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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr David Wisinger (Chair)

CS/NG

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

4 November 2014

Tracy Waters 01352 702331
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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 12TH NOVEMBER, 2014** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 18)

To confirm as a correct record the minutes of the meeting held on 8 October 2014.

- 5 **ITEMS TO BE DEFERRED**

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Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

6 **REPORTS OF 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
12TH NOVEMBER 2014

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	052590 - A	052590 - A - Full Application - Demolition of the Potter's Wheel Public House and Erection of 1 No. Foodstore (Use Class A1), Associated Car Parking, Access, Servicing and Landscaping at The Potter's Wheel, The Precinct Way, Buckley (Pages 19 - 30)
6.2	052414 - A	052414 - A - Part Change of Use to Small Scale Artisan Production of Sauces and Condiments including Bottling and Distribution at Pwll Gwyn Hotel, Denbigh Road, Afonwen (Pages 31 - 40)
6.3	052486 - A	052486 - A - Full Application - Change of Use of Existing Public House into a Single Dwelling at Black Lion Inn, Village Road, Northop Hall (Pages 41 - 48)
6.4	051742 - A	051742 - A - Full Application - Erection of a Dwelling at Land Adjacent to 21 Marnel Drive, Pentre (Pages 49 - 56)
6.5	052369 - R	052369 - R - Full Application for a Foodstore (Use Class A1) and 5 Three Bedroom Affordable Houses (Use Class C3) with Associated Car Parking, Access, Servicing and Landscaping at Broughton Shopping Park, Broughton (Pages 57 - 76)
6.6	052513 - A	052513 - A - Full Application - Erection of 6 No. 2 Storey Dwellings, New Accesses Both Vehicular and Pedestrian and Associated Works at Risboro, Nant Mawr Road, Buckley (Pages 77 - 86)
6.7	052504 - R	052504 - R - Full Application - Replacement of Existing Buildings with 1 No. Eco Dwelling at Marsh Farm, Chester Road, Oakenholt (Pages 87 - 98)
6.8	052570 - A	052570 - A - Full Application - Residential Development to Provide 10 No. Two Bedroom Apartments and 4 No. One bedroom Apartments and Associated Parking at New Inn, Station Road, Sandycroft (Pages 99 - 110)
6.9	052432 - A	052432 - A - Full Application - Retrospective Application to Retain Timber Stables and Storage, Additional Storeroom and Hardstanding at 25 Rhyddyn Hill, Caergwrle (Pages 111 - 118)
6.10	052122 - A	052122 - A - Full application - Change of use of an existing building to 16 No. residential apartments, with associated car parking at ground floor level at Executive House, 1-3 Pierce Street, Queensferry (Pages 119 - 128)
6.11	051954 - R	051954 - R - Full Application - Erection of 3 No. Two Storey Terraced Dwellings and Associated Works on land adj. Pendower, Ffordd y Pentre, Nercwys (Pages 129 - 138)
6.12	052360 - A	052360 - A - Full application - Demolition of a disused sub-station and proposed new building extension to the existing Farmers Boy facility whilst retaining the existing site access at Units 105-106 Tenth Avenue, Deeside Industrial Park, Deeside (Pages 139 - 146)
6.13	052429 - A	052429 - A - Removal of Condition No. 6 Attached to Planning Permission Ref: 048032 as Amended by Planning Permission Ref: 050805 at Overlea Drive, Hawarden (Pages 147 - 154)
6.14	052589 - A	052589 - A - Full Application - Re-plan to 3 No. Plots (325 - 327) within Northern Parcel of Former Buckley Brickworks in Conjunction with Previous Permissions Granted Under Code Nos 050333 & 050874 at Former Lane End Brickworks, Drury Lane, Buckley (Pages 155 - 164)
6.15	052586 - A	052586 - A - Full Application - Proposed Side Extension and Repositioning of Existing Conservatory from Side of House to Rear at Llwyn Farm, Ffynnongroyw (Pages 165 - 170)

6.16	052334	052334 - General Matters - Construction of a New Crematorium, Associated Car Park, Access Road and Ancillary Works, Landscaping, Gardens of Remembrance and Area for Natural Burials at Land at Kelsterton Lane/Oakenholt Lane, Near Northop (Pages 171 - 174)
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Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.17	051424	051424 - Appeal by Edwards Homes Ltd Against A Failure of Flintshire County Council to Give Notice Within The Prescribed Period of a Decision on an Application for the erection of 13 No. dwellings on land to the rear of Rock Bank, Main Road, New Brighton - ALLOWED (Pages 175 - 182)
6.18	051234	051234 - Appeal by Mr. Charles & Mrs Gail Shaw Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Four Bedroom Detached Dwelling and detached Double Garage at 37 Wood Lane, Hawarden - DISMISSED (Pages 183 - 188)
6.19	051481	051481 - Appeal by Anwyl Construction Co Ltd Against the Decision of Flintshire County Council to Refuse Planning Permission for the Removal of Condition No. 14 of Previously Approved Planning Permission Ref: 047624 to Allow for the Development of the Whole Site at Dovedale, Alltami Road, Buckley - ALLOWED (Pages 189 - 194)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
8 OCTOBER 2014

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 8 October 2014

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTIONS:

Councillor: Jim Falshaw for Alison Halford and Veronica Gay for Richard Lloyd

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Dave Mackie - agenda item 6.7. Councillor Peter Curtis - agenda item 6.10. Councillor Haydn Bateman - agenda item 6.11.

APOLOGY:

Councillor Billy Mullin

IN ATTENDANCE:

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

57. DECLARATIONS OF INTEREST

Councillor Ray Hughes declared a personal interest in the following application as he was on the Management Board for North East Wales Homes:-

Agenda item 6.4 – Full application – Erection of 20 No. dwellings (Phase 2) at Village Road, Northop Hall (052388)

Councillor Christine Jones declared a personal and prejudicial interest in the following application because a family member was an Undertaker and explained she had obtained a dispensation to speak from the Standards Committee:-

Agenda item 6.12 – General Matters – 1. Erection of a crematorium with associated car parking, new access, landscaping and garden of rest on land east of A5119 & south of Tyddyn Starkey Lane, Northop. 2. Construction of a new crematorium, associated car park, access road and ancillary works, landscaping, gardens of

remembrance and area for natural burials on land at Kelsterton Lane/Oakenholt Lane, Near Northop (052334)

58. LATE OBSERVATIONS

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

59. MINUTES

The draft minutes of the meeting of the Committee held on 3rd September 2014 had been circulated to Members with the agenda.

RESOLVED:

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

60. ITEMS TO BE DEFERRED

Application 6.1 – Unit 1-4, The Squares, Mostyn (052223)

The Chief Officer (Planning and Environment) explained that the applicants wanted to extend the hours of operation. He referred to the late observations where it was reported that the applicants were willing to undertake an acoustic survey. It was therefore recommended that the application be deferred for the work to be undertaken and the survey to be considered by the Authority.

The proposal was moved by Councillor Chris Bithell and duly seconded. On being put to the vote, deferral of the application was CARRIED.

Application 6.2 – Pwll Gwyn Hotel, Denbigh Road, Afonwen (052414)

The Housing & Planning Solicitor recommended that this application be deferred as an allegation had been received that the site visit had not been undertaken in accordance with the Planning Code of Conduct. His advice was that it was not safe to deal with the application at this meeting and that it should be deferred to allow a further site visit to take place. In response to a question from Councillor Mike Peers he explained that the applicant had been present and had answered Member questions on the application.

The proposal was moved by Councillor Chris Bithell and was duly seconded. On being put to the vote, the proposal to defer the application for a further site visit was CARRIED.

RESOLVED:

That applications 052223 (Units 1-4, The Squares, Mostyn) and 052414 (Pwll Gwyn Hotel, Denbigh Road, Afonwen) be deferred.

61. FULL APPLICATION – CHANGE OF USE OF EXISTING PUBLIC HOUSE INTO A SINGLE DWELLING AT BLACK LION INN, VILLAGE ROAD, NORTHOP HALL (052486)

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 6 October 2014. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and said that the main issues related to land ownership, fencing and the issue of the layout of the building. Construction of a boundary fence on the site had been refused in July 2014 and as it formed part of this application, a condition had been included that the fence should not exceed two metres in height.

Councillor Marion Bateman indicated that the applicant had been present on this site visit and participated in it as with the previous application. The Housing & Planning Solicitor recommended that this application also be deferred.

The Chief Officer (Planning and Environment) detailed the reasons for the recommendation to defer and the purpose of the site visits. He explained that agents, applicants and Town & Community Council representatives were not permitted to attend the site visits as they had the opportunity to address Members for three minutes during the Committee meeting. The Democracy and Governance Manager provided further details of changes to the Planning Protocol and concurred with the proposal to defer the application for a further site visit.

Councillors Ian Dunbar and Mike Peers explained that clarification had been sought on the site visit and the applicant had provided a response, but had not addressed the Members. Councillor Owen Thomas said that the applicant had also invited those present to go inside the building to show them the features that were to be retained. Councillor Derek Butler felt that the policy needed to be considered. Councillor Gareth Roberts concurred that the applicant had not addressed the Members but did provide a response to two points which needed clarifying.

In response to the comment about the need to review the policy, the Chief Officer (Planning and Environment) said that the protocol indicated that the Planning Officer should answer any questions and the Local Member should then be invited to speak.

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

RESOLVED:

That the application be deferred to allow a further site visit to take place.

62. FULL APPLICATION – ERECTION OF 20 NO. DWELLINGS (PHASE 2) AT VILLAGE ROAD, NORTHOP HALL (052388)

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 this was phase two of a development on an allocated site. Phase one had been granted permission on appeal and the site was allocated for 93 properties in the Unitary Development Plan (UDP). The main issues in determining the application included the principle of development, site layout and access. Ecology on the site had been addressed at Phase one and mitigation had been put in place at that stage. A requirement of the Section 106 agreement on Phase One had been for speed traffic calming which had also been implemented. An additional condition was reported in the late observations for a land contamination investigation.

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

Councillor Chris Bithell queried why the number of properties on the site had reduced from 93 allocated in the UDP to a total of 71 on Phases one and two. Councillor Richard Jones sought clarification on the connection with the Black Lion public house. Councillor Mike Peers queried the density on the site with 93 properties on it and also with the total of 71 dwellings and queried whether the reduction in dwellings would put pressure on other areas. He also asked about the two gifted units, whether the Housing Strategy Manager had commented on the proposal and whether the calculation was consistent with policy HSG10.

In response, the officer said that the allocation for residential development in the UDP included land to the side and rear of the Black Lion public house. Due to issues of land ownership, the two initial phases had not included these areas but there was still the potential for the remaining part of the site to come forward in the future. The approach taken on the first phase had been for gifted units, which had been agreed with the Housing Strategy Manager, and it was agreed that the same approach would be taken for Phase two, with two units being the calculated requirement.

Councillor Derek Butler queried whether the area not included in Phases one and two was in the ownership of the Council and asked whether the Black Lion public house was an access point for this site. The officer advised that the access for Phase two would be through Phase one and that

an additional access would be required if the remaining area was to be developed. She did not have the details of the density on the site. The Housing & Planning Solicitor reminded the Committee that issues of land ownership should not form part of their determination.

In response to a query from Councillor Peers about why the number of dwellings was 22 less than the UDP allocation, the officer detailed the site area and explained the potential for the number of units.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), an additional condition in the late observations and subject to the applicant entering into a Section 106 agreement or unilateral undertaking in respect of the following:-

- To gift 2 three bed dwellings to North East Wales Homes to be used as affordable housing
- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision
- To provide a contribution of £55,407 to fund capacity improvements at Hawarden High School.

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

63. OUTLINE APPLICATION – ERECTION OF 5 NO. TWO STOREY DWELLINGHOUSES, FORMATION OF SERVICE ROAD AND ALL OTHER ASSOCIATED WORKS AT TRAM ROAD, BUCKLEY (051906)

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.

The officer detailed the background to the report and explained that all matters were reserved for subsequent approval. The site, which was in the settlement boundary had outline planning permission for 3 no. four bedroom detached houses and 1 No. three bedroom detached bungalow. Key considerations in determining the application included the adequacy of the access and drainage issues. Welsh Water had not raised any objection to the proposals, subject to conditions, which would ensure that the surface water from the site was controlled, connecting to a surface water sewer which would then drain into a combined sewer into Tram Road, with the discharge rates being controlled.

Mr. C. Roberts, the agent for the applicant, spoke in support of the application. He said that the surrounding properties were a mix of developments and as the extant permission had been approved, this

application should also be permitted. The properties would be accessed from a private driveway off Tram Road and a footpath from the site to Liverpool Road would be provided. Any increases in traffic would not have a detrimental impact on the area and the space around dwellings guidelines had been complied with. The scheme, which made the best use of the land, complied with scale and form defined in policy HSG8 and plots 1, 3 and 4 had been sited to minimise the impact on neighbouring properties. Soft landscaping had been included in the proposal and the drainage design had been accepted by Welsh Water.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He said that the principle of development had been established and the applicant had noted the concerns raised with the initial impact of plot one and had addressed those concerns. The access and egress was unchanged from the original application and provision of the footpath from the site to Liverpool Road was a further improvement. Councillor Owen Thomas agreed that the concerns previously raised had been addressed. Councillor Chris Bithell sought clarification on the earlier comments of the officer about the surface water sewer connecting to the combined sewer. The officer responded that Welsh Water had undertaken work to ensure control for discharge rates of surface water.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling in lieu of on site play provision.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed or advance payment not received within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

64. FULL APPLICATION – DEMOLITION OF EXISTING CAR SHOWROOMS AND SERVICE GARAGE AND DEVELOPMENT OF 5 NO. DETACHED DWELLINGS AT WILLIAMS QUALITY CARS, 129 CHURCH ROAD, BUCKLEY (052285)

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.

The officer detailed the background to the report. The main issues to consider included the principle of development, highway implications and effects on character and appearance of the area. Comments had been made about the impact on Clayton House (121 Church Road) but the officer explained that separation distances had been complied with and the proposal would not have a detrimental impact on the existing property.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He referred to the site history and said that there had been no objections to the proposals. He felt that the report did not contain any information relating to the retaining wall for 121 Church Road which was lower than this site and queried whether the planting referred to in paragraph 7.11 needed to be conditioned.

Councillor Chris Bithell sought clarification on the issue of drainage and Councillor Derek Butler, in referring to paragraph 7.19 about surface water being drained into soakaways, queried whether this would cause problems for neighbouring properties which were at a lower level.

In response to the questions from Members, the officer advised that condition 15 would require details of boundary treatments to be submitted and approved and condition 9 would ensure the height of 1m above level of nearside channel level of adjoining highway was not exceeded. On the issue of drainage, he said that previous issues with drainage on the site had been overcome and referred Members to paragraphs 7.19 and 7.20 of the report.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or making a direct payment to provide payment of £5,500 for the enhancement of existing public open space in the nearby community.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution or payment not received, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

65. FULL APPLICATION – ERECTION OF 2 STOREY OFFICE, WITH ASSOCIATED LANDSCAPING AND PARKING AT THE RUNNING HARE, ST. DAVID’S PARK, SPINE ROAD, EWLOE (052507)

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 main issues included highway implications, the effects upon the character and appearance of the area and the stability of the land. In highway terms, the access was considered acceptable but the proposed number of car parking spaces, which complied with the Council’s maximum standards, was only for 50% of the employees specified as part of the application. A travel plan had been included in the list of conditions which would force the operator to consider all modes of transport to the site.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that the site was allocated and that the travel plan would alleviate the concerns about the issue of a reduced number of parking spaces. Councillor Ian Dunbar said that the same concerns had been raised prior to the opening of the Running Hare public house but this was not an issue now.

The Local Member, Councillor David Mackie, said that his only concern was that the development might create more parking in the surrounding roads which were already well used by parked vehicles from other developments. He had been assured earlier in the week that the developer had agreed to the travel plan which would require that no vehicles be parked outside this site by users of the development. He asked that this be enforced if the condition was not fully complied with. He referred to paragraph 7.12 and sought assurance that the conditions of the travel plan would be strictly adhered to.

Councillor Chris Bithell said that there had not been any objections to the proposal but the parking issues were a significant concern. He felt that the report did not indicate the consequences if the parking issues continued and added that he shared the concerns of the Local Member. He suggested that other solutions could be considered such as putting the building on stilts to allow car parking below the development, or an underground parking area. Councillor Mike Peers shared the concerns about parking and referred to the offer of the applicant to provide a further 10 parking spaces if required. He had initially considered suggesting deferring the application to await the travel plan but instead proposed that the extra spaces be conditioned and that the travel plan be brought back to the next meeting of the Committee for consideration. Councillor Richard Jones sought clarification on how the travel plan would be enforced. Councillor Derek Butler concurred that the 10 extra spaces should be conditioned.

In response to a query from Councillor Owen Thomas, the Senior Engineer - Highways Development Control explained that the proposed 49 spaces did meet Local Planning Guidance standards. The applicant had initially indicated that 120 staff would be employed at the site but had amended that figure to 47. The spine road was adopted by the Council and had double yellow lines on it. The travel plan, when it was submitted, would be considered by the Enforcement Team and the Regional Officer.

The officer indicated that the additional condition referred to in the late observations, requiring further details of the car parking layout, would include the provision of the 10 additional spaces.

In summing up, Councillor Butler commented that the reduced number of employees was now nearer to the number of parking spaces proposed and confirmed his proposal of approval subject to the inclusion of the 10 extra spaces in the condition referred to in the late observations.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and the additional condition referred to in the late observations (to include the provision of the 10 extra spaces).

66. FULL APPLICATION – ERECTION OF A DWELLING AT LAND ADJACENT TO 21 MARNEL DRIVE, PENTRE (051742)

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. He explained that Hawarden Community Council had objected to the application and a total of five letters of objection had been received. An additional condition had been requested in the late observations.

Mr. C. Ellis spoke against the application. He raised concern about the property being tandem development and also about the scale and height of the proposed dwelling. He felt that the proposal would lead to severe overlooking of his property, which he felt breached his human rights, and felt that screening would not reduce the problem.

Councillor Gareth Roberts proposed that the application be deferred to allow a site visit to take place and this was duly seconded. On being put to the vote, the proposal to defer the application for a site visit was CARRIED.

RESOLVED:

That consideration of the application be deferred to allow a site visit to take place.

67. FULL APPLICATION – CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH CHANGE IN LEVELS AT THE REAR OF PLOTS 52-56 AT FIELD FARM LANE, BUCKLEY (052401)

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 application was partly retrospective and was a resubmission of an application which was reported in June 2014. Since that application, the applicant had submitted an appeal against refusal and a hearing was due to be held in

November 2014. He drew attention to the late observations where comments from the applicant were reported which included the proposal to reduce the depth of the 1.5 metre raised area, which officers deemed to be acceptable, to 0.9 metres.

Mrs. L. Biffin spoke against the application and said that she believed that local planning guidance had not been adhered to and she referred to the proposed fence which would allow overlooking into her property. The slope of the garden would encourage the use of the raised platform area for sitting out by the residents of plot 56 and Mrs. Biffin felt that noise generated from the area would be heard from the bedroom in her property. She indicated that she had submitted a complaint about the application which included its non-compliance with separation distance criteria. The price of the property had recently been reduced and Mrs. Biffin highlighted paragraph 7.08 where it was reported that the dwelling was sited in the correct position relative to the site boundaries of the estate development; she did not feel that plot 56 was in the correct place.

Mr. N. Mellan spoke in support of the application and said that the original application had been refused due to the impact on the neighbours. Illustrations provided to the meeting showed that no significant harm would be caused by the proposal and the applicants had offered to accept a condition to reduce the raised area to 0.9m. The proposal would create a better outcome in terms of visual amenity and practicality and would address the issues raised previously. The raised area would be heavily screened to protect the occupiers of this property and Field Farm and the area would not be used as a sitting out area due to its size. New hedging was also being offered along the footpath. Mr. Mellan said that the raised area would allow the occupiers of the property to access the garden area safely.

The Local Member, Councillor Carol Ellis, proposed refusal, against officer recommendation, which was duly seconded. She said that the application was the same as that submitted in June and the proposed development would result in overlooking and have an overbearing impact on Field Farm and Aberllanerch Drive. The application was contrary to space around dwellings note 2 and policies GEN1, D1 and D2 of the Unitary Development Plan. She highlighted point one raised in the late observations by the applicants, which she disagreed with, as a path around the property had been included in the original proposal which would have allowed access to the garden. Councillor Ellis felt that this application should also be refused and said that work had still been ongoing on the plot, even though planning permission was not in place.

Councillor Mike Peers drew attention to paragraph 1.03 but said that there had been no change in this resubmitted application. He asked how a condition that the raised area would not be used as a sitting out area could be enforced. Councillor Richard Jones referred to paragraph 7.08 where it was reported that the property was 1.8 metres closer to Field Farm.

In response to the comment by Councillor Jones, the Development Manager said that the property was closer to Field Farm than had been envisaged but the proposal before the Committee only referred to construction of earthworks and retaining structures to allow occupiers to access their garden. The applicant had offered to reduce the depth of the raised area to 0.9 metres but officers believed that 1.5 metres was acceptable.

In response to the comments made, the officer said that there was a need to identify a solution to allow occupiers to access their garden and it was the view of officers that the proposal was acceptable.

In summing up, Councillor Ellis said that the application went against policy, and should be refused on the grounds that the application would result in overlooking, have an overbearing impact on existing properties at Field Farm and Aberllanerch Drive and was contrary to space around dwellings guidance and policies GEN1, D1 and D2 of the UDP.

RESOLVED:

That planning permission be refused as the proposal would result in overlooking, have an overbearing impact on existing properties at Field Farm and Aberllanerch Drive and was contrary to space around dwellings guidance and policies GEN1, D1 and D2 of the UDP.

68. OUTLINE APPLICATION FOR THE PROPOSED NEW DEVELOPMENT OF 10 NO. DETACHED DWELINGS AND ASSOCIATED ACCESS ROAD AT BODOWEN SURGERY, HALKYN ROAD, HOLYWELL (052349)

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 site was currently vacant and overgrown. All matters of detail were reserved for future consideration. An indicative layout had been provided for the ten properties on the site, but this was not binding.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded.

The Local Member, Councillor Peter Curtis, spoke against the application and said that the objections from Holywell Town Council, and his own concerns, had been reported. He raised concern at the number of conditions attached to the recommendation and felt that the proposal for ten four bedroom properties would lead to an overdevelopment of the site. He commented on the traffic generated by fans attending Holywell Town Football Club which was near to the site and raised concern about whether there was any contamination in the area due to previous uses of the site. Councillor

Curtis was also concerned about the issue of drainage and commented on a number of other developments in the area. He felt that the application should be refused but that if it was approved, a section 106 agreement should be included for payment in lieu of on site play and recreation provisions. He felt that the site was not the correct location for the proposal and asked that the Committee defer the application for a site visit.

Councillor Gareth Roberts spoke against the application and concurred with the comments of Councillor Curtis about the parking problems in the area. He felt that the land which was owned by the Council should be converted back to a level piece of land so that it could be used as a car parking area to alleviate the problems. He added that Holywell Town Football Club had spent £50,000 on works in the area.

Councillor Derek Butler agreed that there were drainage issues in the area and in referring to the comment by Councillor Roberts about the Council owning the land, suggested that Holywell Town Council or Holywell Town Football Club could purchase the land. Councillor Owen Thomas concurred with Councillor Roberts about the problems of parking in the area particularly when visiting the nearby hospital or doctor's surgery. Councillor Richard Jones felt that Councillor Butler's suggestion on the issue of land transfer should be taken up with the Chief Officer (Organisational Change).

In response to the comments made, the officer advised that the issues raised about Holywell Town Football Club were not relevant to the Committee's determination of the application. He confirmed that the site still had extant permission for 15 properties and explained that the current proposal for 10 properties was not an overdevelopment of the site and it complied with the Council's standards. The previous uses of the site had been considered and the conditions imposed would adequately address any concerns. Welsh Water and Natural Resources Wales had been consulted and neither had raised any objections to the proposal subject to conditions. The officer explained that a Section 106 agreement for payment in lieu of on site play and recreation provisions could not currently be pursued as the Council owned the land. However, if the land was sold in the future, these contributions could be sought as a condition of the sale of the land and this was clarified in the late observations.

In summing up, Councillor Chris Bithell said that the site had extant outline permission and was in the settlement boundary so there no reason to refuse the applicaiton. No objections had been received from statutory consultees and the proposal was not an overdevelopment of the site.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

69. **FULL APPLICATION – ERECTION OF 3 NO. STOREY BLOCKS TO CREATE 21 NO. SELF CONTAINED RESIDENTIAL UNITS; PROVISION OF ACCESSES OFF GLANRAFON ROAD AND CHAPEL STREET; HARD AND SOFT LANDSCAPING AND ALL OTHER ASSOCIATED WORKS AT OLD BAKERY, GLANRAFON ROAD, MOLD (052105)**

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 which proposed two blocks of apartments in Mold town centre. She explained about the two vacant buildings on the site and advised that the site could be accessed from Glanrafon Road and Chapel Street. The area was generally residential and an original application had been submitted for the apartments in three blocks but this had since been amended to two blocks. The properties to the front of the site would be managed by Wales and West Housing Association with the other being managed by First Choice Housing Association and was to provide supported independent living for adults with learning difficulties. The Conservation Officer was satisfied with the design and even though the number of parking spaces provided was slightly lower than standards, it was deemed to be acceptable due to the location of the site and its proximity to a public car park.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that the area was dilapidated and was in need of an upgrade. He commented on the lower than standard number of parking spaces but indicated that there were alternatives in the area.

The Local Member, Councillor Haydn Bateman, spoke in support of the application. It was a brownfield site in a residential area and he felt that the scheme submitted was the best proposal for the site. The siting of the blocks was sympathetic to the area and the scheme would comply with the Wales Housing Quality Standard.

Councillor Derek Butler referred to the comments of Councillor Bateman in the report on whether the open space contribution could be paid upfront rather than on 50% occupation. In response, the officer said that the applicant had considered the request and had agreed to pay half the requested amount upfront.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition in the late observations on a scheme for foul drainage and subject to the applicant entering into a Section 106 agreement, unilateral undertaking or early payment for £733 per unit in lieu of onsite open space provision.

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

70. **GENERAL MATTERS – 1. ERECTION OF A CREMATORIUM WITH ASSOCIATED CAR PARKING, NEW ACCESS, LANDSCAPING AND GARDEN OF REST ON LAND EAST OF A5119 & SOUTH OF TYDDYN STARKEY LANE, NORTHOP. 2. CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING, GARDENS OF REMEMBRANCE AND AREA FOR NATURAL BURIALS ON LAND AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP (052334)**

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.

The officer detailed the background to the report and explained that at the meeting on 18 June 2014, Members had resolved to hold a special planning committee meeting as soon as possible to consider application 051043. Following that meeting, an application had been received for another site in Northop and due to the similar nature of the applications, it was proposed that there would be some merit in considering both proposals at the same meeting.

Councillor Marion Bateman proposed the recommendation that a Special Planning Committee be convened as soon as possible to deal with application 051043 (Tyddyn Starkey Lane, Northop) and 052334 (Kelsterton Lane, Near Northop), if it was deemed to be ready for consideration, which was duly seconded. Councillor Carol Ellis concurred and said that common sense should prevail.

Councillor Owen Thomas felt that there was no reason to consider both applications together and that only application 051043, which had been submitted first, should be considered on its own. Councillor Mike Peers referred to paragraph 6.02 where it was reported that the applications would be considered separately, he suggested that application 051043 be considered before 052334 even if they were both submitted to the same meeting. The Democracy and Governance Manager asked that officers be able to decide the order for the consideration of the applications.

Councillor Neville Phillips referred to the resolution from the meeting on 18 June 2014 which indicated that application 051043 should be determined in a special planning committee meeting to be held as soon as possible. He raised concern that the meeting had not yet taken place. He spoke of the need for a crematorium but felt that it was unfair to deal with both applications on the same day. He said that Flintshire could end up with two crematoria if one was approved and the second one refused, but granted on appeal.

The Chief Officer (Planning and Environment) said that both applications were linked. He added that the site for application 051043 was in the green barrier and the change in circumstances since the 18 June 2014 meeting was that a second application had been submitted. He spoke of the need for a robust decision and said that if the application alluded to provide a suitable site, it was right to have regard to it as it would have an impact on the decision on the initial application. The Democracy and Governance Manager reminded the Committee that the applicant for 051043 could have appealed on the grounds of non-determination but had decided not to do so.

Councillor Derek Butler felt that there was a need to consider both applications together to decide which one was the most suitable as one was in the green barrier and one was on brownfield land. Councillor Gareth Roberts concurred that both applications should be dealt with on the same day but that if the second application was not ready for determination, then application 051043 should be dealt with separately.

Councillor Chris Bithell said that he felt embarrassed at the way the applications had been dealt with and said that it was deplorable that the original application had been submitted 15 months ago but had still not been determined. Councillor Richard Jones concurred and said that application 051043 should be dealt with regardless of whether there was any link to other applications.

In response to the comments made, the officer said that the second application (052334) was in the system and consultation had commenced. He said that if the application 051043 had been appealed on the grounds of non-determination, a report would have been submitted to Committee on the stance to take at an appeal. The Chief Officer (Planning and Environment) said that officers had approached the decision in a professional manner with defensible reasons for refusal or support of approval and as two applications had now been submitted, it was important to form an opinion on both to make a recommendation to Committee.

Councillor Ellis sought clarification on whether there was a policy that indicated that other areas had to be explored if a site was in the green barrier. The Chief Officer (Planning and Environment) responded it was not in the policy, but the fact that the site was in the green barrier had to be considered.

On being put to the vote, the proposal to convene a special meeting to consider application 051043 and consider application 052334 if it was deemed to be ready was LOST.

Councillor Phillips put forward a proposal that application 051043 be dealt with as soon as possible and this was duly seconded. Councillor Richard Jones proposed that the meeting should be on or before the 29th October 2014 but Councillor Phillips did not feel that a date should be agreed now. Councillor Carol Ellis queried why both applications could not be considered on the same day if they were both ready.

In response to the comments made, the Planning Strategy Manager said that two applications had been submitted for consideration for the same type of proposal. He advised the Committee of the need to comply with two tests for applications in the green barrier with the first being need and the second being that there was no suitable alternative site not in the green barrier. He said that it was unsafe to deal with application 051043 on its own and said that both should be dealt with at the same meeting but added that application 052334 should be considered first to see if it was a better proposal. In response to a question from Councillor Peers, the Chief Officer (Planning and Environment) said that because the assessment on application 052334 had not been completed, officers may not be able to make a recommendation on 051043.

Councillor Ray Hughes commented on the embarrassing situation and Councillor Owen Thomas queried whether any suitable alternative sites had been considered as part of application 051043. In response, the officer said that supplementary information on specific site searches had taken place. He explained that the applicant for the 052334 site had had an application refused by Denbighshire County Council and had sought suitable alternatives in Flintshire. Officers wanted to make a strong recommendation to Members and he said that it was important that both applications were considered at the same time.

Councillor Richard Jones reiterated his earlier comment that the application 051043 be considered on or before 29th October 2014 on its own.

The Democracy and Governance Manager reminded Members that there would be a need to take account of any other suitable sites in determining application 051043 as it was in the green barrier.

In summing up, Councillor Phillips agreed to include the suggestion by Councillor Jones that the application 051043 be heard no later than 29th October 2014.

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

RESOLVED:

That application 051043 be considered at a Special Planning Committee meeting to be held no later than 29th October 2014.

71. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting for the following agenda item which was considered to be exempt by virtue of paragraph 16 of Schedule 12A of the Local Government Act 1972 (as amended).

72. APPEAL BY DEVELOPMENT SECURITIES PLC IN RESPECT OF LAND TO THE NORTH OF BROUGHTON SHOPPING PARK

The Chief Officer (Planning and Environment) introduced the report to update and advise the Committee in light of advice received from the Local Planning Authority's Barrister.

Councillor Derek Butler raised concern about the report and Councillor Richard Jones sought clarification on the report. Councillor Chris Bithell hoped that lessons would be learnt from the way this application had been dealt with.

The Chief Officer (Planning and Environment) and Democracy and Governance Manager responded to the questions asked and comments made.

RESOLVED:

That in light of legal advice, the Local Planning Authority should proceed on the basis of the recommendation contained in the officer's report and not to contest the appeal.

73. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 38 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 4.18 pm)

.....
Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF THE POTTER’S WHEEL PUBLIC HOUSE AND ERECTION OF 1 NO. FOODSTORE (USE CLASS A1), ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING AT THE POTTER’S WHEEL, THE PRECINCT WAY, BUCKLEY**

APPLICATION NUMBER: **052590**

APPLICANT: **ALDI STORES UK LTD**

SITE: **THE POTTERS’ WHEEL, THE PRECINCT WAY, BUCKLEY**

APPLICATION VALID DATE: **8TH OCTOBER 2014**

LOCAL MEMBERS: **COUNCILLOR R. JONES**
COUNCILLOR A. WOOLLEY

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

REASON FOR COMMITTEE: **THE RECOMMENDED SECTION 106 AGREEMENT INVOLVES MATTERS FOR WHICH POWERS ARE NOT DELEGATED TO THE CHIEF OFFICER**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application seeks approval for the demolition of the “Potters’ Wheel” public house and erection of a 1892m² retail food store, together with ancillary car parking, access, servicing and landscaping.

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:-

1. The payment of a contribution of £50,000 to the Council for use in facilitating the implementation of public realm enhancements upon Precinct Way. Such sum to be paid to the Council upon commencement of the development.
2. The payment of £4000 towards the review of existing Traffic Regulation Orders and the implementation of amended Orders.

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Samples and/or precise details of all external finish and surface materials and colours to be submitted and approved.
4. Detailed composition of brick use in elevations to be submitted and agreed prior to the commencement of the development.
5. No development to be commenced until a scheme for the comprehensive drainage of foul, surface and land waters approved.
6. Ecologist to be present during demolition phase to ensure no bats habitat effects.
7. Scheme for hours of deliveries to be agreed.
8. Construction traffic management and routing scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
9. Full details of all proposed boundary treatments.
10. Submission and agreement of scheme for provision of public art to be submitted and agreed prior to the commencement of the development and implemented in full prior to the first use hereby approved.
11. Implementation of landscaping
12. Details of acoustic performance of all external plant, refrigeration and air conditioning units to submitted and agreed.
13. Surface water drainage scheme to be submitted and agreed.
14. Bio-security risk assessment to be submitted and agreed.
15. No works to commence until scheme for pedestrian crossing on Precinct way submitted and approved.
16. Pedestrian crossing facilities to be completed before store opens.
17. Existing vehicular access to Potters Wheel to be closed and reinstated as footway before store opens.
18. No works to commence until Full Travel Plan is submitted and approved.

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

3.00 CONSULTATIONS

3.01 Local Members

Councillor R. Jones:

No response at time of writing.

Councillor A. Woolley

Requests Committee determinations. Has concerns in relation to the extent of the application site.

Buckley Town Council

Council supports the application. Makes observations in relation to the footpath link to the precinct.

Highways Manager (DC)

No adverse comments. Advises that a contribution of £4000 is required to review existing Traffic Regulation Orders in order to prevent casual parking on Precinct Way. Also requests the imposition of conditions and notes.

Pollution Control Officer

No response at time of writing.

Economic Development Manager

No objection subject to an appropriate S.106 agreement and good pedestrian links between the store and town centre.

Welsh Water/Dwr Cymru

No response at time of writing.

Natural Resources Wales

No objections. Requests the imposition of conditions in relation to the need for surface water drainage measures to be agreed and also for a bio security risk assessment to be submitted and agreed.

Airbus

No response at time of writing.

4.00 PUBLICITY

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

- 4.02 At the time of writing, 1No. third party letter has been received in response to the publicity exercise. This raises an objection on the grounds that the proposals do not provide for additional car parking and consequently this will give rise to increased parking pressure in the locality to the detriment of highway safety. Furthermore, the lack of car parking would not contribute to the regeneration of the town centre.
- 4.03 In addition, a petition bearing some 400+ signatures has been received in support of the proposals on the basis that the proposals increase the range of shopping options to residents, reduce the need to travel to other nearby settlements and contribute to the regeneration of the town centre.
- 4.04 A letter has been received on behalf of Central Precinct objecting to the potential planting of trees.

