

Public Document Pack

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

17 February 2015

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, 25TH FEBRUARY, 2015** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 16)

To confirm as a correct record the minutes of the meeting held on 21 January 2015.

5 **ITEMS TO BE DEFERRED**

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
25th FEBRUARY 2015

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	053058	053058 - A - Variation of Condition Nos 5 & 15 of Planning Permission Ref: 050300 to Allow the Construction of Plots 175 & 198 before Complying with Conditions 5 & 15 at Croes Atti, Chester Road, Oakenholt (Pages 17 - 26)
6.2	052914	052914 - A - Reserved Matters Application for 24 Dwellings with Details of Access, Appearance, Landscaping, Layout and Scale Following Outline Approval 047624 and Variation of Condition Application 051481 at Dovedale, Alltami Road, Buckley (Pages 27 - 36)
6.3	052907	052907 - A - Full Application - Proposed Change of House Types on Plots 5, 6, 33 and 35 to 37, Resiting of Plot 34 with Additional Plot 73 at Cae Eithin, Village Road, Northop Hall (Pages 37 - 44)
6.4	052760	052760 - A - Full Application - Conversion of Existing Outbuilding to Form 2 No. Dwellings and Erection of 3 No. Dwellings to Rear (Amendment to Previously Approved Application 047518) at Bryn Llwyd Yard, North Street, Caerwys (Pages 45 - 54)
6.5	053014	053014 - R - Full Application - Construction of Earthworks and Retaining Structures to Deal with a Change in Levels to the Rear of Plots 52 - 56 (Scheme 1) on Land at Field Farm Lane, Buckley (Pages 55 - 62)
6.6	053015	053015 - A - Full Application - Construction of Earthworks and Retaining Structures to Deal with a Change in Levels at the Rear of Plots 52 - 56 (Scheme 2) on Land at Field Farm Lane, Buckley (Pages 63 - 72)
6.7	051831	051831 - A - Outline Application - Residential Development at Station Yard, Corwen Road, Coed Talon (Pages 73 - 84)
6.8	052936	052936 - A - Full Application - Erection of 4 No. Dwellings and Associated Works at The Croft, Alltami Road, Buckley. (Pages 85 - 96)
6.9	052885	052885 - R - Outline Application for the Erection of a Bungalow at Bryn Awel, Tir y Fron, Pontybodkin (Pages 97 - 102)
6.10	052333	052333 - A - Full Application - Erection of an Affordable Home and Alterations to Existing Vehicular Access at Glenella, London Road, Trelawnyd. (Pages 103 - 110)
6.11	053032	053032 - A - Full Application - Erection of Single Storey & Two Storey Extensions & Erection of Detached Garage at Alyston, Bretton Lane, Bretton (Pages 111 - 116)
6.12	052334	052334 - General Matters - Full Application - Construction of a New Crematorium, Associated Car Park, Access Road and Ancillary Works, Landscaping and Gardens of Remembrance on Land at Kelsterton Lane/Oakenholt Lane, Near Northop (Pages 117 - 120)
6.13	052626	052626 - General Matters - Construction & Operation of an Energy Recovery Facility (Referred to as an 'ERF') & Ancillary Facilities, Comprising Offices & Welfare Facilities, Visitor Centre, Bottom Ash Recycling & Maturation Facilities, Access Roads & Weighbridge Facilities, Electrical Compound, Together with Peripheral Landscaping & Security Fencing. The Proposals also make Provision for a Rail Connection, Sidings & Associated Infrastructure at ERF, Deeside Industrial Park, Weighbridge Road, Sealand. (Pages 121 - 124)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.14	052209	052209 - Appeal by Mr. S. Hadfield Against the Decision of Flintshire County Council to Refuse Planning Permission for a Retail Extension to Create a New Convenience Store and Back of House Facilities at Gladstone House, Main Road, Broughton - ALLOWED (Pages 125 - 128)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **21 JANUARY 2015**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 21 January 2015

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTIONS:

Councillors: Veronica Gay for Richard Lloyd, Mike Lowe for Billy Mullin and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The following Councillor attended as local Members:-
Councillor Hilary McGuill - agenda item 6.5.

The following Councillors attended as observers:

Councillors: Haydn Bateman, Kevin Jones, Richard Lloyd and Aaron Shotton

APOLOGY:

Councillor David Cox

IN ATTENDANCE:

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

120. DECLARATIONS OF INTEREST

Councillor Carolyn Thomas declared a personal interest in agenda item 6.2 because she was the Interim Chair of Clwydian Range & Dee Valley AONB Partnership. Councillor Derek Butler declared a personal interest in agenda item 6.2 because he was a Board Member of the Joint Committee AONB.

Agenda item 6.2 – Full application – Erection of a single wind turbine (45m hub height, 67m blade tip height) two metering units, access track, assembly and crane area at Ty Coch, Crossways Road, Pen y Cefn, Caerwys (051826)

Councillor Carolyn Thomas declared a personal interest in agenda item 6.3 because she was the Interim Chair of Clwydian Range & Dee Valley AONB Partnership. Councillor Derek Butler declared a personal interest in agenda item 6.2 because he was a Board Member of the Joint Committee AONB.

Agenda item 6.3 – Full application – Erection of wind turbine (26m high to blade tip) at Park View Garage, St. Asaph Road, Lloc (052396)

Councillor Neville Phillips declared a personal and prejudicial interest in agenda item 6.5 because a member of his family had objected to the proposal.

Agenda item 6.5 – General Matters – Outline application for the demolition of Sunnyside and 66A Mold Road and the erection of 58 houses including details of access, appearance, layout and scale at land rear of 66A Mold Road, Mynydd Isa (048042)

121. LATE OBSERVATIONS

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

122. MINUTES

The draft minutes of the meeting of the Committee held on 17 December 2014 had been circulated to Members with the agenda.

Accuracy

Councillor Mike Peers referred to the fourth line in the first paragraph on page 6 and suggested that the words 'lower than the 30 dwellings per hectare guidelines' be included after the words 'density of sites'.

Matters Arising

In referring to the first paragraph on page 8, Councillor Richard Jones asked for copies of the tests applied by Welsh Government (WG) on whether to call in an application and the Council's test for referring applications back to Committee as a significant departure from policy. The Chief Officer (Planning and Environment) advised that he could provide a copy of the Call-In criteria by WG and added that officers looked at each application on its merits to decide if it was a significant departure from policy.

RESOLVED:

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

123. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

124. OUTLINE APPLICATION – DEMOLITION OF FORMER YOUTH CENTRE AND REDEVELOPMENT OF SITE FOR 5 NO. DETACHED DWELLINGS AT FORMER YOUTH CENTRE, GROOMSCROFT, HAWARDEN (052064)

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 19 January 2015. 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 an indicative layout had been provided for the site. He also highlighted the late observations where additional information from the Council's Valuation and Estates office was reported.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He commented that the site would amount to 22 dwellings per hectare which was below the Council's guidelines of 30 but added that the indicative layout had been designed based on the locality. There had been some concern about the access to the site but Councillor Bithell felt that the previous uses would have resulted in higher vehicle movements than the proposed development. Councillor Christine Jones concurred and said that the details of the application could be considered at the reserved matters stage.

Councillor Derek Butler referred to the additional information provided in the late observations and raised concern that Housing colleagues had not been consulted on whether the site could be included in the SHARP programme.

One of the Local Members, Councillor Alison Halford, felt that Hawarden had lost an asset and raised concern about the narrowness of the entrance and that a requirement for affordable housing had not been sought as part of the application. She also felt that the Local Members should have been advised by officers that the property had been put up for sale.

Councillor Mike Peers referred to the growth rate of 9.9% for Hawarden which was a Category B settlement and said that it was reported that the site was located in the settlement boundary. He commented on Policy HSG8 on density and suggested that the policy had not been adhered to as the number of proposed dwellings on the site would be at a figure lower than the 30 dwellings per hectare reflected in the policy. He felt that the Council should be setting an example and including 30 dwellings per hectare as a minimum. Councillor Peers raised concern about the response from the Valuation and Estates office in the late observations and concurred that Housing colleagues should also have been consulted. He felt that including affordable housing on the site would have resulted in lower vehicle movements than the previous uses. He also highlighted paragraph 7.11 where the lower than guidelines density was reported.

In response, the officer said that the number of units fell below the threshold for requiring affordable housing on the site. He added that one issue considered by the Valuation and Estates office was the value of the site and as a result of land value, it had been determined that a development of affordable housing would result in an increase in the number of units on the site and therefore additional traffic movements. He felt that this would have an impact on the character of the area and therefore the recommendation had been a balance between applying maximum density and retaining the character of the location.

The Planning Strategy Manager commented on sites considered as part of the SHARP programme which included sites for 100% affordable housing and balancing viability with sites for market value. He added that it was possible that the site could be considered as part of the programme in the future. He explained that the policy on affordable housing clearly specified that the number of proposed dwellings on this site fell below the threshold for triggering the requirement for affordable housing. He added that the density guidance did not indicate that 30% affordable housing on sites was the minimum requirement but that it must be appropriate and commensurate with the area. In response to a question from Councillor Peers, the Planning Strategy Manager indicated that paragraph 7.11 had incorrectly stated that 30 dwellings per hectare was specified as a minimum density in Policy HSG8.

In summing up, Councillor Bithell said that the density had to be based on what was appropriate for the location and that the threshold had not been reached to trigger a requirement for affordable housing. He added that the road was unadopted so this restricted the number of properties that could be developed on the site.

RESOLVED:

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

125. FULL APPLICATION – ERECTION OF A SINGLE WIND TURBINE (45M HUB HEIGHT, 67M BLADE TIP HEIGHT) TWO METERING UNITS, ACCESS TRACK, ASSEMBLY AND CRANE AREAS AT TY COCH, CROSSWAYS ROAD, PEN Y CEFN, CAERWYS (051826)

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 19 January 2015. 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 highlighted the late observations where a response from Natural Resources Wales was reported along with clarification on connection cables to the local grid. The main issues included the effects upon the landscape and character of the area and the impact on nearby listed buildings.

Mrs. C. Williams spoke against the application and of the concerns raised by local residents. She highlighted the poor access to the area and indicated that the lane was used by walkers, cyclists, horse riders and cars. She felt that it was not suitable for heavy goods vehicles and any construction traffic would create a significant hazard. She was not against renewable energy but felt that to allow a wind turbine in this location would have a detrimental impact on people and wildlife in the area. The proposed site was adjacent to the Area of Outstanding Natural Beauty (AONB) and the A55 and would therefore create a hazard for traffic passing the site. Mrs. Williams spoke of the Police and Rescue helicopters and migrating birds that regularly flew through the area of the proposed wind turbine and she raised concern at the precedent that would be set if the application was approved.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that the height of the proposed wind turbine would have a significant impact on the landscape and the view to the Clwydian Hills and the AONB. He highlighted the comments of Caerwys Town Council and Denbighshire County Council about the impact that the wind turbine would have on the area. Councillor Gareth Roberts concurred and commented that the recommendation for refusal was consistent with a recent nearby application for a similar structure that had also been refused.

The Local Member, Councillor Jim Falshaw, spoke of the significant impact on the AONB and the narrow road that led to the site. He commented on the removal of soil from the site by large vehicles which could result in damage to the hedgerows. He added that the proposal would create substantial harm and would have a significant impact on the visual amenity of the area.

In response to the comment by Councillor Roberts about a previous application on a nearby site, the Development Manager advised that this application had been for an anemometer mast which had been refused but allowed on appeal. He added that Members should not take account of that application in consideration of this application and pointed out that the Inspector on the anemometer mast appeal had not considered that it might be followed by a wind turbine.

RESOLVED:

That planning permission be refused for the reasons detailed in the report of the Chief Officer (Planning and Environment).

126. FULL APPLICATION – ERECTION OF WIND TURBINE (26M HIGH TO BLADE TIP) AT PARK VIEW GARAGE, ST. ASAPH ROAD, LLOC, HOLYWELL (052396)

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 19 January 2015. 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 issue was the visual impact of the proposal on the landscape. In referring to the late observations, he said that a consultation response was awaited from the telecom operator of the adjacent mast. The recommendation had therefore been amended to reflect this and to seek delegated authority to be given to the Chief Officer (Planning and Environment) and to approve the application subject to conditions and no objections being received from the relevant bodies.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He felt that the proposal was acceptable and blended into the landscape because of the sloping ground. However, he raised concern about whether approval of the application would result in a large number of applications for similar wind turbines being submitted. Councillor Gareth Roberts concurred with the recommendation and referred to the height of the nearby mast which was similar in height to the proposed wind turbine.

The Local Member, Councillor Jim Falshaw, sought an additional condition for landscaping around the wind turbine to break up the character of the development; this was duly seconded. Councillor Carolyn Thomas felt that it was important that approval of the application did not set a precedent and added that the site was close to the Area of Outstanding Natural Beauty (AONB). Councillor Richard Jones referred to the comments from Campaign for the Protection of Rural Wales (CPRW) about the lack of a cumulative assessment with regard to similar developments. He felt that acceptable levels of background noise should be considered when determining such applications.

In response to the request from Councillor Falshaw, the officer felt that it was not appropriate to include the condition requested by Councillor Falshaw. The Planning Strategy Manager explained that the urban context of the proposal allowed it to fit in the area.

The Chief Officer (Planning and Environment) reminded the Committee that the recommendation had been amended to give him delegated powers to approve the application with conditions if there were no objections from the consultee.

In summing up, Councillor Butler felt that Councillor Jones' suggestion about acceptable levels of background noise should be considered by the Planning Strategy Group.

On being put to the vote, the amendment to the recommendation to include a condition about landscaping was LOST. The Committee then voted on the original recommendation in the report and to give delegated powers to the Chief Officer (Planning and Environment) to approve the application with

conditions if there were no objections from the consultee which was CARRIED.

RESOLVED:

That delegated powers be given to the Chief Officer (Planning and Environment) to grant planning permission subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to no objections being received from the consultee.

127. GENERAL MATTERS - FULL APPLICATION – ERECTION OF 3 NO. CLASS B1 INDUSTRIAL UNITS AND ASSOCIATED CAR PARKING AND AMENDED VEHICULAR ACCESS AT UNIT 2, THE HAVEN GARAGE, THE NANT, PENTRE HALKYN (051580)

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

The officer detailed the background to the report and explained that the application had been considered at the 12th March 2014 meeting of the Committee. It had been resolved to approve the application subject to the applicant entering into a Section 106 Agreement. Despite repeated attempts by the Planning and Legal Departments, it has not been possible to secure the required agreement and the application remained undetermined. As the Section 106 Agreement had not been signed, the recommendation was for refusal of the application.

Councillor Gareth Roberts proposed the recommendation for refusal which was duly seconded. He felt that the proposal of refusal was correct and in commenting on parking issues on the site, said that the road adjacent to the site was a feeder road for the A55 and was very busy.

RESOLVED:

That planning permission be refused for the reason detailed in the report of the Chief Officer (Planning and Environment).

128. GENERAL MATTERS - OUTLINE APPLICATION – FOR THE DEMOLITION OF SUNNYSIDE AND 66A MOLD ROAD AND THE ERECTION OF 58 HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT LAND REAR OF 66A MOLD ROAD, MYNYDD ISA, MOLD (048042)

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. Councillor Neville Phillips, having earlier declared an interest in the application, left the meeting prior to its discussion.

The Development Manager detailed the background to the report and explained that the application had been refused by Members on 24 July 2013. A report had then been considered by the Committee in September 2013, which had resolved the four reasons for refusal which were: lack of affordable housing; increase in volume of traffic; not making adequate provision for public open space, and a shortfall in the maximum parking standards. The appeal had been submitted by the applicant but had been delayed to allow for an Environmental Impact Assessment to be undertaken. It had now been reactivated and the Statement of Case by the Council and the applicant had to be submitted by 28th January 2015. The Development Manager explained that where a decision contrary to officer recommendation and the resultant appeal was to be considered by way of an Inquiry, it was current practice to engage consultants to act for the Authority. Five consultancies with the relevant expertise to deal with such an appeal had been approached but none were either willing or able to take on the appeal, some did not feel that all four of the reasons for refusal were defensible. The purpose of the report was to ask Members not to defend the reasons for refusal based on increase in volume of traffic and a shortfall in the maximum parking standards, both of which referred to highway safety concerns, as evidence could not be provided to counter the appellant's case in relation to these matters. The Council should therefore proceed only with the remaining two reasons at the appeal. The Development Manager reminded the Committee that if the Council could not produce evidence to substantiate a reason for refusal, the Council will be at risk of an award for costs against the Authority.

A consultancy had been approached on the reasons of not providing 30% affordable housing and lack of adequate provision for public open space and they had agreed to act for the Council. If the Committee accepted that only two reasons for refusal be put forward by the Council at the appeal, it did not prevent local residents attending the hearing to put their points across on the issue of road safety and highway issues. The Development Manager said that Officers were not stating that Members had been incorrect in their consideration of the four reasons for refusal but as the case had developed there was now a need for a pragmatic approach to maintain reasons one and three and remove reasons two and four.

Councillor Richard Jones proposed the recommendation for approval which was duly seconded. He agreed with the recommendation of the officer and felt that in his view if evidence could not be provided for reasons two and four, then they should not be pursued. Councillor Ian Dunbar concurred.

The Local Member, Councillor Hilary McGuill, felt that the principle involved here needed considering carefully, that if the Council could not provide evidence for the appeal reasons, then costs could be awarded against the Authority if they pursued those refusal reasons. She raised concern about the timing (during the Christmas holiday period) of the request to the five consultancies to act on the Council's behalf and the short amount of time that they had to determine whether evidence could be provided. She did not think that enough effort had been put into finding evidence which she felt was available. Councillor McGuill commented on the Sainsbury's development

near this site which had added to the traffic in the area and increased traffic problems.

Councillor Chris Bithell highlighted paragraph 6.07 which reported that the developer had provided documentation to show that the raft of community benefits that had been requested was not viable and had instead made an offer of £212,000 to be disaggregated as the Council saw fit. Members had not been prepared to accept any reduction in provision and reasons for refusal no's 1 and 3 reflected this. He referred to the commuted sum figure of £674,526 which had been requested based on 30% on site affordable housing provision and sought clarification on what the £212,000 payment offered by the applicant was intended to cover.

Councillor Mike Peers referred to the report to the meeting in July 2013 where it was reported that the District Valuer had said that the scheme was not viable. He had obtained the comments from the District Valuer who had concluded that the amounts requested for the commuted sum were unreasonable. Councillor Peers also referred to a report by Mullers which had detailed the levels that could be afforded to still allow a profit to be made by the developer. He said that the report indicated that over £500,000 had been proposed for sales and marketing and concluded that this should be factored into the figures when the applicant was determining whether the site was viable or not. Councillor Peers felt that the site was viable.

Councillor Gareth Roberts felt that removing reasons two and four was the correct decision. He felt that there was no evidence for the second reason but he felt that there was merit in pursuing reason four as he disagreed with the use of maximum parking standards. However, he agreed that the inclusion of the fourth reason could weaken the case for reasons one and three.

In response to the comments made by Councillor McGuill about the timescale involved, the Chief Officer (Planning and Environment) reiterated the earlier comments of the Development Manager that the appeal had been delayed for an Environmental Impact Assessment to be undertaken. The appeal process had then recommenced on 17th December 2014 with the Statement of Case information needing to be submitted by 28th January 2015. These were dates beyond the control of the Council but immediately on the recommencement of the process, the officer had contacted the five consultancies about proceeding with the appeal. He reminded Members that officers were duty bound to report back to the Committee if they were unable to find a consultant to take the appeal forward which was why this report had been submitted to this meeting. A consultancy had agreed to proceed with the appeal for reasons one and three and he reminded the Committee that the Local Member could attend the hearing to put forward her concerns about highway safety.

The Development Manager added that if the Council proceeded with the two reasons for refusal, it would be up to the Inspector to consider the viability aspect. It had been reported in July 2013 that a commuted sum of

£674,526 had been requested for 30% on site affordable housing provision but it had also been explained to Members that due to a combination of the depressed economic situation and land contamination and land drainage issues, the profits arising from the scheme would not reasonably allow for the full affordable housing provision to be met. The applicant had therefore offered £212,000 in total for all of the identified community benefits. However, there was sound policy basis for the Council requiring more than this.

Following the comments from Councillor McGuill that evidence could be found to pursue all of the reasons for refusal, the Planning Strategy Manager said that the evidence should already be in place, which in this case it was not. Highways officers had advised that there was no evidence available to put forward on highway grounds.

In summing up, Councillor Richard Jones said that the applicant should know whether the site was viable for the development proposed prior to submitting the application. It would be difficult for the Council to defend reasons two and four and their inclusion could result in costs being awarded against the Council. He added that the Local Member and other residents could attend the hearing to put forward their concerns.

RESOLVED:

That the Planning Inspectorate be advised that the Local Planning Authority does not intend to rely on reasons for refusal no. 2 and 4 and that a planning consultant be engaged in respect of reasons for refusal no. 1 and 3.

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

129. APPEAL BY MR. M. PRICE AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN EXTENSION TO DWELLING AND ASSOCIATED WORKS AT DEER LODGE, CYMAU (051394)

The Chief Officer (Planning and Environment) advised that a decision had been made to refuse the application but it had been allowed on appeal. He added that there had not been a submission by the applicant for costs. The main issues in the case had been identified by the Inspector as the effect of the proposal on the character and appearance of the existing dwelling. The Chief Officer (Planning and Environment) explained that the appeal decision would be submitted to a future meeting of the Planning Strategy Group for further consideration.

