.11.12

##### **98/623**

Outline - retail food supermarket, petrol filling station and other commercial with associated parking. Refused 21.02.01.

##### **99/13119**

Outline - retail food supermarket, petrol filling station and other

commercial with associated parking and construction of new roundabout. Withdrawn 22.12.99.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development  
Policy GEN1 – General Requirements for Development  
Policy GEN2 – Development inside settlement boundaries  
Policy HSG1 (13) - New Housing Development Proposals  
Policy HSG8 - Density of Development  
Policy HSG9 - Housing Type and Mix  
Policy D1 - Design Quality  
Policy D2 - Location and Layout  
Policy D3 - Building design  
Policy D4 - Landscaping policy  
Policy AC13 - Access and Traffic Impacts  
Policy AC18 - Parking Provision and New Development  
Policy SR5 - Outdoor Playing Space and New Residential Development  
Policy EPW2 - Energy Efficiency in New Development  
Policy HSG10 - Affordable Housing within Settlement Boundaries  
Policy EWP3 - Renewable Energy in New Development  
Policy EWP14 – Derelict and Contaminated Land  
Policy EWP16 - Water Resources

The application site is located within the settlement boundary and allocated for residential development within the Unitary Development Plan for residential development under policy HSG1(13). The application is in accordance with the above relevant policies.

## **7.00 PLANNING APPRAISAL**

### 7.01 Introduction

This is a full planning application for the erection of 45 dwellings, new access and the provision of a play area/ open space on 1.66 hectares of land to the west of Brignant, Halkyn Road, Holywell.

### 7.02 Site Description

The 1.66 hectare site is situated to the south east of the settlement of Holywell on the A5026 and forms the extent of the settlement boundary to the south east. The site is bounded by the new Holywell Community Hospital to the north west, Holywell Town Football Club to the north east and agricultural land to the south. The residential property of Brignant is to the south west of the site. The site has a frontage on to Halkyn Road and there is residential development opposite the site on the other side of Halkyn Road. The site slopes in a northerly direction from the main road and is currently used for grazing. The site has a number of mature trees to its perimeter boundaries.

- 7.03 Proposed Development  
It is proposed to erect 45 dwellings; 28 two bed, 14 three bed, 2 two bedroom bungalows, and 1 three bedroom bungalow. These are predominately all semi-detached properties with the exception of the detached three bed wheel chair accessible bungalow with a variety in the house types. The majority of the dwellings are two storey with some split level dwellings of single and two storeys to accommodate the sloping nature of the site. Each house would have two parking spaces Plots 1 – 16 would be affordable dwellings and would be managed by Wales and West Housing Association. The remaining dwellings would be sold on the open market.
- 7.04 It is proposed to provide a public open space to the north east of the site and a pumping station to deal with foul flows due to the topography of the site. A new access to adoptable standard would be created off Halkyn Road. All the dwellings would achieve Level 3 of the Code for Sustainable Homes and would be built to Lifetime Homes. The houses are a mixture of brick and render with tiled roofs.
- 7.05 The application was accompanied by an Ecological Assessment, Geo-Environmental Investigation, Code for Sustainable Homes Assessment, Tree Survey and Design and Access Statement.
- 7.06 Principle of Development  
The site is allocated for development in the Adopted Flintshire Unitary Development Plan for residential development of 45 dwellings. The principle of development has therefore been accepted and the proposed number of dwellings is in line with the anticipated density achievable on the site. The site also has an extant permission 048264 for 44 dwellings. Ownership of the site has now transferred from Watkin Jones to Wales and West housing Association.
- 7.07 Design and Layout  
This application provides for a greater mix of house types and smaller dwelling units along with 3 wheelchair accessible bungalows. The proposed dwellings are all semi-detached with the exception of the 3 bedroom wheelchair accessible bungalow. Due to the topography of the site the houses would have stepped rear gardens and some of the dwellings are split level single and two storey. The proposed dwellings are a mixture of house types with the use of brick and render treatment to the walls to provide variety.
- 7.08 The site is adjacent to the residential property of Brignant which lies 10 metres to the south west. There is existing boundary treatment in the form of mature hedgerows on the boundary between the application site and the adjacent dwelling. The property has a side elevation facing the application site, but with no habitable rooms overlooking the site. The nearest property in the proposed development is 12 metres from the boundary and the dwellings are angled so that there is no direct overlooking. There is also the

provision of an agricultural access between the rear of the dwellings and the site boundary within the site leaving a buffer between the adjacent residential property and the new development. There are further residential properties across the road from the application site, however these are situated at a higher level than the application site and would not be adversely affected. It is considered that the design and layout of the site is acceptable and would not have an adverse impact on residential amenity.

7.09 Play Provision

An area of 2516 m<sup>2</sup> open space is to be provided on the site to the north east of the site. The public open space is located outside the allocated housing site boundary on land to the north east of the site, outside the settlement boundary. This is due to the topography of the application site, which makes it difficult to provide a useable area of formalised play space on site without significant earth moving. The location and size of the proposed area is in accordance with the Council's Local Planning Guidance 13 - Open Space Requirements and is accepted by Leisure Services.

7.10 Affordable Housing

16 of the houses would be affordable and managed by Wales and West Housing Association with the remaining 29 being sold privately. This equates to 36% of the dwellings being made affordable. This will be secured by S106 agreement and therefore in accordance with Policy HSG8 of the UDP.

7.11 Highways

Concerns have been raised from local residents in relation to the proximity of the proposed access to the site in relation to the private drive opposite the application site and the hotel and garage, visibility from the proposed access and the impact in additional traffic and potential pedestrian conflict.

7.12 Highways raise no objection to the proposed development which utilises the same access point as the previous consent. The scheme includes for the provision of a footway from within the site along the entire site frontage within the extent of the applicants land ownership. The provision of the footway will provide a safe pedestrian refuge for site residents, provides alternative/improved locations for pedestrians wishing to cross the A5026, allows for better connectivity for future growth in the area in line with Manual for Streets and will assist with driver visibility when exiting the new junction. The provision of this footway addresses some of the issues raised by local residents in relation to improvements to the pedestrian environment for existing users.

7.13 The previous site owner is to undertake the works to regrade the landscaped bank opposite the application site, to achieve the required highways visibility. This was a condition on the sale of the land and

will be imposed through a planning condition as per the previous consent. These works are programmed to be undertaken imminently by the previous landowner.

7.14 These works will improve visibility of traffic travelling towards Holywell from the proposed new access and help achieve an improved Stopping Site Distance. The developer is also offering to improve visibility for residents exiting the private drive opposite the application site, beyond what is required in terms of the new access, and it is intended to transfer the whole of this area covered by the visibility splay to the Council, to become adopted highway.

7.15 This visibility splay along with other off site items to improve the existing situation would be secured through a S 278 agreement. These include improved signage to make motorists aware of the existing private drive access to the properties opposite the site. Highways development control are therefore satisfied with the proposals subject to the imposition of conditions.

7.16 Land Contamination

A geo-environmental investigation report was undertaken at the time of the previous planning application, which highlighted the proximity of lead mines in the area. This has been submitted in support of this application. This included a desk based assessment and some intrusive investigations. The initial boreholes confirmed the presence of lead and zinc on the site, so further trial pits were undertaken at the request of the then Head of Public Protection to further assess ground conditions on site. This identified concentrations of lead and zinc within near surface soils on site. Lead poses a risk to human health receptors unless the pathway between the identified source and human health receptor is broken and zinc poses a risk to plant life. Remediation of the site is therefore required to make it suitable for residential use. The potential pollutant linkages can be broken down by either the removal and/or capping of the material depending on the end use of each area of the site, hence varying methods of remediation will be appropriate. A remediation strategy to this effect was previously proposed and agreed in principle by the then Head of Public Protection. Appropriate conditions as for the previous application can therefore be imposed.

7.17 Due to the site topography cut and fill would be required to develop the site which would involve the movement of material around the site in a phased approach. A materials management plan would be submitted to deal with this matter once more details are known, to quantify the amounts of materials involved. This would include importation of topsoil for the soft landscaping and private gardens. This may lead to amendments to the proposed site levels. These matters can be agreed by condition, along with the detailed methods of remediation as for the previous consent.

7.18 Drainage

It is proposed to deal with surface water via on site attenuation and discharge to the nearby watercourse. The use of soakaways is not possible due to the extent of made up ground, contamination and the topography of the site. Foul water only is to be disposed of via the public sewer system.

7.19 Since the consideration of the previous application a hydraulic modelling exercise was undertaken by the former owners Watkin Jones to determine what improvements to the network to dispose of foul sewerage were required. This exercise has been undertaken and the works required have been identified. Welsh Water therefore request a Grampian style condition requiring these works to be undertaken.

7.20 Boundary treatment

The site is bounded by existing hedgerows which are proposed to be retained as part of the scheme. A tree survey of the site has been undertaken. There are a number of trees within the boundary hedges of the site with a group of trees between the development site and the proposed public open space. No trees are to be removed as part of the development, however measures need to be put in place to safeguard the root protection areas of boundary trees and some pruning and ivy removal is required to some trees. This can be dealt with by condition.

7.21 The football club adjacent to the site state that they require a 2m high fence for security reasons and to prevent future residents accessing the football ground as it is not a public play area. There are existing hedges bounding the site which are proposed to be reinforced as part of the scheme. One boundary of the site with the football club would be the rear gardens of the proposed dwellings and would have respective boundary treatment. It is not considered that a high fence would be appropriate aesthetically or is necessary as a requirement of the development. The proposed public open space also bounds the site and appropriate boundary treatment would be installed as part of this to meet the Council's adoption standards. It would be up to the football club to adequately fence their facility.

7.22 Ecology

An Ecological Report was submitted with this application compiled by Clwydian Ecology. The site is improved grassland with boundary hedgerows and trees within those. The site may be used as foraging for bats, but this would mainly be the hedgerow corridors. There was no evidence of badger activity on the site. There are no ponds or standing water which could provide habitat for great crested newts although common amphibians may use the perimeter areas of the site. The hedgerows will provide habitat for birds. There is no substantial loss of hedgerow proposed by the scheme therefore the ecology implications are not considered significant, along as nay

hedge removal is undertaken outside the bird nesting season.

7.23 Education contribution

The Chief Officer (Education and Youth) has estimated that the development would generate 9 primary age pupils and 7 secondary age pupils. At present there are 96 on roll at Perth y Terfyn Infants School, which has a capacity of 110 (10.9% surplus) and 143 at Ysgol y Fron with a 26% surplus. Holywell High School has 474 pupils on roll with a capacity of 1075 (56% surplus).

7.24 During the consideration of the previous application the then Head of Lifelong Learning considered that the generation of the Primary age pupils together with a total of 19 pupils expected from other developments in the area will eliminate the surplus places at Perth y Terfyn Infants school and a contribution of £134,827 was therefore required to meet this shortage of places. A contribution to the Junior and Secondary School was not required due to the surplus of places.

7.25 Under the Community Infrastructure Levy Regulations 2010 local authorities have the power to charge a levy to fund the provision of infrastructure including schools. Local planning authorities are not bound to introduce charging schedules and may chose to continue to rely on planning obligations (S106) to provide necessary infrastructure, however from 6th April 2014 the ability to do so through S106 is limited. Planning obligations designed to collect pooled contributions from 5 or more developments may not be used to provide infrastructure which could be funded from CIL. Only five separate planning obligations can be entered into from 6th April 2010 for a specific infrastructure project or a type of infrastructure. In this case more than 5 agreements have been entered into for Perth y Terfyn School.