5.00 SITE HISTORY

5.01 15921

Extension to Potters' Wheel
Permitted 6.5.1987

19690

Illuminated signage at Potters' Wheel
Permitted 3.7.1990

22003

Extension to car park
Permitted 1.12.1992

01/148

Extension to Potters' Wheel
Permitted 12.4.2001

01/1230

Siting of a market on car park
Permitted 31.1.2002

043075

Erection of terrasols and new access doors to Potters' Wheel
Permitted 21.5.2007

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 - New Development
Policy STR5 - Shopping Centres & Commercial Development
Policy GEN1 - General Requirements for Development
Policy D1 - Design Quality, Location and Layout

Policy D2 - Design
Policy D3 – Landscaping
Policy D6 – Public Art
Policy AC1 - Facilities for the Disabled
Policy AC2 - Pedestrian Provision & Public Rights of Way
Policy AC3 - Cycling Provision
Policy AC13 - Access and Traffic Impact
Policy AC18 - Parking Provision & New Development
Policy S3 - Integrating New Commercial Development
Policy S6 - Large Shopping Developments
Policy IMP1 – Planning Conditions & Obligations

Other Material Documents

Buckley Master Plan
Buckley Public Realm Design Guide

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises a 0.88 hectare area of land within the settlement of Buckley. The site is basically rectangular in shape, save for a projecting route northwards towards the precinct. The site presently comprises land occupied by the Potters' Wheel Public House and its associated car park; and land to the north which is presently in use as part of the Local Authority owned and operated car park.

7.02 The site is comparatively flat across each axis and is reflective of the surrounding landform. The site is bounded to the south and west by existing residential areas with this boundary formed by a variety of residential curtilage fences and an informal landscaped strip. The eastern boundary bounds onto Precinct Way, with further residential dwellings beyond that to the east. The site is bounded to the north by land comprising the remainder of the car park and the premises of The Royal British Legion. Beyond these is located the Central Precinct Complex and the main shopping streets of Buckley.

7.03 Vehicular access to the two areas of the site is derived via separate access points off Precinct Way.

7.04 The Proposals

The proposal involves the demolition of the existing public house and erection of a 1892m² A1 retail food store. Also involved is the remodelling of the current car parking areas within the proposed site to create a 110 space car park together with service and delivery access and landscaping. The proposal creates 1,701m² of sales floor area.

7.05 Main Planning Issues

It is considered that the main planning issues can be summarised as;

1. Principle of development;
2. Design;
3. Highways and access;
4. Amenity impacts; and
5. S.106 requirements.

7.06 Principle of Development

The site is located within the settlement boundary of Buckley and is located within the boundaries of Buckley Town Centre. The positioning of the proposed store would comply fully with applicable national and local planning policies. In addition, assessment of the proposals must have regard to the provisions of the Buckley Master Plan which was approved by the Council on 17th May 2011 as a document providing key guidance for the consideration of future development proposals within Buckley Town Centre.

7.07 It is clear from discussions with both Policy and Economic Regeneration colleagues that the proposed layout and arrangement of the scheme represents the appropriate response to the aim of the Master Plan in this location. Members will also recall that a Public Realm Enhancement Design Guide was produced as a detailed document to inform future development as a consequence of the Master Plan. This document provides guidance in relation to certain key programmes for the enhancement of the town centre in both design terms and in relation to contributions towards the enhancement of the built urban form. Furthermore, Flintshire Town Centre Health Checks (2008) and the Retail Capacity Study (2011) both identify a shortfall within the settlement of convenience retailers provision sufficient to meet the needs of the growing town.

7.08 I am satisfied that the provisions made via this application towards the Public Realm Enhancements intended for Precinct Way would, together with amendments secured to the design of the scheme and improved connectivity with the Central Precinct, ensure that concerns in relation to conformity with Policy S3 are not borne out.

7.09 Therefore, the proposed development of this site is acceptable in principle.

7.10 Design

The scheme provides for a purpose built store to meet the operational needs of the applicant. There has been significant negotiation in relation to the composition of the scheme to satisfy the design requirements of the Local Planning Authority. The design amendments have succeeded in breaking up the expanse of the elevation fronting Precinct Way by including the greater use of brick. The negotiations have reached a point where there is a proposal to

include a brick bas relief piece of public art in this area although the precise form of the subject of the artwork is to be agreed. However, I am satisfied that this can be secured by condition. In addition, in conditioning the agreement of materials samples, I am also conditioning the agreement of how and where coloured brick is to be utilised within these elevations to reflect the brick making heritage of the town.

7.11 The proposed point of access to the store has also be relocated to a frontage position at the north eastern corner of the store to create a point of visual interest to act as a gateway marker to the site upon both northern and southern approaches.

7.12 The whole approach to the design amendment has been underpinned by a desire to see the proposal accord with the aims of the Buckley Master Plan. To this end, the desire to create a frontage onto Precinct Way has been essential and therefore the need to ensure that the access to the store relates to this area is crucial.

7.13 Highways and Access

The proposals propose amendment to the current vehicular access points to the site such that the existing access to the Potters' Wheel site is closed off. The current single point of access to the Local Authority Car Park is proposed to act as the single point of access to both the site and the car park, with an access to the site derived internally from the car park. A pedestrian crossing is also proposed to be provided on Precinct Way

7.14 The scheme proposes a remodelling of the car parking arrangements within the site to provide 110 spaces. This has been examined, and whilst the level of provision would amount to a reduction on the current levels of car parking presently available, this must be balanced against the fact that the current car park of the Potters' Wheel is for use by patrons only.

7.15 Therefore the proposed levels would serve a dual purpose of not simply providing parking facilities to serve the application site, but also to afford a level of dual use parking by shoppers wishing to also access the town centre. To allow the ability for shoppers to make linked trips to a variety of retails outlets, provision is made for an improved pedestrian route across the car park to the Central Precinct, this, together with the proposals to be secured via S.106, serve to satisfy the requirements of policy S3. This opportunity for linked trips to the town centre which is an intrinsic component of ensuring that the retail proposal is sustainable in the context of viability and vitality of the town centre. Furthermore, it serves to satisfy the need to demonstrate that, whilst formal Retail Impact Assessment is not required, 'retail impact' has been assessed in this scheme.

- 7.16 There is the potential for casual parking along Precinct way by shoppers and therefore a review of existing Traffic Regulation Orders will be required to prevent this from occurring. The Head of Highways advises that a S.106 contribution of £4000 towards such a review and the resultant implementation of amended orders is required. This request relates reasonably to the proposals and is required in order to ensure that the proposals do not give rise to the obstruction of the free flow of traffic upon the adjacent highway or an impediment to visibility at the junction to the car park and store in the form of parked vehicles within the visibility splays. I propose to seek the same via S.106.
- 7.17 Accordingly, no objection is raised upon highway grounds subject to the S.106 requirements and specified conditions.
- 7.18 Amenity Impacts
In considering the proposal, I am mindful that the site is bordering on, essentially, 3 sides by existing residential development. The occupiers of those dwellings enjoy a certain existing level of amenity which I am keen to see maintained.
- 7.19 The scheme indicates that the boundaries to the adjacent properties are to be comprised of a mix of existing garden fences or new palisade fences. I am satisfied with these proposals. I am concerned that the proximity of some dwellings to the proposed store and its service areas may result in detriment to amenity as a consequence of noise and disturbance. Accordingly I propose to condition the submission and agreement of acoustic details of all external plant, refrigeration and air conditioning units and also require the submission and agreement of a scheme for delivery times to be submitted and agreed.
- 7.20 Section 106 Requirements
Supplemental to the aims of the Buckley Master Plan is a scheme for public realm enhancements works at certain key location within the town centre. One of these locations is Precinct Way. The scheme of works proposed for this area seeks to soften the impact of precinct way, calm traffic and improve public transport and pedestrian routes though and across the road. The scheme proposes to achieve these ends via the re-alignment of Precinct Way and amendments to the design and form of the urban space.
- 7.21 In view of concerns to ensure that the development proposal fully integrates with the Town Centre, negotiations have been held with the applicant with a view to securing a contribution via S.106 towards the delivery of this scheme of improvements. Both parties have come to agreement that this scheme of works forms an intrinsic part of the sustainability credentials of the scheme in terms of links to the town centre.

7.22 Therefore, it is proposed that a contribution of £500,000 towards the delivery of this scheme of public realm improvements will be paid upon commencement of development. This sum is to be secured via a Section 106 agreement.

8.00 CONCLUSION

8.01 The scheme provides for the creation of a new retail unit and improvement to the retail offer within Buckley Town Centre. The proposal will positively contribute to the town and its health and viability on serving the convenience shopping needs of the community.

8.02 I am satisfied that whilst the location of the building is not exactly as that envisioned within the Buckley Master Plan, this is acceptably balanced with other material considerations which provide significant enhancements to the environment of the locality and its relationship with the town centre and therefore is acceptable in planning terms.

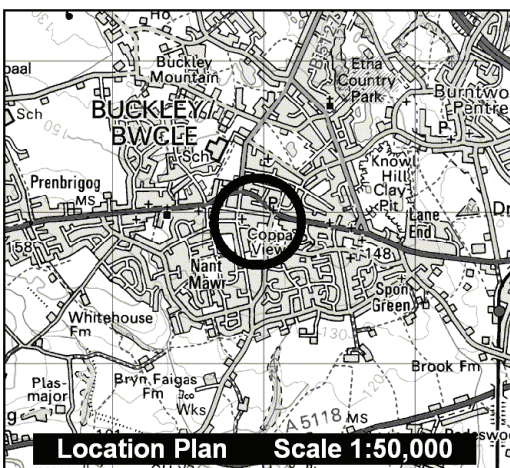
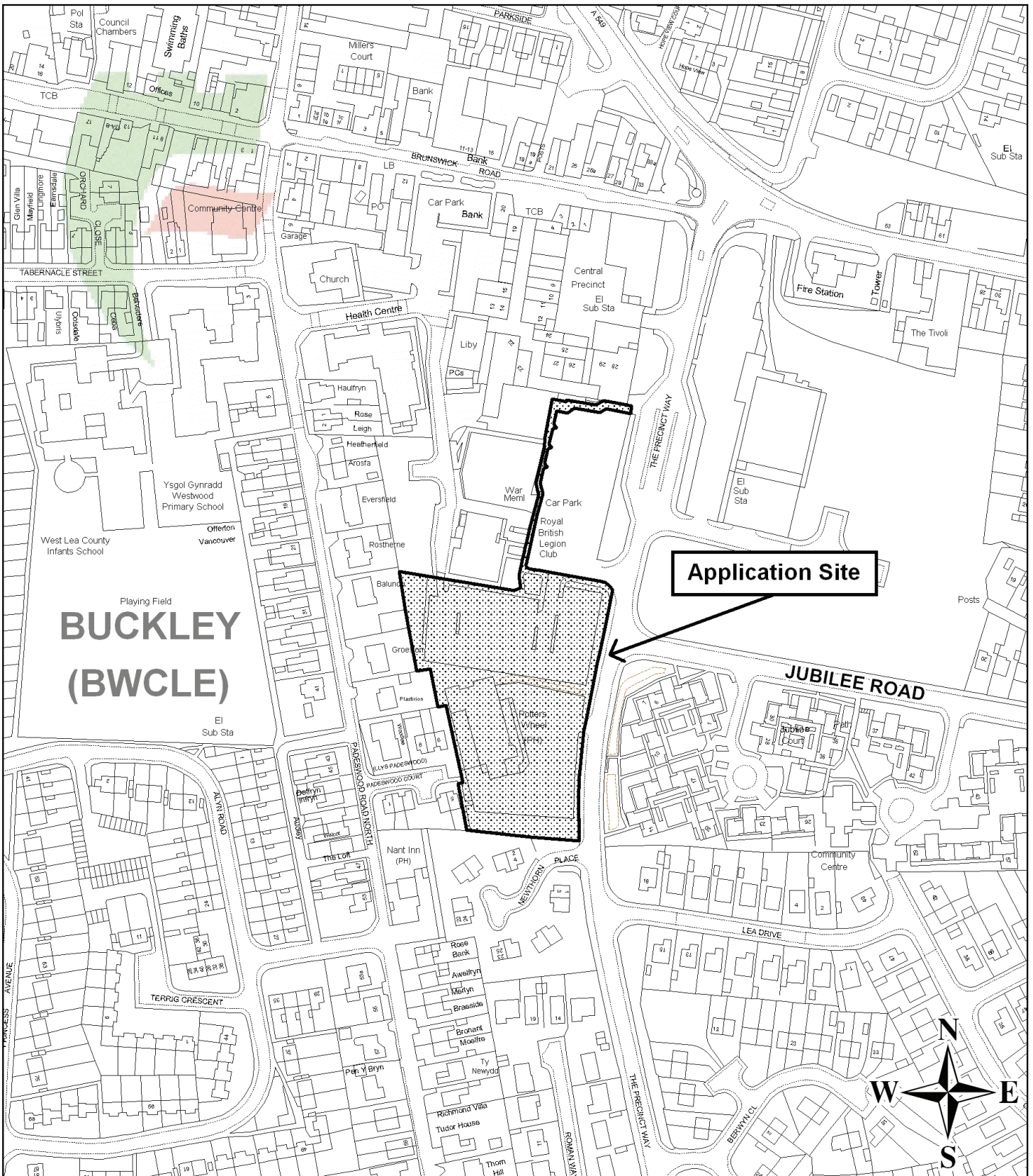
8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

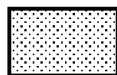
Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk

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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	1:2500
OS Map ref	SJ 2763
Planning Application	52590

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **PART CHANGE OF USE TO SMALL SCALE ARTISAN PRODUCTION OF SAUCES AND CONDIMENTS INCLUDING BOTTLING AND DISTRIBUTION AT PWLL GWYN HOTEL, DENBIGH ROAD, AFONWEN.**

APPLICATION NUMBER: **052414**

APPLICANT: **MRS NICOLA ADEDEJI**

SITE: **PWLL GWYN HOTEL, DENBIGH ROAD, AFONWEN**

APPLICATION VALID DATE: **1ST SEPTEMBER 2014**

LOCAL MEMBERS: **COUNCILLOR J FALSHAW**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application seeks planning permission for the change of use of the existing outbuilding attached to the public house and part of the ground floor of the holiday let building at the Pwyll Gwyn Hotel, Afonwen for use as a small scale, artisan sauce manufacturer, including bottling and distribution.
- 1.02 The proposal is considered to comply with policies GEN1, GEN3 and EM4 of the adopted Flintshire Unitary Development Plan.

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

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

1. Time limit.
2. In accordance with the approved plans.
3. Permission is only for a food sauce manufacturing, bottling and distribution business. Notwithstanding Use Classes Order, no other business that falls within the same use class shall operate without planning permission.
4. Details of a gate across the bin store to be agreed.
5. Facilities to be provided for the loading, unloading and turning of vehicles.
6. The hours of use shall be restricted to 6:30 to 23:00 Monday to Saturday and 7:30 to 23:00 on Sundays.

3.00 CONSULTATIONS

3.01 Local Member
Councillor J. Falshaw

Requests committee determination and site visit. He considers that the development is not consistent with the UDP as it is in the open countryside.

Caerwys Town Council

Objects to the application on the following grounds:

- The loss of the local pub
- No indication of hours of operation
- Detrimental impact on local residents
- Odour pollution

Head of Assets and Transportation

No objection subject to a condition ensuring that facilities are provided within the site for the loading, unloading, parking and turning of vehicles.

Clwyd and Powys Archaeological Trust

There are no archaeological implications for the proposed development.

Head of Public Protection

No objection.

Natural Resources Wales

No objection.

4.00 PUBLICITY

4.01 Site Notice

There have been 31 representations received, including two from David Hanson MP and one from Sandy Mewies AM, objecting to the application on the following grounds:

- The loss of the pub would be detrimental to the local area
- There are no other pubs within reasonable distance for local residents
- There are no other community facilities in the village
- No longer any local facilities
- Odour pollution
- Detrimental to the character of the Grade II listed building
- The proposal offers no benefit to the community
- The proposal should be in a more suitable location
- The proposal offers nothing to the local economy
- There are other more suitable units on nearby industrial estates

4.02

A representation has been received supporting the application because the high quality, niche business fits in well with Flintshire's development of tourism-related activities.

There has been one representation received in support of the application from the Flintshire Tourism Association as the area is enhanced by local produce and it makes the area stand out.

5.00 SITE HISTORY

5.01 004865

Proposal: NEW KITCHEN AND CONVERSION OF ADJACENT BARN TO RESTAURANT

Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved

Decision Date: 26 September 1980

005870

Proposal: ADDITIONAL CAR PARKING

Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved

Decision Date: 1 June 1982

006147

Proposal: EXTENSION OF EXISTING BARN RESTAURANT TO PROVIDE ADDITIONAL SEATING

Location: Pwll Gwyn Hotel, Afonwen, Mold

Decision: Approved

Decision Date: 8 December 1981

006337

Proposal: DEMOLITION OF CHIMNEY
Location: Pwll Gwyn Hotel, Afonwen
Decision: Approved
Decision Date: 12 November 1982

006357

Proposal: ERECTION OF AN ILLUMINATED PROJECTING SIGN
Location: Pwll Gwyn Hotel, Afonwen
Decision: Approved
Decision Date: 14 March 1982

013204

Proposal: FULL - PROPOSED NEW CAR PARK CONSTRUCTED
FROM EXISTING GARDEN
Location: Pwll Gwyn Hotel, Afonwen, Mold
Decision:
Decision Date: 6 March 1989

014168

Proposal: SITING OF CARAVAN TO PROVIDE STAFF
ACCOMMODATION
Location: Rear Of Pwllgwyn Hotel, Afonwen
Decision:
Decision Date: 10 March 1992

016365

Proposal: CHANGE OF USE OF PART OF RESTAURANT TO
SHOP/POST OFFICE
Location: Pwll Gwyn Hotel, Denbigh Road, Afonwen
Decision: Approved
Decision Date: 6 August 1990

016520

Proposal: LISTED BUILDING APPLICATION - INTERNAL
ALTERATION TO FORM POST OFFICE AND SHOP
Location: Pwll Gwyn Hotel, Denbigh Road, Afonwen
Decision: Approved
Decision Date: 5 September 1990

028249

Proposal: CONSERVATORY EXTENSION TO BAR/RESTAURANT
Location: Pwll Gwyn Hotel, Afonwen
Decision: Approved
Decision Date: 25 May 1999

028252

Proposal: LISTED BUILDING APPLICATION - CONSERVATORY
Location: Pwll Gwyn Hotel, Afonwen

Decision: Approved
Decision Date: 9 June 1999

035819

Proposal: Conversion and extension of outbuildings to provide holiday accommodation

Location: Pwllgwyn Hotel, Denbigh Road, Afonwen, Mold, CH7 5UB

Decision: Approved

Decision Date: 1 October 2003

035955

Proposal: Listed Building Application - conversion and alterations of existing outbuildings to provide holiday accommodation

Location: Pwllgwyn Hotel, Denbigh Road, Afonwen, Mold, CH7 5UB

Decision: Approved

Decision Date: 9 October 2003

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

GEN1 – General Requirements for Development

GEN3 – Development in the Open Countryside

HE2 – Development Affecting Listed Buildings and their Settings

AC13 – Access and Traffic Impact

EM4 – Location of Other Employment Development

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks consent for the change of use of the outbuilding attached to the Pwyll Gwyn Hotel from restaurant/public house to a small scale, artisan sauce production, bottling and distribution facility.

7.02 Site Description

The application site comprises a large, two storey detached building which is a Grade II listed building. Attached to the east elevation of the building is a single storey outbuilding which has been converted into the kitchen area, general storage; attached to this outbuilding is a further, two storey outbuilding which has been converted into holiday lets.

7.03 A large car park is to the front of the building providing two access/egress points from/to the adjacent highway, the A541.

7.04 The site is located within the open countryside and lies just outside the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)

- 7.05 Principle of Development
Many objections have been received to the proposal stating that the loss of the pub would be detrimental to the area; however, the application does not seek the change of use of the pub but merely part of the outbuildings attached to it. Therefore, policy S11 *Retention of Local Facilities* of the FUDP is not applicable as the use of the building as a public house will be retained. Whether the pub/restaurant is operated is a decision to be made by the owner of the property and is not a material consideration in the determination of this application.
- 7.06 The proposed small scale business will be operated by Bim's Kitchen, which is a family run business, who also live on the site. The main building already has first floor residential accommodation. The proposal does not involve any external alterations to the building. Internal works have already been undertaken and include the installation of the equipment to carry out the proposed operation. It is considered that the works involved and the proposed change of use will not affect the character of the listed building and therefore listed building consent is not required.
- 7.07 Policy EM4 of the FUDP allows for new employment uses outside settlement boundaries through the conversion of existing buildings subject to a number of criterion. It is considered that due to the small scale of the business and its negligible impact on the surrounding environment the proposal would, in principle, be acceptable.
- 7.08 Impact on the Character of the Area
The area can be defined as being semi-rural, characterised by sporadic dwellings of varying scales and designs. Abutting the Southern boundary of the site is the busy A541.
- 7.09 The proposal does not involve any external alterations so there will not be any visual impact on the character of the area.
- 7.10 The business will operate from a relatively small floor area, that itself will limit the size to which the business could grow without further planning permission, which could be required if they wish to expand into other parts of the property.
- 7.11 Highways Impact
The site provides more than adequate parking provision and turning facilities on site for both staff parking and deliveries. Furthermore, there are two existing vehicle access points which can be utilised and therefore there will not be a need for any additional access points.
- 7.12 Notwithstanding the adequate parking and turning facilities, a condition can ensure that these remain, preventing any possible future highway impacts.

- 7.13 Impact on Residential Amenity
In terms of noise and odour pollution, the site already benefits from a pub/restaurant use and therefore there is an expectation that food smells will be omitted from the site, although it is not considered that these will be detrimental to the amenities of any neighbouring properties, the closest being approximately 30m from the site.
- 7.14 In respect of hours of operation, as stated the site already benefits from a pub/restaurant use and therefore the proposed hours of operation of 6:30 to 23:00 Monday to Saturday and 7:30 to 23:00 on Sundays are not considered to be unreasonable. For the avoidance of doubt, a condition can be imposed restricting the use to these hours.

8.00 CONCLUSION

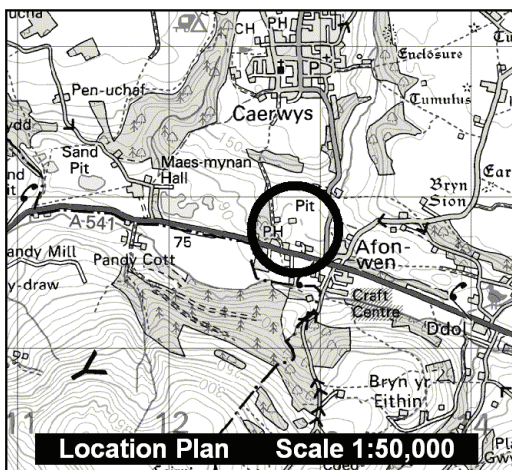
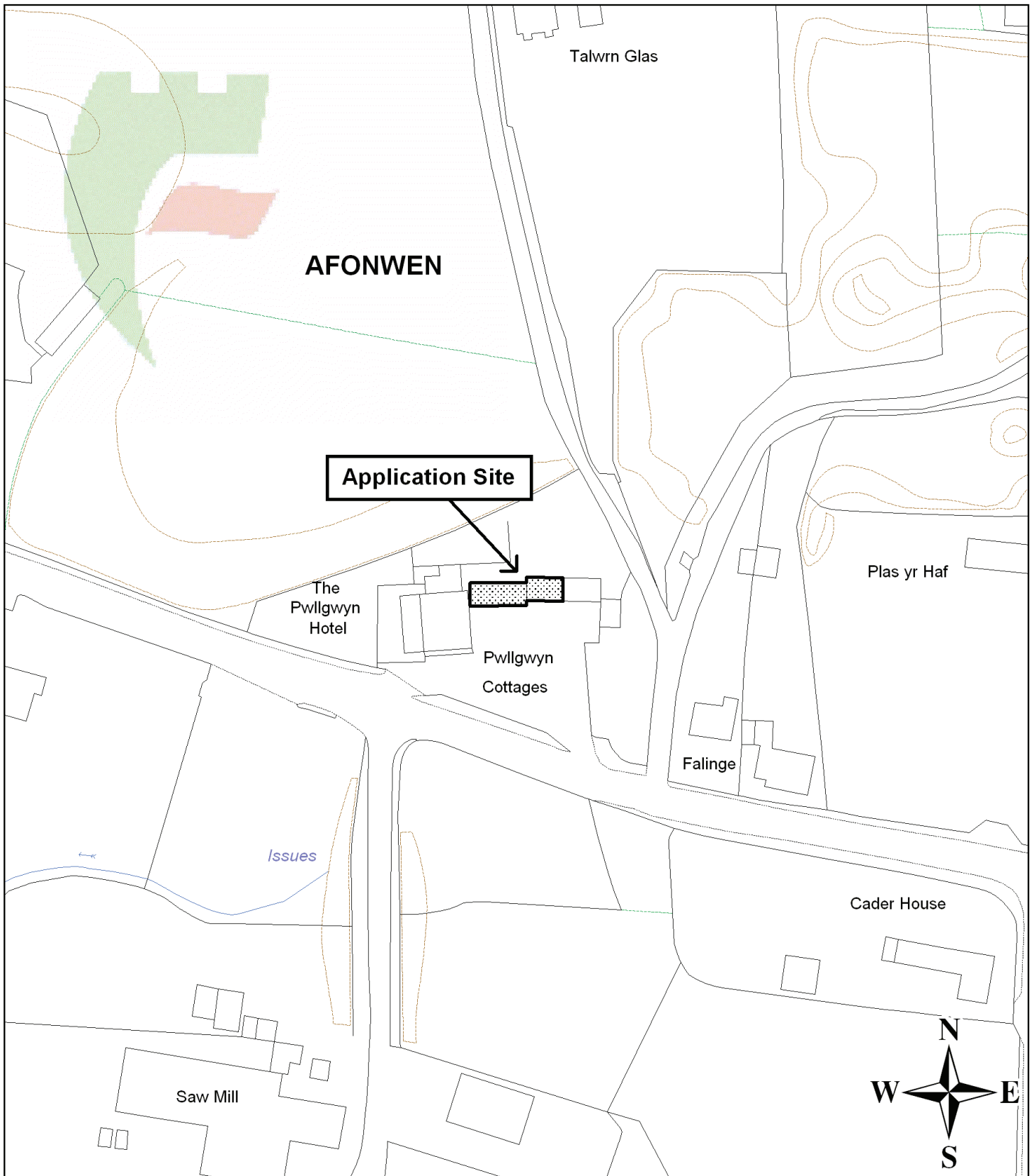
- 8.01 The proposal is considered to be acceptable as a matter of planning policy principle. The proposed development takes account of the applicable planning policies and represents the correct balance between the various issues which relate to this site.
- 8.02 Notwithstanding that the proposed business is small scale and will not have any unacceptable detrimental impact, any such permission should be granted with a condition restricting the use to that which is applied for and not any other uses that fall within the same use class. This will ensure that no other businesses will be permitted to operate from the site.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

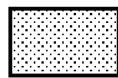
Contact Officer: Alex Walker
Telephone: (01352) 703235
Email: alex.walker@flintshire.gov.uk

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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 1:1250

OS Map ref SJ 1271

Planning Application **52414**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE OF EXISTING PUBLIC HOUSE INTO A SINGLE DWELLING AT BLACK LION INN, VILLAGE ROAD, NORTHOP HALL.**

APPLICATION NUMBER: **052486**

APPLICANT: **MR CRAIG SULLIVAN**

SITE: **BLACK LION INN, VILLAGE ROAD, NORTHOP HALL**

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

LOCAL MEMBERS: **COUNCILLOR L A SHARPS**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks planning permission for the change of use of a public house to a single dwelling at the Black Lion Inn, Northop Hall, and the erection of a timber boundary fence. The proposal is considered to comply with policies HSG3 and S11 of the adopted Flintshire Unitary Development Plan.

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

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

1. Time limit
2. In accordance with the approved plans
3. The timber fence shall not exceed 2m in height at any point

3.00 CONSULTATIONS

3.01 Local Member

Councillor L.A. Sharps

Requests that the application is referred to the Planning Committee and that a site visit is carried out as there are issues regarding land ownership, fencing, and the interior layout of the building which suggests other uses.

Northop Hall Community Council

- The plans do not indicate a single dwelling
- The land is not in the applicant's ownership
- Hedges and trees were removed along the boundary with the adjacent footpath
- Loss of a social venue

Head of Assets and Transportation

No objection

Head of Public Protection

No comments received

4.00 PUBLICITY

4.01 Site Notice

12 representations have been received, objecting to the proposal on the following grounds:

- Loss of the pub would have a detrimental impact on the character of the area through the lack of choice of pubs
- The layout of the property is not commensurate with that of a single dwelling
- The fence has a detrimental impact on the visual amenities of the area

5.00 SITE HISTORY

5.01 052038

Construction of a boundary fence to perimeter of property (retrospective) (refused 17th July 2014)

052022

Conversion of existing public house into 1no. dwelling (refused 28th July 2014)

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN1 – General Requirements for Development
D2 – Design
AC13 – Access and Traffic Impact
HSG3 – Housing on Unallocated Sites Within Settlement Boundaries
S11 – Retention of Local Facilities

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks planning permission (retrospective) for the change of use of a public house, The Black Lion Inn, Northop Hall to a dwelling and is a resubmission of planning application ref: 052038. This application has omitted the large, first floor extension that was on application 052038 and now involves no external alterations. This application also includes for the erection of a close boarded timber fence (retrospective), which was previously refused under planning application 052038.

7.02 Site Description

The application site is located within the settlement of Northop Hall as defined in the adopted Flintshire Unitary Development Plan (FUDP) and also, the rear of the site forms part of a housing allocation in the FUDP.

- 7.03 The existing building is a large, detached building which has particular architectural merit and is a landmark feature in the village.

7.04 Principle of Development

In terms of the principle of the change of use of the property, there are other facilities within the village that provide a similar service, e.g. Plas Ifan and The Boars Head. Therefore, the loss of the existing use as a public house is considered to be acceptable, in accordance with policy S11 of the FUDP. The change of the use of the property to a dwelling is also considered to be acceptable in terms of the principle of the development.

- 7.05 The existing lawful use of the property is a public house with residential accommodation above. Therefore, there will not be any increase in the number of residential units; what is being considered is whether the loss of the public house use is acceptable.

7.06 Highway Impact

The proposal will not result in any increase in traffic movements, in fact it is likely to reduce the number of movements.

- 7.07 With regard to parking provision, the site already has ample parking provision and there is sufficient room within the site to enable vehicles to turn around so that they can access/egress the site in a forward gear.
- 7.08 A public footpath runs to the west of the site; however, it will not be affected by the proposal.
- 7.09 Impact on Residential Amenity
There are no neighbours that would experience any unacceptable adverse overlooking or overbearing impact as a result of the change of use of the property.
- 7.10 Impact on the Visual Amenity of the Area
The change of use of the property will not result in any material changes to the external appearance of the building and therefore there will not be any adverse impact on the visual amenities of the area.
- 7.11 In respect of the close boarded timber fence that has been erected on the boundary of the site, it is considered that due to its height of 2m plus, it has a detrimental impact on the visual amenities of the area, particularly when viewed from the adjacent public footpath and the public car park to the east of the site.
- 7.12 Notwithstanding this, a condition could ensure that the height of the fence does not exceed 2m in height, which is what would be deemed as permitted development over which the Council would have no control.
- 7.13 Other Considerations
The application includes for the inclusion of an area of land to the south of the public house as part of the residential garden area of the proposed dwelling. Whilst this is a very large area of land and would result in the urbanisation of this otherwise open land, the site is within the settlement boundary and therefore there is a presumption in favour of the development of the site. Objections have been raised over the ownership of this parcel of land. The applicant has claimed in the application form that he owns this land and there is no evidence to the contrary.
- 7.14 Concerns have been raised by local residents in respect of the property being used for more than a single dwelling; however, the application is to be considered as a single dwelling as that is what is being applied for. Notwithstanding this, the applicant has submitted a revised plan substituting the reference to 'Meeting' room for 'Store Room/Hall'.
- 8.00 CONCLUSION**

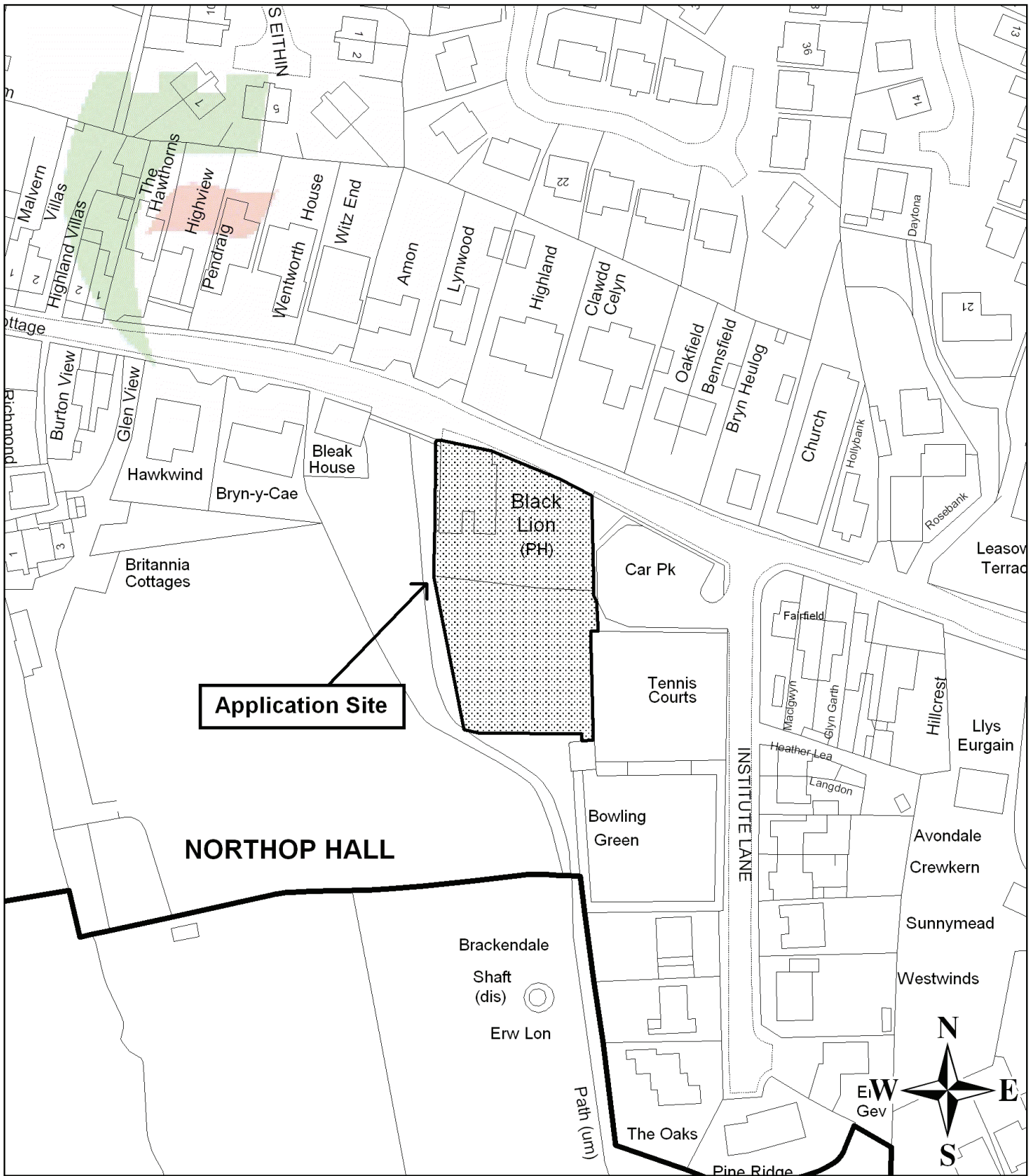
- 8.01 The proposal is considered to be acceptable as a matter of planning policy principle. The proposed development takes account of the applicable planning policies and represents the correct balance between the various issues which relate to this site.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Alex Walker
Telephone: (01352) 703235
Email: alex.walker@flintshire.gov.uk

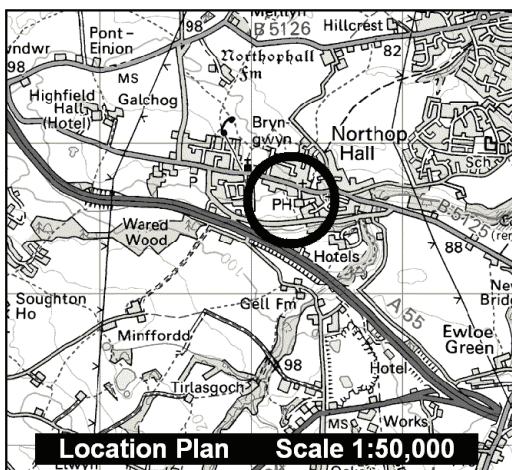
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Application Site

NORTHOP HALL

Brackendale
Shaft
(dis) 
Erw Lon



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 1:1250

OS Map ref SJ 2767

Planning Application **52486**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL PLANNING APPLICATION FOR THE ERECTION OF A DWELLING AT LAND ADJACENT TO 21 MARNEL DRIVE, PENTRE.**

APPLICATION NUMBER: **051742**

APPLICANT: **MR IAN POWELL**

SITE: **LAND ADJACENT TO 21 MARNEL DRIVE, PENTRE, DEESIDE**

APPLICATION VALID DATE: **6th FEBRUARY 2014**

LOCAL MEMBERS: **COUNCILLOR MRS G.D. DISKIN**
COUNCILLOR A.G. DISKIN

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUESTED BY COUNCILLOR MRS G.D. DISKIN DUE TO OVER-DEVELOPMENT AND OVERLOOKING OF NEIGHBOURING PROPERTY**

SITE VISIT: **YES (Committee Resolution to defer decision pending a site visit)**

1.00 SUMMARY

- 1.01 This application was deferred from the previous Committee meeting in order for a Committee Site Visit to be carried out.
- 1.02 This is a full application for the erection of a two storey dwelling with the main matters for consideration being the design of the dwelling and the resulting residential/visual impact.