Councillor Alison Halford said that the applicant had complied with all that had been asked of him during the application process but the application had still been recommended for refusal. She raised significant concern about comments made about her by Councillor Chris Bithell at the meeting in July 2013. The Chairman advised Councillor Halford that such issues should be discussed following the meeting. Councillor Halford also questioned the

officer's knowledge of HSG1 guidance and said that officers had made an incorrect recommendation. She added that the applicant had not sought costs as part of the appeal.

Councillor Derek Butler expressed significant concern at the serious allegations made by Councillor Halford and added that the Inspector had provided his opinion and interpretation of the policies to reach his decision of approval of the application. He concurred that Planning Strategy Group should consider the appeal decision in detail.

In response, Councillor Bithell stated that he had indicated at the July 2013 meeting that the applicant could appeal the decision to refuse the application, which he had since done and had won the appeal. He said that the Committee and Inspectors sometimes got decisions wrong.

Councillor Richard Jones felt that there should be an appeal process when an Inspector's decision was different to an officer recommendation and Committee determination. Councillor Carol Ellis spoke of the Inspector's decision and said that the Committee decision had been based on local knowledge, which she did not feel that the Inspector had applied. She also felt concerned by some of the earlier comments in the meeting during the discussion on this application which did not need to be discussed in the Committee.

The Chief Officer (Planning and Environment) reminded Members of the Planning training from the Planning Inspectorate which was due to take place the following week. In response to the comment from Councillor Halford about officers getting the decision wrong, he said that just because the appeal had been allowed it did not mean that the recommendation had been incorrect as it was based on an interpretation of policy. He reiterated that the appeal decision would be considered in detail at a future meeting of the Planning Strategy Group. It was significant that costs had not been sought as this indicated that the applicant and his agent did not feel that the Council had acted unreasonably.

RESOLVED:

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

130. APPEAL BY MS. A WYNN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEMOLITION OF AN EXISTING GARAGE AND ERECTION OF A TWO STOREY EXTENSION WITH GARAGE ON GROUND FLOOR AT 1 GORDON TERRACE, KING STREET, MOLD (051885)

The Chief Officer (Planning and Environment) said that the main issue included the effect of the proposed development on the character and appearance of the dwelling and the street scene.

RESOLVED:

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

131. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 14 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.35 pm)

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Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH FEBRUARY 2015**

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

SUBJECT: **VARIATION OF CONDITION NOS 5 & 15 OF PLANNING PERMISSION REF: 050300 TO ALLOW THE CONSTRUCTION OF PLOTS 175 to 198 WITHOUT COMPLYING WITH CONDITONS 5 & 15 AT CROES ATTI, CHESTER ROAD, OAKENHOLT.**

APPLICATION NUMBER: **053058**

APPLICANT: **ANWYL CONSTRUCTION CO LTD**

SITE: **CROES ATTI, CHESTER ROAD, OAKENHOLT.**

APPLICATION VALID DATE: **17TH DECEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR MS R JOHNSON**

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

REASON FOR COMMITTEE: **MEMBER REQUEST CONDITIONS PUT ON FOR A REASON TO NOW TRY TO DISMISS THEM IS AGAINST POLICY**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application is for the variation of condition numbers 5 and 15 of planning permission reference 050300 to allow the construction of plots 175 to 198 inclusive only without complying with conditions 5 and 15. The site relates to residential development at Croes Atti, Chester Road, Oakenholt, Flintshire.
- 1.02 The original submission reference 050300 was for the approval of reserved matters for the erection of 312 dwellings. As the result of

discussions the numbers were reduced to 306 dwellings. The site of the original application has an area of approximately 13.01 hectares in area and formed the third reserved matters submission following the granting of the outline planning permission reference 035575 on 11th July 2006, for a mixed use development including residential use, open space, infrastructure, landscaping, education and community facilities on the land.

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

- 2.01 1. Permission is hereby granted for plots 175 to 198 inclusive only to be constructed without complying with conditions 5 and 15 of planning permission reference 05300.
2. “No works associated with the proposed development of the site shall commence unless and until all the works specified in the aforementioned Agreement have been completed to the satisfaction of the County Council as Highway Authority”.

3.00 CONSULTATIONS

- 3.01 Local Member Councillor
Councillor Ms R. Johnson
Requests that the application be referred to Planning Committee; comments, conditions are put on for a reason, to now try and dismiss them is against policy.

Flint Town Council
No response at time of writing.

Head of Assets and Transportation
No objection to this variation of condition 5 and confirms that do not intend to make a recommendation on highway grounds.

Head of Public Protection
No adverse comments to make regarding the proposal.

Coal Authority
No objection to the variation of condition 15 as proposed.

4.00 PUBLICITY

- 4.01 Site Notice.
As the result of consultations undertaken one letter of objection has been received:-

- Application should be decided Member level not at officer level.
- Work already commenced
- 100 dwellings, figure when an alternative access should be

made available.

- Condition 15 imposed to reduce risk from past mining legacy on site. While application is some distance from site who knows the extent of the mine shafts implications.
- Condition 5 must be enforced on basis applicant has shown as not capable to date adhering to expectations imposed.

5.00 SITE HISTORY

5.01 98/17/1308

Outline residential development and associated recreational, community and retail was originally reported to committee on 14.12.99 which resolved to approve subject to a Section 106 Agreement – No decision was ever issued due to changed circumstances of the applicants.

035575

Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement - the agreement was signed and the permission issued on 11.7.06.

044035

Highway improvements, street lighting and all associated works, on land at Croes Atti, Chester Road, Oakenholt, in connection with the outline planning permission (ref. 035575) - Granted permission on 23rd April 2008.

044033

Reserved matters application - residential development consisting of 189 no. dwellings, public open space, new roundabout and all associated works at Croes Atti, Oakenholt - Granted 11th July 2008.

046562

Substitution of house types on plots 119, 124, 128-129, 131-132, 136, 138, 139, 142-144, 146-150, 160-163, 165-166, 170-177 and 183 on land at Croes Atti, Oakenholt, granted 11th July 2008.

046595

Reserved matters application for residential development consisting 132 no. dwellings, new roads, open space and all associated works on land at Croes Atti, Chester Road, Oakenholt, granted on 19th January 2012.

049312

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 –

granted 5th April 2012.

049154

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted granted on appeal on 10th October 2012.

049425

Variation of condition no.15 attached to planning permission ref: 046595 at Croes Atti, Chester Road, Oakenholt – granted on appeal on 15th March 2013.

049426

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – withdrawn.

050300

Reserved matters application for erection of 312 residential dwellings and associated works at Croes Atti – granted on 3/4/2013.

050258

Amendment of house types of 50 of the previously permitted plots - permitted by Planning Committee on 19th June 2013 subject to the signing of a legal agreement.

050975

Plot substitution of house types on four plots, granted 26th October 2013

051136

Erection of 2no. V-Boards for housing advertisement, granted temporary permission

051716

Approval of details reserved by condition no.11 (landscape management (plan) attached to planning permission ref: 35575 approved 15th October 2014

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development inside Settlement Boundaries.

Policy HSG3 – Housing upon Unallocated Sites within Settlement

Boundaries.
Policy HSG2 – Housing at Croes Atti, Flint.
Policy HSG8 – Density of Development.
Policy HSG9 – Housing Type and Mix.
Policy D1 – Design Quality, Location and Layout.
Policy D2 – Design.
Policy AC13 – Access and Traffic Impacts.
Policy AC18 – Parking Provision and New Development.
Policy SR5 – Outdoor Playing Space and New Residential Development

PLANNING APPRAISAL

7.01 **Introduction**

This application is for the variation of condition numbers 5 and 15 of planning permission reference 050300 to allow the construction of plots 175 to 198 inclusive without complying with conditions 5 and 15 of the original reserved matters application. The site relates to residential development at Croes Atti, Chester Road, Oakenholt, Flintshire.

7.02 The original submission reference 050300 was for the approval of reserved matters for the erection of 312 dwellings. As the result of discussions the numbers were reduced to 306 dwellings. The site of the original application has an area of approximately 13.01 hectares in area and formed the third reserved matters submission following the granting of the outline planning permission reference 035575 on 11th July 2006, for a mixed use development including residential use, open space, infrastructure, landscaping, education and community facilities on the land.

7.03 **Condition 5 of Planning Application 050300**

Condition 5 of planning permission reference 050300 required the following:-

“No works associated with the proposed development of the site shall commence unless and until all the works specified in the aforementioned Agreement have been completed to the satisfaction of the County Council has Highway Authority.

REASON: To ensure the formation of a safe and satisfactory means of access to the site in the interests of maintaining highway safety.”

7.04 **Condition 4 of Planning Application 050300**

Condition 4 of planning permission reference 050300 required the following:-

“No works associated with the proposed development of the site shall commence unless and until a detailed scheme for the construction of a roundabout junction on the A548 and a scheme for the improvement of Coed Onn Road, as agreed by planning consent 044035 has been

submitted to and approved by the County Council. Such works shall become the subject of a Section 278 Agreement under the 1980 Highways Act prior to their implementation.

REASON: To ensure the formation of a safe and satisfactory means of access to the site in the interests of maintaining highway safety and the free flow and safe movement of traffic on the adjoining highway”.

7.05 The application site relates to an area of land adjacent to phase one of the site which is currently under construction. The application itself does not propose any changes to the layout as originally granted but to allow the building of this area of development consisting of 27 units before undertaking the requirements of condition 5 of the original approval. The condition required that no works associated with the proposed development of the site should commence unless a detailed scheme for the construction of a roundabout junction on the A548 and a scheme for the improvement of Coed Onn Road, as agreed by planning consent 044035 has been submitted to and approved by the County Council. Such works shall become the subject of a Section 278 Agreement under the 1980 Highways Act prior to their implementation. The roundabout junction onto the A548 has already been constructed and is in use as part of the phase one development however, the condition requires that once any part of phase three of the development is undertaken the improvements to the Coed Onn Road junction be undertaken.

7.06 The reason for this application is to allow the 27 units which form part of phase three, to be built before completing the requirements of the original condition and its requirement to undertake the improvements on the Coed Onn junction. The Highways Development Control Manager has been consulted and has no objection for this part of the development being undertaken while not complying with the condition.

7.07 **Condition 15 of Planning Application 050300**

Condition 15 of planning permission reference 050300 required the following:-

“Prior to the works commencing on this phase of the development an intrusive site investigation works shall be undertaken to establish the location and condition of the recorded mine entry within the application site. In the event that the site investigation confirms the need for remedial works to treat the minor entry and/or any other mitigation measures to ensure the safety and stability of the development these works should be undertaken prior to commencement of development.

REASON: In order to reduce the risk from the past mining legacy on the site.”

- 7.08 As with condition 5 this condition was imposed at the request of the Coal Authority given that on part of phase three past mine workings had been undertaken. In the original permission the condition requires that intrusive site investigation works are to be carried out in order to establish the location and condition of the recorded mine entry and the implementation of any required remedial works.
- 7.09 As with condition 5 above the current application seeks to vary Condition 15 of the issued consent in order to allow construction of Plots 175 to 198 on the site without the intrusive investigation for mine entry and any remedial works being undertaken.
- 7.10 The coal authority have been consulted on the application and having considered the location of the plots in question in relation to the wider site and the constraints the Coal Authority have no objection to the variation of Condition 15 as proposed.

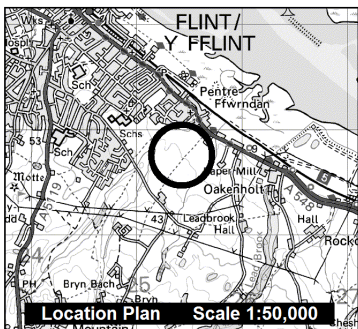
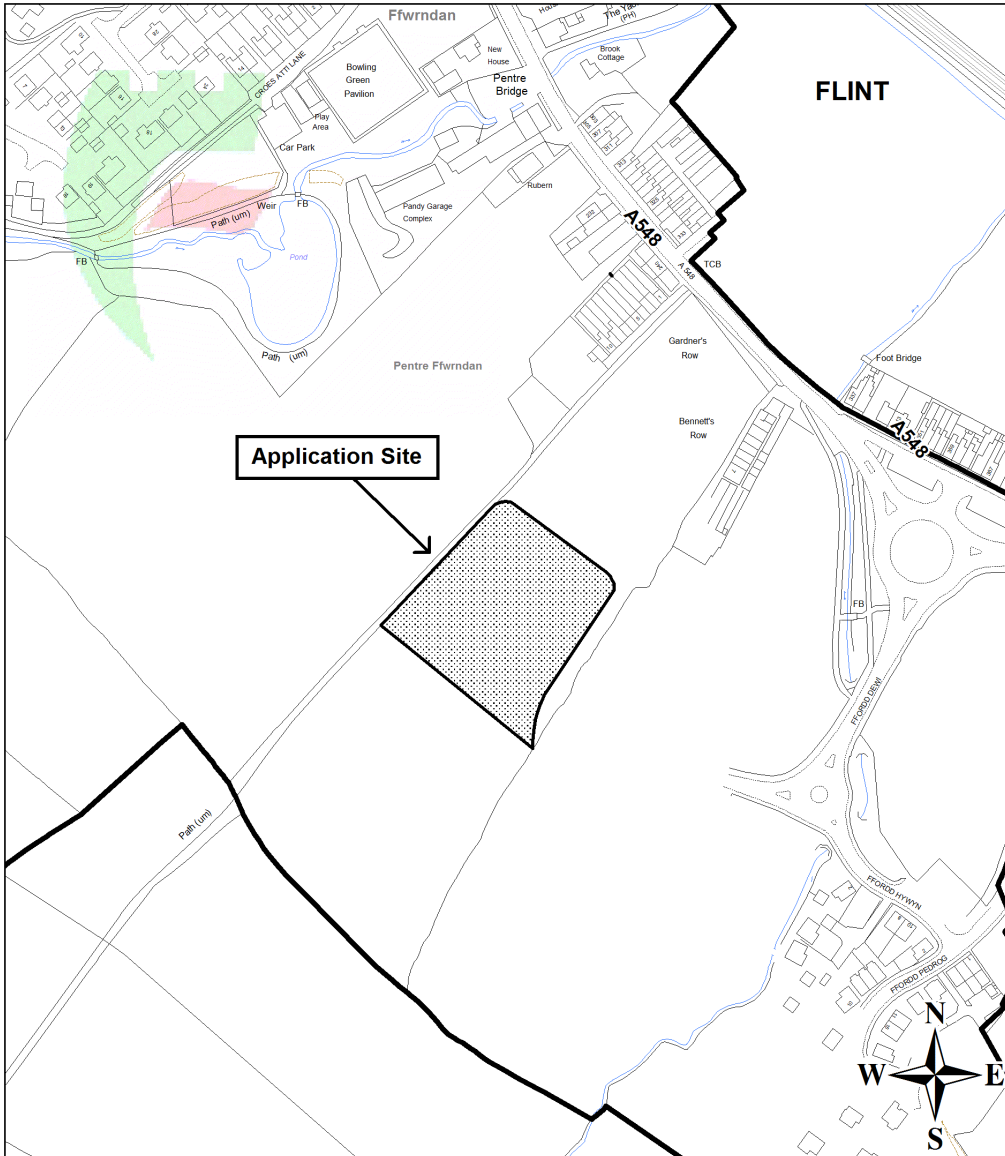
8.00 CONCLUSION

- 8.01 The two conditions relate to the third phase of the development one to access issues the other in relation to past mine workings on the top part of the site. The application submitted is not to remove the conditions but to vary them to allow plots 175 to 198 which are located adjacent the development already under construction to be built without having to comply with their requirements.
- 8.02 Condition 5 relates to access and based on this the Highway Engineer has been consulted and raises no objections to the application. Given condition 15 relates to past mining on the site the Coal authority who originally requested the condition have been consulted. Having considered the location of the plots in relation to the wider context and identified constraints they have no objection to the application.
- 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

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Telephone: (01352) 703259
Email: karl.slater@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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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25th FEBRUARY 2015**

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

SUBJECT: **RESERVED MATTERS APPLICATION FOR 24 DWELLINGS WITH DETAILS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING OUTLINE APPROVAL 0467624 AND VARIATION OF CONDITION APPLICATION 051481 LAND SIDE OF "DOVEDALE" ALLTAMI ROAD, BUCKLEY**

APPLICATION NUMBER: **052914**

APPLICANT: **ANWYL CONSTRUCTION LIMITED**

SITE: **LAND SIDE OF "DOVEDALE" ALLTAMI ROAD, BUCKLEY**

APPLICATION VALID DATE: **03.12.14**

LOCAL MEMBERS: **COUNCILLOR C ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO IMPACT ON HIGHWAY AND SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a reserved matters application for the erection of 24 dwellings. This application provides details of the access, appearance, landscaping, layout and scale following the grant of outline planning permission 047624 and 051481 which removed condition14 attached to the outline permission.
- 1.02 The issues associated with the principle of developing this site for

residential development have been dealt with at the outline stage. It is considered that the details of the scheme do not raise any issues in relation to impact on residential amenity or the character of the area.

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. Plans
3. Materials
4. Surface water regulation system
5. The front of the garage shall be set back a minimum distance of 5.5m behind the back edge of the footway line or 10.5m in case of tandem parking.
6. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
7. Positive means to prevent surface water run-off on highway
8. Construction Traffic Management Plan
9. Details of the Foul Pumping Station
10. Landscaping and boundary treatment
11. Finished floor levels
12. Removal of permitted development rights in relation to extensions and buildings in the garden

3.00 CONSULTATIONS

3.01 Local Member

Councillor C Ellis

Requests Committee determination due to the impact on the highway and scale of development

Buckley Town Council

Concerns at the current traffic issues experienced at the junctions of Liverpool Road, Alltami Road and Higher Common Road. Parked vehicles on Belmont Crescent side of Alltami Road cause obstructions to free flowing traffic from both Liverpool Road and approaching Liverpool Road. The parked vehicles have nowhere else to be placed as they belong to the residents of Belmont Crescent.

Once development of the Health Centre and other developments 052914 and 053141 are completed there will be two crossroads within approximately 50 metres of each other with the commensurate increase in the volume of traffic.

An assessment of traffic flows should be considered once all the developments are completed and that consideration be given to making the main junction (i.e. Liverpool Road, Alltami Road and higher Common Road) a traffic light controlled junction.

A copy of any traffic assessment survey conducted should be provided to the Town Council.

Highways Development Control Manager

No objections subject to conditions covering;

- The front of the garage shall be set back a minimum distance of 5.5m behind the back edge of the footway line or 10.5m in case of tandem parking.
Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Positive means to prevent surface water run-off on highway
- Construction Traffic Management Plan

Public Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

No response received at time of writing.

Airbus

No aerodrome safeguarding objection.

The Coal Authority

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. Specifically plots 9 to 13 fall within an area of former recorded shallow coal workings in 1928. A Coal Mining Risk Assessment was requested and undertaken.

The site investigation undertaken proved sufficient competent ground with no evidence of any voids or former coal mine workings. Whilst the report fails to identify the recorded shallow mine workings just beyond the western boundary which extend into the site, on that basis that no built development coincides with their position, the Coal Authority is satisfied that the issue of land stability has been dealt with. This has further been confirmed by the rotary boreholes advanced elsewhere on the site. There are therefore no objections to this planning application.

Natural Resources Wales

No objection to the proposed development in principle subject to the inclusion of a condition relating to a surface water regulation system.

The proposal is not likely to adversely affect Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Buckley Claypits and Commons Site of Special Scientific Interest.

The issues in relation to the impact on the in combination effects on great crested newts along with other projects has been addressed by condition 11 on the outline consent which requires details of the detailed compensation and mitigation method statement to be submitted prior to the commencement of any site works.

Ramblers Association

The site adjoins registered Common Land to which the public have a statutory right of access on foot, and public path Buckley 19 passes to the north of the site near to Trap Pool. The path and common area is very well used by walkers. These features are not referred to in the Design and Access Statement. Details of the pumping station are required. No landscaping scheme is submitted to show how the existing hawthorn trees on the northern boundary are to be dealt with. No details of the boundary treatment between the spare land and the common land. This should be left open to allow the new residents access to the Common.

Buckley Commoners and Graziers

No objections.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

1 objection on the grounds of

- increase in traffic especially at the junction of Alltami Road and Liverpool Road, increase in accidents
- strain on services in Buckley due to increase in population
- contaminated site
- increase in flooding due to increased surface water run-off
- Buckley is losing its green character
- overdevelopment of site
- overlooking, detrimental impact on residential amenity, invasion of privacy, loss of light

5.00 SITE HISTORY

5.01 **043626**

Outline residential development. Refused. Dismissed on appeal.

047624

Outline residential development. Permission granted.

051481

Removal of condition 14 to restrict development to the north of the

hammerhead. Refused 12.03.14 Allowed on appeal.

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
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

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

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This is a reserved matters application for the erection of 24 dwellings. This application provides details of the access, appearance, landscaping, layout and scale following the grant of outline planning permission 047624 and 051481 which removed condition14 attached to the outline permission.
- 7.02 Site Description
The site is situated on the edge of a residential area adjacent to Alltami Road, within the settlement of Buckley. The site has the appearance of a greenfield site, however is a former landfill site. Opposite the application site is Buckley Health Centre which is under construction.
- 7.03 To the east of the site adjacent to the road is a terrace of houses, with further semi-detached properties to the north east. To the north east of the site is a former depot which has planning permission for residential development but this has not been implemented. To the north of the site is a public right of way which runs adjacent to the sites northern boundary, beyond that is the Trapp pool. To the west of the site is further residential development in the form of detached properties which are a mixture of bungalows and two storey properties. There is an electricity sub-station to the east of the site on

Alltami Road.

7.04 The site is located adjacent to the boundaries of the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites of Special Area of Conservation (SAC).