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

7.27 It is therefore not appropriate to request an education contribution for this development.

**8.00 CONCLUSION**

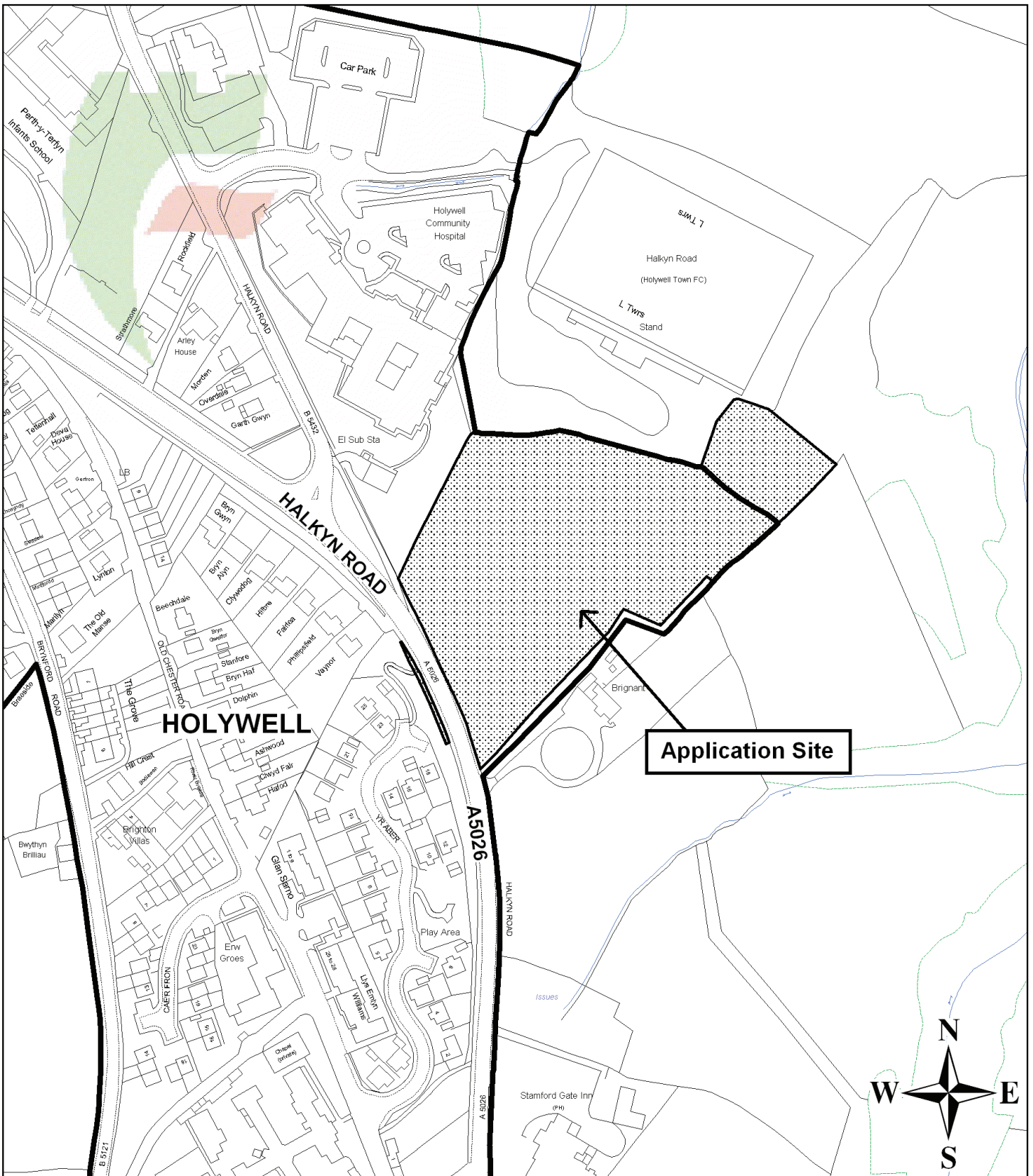
8.01 The development of this site for residential use has been accepted in

principle through the allocation of the site in the UDP and the previous consent 048264. The previous application resolved the issues in relation to access and land contamination. This application provides a revised layout with smaller house types and 16 affordable units which is in line with UDP policies.

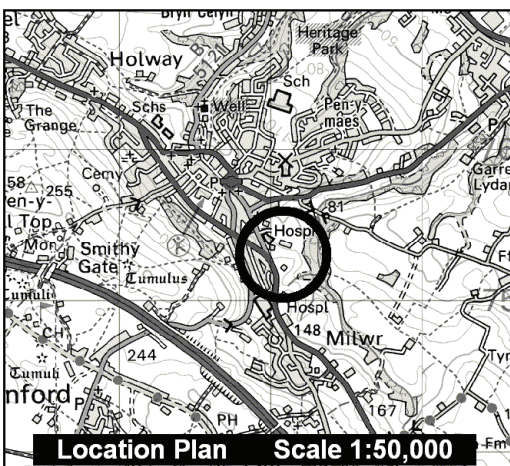
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**Contact Officer:** Emma Hancock  
**Telephone:** (01352) 703250  
**Email:** [emma.hancock@fintshire.gov.uk](mailto:emma.hancock@fintshire.gov.uk)





**Application Site**



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



Planning & Environment,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Chief Officer: Mr Andrew Farrow

**Legend**

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

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Map Scale 1:2500

OS Map ref SJ 1975

Planning Application **52156**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **23<sup>RD</sup> JULY 2014**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF TWO STOREY BUILDING WITH A BAKERY AND CAFÉ ON THE GROUND FLOOR AND RESIDENTIAL ACCOMMODATION ON THE FIRST FLOOR AT BRIDGE INN, HAWARDEN ROAD, HOPE**

**APPLICATION NUMBER:** **052143**

**APPLICANT:** **MR P D METCALFE**

**SITE:** **BRIDGE INN, HAWARDEN ROAD, HOPE**

**APPLICATION VALID DATE:** **12.06.14**

**LOCAL MEMBERS:** **COUNCILLOR STELLA JONES**

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO ACCESS**

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

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the erection of a two storey building to contain a bakery and cafe with living accommodation above on part of the car park associated with the Bridge Inn, Caergwrle. The main issues are access, parking, impact on residential amenity and the conservation area. It is considered that the proposed bakery/café use is acceptable in principle subject to conditions restricting the operations of the proposed use and the existing public house/restaurant to ensure they are not open at the same time to ensure that there is sufficient parking for both uses.

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

- 2.01
1. Time commencement
  2. In accordance with plans
  3. Materials
  4. Public Hours of opening 8.30am-5pm Monday to Saturday. No opening on Sundays or Bank Holidays.
  5. No deliveries before 8am
  6. Café and public house not to be open to the public at the same time.
  7. Details of decked area, levels and landscaping with details of retaining structures if required
  8. That prior to any work being carried out a suitable system for the extraction, filtration and ventilation of any process odours and fumes (including acoustic silencing if deemed necessary) should be installed in accordance with a scheme to be first submitted to and agreed in writing by the LPA.
  9. Living accommodation to be occupied by an employee of the cafe business
  10. Highways conditions

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Stella Jones

Is generally supportive of the application but raises concerns with regards to the access.

Hope Community Council

No response received at time of writing.

Highway Development Control Manager

No objections in principle subject to conditions.

Pollution Control Officer

No objections in principle to this application, however, it is suggested that the times indicated by the applicant for the A3 use are attached as conditions. It is expected that a suitable system for the extraction, filtration and ventilation of any process odours and fumes (including acoustic silencing if deemed necessary) should be installed.

Welsh Water/Dwr Cymru

No response received at time of writing.

Natural Resources Wales

No response received at time of writing.

#### **4.00 PUBLICITY**

##### **4.01 Site Notice and Neighbour Notification**

3 objection on the grounds of;

- Pre application works – areas has been cleared of trees and severe trimming over the past year with the waste being burnt in a bonfire causing a nuisance to local residents
- No community consultation has been undertaken
- Current parking issues with public house with overspill parking at the front of the pub causing access issues to the 3 properties accessed by the stone track at the front of the pub. The loss of parking spaces would increase this problem.
- Delivery vehicles cannot access the rear of the pub as the access way is too narrow leaving lorries to block the footpath when making deliveries. This would increase if this development goes ahead.
- Noise associated with deliveries etc with a bakery operation and general activity early in the morning. Intensification of noise throughout the day with increase in activity and use of car aprk all day.
- More traffic using the access would lead to dangerous manoeuvres at a difficult junction
- Overlooking and impact on daylight to part of the filed adjacent to the property
- Smells and vermin associated with refuse
- The living accommodation will overlook residential property Morville and impact upon privacy
- Signs to advertise business would be out of keeping with area and impact upon Conservation area
- Development is not in heart of village but on the edge of Caergwrle and Hope both of which have cafes
- Site is not near other attractions such as castle and the spa does not have public access
- Amount of passengers that use the station is very small and does not warrant such a venture and signs would be needed
- Proposed number of staff 3 full time and 1 part time suggests a big and busy venture.
- There are two existing cafes within a few minute's walk of this proposal
- The pub is big enough to accommodate this venture without a new build and opening hours of two are staggered to facilitate this.
- Could become a residential property if the business venture fails.
- If permission is granted a restrictive covenant should be placed on it to ensure; the ownership of the building remains with the public house; the use of the building can only be commercial

not residential; the building can only be used during times when the pub is closed.

- Staggering car parking would not work as the pub and café could be under different ownership and the pub could open 24 hours.
- Proposal leaves insufficient parking for the pub and cafe and the residents of both.
- The site is close to a dental practice at Bridge End which only has two parking spaces, so this leads to patients parking on the road during weekdays.
- The parking spaces at the front of the Bridge Inn have been converted into a patio area
- Refuse lorries cannot reverse into the Bridge Inn car park to access the bakery waste, which could block access to garages to the rear of two of the properties
- Overlooking and privacy to garden across the river particularly by outside seating area
- Should be no development in the Conservation Area
- Stone wall which borders the River Alyn and supports the Bridge Inn Car park is in disrepair and have concerns regarding stability of the parking area near the riverside
- Impact on boundary trees

## **5.00 SITE HISTORY**

5.01 None

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
Policy STR1 - New Development  
Policy STR3 – Employment  
Policy STR6 – Tourism  
Policy STR7 – Natural Environment  
Policy STR8 – Built Environment  
Policy GEN1 – General Requirements for Development  
Policy GEN2 – Development inside settlement boundaries  
Policy D1 - Design Quality  
Policy D2 - Location and Layout  
Policy D3 - Building design  
Policy D4 - Landscaping policy  
Policy HE1 – Development Affecting Conservation Areas  
Policy AC13 - Access and Traffic Impacts  
Policy AC18 - Parking Provision and New Development  
Policy EWP2 – Energy Efficiency in New Development  
Policy EWP16 - Water Resources  
Policy EWP17 – Flood Resources  
Policy S8 – Hot Food Takeaways, Restaurants and Cafes

Policy HSG3 - Housing on unallocated sites outside settlement boundaries

The application site is located within the settlement boundary within the Unitary Development Plan. The application is in accordance with the above relevant policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the erection of a two storey building to contain a bakery and cafe with living accommodation above on part of the car park associated with the Bridge Inn, Caergwrle.

### **7.02 Site Description**

The application site is part of the car park of the existing Bridge Inn public house and restaurant. The car park is accessed from the A550 through an existing access between the Bridge Inn and a terrace of 3 residential properties. The car park is bounded to the north west by the Bridge Inn, to the north east by the residential properties of 1 – 3 Bridge End and their rear gardens. To the east of the car park is the River Alyn, which is at a lower level to the application site. To the south is an area of open land and to the west is a pumping station. To the south west of the Bridge Inn is an electricity substation. Further to the south west are 3 residential properties which are accessed by a track which passes in front of the Bridge Inn to its west. The railway line is beyond this to the west. There is existing landscaping around the boundaries of the car park in form of hedges and trees.

### **7.03 Proposed Development**

It is proposed to erect a two storey building to accommodate a bakery and cafe unit on the ground floor with a two bedroom flat on the first floor as manager's accommodation and an outdoor terraced dining area. The unit is 83m<sup>2</sup> with 40m<sup>2</sup> of public space and an outdoor dining area. The unit would remain in the same ownership as the Bridge Inn. The business would be a small scale bakery to serve the café which will sell breads, cakes and coffees with speciality Chinese bakery products and traditional artisan bread and cake.

7.04 The Bridge Inn is only open in the evenings and it is considered by the applicants does not provide suitable atmosphere and ambience for daytime dining. The applicants consider the proposed bakery and café would complement the existing restaurant by providing a daytime dining experience. The proposed opening hours of the bakery/café would be 8.30am-5pm Monday to Saturday, closed on Sundays. The Bridge Inn public house/restaurant operates 5pm-10pm Monday-Thursday, 5pm – 11pm Friday and Saturdays and 1pm – 9.30pm on Sundays.

