

# 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, Veronica Gay, Alison Halford,  
Ray Hughes, Christine Jones, Richard Jones,  
Richard Lloyd, Billy Mullin, Mike Peers,  
Neville Phillips, Mike Reece, Gareth Roberts,  
David Roney and Owen Thomas

18 March 2015

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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 MARCH, 2015 at 1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 5 - 30)

To confirm as a correct record the minutes of the meetings held on 12 February 2015 and 25 February 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**  
**25<sup>TH</sup> MARCH 2015**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
6.1	052344	052344 - R - Full Application - Single Wind Turbine of Maximum Tip Height 86.5 m and Ancillary Development, Including a Crane Hard-Standing Pad, Substation, Equipment Housing Cabinet and Access Road at Lygan Uchaf Farm, Wern Road, Rhosesmor. (Pages 31 - 46)
6.2	052875	052875 - A - Outline Application - Erection of 2 No. Dwellings on Land to the Rear of 6 Welsh Road, Garden City (Pages 47 - 56)
6.3	053076	053076 - A - Full Application - 72 No Self Contained 1 & 2 Bed Apartments with Supporting Communal Facilities at Coleshill Street, Flint. (Pages 57 - 68)
6.4	052679	052679 - A - Full Application - Erection of 8 No. Dwellings at Former Church Hall Site, Well Street, Holywell (Pages 69 - 80)
6.5	052759	052759 - A - Full Application - Conversion of and Extension to Existing Building to Provide Fishery Sales Office and Canteen, Conversion of and Extension to Building to Provide a Dwelling with B & B Letting, Construction of 2 No. Fishing Pools and a Mitigation Wildlife Pool, Demolition of Existing Outbuilding on Roadside, Landscaping, Installation of Non-Mains Drainage, Formation of Parking Area and Creation of a New Access (Closure of Existing Access) at Stamford Way Farm, Stamford Way, Ewloe. (Pages 81 - 96)
6.6	052956	052956 - A - Full Application - Retention of 2 No. Climbing Poles at Fields North East of Crossways Road, Pen y Cefn, Caerwys. (Pages 97 - 102)
6.7	053219	053219 - A - Full Application - Erection of a Radar Mast and Associated Development (to Include Micro-Siting) at Airbus, Chester Road, Broughton (Pages 103 - 110)
Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
6.8	051753	051753 - Appeal by Mrs McKay Against the Decision of Flintshire County Council to Refuse Planning Permission for the Retrospective Application to Retain Timber Stabling and Storage, Additional Storeroom and Hardstanding at 25 Rhyddyn Hil, Caergwrlle - ALLOWED (Pages 111 - 112)
6.9	051810	051810 - Appeal by Mr. A. Evans Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Stable and Agricultural Storage Building (Part Retrospective) at Fron Haul, Brynsannan, Brynford - DISMISSED (Pages 113 - 118)
6.10	052054	052054 - Appeal by Mr. Andrew Roberts Against the Decision of Flintshire County Council to Refuse Planning Permission for Outline - Erection of 4 No. Semi-Detached Three Bedroom Dwellings and Demolition of 2 No. Existing Dwellings at The Haven, Knowle Lane, Buckley - DISMISSED. (Pages 119 - 122)
6.11	052186	052186 - Appeal by Mr. S. Cargill Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Detached Garage to Replace Existing Garage and Outbuildings at 1 Lindsay Cottages, Station Road, Sandycroft - DISMISSED. (Pages 123 - 124)
6.12	052603	052603 - Appeal by Mr. Tom Parry Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of a Conservatory Extension at 9 Park Crescent, Carmel - DISMISSED. (Pages 125 - 128)



**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**12 FEBRUARY 2015**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Thursday, 12 February 2015

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

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

**SUBSTITUTIONS:**

Councillor: Haydn Bateman for Marion Bateman, Mike Lowe for Billy Mullin, Veronica Gay for Mike Peers and Ron Hampson for Mike Reece

**ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillors Tony Sharps and Paul Shotton – agenda item 4.1.

The following Councillors attended as observers:

Councillor: Mike Peers and Aaron Shotton

**IN ATTENDANCE:**

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

**132. DECLARATIONS OF INTEREST**

Councillor Christine Jones declared a personal and prejudicial interest in the following application because a family member was an undertaker and explained a dispensation had been granted by the Standards Committee:-

**Agenda item 4.1 – 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 (052334)**

**133. LATE OBSERVATIONS**

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

**134. 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 (052334)**

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 earlier that day. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report, along with an addition to it, were circulated at the meeting.

The officer detailed the background to the report and explained that a number of amendments had been made to the originally submitted application which were detailed in the report. These included the removal of an area for natural burials and the proposal to increase the width of Oakenholt Lane to the site entrance to 4.8m without the requirement for translocating the existing established hedgerow. He referred to the amendment to paragraph 7.29 of the report, and the remainder of the late observations. The officer also highlighted condition 22 which had been added since the draft conditions had been made available to Members. He asked that Members consider this application on its own merits and not compare it with the Tyddyn Starkey application which had previously been refused by the Committee on 29 October 2014. This application site was not in the green barrier and there was therefore no requirement for an alternative site assessment to be undertaken. At the meeting on 29 October 2014, the Committee had agreed that there was a need for a crematorium in Flintshire and this was one of the main issues considered by the officer in preparation of his report with the recommendation of approval.

Mrs. J. Hulme spoke against the application on behalf of local residents. She felt that the site was not suitable for a crematorium and she raised concern at the address given for the site and suggested that this could be misleading. The village and lane were not capable of taking traffic generated by the proposal as the road was a single track and was not wide enough to allow a funeral hearse and other traffic to pass each other. Mrs. Hulme asked who would police the routes that the funeral vehicles took to ensure that they followed the proposed signage to be put in place as she felt that the signed routes would not be followed. She referred to a planning application that she had submitted in 2001 which conditioned that traffic could not leave the proposal onto Oakenholt lane because of it being dangerous. Mrs. Hulme felt that the difficult highway issues had not been taken into account in consideration of the application and referred to the rat run from the A548 to the A55 which was frequently used by students from Coleg Cambria. She suggested that all lanes in the area were dangerous because they were so narrow and referred to the number of accidents that had occurred in the area. She agreed that there was a need for a crematorium but that this was not the correct site and she referred to the number of objections that had been received to the proposal. She suggested that the Tyddyn Starkey proposal

was far superior to this site and asked the Committee to refuse the application.

Mr. J. Hodgeson spoke in support of the application. He explained that the applicant had seven sites in the United Kingdom including one which was to be built in Denbighshire and two in South Wales and the company had 80 year's experience. The proposal included one hour time slots for cremations and this would prevent problems with traffic flow to and from the site. The company had identified this as the best site in Flintshire for the proposal and were looking to invest £4m in the development. He spoke of the issue of delays in waiting times for funerals and added that approval of this proposal would assist in reducing this problem. Mr. Hodgeson explained that only 15% of the site would be developed and the 3,000 square foot crematorium building would have a minimum impact on the countryside. Following a recent consultation exercise, he suggested that 91% of local residents were in favour of the proposal which included making improvements to Oakenholt Lane by widening it to 4.8 metres. The access had been designed in accordance with national guidance and on the issue of highway safety, there had been no accidents in the vicinity of the site in three years. A pedestrian access across the southern boundary of the site was also to be created. In view of the catchment area Mr. Hodgeson stated that the new facility would avoid 188,000 travel miles a year, which would reduce CO<sup>2</sup> omissions, and that only 39% of traffic would need to access the site through Northop and Northop Hall.. He referred to the site at Tyddyn Starkey that had been refused, stating that sites in the green barrier could only be permitted in exceptional circumstances, including where there was an alternative site outside the green barrier. he added that refusal of his application would not make the Tyddyn Starkey site any more suitable. Mr. Hodgeson concluded that the proposal should be determined on its own merits and as it was acceptable in principle, he hoped that it would be approved by the Committee.

Councillor M. Richardson from Northop Hall Community Council spoke against the application and highlighted the objections by the Community Council which were detailed in the report. On the issue of traffic movements, he felt that existing roads were used as short cuts and that the local roads would become busier following the construction of a development for 50 houses in the area. The Community Council felt that the application site at Tyddyn Starkey was a more suitable site and one that was easily accessible. He felt that the site address was incorrectly reported and he referred to the summary section of the report where it was noted that the site was on agricultural land within the open countryside. Councillor Richardson suggested that the development could be seen from Northop Hall and would have a detrimental impact on the landscape of the area. He referred to the opening hours for the proposal and the suggested one hour time slots but said that he felt that this would still be an issue because of the number of vehicles that could be in a funeral cortège. He referred to the widening of Oakenholt Lane from the site entrance to the junction with the B5126 and suggested that the whole length of the lane should be widened to increase safety. He referred to accident data for the area and the traffic assessment submitted as

part of the application and a highway report submitted as an objection to the proposal.

The Democracy and Governance Manager said that the speakers had all made reference to the Tyddyn Starkey application. He explained that it was important to reiterate that the issue before the Committee was whether this application was satisfactory or not, and not whether it was better or worse than the Tyddyn Starkey application. He also explained that the site plan and details of the proposal had been made available on the Council's website and at County Hall.

Councillor Ron Hampson proposed the recommendation for approval which was duly seconded. He felt that the site was in an ideal location and approval of the application would reduce the time that families were having to wait to arrange a cremation. The application complied with policies and was not situated in the green barrier. Councillor Ian Dunbar said that a crematorium was needed in Flintshire and added that this application should be taken on its individual merits.