7.05 Proposal

It is proposed to erect 24 two storey detached dwellings, with 20 four bed and 4 three bed dwellings. The proposed dwellings are a mix of house types with both brick and render and finishes and tiled roofs, both with detached and integral garages. There is a central spine road from Alltami Road with houses on both side to a turning head at the north of the site. A pumping station is required for foul water drainage. There are three frontage properties on Alltami Road, two of which have driveways onto Alltami Road.

7.06 Principle of development

The application site is within the settlement boundary of Buckley within the Adopted Flintshire Unitary Development Plan. Buckley is a Category A settlement which is a focus for development

7.07 A resolution to grant outline planning permission (047624) for residential development on this site was made at Planning Committee on 6th October 2010 subject to a number of conditions and the completion of a S106 agreement for unilateral undertaking or earlier payment covering;

- Open space provision - £1,100 per dwelling to enhance existing recreation facilities in the community
- Education provision - £3,500 per primary school pupil generated towards Mountain Lane Primary School
- Mitigation land to overcome indirect impacts on SAC through provision of land for ecological mitigation including long term management for both areas.

The decision was not issued until 5th November 2013 following the completion of the legal agreement. The principle of residential development has therefore been established through the outline planning permission 047624.

7.08 A subsequent application, 051481 was submitted to remove condition 14 attached to the outline permission which prevented development on the site to take place to the north of the hammerhead as illustrated on the submitted illustrative layout. Members resolved to refuse this application due to concerns over land instability and the potential contamination of third party land. The applicants appealed this decision and the appeal was allowed and the condition removed. The submitted layout therefore utilises the whole site.

7.09 Coal Mining Risk Assessment

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area

there are coal mining features and hazards which need to be considered. Specifically plots 9 to 13 fall within an area of former recorded shallow coal workings in 1928. A Coal Mining Risk Assessment was therefore requested by the Coal Authority and was subsequently undertaken. This has been submitted and assessed by the Coal Authority.

7.10 The site investigation undertaken proved sufficient competent ground with no evidence of any voids or former coal mine workings. Whilst the report fails to identify the recorded shallow mine workings just beyond the western boundary which extend into the site, on that basis that no built development coincides with their position, the Coal Authority is satisfied that the issue of land stability has been dealt with. This has further been confirmed by the rotary boreholes advanced elsewhere on the site. The Coal Authority therefore has no objections to this planning application and neither does the Public Protection Manager.

7.11 Access

The matter of access to the site was discussed at the previous appeal into outline residential development 043626. The Council conceded that an access to the application site and the Health Centre opposite could both be achieved with no detriment to highway safety. At the time of that appeal the exact location of the access to the health centre was unknown and access was reserved as part of the residential application on this site.

7.12 The current application proposes a central spine road to serve 22 dwellings with two dwellings having a paired driveway off Alltami Road. A footway will be provided along the site frontage bounding Alltami Road which extends into the site for the entire length of the access road.

7.13 Highways development control are satisfied with the submitted details subject to a number of conditions ensuring the implementation of the roads and access in accordance with Council Standards some of which are on the outline consent and further conditions are added to this permission.

Impact on residential amenity and the character of the area

7.14 The site is bounded by residential properties to the, west and east. The surrounding residential properties vary in type but are all two storey in nature.

7.15 The proposed development has residential development on the east and west of the site in a linear layout. The siting of the proposed dwellings is in accordance with the Council's LPN2 Space Around Dwellings in terms of both separation distances and private amenity spaces.

7.16 The proposed dwellings are all two storey dwellings with a mixture of brick and render finish with tiled roofs. It is considered that the proposed dwellings would be in keeping with the character of the local area. The site is just under 1 hectare therefore the density is approximately 24 dwellings to the hectare. It is therefore not considered that this is overdevelopment of the site as raised by an objector and is a suitable density for this area.

7.17 Other matters

Conditions on the outline cover matters relating to foul and surface water drainage, ecological mitigation and land contamination. The outline permission was also subject to a S106 agreement covering a contribution to education and off site open space and the transfer of off-site mitigation land for ecological management.

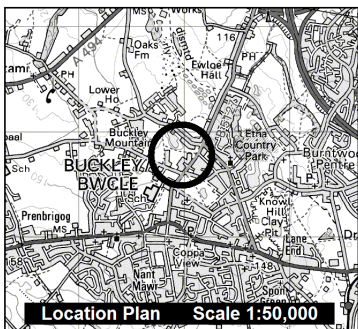
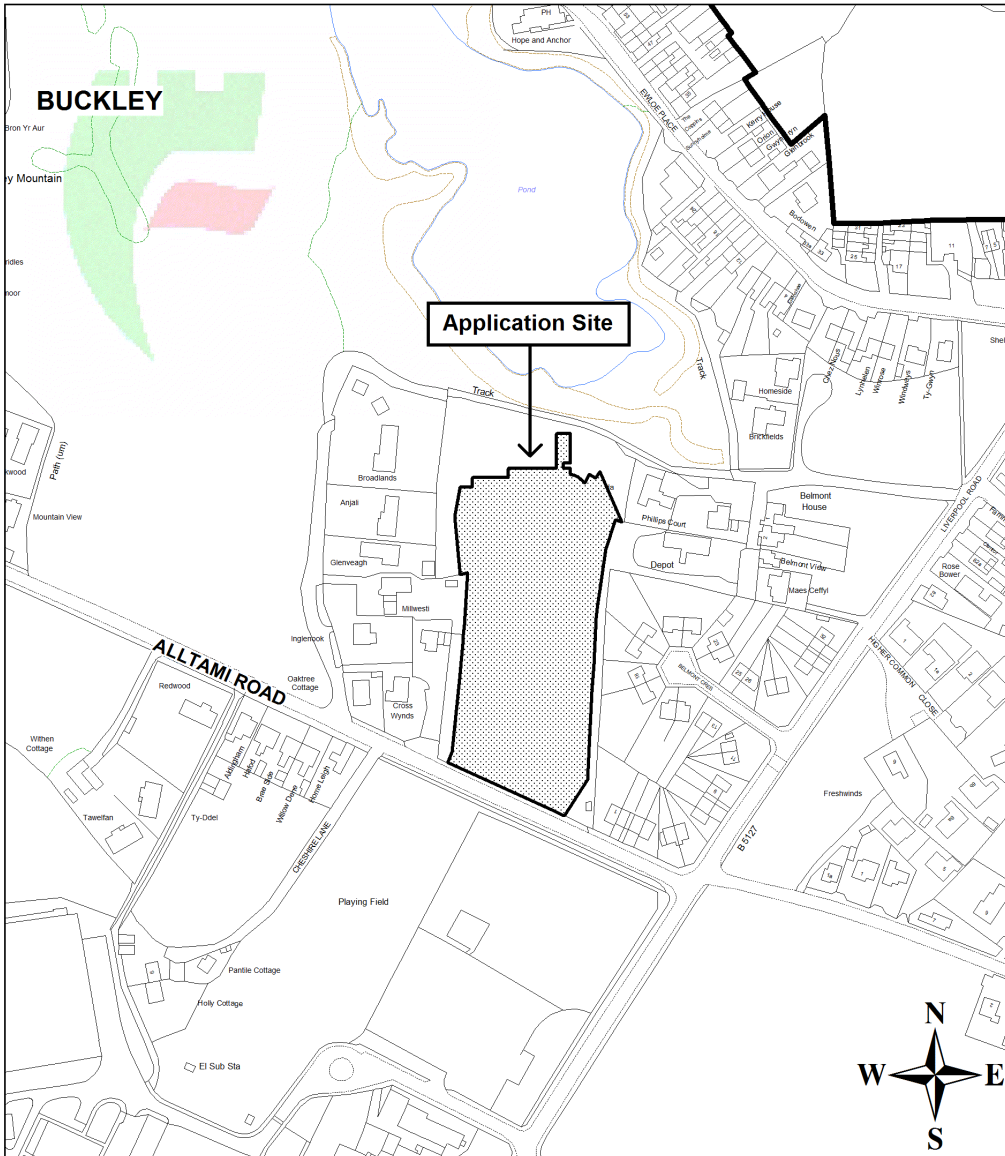
7.18 The developable area of the site is less than 1 hectare and the proposal is for less than 25 dwellings therefore the requirement for affordable housing does not apply.

8.00 CONCLUSION



8.01 The issues associated with the principle of developing this site for residential development have been dealt with at the outline stage. It is considered that the details of the scheme do not raise any issues in relation to impact on residential amenity or the character of 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.

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



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

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

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Planning Application	52914

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH FEBRUARY 2015**

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

SUBJECT: **FULL APPLICATION – PROPOSED CHANGE OF HOUSE TYPES ON PLOTS 5, 6, 33 AND 35 TO 37, RESITING OF PLOT 34 WITH ADDITIONAL PLOT 73 AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL.**

APPLICATION NUMBER: **052907**

APPLICANT: **MR T ANWYL & CO LTD**

SITE: **CAE EITHIN, VILLAGE ROAD, NORTHOP HALL**

APPLICATION VALID DATE: **10.12.14**

LOCAL MEMBERS: **CLLR L A SHARPS**

TOWN/COMMUNITY COUNCIL: **NORTHOP**

REASON FOR COMMITTEE: **S106 REQUIREMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is an application for the change of house types on plots 5, 6, 33, 35 – 37 and the re-siting of plot 34 with an additional plot 73. This involves amendments to the previously consented Phase 1 of residential development at land at Cae Eithin, Village Road, Northop Hall, which is currently under construction.

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

2.01 Subject to entering into a supplementary S106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions as required by 048855.

1. Time commencement
2. In accordance with plans
3. Other conditions relevant on 048855

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 L A Sharps

Agrees to the determination of the application under delegated powers. Supports the application.

Northop Community Council

No comments received at time of writing.

Highways Development Control

No objections.

Environmental Protection Manager

No adverse comments to make.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

None received

5.00 SITE HISTORY

5.01 **052406**

Erection of 4 dwellings (i) substitution of house type on previously approved phase 1 plot 38; (ii) substitution of sub-station with additional dwelling; (iii) erection of 2 dwellings (re-plan) of plots 19 and 20 phase 2) Committee resolution to grant permission 17.12.14 subject to the signing of a S106 agreement.

052388

Erection of 20 dwellings. Committee resolution 08.10.14 to grant permission subject to the signing of a S106 agreement.

048855

Residential development consisting of 51no. dwellings, new road

and creation of mitigation land in relation to ecology. Appeal against non-determination. Allowed on appeal 31.01.13

048373

Residential development consisting of 72no. dwellings, new road and creation of mitigation land in relation to ecology. Withdrawn 28.07.11

043413

Outline residential development 15.10.07

036558

Outline residential development 30.01.04

035046

Residential development 01.05.03. Dismissed on appeal 22.09.03

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 - 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

HSG1 – New Housing Development Proposals

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential 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 an application for the change of house types on plots 5, 6, 33, 35 – 37 and the re-siting of plot 34 with an additional plot 73. This involves amendments to the previously consented Phase 1 of residential development at land at Cae Eithin, Village Road, Northop Hall, which is currently under construction.

7.02 Site description

The plots involved are in the north of the development site. They are

bounded by existing residential properties of 1-3 Britannia Cottages to the north with Village Road beyond. The plots are bounded by the residential spine road to the south and other plots in the development to the west and east.

7.03 Proposal

This is an application for;

- a) the change of house type on plot 5 from a Betws to a Porthmadog
- b) the change of house type on plot 6 from a Betws to a Dolwen
- c) the change of house type on plot 33 from a Criccieth to a Criccieth with a double garage
- d) Change of affordable houses on plots 35 – 37 from three 3 bed units to three 2 bed units
- e) the re-siting of plot 34 the Abersoch due to the amendments to the adjacent plots
- f) an additional plot 73 with an Abersoch house type

7.04 Issues

The application site is allocated for residential development within the Adopted Unitary Development plan for 93 dwellings. Planning permission was granted for 51 dwellings as part of phase 1 of the development on appeal in January 2013. Progress is underway to discharge the relevant conditions and the ecological mitigation has commenced to facilitate a start on site. Phase 2 of the development provides 20 dwellings and a house type substitution was resolved to be approved by this Committee relating to four plots, which led to an additional dwelling. This proposal affects phase 1 only of the development and leads to 1 additional dwelling. The total number of dwellings would therefore be 73.

7.05 Impact on residential amenity

Plots 5, 6 and 73 are adjacent to the dwellings which bound the west of the site on St. Mary's Drive. The Porthmadog on plot 5 has a side elevation facing the properties on St. Mary's Drive and has no windows at first floor level. The separation distances from the gable of this dwelling and the dwelling on St. Mary's Drive are 12 metres which is in accordance with the Council's Space Around Dwellings and a similar distance from the consented plot 5.

7.06 The amendments to plot 6 removes a detached garage from the boundary of the dwellings on St. Mary's Drive as the Dolwen house type has an integral garage. This dwelling also has no habitable rooms at first floor on the elevation which faces St. Mary's Drive and the separation distances are 17 metres to the existing property.

7.07 The addition of plot 73 is internal to the site and it is considered does not give rise to any detrimental impact on residential amenity. The other changes to plot 33, 34 and 35 – 37 to do not give rise to any amenity issues.

- 7.08 Education and open space contributions and affordable housing provision
A supplementary S106 agreement or unilateral undertaking is required to link this development with the requirement for the affordable housing provision and the open space and education contributions.
- 7.09 The changes to the affordable housing from 3 beds to 2 beds were at the request of housing to provide a better mix overall of properties for North East Wales Homes.

8.00 CONCLUSION

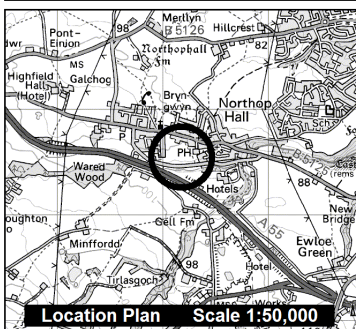
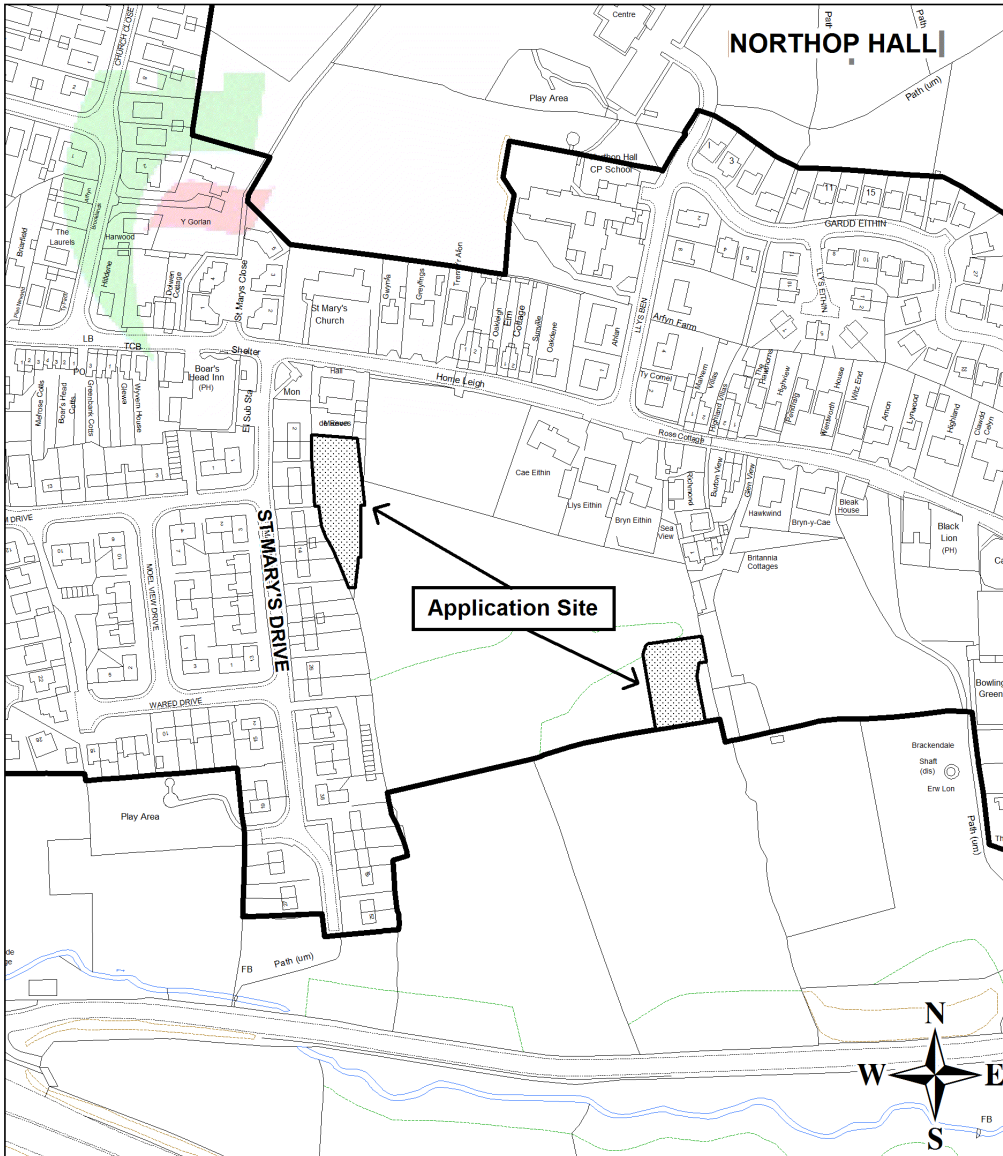
- 8.01 It is considered that the proposed change in house types does not give rise to any adverse impacts on residential amenity. It is therefore considered that permission be granted subject to the applicant entering into a supplementary S106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions and relevant conditions as required by 048855.
- 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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	<p>Planning & Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>						
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<p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary 	<table border="1"> <tr> <td>Map Scale</td> <td>1:2500</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 2767</td> </tr> <tr> <td>Planning Application</td> <td>52907</td> </tr> </table>	Map Scale	1:2500	OS Map ref	SJ 2767	Planning Application	52907
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Planning Application	52907						

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH FEBRUARY 2015**

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

SUBJECT: **FULL APPLICATION – CONVERSION OF EXISTING OUTBUILDING TO FORM 2 NO. DWELLINGS AND ERECTION OF 3 NO. DWELLINGS TO REAR (AMENDMENT TO PREVIOUSLY APPROVED APPLICATION 047518) AT BRYN LLWYD YARD, NORTH STREET, CAERWYS**

APPLICATION NUMBER: **052760**

APPLICANT: **BROOMCO (3857) LTD**

SITE: **LAND AT BRYN LLWYD YARD, NORTH STREET, CAERWYS**

APPLICATION VALID DATE: **6TH OCTOBER 2014**

LOCAL MEMBERS: **COUNCILLOR J.E. FALSHAW**

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN CONCERNS THAT THE PROPOSAL WOULD REPRESENT OVERDEVELOPMENT OF THE SITE WHICH WOULD CONTRIBUTE TO PARKING PROBLEMS AT THIS LOCATION**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the conversion of an existing outbuilding to form 2 No. dwellings and erection of a further 3 No. dwellings on land to the rear at Bryn Llwyd Yard, North Street, Caerwys, Mold.
- 1.02 Amended plans have been received in progression of the application

with a further round of consultation and publicity undertaken.

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

2.01 That 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 recreational provision that planning permission be granted subject to the following conditions.

1. Time limit on commencement (5 years).
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. Siting, layout and design of site access to be submitted and approved.
5. Visibility splay to be safeguarded during site construction.
6. Parking facilities to be provided prior to occupation of any dwelling.
7. Details of windows to be installed in conversion of outbuilding to be submitted and approved.
8. No new openings to be formed within outbuilding.
9. Conservation type roof lights to be introduced into dwellings.
10. Foul water and surface water to be drained separately.
11. No surface water to connect into public sewerage system.
12. No land drainage to discharge into public sewerage system.
13. No development to commence until programme of archaeological works has been submitted and approved.
14. Landscaping scheme to be submitted and approved.
15. Implementation of landscaping scheme.
16. No demarcation of site boundaries within grassed/planted area between existing outbuilding and highway.
17. Removal of permitted development rights to extend properties.
18. Land contamination survey to be carried out.
19. Scheme for bat mitigation to be submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member
Councillor J.E. Falshaw

Initial Submission

No response received.

Amended Proposal

Request planning committee determination. Preliminary views are that the proposal represents overdevelopment which would also contribute to parking problems at this location.

Caerwys Town Council

Initial Submission

Objection to the retention and conversion of the existing barn to form 2 dwellings, along with construction of 3 new dwellings, but in the interests of visual amenity, character and appearance of the location and in compliance with Policy GEN1 of Flintshire's UDP, it is requested that no development including the erection or demarcation of site boundaries be undertaken within the grassed/planted area that exists between the barn and adopted highway.

Amended Proposal

Express concern that by now moving plots 1, 2 & 3 into the north-eastern corner of the site it produces a squashed and overdeveloped appearance to the site that is totally out of keeping with the proposed development. It would be preferable if plot 3 were removed and plots 1 & 2 moved to correspond with the previous permitted application 047518.

Head of Pollution Control

No objection in principle but as the site has a former commercial/industrial usage and there is potential for the site to be contaminated it is requested that any permission be subject to a condition to address the issue.

Highway Development Control Manager

No objection subject to the imposition of conditions in respect of access, visibility and provision of facilities for parking/turning.

Clwyd-Powys Archaeological Trust

As a pre-determination site evaluation has previously been undertaken, recommend the imposition of a condition to ensure the implementation of a programme of further site investigation.

Public Open Space Manager

Request the payment of a commuted sum of £1,100 per dwelling in lieu of on site Public Open Space.