- 7.05 The applicants consider its proximity to the railway station would enhance the experience for users of the station which has no passenger facilities and for visitors and walkers in the area. It is stated the bakery would create 3 full time jobs and 1 part time job.
- 7.06 The building is proposed to be white/cream render with a slate roof. The residential unit would comply with Code for Sustainable Homes Level 3 and a pre-assessment was submitted with the application.
- 7.07 The proposal would use the same access as the public house/restaurant car park and would use the car park when the public house/ restaurant is not open. The application was accompanied by a Flood Consequences Assessment.
- 7.08 Issues  
Principle of development  
The application site is within the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn-y-Bedd in the Adopted Flintshire Unitary Development Plan. The site is also within the Caergwrle Conservation Area.
- 7.09 The public house operates as a Chinese restaurant and bar and offers a take away and delivery service along with dining areas. The proposed use for a café/bakery is assessed against policy S8 'Hot Food Takeaways, Restaurants and Cafes'. This policy states "Proposals for new establishments or for the change of use of existing establishments to sell hot food for the consumption both on or off the premises will be permitted where they meet the following criteria:
- a) the amenity of local residents, including residents living above the property is not unduly harmed  
The site is bounded by the rear gardens of residential properties and separated from rear gardens of the residential properties by the River Alyn to the east. The kitchen is situated to the side of the building which bounds the pumping station to the west and agricultural land to the south. The kitchen would be fitted with an appropriate ventilation system which would be agreed with environmental health by condition. The noise impacts of this would also be considered as part of this approval. The accommodation above the bakery would be occupied by an employee/manager of the business and therefore would not be affected by the operations. A condition can be imposed to ensure this is the case.
  - b) onsite provision is made of the disposal of causal litter and wastes;  
The plans show a waste storage and recycling area to the rear of the building.
  - c) the use will not result in traffic hazards or disturbance arising from street parking.



The proposed use has on site parking which is deemed to be in accordance with the Council's standards and therefore would not lead to on street parking.

7.10 Flood Risk

The application lies within Zone C2 as defined by TAN 15 Development and Flood Risk and shown on the Welsh Government's Advice Map. A Flood Consequences Assessment (FCA) accompanied the application. The bakery use is defined as 'less vulnerable' in Technical Advice Note 15: Development and Flood Risk while the residential use of deemed 'highly vulnerable'.

7.11 New development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Section 6.2 of TAN15 states that development will only be justified if it can be demonstrated that;

- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 4.3);and
- iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.

7.12 In terms of justifying the development, the site is located within the settlement boundary of Hope, Caergwrle, Abermorddu and Cefn y Bedd in the Flintshire Unitary Development Plan. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) and (ii) above.

7.13 The development provides a new business with employment opportunities in an existing settlement close to public transport meeting the aims of PPW. It is considered that the site does fall within the definition of previously developed land as it is an existing car park. This therefore meets with criteria (iii).

7.14 A Flood Consequences assessment has been submitted with the application to address point (iv) undertaken by WaterCo. They have undertaken hydraulic modelling which shows that the site is flood free and should be considered therefore as Category A.

- 7.15 The nearest watercourse to the application site is the River Alyn directly to the east. Flooding could occur if the river overtops its banks during or following an extreme rainfall event. There are no records of flooding affecting the site, but the River Alyn did flood in Caergwrle in 2000 and 2012. The modelling undertaken shows that and the existing site levels at 72.1m AOD are above estimated maximum flood levels of 71.24AOD in all events up to and including the extreme 0.1% Annual Exceedance Probability Event. It is concluded that the site is at low risk of fluvial flooding. The comments of NRW are awaited.
- 7.16 The FCA has also considered the risk from other sources of flooding, including tidal flood, pluvial flooding, groundwater flooding and sewer flooding. It concludes that the site is at low risk of all sources of flooding.
- 7.17 Parking and Access  
The application site is part of the car park of the existing public house/restaurant. It is therefore relevant to consider if the existing public house/restaurant and both the proposed use will have sufficient car parking. Policy AC18 and Local Planning Guidance Note 11 ; Parking Standards and New Development set out the Council's maximum parking standards for developments. There are 28 car parking spaces in the existing car park. The new development will lead to the loss of 8 spaces, with 20 remaining.
- 7.18 The proposed opening hours of the bakery/café would be 8.30am-5pm Monday to Saturday. The Bridge Inn public house/restaurant operates 5pm-10pm Monday-Thursday, 5pm – 11pm Friday and Saturdays and 1pm – 9.30pm on Sundays.
- 7.19 The existing public house has public dining areas of 67m<sup>2</sup>. This equates to 17 car parking spaces using the Councils requirement of 1 car parking space per 4m<sup>2</sup> of public floor area. An additional 2 spaces would be required for the residential use associated with the public house. The existing use therefore requires 19 spaces. The proposed bakery/café use has a public area of 43m<sup>2</sup> and would require 11 car parking spaces, using the same formula for an A3 use of one car parking space per 4m<sup>2</sup>. The residential element would require 1.5 spaces for the new unit, therefore 12.5 spaces in total. There is therefore sufficient parking for each use to operate separately but there is a shortfall in the number of parking spaces available to meet both uses. The opening hours of the two uses are proposed to be staggered to ensure that there is no conflict. As the businesses are both within the same ownership and within the red line for the planning application a condition can be imposed to control this along with conditioning the opening hours of the new use. Highways development control is satisfied with the parking provision subject to the uses being controlled through a condition.

7.20 Concerns have been raised regarding access to the application site. The access off the highway narrows as you enter the car park and is restricted in width by the existing public house building and the boundary of the adjacent residential property. Highways development control are satisfied with the existing access arrangements as there is sufficient room for 2 cars to in opposite directions to pass off the highway before the access narrows.

7.21 Impact on residential amenity

Concerns have been raised by local residents in relation to overlooking of gardens from the seating area and noise from the increased activity from the proposed use in general. The application site is the car park of a commercial premises which would already have an element of activity associated with it. The external seating area is across the river from the adjacent residential gardens and it is not considered that this would have a significant impact on residential amenity. While there may be some increase in activity from the proposed use given the proximity to and relationship with the adjacent residential properties it is not considered that the proposed use would have a detrimental impact on amenity.

7.22 Conservation Area

The application site is situated within the Conservation Area of Caergwrle. The proposed new building is behind the existing public house and therefore public views of the building would be limited to customers entering the site. The proposed building is of simple design and construction with proposed render walls and a slate roof. Details of the materials would be conditioned.

7.23 Residents are concerned that the proposed use would lead to a proliferation of signage in the Conservation Area which would detract from the area. Any signage over and above what is allowed under deemed Advertisement Consent would require separate Advertisement Consent which would be considered and assessed on its own merits.

7.24 Other issues

Residents have raised issues over the siting of the external seating area and the stability of the wall in this location adjacent to the river. A condition can be imposed that details of the external seating area and the supporting structure including the need for any retaining structures are submitted to the Local Planning Authority for consideration.

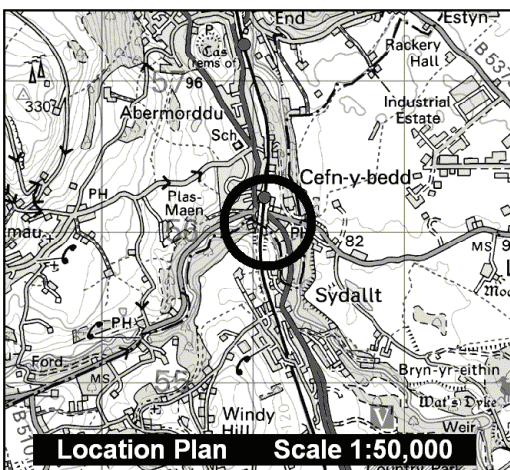
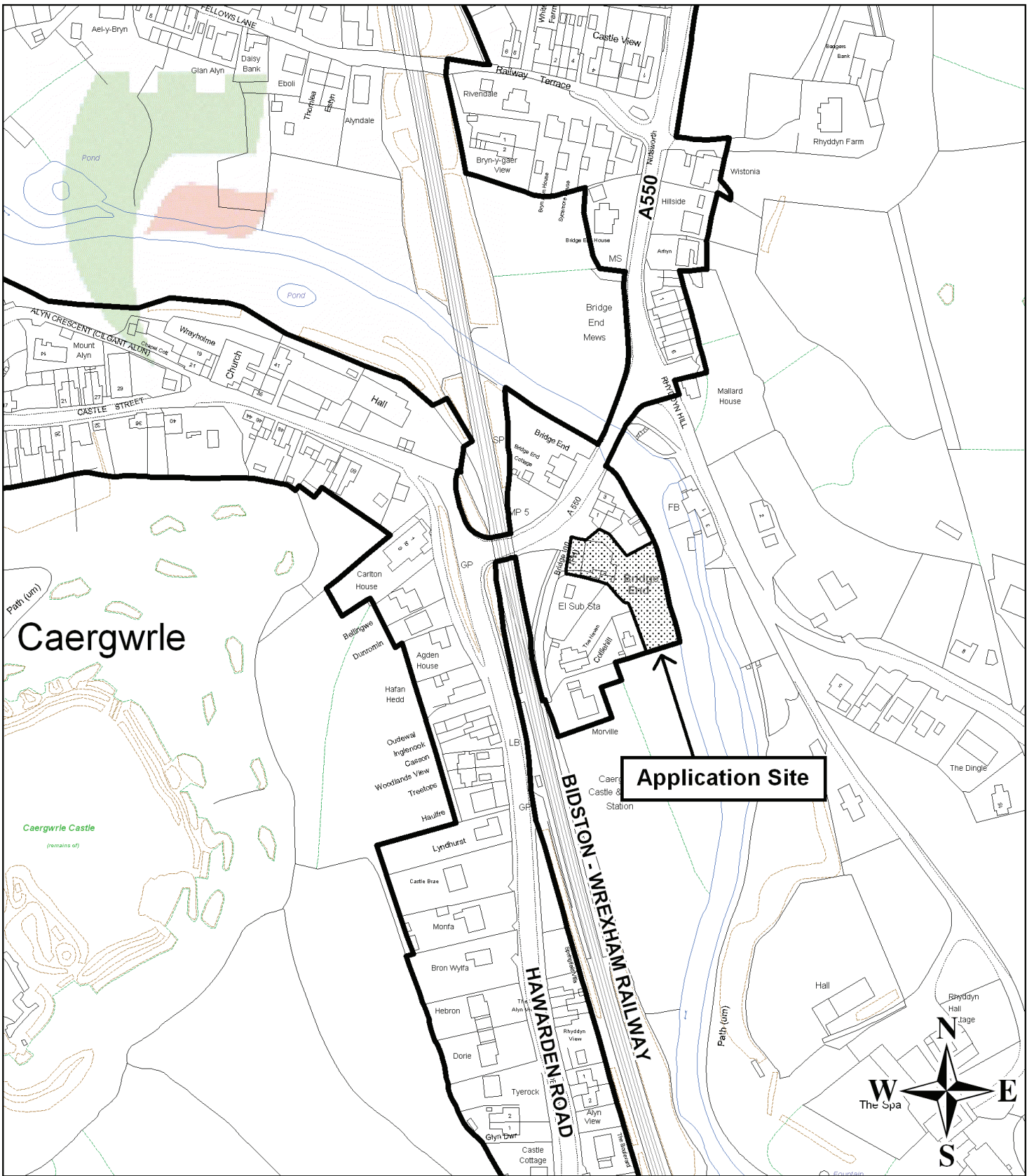
**8.00 CONCLUSION**

8.01 It is considered that the proposed bakery/café use is acceptable in principle subject to conditions restricting the operations of the proposed use and the existing public house/restaurant to ensure they are not open at the same time to ensure that there us sufficient

parking for both uses.