One of the Local Members, Councillor Tony Sharps concurred with all that Mrs. Hulme had said. He spoke of the dangers of the lanes in the area and queried the address of the proposal. He felt that it had not been mentioned in the report that the application site was outside the Unitary Development Plan and because of this, the application should be refused. Councillor Sharps queried why 'Manual for Streets' guidance had been considered as part of the consideration of the application and queried why the number of car parking spaces had been amended to a total of 100 spaces. He spoke of the provision of two bus stops in the area and commented on a number of fatalities and recent accidents in the area. He suggested that for openness and transparency, it would have been fairer for this and the Tyddyn Starkey application to have been considered together. He hoped that the Committee would refuse this application.

Another Local Member, Councillor Paul Shotton, highlighted the need for a crematorium in Flintshire and spoke of the delays by families in arranging cremations at other Crematoria in the area. He felt that this site was in a peaceful location and was served by bus routes that would allow easy access to the site. The issue of access to the site was being addressed as part of the proposal by widening part of the lane and the extension of the footway to the pedestrian link to the site. There had not been any objections from Highways to the proposal and the application complied with policy. Councillor Shotton commented on the overwhelming need for a crematorium in Flintshire and asked the Committee to approve the application.

Councillor Chris Bithell concurred that a crematorium was urgently needed but raised concern that the report proposed approval of the application as he was concerned about highway issues. He spoke of the busy B5126 and commented on accident history of the area which had not been reported. It had been assumed that funeral corteges would approach from Northop, Northop Hall and Connah's Quay but there was no reference to how



they would get to those locations. Councillor Bithell added that roads in Shotton and Connah's Quay were not a preferable route to access the site, particularly with the delays being caused by roadworks in the area. He felt that lanes in the area were unsuitable and that siting a crematorium in this location would increase traffic problems, particularly in view of the use of sat nav and the coaches which would attend some funerals. He also referred to the impact on the environment and queried why comments from the Council's previous Conservation officer, who opposed the development, had not been reported.

Councillor Gareth Roberts felt that this application should be compared with the Tyddyn Starkey application and highlighted a paragraph in the report for that application on the purpose of the Green Barrier Flint Mountain – Northop. He indicated that other sites had to be considered in the determination of the Tyddyn Starkey application and that was why the application had been delayed in being submitted to the Committee. He queried why this proposal was being considered in isolation and referred to the roads in the area. Councillor Roberts felt that the access to the other application was preferable and suggested that the green barrier argument was not viable and that this application should therefore be refused.

The Democracy and Governance Manager highlighted paragraph 7.12 which explained that this application needed to be considered on its own merits not compared with others sites. Other potential sites had to be considered during determination of the Tyddyn Starkey application, as it was in the Green Barrier, to identify whether there was an alternative site not in the Green Barrier.

Councillor Owen Thomas raised concern that funeral vehicles would not be able to pass tractors in the lane from the junction to the proposed access to the site as it would not be wide enough. He suggested that a width of at least 5.5 metres was more appropriate for safety reasons and raised concern that accident statistics were not included in the report. He referred to accident data for the area which included five fatalities and seven accidents at the junction with Oakenholt Lane. Councillor Thomas said that the Conservation Officer had raised concern about the loss of the verge in the lane to the proposed site access. He also highlighted the assessment by Peter Brett Associates on the suitability of the development in landscape and visual terms. He also queried why a Member for Connah's Quay supported the application when Connah's Quay Town Council had expressed their objection to the proposal. He referred to the objections raised as a result of the public consultation and raised concern on highway grounds. He felt that the lane could not be widened and he referred to regulations on hedgerows that meant that they could not be cut between March and September.

Councillor Richard Jones referred to the objections received particularly on highways issues and inadequate access to the site. He also referred to the Unitary Development Plan (UDP) and said that local people would be more aware of the dangers of local roads than the UDP Inspector. He felt that the effect of the proposal on the local community was paramount and that the

traffic in the area would increase significantly. He added that even though there was a need for a crematorium in Flintshire, this was not the appropriate place for it.

In referring to the one hour gap between cremations, Councillor Neville Phillips commented on issues that could affect this and said that even though signage was to be put in place to advise of suitable routes, he felt that Undertakers would use routes that they were familiar with even if this meant using unsuitable country lanes.

Councillor Carolyn Thomas commented on the beautiful site location and the use of the lane by cyclists, horseriders and walkers and reiterated the earlier comment that the hedgerow could not be cut during summer months. She raised concern as the verges would be less dense in winter than in summer and highlighted additional concerns about budget cuts affecting grass cutting services. She added that walkers could currently step onto the verges to allow vehicles to pass but if they were removed to widen the lane, then this would be a problem. Councillor C. Thomas agreed that a crematorium was needed in Flintshire but not at this location.

Councillor Carol Ellis concurred about the inappropriate location and indicated that she had originally suggested that both applications be considered at the same meeting. The lane was used as a rat run and widening the lane would make it more dangerous rather than increasing safety.

Councillor Derek Butler felt that highway issues were a material consideration in the determination of this application. He felt that the proposal complied with policy and highlighted paragraph 7.08 which indicated that crematoria were not explicitly mentioned in the UDP. There were no outstanding issues on biodiversity and the report indicated that two sycamore trees, which were in a poor condition, would need to be removed. Councillor Butler felt that all highway issues had been addressed and that Flintshire needed a crematorium.

Councillor Alison Halford sought clarification from the Democracy and Governance Manager about the position of the Local Authority if a judicial review was sought on the Tyddyn Starkey application. In response, the Democracy and Governance Manager advised that there was a time limit to request a judicial review, which had expired and that one could only be requested if there was no other avenue available to the applicant. In this case, the applicant could have appealed so a request for a judicial review would not succeed. He reiterated his earlier comments about the Committee needing to determine this proposal on its own merits. He added that when dealing with the Tyddyn Starkey application, other potential sites not in the green barrier had to be considered and as the Memoria application had been submitted, this delayed the determination of the Tyddyn Starkey proposal.

In response to the highway comments made, the Senior Engineer - Highways Development Control explained that the main issue was the site

access and visibility. She referred to standards for approach roads and traffic flow and explained that Highways officers did not have any objections to the proposal subject to conditions. A speed survey had been undertaken and accident data for the previous five years had been analysed. She commented on the traffic generation for crematorium services based on data analysed for two existing crematoria and that a car park survey had revealed that 60 spaces would be required for such a proposal; 100 spaces had been proposed for this application. The visibility for access to the site had originally been designed in accord with 'Manual for Streets' but following a query from officers, the proposal was adjusted to meet the desirable minimum stopping sight distances as prescribed in Design Manual for Roads & Bridgeworks and it was proposed to increase the width of Oakenholt Lane. The Senior Engineer added that bookings for crematorium services would be on an hourly basis and would therefore not overlap which would reduce traffic issues seen at crematoria with services more frequently. She commented on the speed survey that had been carried out and on the evidence considered by an appeal Inspector at recent crematoria applications on the road width required for two vehicles to pass each other. From a Highways stance, there was no reason to refuse the application.

On the issue of parking, a maximum requirement for such a use had not been identified but the survey information had been used and it been determined that 100 parking spaces was adequate. The Senior Engineer referred to a crematorium that operated a similar pattern and a decision taken by the appeal Inspector on such a proposal. She highlighted the 'Manual for Streets' guidance that only required the increase of a road to a minimum of 4.5metres but this had been increased by the applicant in the proposal to 4.8metres. Conditions had been included that a construction traffic management plan and an operational traffic management plan would be required which would prevent funeral cortèges from using the lower part of Oakenholt Lane. Signage would be required from the A55 to indicate access from junction 33 to the B5126 and the road through Northop Hall already had traffic calming measures in place. A recent speed reduction had been put in place on the B5126 and the Senior Engineer felt that the traffic associated with attending the site would not be at peak times of the day. Accident data had not been included as it would not normally be reported but the Senior Engineer provided details of the accidents in the area, which were due to driver error and three incidents on the bend had been speed related and took place prior to the speed reductions being put in place. There was no direct correlation between increases in traffic flow and the number of accidents and when the data was compared to the previous five years, it showed that the recent improvements put in place had reduced the accident rate. In relation to traffic flow, there was an average of 15 vehicles per service and with services being between 45 minutes and 1 hour apart, there would be minimum overlap of mourner's vehicles. There were no capacity issues on the road network and comparative site studies had been considered. The location of the site was sustainable as it was 1.5 miles from the A55 and pedestrian access had been increased as part of the proposal and the area was served by 11 bus services per day.

Councillor Christine Jones queried the opening hours for the site and asked whether the Garden of Remembrance would be open on Sundays and Bank Holidays. The officer responded that the hours of operation referred to in the conditions was for cremation services but it was anticipated that visits to the Garden of Remembrance outside of these operating hours would not generate a significant amount of traffic in the area.

Councillor Owen Thomas queried why Oakenholt Lane was only being widened to 4.8metres as this would not allow a hearse at 3 metres and cars at 2.5 metres to pass each other. The Senior Engineer responded that the lane varied in width but that improvements to 4.8 metres were being proposed which exceeded the guidance requirements. In response to a comment from Councillor Halford, the Senior Engineer advised that her comments were in relation to numerous appeal decisions made across the country on the issues of parking, road widths and single carriageways.