National Resources Wales

Confirm that an ecological survey submitted as part of the application is acceptable and raise no objections subject to the imposition of conditions to safeguard the presence of bats.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

Initial Submission

No response received.

Amended Proposal

2 letters of objection received, the main points of which can be

summarised as follows:-

- Notwithstanding the amendments proposed consider that the proposal represents overdevelopment of the site.
- Detrimental impact on privacy/amenity by way of overlooking.
- Site already has the benefit of planning permission for a total of 4 No. dwellings which will ensure an adequate supply of housing at this location.
- Inadequacy of parking provision to serve the scale of development proposed.
- Significant boundary treatment is required to safeguard privacy/amenity.

5.00 SITE HISTORY

5.01 044693

Restoration and conversion of existing building to 2 No. dwellings and new development of 4 No. dwellings – Withdrawn 17th March 2010.

047518

Restoration and conversion of vacant buildings to form 2 No. dwellings and erection of 2 No. new dwellings – Permitted 23rd August 2012.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D4 – Landscaping.

Policy HE1 – Development Affecting Conservation Areas.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.

Policy HSG8 – Density of Development.

Policy EWP12 – Pollution.

Additional Guidance

Local Planning Guidance Note 2 – Space Around Dwellings.

Local Planning Guidance Note 11 – Parking Standards.

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes the conversion of an existing outbuilding to form 2 No. dwellings and erection of 3 No. dwellings on land to the rear at Bryn Llwyd, North Street, Caerwys.

7.02 **Site/Surroundings**

The site which amounts to approximately 0.15 hectares in area, is located within both the settlement and conservation area boundary of Caerwys as defined in the adopted Flintshire Unitary Development Plan. It occupies an important focal point within the village near to the crossroads at the junction of North Street, Holywell Road and Porthmwyn.

7.03 **Background History**

The site currently has the benefit of planning permission for a total of 4 No. dwellings permitted though the conversion of the outbuilding into 2 No. dwellings and erection of a further 2 No. dwellings on land to the rear. This was permitted under Code No. 047518 on 23rd August 2013.

7.04 **Proposed Development**

The plans submitted as part of this current application propose:-

- The conversion of the stone/slate roof outbuilding which measures approximately 19 m x 6.5 m x 6 m (high) and is adjacent to North Street into 2 No. dwellings.
- The erection of 3 No. detached 2 storey dwellings on land to the rear. The dwellings would be arranged in an L-shape form around a courtyard/turning and parking area accessed from North Street. The dwellings which measure approximately 8 m x 6 m x 6.5 m (high) would be constructed having rendered/timber external walls and slate roofs.

7.05 **Main Planning Considerations**

It is considered that the main planning issues in relation to this application are as follows:-

- Principle of development having regard to the background of planning history at the location.
- Proposed scale of development and impact on the character of the site and surroundings.
- Adequacy of access to serve the development.
- Impact on the privacy/amenity of occupiers of existing and proposed dwellings.

7.06 **Principle of Development**

The site is located within the settlement boundary of Caerwys as defined in the adopted Flintshire Unitary Development Plan (UDP). Within the UDP, Caerwys is classified as a Category B Settlement which has a growth band of 8 – 15% over the plan period (2000 –

2015). As at April 2014, the level of growth anticipated within Caerwys stood at approximately 21% made up with reference to existing allocations and permissions. It is understood however, that a significant development within Caerwys at Summerhill Farm is unlikely to proceed during the plan period and without this allocation/permission the growth site within Caerwys would reduce to approximately 6.5%. In addition the site currently has the benefit of planning permission for 4 No. dwellings by virtue of the conversion of the existing outbuilding into 2 No. dwellings and erection of 2 No. detached dwellings to the rear. The principle of residential development at this location is therefore acceptable subject to the safeguarding of relevant amenity considerations.

7.07 Scale of Development/Impact on Character

The character of existing residential development on North Street is defined principally by detached dwellings set within fairly substantial curtilage areas, constructed during different periods and of differing design. The existing outbuilding forms an historical link to development of the village and its pattern, this being a traditional stone/slate roof building occupying an important focal point abutting the footpath on North Street.

7.08 The previously permitted application 047518 provides a courtyard form of development of the rear of the existing outbuilding. The current proposed layout would in my view retain this approach, providing for an improved means of enclosure around the parking/turning area within the site.

7.09 In addition it is considered that the scale of development proposed i.e., 5 No. dwellings on approximately 0.15 hectares would not result in overdevelopment at this location. The density of development of approximately 33 units/hectare is set at a slightly higher level than the 30 dwellings per hectare that developers should aim to achieve on unallocated sites in Category B settlements as outlined in Policy HSG8 of the adopted Flintshire Unitary Development Plan.

7.10 Adequacy of Access

Consultation on the acceptability of the proposed access and level of parking provision to serve the development has been undertaken with the Highways Development Control Manager.

7.11 The concerns/objections to the development on highway grounds are duly noted. It is considered however, that an increase in the number of dwelling units from 4 – 5 would be acceptable at this location having regard to: - (i) the proposed level of parking provision which is in accord with Local Planning Guidance Note 11 – Parking Standards and (ii) the imposition of conditions in respect of access/visibility and the requirement to provide parking within the site prior to the occupation of any units proposed as part of this application.

7.10 Impact on Privacy/Amenity

The concerns relating to the impact of development on privacy/amenity by way of overlooking are duly noted. This was highlighted as being of fundamental importance by the case officer in consideration of the plans initially submitted as part of this application. These proposed that the rear elevation of plot 3 of the development be located within 5 m of the common site boundary with an existing property Ar Tro.

7.11 Whilst no formal objections were received from the occupiers of adjacent properties to this initially submitted layout, my recommendation on the basis of these initially submitted plans would have been for permission to be refused given concerns over impact on privacy/amenity. As a result the applicant was provided with an opportunity to amend the site layout in order to address these concerns and reposition the footprint of the dwelling of Plot 3 away from the site boundary with Ar Tro.

7.12 For Members information amended plans were subsequently received and reconsultation undertaken. The distance of the rear elevation of Plot 3 to the site boundary has now been increased to 10 m with the associated repositioning of the dwellings closer to the site boundary with the property Erw Deg on the northern side of the site. Notwithstanding the amendments proposed, objections to the revised layout have been received which are summarised in paragraph 4.01 of this report.

7.13 Whilst the objections are duly noted it is my view that the increase of the rear garden depth of Plot 3 to 10 m, would be acceptable having regard to the relationship of this plot to the linear garden area associated with Ar Tro with reference to the guidance contained within Local Planning Guidance Note 2 – Space Around Dwellings.

7.14 In addition it is recognised that the amended site layout results in the gable of Plot 1 of the development being some 4 m closer to the site boundary with an existing property Erw Deg. Given the relationship of the dwellings to each other however, there would be no direct overlooking involved and subject to the introduction of comprehensive scheme of landscaping on the common site boundary with Erw Deg given the parking layout proposed, in my view privacy/amenity can be safeguarded.

8.00 CONCLUSION

8.01 In conclusion, it is my view that an increase in the number of dwellings on the site from the currently approved 4 to 5 dwellings would be acceptable. The amended site layout submitted as part of this application would retain the character of the site and surroundings and privacy/amenity of the occupiers of existing and proposed dwellings would be safeguarded. There is no objection to the development from

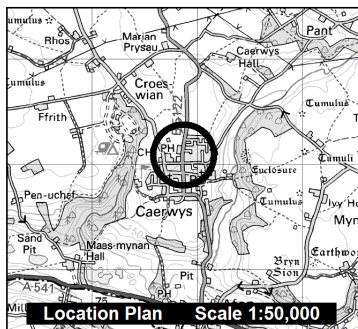
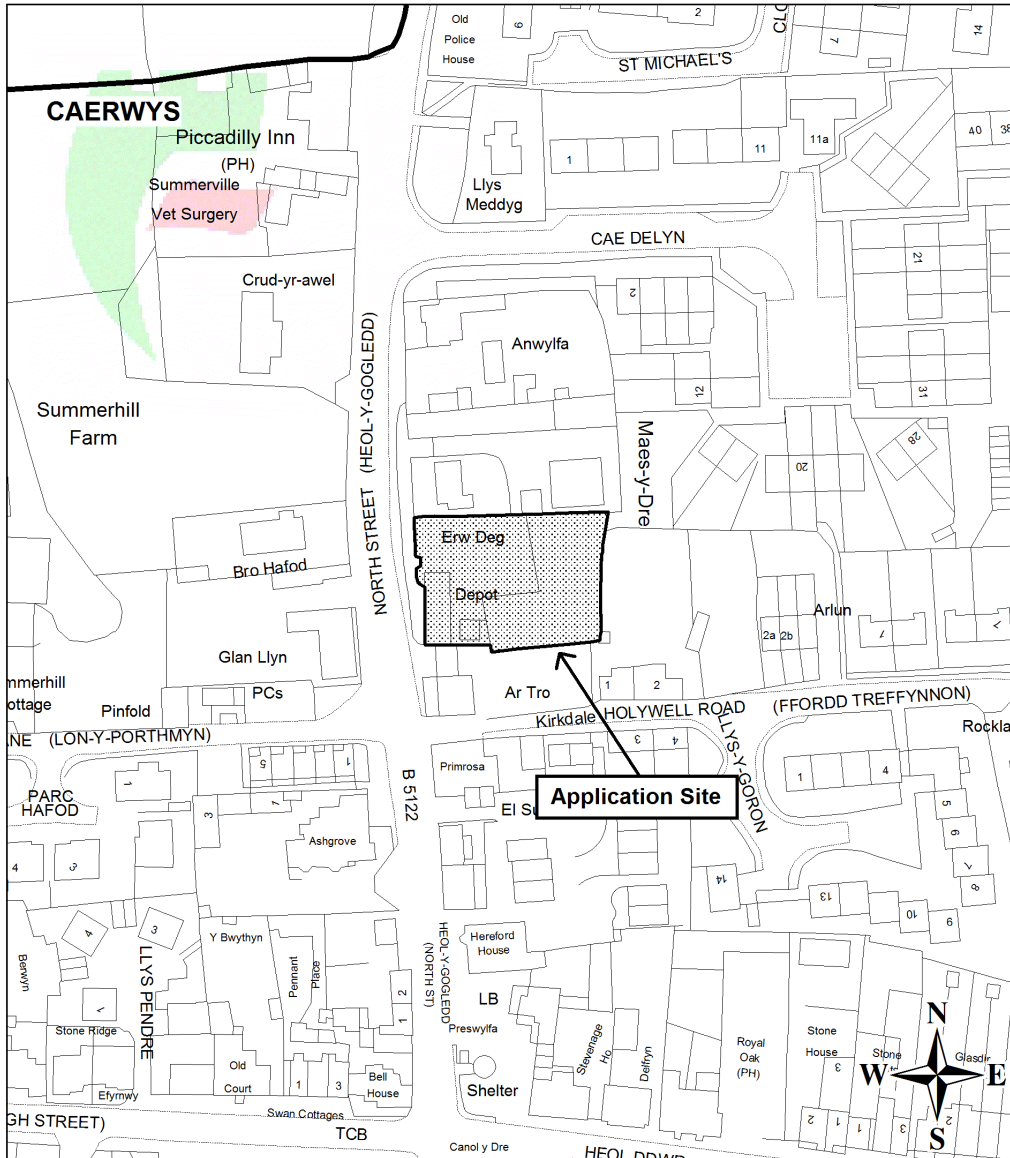
the Highways Development Control Manager subject to the imposition of conditions and my recommendation is therefore for permission to be granted.

- 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: Mark Harris
Telephone: (01352) 703269
Email: Robert_mark_harris@flintshire.gov.uk



	Planning & Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow						
	<p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary 						
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<table border="1" style="width: 100%;"> <tr> <td>Map Scale</td> <td>1:1250</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 1273</td> </tr> <tr> <td>Planning Application</td> <td>52760</td> </tr> </table>		Map Scale	1:1250	OS Map ref	SJ 1273	Planning Application	52760
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Planning Application	52760						

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 25 FEBRUARY 2015**

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

SUBJECT: **FULL APPLICATION - CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH A CHANGE IN LEVELS TO THE REAR OF PLOTS 52 - 56 (SCHEME 1) ON LAND AT FIELD FARM LANE, BUCKLEY**

APPLICATION NUMBER: **053014**

APPLICANT: **PERSIMMON HOMES NORTH WEST**

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

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

LOCAL MEMBERS: **COUNCILLOR C. ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN PREVIOUS SITE HISTORY AND RESIDENTS CONCERNS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application which is partly retrospective, proposes the retention, construction and modification of retaining structures to provide raised and tiered garden areas to the rear of plots 52-56 of the Field Farm development at Buckley.
- 1.02 This application has been re-submitted pursuant to a previous application received under Code No. 051537, which has been the subject of an appeal to The Planning Inspectorate.

1.03 The conclusions of the appeal which was subsequently allowed on 19th January 2015 and how it relates to this application, will be addressed in this report.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. The proposed development would result in the overlooking of and have an overbearing impact on the privacy/amenity of the occupiers of existing residential properties at Field Farm and Aberllanerch Drive. This is contrary to Local Planning Guidance Note 2 - Space Around Dwellings, criterion d of Policy GEN 1, criterion e of Policy D1 and criterion b of Policy D2 of the adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Mrs C.A. Ellis
Request planning committee determination given the previous planning history at this location and residents concerns.

Buckley Town Council
No observations.

Head of Pollution Control
No adverse comments.

4.00 PUBLICITY

4.01 Neighbour Notification
No responses received.

5.00 SITE HISTORY

5.01 **036776**
Outline – Residential development – Approved 12th May 2004.

042356
Reserved Matters – Erection of 139 dwellings, roads, public open space and all associated works – Refused 31st May 2007.

043841
Reserved Matters – Residential development of 79 No. dwellings and 24 No. apartments – Withdrawn 8th October 2007.

044085
Variation of Condition No. 2 attached to planning approval reference 036776 to extend the time for the submission of reserved matters and commencement of development – Approved 7th December 2007.

046805

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

050382

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

051537

Construction of retaining wall within the rear gardens of Plots 52 – 56 – Refused 26th June 2014. Appeal to the Planning Inspectorate – ALLOWED 19th January 2015.

052401

Construction of earthworks and retaining structures to deal with a change in levels to the rear of plots 52 – 56 – Refused 22nd October 2014.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D3 – Landscaping.

7.00 PLANNING APPRAISAL

7.01 Introduction

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

7.02 Background

For Members information there is a recent and complex background of planning history relating to development at this location which is referred to in paragraph 5.00 of this report.

7.03 The most recent and relevant history relates to a previous application submitted under Code No. 051537 for the “construction of a retaining

wall within the new gardens of plots 52 – 56". The application was refused following consideration by the Planning & Development Control Committee on 18th June 2014. The application was then subject of an appeal to the Planning Inspectorate, which was allowed on 19th January 2015, the Inspector supporting the scheme on the following basis:-

- Retention of the ground levels and log retaining walls already constructed to the rear of plots 52 – 56, to allow for use of the garden on two levels.
- Revisions to the treatment of the raised garden areas previously constructed on plots 55 & 56 to allow for 1.5 m wide raised platforms to the rear of the dwellings to allow for access from the doors within the rear elevations of the dwellings to a lower garden area. The scheme is allowed subject to the incorporation of a 1.8 m high privacy screen on the raised platform and a privacy screen/boundary fence 1.8 m - 2 m in height and landscaping in the form of a Cherry Laurel hedge along the curtilage boundary relative to Field Farm in order to maintain privacy/amenity.

7.04 Proposed Development

The plans submitted as part of this application propose:-

- Retention of the ground levels and log retaining walls/steps already constructed to the rear of Plots 52 – 54 to enable the use of the garden on two levels. This has now been allowed following the appeal decision issued in respect of application 051537 and can be retained by virtue of this decision.
- Retention of the existing 5.5 m deep raised platform to the rear of Plots 55 & 56, with stepped access to a lower ground level. A 1.8 m high timber privacy screen is proposed along the raised platform and a 2 m high screen fence and landscaping (Cherry Laurel hedge) on the curtilage site boundary adjacent to Field Farm.

7.05 Main Planning Considerations

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

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

7.06 Visual Impact

The rear garden areas associated with Plots 52 – 54 of the development are enclosed with a substantial hedgerow screening the development from the rear of Nos 8.10.12, Aberllanerch Drive. The rear gardens associated with Nos 55 & 56 however, are visually more prominent as there is limited screening/planting on the common site boundaries of these plots with 14/16 Aberllanerch Drive and Field Farm on the opposite side of Public Footpath 21.

7.07 Impact on Privacy/Amenity

For Members information, the proposals for the treatment of the rear garden areas of Plots 55 & 56 are the same as those initially submitted under application 051537.

7.08 The officer recommendation on the basis of these plans initially submitted under 051537, would have been for permission to be refused, given concerns about the impact of the raised and tiered garden areas on the privacy/amenity of Field Farm and bungalows at Nos 14/16 Aberllanerch Drive. As a result of concerns expressed, that application was amended on two further occasions with the alterations considered by Members during its progression.

7.09 It is my view having regard to this previous history and the subsequent Inspector appeal decision, which allows for a 1.5 m raised area to the rear of Plots 55 & 56, that this scheme was supported as in the Inspector's opinion it 'would ensure that only high level views would be afforded between the appeal site and bungalows'. The retention of a 5.5 m wide raised area would, as previously advanced result in the significant overlooking of these bungalows and Field Farm and therefore in my view its retention would be unacceptable.

7.10 Impact on Public Footpath 21

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

8.00 CONCLUSION

8.01 In conclusion it is my view that there has been no material change in circumstances since consideration of the plans initially submitted as part of application 051537, which would warrant support for the retention of the raised garden areas approximately 5.5 m in depth, to

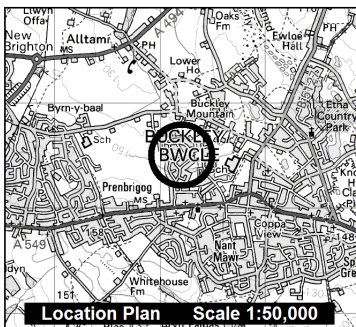
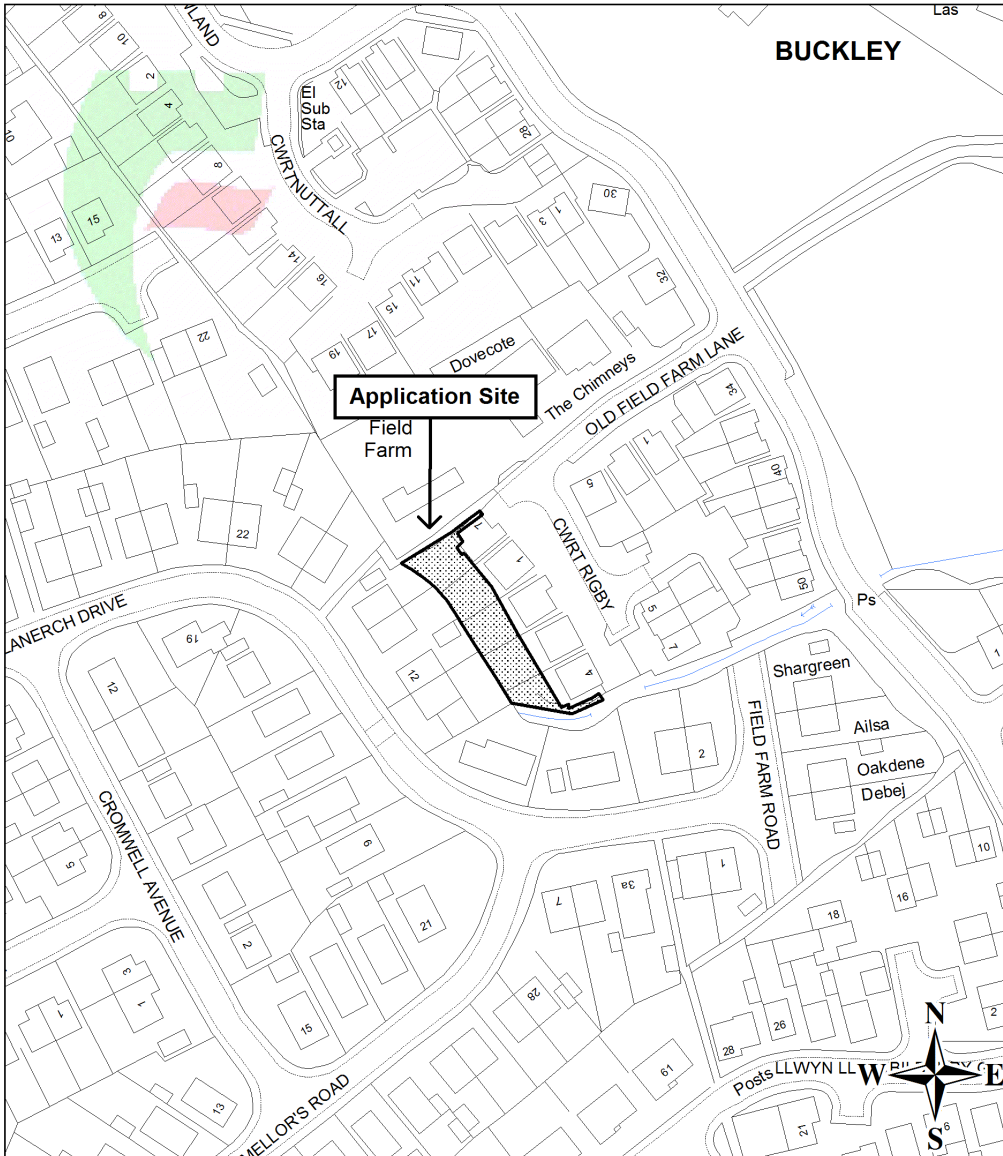
the rear of Plots 55 & 56. This is re-inforced by the appeal decision subsequently received and it is considered that the scheme would lead to significant overlooking of Field Farm and the existing bungalows at Aberllanerch Drive. I therefore recommend that permission be refused for the reasons outlined in paragraph 2.01 of this report.