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

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



Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

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**Legend**

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

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<b>Map Scale</b>	1:2500
<b>OS Map ref</b>	SJ 3057
<b>Planning Application</b>	<b>52143</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 23 JULY 2014**

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

**SUBJECT:** **FULL APPLICATION - ERECTION OF 6 NO. INDUSTRIAL/BUSINESS BUILDINGS WITH A TOTAL FLOOR SPACE OF 5,460 M<sup>2</sup> AT THE MERCHANT HOUSE LTD, PRINCE WILLIAM AVENUE, SANDYCROFT**

**APPLICATION NUMBER:** **051328**

**APPLICANT:** **HOLLINGSWORTH BROTHERS UK LTD**

**SITE:** **PLOT ADJACENT TO THE MERCHANT HOUSE LTD., PRINCE WILLIAM AVENUE, SANDYCROFT.**

**APPLICATION VALID DATE:** **7<sup>TH</sup> OCTOBER 2013**

**LOCAL MEMBERS:** **COUNCILLOR D. WISINGER**

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

**REASON FOR COMMITTEE:** **SIZE OF DEVELOPMENT OVER 5,000 SQ M OF NEW FLOOR SPACE**

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

### **1.00 SUMMARY**

1.01 This is a full planning application for 6 no industrial/business units each with a floor space of 910m<sup>2</sup> and with a total floor space of 5,400m<sup>2</sup>. It is proposed to construct six industrial units, with three located each side of a central service road, each with a floor area of 910m<sup>2</sup>. The main issues is the development in an area of flood risk and whether the consequences of flooding can be acceptably managed

### **2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,**

## **SUBJECT TO THE FOLLOWING:-**

- 2.01
1. Time commencement
  2. Plans
  3. Scheme for entrance bellmouth, footways and street lighting alterations to be submitted and approved prior to commencement of any other site works
  4. Means of site access shall be kerbed and completed to carriageway base course layer
  5. Visibility splay of 2.4m x 43m in both directions free from obstruction
  6. Parking facilities provided and retained within the site for the loading, unloading, parking and turning of vehicles
  7. Detailed layout, design, signing, surface water drainage, street lighting and constriction of the estate roads to be submitted
  8. Provision of 1.8m wide footway along the site frontage
  9. Positive means to prevent the run-off of surface water onto the highway
  10. B1/B2/B8 use only – no trade counters
  11. Production of emergency flood response plan
  12. Finished floor levels
  13. Compensatory flood storage to be provided
  14. Drainage conditions as per Welsh Water

## **3.00 CONSULTATIONS**

### 3.01 Local Member

#### Councillor D Wisinger

Agrees to the determination of the application under delegated powers.

#### Queensferry Community Council

No response received.

#### Head of Assets and Transportation

No objections subject to conditions covering;

- Scheme for entrance bellmouth, footways and street lighting alterations to be submitted and approved prior to commencement of any other site works
- Means of site access shall be kerbed and completed to carriageway base course layer
- Visibility splay of 2.4m x 43m in both directions free from obstruction
- Parking facilities provided and retained within the site for the loading, unloading, parking and turning of vehicles
- Detailed layout, design, signing, surface water drainage, street lighting and constriction of the estate roads to be submitted
- Provision of 1.8m wide footway along the site frontage
- Positive means to prevent the run-off of surface water onto the highway



Head of Public Protection

No response received at time of writing.

Welsh Water/Dwr Cymru

No objection subject to conditions relating to land drainage, surface and foul water drainages.

Natural Resources Wales

The application lies within Zone C1 as defined by TAN 15 Development and Flood Risk and shown on the Welsh Government's Advice Map. A Flood Consequences Assessment (FCA) accompanied the application.

Object to the scheme until a satisfactory scheme to provide compensatory flood storage is proposed.

**The response is awaited on the compensatory flood storage scheme submitted as an amendment at the time of writing this report.**

Airbus

No conflict with safeguarding criteria, however during construction any crane activity shall obtain permits from Airbus prior to lifting operations.

Emergency Planning

No objection, is satisfied with the submitted details in terms of the development providing a safe haven for those working in the industrial units in the event of a flood. The site is also in the flood warning area and would receive early alerts from NRW in the event of any potential flood threats. It is recommended that an emergency flood response plan is drawn up and is the subject of a condition.

**4.00 PUBLICITY**

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

**5.00 SITE HISTORY**

5.01 None.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
STR1 – New Development  
STR3 – Employment  
GEN1 – General Requirements for new Development

D1 – Design Quality, Location and Layout  
D2 – Design  
AC13 – Access and Traffic Impact  
AC18 – Parking Provision and new development  
EM3 – Development Zones and Principal Employment Areas  
EWP2 – Energy Efficient in New Development  
EWP3 – Renewable Energy in New Development  
EWP17 – Flood Risk

The application site is within the settlement boundary of Sandycroft and within a Principal Employment Area (EM3) within the Adopted Unitary Development Plan. The application complies with the above policies but is in an area of flood risk therefore policy EWP17 needs to be considered and TAN15: Development and Flood Risk.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for 6 no industrial/business units each with a floor space of 910m<sup>2</sup> and with a total floor space of 5,400m<sup>2</sup>.

### **7.02 Site Description**

The application site is 1.2 ha and is located to the south of Prince William Avenue between two existing industrial facilities on an existing industrial estate in Sandycroft. The site is currently vacant and all previous buildings have been demolished.

### **7.03 Proposed Development**

It is proposed to construct six industrial units, with three located each side of a central service road. Each unit has a floor area of 910m<sup>2</sup> with the option to subdivide some units into units depending on demand. The proposed buildings would be clad in shades of grey with glazed entrance areas with powder coated aluminium frames similar to the applicant's previous development on St. Ives Way. Parking is provided at the front and side of the proposed units. The buildings would be constructed to BREEAM 'very good' as required by Planning Policy Wales.

7.04 The application was accompanied by a Flood Consequence Assessment and BREEAM Pre-Assessment.

### **7.05 Principle of development**

The application site is within the settlement boundary of Sandycroft and within a Principal Employment Area (EM3) within the Adopted Unitary Development Plan. The proposed use is therefore acceptable in this location.

7.06 The site is an industrial area therefore the proposed industrial units are appropriate in terms of the design and layout in this location.

- 7.07 Flood Risk  
The application lies within Zone C1 as defined by TAN 15 Development and Flood Risk and shown on the Welsh Government's Advice Map. A Flood Consequences Assessment (FCA) accompanied the application.
- 7.08 New development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Section 6.2 of TAN15 states that development will only be justified if it can be demonstrated that;
- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
  - ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
  - iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 4.3);and
  - iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.
- 7.09 In terms of justifying the development, the site is located within the settlement boundary of Sandycroft and is located within a Principal Employment Area in the Flintshire Unitary Development Plan. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (ii) above.
- 7.10 In terms of meeting with the aims of PPW, the site is a brownfield. It is considered that the site does fall within the definition of previously developed land, as it is as area of hardstanding, although the exact previous use of the site is unknown. This therefore meets with criteria (iii).
- 7.11 A Flood Consequences Assessment has been submitted with the application and has been the subject of detailed discussions with Natural Resources Wales. The area of contention between NRW and the applicant's consultants Weetwood has been the requirement for the provision on the site of compensatory flood storage. NRW argue that compensatory flood storage is required in line with the precautionary principles of TAN15 Development and Flood Risk Section A1.12 in the event of a breach of the River Dee defences.
- 7.12 NRW have argued that the level of compensatory storage should be

based on the worst case scenario in terms of providing mitigation for a breach location which shows the greatest degree of increased flood risk elsewhere. Weetwood have argued that as the location of a breach would not be known in advance the provision of compensatory storage would only be effective for a specific breach location and therefore this request is unreasonable.

7.13 However a revised scheme has been put forward providing 600m<sup>3</sup> of compensatory flood storage at the southern end of the site with a drainage system designed to flow into this. NRW's comments on this revision are awaited at the time of writing.

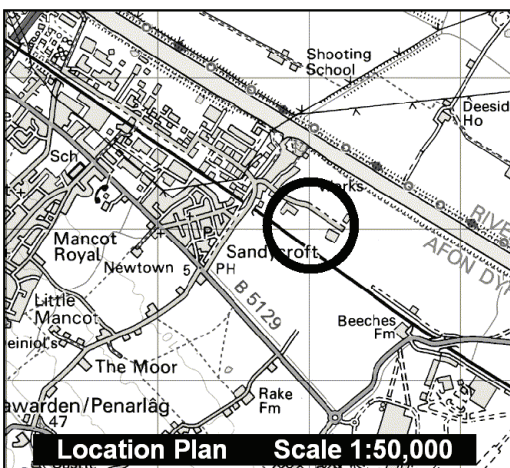
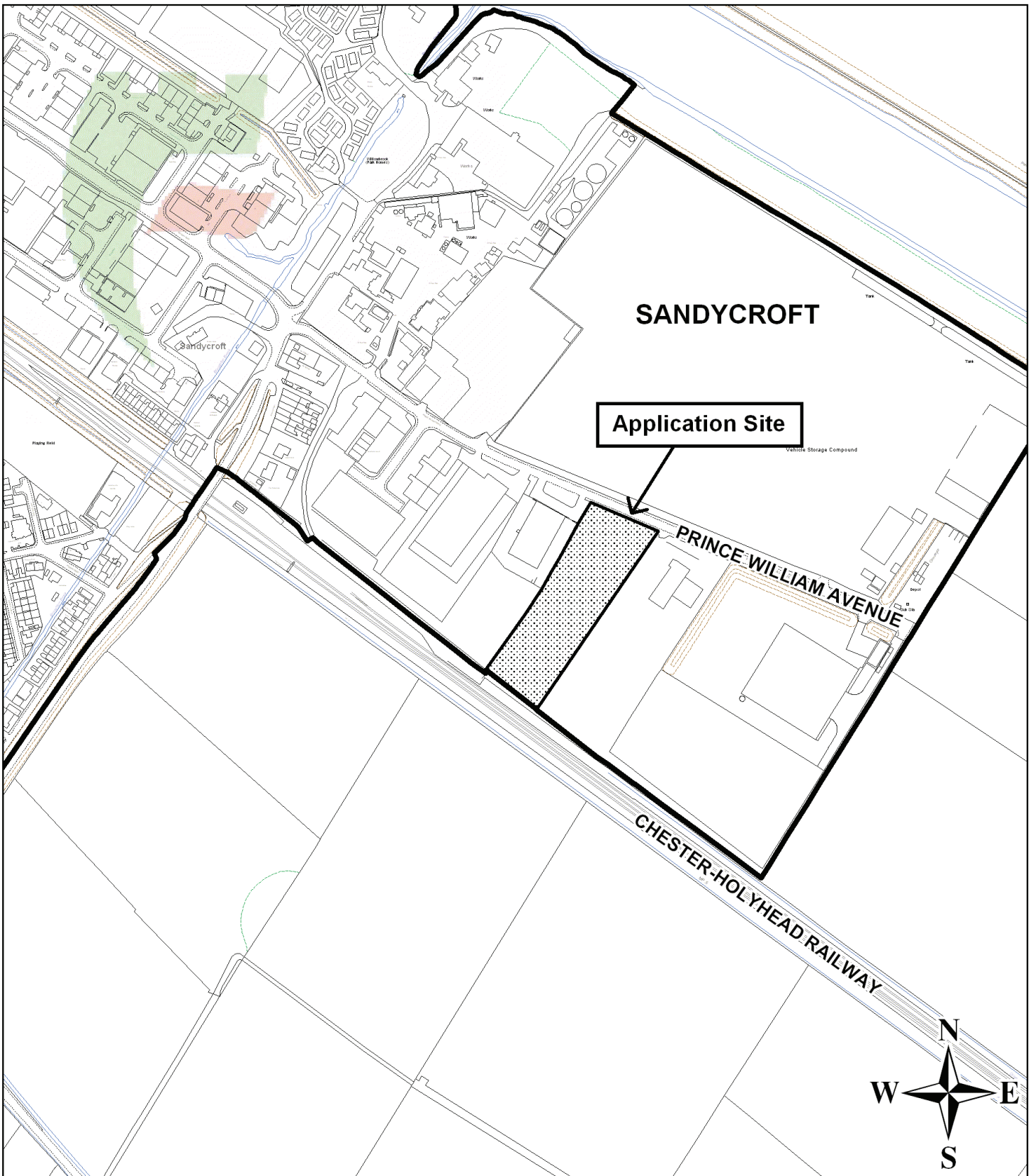
7.14 The Councils Emergency Planner was satisfied with the submitted details in terms of the development providing a safe haven due to the finished floor levels for those working in the industrial units in the event of a flood. The site is also in the flood warning area and would receive early alerts from NRW in the event of any potential flood threats. It is recommended that an emergency flood response plan is drawn up and is the subject of a condition.

## **8.00 CONCLUSION**

8.01 As the site is a Principal Employment Area defined in the UDP it is considered that subject to NRW's response permission should be granted as the consequences of flooding have been considered in detail and mitigation measures are in place in the form of finished floor levels and the compensatory storage.