The officer referred to comments about the comparison with the Tyddyn Starkey site and highlighted paragraph 7.12 explaining this application needed to be considered on its own merits.

In response to a query from Councillor Bithell about why the comments of the Conservation Officer were not reported, the Planning Strategy Manager advised that it was not normal practice to report such comments. He added that the comments were at a moment in time when the access was different to the current proposal. The Planning Strategy Manager also explained that as this site was not in the green barrier it therefore had to be considered first sequentially. With regard to the points raised in relation to the UDP Inspector he advised that the decision before members was whether this development was in the public interest. Councillor Bithell indicated that the Conservation Officer had not just referred to the hedgerow but to the quality of the area and the impact of the proposal on the open countryside. He felt that this area had not been compromised by the A55 and was of far greater importance.

The Democracy and Governance Manager reminded Members that advice from officers was independent and that information from interested parties may be biased. He added that the Highways Officer had advised that there was no evidence to refuse the application on highway grounds.

Councillor Sharps sought clarification on whether the site was inside or outside the UDP. The Planning Strategy Manager indicated that the site was in the open countryside and that the UDP had not included any designated areas for crematoria so the UDP had not made any reference to it. The UDP had identified land in the open countryside and there were policies in place that could allow for sites in the open countryside to be considered.

In summing up, Councillor Hampson stated that it had earlier been suggested that the area was tranquil. He felt that this was therefore an ideal location for a crematorium and reiterated his comment that there was a need in Flintshire.

Councillor Gareth Roberts requested a recorded vote and was supported by the requisite five other Members. On being put to the vote, planning permission was refused by 13 votes to 8, with the voting being as follows:

**FOR - GRANTING PLANNING PERMISSION**

Councillors: Haydn Bateman, Derek Butler, Ian Dunbar, David Evans, Richard Lloyd, Mike Lowe, Ron Hampson and David Wisinger

**AGAINST – GRANTING PLANNING PERMISSION**

Councillors: Chris Bithell, David Cox, Carol Ellis, Alison Halford, Ray Hughes, Christine Jones, Richard Jones, Veronica Gay, Neville Phillips, Gareth Roberts, David Roney, Carolyn Thomas and Owen Thomas

The Chief Officer (Planning and Environment) sought reasons for refusal of the application. Councillor Richard Jones indicated that the application should be refused for landscape and conservation issues and highlighted policies STR1 c and g, STR2 b and AC13 a and b as the policies that the application did not comply with. Councillor Alison Halford felt that highway and environmental issues were a concern along with the number of accidents that had occurred in the area. Councillor Ray Hughes referred to pedestrian safety which he felt was a concern even if the road was widened to 4.8 metres as this would remove the grass verges.

The Chief Officer suggested that a report detailing reasons for refusal be submitted to the next meeting of the Planning & Development Control Committee on 25<sup>th</sup> February 2015 for consideration by Members. On being put to the vote, the suggestion was agreed.

**RESOLVED:**

- (a) That planning permission be refused; and
- (b) That a report detailing the reasons for refusal be submitted to the 25<sup>th</sup> February 2015 meeting of the Planning & Development Control Committee for consideration by Members.

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

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

(The meeting started at 2.30 pm and ended at 4.29 pm)

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**Chairman**

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**25 FEBRUARY 2015**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 25 February 2015

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

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

**SUBSTITUTIONS:**

Councillor: Mike Lowe for Billy Mullin, Veronica Gay for Mike Peers, and Brian Lloyd for Carolyn Thomas

**ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor Rita Johnson - agenda item 6.1. Councillor Jim Falshaw - agenda item 6.4. Councillor Carolyn Thomas - agenda item 6.7

The following Councillor attended as observer:

Councillor Haydn Bateman

**IN ATTENDANCE:**

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

**136. DECLARATIONS OF INTEREST**

Councillor Ray Hughes declared a personal and prejudicial interest in the following application because he was Governor of the school recommended to receive the payment:-

**Agenda item 6.7 – Outline application – Residential development at Station Yard, Corwen Road, Coed Talon (051831)**

Councillor Marion Bateman declared a personal and prejudicial interest in the following application because the applicant was a relative:-

**Agenda item 6.11 – Full application – Erection of a single storey and two storey extensions and erection of detached garage at Alyston, Bretton Lane, Bretton (053032)**

**137. LATE OBSERVATIONS**

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

**138. MINUTES**

The draft minutes of the meeting of the Committee held on 21 January 2015 had been circulated to Members with the agenda.

**RESOLVED:**

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

**139. 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.

**140. 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 (053058)**

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

The officer detailed the background to the report and referred Members to the late observations sheet where an amendment to the recommendation was suggested. He explained that the area of land where the 27 dwellings were to be sited was in the southern part of the site. This area of land was in phase 3 and even though the mineshaft was at the top of the site, the condition for the mine works investigation covered the whole of that phase. In the current market, it was logical for this area of the site to be progressed and as no objections had been received from Highways on condition 5 or the Coal Authority on condition 15, the recommendation was for approval to vary these conditions.

Mr. J. Yorke spoke against the proposal. He said that the applicants should be required to comply with condition 5. He commented on the small number of dwellings built on the site in the past three years and said that approval of this application would assist the applicant in meeting their delivery targets. Mr. Yorke said that the developer had indicated that the work on this part of the site had commenced in November 2014 and queried why the application was not reported as retrospective. He felt that there was no reason to grant approval to vary the conditions.

Councillor Alison Halford proposed refusal against officer recommendation which was duly seconded. She referred to a recent appeal hearing by Anwyl Construction for a site in Hawarden where it had been indicated that the company did not want to build on Croes Atti, however they



were now requesting that the condition be varied to allow them to continue developing the site.

The Local Member, Councillor Rita Johnson, said that condition 5 had been included for a good reason and should be retained. She suggested that the spine road could be put in place now and raised concern that only 100 properties were in the process of being built on the site. She felt that the condition should be imposed and queried what other variation of conditions would be sought if this application was approved.

Councillor Chris Bithell said that the conditions were not being discharged but postponed until relevant and approval would allow the applicant to develop this part of the site. He felt that this application did not necessitate the inclusion of the spine road or an assessment of the mine workings.

In response to the comments made, the officer explained that the current road network could service the 27 properties and confirmed that the applicant had commenced work on this area in advance of the determination of this application.

The Planning Strategy Manager indicated that not agreeing to the proposal would hold up the development of the site and that it was counter intuitive to hold back this site based on the appeal decision at the site in Hawarden referred to earlier.

In summing up, Councillor Halford commented on the appeal decision for 41 homes in Ewloe on Green Barrier land by the applicant which had been agreed as the County did not have a 5 year land supply even though the number of dwellings that could have been built on the site at Croes Atti was 368.

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

**RESOLVED:**

That planning permission be granted for plots 175 to 198 inclusive only to be constructed without complying with conditions 5 and 15 of planning permission reference 050300

**141. 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 (052914)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional

comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and drew Member's attention to the late observation sheet where the correct site plan was included. The principle of development had been addressed at the outline application stage and it had been considered that the proposal was acceptable in relation to space around dwellings and that there would be no detrimental impact on the area. The late observations reported the removal of two conditions which were not required as part of this application as they had been covered by conditions on the outline application stage.

Mr. H. White spoke against the proposal and said that the site of the application adjoined the common at the northern side. He felt that the details of landscaping and the relationship to the common land were not clear and that this information was not included in the Design and Access Statement. Mr. White suggested that two of the driveways were across the visibility splay and vehicles reversing from the site would be a hazard. His main concern was the lack of detail in the application.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded.

The Local Member, Councillor Carol Ellis, concurred with the comments of Mr. White on the lack of detail and added that a public right of way bordered the site of this proposal. An application for four additional houses was refused by Committee but the decision was overturned by the Inspector. She reminded Members that the site had been used for landfill in the past and commented on the importance of the footpath and queried what was to happen to the hedgerow. Councillor Ellis felt that it was an area of beauty and was near a Site of Special Scientific Interest (SSSI) and that no details had been provided of how the footpath would be affected by the proposal or how the common land could be accessed. She referred to the concerns raised by Buckley Town Council, who would have local knowledge of the problems generated by busy traffic on Alltami Road. She commented on the health centre and the location of the proposed access to this site which would create a mini crossroads near a crossroads which Councillor Ellis was concerned about. She had submitted complaints about the highways in the area but had not yet received a response but had been advised that no fatalities had taken place in the area. She highlighted her grave concerns for public safety in the area and she felt that local knowledge should be respected. She suggested that a condition should be imposed that Anwyl Construction upgrade the road.

Councillor Neville Phillips concurred and added that traffic concerns in the area were well documented and had been raised from the submission of the first application for the site.

In response, the Senior Engineer - Highways Development Control confirmed that Highways did not have any objections subject to conditions.

The access to the site had been discussed at the Informal Hearing when the outline consent was refused by Members and in response to the concerns raised by the Local Member, she confirmed that the junction would be monitored. The Development Manager clarified that it was not appropriate to include this as a condition.

The officer responded to the comments about lack of detail and explained that it was normal to condition the details of landscaping and foul pumping station at this stage of an application. She added that access to the common land could be served through the proposal for the landscape scheme. In response to a query from Councillor Richard Lloyd on whether a traffic assessment could be undertaken, the officer explained that no highway safety issues had been identified and therefore an assessment was not necessary.

The Chief Officer (Planning and Environment) referred to Councillor Ellis' comments about the common land and suggested that condition 10 could be expanded to include reference to access to the common land.