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



LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Mark Harris
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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	1:1250
OS Map ref	SJ 2764
Planning Application	53014

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH FEBRUARY 2015**

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

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH A CHANGE IN LEVELS AT THE REAR OF PLOTS 52 – 56 (SCHEME 2) ON LAND AT FIELD FARM LANE, BUCKLEY**

APPLICATION NUMBER: **053015**

APPLICANT: **PERSIMMON HOMES NORTH WEST**

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

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

LOCAL MEMBERS: **COUNCILLOR C. ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN PREVIOUS SITE HISTORY AND RESIDENTS CONCERNS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The full application which is partly retrospective, proposes the retention, construction and modification of retaining structures to provide raised and tiered garden areas to the rear of Plots 52 – 56 of the Field Farm development at Buckley.
- 1.02 This application has been re-submitted pursuant to a previous application received under Code No. 051537 which has been the subject of an appeal to The Planning Inspectorate.

1.03 The conclusions of the appeal which was subsequently allowed on 19th January 2015 and how it relates to this application, will be addressed in this report.

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

- 2.01
1. Time limit on commencement.
 2. In accordance with approved plans.
 3. Scheme of landscaping to be submitted and approved.
 4. Implementation of landscaping scheme.
 5. Boundary fence/privacy screen to be erected within 3 months and retained in perpetuity.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Mrs C.A. Ellis
Request planning committee determination given the previous planning history at this location and residents concerns.

Buckley Town Council
The committee noted that the application had originally been refused due to overlooking aspect and recommend refusal on the same grounds in relation to this application.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification
One letter of objection received, the main points of which can be summarised as follows:-

- Overlooking of Field Farm to the detriment of privacy/amenity.
- Depth of platform area to the rear of Plot 56 should be restricted to 0.9 m.
- Boundary fence along curtilage boundary relative to Field Farm should be 3 m in height.

5.00 SITE HISTORY

5.01 **036776**
Outline – Residential development – Approved 12th May 2004.

042356
Reserved Matters – Erection of 139 dwellings, roads, public open space and all associated works – Refused 31st May 2007.

043841
Reserved Matters – Residential development of 79 No. dwellings and 24 No. apartments – Withdrawn 8th October 2007.

044085

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

046805

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

050382

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

051537

Construction of retaining wall within the rear gardens of Plots 52 – 56 – Refused 26th June 2014. Appeal to the Planning Inspectorate – ALLOWED 19th January 2015.

052401

Construction of earthworks and retaining structures to deal with a change in levels to the rear of Plots 52 – 56 – Refused.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D3 – Landscaping.

7.00 PLANNING APPRAISAL

7.01 Introduction

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

7.02 Background

For Members information there is a recent and complex background of planning history relating to development at this location which is

referred to in paragraph 5.00 of this report.

7.03 The most recent and relevant history relates to a previous application submitted under Code No. 051537 for the construction of a retaining wall within the new gardens of plots 52 – 56. The application was refused following consideration by the Planning & Development Control Committee on 18th June 2014. The application was then subject of an appeal to the Planning Inspectorate, which was allowed on 19th January 2015, the Inspector supporting the scheme on the following basis:-

- Retention of the ground levels and log retaining walls already constructed to the rear of plots 52 – 56, to allow for use of the garden on two levels.
- Revisions to the treatment of the raised garden areas previously constructed on plots 55 & 56 to allow for 1.5 m raised platforms to the rear of the dwellings to allow for access from the doors within the rear elevations of the dwellings to a lower garden area. The scheme is allowed subject to the incorporation of a 1.8 m high privacy screen on the raised platform and a privacy screen/boundary fence 1.8 m – 2 m in height and landscaping in the form of a Cherry Laurel hedge along the curtilage boundary relative to Field Farm in order to maintain privacy/amenity.

7.04 Proposed Development

The plans submitted as part of this application propose:-

- Retention of the ground levels and log retaining walls/steps already constructed to the rear of plots 52-54 to enable the use of the garden on two levels. This has now been allowed following the appeal decision issued in respect of application 051537 and can be retained by virtue of this decision.
- Revisions to the treatment of the raised rear garden areas previously constructed on plots 55 & 56. This proposes the introduction of a raised platform approximately 1.5 m wide immediately to the rear of the dwellings to allow for access to the gardens from the doors within the rear elevations of the dwellings. This is accompanied by a regrading of site levels to allow for access to the gardens which are proposed to be tiered on a further two levels. It is proposed that each tier be lowered by approximately 0.75 m. On the western site boundary of plot 56 which is closest to Field Farm it is also proposed that a 1.8 m high privacy screen is provided on the raised platform with a 1.8 m high fence along the common site boundary with Field Farm adjacent to the first tier of the garden. This is proposed to be increased to 2 m in height on the lower tier. In addition supplemental hedgerow planting in front of the 1.8 m high fence is proposed (Cherry Laurel Hedge), to help screen the

development, soften its impact and safeguard the privacy/amenity of occupiers of both Field Farm and plot 56 of the development.

7.05 Main Planning Considerations

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

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

7.06 Visual Impact

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

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

7.08 Impact on Privacy Amenity

The proposals for the treatment of the rear garden areas of Plots 55 & 56 are the same as those the subject of the first amendment to the scheme undertaken during progression of application 051537 and considered by Members at a Planning Committee site visit held on 12th May 2014. This scheme was however deferred from consideration at the May 2014 Planning & Development Control Committee, in order to seek further modifications to the treatment of the retaining structures. The further modifications to the scheme were however refused following consideration at the 16th June 2014, Planning & Development Control Committee.

7.09 It is considered that these combined changes which principally (a) reduce the depth of the raised garden area immediately to the rear of Plots 55 & 56 in order to reduce the scope for their use as 'sitting out areas' (b) the stepping down of the garden in 2 further tiers each of which is approximately 0.75 m lower than the previous level and (c)

the introduction of a 1.8 m – 2 m high fence with associated landscaping to the front of the fence on the site boundary with Field Farm, will help to soften the impact of development and safeguard the privacy and amenity of the occupiers of the existing dwellings at this location. In order to ensure the retention of the boundary treatment in perpetuity this can be covered by the imposition of conditions if Members are mindful to grant permission.

7.10 My previous recommendation to Members on 14th May 2014 was for permission to be granted subject to conditions and in my view this is supported through the appeal decision issued under Code 051537, as this allows for the introduction of a 1.5 m raised platform to the rear of Plots 55 & 56. In addition the tiering of the gardens as proposed, would not result in high level overlooking which was also considered by the Inspector who commented that “in densely developed urban areas such as this a degree of mutual overlooking between properties is not unusual and in this instance, I am satisfied that it would be restricted to the front, ground floor area of Field Farm, which is already open to public view and would not result in any additional loss of privacy to residents”.

7.11 In my view the scheme maintains the general thrust of the Inspector’s approach, limiting the extent of the high level views from 1.5 m wide raised platform areas, which when combined with a reduction in ground levels and significant landscaping/screening on the site boundary helps to safeguard the privacy/amenity of the occupiers of Field Farm and Aberllanerch Drive.

7.12 Impact on Public Footpath

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

8.00 CONCLUSION

8.01 In conclusion, it is considered that the scheme submitted as part of this application provides an acceptable solution to development within the rear curtilage areas of the dwellings whilst ensuring that the privacy/amenity of the occupiers of Field Farm/Aberllanerch Drive are safeguarded. As the associated landscaping/screening on the site boundary is fundamental to the safeguarding of privacy/amenity it is considered that, if Members are mindful to grant permission that a condition be imposed on any decision to retain the

screening/landscaping in perpetuity. I therefore recommend accordingly.

8.02

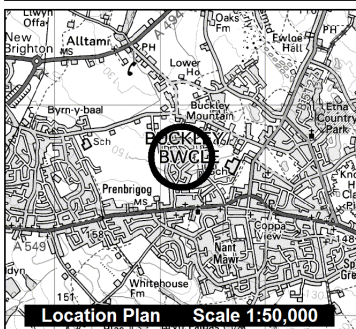
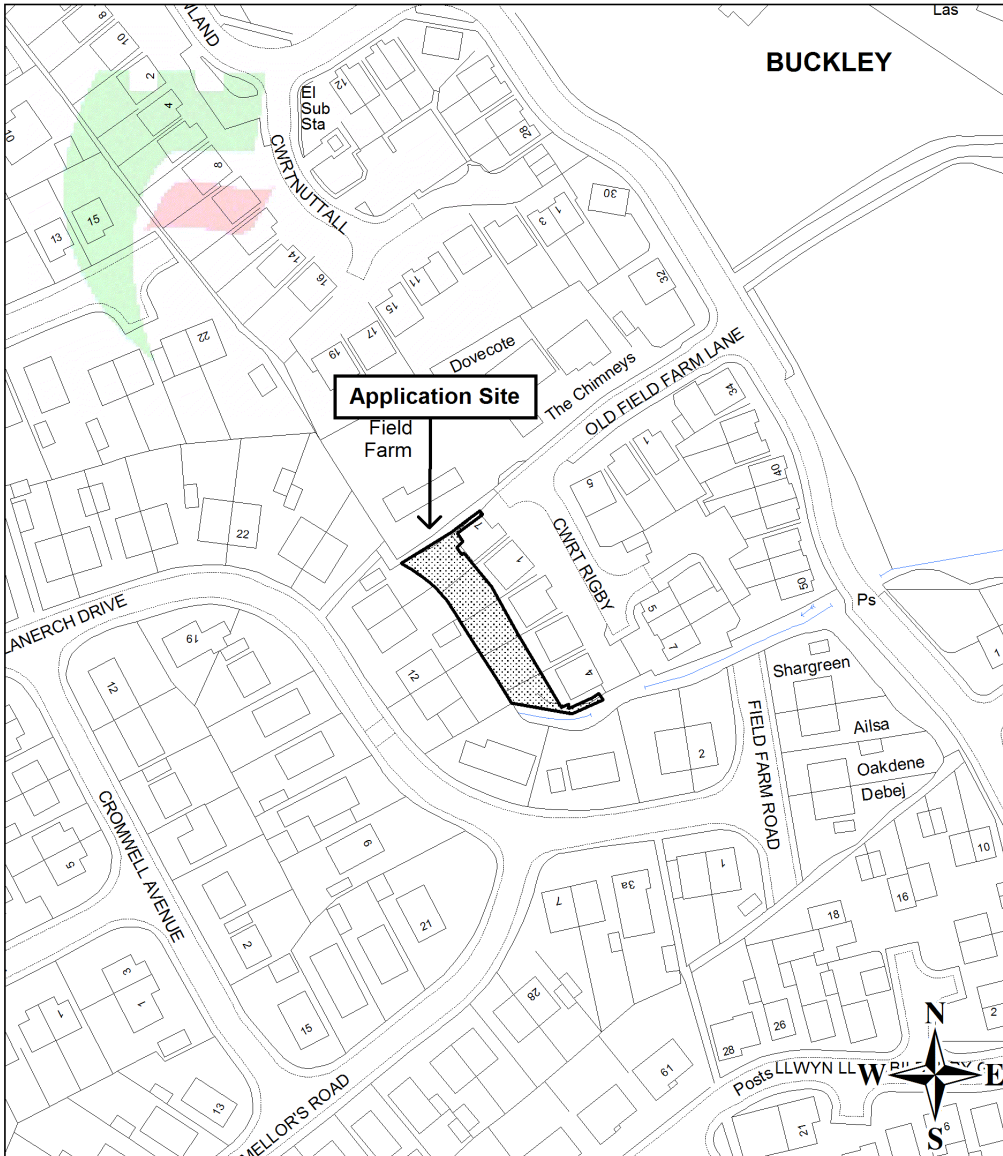
In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25th MARCH 2015**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE RESIDENTIAL DEVELOPEMNT ON LAND AT SPA DAVIES AND SONS, STATION YARD, CORWEN ROAD, COED TALON.**

APPLICATION NUMBER: **051831**

APPLICANT: **SPA DAVIES AND SONS**

SITE: **STATION YARD, CORWEN ROAD, COED TALON, FLINTSHIRE**

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

LOCAL MEMBERS: **COUNCILLOR CAROLYN A. THOMAS**

TOWN/COMMUNITY COUNCIL: **TREUDDYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE PROPOSALS REQUIRE MATTERS TO BE SECURED VIA S.106 AGREEMENT FOR WHICH DELEGATED POWERS TO PROCEED DO NOT EXIST.**

SITE VISIT: **NOT REQUESTED**

1.00 SUMMARY

- 1.01 This application is submitted in outline only, with all matters of detail Reserved for subsequent consideration. The application seeks to establish, via a planning permission, the principle of the development of this allocated site for residential development.
- 1.02 Whilst all matters are Reserved, the applicant has provided and indicative series of drawings indicating how the site could be developed and accessed. Members are reminded that these details are purely illustrative.

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

2.01 That conditional permission be granted, subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment which provides for the following;

Education provision – a sum equivalent £18,469 per secondary school pupil generated towards Castell Alyn High School.

2.02 Conditions

1. Time limit 3 years for commencement.
2. Submission of Reserved Matters within 12 months.
3. Submission, agreement and implementation of precise methods of foul, surface and land water drainage schemes. To include surface water regulation system.
4. Submission, agreement and implementation of a scheme to secure affordable housing.
5. Submission, agreement and implementation of a scheme of open space and play area provision.
6. Protection of existing hedgerows and trees during construction.
7. No development within 3 metres of public sewer.
8. No development until written confirmation of opening of culverts is received.
9. Full details of finished floor levels, site levels and proposed water levels submitted and agreed.
10. Design of proposed access road where it culverts the watercourse is submitted and agreed.
11. Proposed finished land levels have been submitted and agreed and prove adequate compensatory flood storage is provided.
12. Scheme for the management of overland flow submitted and agreed.
13. Siting, layout and design of access to be submitted and agreed.
14. No works in connection with formation of access until details submitted and agreed.
15. Access formed to base layer and kerbed before any other site works.
16. Visibility splays of 2.4m x 43m in both directions. No obstruction above 0.6m above channel level and kept clear during construction works.
17. Facilities for parking and turning prior to occupation.
18. Garages to be set back 5.5 from back edge of footway and 7.3m from carriageway.
19. Detailed design, layout, traffic calming, signage, street lighting and drainage of estate roads to be submitted and agreed.
20. Access gradient for 10m to be 1:24 and 1:15 thereafter.
21. Scheme for positive means of surface water drainage from estate onto highway.

22. Public Right of Way to be marked out and protected during works.
23. No development until Construction Traffic Management Plan submitted and agreed.
24. No development until land contamination assessment undertaken, submitted and approved. Remediation scheme to be agreed before works commence.
25. Area shown hatched red upon approved plan shall not be the subject of any built development.

2.03 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 Carolyn A. Thomas

Generally supportive of the proposals. Wishes to see monies secured via S.106 for existing play facility at Coed Talon Way. Wishes to see the route of the old rail line through the site protected and secured for pedestrian, cycle and horse use.

Treuddyn Community Council

Members like the indicative scale of development and potential for access via a roundabout. Requests that the permission ensures the connection of the site to the bridleway is protected.

Highways Development Control Manager

No objections. Requests the imposition of Conditions and notes upon any subsequent permission.

Advises that Footpath 77 crosses the site and its route must be identified and protected during the course of works. The applicant may need to acquire a Temporary Closure Order during construction works.

Pollution Control Officer

No adverse comments. Requests that a condition requiring a contaminated land assessment and proposed remediation scheme be imposed.

Capital Projects and Planning Unit (CPPU)

Advises that sufficient capacity exists in the local primary school (Ysgol Derwenfa, Leeswood) and therefore no contribution is sought in this respect.

Advises that the local Secondary School affected by the proposals would be Ysgol Castell Alyn, which is already over capacity.

Accordingly, a sum equivalent to the number of secondary pupils generated from the development multiplied by the building cost multiplier for secondary schools (in accordance with LPGN No. 23).

For Members information this would be calculated as shown below;

y (where y = the number of pupils) \times 0.174 (secondary school multiplier) = Z

$Z \times \pounds 18,469$ (building cost multiplier for secondary schools) = S.106 contribution required.

Public Open Spaces Manager (POSM)

Advises there to be an adequate provision of Public Open Space within the locality. Considers that the nature of the development should provide for an on-site facility for play provision for children aged 8 and under. In addition, the residual provision which would normally be sought should be provided via a commuted sum to be used to enhance existing facilities within the community.

Dwr Cymru/Welsh Water (DCWW)

No objections. Requests the imposition of conditions and advisory notes upon any permission.

Natural Resources Wales (NRW)

Notwithstanding the fact that the site is part within a C2 flood risk zone, NRW are satisfied that the risks and consequences of flooding can be acceptably managed and therefore requests the imposition of conditions.

The Coal Authority

Notes that the site is located within an area which has been the subject of historical mining activity but as the site itself falls outside of the Development High Risk Area, a mining risk assessment is not required and therefore no objection to the proposals are raised. Requests a note is added to any permission to advise the applicant of the historical coal mining in the area.

Airbus

No adverse comments.

SP Energy Networks

No objection. Requests that notes are attached to any subsequent permission for the applicants' attention.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site, notice and neighbour notification letters. At the time of writing this report, 2 letters have been received in response. Neither letter raises

an objection in principle but raises queries in relation to detailed matters which are not addressed at this application stage. These queries relate to the exact development proposals and a desire to ensure that residential amenity is not compromised.

5.00 SITE HISTORY

5.01 98/1404

Certificate of lawfulness – Mixed industrial use
Granted 11.4.2000

034353

Outline – residential development
Withdrawn

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan (FUDP)

Policy GEN1 - General requirements for development
Policy GEN2 - Development inside settlement boundaries
Policy HSG1(39) - New Housing Development Proposals
Policy HSG8 - Density of Development
Policy HSG10 - Affordable housing within settlement boundaries
Policy AC7 - Protection of Disused Railway Lines
Policy AC13 - Access and Traffic Impact
Policy L3 - Green Spaces
Policy EWP2 - Energy Efficiency in New Development
Policy EWP3 - Renewable Energy in New Development
Policy EWP17 - Flood Risk
Policy SR5 - Play areas and new housing development
Policy IMP1 - Planning conditions & planning obligations

6.02 The above policies offer a general presumption in support of development proposals of this type upon allocated sites within settlement boundaries. The site is specifically allocated for residential development within the FUDP and would amount to the redevelopment of a brownfield site which is supported by both local and national planning policy. Accordingly, the proposals would comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the development of this 1.9 hectare site for the purposes of residential development. Whilst the application is submitted in outline with all matters reserved for future consideration, the indicative details submitted suggest that the site could be developed for approximately 49 dwellings, together with the formation of a new point of vehicular access from the A5104 to the east of the site.

- 7.02 Members are advised that this application site forms the larger part of the allocated housing site under HSG1(39). The remainder of the allocation is currently the subject of an, as yet, undetermined application under Reference Number 052236.
- 7.03 Site and surroundings
The site is located to the north west of the A5104-Corwen Road and lies within the defined settlement boundary for Coed Talon. The site is presently utilised for mixed industrial purposes consisting predominantly of a scrap metal business. The site contains various industrial buildings and plant associated with this use.
- 7.04 The site is bounded to the north and west by open countryside. This boundary is marked by a belt of mature and well established trees and hedgerows. The eastern boundary is formed by a mixture of residential properties with associated garden spaces and a coach/transportation depot. Black Brook, a tributary of the River Alyn, runs along this boundary as both a watercourse and a culvert in sections. Boundaries to the south consist of properties on Corwen Road and the frontage of the Railway Inn Public House and its associated car parking facilities. It should be noted that The Railway Inn comprises a part of the application site and is proposed to be demolished to facilitate access as part of this proposal.
- 7.05 The site topography is relatively flat, reflecting its former use as a station and yard as part of the now redundant Mold to Brymbo railway. The site levels at the periphery of the site, towards the north west rise and in this regard, are reflective of the landform in this location.
- 7.06 Access to the site is presently derived by an existing access onto Corwen Road between the Railway Inn and an adjoining residential property.
- 7.07 The Proposed Development
The proposal is submitted as an outline application with all matters reserved for future consideration. Whilst the application is accompanied by information indicating layout and access, these details are indicative and illustrative only and do not form part of the proposals for Members consideration.
- 7.08 Members will note that the application site includes land which is not within the allocation and is open countryside. However, the indicative details submitted at this stage illustrate that built form is to be restricted to the former track bed, service yard and station areas of the site and the remainder of the site exists as a landscaped and natural backdrop to the proposed development.
- 7.09 The Principle of Development

The principle of the development of this site for residential purposes is established via the allocation of the site specifically for this purpose in the Flintshire Unitary Development Plan. The principle has been considered via the examination in public of the UDP and the site remains as an allocation without modification following adoption of the UDP by the Council. The proposal is therefore considered acceptable in principle.

7.10 However, notwithstanding the allocation of the site, its delivery will not now come forward within the plan period of the UDP and therefore the development of the site will not serve its original purpose of meeting the housing need of the county over the period of the UDP. With this in mind and in order to give greater certainty to the delivery of the site, I propose to reduce the normal time limits applied to a permission such as this. I propose that any permission should be granted on the basis of requiring commencement within 3 years and allow for a 12 month period from the date of this decision for the submission of Reserved Matters.