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

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



Planning & Environment,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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OS Map ref SJ 3367

Planning Application **51328**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 23 JULY 2014**

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

**SUBJECT:** **RETROSPECTIVE APPLICATION FOR THE RETENTION OF REPLACEMENT PORCH AND AMENDED WINDOW ABOVE AT HILLSIDE COTTAGE, KINNERTON LANE, HIGHER KINNERTON.**

**APPLICATION NUMBER:** **051929**

**APPLICANT:** **MR G. VIVIAN**

**SITE:** **HILLSIDE COTTAGE, KINNERTON LANE, HIGHER KINNERTON**

**APPLICATION VALID DATE:** **21.3.14**

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

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

**REASON FOR COMMITTEE:** **BELIEVES THE BUILDING IS GRADE II LISTED**

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

### **1.00 SUMMARY**

- 1.01 This application seeks retrospective planning permission for the retention of a replacement structure to side forming a dining area with replacement window above at Hillside Cottage, Kinnerton Lane, Higher Kinnerton. Hillside Cottage is a Grade II listed building. As the proposals relate to a listed building, a listed building consent application has been submitted under reference 051930 and is also put forward for Member's consideration under separate report.

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

2.01 In the opinion of the Local Planning Authority, the extension by reason of its excessive bulk, volume and height, draws undue attention away from the original Grade II listed house and compromises its character as a listed building. Also, the replacement of the first floor window has resulted in a loss of character and integrity of the listed building. As such, the proposal is contrary to Policy GEN1, D2, HSG12 and HE2 of the Flintshire Unitary Development Plan.

## **3.00 CONSULTATIONS**

3.01 Local Member:  
Councillor P. Lightfoot  
Requests Committee determination and site visit. Believes that the building is Grade II listed.

Higher Kinnerton Community Council  
No objection to the application

Clwyd Powys Archaeological Trust  
No archaeological impact.

Head of Public Protection  
No adverse comments to make.

Airbus  
No aerodrome safeguarding objection to the development.

## **4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification  
No representations received at time of writing report.

## **5.00 SITE HISTORY**

5.01 Ref: 048342 – Erection of a two storey extension to rear of dwelling and demolition of lean-to and outbuildings approved 18.08.11

Ref. 048343 - Listed Building Consent for the above - 18.08.11

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Development Requirements

Policy D2 - Design

Policy HE2 – Development Affecting Listed Buildings and their



**7.00 PLANNING APPRAISAL**

- 7.01 This application seeks planning permission in retrospect for the demolition of an existing porch and replacement with a single storey extension to form dining room with replacement window at first floor at Hillside Cottage, Kinnerton Lane, Higher Kinnerton. The building is Grade II listed and lies within open countryside fronting onto Kinnerton Lane.
- 7.02 Planning permission was granted under application ref. 048342 and Listed Building Consent under ref. 048343 on 18<sup>th</sup> August, 2011 for the erection of a two storey extension to the rear with demolition of lean-to and outbuilding. This application was subject to lengthy negotiations between the case officer at the time and the Conservation and Design Officer in order to achieve a scheme which provided a reasonable amount of additional family accommodation and also related well in proportion, massing and design to the original listed house. The approved plans comprised a two storey extension in a similar traditional form to the existing rear wing of the house and a single storey lightweight structure which was to replace an existing conservatory. These works are now completed. However, during development works the applicant also undertook demolition of a single storey part-glazed porch structure to the side of the property and replaced this with a brick built single storey extension with flat roof with glazed lantern light above to form dining room and replaced an original first floor window with a differently proportioned one. These works are unauthorised and this application seeks to regularise the development.
- 7.03 The Conservation and Design Officer has been consulted with regard to this application and is of the opinion that the extant extension is unacceptable by way of:-
- The single storey element is too large, being too high and deep to sit comfortably as a minor adjunct to the main house as extended. The large lantern light to the roof adds further height and interferes with a clear view of the rear of the upper floor of the original house.
  - The single storey extension has a greater proportion of brick work to glass than the approved scheme or the earlier conservatory, and this lends it an unacceptable bulkiness and horizontality which draws undue attention away from the original house.
  - An original window has been removed from the rear wing of the

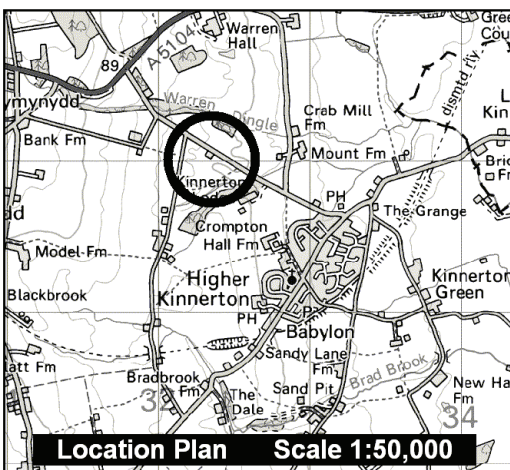
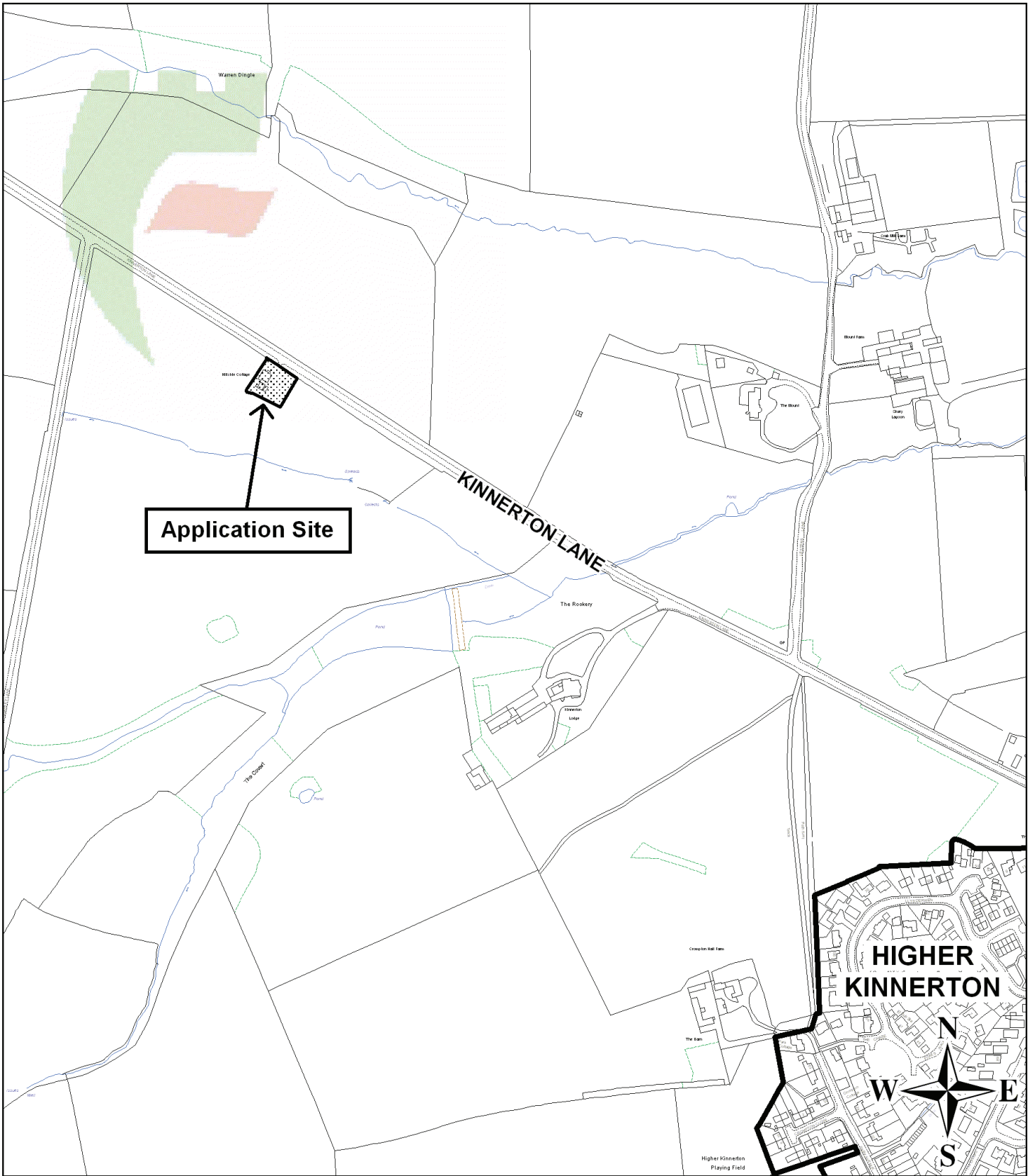
original house and must be reinstated in order to preserve the essential architectural character of the listed building.

## **8.00 CONCLUSION**

8.01 In conclusion, it is considered that the unauthorised works are unacceptable and are contrary to Policy GEN1, D2, HE2 and HSG12 of the Flintshire Unitary Development Plan for the reason outlined in Section 2.0 of this report. The application is therefore recommended for refusal.

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

**Contact Officer: Pam Roberts**  
**Telephone: (01352) 703239**  
**Email: pam.roberts@flintshire.gov.uk**



Planning & Environment,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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OS Map ref SJ 3261

Planning Application **51929**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 23 JULY 2014**

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

**SUBJECT:** **051930 - LISTED BUILDING CONSENT - RETENTION OF A REPLACEMENT STRUCTURE TO SIDE FORMING A DINING AREA WITH REPLACEMENT WINDOW ABOVE AT HILLSIDE COTTAGE, KINNERTON LANE, HIGHER KINNERTON.**

**APPLICATION NUMBER:** **051930**

**APPLICANT:** **MR. G. VIVIAN**

**SITE:** **HILLSIDE COTTAGE, KINNERTON LANE, HIGHER KINNERTON**

**APPLICATION VALID DATE:** **15.5.14**

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

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

**REASON FOR COMMITTEE:** **BELIEVES THE BUILDING TO BE GRADE II LISTED**

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

### **1.00 SUMMARY**

- 1.01 This application seeks retrospective listed building consent for the retention of a replacement structure to side forming a dining area with replacement window above at Hillside Cottage, Kinnerton Lane, Higher Kinnerton. Hillside Cottage is a Grade II listed building. As the proposals also require planning permission, an application has been submitted under reference 051929 and is also put forward for Member's consideration under separate report.

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

- 2.01 In the opinion of the Local Planning Authority, the extension by reason of its excessive bulk, volume and height, draws undue attention away from the original Grade II listed house and compromises its character as a listed building. Also, the replacement of the first floor window has resulted in a loss of character and integrity of the listed building. As such, the proposal is contrary to Policy GEN1, D2, HSG12 and HE2 of the Flintshire Unitary Development Plan.

**3.00 CONSULTATIONS**

- 3.01 Councillor P. Lightfoot  
Requests Committee determination and site visit. Believes that the building is Grade II listed.

Higher Kinnerton Community Council  
No objection to the application

Clwyd Powys Archaeological Trust  
No archaeological impact.

Head of Public Protection  
No adverse comments to make.

Airbus  
No aerodrome safeguarding objection to the development.

**4.00 PUBLICITY**

- 4.01 Press Notice, Site Notice, Neighbour Notification  
No responses received at time of writing

**5.00 SITE HISTORY**

- 5.01 Ref: 048343 – Erection of a two storey extension to rear of dwelling and demolition of lean-to and outbuildings approved 18.8.11

**6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy GEN1 – General Development Requirements  
Policy D2 - Design  
Policy HE2 – Development Affecting Listed Buildings and their Settings  
Policy HSG12 – Extensions and Alterations to Dwellings

The proposal would not comply with the above policies.

## **7.00 PLANNING APPRAISAL**

7.01 This application seeks listed building consent in retrospect for the demolition of an existing porch and replacement with a single storey extension to form dining room with replacement window at first floor at Hillside Cottage, Kinnerton Lane, Higher Kinnerton. The building is Grade II listed and lies within open countryside fronting onto Kinnerton Lane.

The building was granted listed building consent under application reference 048343 on 18<sup>th</sup> August, 2011 for the erection of a two storey extension to the rear with demolition of lean-to and outbuilding. This application was subject to lengthy negotiations between the case officer at the time and the Conservation and Design Officer in order to achieve a scheme which provided a reasonable amount of additional family accommodation and also related well in proportion, massing and design to the original listed house. The approved plans comprised a two storey extension in a similar traditional form to the existing rear wing of the house and a single storey lightweight structure which was to replace an existing conservatory. These works are now completed. However, during development works the applicant also undertook demolition of a single storey part-glazed porch structure to the side of the property and replaced this with a brick built single storey extension with flat roof with glazed lantern light above to form dining room and replaced an original first floor window with a differently proportioned one. These works are unauthorised and this application seeks to regularise the development.