In summing up, Councillor Derek Butler agreed to expand condition 10 as suggested and asked whether the conditions relating to the foul pumping station and site access could be strengthened; he was advised that the conditions reported were a summary of the conditions and that these items could be included in the full conditions.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) without conditions 1 and 4 and the expansion of condition 10 to include reference to access to the common land.

**142. 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 (052907)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The Officer detailed the background to the report and explained that the requested changes were detailed in paragraph 7.03. There had been no objections to the proposal and the application was to be determined by Committee due to the requirement for a Section 106 agreement.

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

## **RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a supplementary Section 106 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.

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

### **143. 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 (052760)**

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 23 February 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 site was in the settlement boundary and Conservation Area. The site had the benefit of planning permission for four dwellings which the officer detailed. Initial plans were submitted which were deemed unacceptable and amended plans were received and a further consultation exercise undertaken. The highway issue had been addressed and the scale was now deemed acceptable.

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

The Local Member, Councillor Jim Falshaw, commented on the concerns that had been raised by Caerwys Town Council on the siting of the plots and suggested that plot 3 be removed and plots 1 and 2 be moved to correspond with the previously approved application (047518). He referred to an application on Summerhill Farm which would take the growth figure for Caerwys over the figure identified in the Unitary Development Plan and of concerns over parking issues. Councillor Falshaw felt that a proposal similar to that approved under application 047518 was more appropriate.

In response, the officer said that permission on that application was granted in 2012 so would expire in 2017 and that it was for Members to determine whether this application for an additional unit was acceptable. On the issue of the growth rate in Caerwys, this had been referred to in paragraph 7.06 of the report.

The Planning Strategy Manager queried what harm was evident by increasing the number of dwellings by one from the already approved application.

In summing up, Councillor Bithell asked that the amendments to conditions in the late observations be included as part of the resolution.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition and amendments to 2 conditions referred to in the late observations and subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £1,100 per dwelling, in lieu of on site recreational provision.

**144. 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 (053014)**

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

The officer detailed the background to the report and explained that this application had been re-submitted following approval of application 051537 at appeal by the Planning Inspector. The proposal allowed the retention of ground levels on plots 52 to 56 and modifications to the existing 5.5m raised platform with stepped access to a lower ground level on plots 55 and 56. This had been considered unacceptable by officers when the application was initially submitted and as it was still deemed unacceptable, the recommendation was for refusal.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that the proposal would result in overlooking and should therefore be refused.

**RESOLVED:**

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

**145. 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 (053015)**

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

The officer detailed the background to the report and explained that this proposal was seeking to retain the ground levels already constructed on plots 52 to 54 and to revise the treatment of the raised rear garden area on plots 55 and 56 by introducing a raised platform approximately 1.5m wide. A plan indicating the proposal that had been allowed at appeal along with what was proposed in this application was displayed for the Committee to view. A condition to provide a boundary fence/privacy screen to retain in perpetuity was included in the recommendation.

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

The Local Member, Councillor Carol Ellis, asked that the condition imposed by the Inspector at the appeal in relation to screening be included if the application was approved. She did not feel that the proposal would be of benefit to nearby residents but would make the proposals more acceptable for the owners of plots 55 and 56. She added that the proposal was to include the raised area that Members had initially been concerned about. Councillor Ellis felt that the scheme passed by the Inspector should be the scheme put in place. In response, the Development Manager detailed the original scheme when compared to what was allowed on appeal and what was being proposed in this application. The officer said that it had been recognised that the impact on neighbouring properties was important and the proposed condition for screening, as suggested by the appeal Inspector, would give confidence that the resident's privacy would be safeguarded.

**RESOLVED:**

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

**146. APPLICATION FOR OUTLINE PLANNING PERMISSION – RESIDENTIAL DEVELOPMENT AT STATION YARD, CORWEN ROAD, COED TALON (051831)**

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

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

The officer detailed the background to the report and explained that all matters were reserved. The site was allocated in the Unitary Development Plan for residential development and the two main issues of flooding and drainage had been addressed in the report. The late observations included comments by Councillor Carolyn Thomas about the existing right of way and this had been included as condition 22 in the proposal.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He welcomed the inclusion of condition 22 to safeguard the right of way.

The Local Member, Councillor Carolyn Thomas, welcomed the application. She commented on the inclusion of a roundabout in the indicative plan and sought clarification on paragraph 7.16 about upstream flooding. She referred to previous flooding problems in the area and welcomed the removal of the culvert. She referred to paragraph 7.04 where it was reported that it was proposed to demolish the Railway Inn public house and said that this was incorrect as only the public house car park was to be used for access to the site. Councillor Thomas commented on the condition for the protection of the public right of way which she welcomed but requested that it be amended to include cyclists, horse riders and walkers.

Councillor Chris Bithell felt that the report did not refer to the disposal of surface water and queried whether it would flow to the River Alyn. He also sought clarification that this proposal would not exacerbate flooding as the area had had flooding issues in the past.

In response to a query from Councillor Ian Dunbar about the demolition of the Railway Inn public house, the officer said that this application was for outline permission and it was therefore not certain what was proposed in relation to the pub. He felt that a roundabout as a method of access to the site was unlikely and on the issue of surface water, he referred Members to paragraph 7.18 where it was reported that the discharge rates to the watercourse would be regulated to pre-development rates by means of employing a flood control device within the surface water drainage system upon the site. He provided a detailed explanation to Councillor Thomas' question on paragraph 7.16 on the issue of upstream flooding.

The Democracy and Governance Manager sought clarification on whether Councillor Butler, as the proposer of the recommendation, was happy to include the amendment suggested by Councillor Thomas; Councillor Butler confirmed that he was.

**RESOLVED:**

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

conditions referred to in the late observation, the amendment to condition 22 to include 'cyclists, walkers and horse riders' and subject to the applicant entering either into a Section 106 agreement, providing a unilateral undertaking or the making of an advance payment for education provision for a sum equivalent to £18,469 per secondary school pupil generated towards Castell Alyn High School.

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

After the vote had been taken, Councillor Ray Hughes returned to the meeting and the Chair informed him of the decision.

**147. FULL APPLICATION – ERECTION OF 4 NO. DWELLINGS AND ASSOCIATED WORKS AT THE CROFT, ALLTAMI ROAD, BUCKLEY (052936)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the site had permission for four dwellings. The site was within a Category A settlement and space around dwellings guidance had been complied with and full consideration had been given to the ecological issues in the area.

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

**RESOLVED:**

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

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



**148. APPLICATION FOR OUTLINE PLANNING PERMISSION – FOR THE ERECTION OF A BUNGALOW AT BRYN AWEL, TIR Y FRON, PONTYBODKIN (052885)**

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 23 February 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application was reported for refusal as it did not comply with policy.

Mrs. H. Jones, the applicant, spoke in support of the application, stating that there were inaccuracies in paragraph 1.01 and 7.05 as it was not indicated that the bungalow would be for her father, herself and family rather than for her and her family. The application would enable a purpose built bungalow to be erected so that her father could be supported and Mrs. Jones explained about her father's ill health. She referred to the problems that he was experiencing and said that living in a bungalow would assist in alleviating some of the problems. Mrs. Jones said that converting the garage to provide accommodation had been considered but it was not a sufficient size to allow its adaptation. Provision of a bungalow would offer ideal living conditions and would allow her father to have a good quality of life.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He referred to the site history where it was reported that a previous application had been refused and he felt that, for consistency, this application should also be refused as it did not comply with policy. He suggested that the applicant had the option to appeal the decision if it was refused. Councillor Bithell sympathised with the applicant's circumstances but added that these were not unique and that in planning terms the issues did not override planning policy and therefore refusal was the correct decision.

Councillor Derek Butler concurred that the application should be decided on planning merits and whatever the social issues they were not tantamount to planning considerations: as it did not comply with planning policy, it should be refused. Councillor Gareth Roberts felt that this was a new build in the countryside and should therefore not be permitted. The officer indicated that the circumstances of the family did not override planning policy. The Chief Officer (Planning and Environment) advised that the previous application that Councillor Bithell had referred to earlier had been decided by delegated powers, not by the Committee.

The Planning Strategy Manager said that if Members accepted that there were exceptional circumstances to allow the proposal, evidence would need to be provided that all other avenues, such as the adaptability of the current property, had been explored first. Policies were in place which could allow an annexe accommodation to be developed but this was not what was being sought in the proposal.

**RESOLVED:**

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

**149. FULL APPLICATION – ERECTION OF AN AFFORDABLE HOME AND ALTERATIONS TO EXISTING VEHICULAR ACCESS AT GLENELLA, LONDON ROAD, TRELAWNYD (052333)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application needed to be determined by the Committee due to the requirement for a Section 106 agreement.

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

**RESOLVED:**

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

**150. FULL APPLICATION – ERECTION OF SINGLE STOREY & TWO STOREY EXTENSIONS & ERECTION OF DETACHED GARAGE AT AYLSTON, BRETTON LANE, BRETTON (053032)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting. Councillor Marion Bateman, having earlier declared an interest in the application, left the meeting prior to its discussion. Councillor Haydn Bateman, who was observing the meeting, also left the meeting prior to the discussion.

The officer detailed the background to the report and explained that it was to be determined by the Committee due to the applicant being closely related to Elected Members.

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

**RESOLVED:**

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

After the vote had been taken, Councillor Marion Bateman returned to the meeting and the Chairman informed her of the decision.