7.11 Main Planning Issues

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

- The adequacy of existing drainage infrastructure to accommodate development;
- The acceptability of the risks to the site in flood terms;
- Impacts upon educational and recreational infrastructure; and
- Highway and pedestrian linkages to and from the site.

7.12 Drainage issues

The main issues for consideration in respect of this matter relate to the provision within the public system for the disposal of surface water and the capacity at the Buckley waste water treatment works to accommodate the foul flows arising from the development of the site.

7.13 In response to consultation, I am advised by DCWW that there is no surface water drain in the area and therefore surface water flows will not be permitted to connect to the public drainage system. It should be noted that the application appreciates this fact and actually proposes that surface water is disposed of to the existing watercourse passing through the site. As set out in Paragraph 7.15 below, there is no objection to this proposal in flood risk terms.

7.14 Considerable examination of the capacity of the waste water treatment works at Buckley, which would serve this site, has been undertaken as part of the consideration of the proposals by DCWW. I am advised in response to consultation that, following period of monitoring and surveying of the works, the development of the site as proposed would not result in the overloading of the works.

7.15 Flood Risk

The site is predominantly located within a category A flood zone, although parts of the eastern fringes of the site are located within Zones B and C2. The nature of the proposals are such that they are considered within TAN15 to be a 'highly vulnerable' form of development. However, this is acceptable within flood zone A and acceptable within zones B and C2 where measures are secured to mitigate flood impacts.

7.16 The history of flooding events at the site relates to the Byr Brook which enters the site to the south west and is culverted for the remainder of its course through the site shortly thereafter until it outfalls into an open watercourse at the eastern edge of the site. The flooding which has occurred in the past has been occasioned as a result of debris causing the culvert inlet to become blocked, causing a upstream flooding.

7.17 The development proposes to address this risk by removing the culvert along the length of the watercourse through the site, increasing the capacity within the watercourse to accept anticipated flows and reducing the pressure upon the watercourse upstream which arises as a consequence of culvert blockage.

7.18 The surface water drainage solution to the development of the site provides for surface waters to be discharged to the watercourse. It is proposed that discharge rates to the watercourse will be regulated to pre-development rates by means of employing a flood control device within the surface water drainage system upon the site.

7.19 In response to consultation and following consideration of the submitted Flood Consequences Assessment, NRW have advised that they are satisfied that the developer has demonstrated that the risks and consequences of flooding can be acceptability managed in line within Section 7 and Appendix 1 of TAN15. Accordingly conditions in relation to a variety of issues are requested to be imposed upon any grant of planning permission. I propose to condition accordingly.

7.20 Education and Recreation Impact

The proposals have been considered in the light of the guidance set out in LPGN23 - Developer Contributions to Education; and LPGN13 - Open Space Requirements. Members are aware of the advice contained within these guidance. Following consultations with both the Council's CPPU and POSM I am advised that the proposals will give rise to the need for provisions in both respects.

7.21 In terms of a requirement for contributions towards education infrastructure and provisions within the county, I am advised that the application of the above advice indicates a need for contributions towards the secondary school which serves the area. The details of this need are set out in Section 3 of this report. Precise details of the

proposed numbers of dwellings are not available due to the outline nature of the application. The calculations in such a scenario have been set out with the consultation response.

7.22 I am therefore proposing that the applicant is required to enter into a Section 106 agreement to secure the same.

7.23 In respect of open space and recreation, it will be expected as part of the consideration of detailed proposals for this site that provision is made within the site for a facility to meet the needs of future occupiers. I am advised that the specific need at the site would be for an on-site facility for children aged 8 and below. Extensive play facilities for older children and more general recreation exists within the locality and it is suggested that a commuted sum in respect of the upgrade of these facilities could be sought at a detailed application stage.

7.24 I consider that the most appropriate way to address this issue at this stage of determination in the process is to impose a condition requiring the submissions and agreement of a scheme for play and recreation as part of any detailed application.

7.25 Highway and Pedestrian Issues

Access to the site is proposed to be derived via a new access road creating a junction with the A5104 (Corwen Road). The proposals also indicatively suggest that the route of the former track bed which extends to the north east could be improved to forms pedestrian linkages to other rights of way in the immediate surroundings. Members will note that Footpath 77 crosses the site at the extreme eastern edge but joins Ffordd y Bont adjacent to the point at which the route of the former track bed passes beneath Ffordd y Bont.

7.26 In response to consultation, it has been suggested that the proposals represent an opportunity to utilise the track bed route to link into the route to the south west which exists as a soft route bridleway for horses, walkers and cyclists. I see no reason why the same could not be achieved as part of the consideration of detailed proposals but do not consider that this issue needs to form the basis of a condition.

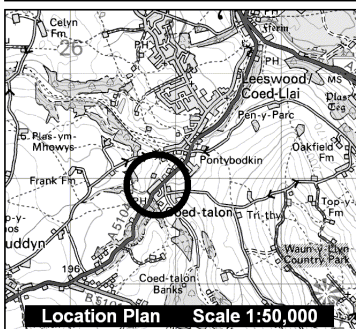
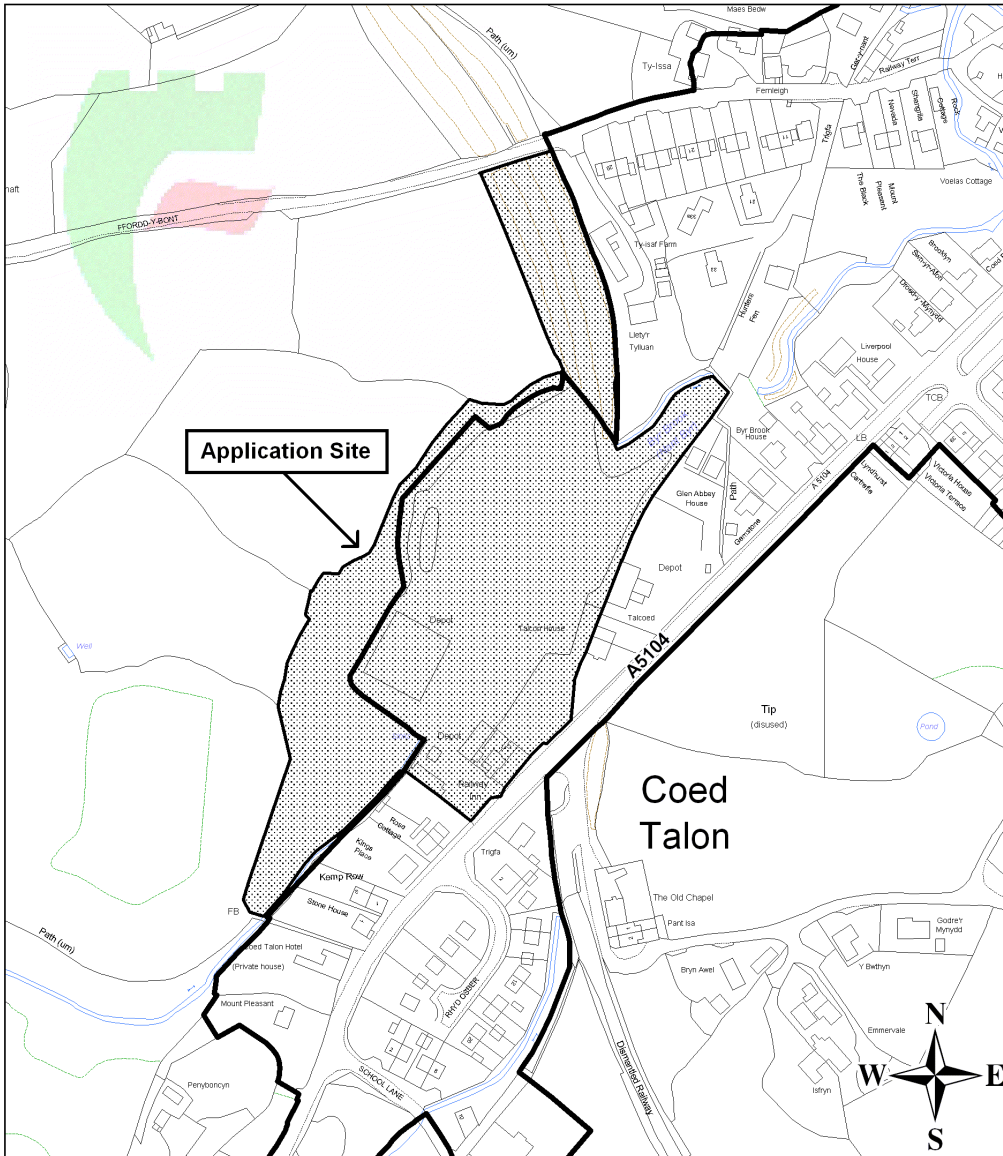
7.27 Other Matters

The site has been in contaminative use both currently as a scrap yard and previously as a railway yard and station. Accordingly the potential impacts of contamination upon the proposed end users of the site is required to be assessed. I am advised in response to consultation that this matter can be adequately addressed by the imposition of a conditions precedent requiring assessment of the land and, where required, detailed remediation measures. I propose to condition accordingly

8.00 CONCLUSION

- 8.01 It is considered that the proposed residential development of this site is acceptable as a matter of principle and serves to formalise the tacit acceptance of the suitability of the site for such development enshrined within its allocation for such purposes within the FUDP. Whilst all details are Reserved Matters for future consideration, the proposals are 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.

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



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

Legend

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

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Map Scale 1:1250

OS Map ref SJ 2659

Planning Application **51831**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH FEBRUARY 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 4 NO. DWELLINGS AND ASSOCIATED WORKS AT THE CROFT, ALLTAMI ROAD, BUCKLEY.**

APPLICATION NUMBER: **052936**

APPLICANT: **MR. ROBERTS**

SITE: **THE CROFT, ALLTAMI ROAD, BUCKLEY.**

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

LOCAL MEMBERS: **COUNCILLOR MRS. C. A. ELLIS**

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

REASON FOR COMMITTEE: **THE PROPOSALS ARE RECOMMENDED FOR APPROVAL SUBJECT TO A S.106 AGREEMENT, THE SUBSTANCE OF WHICH GO BEYOND THE SCHEME OF DELEGATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application seeks approval for the erection of 4No. dwellings, together with other access and landscaping works on land to the rear of 'The Croft', Alltami Road, Buckley.

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

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

- a. Ensure the payment of a contribution of £10,000 to the Council for ecological mitigation. Such sum to be paid to the Council prior to the occupation of the dwelling hereby approved.
- b. Ensure the payment of a contribution of £4400 in lieu of on site play and recreation facilities. Such sum payable upon 50% occupation or sale and to be used to upgrade existing facilities within the community.

2.02 Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. Window coloured red upon approved plans to be obscure glazed and non opening.
4. No development to commenced until a scheme for the comprehensive drainage of foul, surface and land waters approved.
5. Boundary Treatments to be submitted and agreed.
6. Implementation of Boundary Treatments
7. Hedgerow protection.
8. Removal of Permitted Development Rights.
9. Submission of external finish materials, including hard surfaces.
10. Safeguarding of footpath route.
11. Submission of Ecological Mitigation Strategy and Reasonable Avoidance Measures.
12. Implementation of scheme agreed under Condition 11.
13. Foul and surface water to be drained separately from site.
14. Completion of approved drainage scheme prior to occupation of dwellings.
15. No development within 3 metres of water main.
16. Visibility splays of 2.4m x 43m in both directions.
17. Access to accord with single residential access details. 5m minimum width for first 10m into site.
18. Adequate parking & turning facilities prior to first occupation.
19. Scheme for interception of site surface water to prevent run off onto highway.

2.03 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 Councillor Mrs. C. A. Ellis
No objection to a delegated determination.

Buckley Town Council
No observations to make.

Head of Highways (DC)
No objections. Requests the imposition of conditions.

Pollution Control Officer
Requests that conditions requiring land contamination investigations and the undertaking of any identified remediation works are imposed.

Public Open Spaces Manager
Advises that a sum of £4400 should be sought in lieu of on site play and recreation provision.

Natural Resources Wales
No objection subject to conditions relating to the implementation of ecological mitigation measures.

Buckley Commoners & Graziers
No objections.

Dwr Cymru/Welsh Water
No objection. Requests the imposition of conditions.

AIRBUS
No objection.

4.00 PUBLICITY

4.01 The application has been publicised by way of the display of a site notice and via neighbour notification letters. At the time of writing, no responses to this publicity have been received.

5.00 SITE HISTORY

5.01 **03/0/036656**
COU from residential to day care unit for babies under 2 years of age at Unit 2.
Approved 13/09/04

4/0/20442
Self-contained unit for elderly person.
Approved 01/06/091.

4/0/19891

Change of use of existing industrial unit to children's day nursery.
Approved 02/10/98.

4/0/16398

Erection of a two storey extension at side of dwelling.
Approved 03/11/87.

4/0/16300

Outline application for the erection of two dwellings using existing access.
Refused 03/11/87. Appeal Allowed 10/06/88.

4/0/15525

Change of use of building from light industrial to car/body repair and refinishing. Approved 04/11/86.

4/0/8755

Change of use to light industrial use.
Refusal 23/10/80. Appeal Allowed 24/6/81.

043470

Relocation of Margden Heating Ltd and erection of 4No. Dwellings.
Approved Subject to S.106 agreement 22.9.2008.

049850

Substitution of house type
Withdrawn 17/7/2013

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy GEN1 - General Requirements for Development
- Policy GEN2 - Development Inside Settlement Boundaries
- Policy D1 - Design Quality, location and layout
- Policy D2 - Design
- Policy D4 - Landscaping
- Policy HSG3 - Housing on Unallocated Sites within Settlement Boundaries
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision and New Development
- Policy TWH2 - Development Affecting Trees and Woodlands
- Policy WB1 - Protected Species
- Policy WB2 - Sites of International Importance
- Policy WB3 - Statutory Sites of National Importance.

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site known as 'The Croft' currently accommodates a detached

premises used as a day nursery and a separate building which provides accommodation for the commercial business, Margden Heating, both of which front Alltami Road to the south.

7.02 The site is bounded to the north and east by residential properties and to the west by the boundaries of the Buckley Claypits and Commons Site of Special Scientific interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). The existing uses currently utilise the same access point into the site with no separate footway.

7.03 The Proposed Development

The site lies to the rear of 'The Croft' and is currently a vacant parcel of land, latterly occupied by a former industrial unit. The proposals are to erect 4 detached dwellings, providing 3 types of dwelling, comprising;

- 2 two storey detached units providing four bedrooms and integral garages;
- 1 two storey detached 4 bed unit with a detached double garage; and
- 1 two storey dwelling providing 5 bed accommodation with one of these bedrooms, together with accommodation and storage, provided within the roof space. This property also has an integral garage

It is also proposed to widen the existing access bringing it closer to the Margden office and provide a separate footway for pedestrians.

7.04 The Main Issues

I consider that there are 3 issue for consideration in the determination of this application. These are;

- The principle of the development
- Design considerations
- Amenity impacts
- Ecological considerations

7.05 The Principle of Development

The proposed development site is located within the defined settlement boundary of Buckley as identified 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. The proposed residential development of the site is therefore acceptable in principle.

Design/Appearance/Landscaping

7.06 As set out above, the proposed development occupies a position to the rear of 'The Croft' with the proposed houses arranged around a turning head and private access road. The proposed dwellings adjacent to the tree and hedgerow lined northern boundaries are set an appropriate distance from these trees. The proposed dwellings are proposed to be brick with grey roof tiles. However, I propose to condition the submission of materials for agreement.

7.07 The site layout that is in line with Council standards on space about dwellings/overlooking/privacy and is complimentary to the general character of the area which has a mixture of property types and styles. Therefore the proposed development is considered acceptable in design and appearance terms subject to approval of external wall/roof materials. The existing natural features to the site's boundaries are generally retained and protected as part of the development scheme.

7.08 Amenity Impacts

The proposed dwelling would have adequate private amenity space, space around dwellings and car parking provision. The proposed design would be in keeping with the character of the wider area. There would be no significant detrimental amenity issues associated with the proposed dwellings and the relationship with the proposed and existing dwellings.

7.09 I have considered the proposed accommodation within the roof space of Plot 2. The proposals for this level within the dwelling essentially provide a bedroom living space. I am satisfied that there is no overlooking concern from the proposed seating area towards the west as there are no existing dwellings to overlook in this direction. I am mindful that the window to the proposed en-suite could afford an elevated overlooking opportunity towards properties located to the north of the site. I consider that this potential is mitigated to a degree by existing mature vegetation and trees. However, I am mindful of the perception of being overlooked and consequently I propose to condition that this window should be non opening and obscure glazed. Ventilation of the room can be addressed at building regulations stage via the installation of a mechanical system.

7.10 Ecological Considerations

European Protected Species (EPS) and their breeding sites and resting places are protected in the United Kingdom under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12 of the Habitats Directive 92/43/EEC. The Directive (Article 16) only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

- (i) no satisfactory alternative and
- (ii) no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.11 Regulation 9 (1) and 9 (5) of the 2010 Regulations requires public bodies in the exercise of their functions, to ensure compliance with and to have regard to the provisions of the Habitats Directive. Consequently, in determining planning applications which may affect EPS, the Local Planning Authority must take account of the provisions of the Habitats Directive.

Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated:

7.12 “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) [now regulation 53 of the 2010 Regulations] licence are likely to be satisfied.”

7.13 If and when planning permission is granted, it will be necessary for the applicant to seek a licence from Welsh Government under regulation 53 of the 2010 Regulations to authorise the disturbance of the EPS.

7.14 Recent court decisions have made it clear that a Local Planning Authority may properly grant planning permission unless it concludes that:

- (a) the proposed development would be likely to offend Article 12 of the Habitats Directive and
- (b) be unlikely to be licensed pursuant to the derogation powers.

7.15 In other words, if the Local Planning Authority concludes that a EPS licence is likely to be granted under regulation 53 of the 2010 Regulations or if it is unsure of the Welsh Government’s (as the licensing body) likely response, then that should not, on its own, prevent planning permission being granted.

7.16 In coming to its view, the Local Planning Authority should give considerable weight to the advice received from NRW as the relevant statutory consultee.

7.17 The site is adjacent to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). These sites support a nationally

important population of great crested newts and in the case of the SSSI a variety of more widespread amphibian species and semi-natural grassland. Under Regulation 48 of the Conservation (Natural Habitats) Regulations 1994, the Council must consider whether a development proposal in combination with other plans or projects is likely to have a significant effect on the Deeside and Buckley Newt SAC.

7.18 In consideration of Article 16, the Council has identified its requirements in terms of housing land supply and in order to ensure that the needs of local people are met in terms of housing, has allocated a variety of sites across the County for the purposes of residential development. In addition to these identified sites, the Council has accepted that a proportion of the overall housing land supply for the county will be delivered through the development of non-allocated windfall sites, such as the application site.

7.19 Buckley is one of the principal Category A settlements within the county, benefiting from a range of services and facilities and therefore represents a sustainable location for further housing development. Whilst this site is not allocated for housing development within the Flintshire Unitary Development Plan, the development of this site would have overriding economic and social benefits in terms of bringing forward a site for housing development which has been considered suitable and acceptance in planning terms in the recent past and would contribute to meeting the County's needs to provide an adequate supply of housing over the plan period. The consideration of satisfactory alternative sites to meet the demand for housing sites in the locality has been assessed through the development plan process.

7.20 The proposed development has been assessed by both the Local Planning Authority's Ecologist and Officers at NRW and it is considered that the development is not likely to have a significant effect on the protected species. In this case it is considered that, having had regard to mitigation proposals suggested at the time of the previous grant of planning permission, mitigation can be secured through a condition which would ensure that there are no significant adverse effects caused by the loss of the development land upon the EPS. On the contrary, it is considered that the proposals would serve to ensure that the species and its habitat are brought into favourable conservation status, where, without the development, this would not be the case.

7.21 It is considered that this application satisfies the requirements of Article 16 of the Habitats Directive. The development of the site would bring about environmental benefits in the form of the contribution towards the existing mitigation projects in the locality. The alternative of doing nothing is not an option for the reasons as set out above and because it would result in the development of the site without environmental gain.

7.22 Accordingly, I am proposing to impose a condition requiring the submission of a Mitigation Strategy for the potential impacts upon Deeside and Buckley SAC. The strategy will be required to include Reasonable Avoidance Measures such as protective fencing and also, as replacement land cannot be provided within the ownership of the applicant or as part of the site, a financial contribution towards mitigation projects in the area. This approach was that agreed with Natural Resources Wales in consideration of the same proposals under Ref: 43470 and 49850. Consequently, I am satisfied that the ecological issues can be satisfactorily addressed via this condition and planning permission can be granted subject to a S.106 agreement in respect of £2500 per dwelling (a total of £10,000) to be secured towards ecological mitigation.

8.00 CONCLUSION

8.01 It is considered there are no material considerations which would prevent the application being approved. Subject to conditions and the suggested S.106 contribution, I am satisfied that there would be no adverse impacts on the SAC.