The Conservation and Design Officer has been consulted with regard to this application and is of the opinion that the extant extension is unacceptable by way of:-

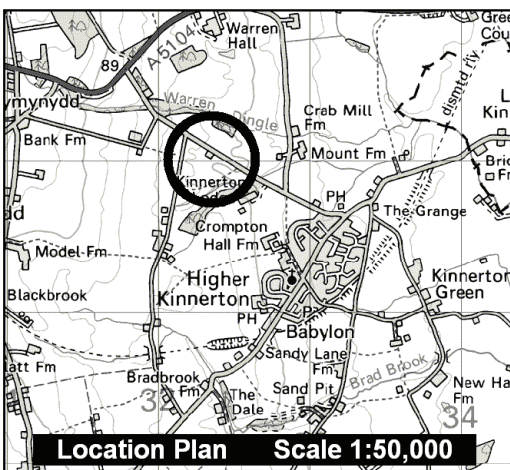
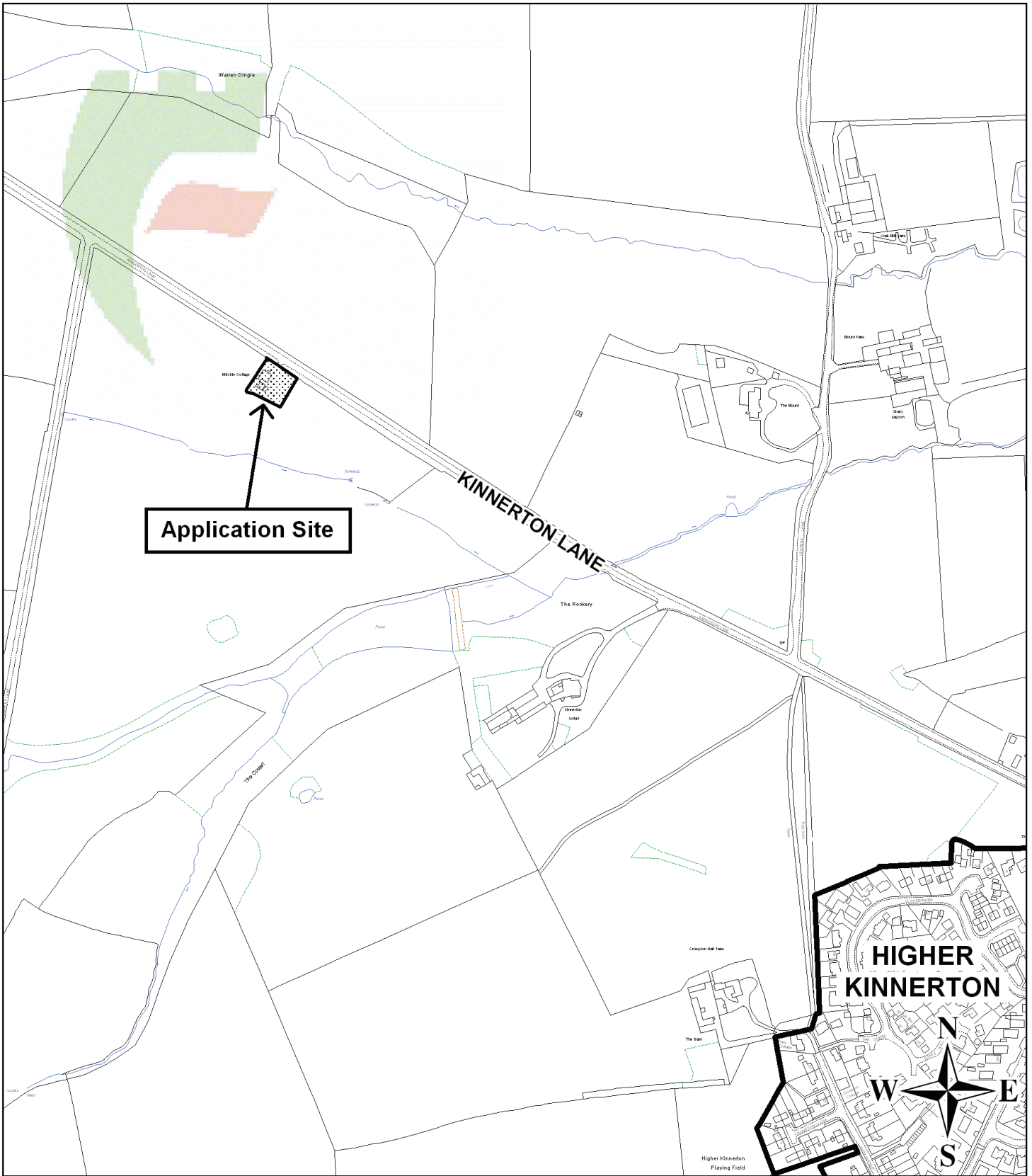
- The single storey element is too large, being too high and deep to sit comfortably as a minor adjunct to the main house as extended. The large lantern light to the roof adds further height and interferes with a clear view of the rear of the upper floor of the original house.
- The single storey extension has a greater proportion of brick work to glass than the approved scheme or the earlier conservatory, and this lends it an unacceptable bulkiness and horizontality which draws undue attention away from the original house.
- An original window has been removed from the rear wing of the original house and must be reinstated in order to preserve the essential architectural character of the listed building.

## **8.00 CONCLUSION**

- 8.01 In conclusion, it is considered that the unauthorised works are unacceptable and are contrary to Policy GEN1, D2, HE2 and HSG12 of the Flintshire Unitary Development Plan for the reason outlined in Section 2.0 of this report. The application is therefore recommended for refusal.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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Planning & Environment,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 3261

Planning Application **51930**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 23 JULY 2014**

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

**SUBJECT:** **045180 - GENERAL MATTERS - DEMOLITION OF EXISTING HOTEL BUILDINGS AND THE ERECTION OF 21 NO. APARTMENTS AT BRYN AWEL HOTEL, DENBIGH ROAD, MOLD.**

**1.00 APPLICATION NUMBER**

1.01 045180

**2.00 APPLICANT**

2.01 Richmond Investment Properties Ltd

**3.00 SITE**

3.01 Bryn Awel Hotel,  
Denbigh Road,  
Mold

**4.00 APPLICATION VALID DATE**

4.01 19/06/08

**5.00 PURPOSE OF REPORT**

5.01 The purpose of this report is to obtain a resolution from Members as the S106 has not been signed and therefore the application remains undetermined.

**6.00 REPORT**

6.01 This application was initially considered by Planning and Development Control Committee on 26<sup>th</sup> November 2008. It was resolved by Members that conditional planning permission be granted subject to the applicants entering into a Section 106 Obligation/Unilateral undertaking or advance payment of a commuted sum of £733 per

apartment in lieu of open space provision. A copy of the report to the Planning and Development Control Committee held on 26<sup>th</sup> November 2008 is attached as Appendix A.

6.02 A report was brought to Planning and Development Control Committee on 16<sup>th</sup> January 2013 following the sale of the site to the Richmond Investment Properties. At that time the new owners wished to continue with this application and sign the S106 agreement. As the initial consideration of the application was in 2008 it was prudent to reassess the application and consider whether or not there were any material changes in the planning circumstances since the initial resolution was undertaken.

6.03 Since 2008, the Council have adopted a new supplementary planning guidance – SPG Note 23: Developer Contributions to Education. At that time the Head of Education and Resources assessed that the application required a contribution of £49,028 for Bryn Gwalia School as the development would generate 5 Primary School places which would reduce the number of surplus places at the school from 14 to 9. This would take the number of surplus places in the school to below 5%, therefore a contribution of £49,028 was requested. Planning and Development Control Committee resolved to grant planning permission subject to the applicant entering into a Section 106 Obligation/Unilateral undertaking or advance payment of a commuted sum in respect of;

- Open space provision - £733 per apartment towards the upgrading of existing open space within the locality
- Educational contribution - £49,028 to cater for the impact on primary education at Bryn Gwalia.

6.04 Following the Committee resolution the legal department have been liaising with the applicant in order to complete the S106 agreement. While initial contact was made no significant progress has been made and no response has been received to letters sent to the applicant.

6.05 Due to the length of time since the initial committee resolution the Chief Officer (Planning and Environment) does not have delegated powers to refuse this application. The purpose of this report is therefore to obtain a resolution from Members. In these circumstances it is considered that the proposal would be contrary to Policy IMP1 'Planning Conditions and Planning Obligations' of the Adopted Unitary Development Plan as no progress has been made on the legal agreement to secure the relevant contributions.

## **7.00 RECOMMENDATIONS**

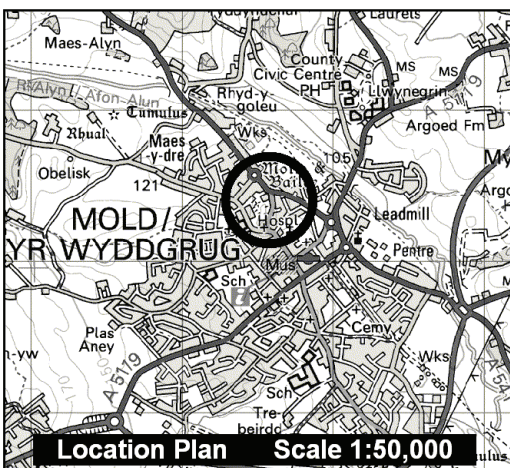
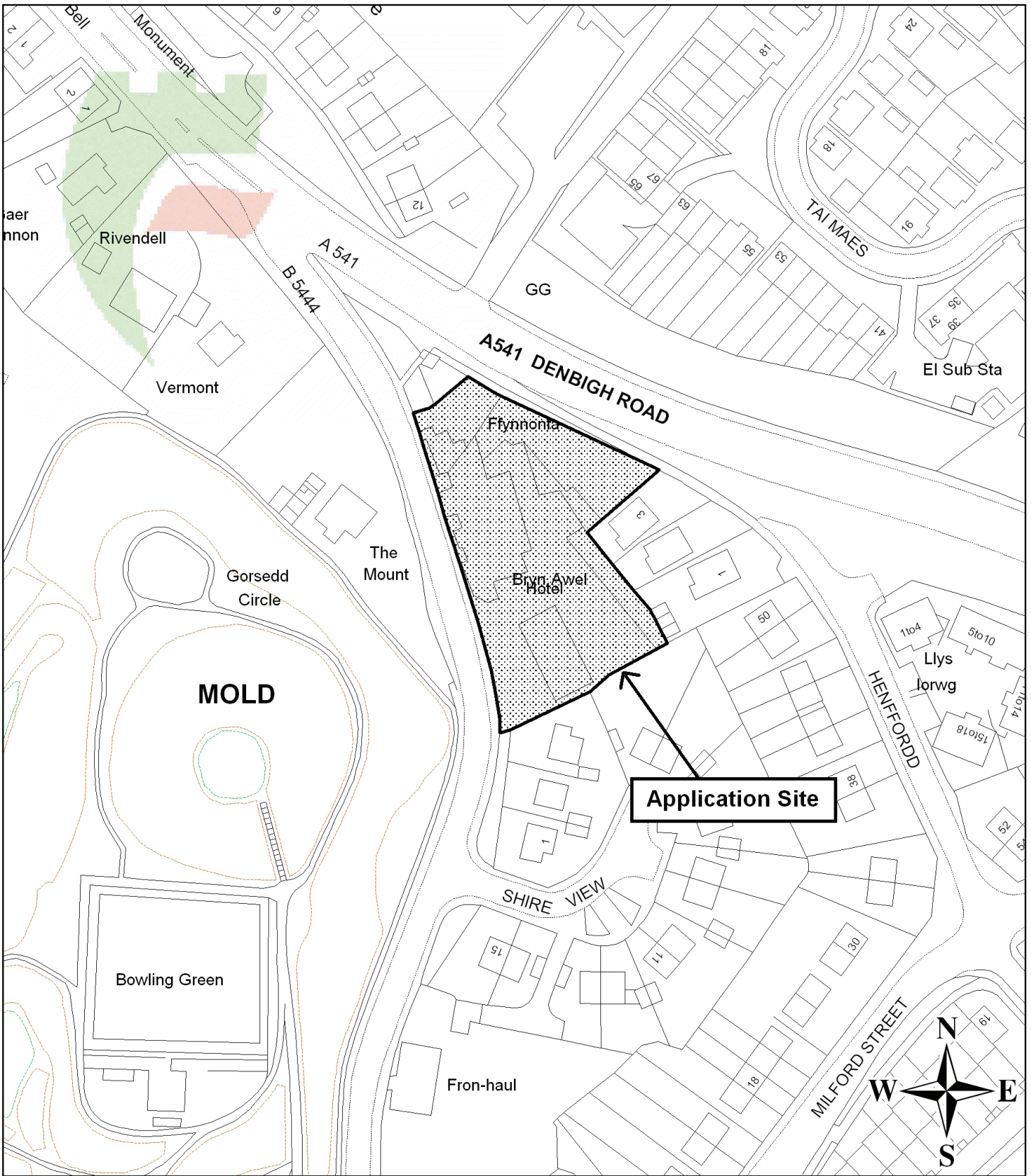
7.01 That planning permission be refused for the following reasons:

“The applicant has not completed the S106 Obligation/Unilateral undertaking or advance payment in

respect of commuted sums for open space contribution and education provision contrary to Policy IMP1 of the Adopted Flintshire Unitary Development Plan and Local Planning Guidance Notes 13: Open Space Requirements and 23: Developer Contributions to Education”.