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

2.01 Conditions

1. Time limit on commencement
2. To be built in accordance with plans and particulars
3. Sample materials to be submitted.
4. Notwithstanding the details submitted the means of foul drainage shall be subject to further approval.

3.00 **CONSULTATIONS**

3.01 Local Member

Councillor Mrs G D Diskin

Requested committee determination.

Councillor A G Diskin

No response received at time of writing.

Hawarden Community Council

No objection (in response to amended plans).

Head of Assets and Transportation

No objection.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

No objection.

Coal Authority

Site located within a Coal Authority Informative Area

SP Energy Networks

Submitted a plan showing the Manweb equipment within the area of interest, together with the current electrical safety awareness document and contacts document. The plan demonstrates that there is no equipment within the planning application boundary.

4.00 **PUBLICITY**

4.01 Neighbour Notifications

5 letters of objection received from the owners/occupiers of the neighbouring property, 19 Marnel Drive, who are objecting on the following grounds:

- Questioning ownership;
- Overlooking garden;
- Loss of privacy (exacerbated by land levels);
- Highway safety;
- Potential damage to tree roots causing instability and/or structural issues in the future;

- Surface water run-off;
- Flooding;
- Development does not harmonise with the site and its surroundings; and
- Impact upon water and drainage;
- Ground level is higher where the dwelling is to be erected;
- Lack of off-road parking provision;
- Inaccuracy of proposed streetscene drawing submitted due to land levels;
- Over-dominance;
- Lack of private amenity space serving proposed dwelling;
- Potential difficulties with large vehicles emptying the septic tank;
- Septic tank odour;
- Inappropriateness of backland/tandem development;
- Adjacent to flood zones 2 and 3; and
- Anachronistic development within the existing streetscene.

5.00 SITE HISTORY

5.01 No planning history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 Policy GEN1 – General Requirements for Development
 Policy D2 – Design
 Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries
 Policy AC18 – Parking Provision and New Development
 Policy EWP16 – Water Resources

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full application for the erection of a dwelling which was originally submitted as a large dormer style bungalow. Following negotiations with officers amended plans have been received that show a complete re-design of the dwelling, which is now a two storey dwelling with integral garage.

7.02 Site Description and Proposed Development

The site currently forms part of the garden for no. 21 Marnel Drive which sits in a corner position. The proposal introduces a new dwelling in the corner and separates the existing plot into two fairly equal sized plots. To the right-hand side of the plot this leaves the existing property and garage with the new boundary running alongside the existing garage and widening to the rear to create private amenity space of approximately 180 sq. metres and off-road parking provision

to the front of the dwelling.

7.03 The proposed dwelling is orientated to face down the driveway, rather than toward one of the existing dwellings and provides off-road parking provision to the front of the dwelling. Again, the new dwelling has approximately 180 sq. metres of private amenity space to the rear.

7.04 Planning Policy

The proposal is for a new dwelling on an unallocated site within a settlement boundary. The settlement of Pentre is a Category B settlement that currently has a growth limit of just 0.5%. Given that a Category B settlement has an upper growth limit of 15% this planning application is considered acceptable in planning policy terms.

7.05 Design and Appearance/Residential Impact

The proposed dwelling is two storey with a single storey element to the left-hand side that comprises of an integral garage with the kitchen behind it. The dwelling has three bedrooms and a bathroom at first floor with living room, study and kitchen/diner at ground floor. There is very limited potential for overlooking neighbouring properties given that the front elevation has a door and study window at ground floor and a bathroom (obscured glazing) and bedroom at first floor. There is a distance of 22 metres from the study and bedroom window to the neighbouring dwelling, 19 Marnel Drive, which complies with Local Planning Guidance Note No. 2 'Space Around Dwellings' that specifies a minimum distance of 12 metres given that they are habitable rooms facing a flank wall.

7.06 The proposed dwelling has been designed to have consistent roof lines with the neighbouring properties on both sides, which has demonstrated through the submission of a streets scene drawing and section through the site.

7.07 Infrastructure

Welsh Water confirmed that the proposed development as it was originally submitted (connecting to the mains) would overload the existing public sewerage system and therefore objected to the development. The applicant then entered into discussions with Welsh Water directly and later submitted details regarding the installation of a domestic sewage treatment plant within the application site. Welsh Water have since confirmed that they withdraw their previous objection and raise no objection to the scheme as amended.

Whilst Welsh Water do not object to a private sewage treatment plant, this approach is generally not acceptable within sewered, built-up areas. It is therefore recommended that connection to the mains sewer be further explored and a condition to address this is attached below.

8.00 CONCLUSION

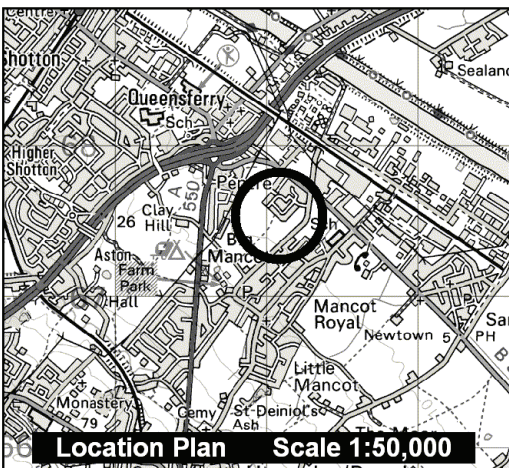
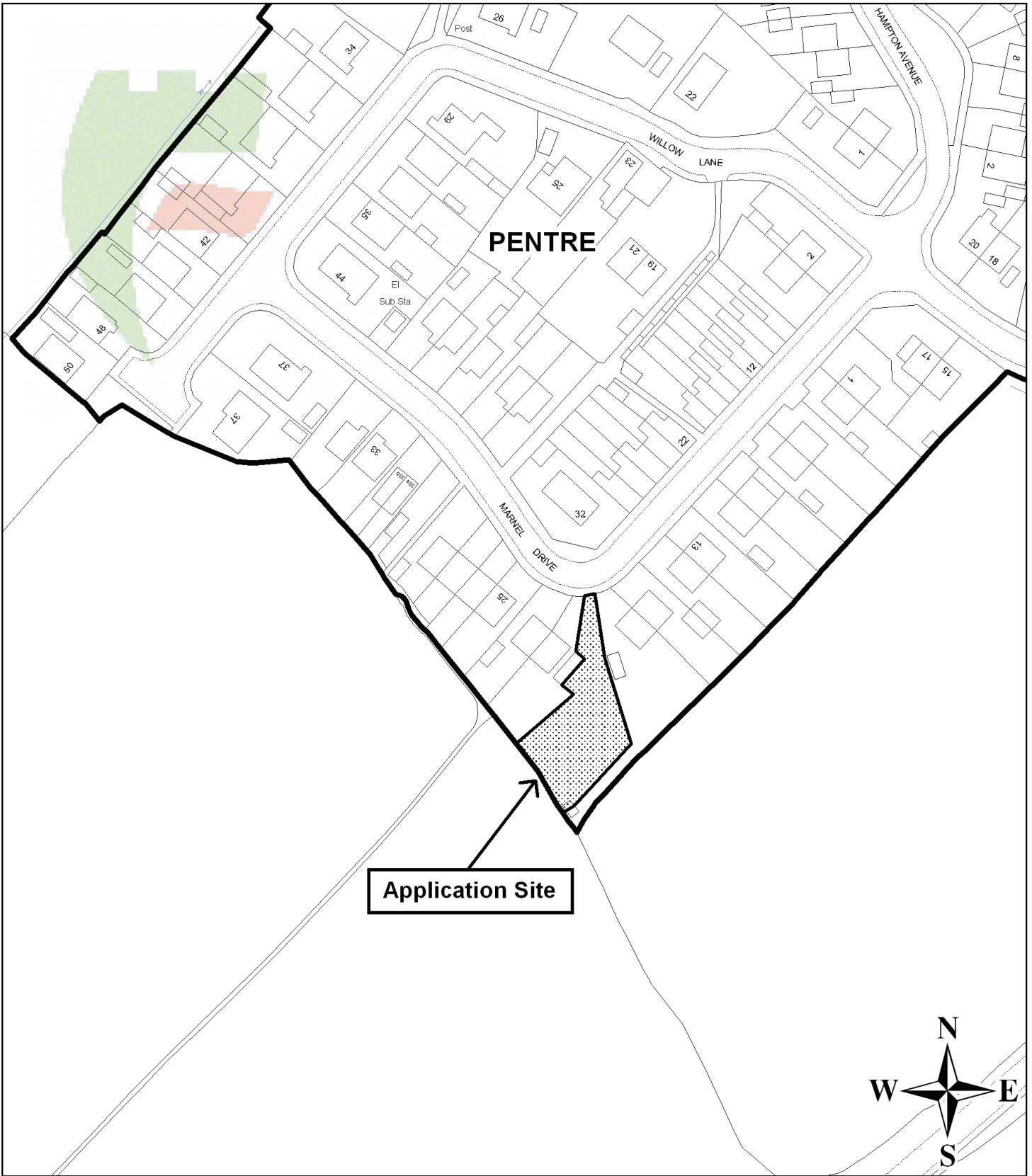
- 8.01 The proposed development is considered acceptable in both principle and design, subject to the conditions listed.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

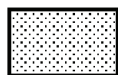
Contact Officer: Lauren Eaton-Jones
Telephone: (01352) 703299
Email: Lauren_Eaton-Jones@flintshire.gov.uk

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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 1:1250

OS Map ref SJ 3267

Planning Application **51742**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 12 NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION FOR A FOODSTORE (USE CLASS A1) AND 5 THREE BEDROOM AFFORDABLE HOUSES (USE CLASS C3) WITH ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING AT BROUGHTON SHOPPING PARK, BROUGHTON**

APPLICATION NUMBER: **052369**

APPLICANT: **ALDI STORES LTD**

SITE: **BROUGHTON SHOPPING PARK, BROUGHTON.**

APPLICATION VALID DATE: **27.07.14**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 It is proposed to erect a Class A1 food store with associated access and car parking and 5 affordable three bedroom dwellings on the former compound site, Broughton Retail Park.
- 1.02 The site was allocated under policy HSG1 (19) for residential development for 54 dwellings by the UDP Inspector. The Council has prepared and adopted a Development Brief for the site to support this residential allocation (SPGN 25). The Council does not have a 5 year

land supply (4.1 years as of April 2013) and therefore does not consider the site can be released for a non-residential use.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 1. The proposed development for a retail food store would lead to the loss of part of an allocated housing site (HSG1 19). The Council does not have a 5 year land supply (4.1 years as of April 2013) and therefore the site is required for housing development. The proposed development is therefore contrary to policy HSG1, STR4 and TAN1 and Supplementary Planning Guidance Note 25: Development Brief for Housing at the Compound Site, West of Broughton Retail Park.

3.00 CONSULTATIONS

3.01 Local Member Councillor W Mullin

Requests Committee determination. Preliminary views are concerns that the land has been zoned for housing by Welsh Government under the UDP. Requests a Committee Site visit due to concerns regarding access to new build housing included in the application.

Broughton Community Council

No objection.

Highways Development Control Manager

No objections subject to conditions covering;

- A scheme for the construction of the access, provision of pedestrian guardrail and amendments to the footway, verge and street lighting
- Access shall be kerbed and completed to carriageway base course layer prior to the commencement of any other site works
- Access to have a visibility splay of 2.4m x 43m with no obstruction to visibility in excess of 0.6m above the nearside channel
- Visibility splays at the point of access to be kept free from obstructions for the duration of construction works
- Positive means to prevent surface water run-off onto the highway
- Final Travel Plan
- Construction Traffic Management Plan

Public Protection Manager

No adverse comments to make subject to conditions relating to;

Class A1 Food store

- 2.5 m high acoustic barrier to be constructed around the

- external condenser units
- A 10dB (A) inline silencer should be incorporated into the store's extraction system
- All deliveries to the store must be undertaken in a fully enclosed delivery bay
-

Class C3 Residential properties

The noise report submitted with the application indicates that the site is within Noise Exposure Category C under Technical Advice Note 11: Noise. It is therefore recommended that the following conditions are attached;

- Acoustic fencing is installed at locations identified in the consultants noise report. i.e. A 2m high acoustic barrier along the rear of the properties along the boundary with the proposed food store to a minimum density of 10kg/m².
- Enhanced double glazing should be installed to any bedroom or living room to the specification of 10mm float glass, 12mm cavity, 4mm float glass, with acoustic trickle ventilators (rated at Dn, ew + Ctr 42dB), to provide a sound reduction of a minimum of 29 dB (A)

Welsh Water/Dwr Cymru

No response received at time of writing.

Natural Resources Wales

In response to the Updated Flood Consequences Assessment (FCA) from Peter Masons via Jones Lang LaSalle Limited (received on 5 September).

The FCA states that the existing ground levels on the site are 'in the region 7.90 - 8.20m AOD'; therefore they will be above the expected in-channel River Dee tidal flood level in the 0.5% AEP tidal event in 2111 of 7.35m AOD (upper band). The site is not within the present-day NRW modelled fluvial flood zones associated with Broughton Brook. On this basis, the FCA comments that the site meets the acceptability criteria of A1.15 of TAN 15.

Given the fluvial Broughton Brook experienced in the area of the proposed residential part of this development in 1964, it would be prudent for your Authority to liaise with emergency planners to ensure you are satisfied that access and egress arrangements during a flood event are adequate.

We welcome the intention as indicated in the updated FCA to investigate ground conditions on site in order to use the most appropriate sustainable drainage system. Dwr Cymru Welsh Water has now confirmed that the culvert beneath the site is not a public sewer. Therefore, should disposal of surface water by means of infiltration be shown not to be feasible, surface water runoff from the site may be discharged to the culvert at greenfield rates. We therefore

have no objection to the proposed development, subject to the following conditions:

- a scheme for the provision and implementation of a surface water regulation system. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority.
- a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.
- The owners/occupiers of the new development are advised to sign up to receive Flood Warnings, which are available for this location.

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5

In this case, great crested newts are considered most likely to be affected by the proposal. The great crested newt could potentially be present within the environs of the boundary of the application site. This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

The application site has been subject to ecological survey and assessment. We consider this assessment to be satisfactory for the purposes of informing the public decision making process.

In our view, the proposal itself is not likely be detrimental to the maintenance of the favourable conservation status of any populations of European or British protected species that may be present at the application site, provided any scheme includes measures identified above. However, the cumulative impact of developments at Broughton is considered to have caused a decline in the overall population.

The population of great crested newts at Broughton is considered to have been subject to deterioration and consequent decline since the 1990's. As a consequence an indicative strategy has been prepared to facilitate restoration of this population of amphibians. We would therefore welcome the inclusion of planning conditions or obligations that facilitate the implementation of objectives identified within the provisions of this strategy.

Airbus

No aerodrome safeguarding objection to the development. A crane operating permit may be required.

Community Safety Officer

Comments on community safety issues with the layout and design.

Education Officer

A contribution of £12,257 is required towards Primary School provision at Broughton Primary School. No Secondary School contribution would be required.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification – Advertised as Departure

30 standard objection letters on the grounds of;

- Should not be commercial development on this site just because Aldi own the land
- Support for an Aldi store does not mean this is the right location
- Aldi would be better located in the retail park not in a residential area
- Traffic impacts will be worse now residential development is under way
- Should be retained for housing
- If allowed would set a precedent for adjacent land to have a commercial use rather than housing as allocated
- Noise impacts associated with the store and impact on residential amenity would be significant, especially due to proposed opening hours and delivery times with the noise of reversing beepers along with air conditioning units and extractor fans
- Impact of lighting on residential properties
- Landscape barrier is deciduous so effect of barrier is reduced in winter
- Supermarket rubbish would introduce vermin into the area

7 individual objections on the following grounds of;

- The proposed service yard is directly adjacent to the adjacent residential site and would represent a major threat to the amenity of the future occupiers of the residential development. Suitable conditions should be applied if granted to protect the amenity of future occupiers.
- The store is not needed, there are 4 supermarkets within a 4 mile radius
- The houses are a ploy to get the application through
- Infrastructure in the area will not cope, particularly the roads
- The site is not brownfield it was a temporary construction compound
- Potential health hazards to local residents
- Loading bay is very close to our property were our children sleep which will disturb them

- Noise from the general store activity
- Were told land was 'green barrier' when purchased house
- Concerns about impacts on great crested newts of all the development in the Broughton area
- Site should be all residential

227 Letters of support on the grounds of;

- Currently drive to other Aldi's in Mold, Chester, Flint and Wrexham to do shopping, will reduce the need to travel
- Will create more retail choice and competition to Tesco
- Will create jobs
- Affordable housing is needed
- The unused land should be utilised in this way, brownfield site
- There is a need for a discount food store in the area
- Within walking distance of a large population, particularly those who don't have a car
- Would be located with other retail uses for linked trips
- Support affordable housing
- More housing in the area needs more choice of supermarkets
- Don't need more housing that the site is allocated for – too much pressure on services

5.00 SITE HISTORY

5.01 Application site

048764 Construction of a 1473sqm supermarket and 464.5sqm non-food retail unit. Refused. 20.02.12

046818 Erection of a 1347 m2 supermarket and a 467.2 m2 non-food retail unit (Gross internal area) together with car parking and associated works. Withdrawn 17.12.09

046564 Outline - erection of a budget hotel of up to 70 rooms and a separate restaurant/public house together with car parking, landscaping and other associated works. Withdrawn 11.01.10

Adjacent site

049488 Outline - Erection of up to 24no. dwellings together with means of access from shopping park link road and removal of part of existing earth bund and change of use of land to domestic gardens. Approved 13.05.13

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 – Housing

STR5 – Shopping Centres and Commercial Development

STR10 - Resources
GEN1 - General Requirements for Development
GEN2 - Development Inside Settlement Boundaries
D1 - Design Quality, Location and Layout
D2 - Design
D3 - Landscaping
WB1 - Species Protection
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
S6 – Large Shopping Development
HSG1 – New Housing Development Proposals
HSG8 – Density of Development
HSG10 – Affordable Housing within Settlement Boundaries
SR5 – Outdoor Playing Space and New Residential Development
EWP3 – Renewable energy in New Development
EWP14 – Derelict and Contaminated Lane
EWP17 – Flood Risk

Supplementary Planning Guidance Note 25: Development Brief for Housing at the Compound Site, West of Broughton Retail Park.

Planning Policy Wales Edition 7 (July 2014)
Technical Advice Note 1: Joint Housing Land Availability Studies
Technical Advice Note 4: Retailing and Town Centres
Technical Advice Note 11: Noise
Technical Advice Note 12: Design
Technical Advice Note 15: Development and Flood Risk

The proposal is not in accordance with all of the above development plan policies as set out in the reasons for refusal.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of a Class A1 food store with associated parking and access and 5 affordable dwellings on the 'compound site', Broughton Shopping Park, Broughton.

7.02 Site description

The site is located within the settlement boundary of Broughton to the east of the settlement. To the west of the site is existing residential development and to the east is Broughton Retail Park which is outside the defined settlement boundary. The site is bounded by the Broughton shopping park link road to the east and to part of the northern boundary is Chester Road and further residential development. The Airbus factory is located to the north east of the site. The current application relates to the northern part of the site.

7.03 The site is known as the 'compound site' as it was formally used as the construction compound for the retail park in the 1990's. More

recently the southern part of the site was used as a sales office for the nearby residential development. The southern part of the site' has outline planning permission 049488 for 24 houses approved on 13.05.13.

- 7.04 The site as a whole has a significant landscape bund around its western and southern boundaries following its use as a construction compound, although the interior of the site is hardstanding.
- 7.05 Proposed development
It is proposed to erect a 1,805m² Class A1 food store with a net sales area of 1,254m² to be operated by Aldi stores and car park with 101 car parking spaces and 10 bicycle spaces. The site would be accessed from a new access point in the south east corner of the site from the retail park link road. The proposed food store is a contemporary design with a mixture of brick and render external treatment. Trading hours would be Monday to Saturday 08.00 – 23.00 and Sundays for a six hour period between 10.00 – 18.00.
- 7.06 An Aldi store typically receives three to four articulated vehicle deliveries a day, and a milk delivery along with two waste collections per week. The proposed enclosed service bay is at the southern end of the store and would be enclosed to minimise any potential noise from deliveries. Proposed delivery times are Mondays to Saturdays 06.00 hours to 23.00 hours and Sundays 07.00 to 23.00 hours. The proposed store would create up to 40 jobs both full and part time.
- 7.07 In addition it is proposed to erect 5 dwellings in the north eastern corner of the site fronting Chester Road continuing the residential development along this frontage. The 5 three bedroom two storey houses comprise a terrace of three properties and a pair of semi-detached properties to be operated by a Registered Social Landlord. The dwellings are proposed to be a combination of red brick and render with a tiled roof. The proposed houses would be accessed through the car park for the food store with their own dedicated parking area of 9 spaces secured by a gated access which also provides pedestrian access to the rear of the dwellings. The proposed dwellings have private rear gardens which would be separated from the proposed retail development by a 2.4m close boarded fence to the rear and sides of the dwellings. A lower 1.1 m close boarded fence is proposed along the boundary with Chester Road with the provision of pedestrian access to the front of the dwellings. A bin store is also provided.
- 7.08 The existing landscape buffer along the western and north western boundary would be enhanced with additional trees and shrubs. Some existing trees along the northern boundary will be removed to allow for the proposed five new houses. New landscaping will be planted along the southern boundary to screen the food store from the southern part of the compound site with residential permission along with a 2.4metre

high close boarded fence. Provision will be made for an access to the adjacent site on the southern boundary if required in the future.

- 7.09 The application was accompanied by ;
- Planning Statement including Retail Assessment by JLL
 - Design and Access Statement
 - Ecological Assessment by TEP
 - Flood Consequences Assessment
 - Noise Impact Assessment by Spectrum Acoustic Assessments
 - Transport Assessment by Cameron Rose
 - Interim Travel Plan by Cameron Rose by Peter Mason associates
 - Statement of Community Involvement

7.10 Following the consultation period the applicants have submitted a letter dated 17th October 2014 commenting on the issues raised in the objection letters.

7.11 Principle of development
Housing allocation

The site was allocated under policy HSG1 (19) for residential development for 54 dwellings by the UDP Inspector. As part of the deposit draft UDP the Council had recommended the site remain as “open space” to provide a buffer between the existing residential development and the retail park. The Inspector saw no reason why the development of an appropriately designed housing development would conflict with this purpose. The Inspector stated “It could be designed to minimise visual and noise intrusion from this edge of the retail park and also provide an opportunity for landscaping.” The Inspector therefore recommended that the site be included as a residential allocation.

7.12 The site is the subject of a Development Brief ‘Housing at the Compound Site’ West of Broughton Retail Park, Broughton which was Adopted by the Council as Supplementary Planning Guidance on 27th March 2013. The objective of the Brief is to guide residential development of the land to ensure the scheme provides a high quality sustainable residential development with a high standard of landscaping which ensures a high level of amenity for residents.

7.13 Technical Advice Note 1 requires all Local Planning Authorities to undertake annual Joint Housing Land Availability Studies to assess the supply of housing land available. TAN1 requires local planning authorities to have a 5 year housing land supply. The five year land supply comprises sites with planning permission (outline or full) and sites allocated for housing in adopted development plans, categorised as prescribed in TAN 1. The April 2013 Flintshire County Council Joint Housing Land Availability Study shows 4.1 years of supply. The Council therefore does not have a 5 year land supply.

- 7.14 There was a recent Inspectors decision following the refusal of planning permission by Planning and Development Control Committee for the development of part of an allocated housing site HSG1(8) for a commercial use at Neighbourhood Centre, Ffordd Llanarth, Connah's Quay. At the time the Inspector was considering the findings of the 2012 JHLA which showed the land supply at 4.5 years. The Inspector notes that;
- 7.15 *"Whilst the appeal site is identified as a housing site in the JHLAS it is assessed as being within Category 3i indicating that due to major physical or other constraints development is unlikely within five years. At the time of the study therefore and despite its allocations the appeal site did not contribute to the 5 year housing land supply as calculated in the JHLAS. The appeal site is allocated of 20 units but a more realistic number is likely to be in the region of 15.*
- 7.16 *Since the required five year supply is deficient, notwithstanding the site's limitations its potential to meet some of the County's housing need is a compelling reasons to adhere to its allocated purpose and not permit a use other than residential. With regards to the small scale of the provision I note that several of the sites allocated under Policy HSG1 are anticipated to provide a similarly modest number of dwellings. Even so in preparing the UDP the Council clearly considered that such sites would have a useful role in contribution to the overall housing requirement, as did the UDP Inspector."*
- 7.17 The Inspector therefore concluded that the site is required for housing development. It is therefore considered that the same principle should therefore be applied in this instance. The site is comparable in size and could provide approximately 20 – 25 dwellings. The applicant's consultants argue the site is not available for development in the next 5 years, and therefore would be in the 3i Category in terms of the JHLAS as Aldi own the land which was purchased over the market value for residential and therefore a housing development will not come forward. Notwithstanding this the site is free from physical constraints in all other respects.
- 7.18 Since this Inspector's decision in March 2014; the lack of a 5 year land supply has led to a number of applications for greenfield sites outside settlement boundaries for varying scales of residential development which the Council is now having to deal with namely;
- Land at Greenhill Avenue/Springdale 41 units - refused by Committee in May 2014 – subject to an appeal.
 - Land at Tan y Felin, Greenfield – 184 units - under consideration.
 - Land East of Croes Atti, Flint – 120 – under consideration.
- 7.19 The Council's position given the land supply situation and the Ffordd Llanarth Inspector's decision is that this housing allocation should be protected from other forms of development and it would be perverse

for officers to recommend otherwise. The acceptableness of the food store in this location is therefore not a pertinent issue given the Council's stance as set out above, however a synopsis of the submitted information with reference to the relevant policy is set out below.

7.20 Retail

The previous planning application on this site for retail development was refused as a Retail Impact Assessment was not submitted with the application therefore the impact of the development had not been fully considered in accordance with national guidance and UDP policy. The current planning application was accompanied by a Planning Statement which included a Retail Assessment.

7.21 Planning Policy Wales (Edition 7) (PPW) post-dates the Flintshire UDP. With respect to retail development it reinforces the role of centres as the best location for most retail/leisure activities as advocated by the UDP policy S6.

7.22 Paragraph 10.3.3 of PPW states "Where need is a consideration, precedence should be accorded to establishing quantitative need. It will be for the decision-maker to determine and justify the weight to be given to any qualitative assessment, as outlined in paragraph 10.2.10. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms, though they may be material considerations in making a decision on a planning application."

7.23 Paragraph 10.3.4 states "Developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer and, in the case of appeal Welsh Ministers will need to be convinced that this assessment has been undertaken. This approach also requires flexibility and realism from local planning authorities, developers and retailers."

7.24 Paragraph 10.3.8 goes on to state "Out-of-centre food supermarkets should not be allowed if their provision is likely to lead to the loss of general food retailing in the centre of smaller towns."

7.25 This guidance is reiterated in Technical Advice Note 4 'Retailing and Town Centres' which sets out the policy framework for considering development proposals for new retail developments. This guidance from earlier editions of PPW and TAN4 is reflected in the UDP policy S6 which advocates a sequential approach to retail development in existing centres first and the requirement for a needs assessment in out of town centre locations. Although the latest version of PPW post-dates the UDP there have been no significant changes to retail policy

and therefore Policy S6 'Large Shopping Developments' of the UDP is still relevant.

7.26 Policy S6 'Large Shopping Developments' states that "*Proposals for large shopping development in excess of 500m² should be located within town, district and/or local centres. Where it is satisfactorily demonstrated that the proposal cannot be accommodated within an existing centre and/or is out of scale with the shopping centre, the proposed development should be located on a sequentially preferable edge of centre site. Out of centre developments will only be considered appropriate where there is no sequentially preferable, suitable and available site nearer to a town, district or local centre. In all cases such developments will be permitted only where:*"... development proposals meet the policy criteria. The findings of the submitted Retail Assessment are reported below against the UDP policy criteria.

- a) it is not directly, or when considered together with any other committed schemes, detrimental to the viability, attractiveness and viability of existing town, district, or local centres within the development's catchment area;

The submitted Retail Assessment considers the impact of the development on the catchment area which has been defined to be Zone 8 of the Flintshire Retail Capacity Study 2011. Zone 8 comprises the settlements of Broughton and Saltney. There are no town centres within the catchment area of Zone 8 only the District Centre in Saltney 3.1km to the north east and the Local Centre in Broughton Hall Road, 2km to the west. An assessment of the health of these centres is included in the Retail Assessment, along with an assessment of the health of Mold, Buckley and Queensferry.

- b) the site is within the settlement boundary

The site is within the settlement boundary of Broughton.

- c) the site has been evaluated and found to be appropriate in accordance with the sequential approach where first preference should be given to town centre locations followed by edge of centre sites then by district and local centres and only then out of centre locations;

The sequential approach has been considered within the Retail Assessment with regard to sites in the district centre in Saltney and the Local Centre in Broughton Hall Road. Broughton Shopping Park is not considered within the sequential assessment as it is an out of centre site. No other sites in Broughton are allocated for retail development. Land to the north of Broughton Retail Park is allocated for non-retail commercial use and has been considered by Aldi, however no agreement could be reached with the landowner. In any event this land is also outside of the defined settlement boundary and

is therefore not sequentially preferable to this site.

- d) the site is located conveniently to minimise users dependence on private transport and to maximise the potential for journeys by foot, cycle and public transport;

The site is situated within the settlement boundary of Broughton and in close proximity to the Retail Park, Airbus and Chester Road which are both served by a number of bus services connecting Chester, Buckley and Mold to other smaller settlements. Cycle stands are proposed to facilitate this mode of transport. There is also the potential for linked trips to the Retail Park and a large employer at Airbus.

- e) the development would not, through the generation of traffic, have a significant adverse impact upon the local highway network or the quality of the local environment; and

The application was accompanied by a Transport Assessment by Cameron Rose. Highways have no objection to the proposed development in terms of the traffic impacts of the proposed development.

- f) Outside defined town centres a need for the proposal has been demonstrated

The Retail Assessment assesses the capacity for additional convenience floor space within the defined catchment. Within the catchment the existing food store provision is Tesco Extra at Broughton, Co-op at Broughton Hall Road local centre, Morrison's in Saltney District Centre and two local Co-op Stores in Ewloe. There are no convenience commitments within the defined catchment area. A commitment to expand the retail floor space in Broughton Shopping Park through a Tesco extension and Marks and Spencer's store expired in 2013. It is stated that £16.93m of expenditure is leaking out of the catchment area. The Flintshire Retail Capacity Study 2011 found that of its Zone 8 population 39.5% visited the out of centre Tesco at Broughton Park and 18% to the Asda, Queensferry in Zone 7 with 13.7% to Morrison's in Saltney (although at the time of the study had only recently opened). The proposed store has an estimated turnover of £4.69m. The Assessment states that although a given catchment is not expected to retain 100% of its expenditure, it is realistic to assume that the catchment area assessed here can improve its retention rate above 65%. It is also argued by the applicants that there is a need for a 'discount' retailer in the catchment with the nearest ones in Chester and Queensferry.

7.27 Residential development

While 5 dwellings are proposed on the site these are considered to be ancillary to the main use of the site as a food store. It is proposed to site 5 dwellings on the corner of the site along the Chester Road

frontage which would continue along from the existing dwellings. These are proposed to be affordable although no details of how they would be made affordable are provided other than they would be run by a Registered Social Landlord who has shown an interest in the site.

7.28 The dwellings each have their own private amenity space and parking however the main point of access to the dwellings is through the Aldi car park. The dwellings front the busy Chester road and a scheme of enhance double glazing is recommended. These factors would therefore have an impact on the residential amenity of the occupiers of the proposed dwellings. The proposed dwellings are in a terrace of three and a pair of semi-detached. They are proposed to be of brick and render with a tiled roof. The dwellings would not be out of keeping with the existing properties in the area.

7.29 Noise

The proposed enclosed service bay is located to the south of the store adjacent to the boundary of the adjacent site which has planning permission for residential development. The owners of the adjacent site have raised concerns about the location of the service yard and the relationship with their site and have requested that appropriate conditions are imposed if permission is granted to protect the amenity of further occupiers. The permission for residential development on the adjacent site is in outline therefore the siting of the proposed dwellings is not finalised, however the Council would not wish to grant permission for a use on this site which would prejudice the use of the adjacent site for its allocated purpose. The Development Brief for the site was produced to prevent this situation occurring.

7.30 A Noise Assessment was submitted with the planning application following guidance in Technical Advice Note 11: Noise. This assesses the noise impacts on a new commercial development in this location. The main sources of noise from the proposed food store include continuous noise from mechanical services plant such as air condition and extraction fans and intermittent noise from deliveries to the store. Residents have also raised concerns about general noise from the activities of a food store in proximity to residential development due to the proposed opening hours.

7.31 The noise assessment compares predicted noise levels from both mechanical plant and deliveries with existing background noise levels in accordance with assessment methodology set out in TAN11: Noise. Background noise measurements were taken at residential receptor locations on 4 positions around the site namely; the proposed dwellings on Chester Road as part of this application; the permitted residential development on the adjacent part of the site; the rear of 24 Simonstone Road and the rear of the existing houses on Chester Road. The predicted noise from mechanical plant and deliveries are taken from a noise survey at an existing Aldi food store. The main current source of noise in the area is traffic noise which reduces at

night time, however plant from nearby commercial uses and the Airbus site become more audible during the night time. The dominant source of noise is still however road traffic noise.