**151. 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 (052334)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. 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 reasons for refusal had been based on highways and landscape grounds and wording for the suggested reasons for refusal was reported in paragraph 6.03.

Councillor Chris Bithell proposed the recommendation that the wording of the suggested reasons for refusal in relation to application 052334 did accurately reflect the resolution made at the Special Planning and Development Control Committee on 12<sup>th</sup> February 2015. This was duly seconded.

Councillor Alison Halford queried whether the highway reasons for refusal needed strengthening. The main reasons discussed had related to unsuitability of Oakenholt Lane/Kelsterton Lane as an access route to the site and Councillor Halford asked whether the conflict with policies TWH1 and TWH2 as referred to by Councillor Richard Jones had been considered. It had been suggested that 4.8 metres was not wide enough and that to increase the width of the lane would result in the destruction of ancient hedgerow which should be protected. Councillor Halford felt that the highways reasons for refusal should also be strengthened to include the access and egress on Oakenholt Lane/Kelsterton Lane. Councillor Gareth Roberts concurred with Councillor Halford that inclusion of the conflict with policies would strengthen the Council's case in an appeal situation. Councillor Neville Phillips said that Councillor Rita Johnson had circulated a letter to Members about issues relating to Oakenholt Lane and the A548 which were not mentioned in the report. Councillor David Roney felt that removal of the footpath to widen the road was unacceptable.

In response, the officer commented on the letter that Councillor Phillips had referred to and explained that those comments had been reflected in the

late observations sheet submitted to the meeting on 12<sup>th</sup> February 2015. He felt that the decision of the Committee at that meeting on the reasons for refusal had been interpreted correctly on the issues of highways and landscape impact. The two aspects of the refusal were detailed in the report and reasons reflected the comments made at the meeting and those referred to in the late observations circulated earlier. He commented on the removal of a small amount of hedgerow and two trees that were in a poor condition and he felt that reason two addressed the concerns raised on landscape issues.

Councillor Halford felt that a third reason for refusal was required on the issue of safety and the protection of the hedgerows.

The Planning Strategy Manager said that it was difficult to sustain a reason for refusal by referring to policies if the harm from the proposal could not be identified. He recalled that the Council's Tree Officer had advised that the trees to be removed were in a poor condition and were not worthy of retention. He commented on policies TWH1 and TWH2 and on the issue of removing the verge to widen the road, he reminded Members that there was currently no formal walkway in place for pedestrians in this area.

In response to a comment from Councillor Halford that officers could suggest wording for a reason for refusal on pedestrian safety and retention of the hedgerow, the Democracy and Governance Manager advised that Members should suggest amendments to reasons for refusal the officers had given. An unbiased view had been provided by officers and an explanation had been provided of why the additional reasons for refusal suggested by Councillor Halford could not be evidenced.

The Democracy and Governance Manager said that Members were being asked to confirm if the reported reasons for refusal were correct and added that new reasons could not be introduced at this stage.

In summing up, Councillor Bithell said that adding in extra reasons was not necessary and said that what had been discussed was included in reasons 1 and 2.

**RESOLVED:**

That the wording of the suggested reasons for refusal in relation to application 052334 accurately reflected the resolution made at the Special Planning and Development Control Committee on 12<sup>th</sup> February 2015.

- 152. 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  
(052626)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report.

The Chief Officer (Planning and Environment) detailed the background to the report which was seeking a resolution to arrange a special Planning Committee meeting due to the scale and nature of the proposal.

Councillor Gareth Roberts proposed the recommendation for a Special Planning and Development Control meeting to consider application 052626 which was duly seconded.

**RESOLVED:**

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

153. **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 (052209)**

**RESOLVED:**

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

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

There were 15 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.55 pm)

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**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 25 MARCH 2015**

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

**SUBJECT:** **FULL APPLICATION - SINGLE WIND TURBINE OF MAXIMUM TIP HEIGHT 86.5 M AND ANCILLARY DEVELOPMENT, INCLUDING A CRANE HARD-STANDING PAD, SUBSTATION, EQUIPMENT HOUSING CABINET AND ACCESS ROAD AT LYGAN UCHAF FARM, WERN ROAD, RHOESMOR.**

**APPLICATION NUMBER:** **052344**

**APPLICANT:** **RESENSE**

**SITE:** **LYGAN UCHAF FARM, WERN ROAD, RHOESMOR**

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

**LOCAL MEMBERS:** **HALKYN COUNCILLOR C. LEGG**

**CILCAIN COUNCILLOR W.O. THOMAS**

**TOWN/COMMUNITY COUNCIL:** **HALKYN COMMUNITY COUNCIL**  
**CILCAIN COMMUNITY COUNCIL**

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

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

### **1.00 SUMMARY**

- 1.01 This full application proposes the erection of a single wind turbine (86.5 m to tip height) and associated ancillary development including a crane hardstanding pad, substation, equipment housing cabinet and

access road on land at Lygan Uchaf Farm, Wern Road, Rhosesmor.

- 1.02 Lygan Uchaf Farm is located within the open countryside approximately 1.5 km to the south-west of Rhosesmor, 0.5 km to the north east of Hendre, some 2.6 km to the east of the Clwydian Range Area of Outstanding Natural Beauty (AONB) and approximately 2.6 km to the west of the Historic Penbedwr Park and Gardens.
- 1.03 For Members information whilst the turbine would be located within the community Council boundary of Halkyn it would be visible from the community of Cilcain. As a result the Local Members and Community Councils of both Halkyn and Cilcain have been consulted on the application.

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

- 2.01 1. The proposed height and location of the wind turbine would have a detrimental impact on the character of the landscape, in particular on views towards the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The proposal is therefore contrary to criterion b of Policy STR7, criterion a & c of Policy GEN1, criteria a & c of Policy D1, Policies D2, L1, L2, EWP1, and criteria a & f of Policy EWP4 of the adopted Flintshire Unitary Development Plan.
2. The proposed height and location of the wind turbine would seriously compromise the safe operation of John Lennon Airport's Primary Surveillance Radar and impact on the Ministry of Defence Infrastructure Organisation Operations. The proposal is therefore contrary to criterion c of Policy STR1, criterion d of Policy GEN1, and criterion e of Policy EWP4 of the adopted Flintshire Unitary Development Plan.
3. In the absence of a ZTV report (Zone of Theoretical Visibility) and ASIDOHL v2 Assessment Report (Assessment of the Significance of the Impact of Development on Historic Landscapes), it is not possible for the Local Planning Authority to conclude whether as a result of the proposed development that there would be any impact on the Scheduled Ancient Monuments, Archaeological Sites and Historic Parks and Landscapes in the vicinity. The proposal is therefore contrary to criterion b of Policy STR8, criterion c of Policy GEN1 and Policy HE5, HE6 and HE7 of the adopted Flintshire Unitary Development Plan.
4. Inadequate information has been submitted in relation to the proposed access to the site and possible alternatives. In addition, the land required at the junction of the unclassified road which serves Lygan Uchaf with the A541, Denbigh Road,



to facilitate the successful transit of the Abnormal Invisible Loads (AIL's) is not included within the application site edged red and as such does not appear to be within the control of the applicant and/or the Highway Authority, in order to ensure that a safe and satisfactory means of access can be provided. The proposal therefore conflicts with criterion b of Policy STR2, criteria d, e & f of Policy GEN1 and Policy AC13 of the Adopted Flintshire Unitary Development Plan.

5. The ecological information provided does not satisfactorily conclude that there will not be an effect on the ecology of the locality, particularly Noctule bats and potentially nesting birds such as peregrine falcons. Therefore it cannot be confirmed that the favourable conservation status of these, European Protected Species (Noctule bats) will not be adversely affected by the development. The development is therefore contrary to criterion c of Policy STR7 criterion c of Policy GEN1 and Policy WB1 of the adopted Flintshire Unitary Development Plan and Technical Advice Note (TAN5) Nature Conservation and Planning.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member** **Halkyn**

##### **Councillor C. Legg**

Request planning committee determination given the strength of opposition to this application. Preliminary views are that the height of the turbine will be intrusive in the landscape, in particular on the Area of Outstanding Natural Beauty.

##### **Halkyn Community Council**

The Halkyn Community Council supports the residents in objecting to the application and wishes to raise the following observations:

The adverse impact to visual amenity in the area of Halkyn Mountain. In particular with its historic significance and value of the landscape whereby the north western part lies within the Clwydian Range. This is an industrial scale development in a very rural area.

##### **Cilcain**

##### **Councillor W.O. Thomas**

No response received at time of preparing report.

##### **Cilcain Community Council**

Object to the development for the following reasons:-

- i) The height of the proposed turbine is out of scale with the character of the area.
- ii) The height of the turbine will have a harmful effect on the views towards and from the nationally significant Clwydian Range and

- Dee Valley Area of Outstanding Natural Beauty.
- iii) The potential loss of amenity/value of a number of properties in the village as a result of this industrial type development.
  - iv) Noise impact on existing residential properties.
  - v) If permission were to be granted the need to ensure the satisfactory decommissioning of the wind turbine.

#### Campaign for the Protection of Rural Wales

- i. On the basis of the information available and in the absence of clear national and local strategies to determine the acceptability of a stand alone wind turbine, the height of the machine will result in an unacceptable degradation of the surrounding open countryside.
- ii. The loss of visual amenity will be exacerbated with the ancillary infrastructure proposed i.e., substitution building, concrete hardstanding pad.
- iii. To produce any meaningful electricity supply to the national grid would necessitate the erection of larger and numerous turbines.
- iv. Development does not form part of any community scheme.
- v. There would be a detrimental impact on the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- vi. Detrimental impact on the privacy/amenity of occupiers of residential properties in proximity to the site.
- vii. Inadequacy of access to serve the proposed development.