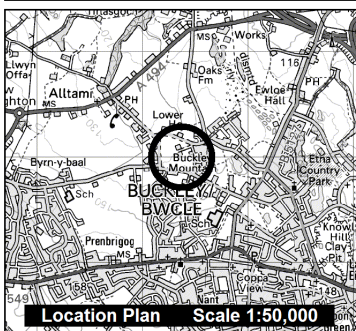
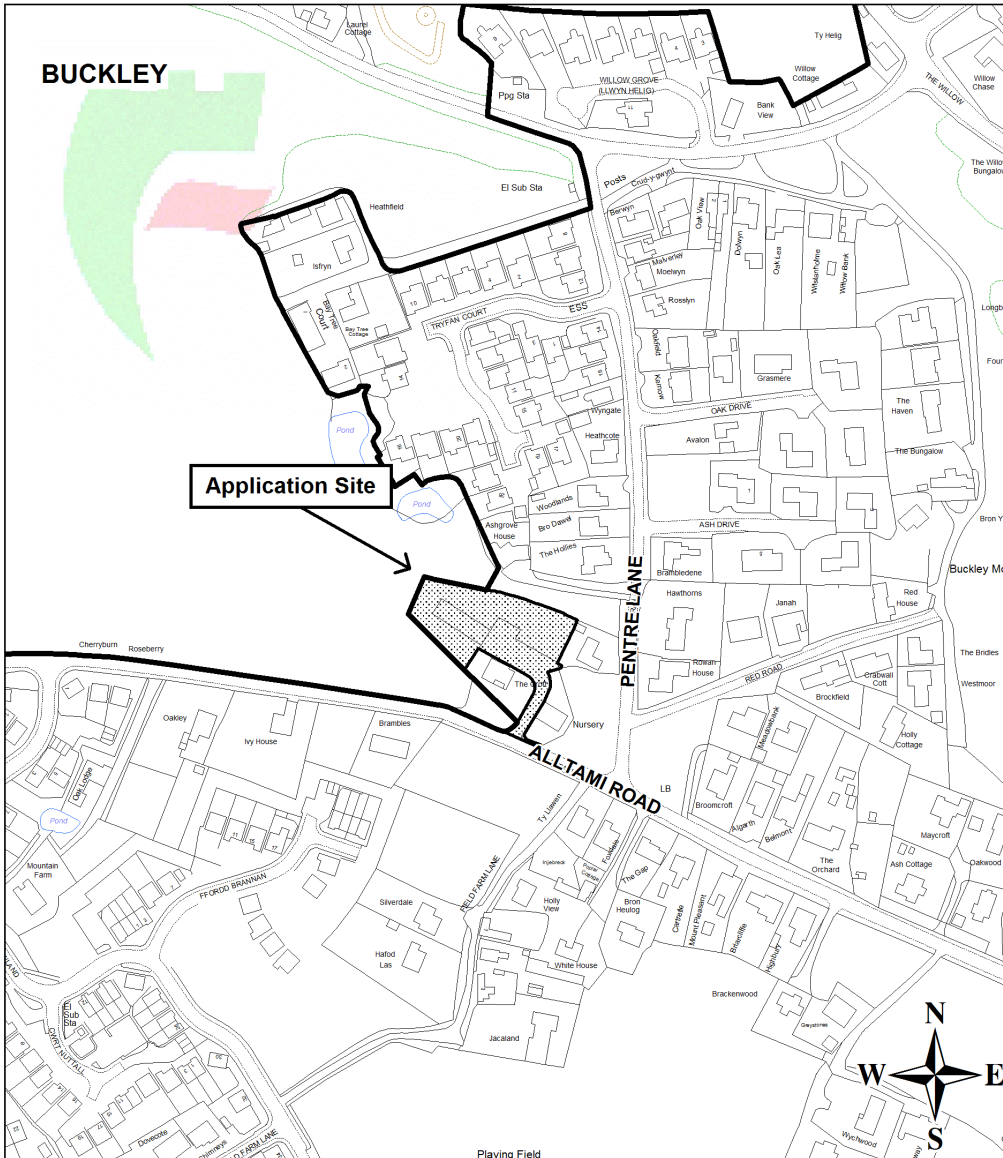
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Glyn D. Jones
Telephone: (01352) 703281
Email: glyn_d_jones@flintshire.gov.uk

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	<p>Planning & Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>	<p>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386 Flintshire County Council, 2015.</p>
	<p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary 	

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 25 FEBRUARY 2015**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF A BUNGALOW AT BRYN AWEL, TIR Y FRON, PONTYBODKIN**

APPLICATION NUMBER: **052885**

APPLICANT: **MRS HAZEL JONES**

SITE: **BRYN AWEL, TIR Y FRON, PONTYBODKIN**

APPLICATION VALID DATE: **21ST NOVEMBER 2014**

LOCAL MEMBERS: **COUNCLLOR HILARY ISHERWOOD**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is an outline application for the erection of a single storey dwelling within the open countryside, required to accommodate family members to care for the occupant of Bryn Awel, Pontbodkin. The application is a resubmission of planning application ref: 051288, which was refused

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The proposal represents non-essential development in the open

countryside which will be detrimental to the character and appearance of the locality. As such, the proposal is contrary to Policies GEN1, GEN3 and HSG4 of the adopted Flintshire Unitary Development Plan. There is no justification as to why the application should be approved contrary to these policies.

3.00 CONSULTATIONS

3.01 Local Member:

Councillor H Isherwood – Wishes for the application to be referred to the Planning Committee for determination so that the applicant can put forward their medical case. A site visit will show members why the existing property cannot be extended.

Llanfynydd Community Council:

No comments received

Public Protection:

no adverse comments

Manweb:

No objection

Highways (DC):

No objection subject to conditions

Natural Resources Wales:

No objection. Standard advice applies.

Dwr Cymru/Welsh Water:

No objection subject to conditions

Airbus:

No objection.

4.00 PUBLICITY

4.01 Neighbour Notification

No comments received

5.00 SITE HISTORY

5.01 051288 - Outline - Erection of a 4 bedroom bungalow and garage (Refused)

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development
GEN1 – General Requirements for Development
HSG4 – New Dwellings Outside Settlement Boundaries

7.00 PLANNING APPRAISAL

- 7.01 This application seeks outline planning permission with all matters reserved for the erection of a 3no. bedroom bungalow on a site located within the open countryside as defined within the adopted Flintshire Unitary Development Plan (FUDP). The application is a resubmission of planning application ref: 051288, which was refused on the following grounds:
- 7.02 *“The proposal represents non-essential development in the open countryside which will be detrimental to the character and appearance of the locality. As such, the proposal is contrary to Policies GEN1, GEN3 and HSG4 of the adopted Flintshire Unitary Development Plan. There is no justification as to why the application should be approved contrary to these policies”.*
- 7.03 Whilst the application is in outline, the current application indicates that the dwelling will be considerably smaller than that which formed the basis of planning application ref: 051288.
- 7.04 The existing site forms part of the amenity land associated with Bryn Awel, a two storey detached dwelling. There is an existing access to the site which provides vehicular access off Tir Y Fron Lane. There is no objection to the proposal on highway grounds.
- 7.05 Policy HSG4 of the FUDP states that new dwellings outside settlement boundaries will only be permitted in very specific and exceptional circumstances. It is claimed that the proposed new dwelling will be for the daughter, and her family, of the occupant of Bryn Awel and she will act as his carer; however, the advice contained in the supporting letter from the doctor states that, due to his ill health, the occupant of Bryn Awel should in fact live in accommodation such as a bungalow. Notwithstanding the above, the evidence submitted does not comply with nor outweigh the strict limitations of policy HSG4.
- 7.06 The applicant claims that the application site is located close to the settlement boundary of Coed Talon and Pontybodkin as defined in the FUDP and that other dwellings outside the settlement have been approved. The settlement of Coed Talon and Pontybodkin is a category C settlement with a growth level of 58.4% since 2000, and therefore, even if the site was located within the settlement boundary, under the provisions contained within HSG3, no additional dwellings

would be acceptable. With regard to planning permission being granted for other dwellings, a search of the planning history of the area indicates that the last planning permission granted for a dwelling was in 1984, and was therefore not assessed against the current local plan. Notwithstanding this, each case is judged on its own merits.

- 7.07 Given the above, whilst the current proposal has reduced the scale of the proposed dwelling, it does not address the overall reason for refusal of the last application, which is that the proposal represents non-essential development in the open countryside which will be detrimental to the character and appearance of the locality. As such, the application is hereby recommended for refusal.

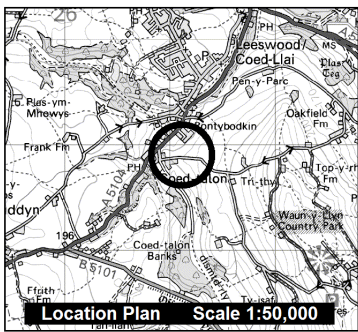
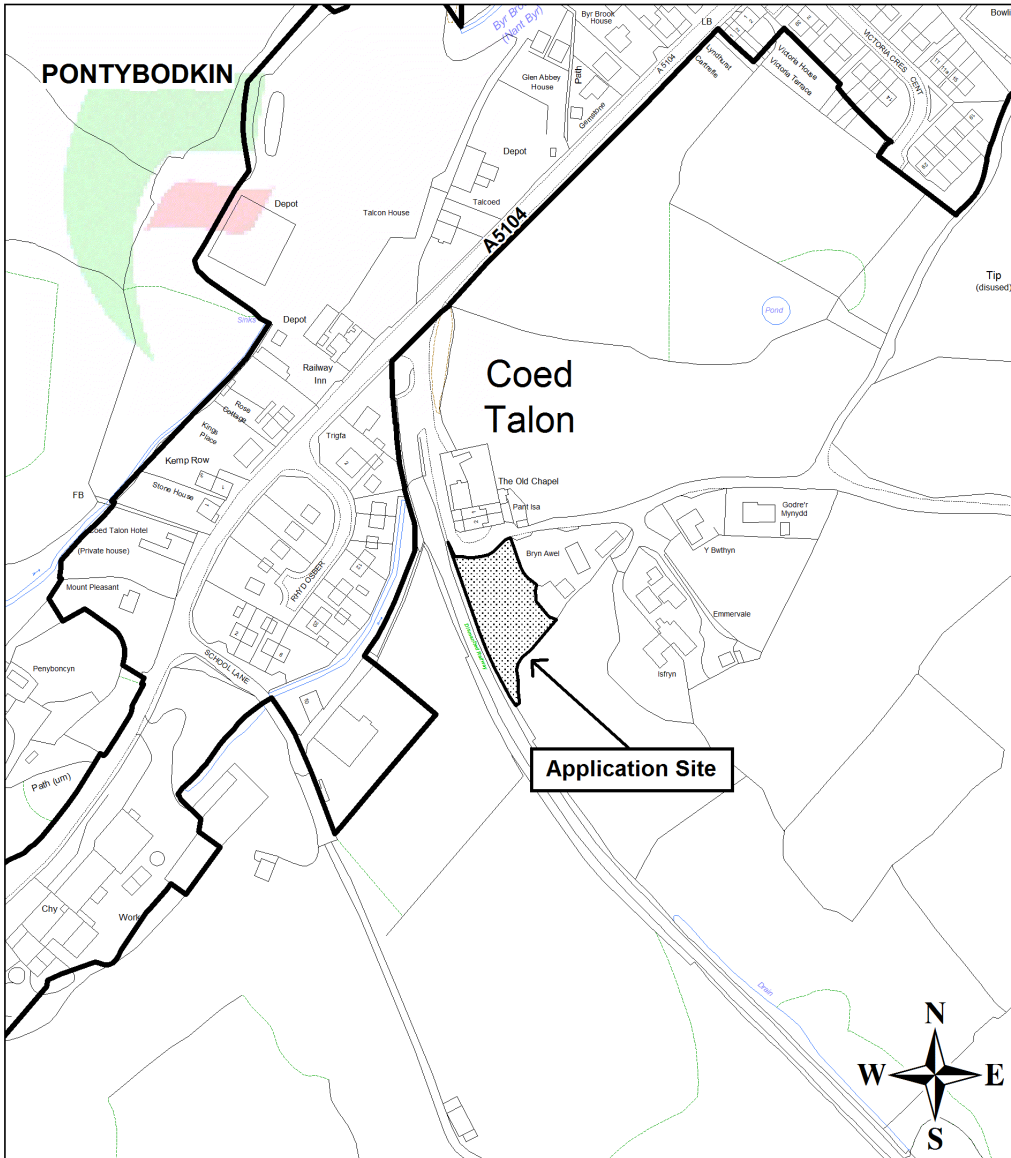
8.00 CONCLUSION

- 8.01 The proposal is considered to be contrary to the relevant policies relating to new dwellings in the open countryside. There are no other material considerations that would outweigh these policies.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.



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 2658
Planning Application	52885

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH FEBRUARY 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF AN AFFORDABLE HOME AND ALTERATIONS TO EXISTING VEHICULAR ACCESS AT GLENELLA, LONDON ROAD, TRELAWNYD.**

APPLICATION NUMBER: **052333**

APPLICANT: **LESLEY SEAR**

SITE: **GLENELLA, LONDON ROAD, TRELAWNYD**

APPLICATION VALID DATE: **20TH JUNE 2014**

LOCAL MEMBERS: **COUNCILLOR N STEELE-MORTIMER**

TOWN/COMMUNITY COUNCIL: **TRELAWNYD GWAENYSGOR COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **A SECTION 106 AGREEMENT IS REQUIRED TO SECURE A PAYMENT OF 30% OF THE VALUE OF THE PROPERTY TO THE COUNCIL IN THE FUTURE TO PROVIDE AFFRODABLE HOUSING PROVISION IN THE COUNTY.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the erection of a single, detached, two storey dwelling within the settlement of Trelawnyd. It is considered that the proposal is acceptable in terms of the principle of the development and the impacts the proposal would have on the character of the area and neighbouring properties, subject to the applicant entering into a section 106 agreement to secure a payment of 30% to the Council in the future to provide affordable housing in the

County.

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 secure a payment of 30% to the Council in the future to provide affordable housing in the County.

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

1. Time.
2. In accordance with approved plans.
3. The proposed shed shall be 2m from the carriageway
4. Boundary shall not be higher than 1m
5. Land drainage runoff.
6. Surface water.
7. Foul and surface water to be drained from the site separately.

3.00 CONSULTATIONS

3.01 Local Member

Councillor N Steele-Mortimer

No comments received at the time of writing this report.

Trelawnyd and Gwaensygor Community Council

No comments received at the time of writing this report.

Head of Assets and Transportation

No objection subject to the following conditions:

- a) The proposed shed shall be set back 2m from the carriageway kerb line
- b) Any boundary proposed fronting the site shall be no greater than 1.0m in height above the nearside channel level.

Head of Public Protection

No adverse comments.

Welsh Water/Dwr Cymru

No objection subject to the following conditions:

- Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

- Foul water and surface water discharges shall be drained separately from the site.

Clwyd and Powys Archaeological Trust
No objection

4.00 PUBLICITY

4.01 Neighbour Notification

One letter received from a neighbouring property objecting on the following grounds:

- Overlooking impact.
- The projecting building line will harm their amenity.

5.00 SITE HISTORY

5.01 Flare Ref: 011957

Applicant: Mr And Mrs R. Toye

Proposal: ERECTION OF A DETACHED DOUBLE GARAGE

Location: Glen Ella, London Road, Trelawnyd

Decision: Approved

Decision Date: 9 September 1988

Flare Ref: 028085

Applicant: Mr And Mrs R. Toye

Proposal: ERECTION OF A CONSERVATORY/PORCH TO FRONT AND LEAN-TO EXTENSION TO SIDE OF DWELLING

Location: Glen Ella, London Road, Trelawnyd

Decision: Approved

Decision Date: 17 March 1998

Flare Ref: 044416

Applicant: Ms K Toye

Proposal: Outline - Erection of a dwelling

Location: Land at: Glenella, London Road, Trelawnyd, Rhyl, LL18 6DL

Decision: Approved

Decision Date: 17 March 2008

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 – General Requirements for Development

D2 - Design

HSG3 – House Extensions and Alterations

AC – Access and Traffic Impact

7.00 PLANNING APPRAISAL

7.01 Introduction

The application site is located within the settlement boundary of Trelawnyd, as defined in the adopted Flintshire Unitary Development Plan (FUDP).

7.02 Site Description

The application site previously formed part of the garden area of Glenella, the adjacent two storey dwelling. Access to the site is via a private road to the north of the site, which leads off the main road through Trelawnyd, the A5151.

7.03 The site is elevated above the main road by approximately 1.5m. The southern boundary of the site with the main road comprises a stone wall with a privet hedge on top. The boundary with the neighbouring properties comprises close boarded fencing and hedges.

7.04 Principle of Development

Trelawnyd is a category C settlement and therefore a new dwellings must meet a local need. Whilst the application is not for an affordable dwelling, the applicant is prepared to address policy HSG3 by entering into a Section 106 whereby should they sell the property in the future then 30% of the value is payable to the council to provide affordable housing provision in the County.

7.05 Impact on the Visual Amenity of the Area

The streetscene is characterised by a variety of dwellings of varying designs and sizes. The application site is situated in between a bungalow and a two storey property. The design of the proposed dwelling reflects this by having low eaves and having the gable fronting the main road, similar to the bungalow, yet the ridge height will be similar to that of the two storey dwelling. This will create an effective link between the existing bungalow and two storey dwelling.

7.06 The initial proposal indicated that the dwelling would be sited closer to the main road; however, this has since been amended by setting the dwelling further back so that it is now in line with the existing dwellings.

7.07 Impact on Residential Amenity

There are no neighbours that would experience any unacceptable adverse overlooking or overbearing impact as a result of the development.

7.08 Highway Impact

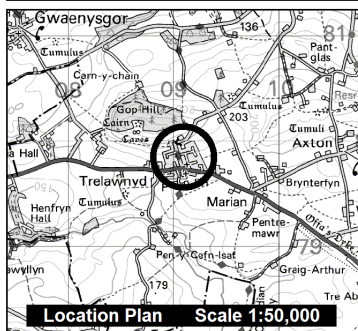
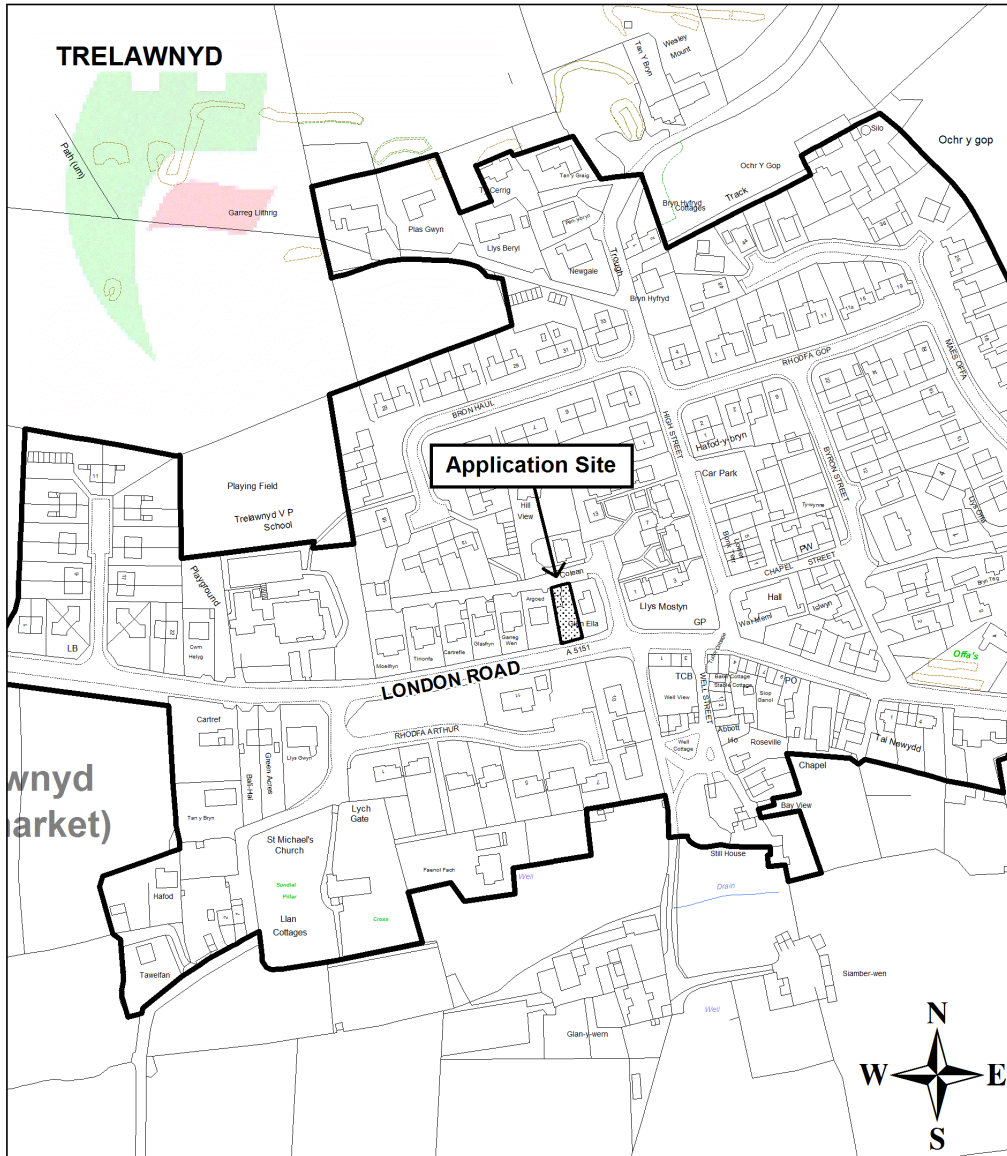
The site will provide sufficient on site parking which will be to the north of the property.

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.

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	<p>Planning & Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>
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<p>Legend</p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</p>	<p>Map Scale 1:2500</p> <p>OS Map ref SJ 0979</p> <p>Planning Application 52333</p>

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH FEBRUARY 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF SINGLE STOREY AND TWO STOREY EXTENSIONS AND ERECTION OF DETACHED GARAGE AT ALYSTON, BRETTON LANE, BRETTON.**

APPLICATION NUMBER: **053032**

APPLICANT: **Mr JAMES BATEMAN**

SITE: **ALYSTON, BRETTON LANE, BRETTON.**

APPLICATION VALID DATE: **05/01/2015**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

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

REASON FOR COMMITTEE: **THE APPLICANT IS CLOSELY RELATED TO ELECTED MEMBERS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the erection of single storey and two storey extensions and the erection of a detached garage.
- 1.02 The proposal is considered to comply with policies GEN1, D2 and HSG12 of the 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 W Mullin

No response received at time of writing.