- 7.32 In terms of predicted noise levels a standardised mechanical services plant package is adopted for all new Aldi food stores with externally located condenser units surrounded by an acoustic enclosure. These run continuously 24 hours a day. In addition the ventilation system would operate when staff are in the building. Deliveries typically last between 30 – 80 minutes depending on the amount of stock and stock is unloaded directly into the warehouse in an enclosed bay. Survey results show the noisiest aspects of deliveries are the arrival and departure of the vehicles.
- 7.33 In terms of the noise impacts arising from the new food store, predictions have indicated that with the proposed mitigation measures, the overall noise from services would meet noise limit objectives and consequentially have a low adverse impact. These mitigation measures take the form of surrounding the external equipment with a 2.5m high acoustic screen and incorporating a 10dB(A) in line silencer in the extraction system. In terms of deliveries, predictions indicated that with a fully enclosed delivery bay, noise from deliveries would meet noise limit objectives and have a low adverse impact.
- 7.34 The footprint of the store is approximately 26 metres from the boundary of the site with the adjacent existing residential properties on Simonstone Road to the west. There is an existing landscape buffer between the existing residential properties and the proposed store. It is proposed that this would be enhanced with new planting.
- 7.35 During both day and night time the proposed dwellings would be located in Noise Exposure Category C as defined by TAN 11 due to the ambient noise levels from road traffic noise. For sites in NEC TAN11 states that “Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are alternative quieter site available, conditions should be imposed to ensure a commensurate level of protect against noise.” The site is allocated for housing and this issue was considered as part of the Development Brief. A scheme of mitigation to reduce internal noise levels through sound insulation for the windows, walls and ventilation has therefore been put forward and to reduce noise levels in private amenity areas.
- 7.36 The Public Protection Manager has reviewed the submitted noise assessment and raises no objections to the siting of the food store subject to imposition of conditions for noise reduction measures as set out in the Noise Assessment. These take the form of requiring acoustic fencing around the condenser unit, a silencer on the extraction fan and ensuring all deliveries are in the enclosed delivery

bay. It is also recommended that conditions are imposed in relation to the proposed houses to ensure that they have appropriate double glazing due to their proximity to the road.

7.37 Highways

The application was accompanied by a Transport Assessment. Residents have raised concerns about the traffic impacts of the development. The application has been amended to remove land which was part of the highway. A 'Servicing Strategy' was submitted during the course of the application following comments from the highways development control manager. This information has been accepted and highways raise no objections to the application subject to a number of conditions.

7.38 Ecology

This site has been extensively surveyed in relation to respective applications in this area and an update to these previous assessments by TEP has been submitted with this application. The site comprises previously developed land that has been unmanaged for some time. The woodland around the perimeter has become more established and the verges have become vegetated but the site remains unchanged from previous reports and is predominately species poor grassland. The site does not support great crested newt habitat as there are no water bodies or watercourses. There is no connectivity between Broughton Country Park and Broughton Newt Reserve were records exist due to the road infrastructure.

7.39 The ecological report recommends conditions requiring the retention of the landscaping along the western boundary, tree planting along the southern boundary to offset the loss of the trees along the northern boundary for the proposed dwellings.

7.40 NRW consider the submitted ecological assessment to be satisfactory for the purposes of informing the public decision making process. NRW have however raised concerns about the decline in great crested newt population in the area since the 1990's following significant developments in the area and if permission be granted suggest the inclusion of conditions or obligations that facilitate the implementation of objectives identified within the provisions of the strategy in place to facilitate the restoration of this population of amphibians.

7.41 Flood Risk

The application was accompanied by a Flood Consequences Assessment undertaken by Peter Mason Associates. The Flood Risk Data provided confirms that the site is not at risk of pluvial or tidal flooding up to at least 1 in 1000 event. However, NRW's Flood Risk Data confirms that part of the site was affected by flooding in 1964 when the channel capacity of Broughton Brook was exceeded. As a consequence of this information the site is classified by NRW as

partially lying within Flood Zone C1 and partially within Zone A in the 1 in 1000 event.

7.42 The site is not within the present-day NRW modelled fluvial flood zones associated with Broughton Brook. On this basis, the FCA comments that the site meets the acceptability criteria of A1.15 of TAN 15. The issues in relation to flooding are mainly in relation to the 5 residential properties which are a more vulnerable use than retail development. NRW advise it would be prudent for the Local Planning Authority to liaise with emergency planners to ensure that we are satisfied that access and egress arrangements during a flood event are adequate and also recommend a condition relating to signing up to the Flood Warning System.

7.43 S106 contributions
Open Space

In accordance with Planning Guidance Note No13 seeks a contribution of £733 per dwelling as a contribution to enhance play provision in the community.

7.44 Education

The development would be within the catchment of Broughton Primary School which has 455 children on role and a capacity of 455 with a surplus of 0%. The nearest High School is St. David's High School, Saltney which has 514 pupils on role with a capacity of 687, with a surplus of 25.18%. As the Primary School has less than 5% surplus places in line with SPG 23: Developer Contributions to Education a contribution of £12,257 is required.

8.00 CONCLUSION

8.01 The proposed development for a retail food store would lead to the loss of part of an allocated housing site (HSG1 19). The Council does not have a 5 year land supply (4.1 years as of April 2013) and therefore the site is required for housing development. The proposed development is therefore contrary to policy HSG1, STR4 and TAN1 and Supplementary Planning Guidance Note 25: Development Brief for Housing at the Compound Site, West of Broughton Retail Park.

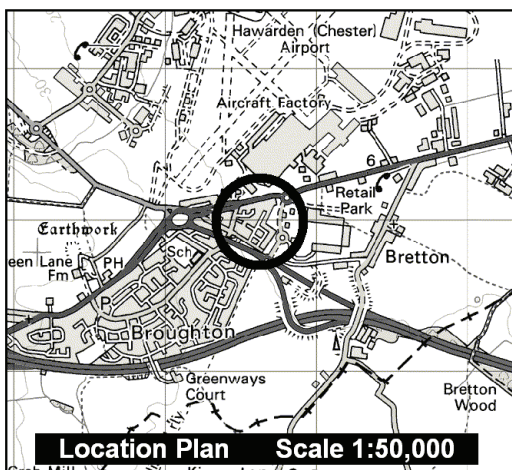
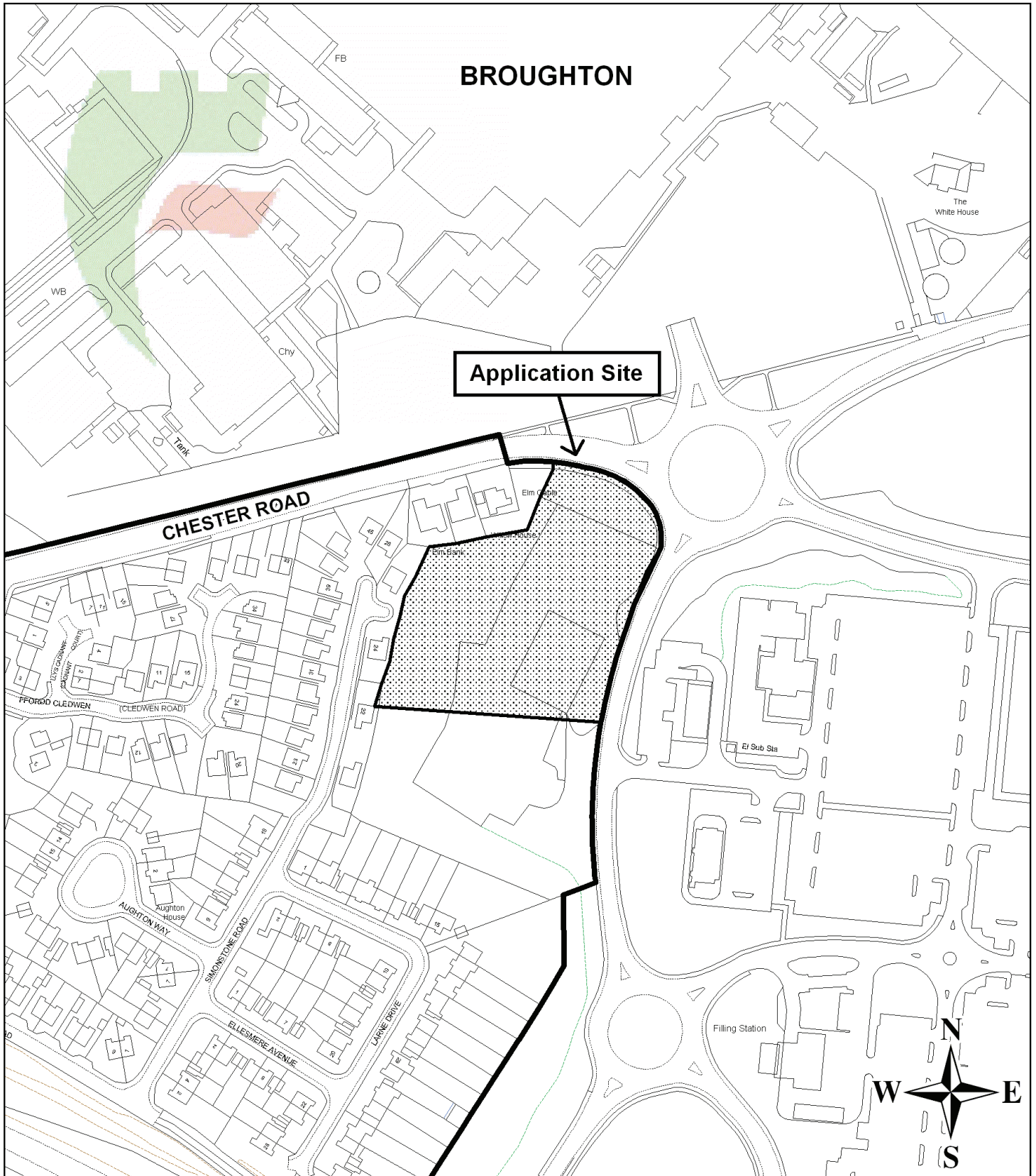
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Emma Hancock
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BROUGHTON



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 3464

Planning Application **52369**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 6 NO. 2 STOREY DWELLINGS, NEW ACCESSES BOTH VEHICULAR AND PEDESTRIAN AND ASSOCIATED WORKS AT RISBORO, NANT MAWR ROAD, BUCKLEY.**

APPLICATION NUMBER: **052513**

APPLICANT: **MR. G. AMES**

SITE: **RISBORO, NANT MAWR ROAD, BUCKLEY**

APPLICATION VALID DATE: **12TH AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR R. HAMPSON**
COUNCILLOR N. PHILLIPS

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

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER. WISHES MEMBERS TO CONSIDER THE AMENDED PROPOSALS.**

SITE VISIT: **YES. LOCAL MEMBER WISHES MEMBERS OF THE COMMITTEE TO VIEW THE SITE IN THE LIGHT OF THE AMENDED PROPOSALS.**

1.00 SUMMARY

- 1.01 This is a full planning application for the redevelopment of the site of the former dwelling, 'Risboro', to provide 6No. 2 storey dwellings, together with creation of a new point of vehicular access and associated works at 'Risboro' Nant Mawr Road, Buckley, Flintshire.

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 or Unilateral Undertaking, or making advance payment of to secure the following :-

- a. Ensure the payment of a contribution of £6,600 in lieu of on site recreation provision. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved.
- b. Ensure that pedestrian visibility splays at the proposed point of access are safeguarded in perpetuity where they cross third party land.

Conditions

1. 5 year time limit
2. In accordance with approved plans
3. Approval of all external materials prior to first use.
4. Scheme for surface, foul and land waters drainage from site to be submitted and agreed prior to works commencement. Implemented before occupation of units.
5. Provision of parking facilities prior to first occupation of units.
6. Site access to have vehicular visibility splay of 2.4m by 43m to the west.
7. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from mud arising from development site.
8. Finished site levels to be agreed prior to commencement.
9. Submission for approval of landscaping scheme, including boundary treatments.
10. Implementation of landscaping scheme.
11. Root protection area for trees and hedging to site boundaries during construction works.
12. No lopping topping or felling of trees without prior consent.
13. Scheme for hours of working to be agreed.
14. Remove Permitted development rights for extensions and alterations to the roof.
15. Scheme for interception of water before entering highway.
16. Access by means of vehicle footway crossing. Minimum 4,5 m width for first 10 metres.
17. Siting layout and design of access to be submitted and agreed prior to commencement. No formation of access until agreed.

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

3.00 CONSULTATIONS

3.01 Local Member:

Councillor R. Hampson

Requests a committee site visit. Considers the proposed point of access is too close to the junction of Princess Avenue and Nant Mawr Road. Also considers the proposals will have adverse impacts upon the amenity of bungalows on Dawn Close.

Councillor N. Phillips

Requests committee determination and site visit. Considers changes to the proposed development of the site need to be assessed by Members of the Planning and Development Control Committee.

Buckley Town Council

No response at time of writing.

Highways Manager (DC)

No objection. Requests the imposition of conditions.

Education - Capital Projects & Planning Unit

No contributions required. Nearest qualifying Primary School (Mountain Lane) has already been the subject of 5 requests for S.106 monies and Elfed High School has in excess of 5% surplus capacity.

Public Open Spaces Manager

No response at time of writing.

Head of Public Protection

No response at time of writing.

Natural Resources Wales

No response at time of writing.

Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions and notes on any planning permission

Clwyd Powys Archaeological Trust

No objection. There are no archaeological implications for the site.

SP Power Systems

Advises of apparatus within the vicinity but raises no objections to the proposals.

4.00 PUBLICITY

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

4.02 At the time of writing this report, the publicity exercise has resulted in the submission of 15No. letters of objection from third parties in respect of the proposals. These representations raise objections upon the following grounds;

- The proposed point of access to the site is located too close to the junction of Princess Avenue and Nant Mawr Road.
- The proposals are an overdevelopment of the site.
- The proposals result in an overly dense form of development.
- The proposals result in the loss of established trees.
- There is inadequate space about dwellings.
- Submitted plans are inaccurate.
- Adverse impacts upon existing adjacent amenity.
- Increased traffic adversely affecting highway safety.

5.00 SITE HISTORY

5.01 **05/0/39736**

Outline – erection of a dwelling. Refused 11.10.2005.

07/0/42772

Outline – erection of a dwelling. Permitted 14.5.2007

10/0/47432

Renewal of 42772. Permitted 2.2.2011.

048669

Erection of 12No. apartments. Refused 7.11.2011.

049451

Erection of 10No. apartments. Refused 22.6.2012.

Appeal Allowed 10.1.2013.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR4 - Housing

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy HSG3 - New Housing on unallocated sites within settlement boundaries

Policy HSG8 - Density of Development

Policy HSG9 - Housing Type and Mix

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design
Policy D3 - Landscaping
Policy AC13 – Access and Traffic Impacts
Policy AC18 – Parking Provision and New Development.

7.00 PLANNING APPRAISAL

7.01 Site Description and Proposed Development

This is a full planning application for the erection of 6No. two storey dwellings, together with associated works. The site measures 0.12 hectares in area and has a dual frontage onto both Nant Mawr Road and Princess Avenue.

7.02 The site comprises the site of the former dwelling known as 'Risboro' (now demolished) and its associated curtilage. The site is rectangular in shape and is located within an existing area of residential development with residential accommodation of a variety of forms surrounding on all sides. The site is bounded immediately to the south and east by the above named highways beyond existing hedgerows. The northern and western boundaries abut the adjacent dwellings and their curtilages on Princess Avenue and Dawn Close respectively. These boundaries comprise a mixture of hedging and domestic style fences. The site topography is such that there is general fall in site levels from the north towards the south and a gentle fall from west to east.

7.03 Members will recall a previous submission for the development of this site for 10 apartments under application reference 049451 and will recall resolving to refuse planning permission for that development. Members will also recall that permission for this development was granted upon appeal to the Welsh Government. The current application differs in that the proposals now provide for 6 2 storey dwellings arranged as 2 pairs of semi detached dwellings and 2 detached dwellings.

7.04 Principle of Development

The proposed development site is located within the defined settlement boundary of Buckley as identified in the Development Plan. The site is not allocated for specific development but its location within the settlement boundary affords a presumption in favour of development, subject to the detailed consideration of all material considerations. Policy HSG3 identifies the criteria against which the development of unallocated sites within settlement boundaries for residential purposes will be considered. The proposed residential development of the site is therefore acceptable in principle.

7.05 Design/Appearance/Amenity Considerations

The proposed development would provide 6 dwellings on a 0.12 hectare site which equates to a density of approximately 50 dwellings per hectare. Whilst this would be at a higher density than the UDP

indicative figure of 30 dwellings per hectare, it should be remembered that these figures are minimum guides and not absolute limits.

- 7.06 Furthermore, in terms of massing, the 6 units reflect a form of development upon the site which reflects the form of development in the surrounding area. Therefore, whilst the site yield is high in terms of a simple calculation, it is nonetheless acceptable when all other factors relevant to the site are considered. I do not therefore concur that the proposals amount to an overdevelopment of the site but rather consider the proposals to reflect the general thrust of national and local planning policy which seeks to achieve the best use of land, especially where that land is previously developed land within settlement boundaries.
- 7.07 The proposed dwellings fronting Nant Mawr Road are to be set back from the edge of the site in order to retain the existing hedgerow across the site frontage. This serves to not only soften the impact of the proposed development in visual terms but also serves to maintain the visual quality of the street scene in this location. The dwellings themselves are proposed to sit somewhat further to the south than the current dwelling. I consider this to be appropriate as it moves the impact of the built form further away from the existing dwellings on Dawn Close and creates a more identifiable frontage relative to the remainder of the street. The retention of the hedgerow will also serve to lessen any perceptions of overlooking and will reduce the visual impact of the mass of the building. The semi detached units which fronts Princess Avenue is likewise situated so as to reflect and compliment the frontage of existing adjacent built form.
- 7.08 The dwellings fronting Nant Mawr Road are internally configured such that that the views afforded from windows at first floor level towards properties on Dawn Close are oblique in relationship and, by virtue of the aforementioned levels work, afford no greater an overlooking opportunity than was previously the case from 'Risboro'. Notwithstanding this, I propose to condition that permitted development rights are removed to afford a greater control to the Local Planning Authority over any future developments at the site. Separation of 21m is secured between the building and properties on Nant Mawr Road opposite.
- 7.09 Concerns has been raised that the proposed units fronting onto Princess Avenue are of a height and relationship which would have an overbearing impact upon adjacent properties and adversely affect amenity. These dwellings are proposed to occupy a position which is at a level some 1.35 – 1.55 metres below the level of the bungalows on Dawn Close to the rear. Separation distances of 18.5 metres from the propose rear elevation of the dwellings to the bungalows is provided. Whilst this is shorter than the 21 metres advised within Local Planning Guidance Note 2 : Space about dwellings, I am of the view that the difference in levels, mature nature of the hedgerow

between the site and the fact that ground to ground level intervisibility is entirely obscured combine to mitigate against this shortfall. In addition, Members will be aware that this level of separation is reflective of the nature of the relationship of existing built form on Princess Avenue and Dawn Close.

- 7.10 Members should bear in mind that the about stated document provides guidance, not absolute rules and in considering proposals, regard should be had to material issues which may direct a lesser degree of separation to be acceptable. The matters outlined above are those which lead me to conclude that the provided separation acceptable in amenity terms and for these reasons, I do not consider the proposals to be of a form which is overbearing.
- 7.11 Concern has also been raised in relation to the removal of an Ash tree on the northern boundary of the site. Whilst the tree is sizeable, its proximity in relation to proposed development is such that the development will inevitably compromise its future vitality. The tree is not protected and is not considered worthy of retention as its amenity value is not of such a significance that cannot be addressed via a suitable landscaping scheme. Such a scheme is conditioned to be submitted and implemented.
- 7.12 Highways and Access
The proposed development would be accessed by both vehicular traffic and pedestrians via a new access created onto Princess Avenue, with the current vehicular access onto Nant Mawr Road being permanently closed off. Concerns have been raised by third parties in respect of increased traffic flows and consequent increase of risk of conflict between additional and existing traffic upon the road.
- 7.13 The proposal has been assessed by the Highways Manager (DC) who has raised no objection to the scheme. In terms of visibility at the access point for pedestrians, agreement will be required between the applicant and a third party landowner (in this case, Flintshire County Council) to ensure that the required splays are provided and safeguarded in perpetuity. Subject to conditions to this effect and the applicant entering into an appropriately worded legal agreement to this effect, I am advised that there is no highway objection upon this basis.
- 7.14 The proposed development is considered to provide adequate off road parking and manoeuvring space for the vehicles expected to visit the site and therefore in highway terms the proposed development is considered acceptable. Notwithstanding concerns raised in relation the adequacy of the access to permit refuse and recycling vehicles to enter the site, Members are aware that Council refuse and recycling collections are conducted upon a roadside collection basis and therefore vehicles of this nature will have no need to enter the site.

7.15 Other Matters

In regards to drainage issues, the proposed development has not been objected to by Dwr Cymru/Welsh Water and therefore, subject to an appropriately worded planning condition, the proposal is considered acceptable.

7.16 At the time of writing, I am not in receipt of comments from the Public Open Spaces Manager. However, it is appropriate to apply the requirements of Local Planning Guidance Note 13 : Open Space Requirements in connection with a proposals of this form. Accordingly, I recommend that a commuted sum equal to £1100 per dwelling is sought in lieu of on site provision with such sum to be used to enhance existing facilities within the community. This sum equates to £6600 which will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved dwellings.

8.00 CONCLUSION

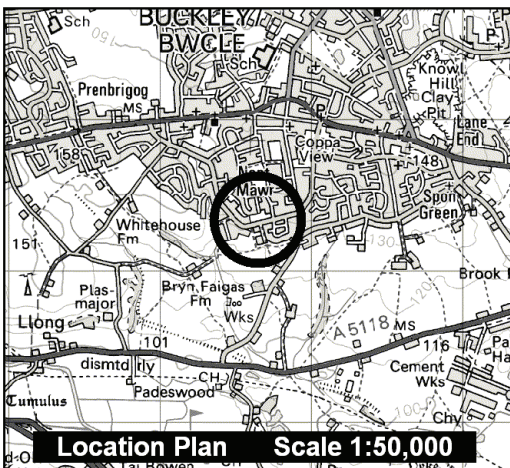
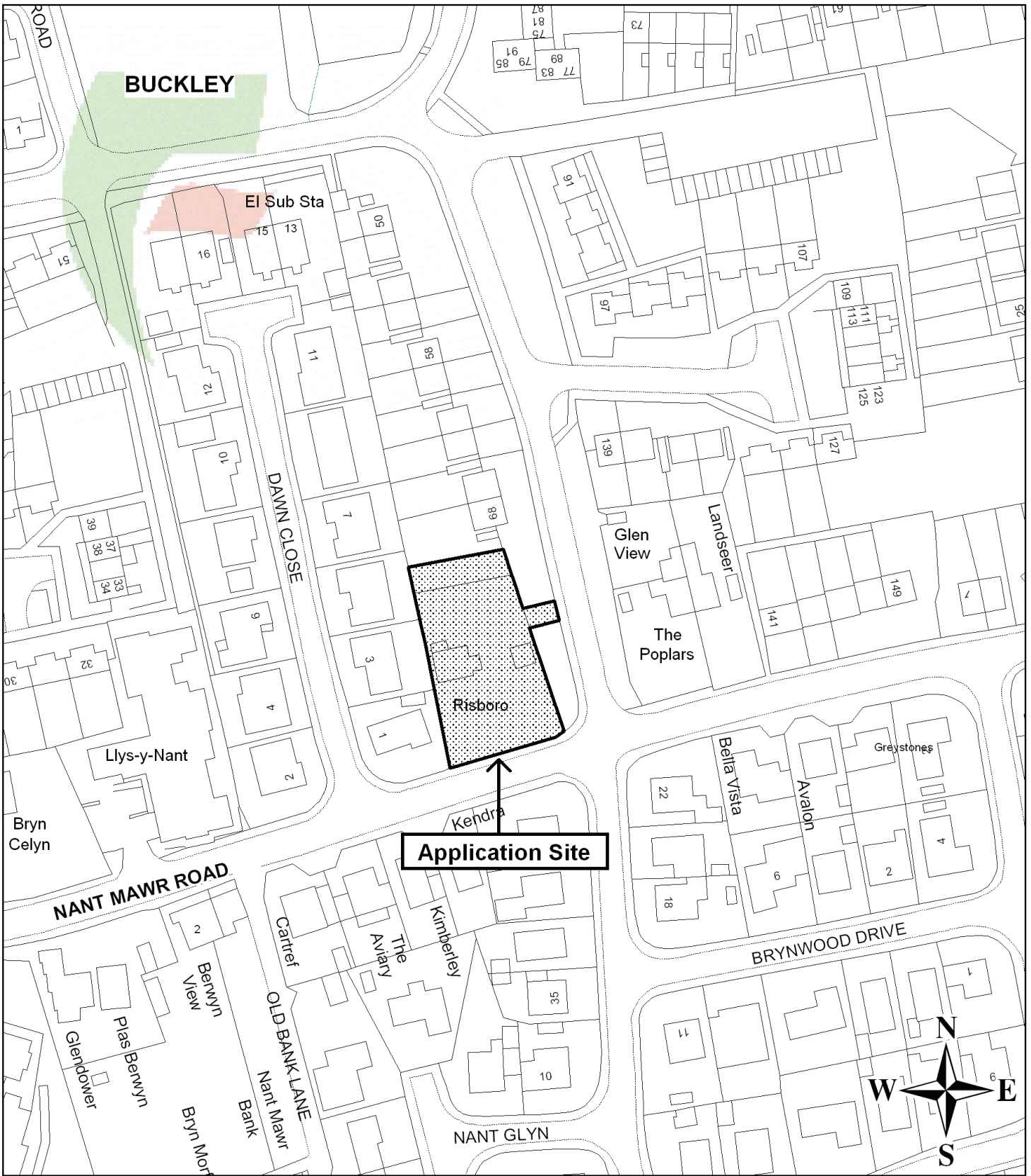
8.01 Having regard to the above, I consider that these proposals represent a scheme which is acceptable in principle and detail. Accordingly I recommend that permission be granted subject to approximately worded planning conditions and a legal agreement.

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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: David Glyn Jones
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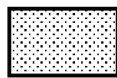


Location Plan Scale 1:50,000



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 1:2500

OS Map ref SJ 2763

Planning Application **52513**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 12 NOVEMBER 2014**

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

SUBJECT: **052504 - FULL APPLICATION - REPLACEMENT OF EXISTING BUILDINGS WITH 1 NO. ECO DWELLING AT MARSH FARM, CHESTER ROAD, OAKENHOLT**

APPLICATION NUMBER: **052504**

APPLICANT: **MR M JONES**

SITE: **MARSH FARM, CHESTER ROAD, OAKENHOLT**

APPLICATION VALID DATE: **15 AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR MS R JOHNSON**

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application seeks planning consent for the replacement of existing buildings with the erection of one eco dwelling. The application site is outside the settlement boundary of Flint, in open countryside, where both national and local policies strictly control residential development in the open countryside.
- 1.02 The applicants understand that the development is contrary to policy but suggest that an exception be made on the grounds of a lack of a five year housing land supply and the fact that the dwelling is a Eco friendly innovative design.

1.03 In this context the main issues for consideration of this application are both the national and local plan policies covering residential development in the open countryside and whether these are outweighed by the lack of a 5 year housing land supply and the innovative nature of the proposed dwelling.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 In the opinion of the Local Planning Authority, the proposed development represents unjustified development in the open countryside. Despite the suggested eco credentials, the quality of design, or the argument that the proposal would contribute to the housing land supply, the proposal is considered to contrary to Policies GEN3 and HSG4 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Councillor Ms R. Johnson
Requests committee determination in light of local representations.

Flint Town Council
No response received at time of writing.

Head of Public Protection
Confirms that they have no adverse comments to make regarding this proposal.

Head of Transportation and Assets

If minded to grant consent then recommend a condition with regard to facilities being provided and retained within the site for parking and turning of vehicles , these facilities being completed prior to the proposed development being brought in to use.

Airbus
Have no aerodrome safeguarding objection to the proposal.

Natural Resources Wales
Natural Resources Wales (NRW) do not object to the proposal it is not likely to adversely impact upon any of the designated wildlife interests of the Dee Estuary sites adjacent the application site.

The ecological report confirms that there is no bat activity in the barn to be demolished, with the existing barn owl box on site to be avoided to avoid disturbance to it.

In order to minimise impact it is recommended that the any existing hedgerow are maintained and care should be taken with regard to domestic light spill in to the adjacent fields.

NRW have confirmed the application site lies entirely within zone A as defined by the development advice map (DAM) referred to under TAN15 Development and Flood Risk (July 2004) and the site is not within either the 1 in 1000 or 1 in 100 year flood zones. As such, the flood risk at the site is considered to be minimal and do not require the submission of a Flood Consequences Assessment.

Drainage

No response received at time of writing.

Dwr Cymru /Welsh Water

As the applicant intends using a septic tank facility advise that applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

4.00 PUBLICITY

4.01 Neighbour Notification

2 letters received objecting on the grounds of the use of the unofficial "layby" on the access lane.

Since these objections have been received the Technical Note, it has now been AMENDED removing the reference to the pull in (Technical Note 1 Rev B).

11 letters of support received on the following grounds:-

- Proposed development will be a visual improvement / enhance the area
- Embrace the design/ contemporary nature of the proposed dwelling
- Self build houses should be encouraged, both for local business, encourage visitors and eco credentials
- Preference to see building inhabited rather than dilapidated

5.00 SITE HISTORY

5.01 **02/34427**

Alterations to existing dwelling and conversion of attached outbuildings to form and extension to the dwelling - Permit 16.9.02.

09/46887

Conversion of existing brick building in to tourist accommodation and rebuilding of existing store /garage - Permit 13.04.10.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN3 - Development in the Open Countryside.

Policy HSG4 - New Dwellings Outside Settlement Boundaries.

Planning Policy Wales (PPW) July 2014, Edition No. 7 paras 4.3, 4.7.8 and 9.2.22.

7.00 PLANNING APPRAISAL

7.01 Policy Context

This application seeks planning permission for the replacement of an existing outbuilding, with the erection of a dwelling. The proposed site is outside the settlement boundary of Flint and as such the proposed development would be in the open countryside.

7.02 Both national and local plan policies strictly control residential development in the open countryside, allowing only those that are justified on essential need in terms of farming, forestry or other rural enterprises who must live at or very close to their place of work. This application has not been substantiated on these grounds and as such is considered to be contrary to policies GEN3 and HSG4.

7.03 The agent makes reference to the policies in the Unitary Development Plan and in Planning Policy Wales being out of date when compared with the National Planning Policy Frameworks in England in terms of brown field sites and facilitating self build.

7.04 The agent also has made reference to the intention of Welsh Government in the near future to provide a National Development Framework (NDF) to replace the Wales Spatial Plan. However it remains to be seen what form this will take, as well as its purpose, content and implications. If and when the document is published, it entails a different policy regime, which provides support for single dwellings in the open countryside, then the proposal can be considered in a new policy context at that time.

7.05 Until such time, the application has to be assessed in the context of the current national and local development plan framework comprising Planning Policy Wales and the adopted Flintshire Unitary Development Plan.

7.06 Proposal

The majority of the dwelling is to be located on the footprint of an existing former agricultural building which previously formed part of a working farm. Planning Policy Wales Welsh Government sets out the definition of brown field or previously developed land and this specifically excludes land or buildings currently in use for agriculture or forestry purposes. It is not accepted that agricultural or forestry buildings that are no longer used as such, should also be classed as brownfield, as to do so, would go against the thrust of Welsh Government guidance, which seeks to protect open countryside from inappropriate development. This point was clarified previously by an

Inspector who stated “Although the PPW definition specifically excludes “land and buildings currently in use for agricultural and forestry purposes”, this must also exclude land and buildings last used for agricultural purposes even were they are now redundant“. To conclude otherwise could be likely to have serious implication for the development of rural farmyards throughout the Welsh Countryside. In this context the proposal does not involve brownfield or previously developed land.

7.07 The Existing Building and Proposed Dwelling

The existing building is a prefabricated concrete structure, which is not residential. The existing building is not worthy of retention on grounds of its architectural or historic merits and indeed is proposed to be demolished as part of the proposed scheme. Furthermore, as a result of its modern and utilitarian character, it would not be considered favourably for a residential conversion having regard to Policy HSG7. As there is no existing residential use of this building the proposed scheme can not be considered on the grounds of a replacement dwelling and has to be considered in light of the national and local plan policies applicable to development outside settlement boundaries, in the open countryside.

7.08 The proposed dwelling is to be built to code 6 in the Code for Sustainable Homes (which is in planning terms considered to be obsolete in view of new Building Regulations) and is designed to be eco friendly in its design, construction and materials of its construction. Whilst the eco credentials and quality of the design of the proposed dwelling are acknowledged, these criteria are not sufficient justification to override the policy objections to the erection of a new unjustified dwelling in the open countryside. Whilst the eco credentials are an essential part of this application, it should be noted that the proposed dwelling is not presented as a ‘one planet’ development, as there is no proposal that it would sustain its occupants through any associated business.

7.09 The proposed dwelling is of a contemporary design, single storey in its design, seeking to limit its visual impact in relation to the existing farm house and the open countryside setting, the site being adjacent to the environmentally sensitive Dee Estuary. The dwelling is proposed to be approximately 285m² in its footprint and 5m high, orientated on the site with the main living spaces being south facing to maximise the solar gain for the design. The external materials are proposed to be a combination of metal cladding and traditional brick, with substantial glazing detailing to the garden elevations.

7.10 Policy HSG4

This policy clearly states that dwellings outside settlement boundaries will only be permitted where it is essential to house farm or forestry workers, who must live at or very close to their place of work. This policy must also now be read alongside PPW which includes a broader category on rural enterprise dwellings. In such cases any application on these grounds should be supported by setting out of evidence of the functional need of the enterprise. An agricultural justification appraisal, as proof of the agricultural need of the enterprise for any additional dwelling. This application has not been supported by such documentation, as such it can not be considered on these grounds and there are policy objections as the proposal is considered to constitute unjustified development in the open countryside.

7.11 Policy HSG13

Annex accommodation is generally permitted whereby it is ancillary to the use of the main dwelling and also subsidiary in terms of the scale of the accommodation. The applicant indicates that although the dwelling is intended to be its own independent dwelling unit, an indication is given that the applicant would accept for it to be controlled by condition as "annex" accommodation or for the personal use of the applicants. Members will be aware that such ancillary accommodation needs to be subsidiary in terms of design and scale and would normally be attached to the main dwelling, neither of which are applicable here

7.12 The proposal represents a 4 bedroomed detached single storey dwelling which is clearly in excess of what the policy considers to be an annex. It would be inappropriate to seek to place conditions insisting on its use as annex accommodation, when it would be occupied as a separate new dwelling. Welsh Government advises against the imposition of "personal" planning permissions except in exceptional circumstances.

7.13 Policies GEN3 & HSG4

In the supporting documentation accompanying the application, the applicant seeks to justify the proposal having regard to the current lack of a 5 year housing land supply and to the restrictive nature of policies HSG 3, HSG 5 and HSG7 which have led to a housing shortfall.

7.14 The County presently has a 4.5 year housing land supply (Joint Housing Land Availability Study 2013) which falls below the 5 year supply required in Planning Policy Wales and Technical Advice Note 1 (TAN 1). Despite the council strategy being of the view that there is in reality a greater supply of housing land (14.2 yr and 11.9 yr based on a 5 year and 10 year post completion calculations) the council

accepts that it does not presently have a 5yr supply based on the residual method calculation.