#### Clwydian Range & Dee Valley Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee (JAC)

Given the large scale of the proposed turbine and its proximity to the AONB, the JAC strongly objects to the application on the grounds of the damaging and harmful impact on the AONB, together with the impact on significant heritage assets.

#### Natural Resources Wales

No objection to the proposals but would welcome the imposition of conditions in respect of surveillance to safeguard bats. Attention drawn to standard advice with regard to drainage.

#### Ramblers Association

Strongly opposed to this industrial scale development which is entirely inappropriate in this rural setting. Also fully support the objection from the Clwydian Range and Dee Valley Joint Advisory Committee.

#### Liverpool John Lennon Airport

Object given concerns over the visibility of the turbine on the Airport's Primary Surveillance radar as the safe operation of the airport would be seriously compromised.

#### Ministry of Defence Infrastructure Organisation

It is considered that a turbine at the height and location proposed may

have an impact on low flying operations. It is possible that MOD will request that the turbine is fitted with visible or infrared aviation safety lighting.

Airbus

No operational impact on the Hawarden Aerodrome so there is no safeguarding objection.

Clwyd Powys- Archaeological Trust

Whilst there are no direct impacts to any designated sites, there will be an indirect visual impact upon the Moel y Gaer Scheduled Ancient Monument (SAM) 1.2 km to the north-east. The effect of development on the SAM is not clear and justification would be required to support the conclusions of the Environmental Statement.

Cadw

In line with the response from Clwyd-Powys Archaeological Trust, request additional information for the assessment of the significance of the impact of development on historic landscapes (ASIDOHv2).

County Ecologist

Consider that the ecological survey submitted does not satisfactorily assess the effect of development on the ecology of the locality with specific regard to Noctule bats and nesting birds.

North Wales Wildlife Trust

No response received at time of preparing report.

Clwyd Bat Group

No response received at time of preparing report.

Clwyd Badger Group

No response received at time of preparing report.

North East Wales Wildlife Trust

No response received at time of preparing report.

Royal Society for the Protection of Birds, RSPB Cymru

No response received at time of preparing report.

Welsh Government Transport

Request that the application remains pending until details of traffic management during delivery of heavy loads on single carriageway roads in the vicinity of the site are provided.

Highways Development Control Manager

Request confirmation on the precise means and route of delivery of heavy loads to the site.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

163 letters of objection with accompanying petition signed by 19 signatories received, the main points of which can be summarised as follows:-

- Question the need for the turbine as the installation is not proposed to serve the local community.
- Adverse impact on character of landscape in particular the Area of Outstanding Natural Beauty.
- The proposed turbine is industrial in scale and is unacceptable in this rural location.
- Detrimental impact on the privacy/amenity of occupiers of nearby residential properties by way of noise and flickering effect.
- Inadequacy of access for site construction vehicles.
- Impact on wildlife habitats.

Mr. D. Hanson MP

2 letters received on behalf of constituents objecting to the development on landscape grounds and noise concerns.

**5.00 SITE HISTORY**

5.01 None relevant.

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR2 – Transport and Communications

Policy STR3 – Employment

Policy STR6 – Tourism

Policy STR7 – Natural Environment

Policy STR8 – Built Environment

Policy STR10 – Resources

Policy STR11 – Sport, Leisure & Recreation

Policy GEN1 – General Requirements for Development

Policy GEN5 – Environmental Assessment

Policy D1 – Design Quality, Location & Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy D4 – Outdoor Lighting

Policy L1 – Landscape Character

Policy L2 – Area of Outstanding Natural Beauty

Policy WB1 – Species Protection

Policy WB2 – Sites of International Importance

Policy WB3 – Statutory Sites of National Importance

Policy HE2 – Development Affecting Listed Buildings & Their Settings

Policy HE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites

Policy AC12 – Airport Safeguarding Zone.  
Policy AC13 – Access & Traffic Impact  
Policy EWP1 – Sustainable Energy Generation  
Policy EWP4 – Wind Turbine Generation  
Policy EWP12 – Pollution  
Policy EWP13 – Nuisance  
Policy EWP17 – Flood Risk

National Policy

Planning Policy Wales Edition 5, November 2012.

Technical Advice Note (TAN) 5: Nature Conservation & Planning (2009).

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).

Technical Advice Note (TAN) 8: Renewable Energy (2005).

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

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

Technical Advice Note (TAN) 13: Tourism (1997).

Technical Advice Note (TNA) 18: Transport (2007).

Additional Guidance

ETSU-R-97 – The Assessment and Rating of Noise from Wind Farms.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This full application proposes the erection of a single wind turbine 86.5m in height, with associated ancillary development including a crane hardstanding pad, substation, equipment housing cabinet and access road on land at Lygan Uchaf Farm, Wern Road, Rhosesmor.

7.02 Lygan Uchaf Farm is located within the open countryside approximately 1.5 km to the south-west of Rhosesmor, 0.5 km to the north east of Hendre, some 2.6 km to the east of the Clwydian Range Area of Outstanding Natural Beauty and approximately 2.6 km to the west of the Historic Penbedwr Park and Gardens.

7.03 Proposed Development

The proposed development relates to the erection of a single, 3 bladed wind turbine with a maximum blade tip of 86.5 m. It will have a hub height of 60 m, with associated access track, underground cabling, electricity substation and housing cabinet. It is proposed that the finish and colour of the turbine and blades will be off white or pale grey.

7.04 The wind turbine would have a 500 kw output capacity and the electricity generated would be exported to the national grid, where it would be eligible for payment under the feed in tariff payment scheme. It is anticipated that the turbine would generate approximately 1,314 MWh per annum, equivalent to the electricity requirements of

approximately 400 households.

7.05 The lifespan of the wind turbine is expected to last for 25 years, after which time the turbine will be removed and decommissioned with site restoration undertaken. In support of the application, the applicant's agent considers that the development represents an opportunity to diversify income streams to the existing farm business.

7.06 Main Planning Considerations

It is considered that the main issues to be taken into account in determination of this application are:-

- i. The principle of development.
- ii. Impact on the character of the landscape.
- iii. Impact on Scheduled Ancient Monuments and Historic Landscapes.
- iv. Impact on Aircraft Safety.
- v. Impact on Residential Amenity.
- vi. Adequacy of access to serve the development.
- vii. Impact on ecology.

7.07 In commenting in detail in response to the Main Planning Considerations outlined above, I wish to advise as follows:-

7.08 Principle of Development

In terms of national guidance, Planning Policy Wales (PPW) advises that the Assembly Government's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible maintaining environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production.

7.09 In considering planning applications for renewable energy schemes, the Welsh Government advises that planning authorities should take account of:-

- The contribution a proposal will play in meeting identified national, UK and European targets.
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
- The impact on the national heritage, the coast and the historic environment.
- The need to minimise impacts on local communities, to safeguard quality of life for existing and future generations.
- To avoid, mitigate or compensate identified adverse impacts.
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development.
- Grid connection issues where renewable (electricity) energy developments are proposed; and

- The capacity of and effects on the transportation network relating to the construction and operation of the proposal.
- 7.10 Welsh Government also advise that most areas outside strategic search areas within urban locations should remain free of large wind power schemes. It states ‘in these areas there is a balance to be struck between the desirability of renewable energy and landscape protection’. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where there is a proliferation of turbines across the whole of a county.
- 7.11 In terms of Local Planning Policy, the Flintshire Unitary Development Plan (UDP) strategy, identifies that sustainable development is a key theme within the plan, in line with PPW. The vision for the plan is ‘to nurture sustainable development capable of improving the quality of life in Flintshire without causing social, economic, resource or environmental harm to existing or future generations’.
- 7.12 Policy STR10 of the UDP provides guidance on the issue of resources and in terms of energy, criterion e advises ‘utilising clean, renewable and sustainable energy generation where environmentally acceptable, in preference to non renewable energy generation and incorporating energy efficiency and conservation measures in new development.
- 7.13 In addition Policy EWP1 adopts a presumption in favour of renewable energy schemes subject to them meeting the other relevant requirements of the plan. The detailed guidance on wind turbine development is set out in Policy EWP4, which requires proposals to meet a number of criteria including:- the safeguarding of the impact on landscape/heritage, cumulative impact of development on the landscape, impact on agriculture, forestry and recreation, impact on amenity, impact on transmitting or receiving systems and restoration/aftercare.
- 7.14 It is clear that there is a positive approach taken by Welsh Government to renewable energy having regard to the issue of global warming and climate change. The clear message of both PPW and the Flintshire Unitary Development Plan is that renewable energy proposals should be permitted unless there are unacceptable impacts on landscape, nature conservation, residential amenity etc. These issues are addressed in further detail in this report.
- 7.15 Impact on Character & Appearance of Landscape  
An Environment Statement (ES) has been submitted as part of this application which includes a Landscape and Visual Impact Assessment (LVIA) undertaken in support of this application.
- 7.16 For Members information, the methodology for the LVIA is supported by LANDMAP in Wales, which describes the various components of

the landscape into the following aspects:-

- Visual and Sensory
- Geological and Landscape
- Landscape Habitats
- Historic Landscapes
- Cultural Landscape

7.17 In order to assist in the assessment process, Flintshire County Council have commissioned an independent Landscape Consultant who has considerable experience in dealing with applications for wind turbines. The consultant has been briefed to assess the suitability of the development in landscape and visual terms.