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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **45180**

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**FLINTSHIRE COUNTY COUNCIL****AGENDA ITEM NUMBER: 24**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**DATE :** **26 NOVEMBER 2008**  
**REPORT BY:** **ACTING HEAD OF PLANNING SERVICES**  
**SUBJECT :** **FULL APPLICATION - DEMOLITION OF EXISTING HOTEL BUILDINGS AND THE ERECTION OF 21NO. APARTMENTS AT "BRYN AWEL HOTEL", DENBIGH ROAD, MOLD, FLINTSHIRE**

This application was deferred at Planning Committee on 29th October 2008 for a Members site visit.

**1.00 APPLICATION NUMBER**

1.01 045180

**2.00 APPLICANT**

2.01 Graham Fender

**3.00 SITE**3.01 Bryn Awel Hotel,  
Denbigh Road,  
Mold,  
CH7 1BL**4.00 APPLICATION VALID DATE**

4.01 19/06/2008

**5.00 INTRODUCTION**

5.01 This is a full planning application for the erection of 21 apartments on the site of the Bryn Awel Hotel, High Street Mold. Since submission of the application officers have been involved in detailed discussions with the applicant and the scheme has undergone amendments which reduced the number of apartments from 24 to 22 and more recently to 21 apartments. However, due to the late submission of the changes to the scheme and the nature of the changes these have not undergone public consultation, therefore the comments on the scheme for 24 apartments are reported and are still considered relevant. The scheme for consideration in this report is the latest amendment for 21 apartments.

**6.00 CONSULTATIONS**

6.01 Local Member

Councillor C Cattermoul

Original comments withdrawn - Further observations awaited at time of writing.

Mold Town Council

No objections in principle to this proposal provided that sympathetic consideration is given to the buildings proximity to the conservation area and the historical site of Bailey Hill. The Council has concerns about drainage arrangements due to the existing problems faced by residents of Henffordd adjoining the application site. Concerns were also raised about the effect on the neighbouring property (sharing a party wall) need to ensure privacy.

Chief Highways and Transportation Engineer

No response at the time of writing.

Chief Environment and Resources Officer

No adverse comments to make.

Welsh Water

No objections subject to standard conditions.

Countryside Council for Wales

No objection in principle to the proposal, however the application does not provide sufficient information to inform the decision making process. Advise that the application should not be determined until a satisfactory ecological survey of the buildings for bat and breeding birds has been carried out and submitted.

The Clwyd-Powys Archaeological Trust

Although the development lies close to areas of archaeological significance it appears that no known features would be affected by the works.

Ancient Monuments Society

This is a very prominent site and it is essential that the new build is worthy of it. The proposed design does try to marry with the townscape in borrowing from the language of Victorian design and in the variety of fenestration and roofscape, although it is certainly larger and stodgier as a composition than its predecessor which (even if butchered) still reads in essence as a Victorian villa in its own grounds. We can appreciate its virtues compared with many similar redevelopments and raise no formal concerns.

**7.00 PUBLICITY**

7.01 Press Notice, Site Notice, Neighbour Notification.

The application was advertised as development affecting the setting of a Conservation Area.

5 representations were received. These comments were on the original scheme for 24 apartments. Objections were made on the following grounds;

- proposed building would dominate surrounding bungalows due to height
- loss of privacy and intrusion into private gardens
- overlooking
- loss of light
- would be sandwiched between two construction sites
- the height and siting of the building would have an adverse impact on Bailey Hill and the Mount
- impact on surface water drainage
- impact on foul sewage drainage
- increase in traffic

## **8.00 SITE HISTORY**

### **8.01 3/MO/275/78**

Alterations and extensions. Approved 07/07/78

### **03/35467**

Illuminated hanging sign. Approved 21/05/03

### **04/26/38267**

Change of use from 10 bed hotel block to 4 apartments, construction of pitched roof to existing flat roof. Refused 31/01/06

### **06/42746**

Change of use from 10 bed hotel block to 4 apartments, construction of pitched roof to existing flat roof. Approved 30/08/07.

## **9.00 PLANNING POLICIES**

### **9.01 Clwyd Structure Plan First Alteration**

Policy B2 - Location Housing Development

Policy B3 - Scale of Housing Development in Main Settlements

Policy B5 - Allocation of Land for Housing Development

Policy C3 - Safeguarding Service Accommodation

Policy G4 - Conservation Policies

### **Structure Plan Second Alteration: Flintshire Edition**

Policy GEN1 - General Development Policies

Policy GEN2 - General Development Policies

Policy GEN3 - General Development Policies

Policy CONS21 - Conservation Areas and their Settings  
Policy CONS24 - Scheduled Ancient Monuments and their Settings  
Policy HSG2 - Location of Housing Development  
Policy HSG3 - Scale of Housing Development in Main Settlements  
Policy HSG5 - Allocation of Land for Housing Development

Delyn Local Plan

Housing Policy 1 - Housing Density  
Housing Policy 2 - Residential development in main settlements and main villages  
Development Control Policy 2 - Design and Layout of Residential Estate Development  
Transportation Policy 7 - Car parking Standards  
Conservation Policy 2 - New Development and Alterations to Existing Buildings in or Adjacent to Conservation Areas  
Tourism and Leisure Policy 2

Draft North Flintshire Local Plan

Policy d1 - design quality  
Policy d2 - design guidance  
Policy d3 - location and layout  
Policy ac12 - parking provision  
Policy ac14 - access and traffic impact  
Policy w1 - protected species  
Policy he1 - development affecting conservation areas  
Policy h3 - housing on unallocated sites  
Policy h7 - housing density

Emerging Flintshire Unitary Development Plan

Policy STR1 - New Development  
Policy STR4 - Housing  
Policy STR8 - Built Environment  
Policy GEN1 - General Development Considerations  
Policy GEN2 - Development Inside Settlement Boundaries  
Policy D1 - Design Quality  
Policy D2 - Location and Layout  
Policy D3 - Design  
Policy D4 - Landscaping  
Policy TWH2 - Protection of Hedgerows  
Policy HE1 - Development Affecting Conservation Areas  
Policy HE6 - Scheduled Ancient Monuments and other Nationally Important Sites  
Policy HSG3 - Housing on Unallocated Sites Within Settlement Boundaries  
Policy HSG8 - Density of Development  
Policy HSG9 - Housing Type and Mix  
Policy HSG10 - Affordable Housing within Settlement Boundaries  
Policy SR5 - Public Open Space and New Residential Development  
Policy EWP2 - Energy Efficiency in New Development

Policy AC13 - Access and Traffic Impact  
Policy AC18 - Parking Provision and New Development  
Policy WB1 - Species Protection

The site is within the settlement boundary of Mold and opposite the Conservation Area boundary for Mold within the adopted and emerging development plans. Policies require developments in such locations to have a high standard of design and to protect and enhance the character of the Conservation Area respecting its surroundings. It is not considered that the proposal is in accordance with development plan policies in this regard.

## **10.00 PLANNING APPRAISAL**

### 10.01 Proposal

This is a full planning application for the demolition of the existing Bryn Awel hotel and the erection of 21 apartments (as amended). The proposed scheme includes 2 one bedroom, 18 two bedroom and 1 three bedroom units. The scheme makes provision for 34 car parking spaces, 4 in underground garaging and 30 in the grounds of the site. The development takes the form of two to three storey development, varying across the site due to the changing levels, with living accommodation in the roof using dormers and rooflights. Amendments to the scheme have separated the apartments into 2 blocks, namely Block A with 14 apartments and Block B with 7 apartments.

10.02 As a result of this application the hotel use would close but the existing restaurant which operates within the hotel is to be relocated to the town centre subject to planning approval (045443) which is currently under consideration by the Council.

10.03 Planning permission was granted for alterations to the existing flat roofed block to add a pitched roof and to convert the serviced accommodation into apartments which has not been implemented.

### Site Description

10.04 The site is in a prominent location on the edge of Mold Conservation Area in proximity to Bailey Hill, a scheduled ancient monument and is seen from a number of significant viewpoints. The current buildings on the site are of poor architectural quality due to previous adaptations and extensions onto the former 19<sup>th</sup> century house, with no thought to the impact on the character of the area. The current buildings vary in height from single to two storey. The re-development of the site is generally supported and presents an opportunity to improve and enhance this area of the town.

10.05 The site is in a predominantly residential area, outside the defined town centre boundary. It is bounded to the eastern boundary partly by low density residential development in the form of bungalows and partly by Denbigh Road. To the north the current buildings share a party wall with the two

storey traditional stone residential dwelling house 'Ffynnonfa' and to the south it adjoins the residential development of Shire View which is characterised by two storey dwelling houses. The site is bounded by High Street to the west, with the Conservation area boundary and residential property of the The Mount and the Scheduled Ancient Monument of Bailey Hill on the opposite side of the High Street. The topography of the site is varying with a significant difference in levels between High Street on the western boundary of the site and Denbigh Road on the eastern boundary.

Principle of Development

- 10.06 The proposed scheme would lead to the loss of hotel accommodation within Mold town centre where there is a limited range of such accommodation. Policies in the Clwyd Structure Plan First Alteration and the Delyn Local Plan aim to safeguard serviced accommodation where this would lead to a reduction in the range of tourist accommodation available in an area. These policies were in place particularly to safeguard rural hotel accommodation in certain areas as stated in the reasoned justification. These policies have not been carried through in more upto date development plans, as it is difficult to sustain such uses if they are not commercially viable. While the loss of town centre tourist accommodation is regrettable there is no development plan policy specific to town centres to retain the use. The principle of residential use on the site is therefore acceptable in policy terms.

Overdevelopment

- 10.07 The proposal is for 21 apartments on a 0.248 hectare site. The indicative density threshold in the emerging Flintshire Unitary Development Plan for a category A settlement within which Mold is categorised is 30 dwellings per hectare. Applying this density to this site equates to 7-8 dwellings. While it is expected that developments of brownfield sites in settlement boundaries should make an efficient use of the land, to achieve a higher density layout or type of development, there is a concern that the proposed scheme is driven by the desire to achieve a high density rather than a sensitive development proposal. The density of the proposal is not considered reflective of the surrounding residential area and is detrimental to the visual amenities of the area.

Scale and massing

- 10.08 The site is in a predominantly residential area, outside the defined town centre boundary. A street scene and computer modelling of the proposal was requested and provided in order for an assessment to be made of the impact of the proposed development on the local environment and in particular the adjacent residential properties. Only a street scene has been provided for the current amended design.
- 10.09 It is considered that the street is characterised by buildings at regular intervals, some of which are close to the footway, with intervening spaces. The majority of the buildings in the area are a mixture of low rise development with two storey houses and dormer bungalows.