- 7.15 In such circumstances the Council is required to set out what steps it is taking or proposing to take to increase supply. The commentary in the 2013 JHAS Report states “the Council will continue to work with landlords and developers in bringing forward appropriate and sustainable windfall housing sites. Applications on sites outside of existing settlement will be assessed on their individual merits in terms of whether they represent logical and sustainable development having regard to material planning considerations and will not be approved merely because they would increase housing land supply”.
- 7.16 In the context of this application there is a well established policy framework, set out in both national guidance and the adopted UDP which seeks to strictly control new development outside settlement boundaries. To grant consent for a single dwelling in open countryside, in planning terms, would represent a fundamental shift in policy and is not considered to be justified on the basis of a lack of a 5yr housing land supply. It is not considered that a single dwelling would make any noticeable difference to the housing land supply figures. To argue otherwise, would imply that the 1000 or so dwellings needed to bring the land supply back up to 5yrs, could potentially be in open countryside locations, which would set a dangerous precedent and result in significant harm to open countryside.
- 7.17 In the broader context of this Flint site, the site is in close proximity to a category A settlement which is identified in the UDP as being a sustainable location; as reflected in two housing allocations and the Croes Atti site. The Croes Atti site has permission for 636 dwellings and two house builders are presently on site. With a combined growth rate for the settlement of 19% over the Plan period, there is clearly no shortage of housing land in the context of Flint. There is considered to be no justification for granting permission for a single dwelling when it is within 1km or easy walking distance of a large housing site, as to do otherwise would severely compromise well established planning principles.
- 7.18 The lack of delivery of housing in the County and further afield has been due to the effect of the economic down turn, rather than the lack of supply. The UDP made adequate provision for development and there is no evidence to substantiate the argument that the locational and housing policies operate in a restricted manner as advocated by the agent.
- 7.19 Consequently, no real weight can be given to the argument that this application would contribute to the housing land shortfall, to enable the local planning authority to override policies of GEN3 and HSG4 of the adopted Unitary Development Plan and national guidance which

exists in Planning Policy Wales, Edition 7, July 2014, in relation to unjustified development in the open countryside.

7.20 Site and Adjacent Protected Sites

The application site is located 600m from the Dee Estuary, which has the following protection, Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), and RAMSAR site. Features of these sites include Spring and Autumn migrating bird populations, overwintering wader and wildfowl; as such I have consulted with Natural Resources (NRW) and county ecologist.

7.21 NRW have raised no objections to the proposal, and in their opinion the proposal is not likely to adversely affect any of the designated wildlife interests. The submitted ecological report states that there are no evidence of bats using the building proposed to be demolished. The submitted ecological survey noted the historic barn owl nesting box on site and the measures should be taken to avoid disturbance to this in any works.

7.22 However to minimise any adverse effect it is recommended that the existing hedgerows are maintained and care should be taken with regard to any external lighting so that there is no light spill in to the adjacent fields.

7.23 Access

The proposed dwelling is to be served by the existing single track unmade lane, which serve the existing farm house, Seafield and the potential extant one bedroomed tourist accommodation, which has been granted on the site.

7.24 The application has been accompanied by a Transport report, which has subsequently been amended; highways have been consulted on the application. They have raised no objection to the proposal and recommend that any permission is conditioned to provide parking and turning facilities within the site prior to the proposed use being brought in to use.

7.25 As part of the consultation process 2 letters of objection have been received with regard to the use of the "pull in "on the access lane, reference to this has now been omitted from the Technical highway report. The use of the pull in is not a material planning consideration and is a civil matter for both parties to consider themselves. Highways have been consulted on the amended technical report and have confirmed that they raise no objection to the proposal.

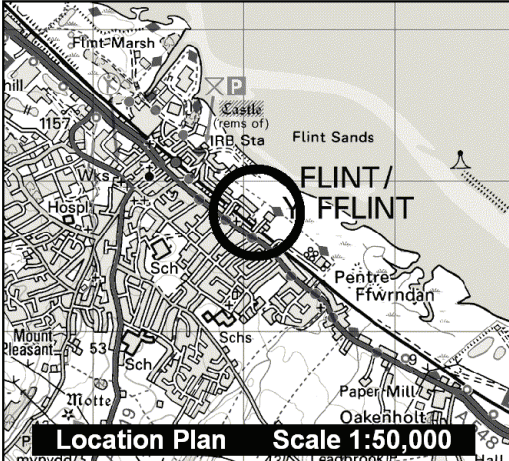
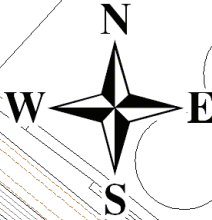
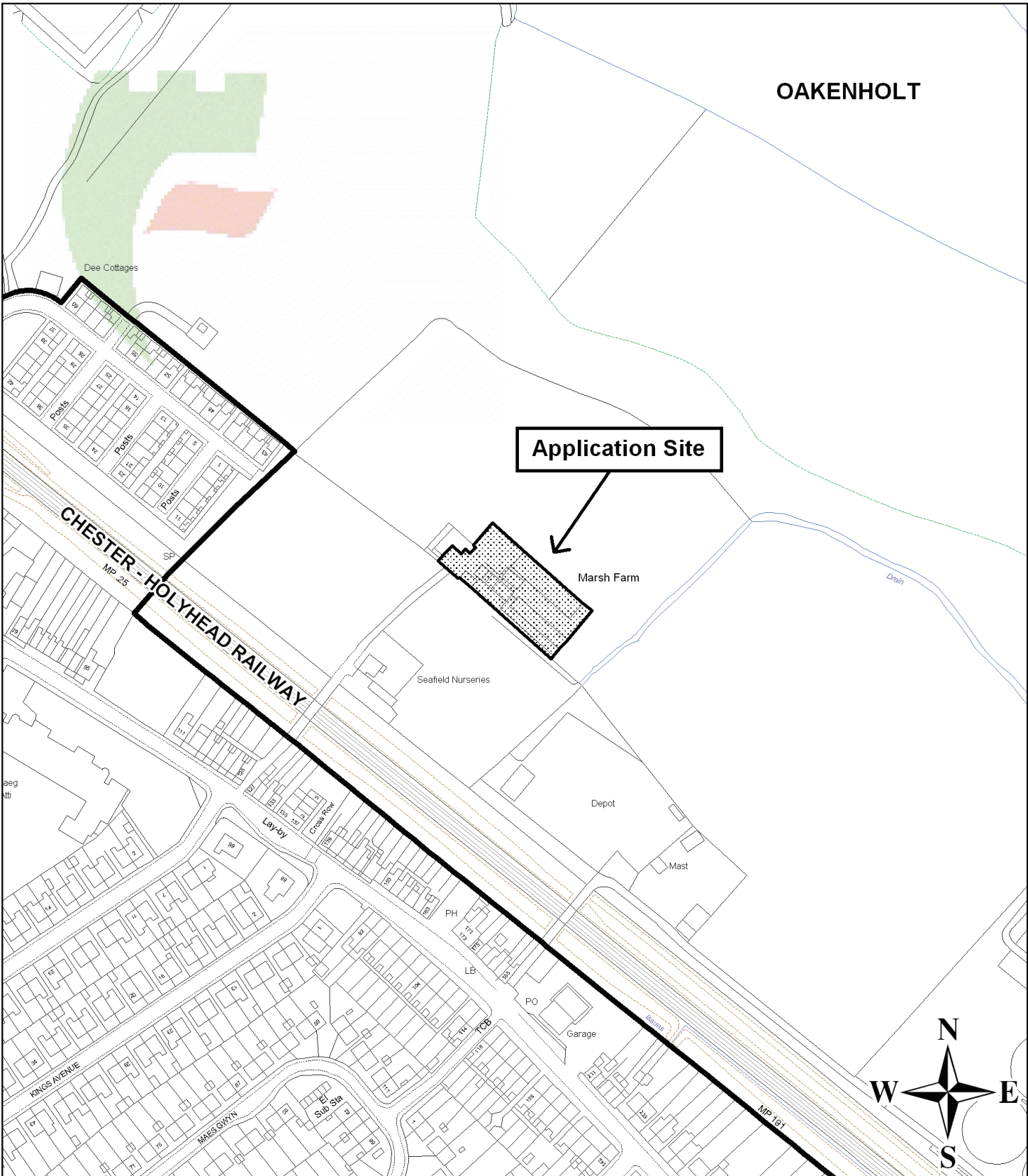
CONCLUSION

- 8.01 Whilst the merits of the application for the provision of an eco dwelling are noted and indeed welcomed. As the dwelling is not for the provision of an essential worker, it is considered to amount to unjustified development in the open countryside, contrary to the provision of both national, Planning Policy Wales and local plan policies, which seek to resist non essential development in the open countryside, to prevent sporadic development, which would undermine the rural open countryside character.
- 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
Telephone: (01352) 703260
Email: Barbara.kinnear@flintshire.gov.uk

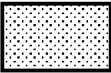

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OAKENHOLT



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 2572

Planning Application **52504**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT TO PROVIDE 10 NO. TWO BEDROOM APARTMENTS AND 4 NO. ONE BEDROOM APARTMETNS AND ASSOCIATED PARKING AT NEW INN, STATION ROAD, SANDYCROFT.**

APPLICATION NUMBER: **052570**

APPLICANT: **JWG DEVELOPMENTS**

SITE: **NEW INN, STATION ROAD, SANDYCROFT.**

APPLICATION VALID DATE: **26.08.14**

LOCAL MEMBERS: **COUNCILLOR D E WISINGER**

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY**

REASON FOR COMMITTEE: **S106 CONTRIBUTIONS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of two blocks housing a total 10 two bedroom apartments and 4 one bedroom apartments and associated parking. The main issues are the impact of the form of the development on the surrounding area, impact on residential amenity of adjacent properties, the loss of the public house and development in a flood risk area.

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

- 2.01 The proposal is recommended for approval subject to the following:-
Subject to entering into a S106 agreement for the following contributions;
- £733 per unit for recreation enhancements in lieu of on-site Provision
 - contribution of £24,514 to Sandycroft Primary School

Conditions

1. Time commencement
2. Plans
3. Materials
4. Ground floor parking only
5. Finished floor levels to be agree at 8.0AOd plus freeboard
6. Developers to produce an Emergency Flood response plan for occupiers
7. Occupiers to sign up to flood warning service
8. Tree protection measures
9. Surface water drainage
10. Foul drainage

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 D E Wisinger
Agrees to the determination of the application under delegated powers.

Queensferry Community Council
No response received at time of writing.

Highways Development Control Manager
No objections.

Public Protection Manager
No adverse comments.

Welsh Water/Dwr Cymru
No response received at time of writing.

Natural Resources Wales
The site lies entirely within Zone C1 (Areas of the floodplain which are

developed and served by significant infrastructure, including flood defences) as defined in TAN 15 Development and Flood Risk and shown on the Welsh government's Development Advice Map (DAM). The site also lies entirely within NRW's 0.5% AEP tidal flood outline and also partially within NRW's 1% AEP fluvial flood outline. There are no flood defences associated with Sandycroft North drain and therefore the DAM designation C1 may not accurately reflect the flood risks to the site.

The submitted drawings appear to indicate that the ground floor of the development would be used solely for vehicle parking. We would accept that during a breach event the first floor level of the proposed development would be above the maximum in-channel tidal Dee flood level during the 0.5% AEP plus climate change event. However, Chapter 7.2 of TAN15 advises that it would not be sensible for people to live in areas subject to flooding (even in two storey buildings) where timely flood warnings cannot be provided and where safe access/egress cannot be achieved. Your Authority should note that it may not be possible to provide flood warnings in the event of a breach of defences.

We would recommend that an additional freeboard should be included in a proposed minimum finished floor level (FFL).

Also recommend conditions covering;

- Occupiers to sign up to Flood Warning Service
- Developers to produce a flood plan
- To ensure only parking on the ground floor

Airbus

No aerodrome safeguarding objection.

Public Open Spaces Manager

In accordance with Planning Guidance Note No13 seeks a contribution of £733 per dwelling as a contribution to enhance play provision in the community.

Chief Officer (Education and Youth)

Sandycroft Primary has less than 5% surplus places, therefore an education contribution of £24,514 is required.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

7 objections on the grounds of

- three storey buildings are out of character with the surrounding area
- overdevelopment of site
- overlooking, detrimental impact on residential amenity, invasion of privacy, loss of light

- the public house is still open and not vacant as stated in the application documents
- flood risk, the public house has recently flooded, submitted FCA does not address concerns
- the plans show the properties further away than they actually are
- increase in traffic on a narrow residential road
- loss of a public house
- concern about flooding of stream to rear of properties with more development
- no access to mains foul sewer on Station Road
- there is a significant tree in the pub car park which is not shown on the plans and could be affected by the development

5 letters of support on the grounds of;

- Support the proposal as long as the flats don't go further back than my house. Don't want to see a brick wall when sitting in my garden.
- Pub has always been a problem with noise and antisocial behaviour
- Would consider buying one
- Would improve the area
- There would still be a pub in the area down the road

5.00 SITE HISTORY

5.01 98/798 Single Storey Extension to rear/ side of lounge bar. Approved 13.10.98

552/90 Erection of a ground floor extension to house cellar and bottle store. 04.12.90

55/19250 Outline planning application for residential. 03.04.90

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

S11 – Retention of Local Facilities

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development
SR5 - Outdoor Playing Space and New Residential Development
EWP3 - Renewable energy in New Development
EWP14 - Derelict and Contaminated Lane
EWP17 - Flood Risk

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

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of two blocks housing a total 10 two bedroom apartments and 4 one bedroom apartments and associated parking.

7.02 Site Description

The site is currently occupied by the New Inn public house and associated curtilage and parking areas. The existing public house is a two storey building located to the south east of the site with a parking area to the north. To the north east of the site is a terrace of four residential properties. To the south west of the public house is a pair of terraced properties and to the north west of the site are a number of detached residential properties. Broughton brook runs along the north west boundary of the site and there are a number of trees along this boundary on the banks of the brook. To the north west beyond the brook are further residential properties.

7.03 The site is on the edge of the settlement of Sandycroft and is bounded to the east by Station Road. The area is predominately residential in nature. The A548 runs parallel to Station Road, beyond which is agricultural land. The site therefore is highly visible from the road network.

7.04 Proposal

This is a full planning application for the erection of two blocks housing a total 10 two bedroom apartments and 4 one bedroom apartments and associated parking underneath the building and to the rear of the building. The form of the buildings are two and three storey in height, with all living accommodation at first and second floor and only parking at ground floor. 26 parking spaces are proposed, with 20 undercroft spaces and 6 spaces to the rear behind the proposed building. The proposed apartment buildings would be brick and render with a tiled roof.

7.05 Principle of development

The site is situated within the Settlement boundary of Sandycroft which is a Category B settlement within the Adopted Flintshire Unitary Development Plan. The growth rate of Sandycroft as of April 2014 is

2.2%. The principle of residential development is therefore acceptable.

- 7.06 The proposal would lead to the demolition of the existing public house and the loss of this community facility. While the public house is still trading contrary to statements in the planning application, there is another public house; The Bridge Inn situated 130m from the application site within the settlement boundary of Sandycroft. The public house has also been on the market for over 12 months with no interest in it for the continuation of that use. It is therefore considered the loss of the public house would not be contrary to policy S11 as other facilities exist within the locality.
- 7.07 Flood risk
The application is accompanied by a Flood Consequences Assessment undertaken by JWG Developments Ltd, along with reference Flood Consequences Assessments carried out for other sites in the locality.
- 7.08 The site lies entirely within Zone C1 (Areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as defined in TAN 15 Development and Flood Risk and shown on the Welsh government's Development Advice Map (DAM).
- 7.09 The site also lies entirely within NRW's 0.5% AEP tidal flood outline and also partially within NRW's 1% AEP fluvial flood outline. There are no flood defences associated with Sandycroft North drain and therefore the DAM designation C1 may not accurately reflect the flood risks to the site.
- 7.10 The peak flood level expected in the locality during a 0.5% AEP plus climate change overtopping scenario are 5.29AOD and for the breach scenario are 5.92 AOD. These levels are taken from the FCA for the Lifeboat Inn, which is in proximity to this site and the models have not been run specifically for this site. The proposed finished floor levels for garages are at 5.35 AOD with living accommodation at first floor at 8.0m AOD. NRW recommend that an additional freeboard of at least 300mm should be included in a proposed minimum finished floor level (FFL).
- 7.11 The submitted drawings appear to indicate that the ground floor of the development would be used solely for vehicle parking. NRW accept that during a breach event the first floor level of the proposed development would be above the maximum in-channel tidal Dee flood level during the 0.5% AEP plus climate change event. It is therefore possible that during such an event, residents could be trapped on the upper floors of the building with limited or no access to power or sanitation. Consultation has been undertaken with Emergency Planning who recommend that occupiers of the properties are made aware of the risks of flooding through an emergency flood response plan drawn

up by the developers, to make occupiers aware of what to do in the event of a flood through a breach event. This can be the subject of a condition. NRW also request a condition to ensure that the ground floor of the building is used for parking only.

7.12 Impact on residential amenity

The site is bounded by residential properties to the north, west and south. The surrounding residential properties vary in type but are all two storey in nature. Residents are concerned about the three storey nature of the buildings and the impact in terms of overlooking on residential amenity.

7.13 The proposed development is two and three storey with the parts of the building nearest to the existing properties at two storey. The applicants have produced a street scene which shows the building in the context of the surrounding development. The two storey elements are 8 metres in height which is a similar height to the existing residential properties adjacent to the site. The three storey elements are 10.5 metres in height, however it is not considered that due to the varying roof heights in the area it would be out of character with the overall street scene. There is an existing building on the site which has a smaller footprint than the proposed development, but is marginally greater in height than the adjacent two storey properties.

7.14 In terms of overlooking, 50 Phillip Street overlooks the site, however there is a minimum of approximately 15 metres at the nearest point due to the nature of the site boundary. The proposed buildings are set back 8 metres from the boundary, therefore there is a separation distance of 23 metres. An objection in terms of overlooking has also been received from 46 Phillip Street. This property does not directly overlook the site but the distance from the dwelling to the boundary of the site is approximately 24 metres. The proposed building is 8 metres from the site boundary giving a separation distance of 32 metres. These are both in accordance with the separation distances set out in Local Planning Guidance Note 2: Space Around Dwellings. The adjacent houses to the north east and south west have side elevations with no windows overlooking the site. The proposed buildings are set back from the footway and extend into the site at a similar depth to the adjacent properties.

7.15 There is also a concern the plans show the surrounding properties to be further away than they actually are. From assessing the submitted information the plans are at a recognised scale and are on an Ordnance Survey base.

7.16 Concern has been raised about the impact of the tree on the site boundary. It is intended that the tree would remain in situ with light pruning on the development side of the site. Conditions for tree protection measures can be imposed to ensure the tree is not adversely affected by the development.

- 7.17 Parking
The site provides for 26 parking spaces. The proposed buildings would house 14 apartments therefore there are more than 1.5 spaces per unit as advocated by the Council's parking standards.
- 7.18 S106 contributions
Open Space
In accordance with Planning Guidance Note No13 seeks a contribution of £733 per dwelling as a contribution to enhance play provision in the community.
- 7.19 Education
As the development exceeds the threshold of 5 two bedroom units an assessment as to whether an Education contribution is required has been undertaken. The development would be within the catchment of Sandycroft Primary School which has 329 children on role and a capacity of 337 with a surplus of 2.37%. The nearest High School is John Summers which has 374 pupils on role with a capacity of 565, with a surplus of 33.81%. As the Primary School has less than 5% surplus places in line with SPG 23: Developer Contributions to Education a contribution of £24,514 is required.

8.00 CONCLUSION

- 8.01 The principle of residential development in this location and the loss of the public house is acceptable due to the proximity of other facilities in the area. It is considered that the form and scale of the buildings would not have an adverse impact on the street scene and or have a significant adverse impact on the residential amenity of adjoining properties.
- 8.02 Issues relating to flood risk have been addressed in the design of the building ensuring the living accommodation would be dry in the event of an extreme flood event. Conditions would be imposed with respect to the requirement for a flood evacuation plan.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

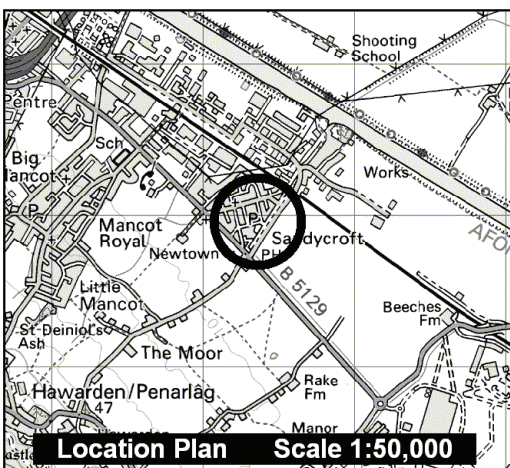
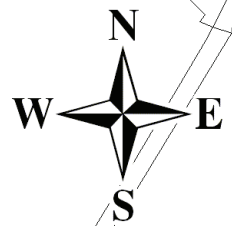
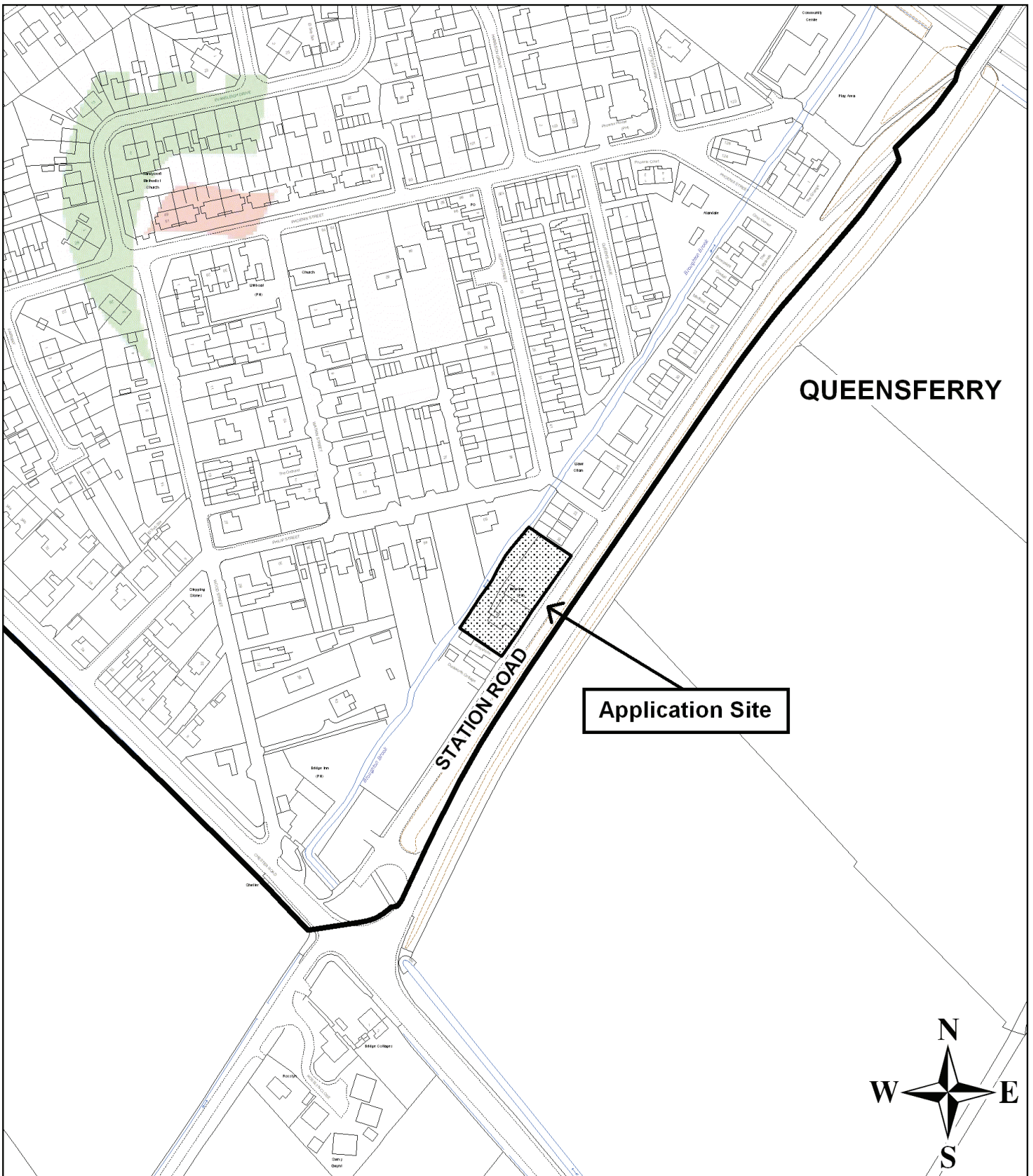
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Emma Hancock

Telephone:
Email:

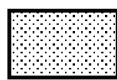
(01352) 703254
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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3366

Planning Application **52570**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – RETROSPECTIVE APPLICATION TO RETAIN TIMBER STABLES AND STORAGE, ADDITIONAL STOREROOM AND HARDSTANDING AT 25 RHYDDYN HILL, CAERGWRLE.**

APPLICATION NUMBER: **052432**

APPLICANT: **MS MCKAY**

SITE: **25 RHYDDYN HILL, CAERGWRLE.**

APPLICATION VALID DATE: **24TH JULY 2014**

LOCAL MEMBERS: **COUNCILLOR T NEWHOUSE**

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

REASON FOR COMMITTEE: **REQUEST OF COUNCILLOR NEWHOUSE**

SITE VISIT: **YES**

1.00 SUMMARY

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

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

- 2.01 The proposal is recommended for approval subject to the following conditions:
1. Time commencement.
 2. In accordance with plans.
 3. Personal permission.
 4. Not for commercial use.
 5. There shall be no burning of waste on the site.
 6. Any external lighting to be approved
 7. Hedgerow to be planted along eastern boundary fence line
 8. Scheme for removal or grassing over of hardstanding outside the application site to be submitted and approved

3.00 CONSULTATIONS

3.01 Local Member

Councillor T Newhouse: Requests Committee determination and site visit. The land to the rear of 25 and 27 should be re-turfed/grassed and screening should be planted.

Hope Community Council

Object to the application as the originally approved development should only be allowed

Head of Assets and Transportation

No objection subject to it being for private use only

Head of Public Protection

No adverse comments

Natural Resources Wales

No object. Standard guidance should be provided should permission be granted

4.00 PUBLICITY

4.01 Neighbour Notification

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

- The application is in retrospect.
- The original planning permission has not be carried out.
- The large hardstanding will result in further future development of the site.
- Detrimental impact on the landscape and open countryside.
- Loss of views.
- Over development of the land.
- Odours and flies cause problems.
- Stables are possibly being used on a commercial basis.

5.00 SITE HISTORY

- 5.01 051753 - Retrospective application to retain timber stabling and storage, additional storeroom and hardstanding (refused 19.05.2014 – decision has been appealed and is awaiting determination by the Planning Inspectorate)
- 5.02 050499 - Retrospective application for the change of use to equestrian, erection of stables, tackroom, storeroom and midden for private use and laying of a hardstanding for access and parking of trailer (withdrawn 18.04.2013)
- 5.03 049841 - Retrospective application for the change of use to equestrian, erection of stables, tackroom and storeroom for private use and laying of a hardstanding for access and storage of trailer (withdrawn 28.01.2013)
- 5.04 049658 - Retrospective application for an area of hardstandings for vehicular access to stables for delivery of feedstuffs, veterinary and farrier visits, turning and storage (withdrawn 21.05.2012)
- 5.05 048894 - Construction of timber stabling/associated storage (3 Stables) for private use only including change of use to equestrian (permit 09.12.2011)
- 5.06 048418 - Change of use of land to equestrian, construction of a 40 x 20 metre riding arena with surrounding timber fence along with construction of timber stabling and associated storage for private use only (refused 04.05.2011)

6.00 PLANNING POLICIES

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

7.00 PLANNING APPRAISAL

7.01 Introduction

This application has been submitted following the refusal of planning application ref: 051753. This application seeks to reduce the level of hardstanding that was included in 051753. An appeal has been lodged against the Council's decision to refuse planning application 051753 and is currently under consideration by the Planning Inspectorate.

- 7.02 The site lies behind the residential properties along Rhyddyn Hill in an open countryside location where no other specific designations apply. The site is accessed from the adjacent Bridleway (which is accessed

from Rhyddyn Hill). There is one point of access from this bridleway into the field which is proposed to be retained as part of this proposal, one stable unit had already been erected on site in the position applied for.

7.03 The application site falls outside of the settlement boundary for Hope, Caergwrie, Abermorddu and Cefn-y-Bedd, as do all of the properties located on Rhyddyn Hill.

7.04 The fact that the site is in open countryside is not significant in itself in terms of the fact that this form of development would normally be outside settlements. In terms of planning policy, this form of development complies with the above quoted policies, subject to consideration being given to any unacceptable impacts on the landscape and neighbouring residential amenity.

7.05 The Proposal

The proposal seeks planning permission for the retention of the stable block, store room and large area of hardstanding.

7.06 Planning permission has previously been granted for the stable block on a site further to the south of the site (048894). However, this application also includes for the retention of the store room and hardstanding.

7.07 The hardstanding at present is currently far in excess of what would be deemed acceptable and this aspect has been the subject of lengthy negotiations (resulting in the withdrawn applications referred to in the site history). However, the current proposal seeks to reduce the scale of the hardstanding to an area commensurate with the needs for turning vehicles using the site, i.e. a car and horse trailer and a lorry to deliver feed.

7.08 The store room is required for the storage of tack and feed associated with the stabling of the horses on the site.

7.09 Impact on Landscape

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

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

7.11 Impact on Residential Amenity

Due to the close proximity of the development to residential

properties, there is the potential for the development to adversely affect the amenities of the occupants of these properties. Given the relatively small scale of the development it is considered that it does not result in a materially adverse impact on the neighbouring residential amenity in terms of noise nuisance, odour or overlooking.

7.12 Objections have been received concerning the loss of outlook/view from the neighbouring residential properties; however, the loss of a view is not a material planning consideration. Notwithstanding this, in order to reduce visual impact it has on the area a condition could be added to any such permission for a hedge to be planted along the eastern fence line of the hardstanding.

7.13 Other Considerations

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

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

8.00 CONCLUSION

8.01 It is considered that the proposal complies with the relevant policies, does not have a material detrimental impact on the open countryside or on the amenities of the occupants of the neighbouring residential properties and consequently is hereby recommended for approval.

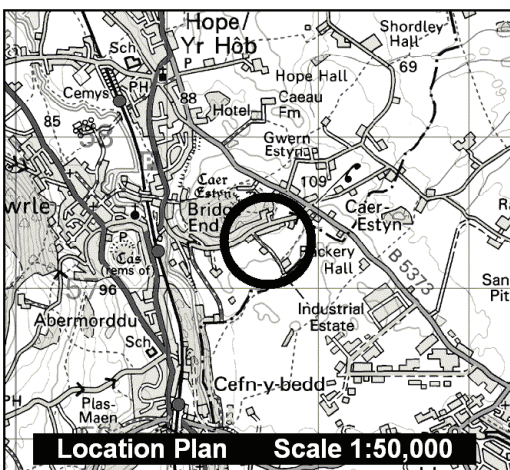
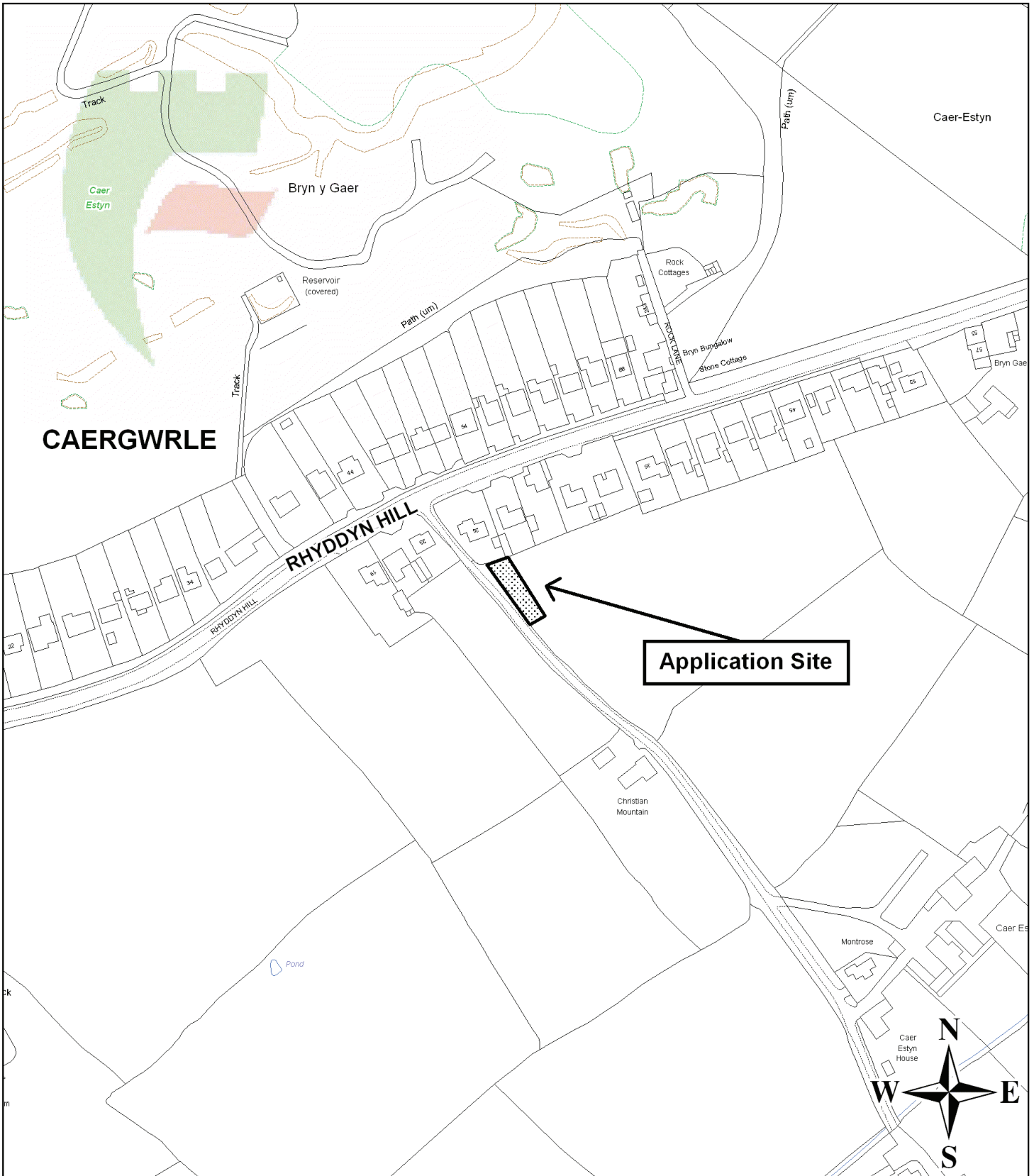
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Alex Walker
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Email: alex.walker@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 3157

Planning Application **52432**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **CHANGE OF USE OF AN EXISTING BUILDING TO FORM 16NO. RESIDENTIAL APARTMENTS WITH ASSOCIATED CAR PARKING AT GROUND FLOOR LEVEL AT EXECUTIVE HOUSE, 1-3 PIERCE STREET, QUEENSFERRY.**

APPLICATION NUMBER: **052122**

APPLICANT: **VIVO DEVELOPMENTS LTD**

SITE: **EXECUTIVE HOUSE, 1-3 PIERCE STREET, QUEENSFERRY, FLINTSHIRE.**

APPLICATION VALID DATE: **30TH MAY 2014**

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

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

REASON FOR COMMITTEE: **SCALE OF PROPOSALS AND NATURE OF S106 REQUIREMENTS LIE OUTSIDE OF POWERS DELEGATED TO THE CHIEF OFFICER.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks planning permission for the change of use of this existing vacant commercial premises to form 16No. residential apartments. The proposals also include the provision of ground level parking.

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 or Unilateral Undertaking, or making advance payment of to secure the following :-

- a. Ensure the payment of a contribution of £11,728 in lieu of on site recreation provision. The contribution shall be paid upon 50% occupation or sale of the apartments hereby approved.
- b. Ensure the payment of a contribution of £3,000 towards the cost of amending existing Traffic Regulation Order to amended existing street parking bays and provide 'H markings' across the site access. Such sum to be paid prior to the commencement of the development hereby approved.