Broughton & Bretton Community Council

No objection.

Head of Public Protection

No adverse comments.

Airbus UK

No aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Neighbour Notifications and Site Notice

No responses received at time of writing.

5.00 SITE HISTORY

5.01 No relevant history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1- General Requirements for Development

Policy D2 – Design

Policy HSG12 – House Extensions and Alterations

7.00 PLANNING APPRAISAL

7.01 Introduction

The application site falls within the settlement boundary of Bretton as defined by the Flintshire Unitary Development Plan.

7.02 The dwelling is a detached property that sits comfortably on a large plot. The proposed extensions to the rear provide additional living accommodation in the form of a family room, utility room and study at ground floor and a fourth bedroom at first floor. The two storey element of the proposal projects by 4 metres but retains the existing appearance when viewing the existing and proposed rear elevations.

7.03 The application also proposes the erection of a detached double garage to the front of the dwelling that incorporates a study at first floor. As originally submitted, a dormer window was included on the garage, however, following discussions the dormer was omitted and replaced with additional roof lights in order to improve the overall appearance.

7.04 Visual Impact

The proposed extensions to the dwelling will not be readily seen from the public highway as the works are to the rear of the property. Notwithstanding this, the proposals are in keeping with the existing dwelling, as well as surrounding properties. To the front of the site the proposed garage will obviously be quite visible, yet there are several properties along Bretton Lane with detached double garages to the front of the dwellings.

7.05 The proposals are, therefore, in character with the area and will not be detrimental to the existing property or the area as a whole.

7.06 Residential Amenity

Given the position of the dwelling within the plot and distances to its boundaries, there will be no adverse impact upon any neighbouring properties.

8.00 CONCLUSION

8.01 The proposal is considered to be acceptable in principle as it complies with the relevant planning policies and is also acceptable in design given that the proposals relate well to their surroundings.

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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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 25 FEBRUARY 2015**

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

SUBJECT: **GENERAL MATTERS - CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING AND GARDENS OF REMEMBRANCE ON 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 20th June 2014.

5.00 PURPOSE OF REPORT

5.01 Following the resolution at the Special Planning & Development Control Committee on 12th February 2015, to refuse the above planning application, to seek confirmation from Members regarding the precise wording of the reasons for refusal to be attached to the decision.

6.00 REPORT

6.01 At the Special Planning & Development Control Committee Members in resolving to refuse the application considered that this should be as

a result of the inadequacy of the site access and the detrimental impact of the proposed development on the character of the landscape.

6.02 Where a decision is taken at Committee against officer recommendation on any particular application, it is the role of officers to draft the precise terms of that decision, in this instance the reasons for refusal. It is therefore suggested that Members consider this further report on the drafting of these reasons, which takes into account the points raised during the debate on the application, having regard to the concerns highlighted.

6.03 **Suggested Reasons for Refusal**

1. The traffic generated by the proposed development will result in an increase in the use of the existing highway network through nearby villages and approach roads which are substandard in width and lack pedestrian facilities. This will have a significant impact on road safety and conflict with existing users with a consequent increase in danger contrary to criterion c of Policy STR1, criteria d, e, & f of Policy GEN1 and Policy AC13 of the adopted Flintshire Unitary Development Plan.
2. The proposed development by virtue of its scale, form and design will have an adverse impact on the character of the landscape within this open countryside location. This is contrary to criterion b of Policy STR7, criterion a of Policy GEN1 criterion a of Policy D1, Policy D2 and Policy L1 of the adopted Flintshire Unitary Development Plan.

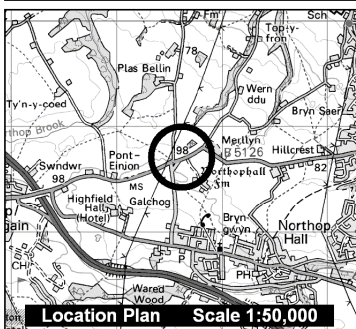
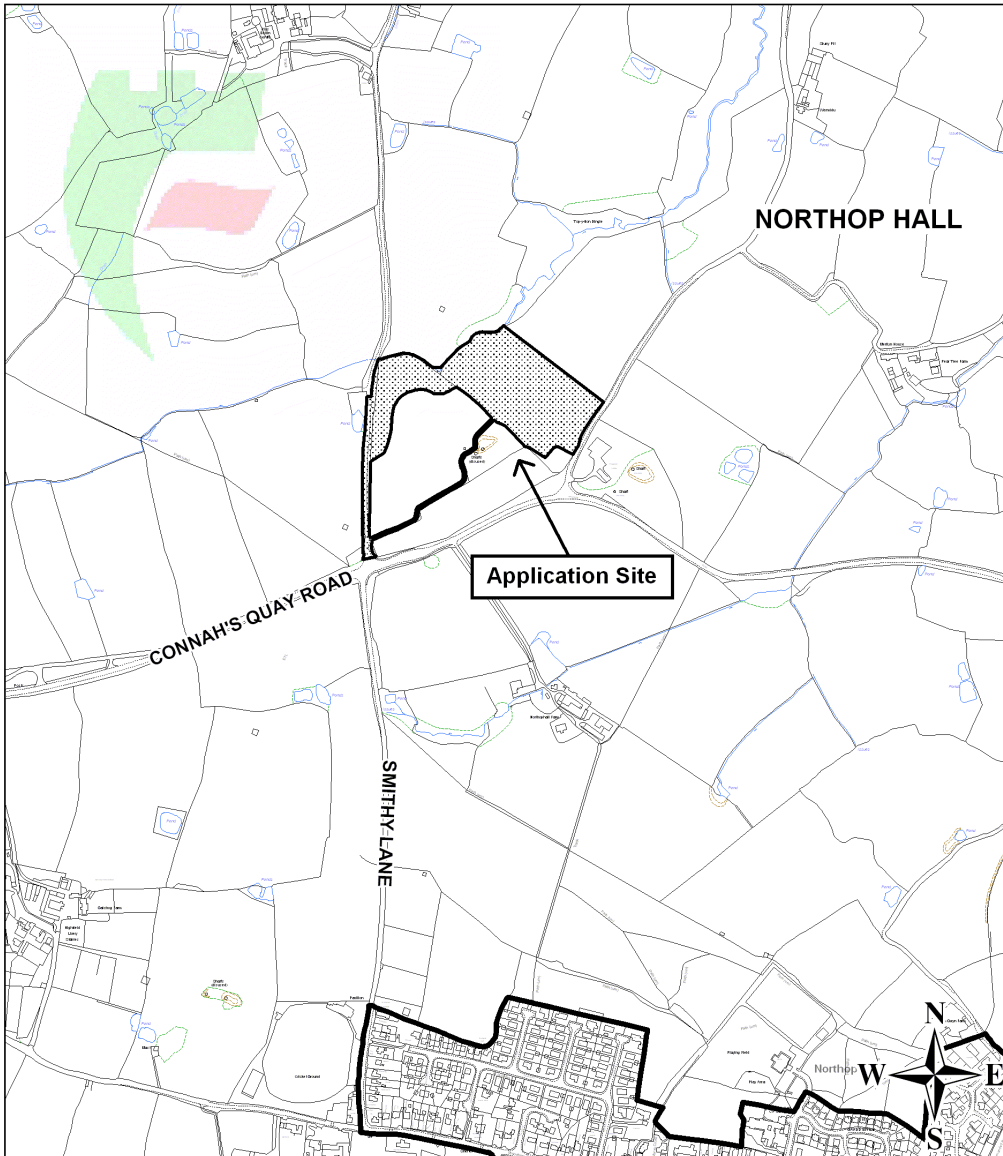
7.00 RECOMMENDATIONS

7.01 That the wording of the suggested reasons for refusal in relation to application 052334 are considered by Members to determine whether this accurately reflects the resolution made at the Special Planning & Development Control Committee on 12th February 2015.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Mark Harris
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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 2668

Planning Application **52334**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 25 FEBRUARY 2015**

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

SUBJECT: **GENERAL MATTERS – CONSTRUCTION & OPERATION OF AN ENERGY RECOVERY FACILITY (REFERRED TO AS AN ‘ERF’) & ANCILLARY FACILITIES, VISITOR CENTRE, BOTTOM ASH RECYCLING AND MATURATION FACILITIES, ACCESS ROADS & WEIGHBRIDGE FACILITIES ELECTRICAL COMPOUND, TOGETHER WITH PERIPHERAL LANDSCAPING & SECURITY FENCING. THE PROPOSALS ALSO MAKE PROVISION FOR A RAIL CONNECTION, SIDINGS & ASSOCIATED INFRASTRUCTURE AT ERF, DEESIDE INDUSTRIAL PARK, WEIGHBRIDGE ROAD, SEALAND.**

1.00 APPLICATION NUMBER

1.01 052626

2.00 APPLICANT

2.01 Wheelabrator Technologies Inc

3.00 SITE

3.01 Deeside Industrial Park, Weighbridge Road, Sealand

4.00 APPLICATION VALID DATE

4.01 22/09/2014

5.00 PURPOSE OF REPORT

5.01 To seek authority for the holding of a Special Planning and Development Control Committee to determine the planning application

6.00 REPORT

- 6.01 The procedure for determining major applications by way of special committee 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 may be dealt with by a special meeting of the Committee. Together with the Authority's protocol for third party speakers, the Chairman may also allow for interested parties to be given the opportunity of making oral representations of 5 minutes rather than the normal 3 minutes.
- 6.02 As part of this planning application; Wheelabrator Technologies Inc seek full planning permission for the construction and operation of an Energy Recovery Facility (ERF). The facility is for the treatment of residual waste for the 5 North Wales Authorities that have signed up to the North Wales Residual Waste Treatment Project: Flintshire, Denbighshire, Conwy, Gwynedd and Ynys Môn. The facility also proposes to utilise residual commercial and industrial wastes.
- 6.03 This application is considered to be for a development of major significance with issues of local and regional importance raised which will require careful consideration for the following reasons:
- The development would form part of a network of facilities of regional significance.
 - Environmental and amenity issues.
 - The impact of the proposal on the development of appropriate waste management facilities in Flintshire and North Wales.
 - Need and alternative facilities.
 - Contentious nature of the development proposal.

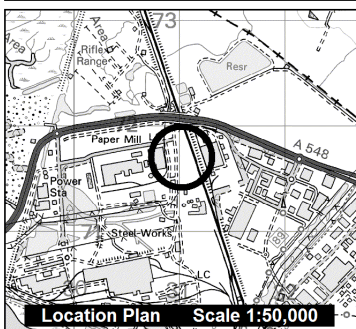
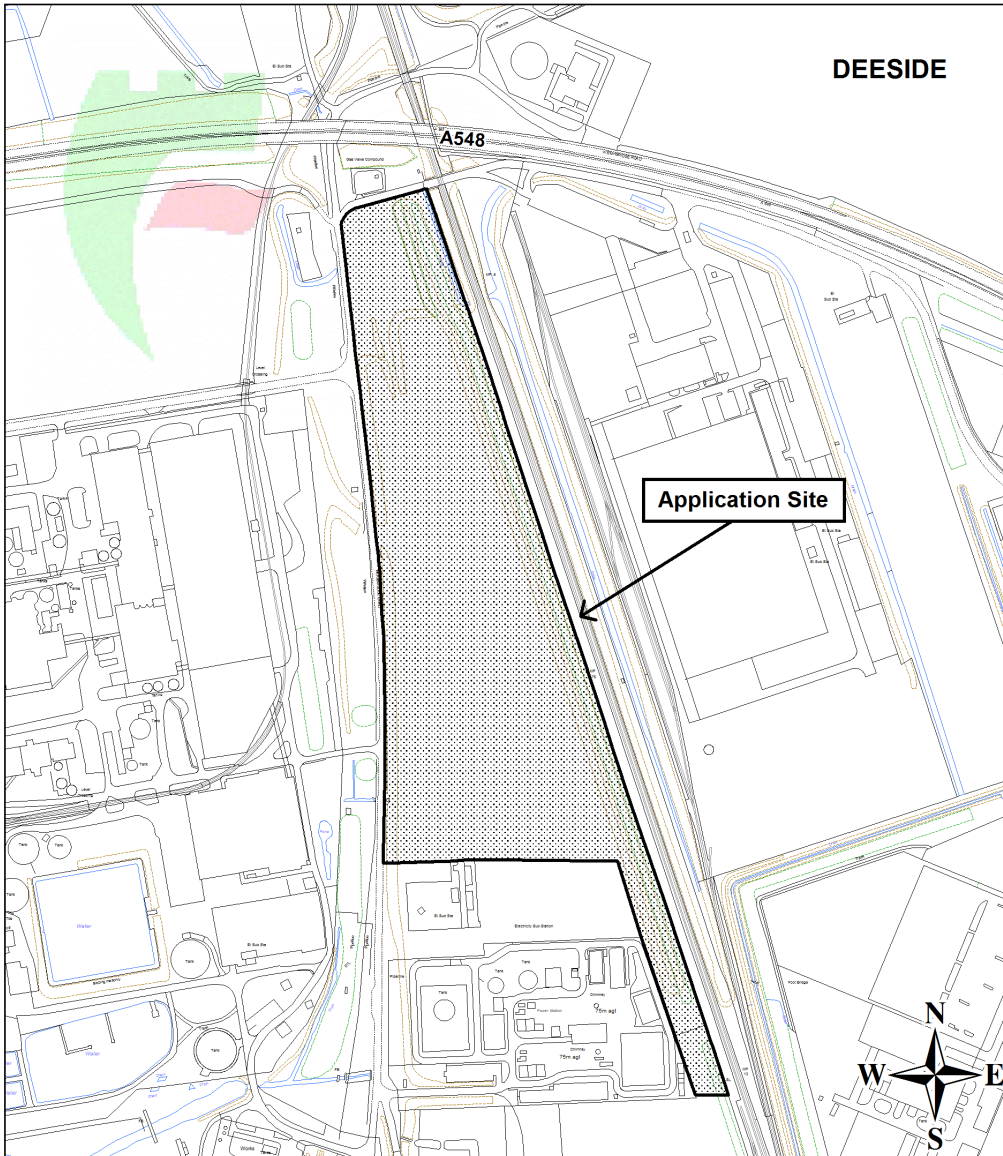
7.00 RECOMMENDATIONS

- 7.01 That a Special Planning and Development Control Committee be convened to determine planning application 052626.



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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OS Map ref	SJ 3171
Planning Application	52626

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **25TH FEBRUARY 2015**

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

SUBJECT: **APPEAL BY MR. S. HADFIELD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A RETAIL EXTENSION TO CREATE A NEW CONVENIENCE STORE AND BACK OF HOUSE FACILITIES AT GLADSTONE HOUSE, MAIN ROAD, BROUGHTON – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 052209

2.00 APPLICANT

2.01 Rowlands Executive Pension Scheme

3.00 SITE

3.01 Gladstone House,
Main Road, Broughton

4.00 APPLICATION VALID DATE

4.01 30.5.14

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision in respect of the appeal against Flintshire County Council for refusal of planning application for a retail extension to create new convenience store and back of house facilities at Gladstone House, Main Road, Broughton. The application was refused by Members at Planning Committee on 23rd July, 2015, contrary to officer recommendation, for the following reason:-

“In the opinion of the Local Planning Authority the proposed development does not provide for sufficient vehicular parking spaces to serve the dual retail and office use and, as such, if allowed, would lead to an increase in on-street parking detrimental to highway and

pedestrian safety. As such, the proposal conflicts with policy GEN1 (e), (f) and AC18 of the Flintshire Unitary Development Plan and the Council's adopted Supplementary Planning Guidance Note 11 Parking Standards". The appeal is ALLOWED.

6.00 REPORT

6.01 The Planning Inspector considered that the main issue when considering the appeal was the effect on the highway network. The Inspector noted that the scheme provided 13 car parking spaces to serve the development. However, consideration was given to the provision of additional public parking both at the local shopping centre and the free public car park 150m to the South on Broughton Hall Road. The Inspector recognised that, under the Council's Policy AC18 of the Unitary Development Plan, maximum parking provision for the development would equate to 23 spaces. However, he also notes that's the policy indicates that this is a maximum figure and reduced requirements may be applied for sites within 300m of existing public car parks.

6.02 The Inspector also took into consideration the traffic flow surveys submitted with the application which compared a similarly sized store in Chester to the proposed development and which were not disputed or challenged by the Council's Highways Development Control Manager. Having regard to these the Inspector took the view that the proposed car parking provision is acceptable and a reduced requirement is justified in accordance with the provisions of the Council's car parking standards and UDP Policy AC18. Although the Council indicated that the junction is very busy and queuing is a common problem due to the volume of traffic on Main Road, the Inspector took the view that the technical evidence in this case states that there is adequate provision for parking within the site to cater for the demand from the proposed retail unit without parking spilling onto adjacent roads.

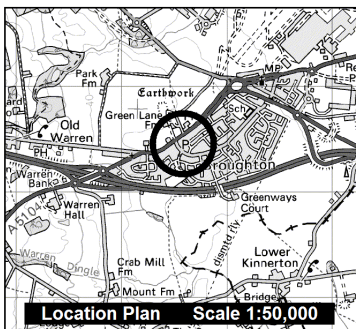
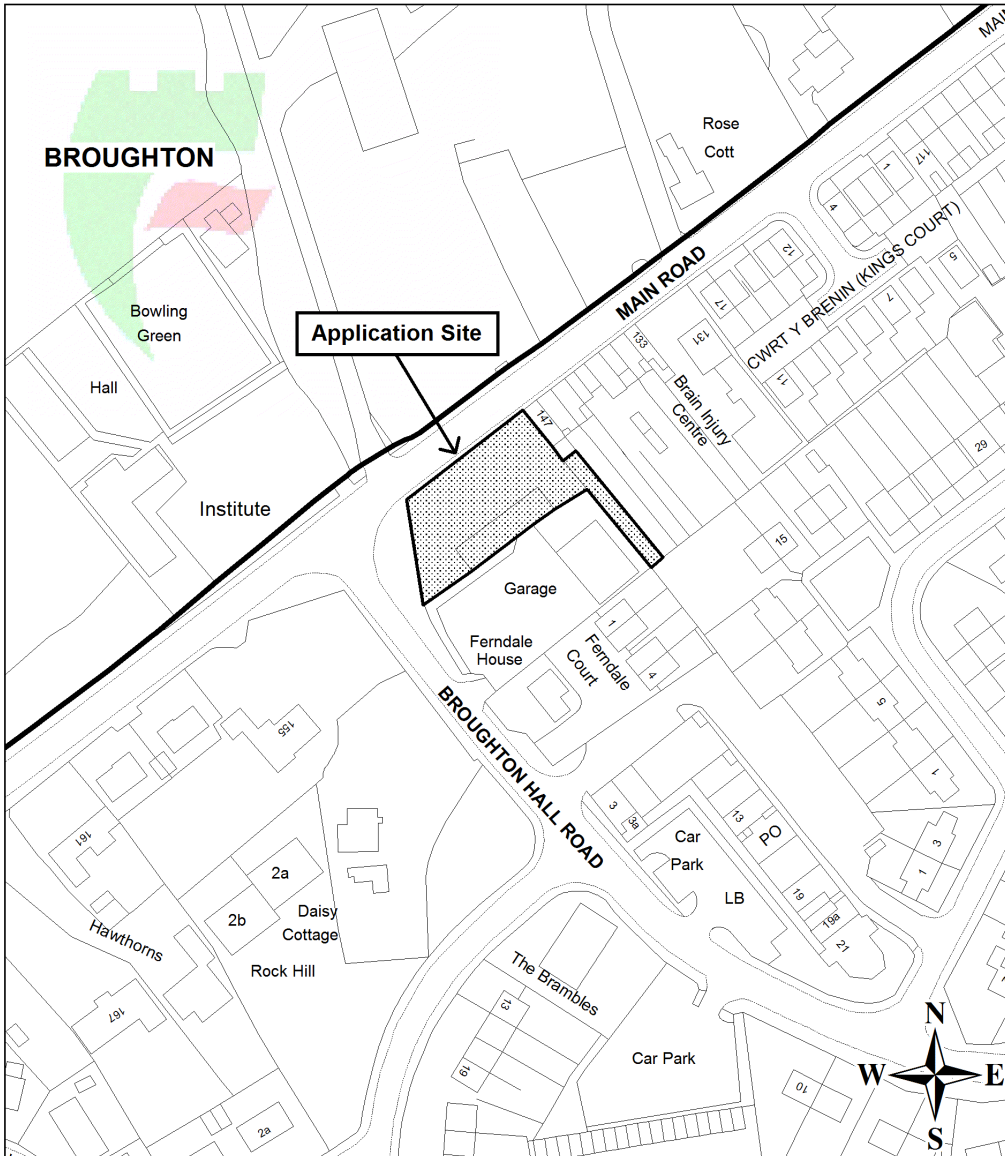
7.00 CONCLUSION

7.01 In conclusion, and taking all other matters into account, the Inspector concluded that in the absence of evidence to indicate that the proposal would cause harm to highway safety, the proposal does not conflict with UDP Policy. The appeal was therefore ALLOWED subject to the imposition of appropriate conditions.



LIST OF BACKGROUND DOCUMENTS

Planning Appeal decision dated 20th January, 2015

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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
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Planning Application	52209

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