7.18 To this effect the LVIA and site has been assessed by the Landscape Consultant with it being concluded that:-

- i. The proposals would introduce a new large, unfamiliar vertical element characterised by moving blades into this fairly open landscape. A turbine of this size would appear rather out of scale at close range within this setting of rolling topography, irregular field patterns and increased woodland blocks.
- ii. There are no other vertical structures such as transmission lines or masts in close vicinity to the proposed turbine. Although there is a quarry close to the site visible from the south, it is very well screened from other directions and is not visible from the more sensitive viewpoints to the north. Although the actual site may not be particularly sensitive, the immediate area is a well habited area, popular for recreation and it is therefore considered that the turbine size is rather too large for this location.
- iii. Whilst it is not considered that the proposed turbine would have a significant effect on the distinctive character of the Area of Outstanding Natural Beauty, it would however have a detrimental effect on the views towards the AONB.

7.19 Impact on the Setting of Scheduled Ancient Monuments and Historic Landscapes

Consultation on the application has been undertaken with both Cadw and the Clwyd-Powys Archaeological Trust, in order to assess the likely impacts of development upon Scheduled Ancient Monuments, Archaeological Sites and Historic Landscapes, Parks and Gardens in the area.

7.20 The proposed development is located in proximity to the Moel y Gaer and Moel Arthur Scheduled Ancient Monuments, the Holywell Common and Halkyn Historic Landscape and the Historic Penbedwr Park and Gardens.



- 7.21 The consultation responses from both Cadw and Clwyd-Powys Archaeological Trust acknowledge that an Environmental Statement with associated documentation has been submitted as part of the application. It is considered however, by both consultees that there is insufficient information provided, to enable a formal assessment of the impact of the proposed development on the Scheduled Ancient Monuments, Archaeological Sites and Historic Parks and Landscapes to be made. To this effect it is considered that this can only be assessed on submission of a ZTV report (Zone of Theoretical Visibility) and ASIDOHL v2 Assessment Report (Assessment of Significance of this Impact of Development on Historic Landscapes).
- 7.22 Impact on Aircraft Safety  
Consultation on the application has been undertaken with both Hawarden and Liverpool John Lennon Airports (LJLA) and the Ministry of Defence, in order to assess whether the development has the potential to create a physical obstruction to air traffic movements and/or cause interference to air traffic control and radar installations.
- 7.23 Whilst there is no operational objection to the application from Airbus in relation to Hawarden Airport, an objection has been received from Liverpool John Lennon Airport and there are concerns from the Ministry of Defence with regard to the impact on low flying aircraft. The applicant's agent has submitted additional software information to seek to address the objection initially made from LJLA. Notwithstanding the receipt of this additional information, LJLA maintains its objection to the development, given concerns over the visibility of the turbine on the Airport's Primary Surveillance Radar and the impact of clutter within the Airport controlled airspace boundary, which would result in the safe operation of the Airport being seriously compromised.
- 7.24 Impact on Residential Amenity  
A noise assessment has been submitted as part of the application to determine the operational noise impact of the proposed 500 kw turbine. For Members information the principles and guidelines for the environmental assessment of wind turbine related noise, are given in the report entitled ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms which is based on the findings of a working Group on Noise from Wind Turbines.
- 7.25 The assessment concludes that the predicted noise levels from the turbine at non-involved properties are under the 35dB threshold and Lygen Uchaf itself is under the 45dB threshold for involved properties.
- 7.26 Consultation on this aspect of the application has been undertaken with the Public Protection Manager, who confirms that the turbine would be ETSU-R-97 compliant and subject to the imposition of conditions would not affect the amenity of occupiers of nearby residential properties due to excessive noise.

- 7.27 In terms of shadow flicker and its effect upon residential amenity the Public Protection Manager has also considered this aspect of the proposed development, raising no objection given the distances involved to non-financially related properties.
- 7.28 Adequacy of Highways  
The sizes of the components for the proposed turbine will most likely qualify as being Abnormal Invisible Loads (AIL's). The impact of transportation of these components on the existing highway network is of particular importance given the potential conflict with existing traffic movements on single carriageway roads in the vicinity of the site.
- 7.29 A Transport note submitted by the applicants agent as part of the application process, proposes that the turbine components would be delivered by ship from the point of manufacture on the continent and a route from the A55 Trunk Road, through Carmel, Holywell, Brynford and Lixwm would be the preferred option to delivery the components to the site.
- 7.30 Consultation on this aspect of the application has been undertaken with the Welsh Government Transport Department and the Councils Highways Development Control Manager in order to assess the acceptability of the proposed delivery route. The Highways Development Control Manager is of the view that an alternative route which would be more direct from a classified highway network A541 Mold-Hendre should be considered in preference to the route advanced. In addition Welsh Government Transport have requested the submission of a Traffic Management Plan in order that the impact on existing vehicle movements can be satisfactorily assessed. In the absence of further information and clarification on the above, the impact on the highway network cannot be satisfactorily assessed at this stage.
- 7.31 Ecological Impacts  
Although the site does not form part of a statutory European designated wildlife site, the impact of the development on any European Protected Species which may be present is required to be undertaken. Consultation on the application has been undertaken with a range of ecological bodies as outlined in paragraph 3.00 of this report. Both Natural resources Wales (NRW) and the County Ecologist have considered the impact of development particularly on existing bat roosts a number of which are located in proximity to the application site.
- 7.32 The County Ecologist acknowledges that surveys have recorded a number of bat species in particular Noctules, Pipistrelles and Lesser Horseshoe bats, in proximity to the site. Particular concern is expressed however with regard to the timing of the surveys with regard to the impact on Noctule bats as the report records indicate a

low number of passes and do not take into account seasonal variations and the possibility of further increased activity during summer months.

- 7.33 In addition it is considered that the survey information does not fully assess the impact of development on nesting birds in particular Peregrine falcons. As a result it is not considered that the impact of development on all species of bats and birds can be satisfactorily assessed as part of this application, at this stage.

## **8.00 CONCLUSION**

- 8.01 It is acknowledged that current national and local planning guidance encourages the use of renewable energy technologies but that any proposed development should be balanced against other environmental issues which are material when assessing a proposal for such development.

- 8.02 It is considered that the application in terms of its height and location, would have an unacceptable impact on the character of the landscape in particular on views towards the Clwydian Range Area of Outstanding Natural Beauty which is located approximately 2.6 km to the west. In addition, and without the submission of further assessment reports, it is not possible to satisfactorily conclude whether there would be (i) any impact on Scheduled Ancient Monuments, Archaeological Sites and Historic Parks and Landscapes in the vicinity of the site. (ii) on impact on the existing highway network with the transport of component parts to the site and (iii) any impact on the favourable conservation status of Noctule bats and nesting birds in particular Peregrine Falcons. In addition the proposed turbine would compromise the safe operation of Liverpool John Lennon Airport's Primary Surveillance radar. My recommendation is therefore for permission to be refused for the reasons advanced in paragraph 2.01 of this report.