Conditions

1. 5 year time limit
2. In accordance with approved plans
3. Approval of all external materials prior to first use.
4. Provision of parking facilities prior to first occupation of units.
5. Surplus footways to be reinstated in accord with scheme to be submitted and agreed.
6. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from debris and mud arising from development site.
7. Full Travel Plan to be submitted and agreed within 3 months of the date of permission
8. Scheme for hours of working to be agreed.
9. Windows shown coloured red upon Drawing No. L(91)001 Rev. P4 to be permanently obscure glazed in and permanently non opening in accordance with details to be submitted and agreed prior to the commencement of any development.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor D. E. Wisinger
No objection to delegated determination.

Queensferry Community Council
Expresses concerns in relation to existing parking problems in the vicinity.

Highways Manager (DC)
No objection subject to the imposition of conditions and the applicant entering into a S.106 agreement in relation to the need for a Traffic Regulation Order.

Pollution Control Officer

No adverse comments.

Public Open Spaces Manager

Requests the payment of a sum equivalent to £733 per unit in lieu of on site play and recreation space. Such sum to be used within the locality to upgrade existing facilities and provision.

Regional Emergency Planning Service

Advises of the need for any permission to secure the production of a flood response plan.

Natural Resources Wales

No adverse comments. Following consideration of the submitted Flood Consequences Assessment advises that notes should be imposed upon any grant of planning permission.

Airbus

No objection.

4.00 PUBLICITY

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

4.02 At the time of writing this report, the publicity exercise has resulted in the submission of 4No. letters of objection from third parties in respect of the proposals. These representations raise objections upon the following grounds;

- The proposals will unacceptably overlook existing residential dwellings to the detriment of amenity;
- The proposals result in an overly dense form of development; and
- The proposals do not make adequate provision for car parking.

4.03 1No. letter has been received from the North Wales Police Architectural Liaison Officer advising that the proposals should achieve Secured by Design.

5.00 SITE HISTORY

5.01 4/15398

Advertisement hoarding
Permitted 7.10.1986.

02/508

Erection of telecommunications antennae, microwave dishes and equipment cabin on roof
Permitted 5.7.2002.

035570

Change of use of part of building to A1 retail
Permitted 28.8.2003.

038551

Change of use of existing building to 19 flats
Withdrawn 7.10.2005

039654

Erection of a six storey flats development providing 36 no. new units
and basement parking for 53 vehicles
Refused 13.9.2005. Appeal dismissed 17.1.2006

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New development

Policy STR4 - Housing

Policy GEN1 - General requirements for development

Policy D1 – Design quality, location and layout

Policy D2 – Design

Policy AC13 - Access and traffic impact

Policy AC18 - Parking provision and new development

Policy HSG3 - Housing on unallocated sites

Policy SR5 – Outdoor playing space and new residential development

7.00 PLANNING APPRAISAL

7.01 The Site and its Surroundings

The site lies on the southern side of Pierce Street, to the rear of the High Street, which is an area predominantly commercial in nature. Pierce Street has a mix of residential properties together with a doctor's surgery, dental surgery and a public car park in addition to which there is on street parking.

7.02 Buildings in the area are predominantly two storeys with the exception of the application site. This consists of a large brick 4 storey commercial building which building dominates the street scene and, due to its height, is seen from a number of viewpoints in the area.

7.03 The Proposals

The scheme proposes the change of use of this 4 storey vacant commercial premises through the conversion to create 16No. residential apartments. The proposals provides for;

1. the creation of a car parking area at ground floor level to provide 5No. parking spaces;
2. 15No. 1 bed apartments; and
3. 1no. 2 bed apartment

7.04 The Main Issues

The main issues for consideration in the determination of this application are;

1. Impacts upon highway as a consequence of car parking;
2. The risks associated with flooding;
3. Design and amenity considerations; and
4. S.106 requirements in relation to Public Open Space

7.05 The Principle of Development

The site is a brownfield site within the settlement boundary of Queensferry, a Category A settlement within the Flintshire Unitary Development Plan. The site is not allocated for specific development but its location within the settlement boundary affords a presumption in favour of development, subject to the detailed consideration of all material considerations. Policy HSG3 identifies the criteria against which the development of unallocated sites within settlement boundaries for residential purposes will be considered.

7.06 As the proposals represent a form of development which, in policy terms is best located within settlement boundaries and seeks to utilise a presently derelict town centre site for residential development, I consider that the principle of such a development is acceptable in policy terms.

7.07 Highway Impact and Parking

The proposals do not involve the creation of any new vehicular points of access into the building. A new pedestrian access to Pierce street at ground floor level is created to facilitate access to the internal access stairwell, lift and car parking area. As discussed previously, the proposals provide parking spaces at ground floor level within the building for 5 cars and 16 bicycles. .

7.08 Whilst the application of the Authority's maximum car parking standards would suggest that 24No. car parking spaces should be provide, I would remind Members that consideration of this aspect of the proposals, given the location of the site, should take account of the following;

1. The site is located within walking distance of a town centre;
2. The site has excellent access to public transport services in the form of bus stops (80 metres from the site) and a nearby train station at Shotton (less than 1 mile away);
3. There is a public car park available directly adjacent to No. 7 Pierce Street; and
4. On street parking facilities are available on Pierce Street.

7.09 The proposal has been assessed by the Highways Manager (DC) who, in taking into account the parking standards requirements and

the above mitigating factors, has raised no objection to the scheme subject to the imposition of conditions.

- 7.10 Concerns have been raised in relation to the potential for the proposals to give rise to increased parking pressure in the area, to the detriment of highway safety. I am advised that existing and proposed parking arrangements within the area are considered acceptable to accommodate the proposed development.
- 7.11 I am advised by the Highways Manager (DC) that an existing Traffic Regulation Order (TRO) in respect of on street parking in Pierce Street will be required to be amended as a consequence of the proposals to enable the provision of restrictive 'H' markings across the access of the building and amendments to the extent of on street parking in the same area. The applicant has indicated a willingness to enter into an agreement to provide the sum of £3000 towards the required amendment of the TRO.
- 7.12 Accordingly, I do not consider that the proposals are unacceptable in highway impact terms.
- 7.13 Flood Risk
The site is located within Zone C1 as defined within TAN15: Development and Flood Risk. Its present lawful planning use as a commercial premises is defined as a less vulnerable use within the flood plain of the River Dee.
- 7.14 The proposals would introduce residential occupation to the building which in flood risk terms is defined as a highly vulnerable use. Accordingly, the applicant has undertaken a Flood Consequence Assessment (FCA) to assess the risk that the proposals would encounter in the event of a flood. The FCA indicates that the defences at the River Dee would be overtopped in a 1 in 200 year flooding event.
- 7.15 Natural Resources Wales have accepted in response to consultation that the proposed level of living accommodation (at first floor level and above) places people above the anticipated levels of flood waters. Whilst in the strict interpretation of TAN15 guidance, people should not be directed to live in areas the subject of such risk, it should be noted that the site is a brownfield site in an area surrounded by residential properties. In accord with advice offered by the Welsh Government to Chief Officer (Jan 2014), the Local Planning Authority should base its determinations of such application upon the basis of the NRW advice and advice from Local Emergency Response Planners (LERP).
- 7.16 Both consultees advocate that the developer should take measures to ensure that residents are aware of the NRW flood warning service and should also produce a flood plan.

- 7.17 Subject to the above matters being imposed as advisory notes upon any subsequent permission and on the understanding that the ground floor will remain vehicle parking only, neither NRW nor LERP raise objection to the proposals.
- 7.18 Design, Appearance & Amenity Considerations
The scheme does not propose the erection of new buildings on the site, merely the conversion of the existing structure. Concerns have been raised that the scale of the buildings will adversely affect the amenity of nearby residents. However, It must be remembered that the mass of the building is already existing and whilst the building is dominant in the street scene, the proposals seek to mitigate against the potential impacts upon existing adjacent amenity in a number of ways.
- 7.19 There are presently a number of windows within the western elevation of the building which look out onto and over existing adjacent residential dwellings. The proposals seek to enclose these windows by erecting a wall in the western elevation to create the internal access stairwell and lift shaft. This reduces the windows looking out in this direction to a total of 6No. In discussions with the applicant's agent, I have secured agreement that these windows will be permanently obscure glazed and fixed so as to be non-opening. This will ensure that there is no opportunity for overlooking of adjacent dwellings and, together with the enclosing of all other windows in this elevation, actually reduces the impression of overlooking and overbearing impact in this direction.
- 7.20 The internal arrangement of the apartments arranges windows to habitable rooms within the majority of the proposed apartments to look out over the rear service areas of properties upon the high street. Whilst 5 of the units would have windows facing north, it should be noted that this elevation overlooks an existing open space utilised for car parking and therefore there is no adverse overlooking opportunity afforded. The one unit with windows facing south overlooks the rear service yard of commercial premises on Chester Road West.
- 7.21 I have also had regard to the rear amenity areas of the dwellings at No's 5 and 7 Pierce Street and the potential for the building to impact upon the enjoyment of the same by their occupants. However, these areas are hard surfaced and provide off street parking opportunity for the occupants which can be accessed off Pierce Street via the rear alleyways around the premises.
- 7.22 Accordingly, I am satisfied that there is no adverse impact upon the amenities of existing adjacent residents.
- 7.23 Public Open Space
I am advised by the Public Open Spaces Manager that it is

appropriate to apply the requirements of Local Planning Guidance Note 13 : Open Space Requirements in connection with this proposal. Accordingly, I requested to seek a contribution towards the off site provision of public open space and recreation facilities. The sum sought is £733 per unit. This sum equates to £11,728 which will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved apartments.

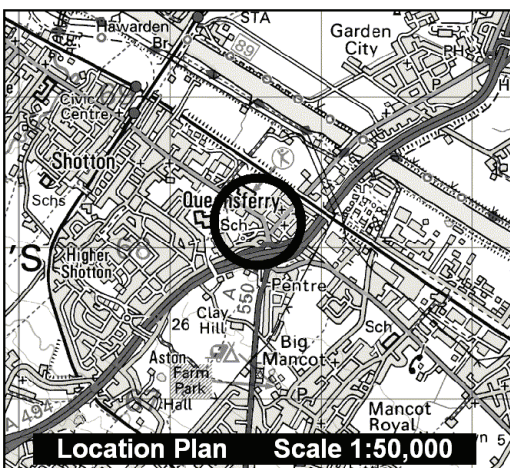
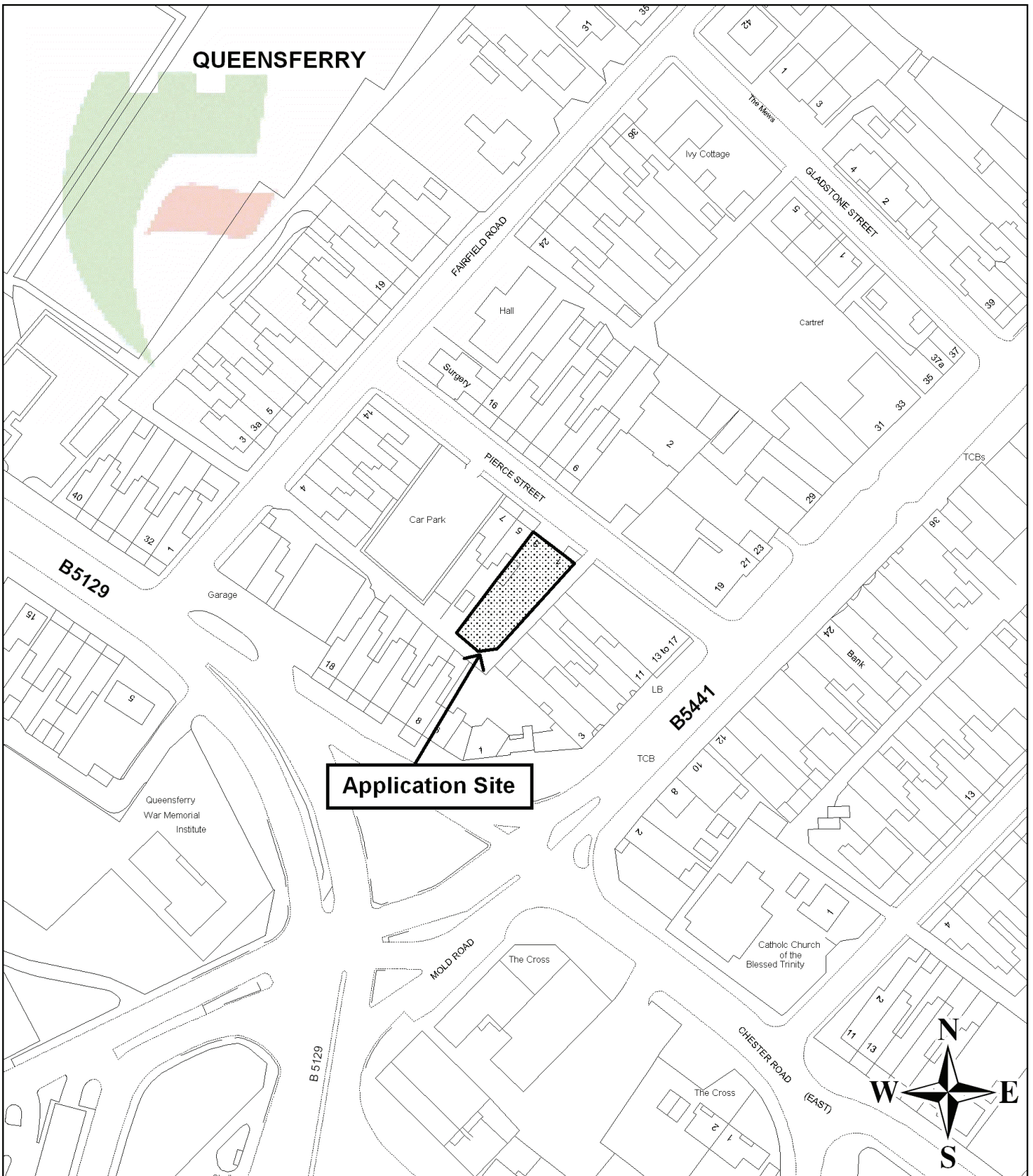
8.00 CONCLUSION

- 8.01 Having regard to the proposals and the above consideration of all relevant matters, I consider that these proposals represent a scheme which is acceptable in principle and detail. I recommend that permission be granted subject to approximately worded planning conditions and the suggested legal agreement.
- 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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@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 1:1250

OS Map ref SJ 3168

Planning Application **52122**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 12 NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 3 NO. TWO STOREY TERRACED DWELLINGS AND ASSOCIATED WORKS AT LAND ADJOINING PENDOWER, FFORDD Y PENTRE, NERCWYS**

APPLICATION NUMBER: **051954**

APPLICANT: **MR. R. JONES**

SITE: **LAND ADJOINING PENDOWER, FFORDD Y PENTRE, NERCWYS**

APPLICATION VALID DATE: **27TH MARCH 2014**

LOCAL MEMBERS: **COUNCILLOR N. MATTHEWS**

TOWN/COMMUNITY COUNCIL: **NERCWYS COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the erection of 3 two storey terraced dwellings and associated works on land adjoining Pendower, Ffordd y Pentre, Nercwys.
- 1.02 The issues for consideration are the principle of the development in planning policy terms, housing need, the highway implications, and the effects upon the amenities of adjoining residents, setting of listed buildings and the character and appearance of the area.
- 1.03 As the applicant is unwilling to have the dwellings restricted to meet

the identified housing need in the area, the development is considered contrary to Policy HSG3 of the Flintshire Unitary Development Plan.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The Local Planning Authority considers that insufficient evidence has been submitted to demonstrate how the dwellings are to meet the identified affordable housing need in the area, thereby restricting the community's accessibility to these facilities and contrary to Policy HSG3 of the Adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor N. Matthews

Requests committee determination as the criteria regarding affordable housing be lifted in this case. Criteria require the Council to have the right to put forward people from the affordable housing register as purchasers for the proposed properties.

Applicant already has people connected to the village who have expressed desire to purchase properties and whose income puts them into the required bracket regarding small properties which they can afford. Written to planning department with details of prospective purchasers.

Requests committee site visit. This is small infill development in the middle of the village, to be built to a high environmentally friendly standard. Wishes Committee to see the site and assess the nature of this small country village.

Nercwys Community Council

No objections. All Councillors support.

Highways Development Control Manager

2.4 m x 43 m (approx) sightlines from the proposed access points may be provided without reliance on 3rd party land. Recommends that any permission to include suggested conditions.

Environmental Protection Manager

No objections in principle to this application. However, site in area with extensive lead mining history. Some justification to believe contamination could be present in all or part of site. Proposal is also for residential that could be vulnerable to the presence of contamination. Therefore recommends a site investigation contamination report be carried out as a planning condition upon any recommendation to grant planning permission.

Environment Directorate

(Rights of Way)

Public Footpath 12 abuts the site but is unaffected by the development.

The path must be protected and free from interference from the construction.

Housing Strategy Manager

Currently 7 Applicants registered on Council waiting list for rental accommodation in Nercwys, and one Applicant on the affordable housing register looking for affordable homeownership.

There is a need so would be looking for affordable rental – 80% of market rent, or Local Housing Allowance whichever one is highest.

Public Open Spaces Manager

In accordance with Planning Guidance Note 13 – Public Open Space Provision, the Council should be seeking a capital sum payment in lieu of on site provision of not less than £1,100 per dwelling. The payment would be used to enhance existing recreation provision in the community.

Welsh Water/Dwr Cymru

Requests if minded to grant planning consent that suggested conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Natural Resources Wales

Development has low environmental risk, therefore standard advice applies.

Clwyd-Powys Archaeological Trust

No archaeological implications for proposed development at this location. Nearest recorded site is Ty Draw Farmhouse (PRN 41603) 40 m to the North, which is unaffected.

SP Energy Networks

Have plant and apparatus within the area and as such may be affected by the development. However, advised to contact them before development proceeds.

Wales & West Utilities

No response received to date.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

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

- Have the reasons for granting the house under 043643 been revisited? Design specifications were very particular as to needing space for a disabled member of the family. How does that fit with instead of a landscaped area, there will be three more houses.
- First floor accommodation of the proposals will overlook those existing properties opposite.
- Entrance to the proposals opposite the existing properties will cause a nuisance – lights from cars exiting will shine into bedroom windows. Properties at a lower level.
- Development of this sort is out of keeping with the local village environment in a low-density area.
- Would have a detrimental impact upon the listed building of Plas Fynnon and cumulatively also within the new dwelling adjacent.
- No shops or post office in village to support further development and public transport is infrequent.
- Loss of hedging, large tree and grazing land.
- Contravenes planning policy as proposals should contribute positively to making places better for people.
- No pavement on either side of the road. Pedestrians would be put at extra risk as would children going to the local school. Emerging from drives is already difficult for existing houses and would be exacerbated by the development. Would result in worse on road parking, on a road which is already narrow.

5.00 SITE HISTORY

5.01 None.

Adjacent Site

04/043643 – Erection of a two storey dwellinghouse – Granted 24th September 2007.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 STR1 – New Development.
 STR2 – Transport & Communications.
 STR4 – Housing.
 STR7 – Natural Environment.
 STR8 – Built Environment.
 STR11 – Sport, Leisure & Recreation.

GEN1 – General Requirements for Development.
GEN2 – Development Inside Settlement.
D1 – Design Quality, Location & Layout.
D2 – Design.
D3 – Landscaping.
TWH2 – Protection of Hedgerows.
L1 – Landscape Character.
HE2 – Development Affecting Listed Buildings & Their Settings.
AC13 – Access & Traffic Impact.
AC18 – Parking Provision & New Development.
HSG3 – Housing.
SR5 – Outdoor Playing Space & New Residential Development.
EWP12 – Pollution.
EWP13 – Nuisance.
EWP14 – Derelict & Contaminated Land.
EWP16 – Water Resources.
EWP17 – Flood Risk.
IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note 2 – Space Around Dwellings.
Local Planning Guidance Note 9 – Affordable Housing.
Local Planning Guidance Note 11 – Parking Standards.
Local Planning Guidance Note 13 – Open Space Requirements.

National

Planning Policy Wales (Edition 6) February 2014.
Technical Advice Note (TAN) 2: Planning & Affordable Housing.
Technical Advice Note (TAN) 12: Design (2009).
Technical Advice Note (TAN) 16: Sport, Recreation & Open Space.

It is considered that the proposals do not comply with Policy HSG3 of the Flintshire Unitary Development Plan as the developments are not justified on the grounds of housing need.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of approximately 0.08 ha of flat grazing land with its eastern boundary comprising a hedgerow fronting Ffordd y Pentre, the southern boundary being a fence to the recently constructed property of Pendower, the northern boundary forming part of Footpath 12 and the western boundary which comprises part of the grazing land. It is currently accessed via the driveway to Pendower or from the gate off the driveway to Ty-Draw Cottage.

7.02 The land is located on the western side of Ffordd y Pentre, Nercwys in between Footpath 12 and the recently constructed property of Pendower. Opposite on the eastern side of the road lie the existing properties of Ty-Mawr, Fyfield and Llys-Gwyn.

- 7.03 The proposals involve the erection of 3, two bedroomed, two storey, terraced dwellings with the formation of two vehicular access points onto Ffordd y Pentre.
- 7.04 The terrace will measure approximately 17 m x 8 m x 7 m with the external finish to the walls being a combination of facing brick and render with the roof being slate.
- 7.05 The Applicant sees this as an ideal opportunity to provide good quality starter homes for young people from or an attachment to Nercwys. The village is in danger of becoming a retirement village as very few properties are available are in urgent need of modernisation and would require a substantial deposit with the retention of monies from a prospective lender until such work was complete.
- 7.06 It is further explained by the Applicant that great care has been undertaken in the construction of Pendower and embraced modern technology for heating and hot water. It is the intention that these dwellings will be built to such a high specification, so that fuel costs are kept to a minimum.
- 7.07 This can only be achieved, the Applicant argues with these dwellings if there is no Section 106.
- 7.08 Issues
The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, housing need, the highway implications, and the effects upon the amenities of adjoining residents, setting of listed buildings and the character and appearance of the area.
- 7.09 Principle of Development
The site is located within the settlement boundary of Nercwys whereby Policy GEN2 of the Flintshire Unitary Development Plan (FUDP) directs that new development will normally be permitted. However, in the case of new residential development there are limitations imposed by HSG3.
- 7.10 Nercwys is identified as a Category C settlement in the FUDP on account of its small size and limited facilities with a growth band of 0-10%. Policy HSG3 in the FUDP is permissive of the principle of new housing development provided it is to meet proven local needs housing and cumulatively does not result in our 10% growth since the year 2000. Other requirements associated with HSG3 are that new housing development does not conflict with the FUDP housing provision for the County or result in tandem or overdevelopment of the site.
- 7.11 The 2013 Housing Land Availability Study shows that when taking into account housing completions and commitments the total growth rate

in Nercwys is 3.5% since 2000. Therefore, the principle of residential development is acceptable in planning policy terms provided it is to meet proven local needs housing.

7.12 Housing Need

Currently there are 7 Applicants registered on the Council waiting list for rental accommodation in Nercwys and 1 Applicant on the Affordable Housing Register.

7.13 Therefore there is a need in Nercwys with the dwellings having to be for affordable rental or local housing allowance whichever one is the highest to meet the need.

7.14 The Applicant has indicated that any restrictions on occupancy would be unacceptable due to cost and has submitted the budget/costs for the proposed development. It is also argued by the Applicant that due to the small size of proposed dwellings and that there are people in the village who want to buy them that the local need is being provided.

7.15 To comply with Policy HSG3, the Applicant would have to accept the restrictions on occupancy of the dwellings to meet the affordable housing need in Nercwys.

7.16 Given the above, the proposed development is therefore contrary to Policy HSG3 as it is considered that there is insufficient evidence to show how the three dwellings are meeting the identified local housing need.

7.17 Highway Implications

The dwellings will be served by two vehicular access points onto Ffordd y Pentre with six parking spaces being provided for the three dwellings within the site.

7.18 The Highways Development Control Manager has been consulted upon the application who recommends that any permission includes suggested conditions.

7.19 No objections are recommended as the required visibility sightlines can be achieved, the requisite number of off-road parking spaces are being provided and there is adequate space within the site for the manoeuvrability for vehicles.

7.20 Amenities of Adjoining Residents

The separation distances between the front and sides of the proposed dwellings and the front and sides of the nearest existing properties comply with the guidelines within Local Planning Guidance Note 2 'Space Around Dwellings'.

7.21 Given the above, it is considered that the proposals will not have a significant detrimental impact upon the amenities of the adjoining

occupiers in terms of loss of light, obtrusiveness and overlooking.

7.22 Setting of Listed Buildings

Ty-Draw Farmhouse which is Grade II lies approximately 40 m to the north west and Plas-Fynnon which is also Grade II lies 50 m to the south east of the site.

7.23 Given these distances and that Ty-Draw Cottage and Village Road lies in between Ty-Draw Farmhouse and Plas-Fynnon respectively, it is considered that the proposals will not detrimentally affect the setting of either of these two listed buildings.

7.24 Character & Appearance of Area

Residential properties lie to the north, north west, east, south east and south of the site where there is a mix of the type, style and materials of dwellings.

7.25 Given the above, it is considered that the proposed dwellings being of two storey, terraced, of a traditional design and constructed with the external finishes of the walls being a combination of facing brick and render with the roofs being slate will not appear to be out of keeping with those surrounding the site.

8.00 CONCLUSION

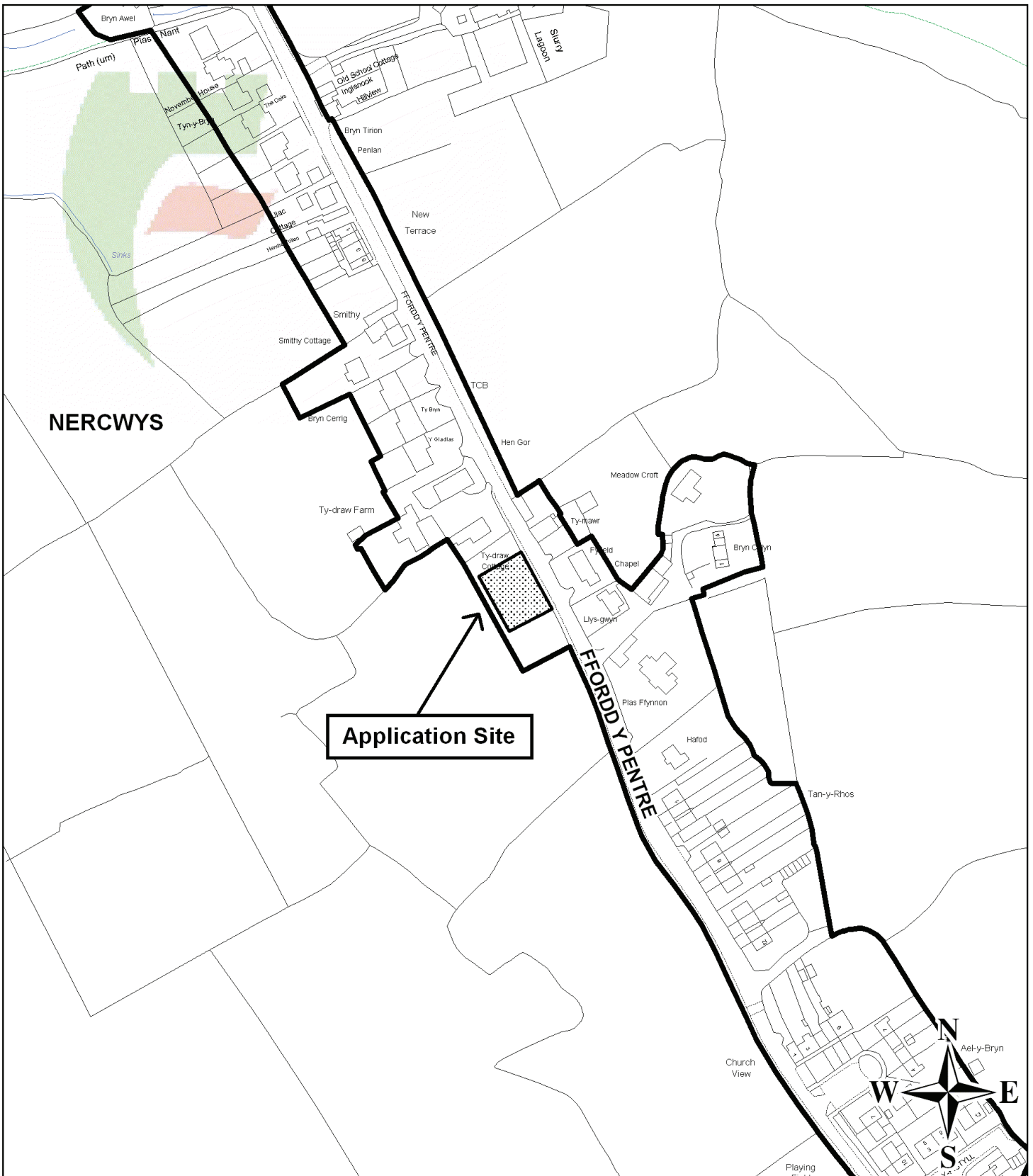
8.01 The proposals are considered contrary to Policy HSG3 as insufficient evidence has been submitted to demonstrate how they are to meet the identified affordable housing need in the area.

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.

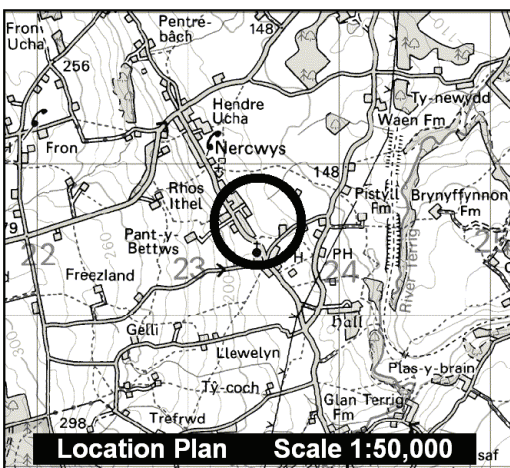
LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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



Application Site



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 2360

Planning Application **51954**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF A DISUSED SUB-STATION AND PROPOSED NEW BUILDING EXTENSION WHILST RETAINING THE EXISTING SITE ACCESS TO THE EXISTING FARMERS BOY FACILITY UNIT 105 – 106, TENTH AVENUE, DEESIDE INDUSTRIAL ESTATE, FLINTSHIRE**

APPLICATION NUMBER: **052360**

APPLICANT: **FARMERS BOY LTD**

SITE: **FARMERS BOY FACILITY, UNIT 105 – 106, TENTH AVENUE, DEESIDE INDUSTRIAL ESTATE, FLINTSHIRE**

APPLICATION VALID DATE: **3 JULY 2014**

LOCAL MEMBERS: **COUNCILLOR MRS. C. M. JONES**

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

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER WHO WISHES THE EXISTING TRAFFIC CONGESTION PROBLEMS TO BE WITNESSED AND CONSIDERED BY COMMITTEE MEMBERS.**

SITE VISIT: **YES, FOR THE REASON SET OUT ABOVE**

1.00 SUMMARY

- 1.01 This full application seeks permission for a proposed extension to the existing food processing plant at 'Farmers Boy Ltd'. The proposals seek to extend the delivery and service bay areas and create purpose designed delivery and loading bays which will facilitate the faster turnaround of vehicles delivering to and collecting from the plant.

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

2.01 Conditions

1. Commencement within 5 years.
2. Development as per approved plans.
3. Samples of proposed finish materials to be submitted and agreed.
4. No external storage of materials.
5. Delivery Vehicle Traffic Management Plan to be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member : Councillor Mrs. C. M. Jones

Requests that the application is considered by Members of the Planning and Development Control Committee, following a site visit, in order that existing traffic congestion problems associated with the existing premises can be considered by Members in their determination of the application.

Sealand Community Council

Objects to the proposals. Considers the traffic, parking and congestion problems associated with the existing facility are such that amounts to a highway hazard. Considers no further application proposals should be considered until this issue is adequately addressed.

Highways Manager (DC)

No objections. Requests that conditions are imposed prohibiting the external storage of materials and requiring the submission of a Delivery traffic management plan.

Pollution Control Officer

No response at time of writing.

Natural Resources Wales

No adverse comments. Advises that any permissions should have notes in relation to flood proofing techniques and the NRW flood warning system added.

Airbus

No objection.

4.00 PUBLICITY

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

4.02 No response.

5.00 SITE HISTORY

5.01 55/23243

Extension to factory
Withdrawn 22.2.1994

97/00915

Extension to factory to extend meat processing operations
Permitted 3.11.1997

97/01005

Alterations to office building
Permitted 6.11.1997

9701103

Extension to factory
Permitted 2.12.1997

9800168

Temporary service link between units
Permitted 9.4.1998

9800448

Erection of service platform and staircase access
Permitted 3.6.1998

9800462

Provision of 2No. temporary office units
Permitted 5.6.1998

9800476

Provision of an effluent treatment plant
Permitted 4.8.1998

0000526

Renewal of P.P 98/8/462
Withdrawn 11.7.2000

0000596

Renewal of P.P 98/8/462
Permitted 7.7.2000

0100094

Expansion to effluent treatment plant
Permitted Development 14.2.2001

039880

Erection of an electricity sub-station
Permitted 19.8.2005

039882

Additional car parking area for 72 vehicles
Permitted 5.8.2005

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New development
- Policy STR3 - Employment
- Policy GEN1 - General requirements for development
- Policy AC13 - Access & traffic impact
- Policy AC18 - Parking provision & new development
- Policy EM3 - Development zones & principal employment areas

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises 0.56 hectares of the larger Farmers Boy food processing facility at units 105 & 106 Tenth Avenue and is located within Zone 3 of Deeside Industrial Park. It is approximately 500 m from the A548 Shotwick Road and 2 miles from the A550. The site forms part of the service yard to the site and is flat across both axis. Access to the site is directly derived from an existing access from Tenth Avenue although internal site circulation links the area to another access within the wider site.

- 7.02 The proposals involve the erection of a new extension to the northern elevation of Unit 105 to create new delivery and loading docking facilities. The extension will measure approximately 33m x 56 m x 12.5m (height to ridge) and will be constructed with metal cladding walls and roof to match the existing building. The proposals also involve the demolition of an existing, redundant, electricity sub station.

The Main Issues

The main issues to be considered during the determination of this planning application are:

1. the principle of the development in planning policy terms,
2. the highway implications, and
3. the visual appearance of the proposals.

Principle of Development

The proposals seek permission for an extension to an existing industrial building upon Deeside Industrial Park, an area identified as a location for employment growth within the Flintshire Unitary Development Plan. Accordingly development of this nature upon this site is acceptable in principle.

Highway Issues

Concerns have been raised in relation to the potential for the proposed development to further detrimentally impact upon the highway situation which presently exists at this site.

Whilst there are concerns within the locality in relation to the levels of on street parking and congestion arising from shift changeovers at the factory, Members are reminded that this application relates to an extension to the existing premises but with no increase in the numbers of employees.

The proposals seek to create an extension to enable an improvement in the processes at the factory relating to the loading and unloading of goods. At present the space limitations within the factory hinder the efficient processing of deliveries and loading of goods to be shipped from the site. In addition, the existing loading docks are not compatible with the vehicles which deliver to the site and do not allow unloading at a level compatible with the internal levels within the building. The impact of this is that these processes take much longer than would be the case as a consequence of the proposal.

The effect upon the highway of the current situation is that delivery vehicles are forced to wait within the existing service yard and, when this full, park on the highway.

The proposals will create level access docking bays which will enable vehicles to be loaded and unloaded in a more efficient manner. At present, it takes 1 hour and 45 minutes to unload a vehicle and 45 minutes to reload the vehicle. A total of 2.5 hours per vehicle. During this time, the service yard is not accessible by other vehicles.

The proposals will reduce unloading time to 35 minutes and reloading time to 20 minutes. This is a total reduction in turnaround time of 1 hour and 35 minutes.

The implications of this increased speed of processing is such that there is an increased time during which the service yard will be empty, thereby removing the need for waiting vehicles to park on the highway. In the event of a vehicle missing its delivery time, as a consequence of the suggested delivery traffic management plan, these vehicles will be required to park at the nearby HGV parking spaces at the petrol filling station on Zone 3.