- 10.10 The proposed scheme has a variation in roof height, which in the central section is greater in height than the existing building. The proposal did have a connecting block containing two apartments to allow vehicle access through to the rear. Following discussions with the applicant this block was removed to reduce the massing of the building. This addition in the built form created the visual impression of a continuous wall across the frontage of the site from important viewpoints. The applicants recently amended design lowers the roof height of block A which fronts the High Street, by removing the accommodation from the roof, but still allows for some variation in the roof line.
- 10.11 As well as local setting of the scheme due to the prominent position of the site and the long range views, the proposal also needs to be considered from the Denbigh Road/northern viewpoints and the impact of the proposal on the setting of the Scheduled Ancient Monument of Bailey Hill. However, even with the removal of the link element, it is not considered that the current siting and form of development follows the existing street pattern and therefore would be detrimental to the visual amenities of the area.
- 10.12 The applicants have indicated the scheme under consideration is one with the removal of the link element, a reduction in the roof height as outlined above and a change in the overall design. The revised option without the link block does have some merits. The two storey 'annex' is more appropriate as a stand alone building in terms of its scale, however this does accentuate the difference between the bulk and height of the main block. The reduction in height of Block A on the High Street elevation by removing does reduce this impact somewhat, but the height and massing of the building from the Denbigh Road elevation remains the same. It is therefore considered that the massing of the main block in this location remains overbearing due to the elevated sloping nature of the site above the Mold Ring Road. Although the current buildings are far from attractive they do not possess the height and massing of the proposed buildings. The impact of the proposed buildings would appear undesirably striking when viewed from the High Street and the Ring Road. The proposed main block projects forward closer to the Ring Road in physical built form, introducing an urban feel which adversely affects the character of the area. This area is currently characterised by a scattering of buildings ranging in scale from bungalows to the current hotel buildings on the site. While the current form of buildings has been extended incrementally, the nature of the form of the buildings retains a domestic rather than commercial feel. The long distance views of the site are therefore dominated by a concentration of trees which forms the surroundings of Bailey Hill. The proposed building even without the link and the slight reduction in height introduces a form of development which is significantly visually dominant.
- 10.13 It is considered that the height of the proposed building when viewed in the context of the existing bungalows and the adjacent buildings is over

dominant and out of scale with its immediate surroundings and does not relate well to adjoining buildings or enhance the character of the street scene. It is also considered that the submitted scheme by virtue of its height and massing would have a detrimental impact not only on the local street scene and the surrounding residential properties but also the wider townscape, adjacent Conservation Area and the Scheduled Ancient Monument of Bailey Hill.

- 10.14 While it is appreciated that there are other forms of apartment buildings within the vicinity of the site, it is considered that these locations do not have the same site characteristics or constraints as the application site. The application site requires a sensitive scheme to reflect the site topography, surrounding development and Bailey Hill.

#### Design

- 10.15 The design statement submitted with the application fails to provide a detailed contextual analysis for the chosen architectural style. The previous Victorian style with gables, decorative barge boards and turrets were not considered characteristic of the area. This has been replaced with a more modern, plainer external appearance. While some elements such as the use of glazing would reduce the impact of some elements by breaking up the building, overall it is not considered that the amended design is acceptable. The elevations from Denbigh Road and the north have a proliferation of gables, roof dormers and roof lights which have no obvious pattern or rhythm. The number and style of the windows are monotonous and the overall design lacks any interest or character. The site is very prominent from a number of viewpoints and is also viewed in the context of the Scheduled Ancient Monument. It is not considered that the design of the scheme is compatible in relation to the properties in the immediate vicinity and the character of the wider Conservation Area, furthermore it does not contribute to, or enhance the local distinctiveness of the area.

#### Parking, affordable housing and open space

- 10.16 The proposed provision of 34 spaces is in excess of the Council's Standards for parking provision which require 1.5 spaces per apartment for 21 units. The views of the Council's Highway Engineer will be reported on the day of planning committee. The size of the site and the number of units does not meet the Council's threshold for affordable housing requirement. The proposal would require a contribution to off site open space provision.

#### Ecological issues

- 10.17 CCW advise that as the application involves the demolition of existing buildings a bat and breeding bird survey should be submitted prior to the determination of the application. This information has not been included with the planning application.

#### Conclusion



- 10.18 While the re-development of this key site is welcomed as an opportunity to improve the current built form and the townscape of Mold, it is not considered that the proposals in their current form are acceptable in the context of the surrounding area. It is considered that the bulk, massing and height of the main block are incompatible with the neighbouring properties and its wider surroundings. While attempts have been made to revised and maned the current scheme, it is not considered that the proposed amendments address the key issues. A revised scheme would therefore need a significant reduction in scale across all dimensions to achieve a successful scheme, which would inevitable lead to a further reduction in the number of units.

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

## **11.00 RECOMMENDATION**

### 11.01 Refusal

#### Reasons

1. The proposed development is in the opinion of the Local Planning Authority overdevelopment of the site. It is considered by virtue of its scale, siting, massing, height and design the proposed development does not harmonise with the site and its surroundings and would have a detrimental impact on the townscape and the surrounding landscape. The proposal does not protect the character and amenity of the locality nor does it add to the quality and distinctiveness of the local area. The proposed development is therefore contrary to policy B5 of the Clwyd Structure Plan First Alteration, policies GEN1, GEN2 and Policy HSG5 of the Structure Plan Second Alteration: Flintshire Edition, Development control policy 2, Housing Policy 1 and Housing Policy 2 of the Delyn Local Plan, policies d1, d2, d3 and h7 of the Draft North Flintshire Local Plan and policies GEN1, D1, D2, D3, HSG3 and HSG8 of the emerging Flintshire Unitary Development Plan.
2. The proposed development would have an adverse impact by virtue of its scale, siting, massing, height and design on the setting and integrity of the historic environment. The scheme does not constitute good design and in particular it would not preserve or enhance the setting of Mold Conservation Area and the Scheduled Ancient Monument of Bailey Hill. The proposed development is therefore contrary to policy G4 of the Clwyd Structure Plan First Alteration, policies CONS21 and CONS24 of the Structure Plan Second Alteration: Flintshire Edition, Conservation Policy 2 of the Delyn Local Plan, policy he1 of the Draft North Flintshire Local Plan and policies

STR8, GEN1 and HE1 of the emerging Flintshire Unitary Development Plan.

3. Insufficient information has been provided to demonstrate that the proposed development would not effect European Protected Species. In the absence of suitable details the proposed development is therefore contrary to policy w1 of the Draft North Flintshire Local Plan and policy WB1 of the emerging Flintshire Unitary Development Plan.

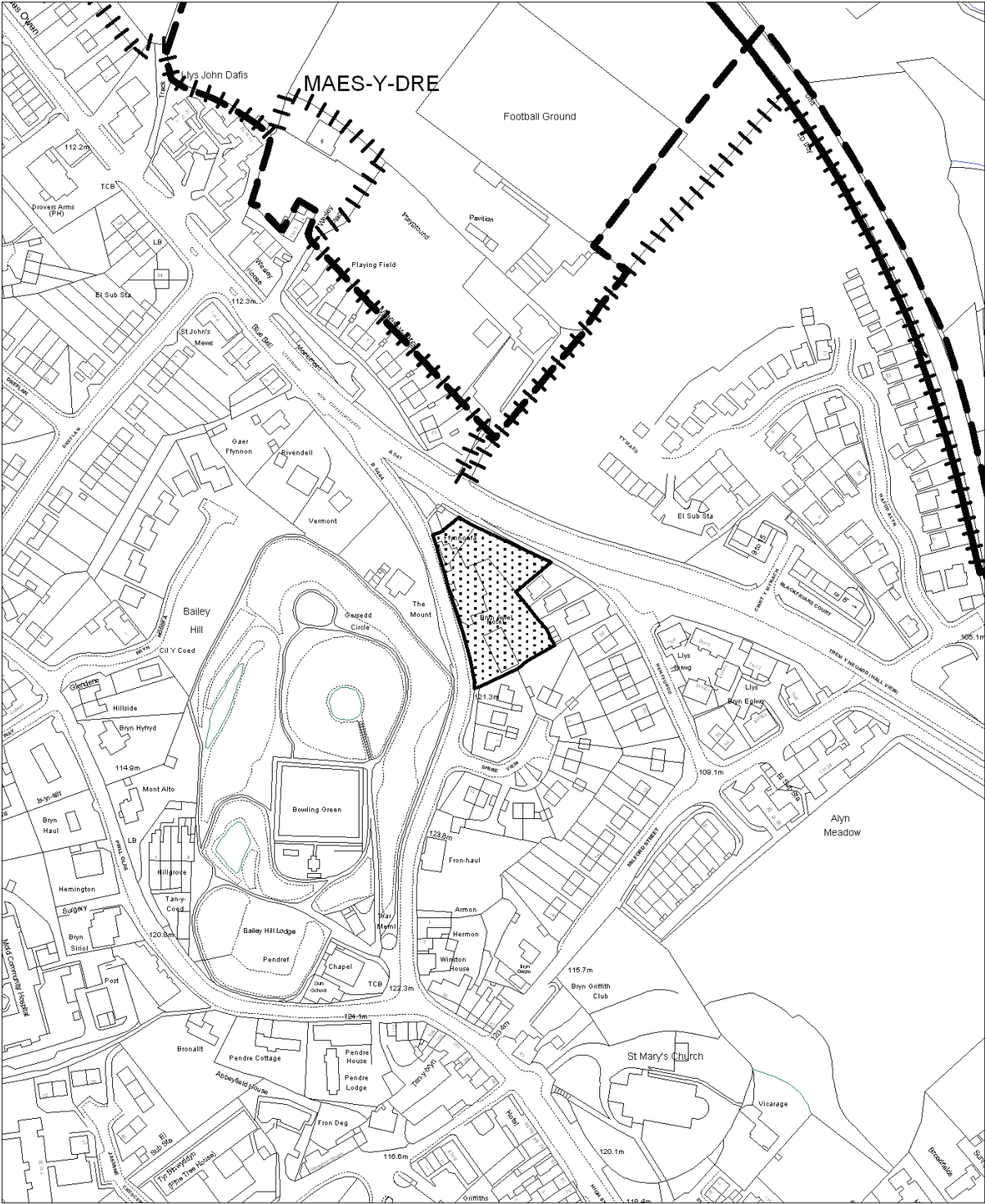
## **12.00 APPENDICES**

12.01

### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985** **BACKGROUND DOCUMENTS**

Planning application  
Consultation replies  
Representations

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**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** WEDNESDAY, 16 JANUARY 2013

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - DEMOLITION OF EXISTING HOTEL BUILDINGS AND THE ERECTION OF 21 NO. APARTMENTS AT BRYN AWEL HOTEL, DENBIGH ROAD, MOLD.

**1.00 APPLICATION NUMBER**

1.01 045180

**2.00 APPLICANT**

2.01 Richmond Investment Properties

**3.00 SITE**

3.01 Bryn Awel Hotel, Denbigh Road, Mold

**4.00 APPLICATION VALID DATE**

4.01 19/06/2008

**5.00 PURPOSE OF REPORT**

5.01 The purpose of this report is to update Members on the progress of the application bearing in mind it currently remains undetermined and to obtain a revised resolution from Members to allow the issuing of the decision notice.

**6.00 REPORT**

6.01 Members may recall that the application to which the report relates was considered by Members of the Planning & Development Control Committee at the meeting held on the 26th November 2008. It was resolved at that time that conditional planning permission be granted subject to the applicant entering into a Section 106 Agreement or

offering a unilateral undertaking or making advance payment in respect of the following issues:

1. In lieu of on site open space provision, payment of £733 per dwelling towards the upgrading of existing open space provision within the locality.
- 6.02 A copy of the report to the Planning & Development Control Committee held on 26<sup>th</sup> November 2008 is attached as Appendix A, where Members will note that the officer recommendation was to refuse planning permission, however, Members resolved to grant planning permission in the terms set out above.
- 6.03 Due to financial difficulties the original applicant was not able to conclude the S.106 Agreement. The site has now changed ownership and the new owners wish to sign the S.106 Agreement to allow the planning permission to be issued. In these circumstances due to the lapse in time since the application was last considered by the Planning Committee it is considered prudent to reassess the proposal and clarify whether or not there has been any material change in the planning circumstances that would influence the original resolution taken at the 26<sup>th</sup> November 2008 Planning Committee.
- 6.04 Since the Planning Committee's last resolution the Council have adopted a new supplementary planning guidance - SPG Note 23, which relates to developer contributions to education. Head of Education & Resources has assessed that a contribution of £49,028 would be required to cater for the impact on primary education resources.
- 6.05 The report therefore seeks a resolution from Members to allow for the amendment of the previous Committee's resolution i.e. to grant planning permission subject to conditions, but with the legal agreement amended to reflect the financial contribution now required. Therefore the new applicant shall enter into a Section 106 Agreement or offer a unilateral undertaking in respect of the following issues:
1. In lieu of on site open space provision, payment of £733 per dwelling towards the upgrading of existing open space provision within the locality.
  2. An educational contribution of £49,028 to cater for the impact on primary education resources in Mold

## **7.00 RECOMMENDATIONS**

- 7.01 That conditional planning permission be issued subject to the new owner of the site entering into a Section 106 Agreement or offering a unilateral undertaking in respect of points 1& 2 detailed at paragraph 6.05 above.

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