I am advised in response to consultation by the Highways Manager (DC) that the proposals are acceptable in highway terms. It is suggested that a condition be imposed to prevent the external storage of goods and materials in the service yard areas in the interests of ensuring that the parking and turning areas are not impeded. It is also suggested that the management of delivery vehicles and their

expected arrival at the site should be the subject of control. To this end I would suggest the imposition of a condition which requires the submission, agreement and implementation of a traffic management plan for delivery vehicles.

Visual Appearance

The building is of a form, scale and external appearance to the existing building. Whilst the height, to ridge, is higher than the existing adjacent building, there is a variety of heights of buildings and apparatus within the area such that the proposals will assimilate well in visual terms to the surroundings.

8.00 CONCLUSION

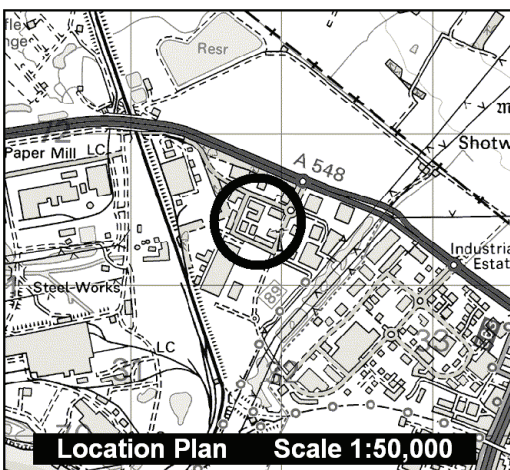
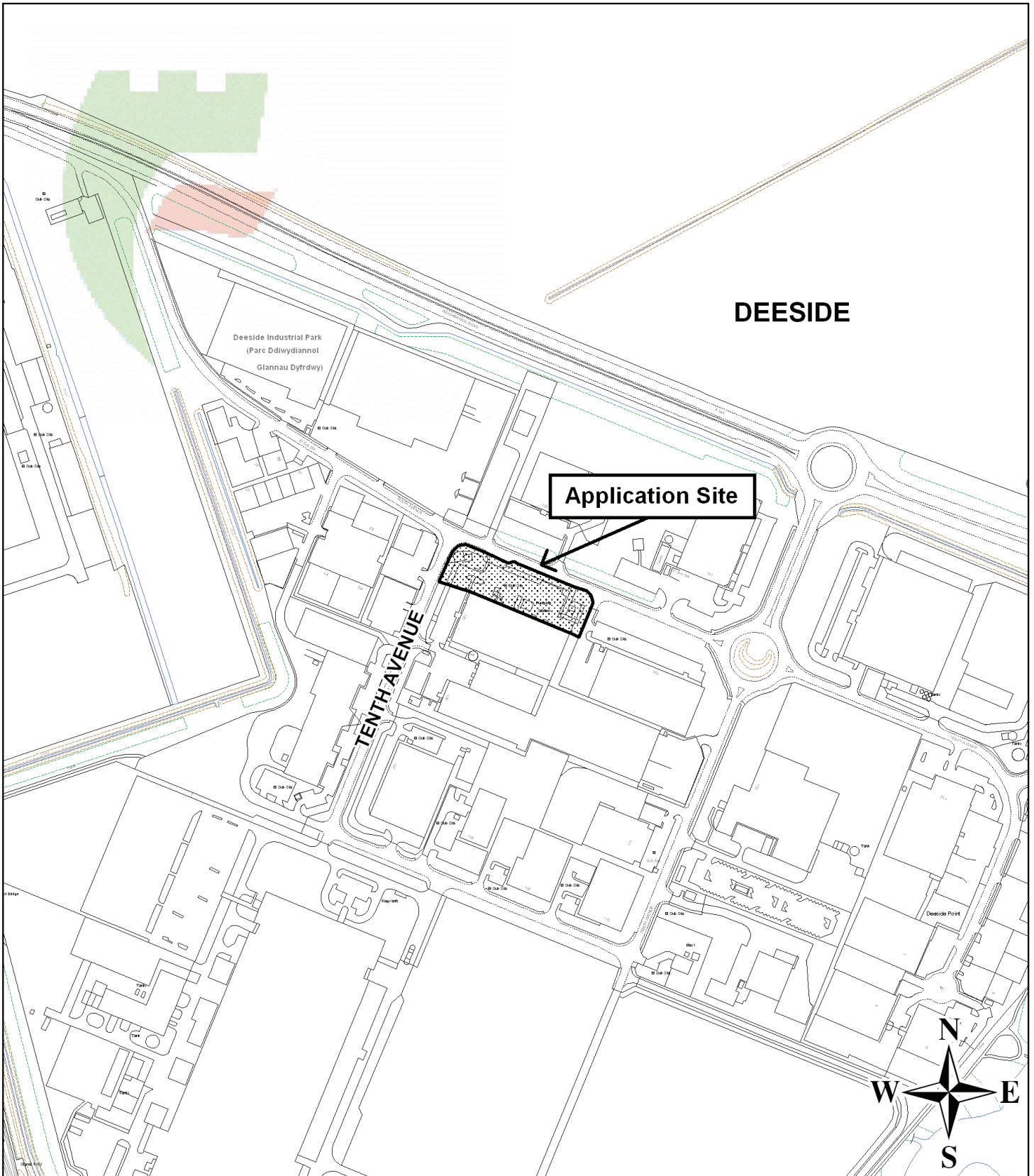
8.01 For the reasons set out above, it is considered that the proposal is acceptable in planning terms, subject to the specified conditions. I have carefully considered the issue of highway impact and for the reasons set out above, I have concluded that this proposal will not have a further detrimental impact upon the existing highway situation and I therefore recommend accordingly.

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

LIST OF BACKGROUND DOCUMENTS

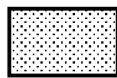
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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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 3171

Planning Application **52360**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **REMOVAL OF CONDITION NO. 6 ATTACHED TO PLANNING PERMISSION REF: 048032 AS AMENDED BY PLANNING PERMISSION REF: 050805 AT OVERLEA DRIVE, HAWARDEN.**

APPLICATION NUMBER: **052429**

APPLICANT: **REDROW HOMES NORTH WEST**

SITE: **OVERLEA DRIVE, HAWARDEN**

APPLICATION VALID DATE: **6th AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR C. S. CARVER**

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This Section 73 application seeks permission to remove condition 6 attached to planning permission reference 048032 (as amended by permission reference 050805) and thereby remove the restriction upon the occupation of dwellings in advance of the completion of off site drainage improvements. The proposal would not result in any alteration to the appearance of the development as approved.

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

- 2.01 That planning permission 048032, as amended by permission 050805 be amended by the deletion of Condition 6 in its entirety.

In all other respects, the permission remains unaltered.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor C. S. Carver
Objects and requests Committee Determination.

Considers the proposed deletion of the condition is based upon commercial factors and not in the interests of sound drainage of the site.

Hawarden Community Council
Objects to the removal of the condition. Considers the condition essential to prevent further drainage problems in Mancot and Pentre.

Welsh Water/Dwr Cymru
No Objection. Advises that a flood mitigation scheme is to be undertaken in the area, including the works originally intended to be secured via this condition. This scheme will be complete by end March 2015 and it's advised that the flows from this development can be managed as part of these works during the course of the same.

4.00 PUBLICITY

- 4.01 The application has been publicised by way of the display of a site notices and via neighbour notification letters.
- 4.02 At the time of writing, no letters have been received in connection with this matter.

5.00 SITE HISTORY

- 5.01 **4/1/20795**
Outline - Residential Development.
Refused 3.12.1991
- 02/1/00549**
Outline - Residential Development.
Refused 19.2.2003. Dismissed on Appeal 22.4.2004.
- 048032**
Full application – Erection of 45 dwellings.
Refused 28.11.2011. Allowed on Appeal 17.08.2012.

050805

Re-Plan of 16 No. dwellings
Permitted 11.06.2014

6.00 PLANNING POLICIES

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

7.00 PLANNING APPRAISAL

7.01 Introduction

This application is submitted under S.73 of the Act and seeks permission for the removal of Condition 6 imposed upon the approved and amended scheme. No other modifications are sought via this application.

7.02 The Proposal

The proposal seeks to remove condition 6 from the permission such that it permits the occupation of the approved dwellings entirely independently of off site drainage improvement works. (such works being the subject of Condition 6 as imposed).

7.03 Drainage Context and Implications

Members will recall that permission for the development of this site was granted by a Planning Inspector following an appeal by way of a Public Inquiry. At this inquiry, amongst other matters, evidence was heard in relation to the drainage system serving the site. The Inspector heard how a hydraulic modelling exercise had been undertaken which revealed the need for off site drainage infrastructure improvement works. The Inspector noted that the statutory drainage body, Dwr Cymru had no objection to the proposals but requested that a Grampian style condition be imposed in relation to these off site works. The Inspector acceded to that request and, in granting planning permission, imposed the following condition;

No development shall commence until a scheme of improvement to the off-site drainage in Mancot Lane has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the first dwelling unless otherwise approved in writing by the local planning authority.

- 7.04 Since the appeal decision, a scheme of works pursuant to this condition had been agreed between the developer and Dwr Cymru and the applicant had paid a sum of money to have the necessary improvement works undertaken. The scheme of works required would result in improvements being carried out to a length of the combined

sewer in Mancot Lane further to the north where there is a pinch point at present.

- 7.05 Despite previous agreements between the developer and Dwr Cymru for this work to be done in advance of the commencement of the development of the site, Dwr Cymru have programmed this part of the upgrade scheme to be undertaken alongside another, unrelated, piece of system upgrade works which is planned to be complete by March 31st 2015. However, I am advised that the outstanding upgrade works which are the subject of the condition are intended to be the first part of that larger scheme of works and are therefore anticipated to be completed earlier.
- 7.06 Consultation has been undertaken with Dwr Cymru/Welsh Water who advise that there is no objection to the removal of this condition as the need for the condition which had presently existed is now longer in existence. They have advised that they are satisfied that flows arising from the site can be adequately managed within the current system and as part of the system upgrade works which are being undertaken.
- 7.07 Whilst Dwr Cymru would normally request no further occupations during the course of such a scheme, they are satisfied that their management of the scheme and existing flows is such that there is no risk to existing residents. Accordingly, they advised in response to consultation, that the initially submitted application to vary the condition be amended to one seeking removal of the condition as the need for the same no longer exists.
- 7.08 Accordingly, and for the reasons set out above, I recommend the deletion of condition 6.

8.00 CONCLUSION

- 8.01 Notwithstanding the representations made raising concerns, I consider the views of the statutory drainage undertaker to be the view to which the greatest weight must be attached in the determination of this application. Accordingly, I consider the proposed deletion of the condition to be acceptable.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

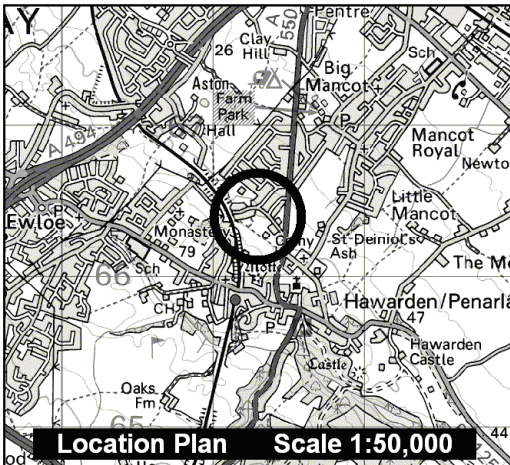
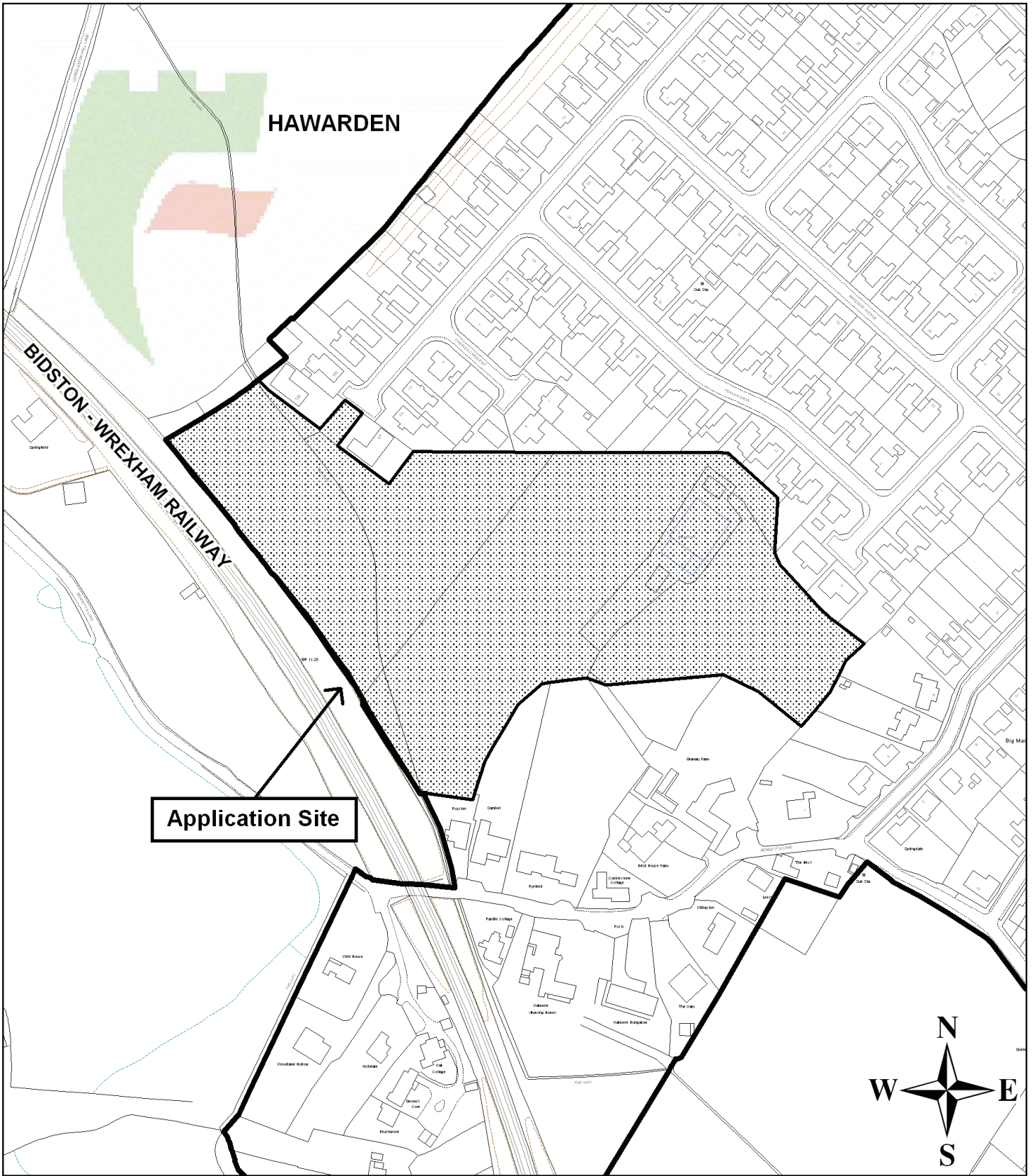
LIST OF BACKGROUND DOCUMENTS


Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation

Responses to Publicity

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Email: david.glyn.jones@flintshire.gov.uk

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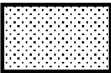





**Sir y Fflint
Flintshire
COUNTY COUNCIL**

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 3166
Planning Application	52429

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – RE-PLAN TO 3 NO. PLOTS (235 – 237) WITHIN NORTHERN PARCEL OF FORMER BUCKLEY BRICKWORKS IN CONJUNCTION WITH PREVIOUS PERMISSIONS GRANTED UNDER CODE NOS 050333 & 050874 AT FORMER LANE END BRICKWORKS, DRURY LANE, BUCKLEY**

APPLICATION NUMBER: **052589**

APPLICANT: **REDROW HOMES NW**

SITE: **FORMER LANE END BRICKWORKS, DRURY LANE, BUCKLEY.**

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

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

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

REASON FOR COMMITTEE: **THE APPLICATION REQUIRES A SUPPLEMENTAL PLANNING OBLIGATION LINKING DEVELOPMENT TO THAT PREVIOUSLY PERMITTED.**

SITE VISIT: **NO.**

1.00 SUMMARY

- 1.01 This full application proposes amendments to 3 No. plots within the northern parcel of a previously approved layout for residential development on land at the former Lane End Brickworks, Drury Lane, Buckley.

1.02 The changes primarily incorporate the substitution of house types with associated modifications to curtilage areas. In accordance with the Council's delegation scheme, the application is being reported for planning committee determination as a supplemental Planning Obligation is required.

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

2.01 That conditional planning permission be granted, subject to the applicant entering into a supplemental planning obligation, re-enforcing the provisions of the Section 106 Obligation entered into under Code Nos 050333 and 050874 in respect of highway, ecological, affordable housing and open space requirements.

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Details of external materials to be submitted and approved.
4. Permission to be subject to remaining conditions imposed on 050333 and 050874.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D. Hutchinson

No response received at time of preparing report.

Councillor M.J. Peers

No response received at time of preparing report.

Buckley Town Council

No observations.

Welsh Water/Dwr Cymru

Require that any permission includes conditions in respect of foul, surface and land drainage.

Highway Development Control Manager

No objection and do not intend to make a recommendation on highway grounds as the properties do not have direct access onto an adoptable road but are served from a private drive.

Natural Resources Wales

Do not consider that the proposed development will affect the Great Crested Newt habitat at this location.

4.00 PUBLICITY

4.01 Site Notice

No responses received at time of preparing report.

5.00 SITE HISTORY

5.01 037558

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

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

039052

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

044109

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

046665

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

046778

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

048632

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

049064

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

049605

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

050333

Full Application – Re-plan to the northern parcel of former brickworks with mix of 2, 3 & 4 bedroom detached, semi-detached and terraced dwellings with associated parking and amenity spaces (partly retrospective) – Permitted 20th December 2013.

050874

Substitution of house types on plots 295 – 302 & 337 – 339 of northern parcel – Permitted 22nd May 2014.

6.00 PLANNING POLICIES**6.01 Flintshire Unitary Development Plan**

Policy STR1 – New Development.

Policy STR2 – Transport & Communications.

Policy STR4 – Housing.

Policy STR7 – Natural Environment.

Policy STR8 – Built Environment.

Policy STR10 – Resources.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy GEN3 – Development Outside Settlement Boundaries.

Policy GEN6 – Environmental Assessment.

Policy D1 – Design Quality.

Policy D2 – Location & Layout.

Policy TWH1 – Trees & Woodland Protection.

Policy TWH2 – Development Affecting Trees & Woodlands.

Policy WB1 – Protected Species.

Policy WB2 – Sites of International Importance.

Policy WB3 – Sites of National Importance.

Policy WB4 – Local Sites of Wildlife & Geological Importance.

Policy HE6 – Scheduled Ancient Monuments.

Policy HE7 – Other Sites of Lesser Archaeological Significance.

Policy AC2 – Pedestrian Provision & Public Rights of Way.

Policy AC3 – Cycling Provision.

Policy AC4 – Major Traffic Generating Developments.

Policy AC13 – Access & Traffic impact.

Policy AC14 – Traffic Calming.

Policy AC15 – Traffic Management.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

Policy HSG8 – Density on Development.

Policy HSG9 – Housing Mix & Type.

Policy HSG10 – Affordable Housing Within Settlement Boundaries.

Policy SR5 – Play Areas & New Housing Development.

Policy MIN4 – Mineral Restoration & Aftercare.

Policy EWP2 – Energy Efficiency in New Development.

Policy EWP11 – Pollution.

Policy EWP12 – Nuisance.
Policy EWP13 – Derelict & Contaminated Land.
Policy EWP14 – Development & Unstable Land.
Policy EWP15 – Water Resources.
Policy EWP16 – Flood Risk.

Local Planning Guidance Note 2 – Space Around Dwellings.
It is considered that the proposal general complies with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This application proposes the substitution of house types on 3 No. plots within the northern parcel of a previously approved residential development currently under construction on land at the former Lane End Brickworks accessed off Church Road/Drury Lane, Buckley. There is no increase in the overall number of dwellings proposed within the site as part of this application.

7.02 Proposed Development

This application seeks the substitution of house types with associated modifications to the associated curtilage areas in respect of 3 No. plots (235 – 237) within the development. The changes are proposed in order to introduce smaller house types introduced elsewhere within the development in order to safeguard the newt protection fence that has been installed, whilst allowing improved and clear access to the respective driveways of each plot.

7.03 Principle of Development

The principle of residential development at this location has been established following the appeal decision in respect of outline application 037558 which was allowed on 9th October 2006. Subsequent reserved matters and proposals for the substitution of house types have been allowed as part of the development, as referred to in paragraph 5.00 of this report. The principle of residential development on the site is therefore well established subject to ensuring a satisfactory well balanced layout and the safeguarding of relevant amenity considerations.

7.04 Design/Appearance

The plans submitted propose the substitution of house types with associated modifications to the defined curtilage areas of the proposed dwellings, the pattern and orientation/relationship of dwellings to each other being acceptable to provide for a well balanced site layout.

7.05 The house types/designs are considered to be reflective of the character of development already permitted and would be sympathetic to the character of the site/surroundings providing for a consistency in

terms of design and use of materials.

7.06 Impact on Ecology

The fundamental reason for the substitution of house types and modifications proposed is to safeguard the newt protection fence that has been introduced within the site following the initial commencement of development. In revisiting the layout the applicants propose to retain this fence in its current position but this application will allow for improved and clear access to the respective driveways of each plot. Consultation on this aspect of the development has therefore been undertaken with Natural Resources Wales who have advised that the changes as proposed will not affect the Great Crested Newt habitat at this location.

7.07 Adequacy of Highways

For Members information, consultation on the application has been undertaken with the Highway Development Control Manager who raises no objection to the development as there is no direct access onto an adoptable highway, the properties being served from a private drive arrangement.

8.00 CONCLUSION

8.01 It is considered that the proposed modifications to the northern parcel of the site layout principally involving the substitution of house types and associated modifications to the respective curtilages of plots 235 – 237 are acceptable and are to be welcomed at this location, having regard to the character of the site and surroundings and the position relative to an existing newt fence/barrier. The house types proposed provide for a high quality scheme resulting in a well balanced layout and Natural Resources Wales advises that the changes will not impact upon and will safeguard the great crested newt habitat at this location. Subject to the imposition of a Section 106 Obligation to address highway, ecological affordable housing and open space issues and conditions I recommend that the application can be supported.

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

LIST OF BACKGROUND DOCUMENTS

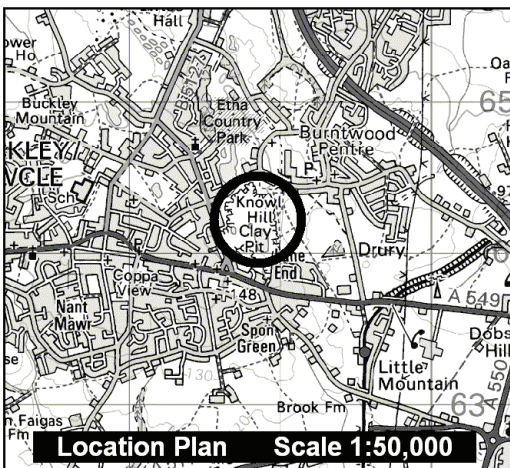
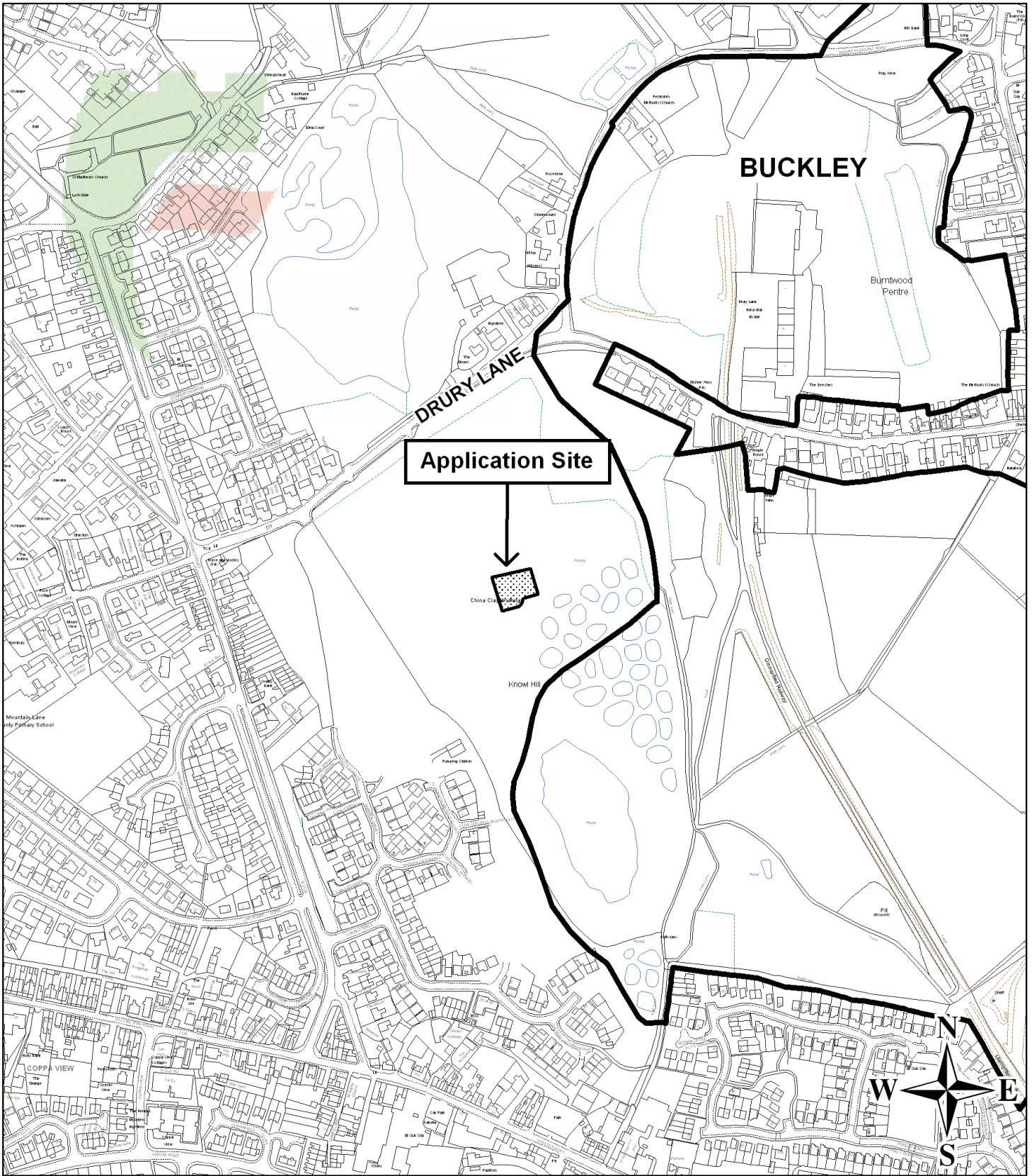
Planning Application & Supporting Documents
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Responses to Consultation
Responses to Publicity

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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 **52589**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **FULL APPLICATION – PROPOSED SIDE EXTENSION AND REPOSITIONING OF EXISTING CONSERVATORY FROM SIDE OF HOUSE TO REAR AT LLWYN FARM, FFYNNONGROYW.**

APPLICATION NUMBER: **052586**

APPLICANT: **COUNCILLOR G BANKS**

SITE: **LLWYN FARM, FFYNNONGROYW**

APPLICATION VALID DATE: **28TH AUGUST 2014**

LOCAL MEMBERS: **COUNCILLOR G BANKS**

TOWN/COMMUNITY COUNCIL: **LLANASA COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER IS THE APPLICANT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application seeks planning permission for the repositioning of existing conservatory from the side of the dwelling to the rear, and for the erection of a single storey extension on the side elevation.
- 1.02 The proposal is considered to comply with policies GEN1 and HSG12 of the adopted Flintshire Unitary Development Plan.

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

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

1. Time limit.
2. In accordance with the approved plans.

3.00 CONSULTATIONS

3.01 Local Member

Councillor G Banks
No comments received

Llanasa Community Council

No objection

Head of Assets and Transportation

Public Footpath 18 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Head of Public Protection

No objection

Natural Resources Wales

No comments received

4.00 PUBLICITY

4.01 Site Notice

No comments received

5.00 SITE HISTORY

5.01 No relevant history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 – General Requirements for Development
HSG12 – House Extensions and Alterations

7.00 PLANNING APPRAISAL

7.01 Introduction

The application site is located in the open countryside as defined in the adopted Flintshire Unitary Development Plan.

7.02 The existing dwelling is a detached, two storey dwelling set within large grounds.

7.03 The proposed conservatory will be positioned on the south east elevation of the property and the single storey extension will be on the south west elevation. The conservatory measures 3.5m x 3.5m and is constructed of white upvc. The proposed extension will have a mono-pitch roof and will be the full length of the elevation and will project 3.3m from the existing wall. The materials will match that of the dwelling, i.e. render finish with slate roof.

7.04 Visual Impact

The proposed extension and conservatory will not be readily seen from the nearby public highway as the site is well screened. Notwithstanding this, the proposals are in keeping and sympathetic in their design to the existing dwelling and therefore will not be detrimental to the character of the dwelling nor character of the area.

7.05 Residential Amenity

There are no immediate neighbours that the proposal would have any detrimental impact upon.

8.00 CONCLUSION

8.01 The proposal is considered to be acceptable as a matter of planning policy principle. The proposed development takes account of the applicable planning policies and represents the correct balance between the various issues which relate to this site.

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

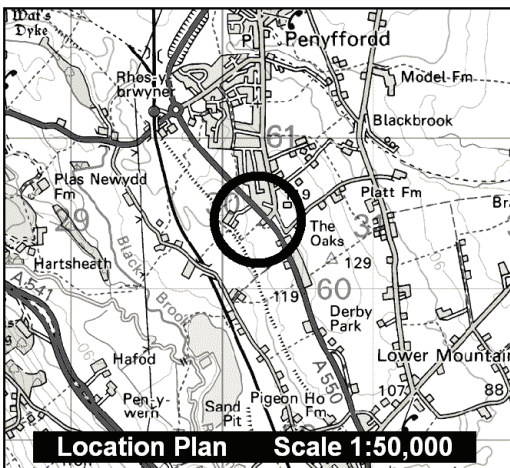
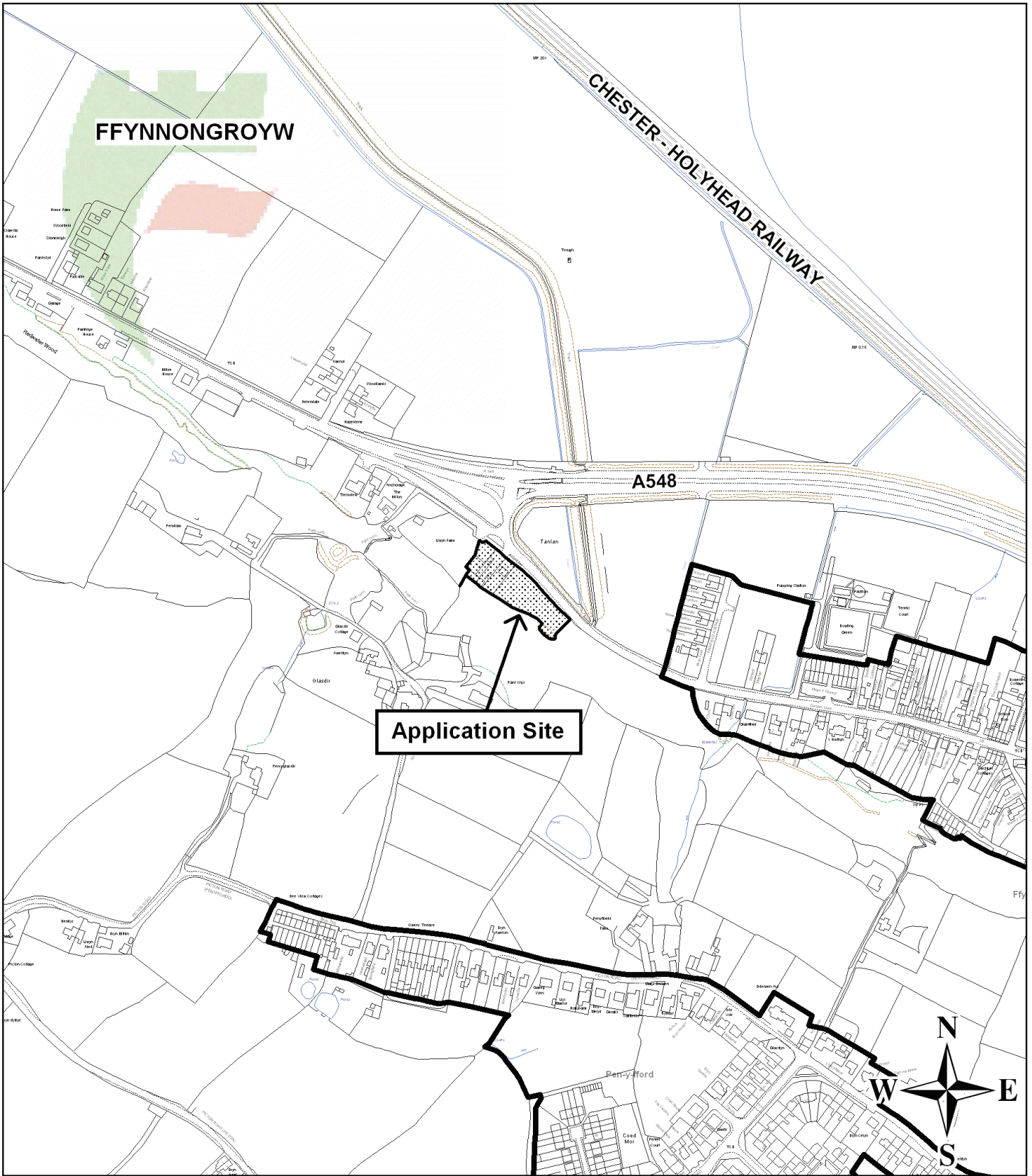
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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Email: alex.walker@flintshire.gov.uk

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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 1382

Planning Application **52586**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 12 NOVEMBER 2014**

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

SUBJECT: **GENERAL MATTERS - CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING, GARDENS OF REMEMBRANCE AND AREA FOR NATURAL BURIALS AT LAND AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP**

1.00 APPLICATION NUMBER

1.01 052334

2.00 APPLICANT

2.01 Memoria Ltd.

3.00 SITE

3.01 Land at Kelsterton Lane/Oakenholt Lane,
Near Northop.

4.00 APPLICATION VALID DATE

4.01 25th June 2014

5.00 PURPOSE OF REPORT

5.01 To seek authority for the holding of a Special Planning & Development Control Committee to determine planning application 052334 which is for the construction of a new crematorium, associated car park, access road and ancillary works, landscaping, gardens of remembrance and area for natural burials on land at Kelsterton Lane/Oakenholt Lane, Near Northop.

6.00 REPORT

6.01 The procedure for determining major applications is in accordance with the policy approved by the Planning Committee on 7th July 1999 (minute number 98). This policy provides that, where the Committee

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

- 6.02 This application is considered to be for a development of major significance and issues of local and regional importance will be raised. This it is considered will require careful consideration as the proposed application which has generated significant interest both within and outside the County and the outcome of which will have an effect not only locally but also at a sub-regional level.

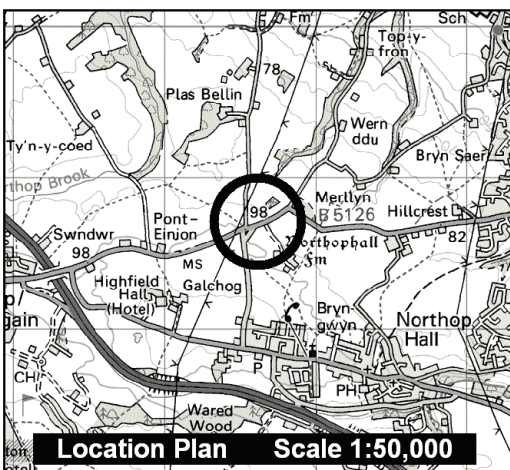
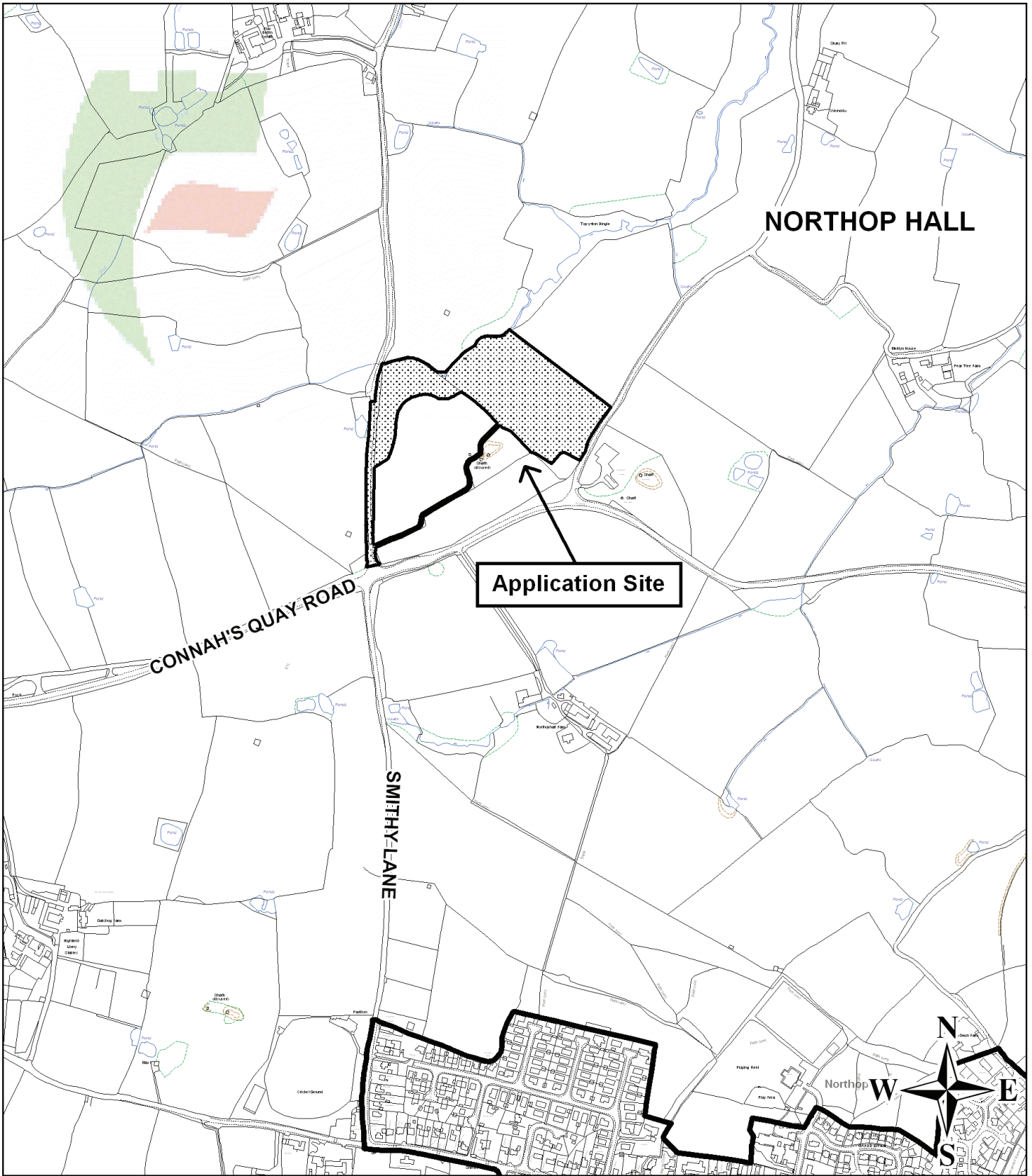
7.00 RECOMMENDATIONS

- 7.01 That a Special Planning & Development Control Committee be convened to determine planning application 052334 as early as possible when officers are in a position to make a formal recommendation to Members on the application.

LIST OF BACKGROUND DOCUMENTS

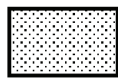
Planning Application & Supporting Documents

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Email: Robert_Mark_Harris@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 1:7500

OS Map ref SJ 2668

Planning Application **52334**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **APPEAL BY EDWARDS HOMES LTD UNDER SECTION 78 OF THE TOWN & COUNTRY PLANNING ACT 1990 AGAINST A FAILURE TO GIVE NOTICE WITHIN THE PRESCRIBED PERIOD OF A DECISION ON AN APPLICATION FOR PLANNING PERMISSION ON LAND TO THE REAR OF ROCK BANK, MAIN ROAD, NEW BRIGHTON, MOLD.**

1.00 APPLICATION NUMBER

1.01 **051424**

2.00 APPLICANT

2.01 **EDWARDS HOMES LTD**

3.00 SITE

3.01 **LAND TO THE REAR OF ROCK BANK, MAIN ROAD, NEW BRIGHTON, MOLD.**

4.00 APPLICATION VALID DATE

4.01 **29TH OCTOBER 2013**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the non-determination of an application submitted under Code no. 051424 within the prescribed period, for the proposed erection of 13 No. dwellings on land to the rear of Rock Bank, Main Road, New Brighton.

5.02 It was resolved at the Planning & Development Control Committee on 14th May 2014 to advise the Planning Inspectorate that the Council raise no objection to the development for the purpose of the appeal, subject to conditions and the completion of legal agreements, in

respect of leisure and educational contributions. The appeal was held by way of an informal hearing on the 29th July 2014 and was ALLOWED subject to conditions and a Unilateral Undertaking which was presented at the appeal to address leisure/educational payments.

6.00 REPORT

6.01 The Inspector considers the main issues to be as follows:-

- Whether or not the educational contributions specified by the Council (£36,771 for primary school places and £36,938 for secondary school places) are necessary to meet the prescribed tests.
- Impact on the character and appearance of the area.
- The impact on the amenity of neighbouring residents, particularly in respect of privacy and visual impact.
- The acceptability of surface water drainage proposals.
- The impact on old mine entries.
- Adequacy of access.

6.02 In respect of these issues the Inspector concludes:-

6.03 Educational Contributions

The nearest schools are Mynydd Isa Primary School and Argoed High School with both currently having pupil rolls in excess of their specified capacity. The Inspector acknowledges that the calculation for the commuted sum for educational contributions are not in dispute but the appellant's questioned whether they should be applied in this instance. The appellants evidence at the appeal was based on the fact that the Council's Local Planning Guidance Note 23 – Developer Contributions to Education, does not take into account parental choice as to which school their children attend and that spare capacity is available at other schools not too far away.

6.04 The Inspector recognises that parental choice is a feature of education nowadays but does not consider that the Council's guidance note adopted only 2 years ago is out of date. The Inspector considers that the method used in the Council's guidance note is sensible and generally fair to which considerable weight should be given and that the financial contributions to be made towards both primary and secondary education is required.

6.05 Character & Appearance

The Inspector notes that the development has been designed to reflect the physical constraints of the site and provide a mix of house types and sizes. The Inspector considers that it would relate well to the existing properties closer to the main road which are generally 2 storeys in height. The Inspector went on to say however that it would present an element of conflict with the predominant bungalow style along Argoed View and could have been more sympathetic in that

regard.

- 6.06 The Inspector does not however consider the design of the development to be unacceptably harmful to the character and appearance of the area and that it would generally harmonise with it in accord with the relevant development plan policies.
- 6.07 Residential Amenity
The Inspector makes specific reference to Local Planning Guidance Note 2 Space Around Dwellings which specifies minimum separation distances between buildings and between windows of habitable rooms (e.g., living rooms, dining rooms, bedrooms).
- 6.08 The Inspector acknowledges that the guidance cannot cover every possible inter-relationship and that the houses proposed near to the north east boundary, would be set at an angle to reduce overlooking of the properties in Argoed View. The Inspector concludes that even if that were not the case, the separation distances between the existing and new houses would be between 21 and 29 metres compared with the minimum requirement of 22 metres in the Council's guidance. Thus allowing for the angled siting, the distances (from window to window) would provide for arrangements in excess of the minimum considered acceptable by the Council.
- 6.09 The Inspector considers that this relationship however takes little account of loss of privacy in hitherto private gardens or of the present level of privacy currently enjoyed. The Inspector concludes that the adjoining residents would experience reduced levels of privacy and harm to their residential amenity in this respect but that this warrants only limited weight as the level of privacy retained would still exceed the minimum considered acceptable by the Council's adopted planning guidance.
- 6.10 Surface Water Drainage
The Inspector notes the concerns expressed that the development might exacerbate local problems with surface water. The proposal however to implement a sustainable drainage arrangement comprising a holding tank to minimise peak flow rates advised by Natural Resources Wales and discharge of the residual flow to a local watercourse is considered by the Inspector to be acceptable.
- 6.11 The Inspector also concludes that such a proposal is likely to be achievable given evidence of the landowners agreement and likely adoption by Dwr Cymru Welsh Water.
- 6.12 Old Mine Entries
The Inspector confirms that there are 2 former mine entries within the site one of them being located under proposed plot 1. The Inspector acknowledges that the Coal Authority is satisfied with the proposal provided the remedial measures are undertaken in accordance with

the methodology in the geotechnical report and this could be specified by condition. The Inspector's conclusion is that it would be feasible to deal with the former mine entries to ensure a safe environment for the life of the development.

6.13 Highways

The Inspector notes that the appeal scheme makes provision for a visibility splay of 2.4 metres by 43 metres which is in line with the advice in the Manual for Streets for vehicles travelling at 30 mph. The Inspector also refers to evidence being provided that the appellant has retained ownership of strips of land along the frontage of properties either side of the access, so that the visibility splay could be provided and maintained free of obstacles in the future. In taking this into account the Inspector is satisfied that a much greater visibility distance than 43 metres would be achieved and the Inspector concludes that that the proposed access would be adequate and would not detract from highway safety.

6.14 Costs Application

The appellant's sought an application for costs at the hearing on the basis of the length of time that it took the Council to resolve its position on the application - by which time the appeal has been lodged.

6.15 The Inspector was of the view however having regard to the appellant's own explanation of the chronology of events that the Council had provided the appellant with an opportunity to amend the scheme from that initially submitted and had sought to adequately address issues in respect of surface water drainage and safeguarding of old mine entries on the site, which had been raised following a Planning Committee site visit. The Inspector did not find in these circumstances that unreasonable behaviour had been demonstrated as described in Circular 23/93 and an award of costs is not justified.

7.00 CONCLUSION

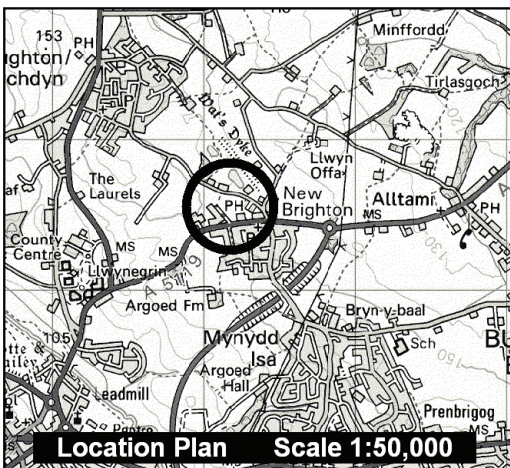
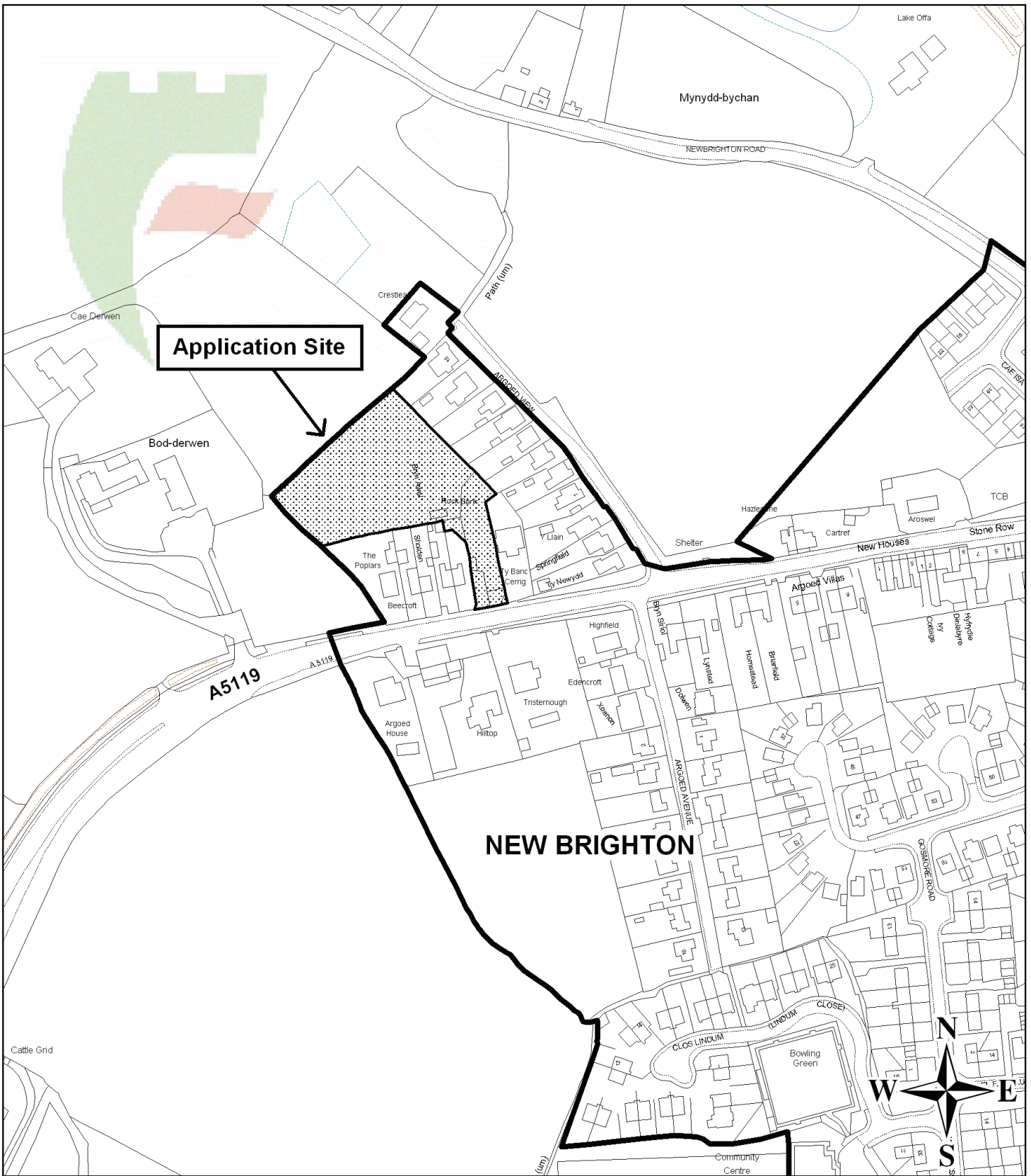
7.01 In taking into account the above main issues the Inspector allowed the appeal for the construction of 13 No. dwellings on land to the rear of Rock Bank, Main Road, New Brighton subject to conditions and the terms of the Unilateral Undertaking presented at the appeal.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2565

Planning Application **51424**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **APPEAL BY MR. CHARLES & MRS GAIL SHAW AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A FOUR BEDROOM DETACHED DWELLING AND DETACHED DOUBLE GARAGE AT 37 WOOD LANE, HAWARDEN – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 051234

2.00 APPLICANT

2.01 MR & MRS C SHAW

3.00 SITE

3.01 37 WOOD LANE,
HAWARDEN.

4.00 APPLICATION VALID DATE

4.01 09.09.13

5.00 PURPOSE OF REPORT

5.01 To inform members of an appeal decision in respect of the refusal of planning permission for the erection of a four bedroom detached dwelling and a detached double garage at land at 37 Wood Lane Hawarden.

5.02 The application subject to this appeal was considered by Planning and Development Control Committee on 11th December 2013 and 15th January 2014. Planning and Development Control Committee resolved to grant planning permission on 15th January 2014 subject to

the applicant signing a S106 agreement requiring that;

- The property shall be occupied by the applicants Mr and Mrs Shaw in the first instance
- If the property is put up for sale in the future 30% of the property value is repaid to the Council, secured as a charge on the property.

5.03 Following the Committee's resolution the applicants Mr and Mrs Shaw informed the Council they were not willing to sign the S106 agreement as the project was unviable. The application was subsequently refused on 12th March 2014 under the Head of Planning's delegated powers on the grounds that;

5.04 "Ewloe is a Category B settlement and the development would lead to cumulatively more than 15% growth since 2000. Any development therefore needs to be justified on the grounds of housing need. The applicant is not willing to sign the legal agreement in order to ensure that the dwelling meets this need therefore the application is contrary to policy HSG3 of the Adopted Flintshire Unitary Development Plan."

5.05 The appeal was held by way of an Informal Hearing and was DISMISSED. No costs application was made by either party.

6.00 REPORT

6.01 The Inspector considered the main issue is the effect of the proposed development on policies designed to control the provision and location of new housing.

6.02 The Inspector acknowledged that new housing development is distributed on the basis of a settlement hierarchy with Ewloe identified as a Category B Settlement under Policy STR4 of the adopted Flintshire Unitary Development Plan 2011 (UDP). Policy HSG3 clarifies that in Category B Settlements, new housing development which cumulatively results in more than 15% growth since 2000 would need to be justified on the grounds of housing need. The Council relies on its 2013 Settlement Growth Figures comprising of sites with planning permission, units which have been built and land allocated in the UDP. As of April 2013, Ewloe had a combined growth rate of 18.1% over the Plan period. Although the appellants have referred to the growth rates as 'indicative', the Inspector did not have any reason to dispute that Ewloe is likely to meet the levels above those envisaged by the Council's spatial strategy.

6.03 The Inspector noted that in order to control the expansion of settlements where planned growth is already significant, the Council seeks to ensure that any additional new dwellings are for local needs, either by being affordable or as a dwelling for essential workers.

6.04 The Inspector noted that the Council has accepted that the proposal is justified on the grounds of housing need, and that it would therefore

meet with the requirements of Policy HSG3, subject to the signing of a S106 Agreement. This would require the property to be occupied by the appellants in the first instance and, if it is to be put up for sale in the future, 30% of its value is repaid to the Council as a charge. She noted that the appellants considered the latter terms to be onerous. The Inspector heard at the Hearing that the 30% charge has been calculated on the basis of the Council's Local Planning Guidance Note No.9 '*Affordable Housing*'. From the Inspector's reading of the guidance, this percentage relates primarily to housing development of 25 or more units or sites of 1ha or more, where there is a demonstrable need for affordable housing to meet local needs. In this case, therefore, the Inspector was not convinced that the basis upon which the 30% charge has been calculated is appropriate. Nevertheless, as there was no S106 Agreement before her as part of the appeal, she took this matter no further.

- 6.05 The appellants assert that planning permission should be granted with no local needs or affordable housing obligation. To this end, the Inspector's attention is drawn to the lack of a 5 year housing land supply contrary to the requirements of Planning Policy Wales (PPW). The Inspector states that for land to be regarded as genuinely available and contributing to housing land supply, it must be a site included in the Joint Housing Land Availability Study (JHLAS). The Inspector understood that, based on the residual method, there is only a 4.5 year housing land supply in Flintshire. The Council's strategy for dealing with the shortfall is a commitment to work with landowners and developers to bring forward windfall sites to make up the five year housing land supply.
- 6.06 In this context, she accepted that the proposal would make a modest contribution to housing land supply. Nevertheless, it would result in unplanned growth prejudicial to the Council's settlement hierarchy and spatial strategy which seeks to bring about a sustainable amount and distribution of housing. Neither is there any explanation as to why the development needs to take place in a Category B, rather than a Category A settlement, which could provide a justification for the development in line with the amplification to Policy HSG3.
- 6.07 Whilst the Inspector acknowledges that the growth rate in Ewloe already exceeds 15%, she was not convinced that allowing incremental changes in terms of new housing development would align with the provisions of Policy HSG3. Instead, it would be tantamount to encouraging disproportionate growth in a Category B settlement, where new housing development should be based on local need. Whilst local need may have been demonstrated in this instance, the terms of the mechanism for securing its provision under a S106 Agreement are in dispute and, as a consequence, a signed legal agreement is not before me. The proposal must therefore fail in this regard.

- 6.08 For the reasons set out above, the proposal would conflict with UDP Policy HSG3 insofar as it would undermine the spatial strategy for new housing development.
- 6.09 The Inspector had regard to the appellants' contention that Ewloe is capable of meeting housing demand and that there is capacity within the settlement without having an adverse impact on local services. Whilst the appeal site is in a location with adequate infrastructure and access to local services and facilities, the effect on the Council's spatial strategy would result in the development failing to meet with the sustainability aims of local and national planning policy.
- 6.10 In coming to my decision, the Inspector took into account the Ministerial Statement which refers to the need to increase housing supply in order to meet growing housing needs. However, for the reasons stated, she did not find that there is overriding justification for allowing unrestricted housing development in this settlement in this particular case.
- 6.11 She acknowledges that the proposal may meet with the requirements of UDP Policies STR4 and GEN1. Be that as it may, this does not overcome the harm otherwise identified in the balance of acceptability.

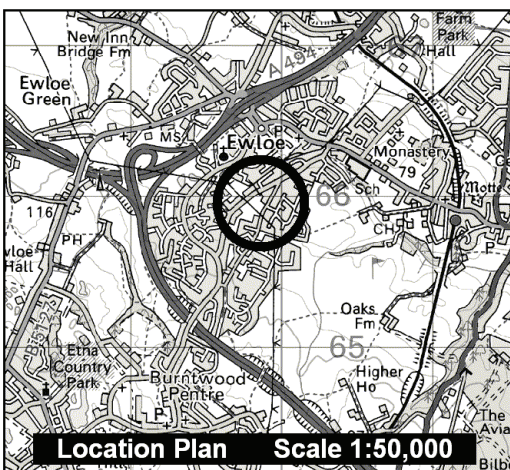
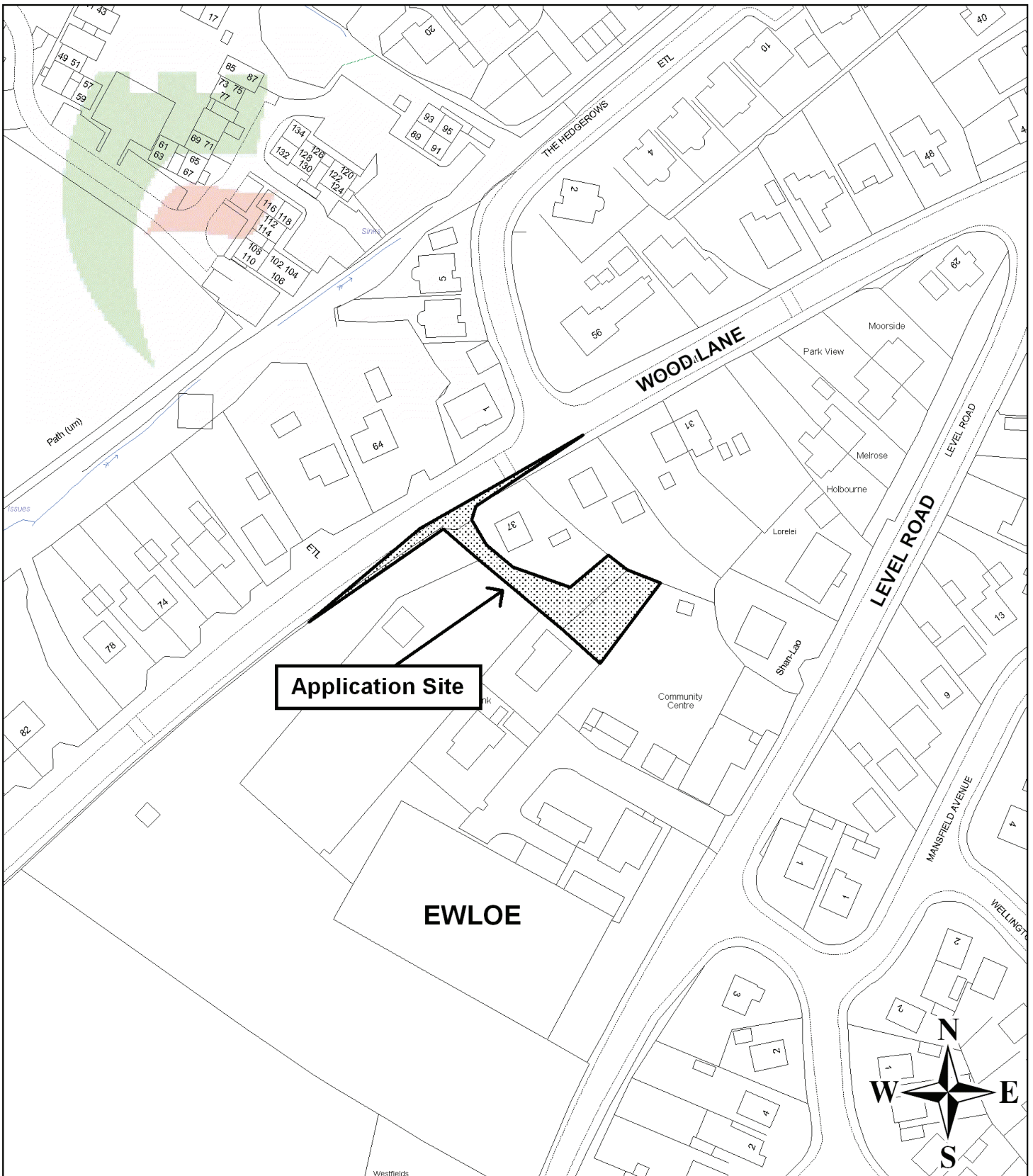
7.00 CONCLUSION

- 7.01 For these reasons, and having regard to all matters raised, she concludes that the appeal should be DISMISSED.

LIST OF BACKGROUND DOCUMENTS

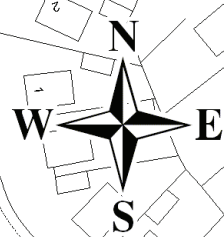
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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EWLOE

Application Site



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

Legend



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary



Application Site Extent

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OS Map ref SJ 2966

Planning Application **51234**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH NOVEMBER 2014**

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

SUBJECT: **APPEAL BY ANWYL CONSTRUCTION CO LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE REMOVAL OF CONDITION NO. 14 OF PREVIOUSLY APPROVED PLANNING PERMISSION REF: 047624 TO ALLOW FOR THE DEVELOPMENT OF THE WHOLE SITE AT DOVEDALE, ALLTAMI ROAD, BUCKLEY – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 051481

2.00 APPLICANT

2.01 ANWYL CONSTRUCTION CO LTD

3.00 SITE

3.01 LAND ADJ TO DOVEDALE,
ALLTAMI ROAD, BUCKLEY

4.00 APPLICATION VALID DATE

4.01 14.11.13

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the refusal of planning permission by Planning and Development Control Committee for the removal of condition 14 of previously approved planning permission 047624 to allow for the development of the whole site at land adjacent to Dovedale, off Alltami Road. The appeal was dealt with by written representations and was ALLOWED.

6.00 REPORT

- 6.01 The Inspector acknowledges that there is a detailed planning history associated with this site, namely an outline planning permission for residential development which was dismissed on appeal in June 2009 owing to matters of land contamination and ground stability. A further planning application was submitted in June 2010, and was supported by investigations and technical reports in relation to ground stability and land contamination together with an illustrative site layout plan. Planning permission was subsequently granted in November 2013, with Condition 14 requiring no development to take place north of the hammerhead as illustrated on the submitted layout drawing. The Inspector notes that the reason stated for its imposition is in the interest of land instability.
- 6.02 The Inspector notes that an application seeking the removal of Condition 14 was submitted in November 2013, supported by a further assessment of the ground investigations. Contrary to officer recommendation, the Planning Committee refused the application to remove the condition in April 2014 citing concerns relating to land instability and the potential contamination of third party land.
- 6.03 Against this background, she considered the main issue to be whether the condition is both reasonable and necessary having regard to matters of ground stability and land contamination.
- 6.04 The Inspector accepts that, at the time of the previous appeal, there was insufficient evidence to demonstrate that there would be no unacceptable harm from the construction activities on the site and the impact of any remediation measures. As a consequence, the appeal was dismissed. However, in order to address the uncertainties identified by the Inspector, the technical information that accompanied the subsequent application included additional site investigations in respect of the nature of the land contamination, ground conditions and groundwater movement. In addition, further investigations were carried out regarding ground stability to the north of the site, the impact of piling and other foundation works on the contaminated materials and groundwater, and the effect of remediation works.
- 6.05 In respect of land stability, the appellant's evidence includes a letter from REFA Consulting Engineers which concludes that the off-site slope to the north of the site, which represents a historic, mature excavated slope created as a result of clay extraction and quarrying, remains stable. It has not been compromised by the subsequent infilling works in the development area. Nevertheless, as all dwellings would be constructed using pile foundations, the proposed development would not generate any significant surface loading which could influence the stability of the site or any adjoining third party land.
- 6.06 The Inspector was provided with a copy of the Council's committee report which confirms that *inter alia* adequate testing has been

undertaken to identify the nature of the contamination, borehole monitoring shows no significant ground water contamination, and that the foundations would not have a significant impact on the site or surrounding land. To this end, the Council's Head of Public Protection, together with The Coal Authority, raised no objection to the revised proposal on the grounds that sufficient information had been submitted to overcome the previous concerns.

6.07 Nevertheless, the Council imposed Condition 14 on planning permission Ref. 047624 preventing development on the northernmost part of the site. Although the reason for the imposition of Condition 14 refers only to ground instability, the Council also takes issue with matters of land contamination in its consideration of the subsequent application to remove Condition 14.

6.08 Whilst the Inspector noted the Council's concerns, there is no substantive or expert evidence before her to the effect that development would have an effect on ground and ground water contamination or land stability within the site, or pose a risk to third party land. She is therefore satisfied that appropriate measures have been undertaken, or will be undertaken as part of the remediation works, to ensure no unacceptable risk in respect of these matters. The site investigations were carried out across the appeal site and the Inspector can see no reason why the northernmost part of the site should therefore be excluded from development. Consequently, she does not find conflict with Policy GEN1, EWP11, EWP14, EWP15 or EWP16 of the adopted Flintshire Unitary Development Plan.

6.09 The Inspector considers that control by condition preventing development on the northernmost part of the site is both unreasonable and unnecessary and would therefore fail the tests outlined in Circular 016/2014 *'The Use of Conditions in Development Management'*.

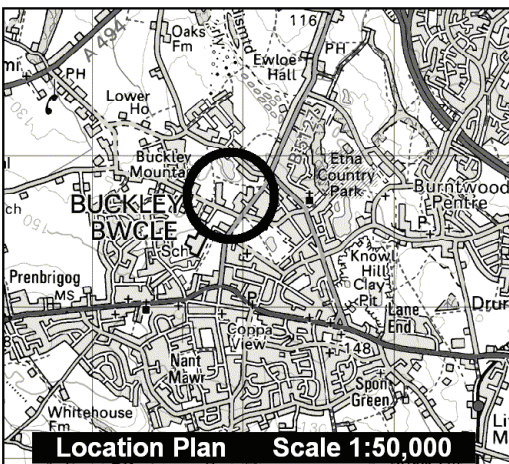
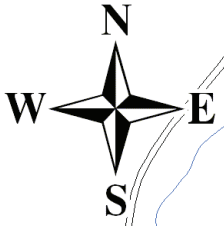
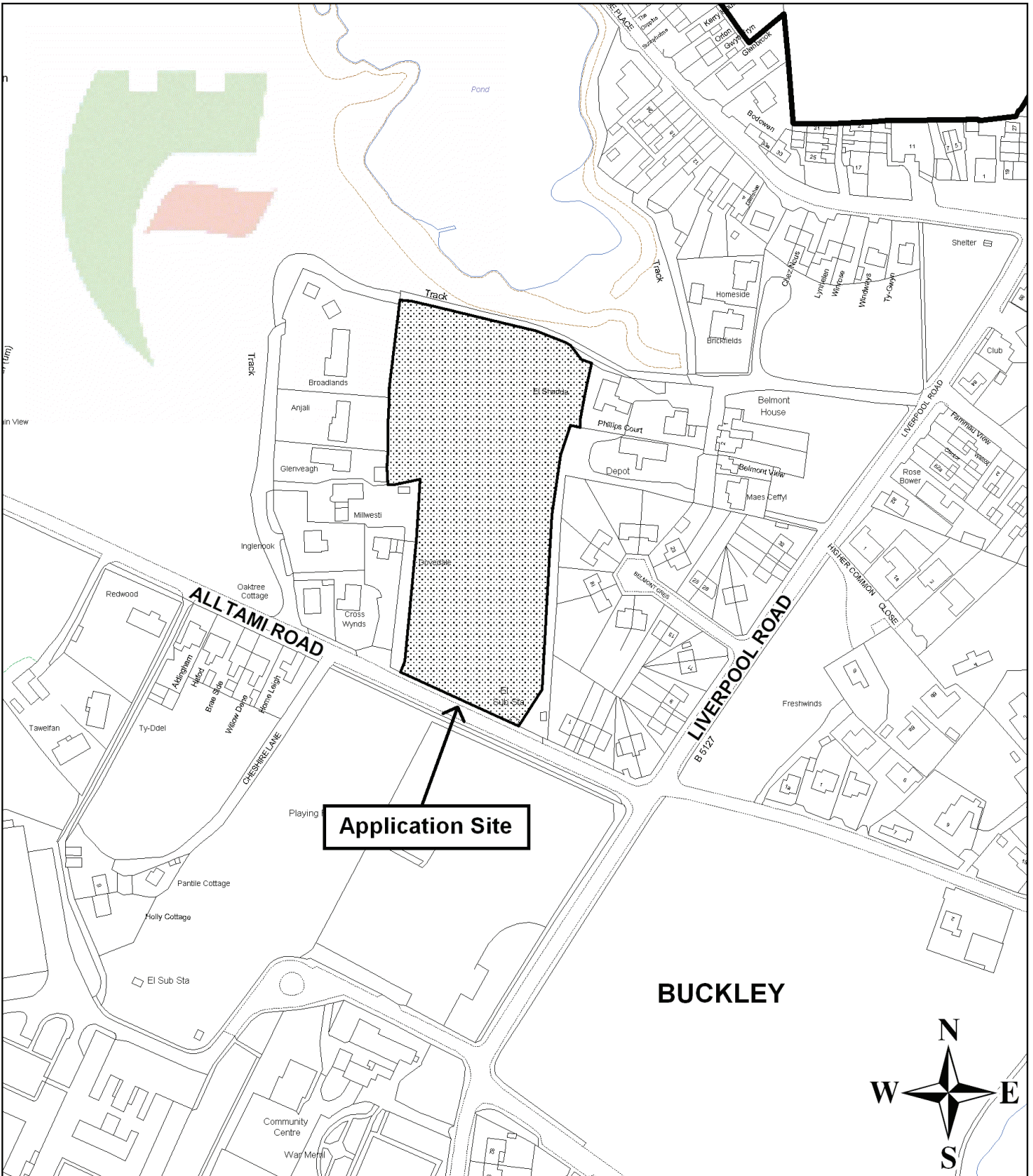
7.00 CONCLUSION

7.01 She concludes that the appeal should be allowed and the disputed condition removed.

7.02 A signed Unilateral Undertaking (UU) was submitted to the Inspector dated 18 August 2014 to deal with financial contributions for education and play together with a management agreement in respect of land for ecological mitigation and to take account of the increased education contribution since application 047624. The Council has not taken issue with this, and the Inspector had no reason to disagree.

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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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OS Map ref SJ 2764

Planning Application **51481**

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