8.03

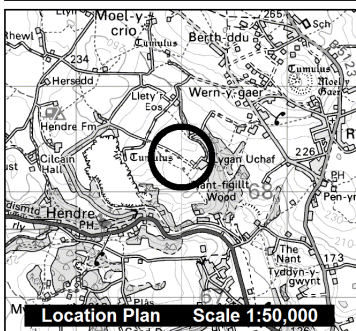
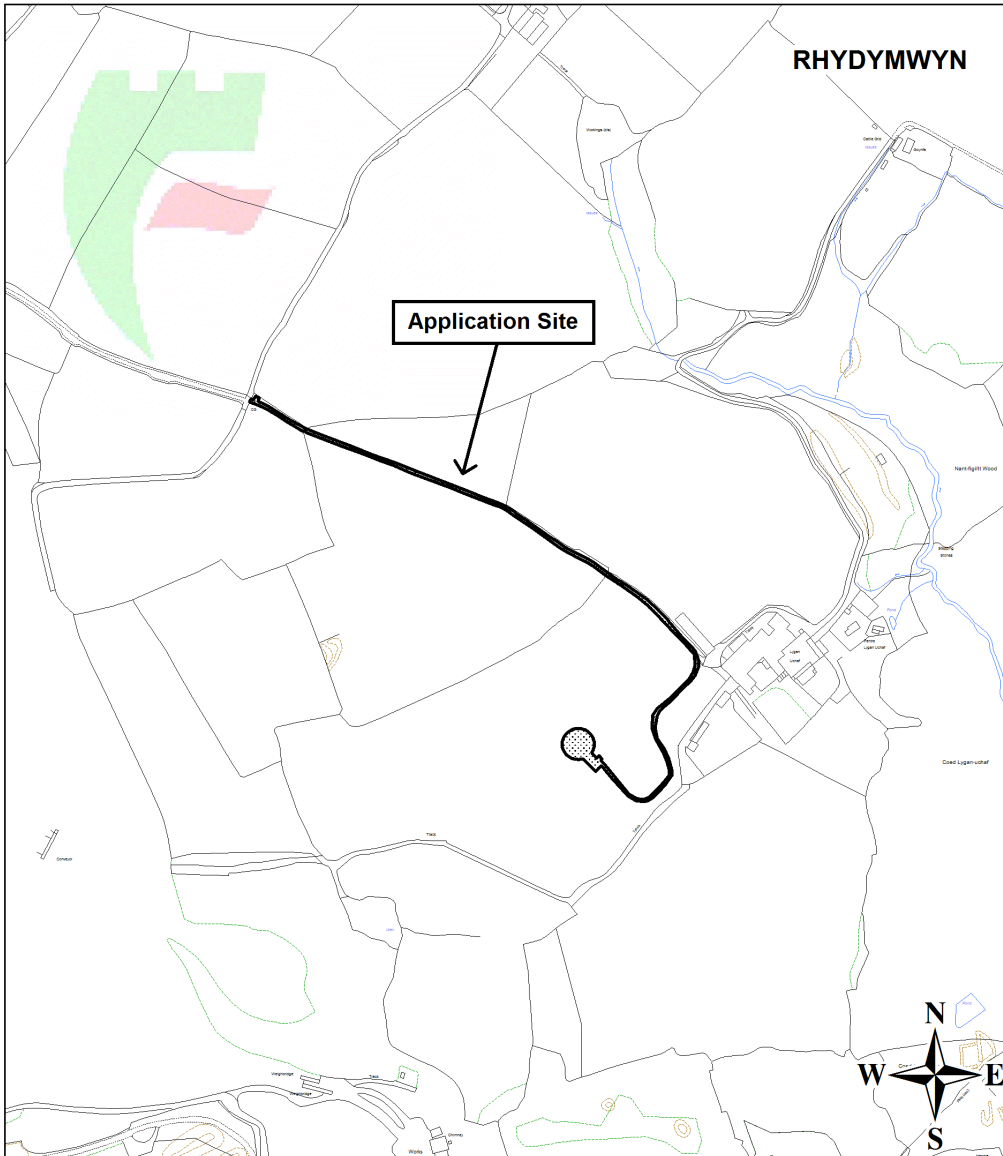
In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
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	<p>Planning &amp; Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>
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<p><b>Legend</b></p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</p>	<p>Map Scale 1:5000</p> <p>OS Map ref SJ 2068</p> <p>Planning Application <b>52344</b></p>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **OUTLINE APPLICATION – ERECTION OF 2 NO. DWELLINGS ON LAND TO THE REAR OF 6 WELSH ROAD, GARDEN CITY, DEESIDE**

**APPLICATION NUMBER:** **052875**

**APPLICANT:** **MR. S. BEGUM**

**SITE:** **LAND TO THE REAR 6 WELSH ROAD, GARDEN CITY, DEESIDE**

**APPLICATION VALID DATE:** **31<sup>ST</sup> OCTOBER 2014**

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

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

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST HAVING REGARD TO RECENT BACKGROUND OF PLANNING HISTORY**

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

### **1.00 SUMMARY**

- 1.01 This outline application proposes the erection of 2 No. two storey dwellings on land to the rear of an existing detached residential property at 6 Welsh Road, Garden City, Deeside, Flintshire. The proposed access, appearance, layout and scale of development form part of this application.
- 1.02 For Members information this application has been resubmitted in order to seek to address the reasons advanced in the dismissal of an appeal to The Planning Inspectorate under Code No. 049531 on 4<sup>th</sup> April 2014, for a pair of semi-detached dwellings at this location.

**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. Outline – Reserved Matters.
2. Outline – Time Limit.
3. Materials to be submitted and approved.
4. Finished floor levels to be set at 5.78 AOD.
5. Site levels to be submitted and approved prior to the commencement of development.
6. Siting, layout and design of the means of access to be in accordance with details to be submitted and approved.
7. Access to be a minimum 4.5 m in width for a distance of 10 m into the site.
8. Adequate facilities to be provided and retained within the site for the parking and turning of vehicles.
9. Foul and surface water to be drained separately.
10. No surface water to connect into the public sewerage system.
11. No land drainage to discharge into public sewerage system.
12. Hard and soft landscaping scheme to be submitted and approved.
13. Implementation of landscaping scheme.
14. Flood Management Plan/Emergency Evacuation Plan to be submitted and approved prior to the commencement of development.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Ms C.M. Jones

Request planning committee determination given that the site has recently been the subject of an appeal which was dismissed due to flooding concerns. Questions whether there has been any change in circumstances since this decision was made.

Sealand Community Council

Regarding this application objections are submitted:-

- The proposed development would be extremely harmful for adjacent residents due to the extreme closeness to existing properties.
- The proposal will create a general nuisance for residents which would have a negative impact on their lives.
- The proposal will create additional noise levels which would not be acceptable.



- The proposal will be harmful to the current townscape of Garden City.
- The proposal is situated very close to the River Dee, with the site being within the River Dee flood plain.
- The access/egress onto Welsh Road is situated on the rise to the bridge across the River Dee which accentuates the traffic hazards which has restricted views. The situation is more problematic due to the nearness of Sealand Primary School.

Highways Development Control Manager

No objection and recommend that any permission includes conditions in respect of access and provision of parking/turning facilities.

Public Open Spaces Manager

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

Head of Pollution Control

No adverse comments.

Dwr Cymru/Welsh Water

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

Natural Resources Wales

The submitted Flood Consequences Assessment (FCA) confirms that the dwellings can be safeguarded from proposed modelled flood levels.

Emergency Planning

No objection as it is considered that the properties can be safely evacuated in the event of a flooding incident.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

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

- A recent application for the erection of 2 no. dwellings at this location was dismissed on appeal to The Planning Inspectorate in 2014. There has been no change in circumstances in the intervening period.
- Detrimental impact on the privacy/amenity of the occupiers of existing dwellings by way of overlooking/overshadowing.
- Development would be out of character with the site and surroundings.
- Application site is located in an area at risk from flooding.
- Inadequacy of access.
- Proposal would exacerbate surface water drainage problems.

## **5.00 SITE HISTORY**

### **5.01 044701**

Erection of 7 No. one bedroom flats in two blocks including the demolition of existing property – Withdrawn 30th April 2008.

### **046465**

Outline – Erection of 2 No. dwellings and new access – Withdrawn 4<sup>th</sup> May 2010.

### **049531**

Outline application – Erection of 2 No. town houses, construction of means of access and associated works. Refused 12<sup>th</sup> November 2013. Appeal to The Planning Inspectorate. Dismissed 4<sup>th</sup> April 2014

## **6.00 PLANNING POLICIES**

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

Policy STR1 - New Development

Policy GEN1 - General Requirement for Development

Policy GEN2 - Development Inside Settlement Boundaries

Policy D2 - Location and Layout

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy HSG3 - Housing on Unallocated Sites Within Settlement Boundaries

Policy HSG8 - Density of Development

Policy EWP17 - Flood Risk

### Additional Guidance

Local Planning Guidance Note 2 – Space Around Dwellings.

Technical Advice Note 15 - 'Development and Flood Risk'

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This outline application proposes the erection of 2 no. detached two storey dwellings within the rear curtilage of an existing detached dwelling at 6 Welsh Road, Garden City, Deeside, Flintshire.

### **7.02 Site/Surroundings**

The site the subject of this application, amounts to approximately 0.1 hectares in area and comprises part of the garden area of the existing dwelling. It is located in a central position to the east of an existing cul-de-sac development at Ferry Bank, to the west of an existing pair of semi-detached properties at 8/10 Welsh Road and north of an existing semi-detached development at Cleveland Grove.

7.03 Proposed Development

Although submitted in outline, indicative sketch plans illustrate the proposed development of 2 no. detached dwellings to the rear of the existing detached property. Vehicular access to the existing property would be from a proposed new driveway, with the proposed development served by a new separate independent access to the west of the existing dwelling. It is proposed that the dwellings would be 2 storey in height to reflect the height of existing dwellings in proximity to the site.

7.04 Background History

For Members information there is a recent background of planning history at this location which is referred to in paragraph 5.00 of this report. In summary a previous application for the erection of a pair of semi-detached dwellings was refused under code no. 049531 on 12<sup>th</sup> November 2013, following consideration at the Planning & Development Control Committee on 6<sup>th</sup> November 2013.

7.05 This previous application was the subject of an appeal to The Planning Inspectorate which was dismissed on 4<sup>th</sup> April 2014. This appeal was dismissed given concerns by the Inspector that:-

- The development would be at significant risk from flooding and the consequences are not shown to be acceptably managed.
- There was ambiguity over the depth of the garden areas of the proposed dwelling nearest the site boundary with 8 Welsh Road.

7.06 Main Planning Considerations

It is considered that the main issues to be taken into account in determination of this application are:-

- i. The principle of development.
- ii. The impact on the character of the surrounding area.
- iii. Impact on privacy/amenity.
- iv. Adequacy of highways.
- v. Whether the consequences of flooding can be acceptability managed.
- vi. Surface water drainage.

7.07 In commenting in detail in response to the Main Planning Considerations outlined above, I wish to advise as follows:-

7.08 Planning Policy/Principle

The site is located within the settlement boundary of Garden City as defined in the adopted Flintshire Unitary Development Plan (UDP). Within the UDP, Garden City 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, Garden City has experienced growth of approximately 9.4% and therefore the principle of development for general housing demand is supported, subject to the safeguarding of

relevant amenity considerations.

7.09 The application site comprises the rear garden area of an existing dwelling and constitutes the development of land behind an existing frontage of houses. The definition of whether the site comprises 'tandem development' considered by the Inspector in respect of the appeal previously dismissed under 049531 with it being concluded that:- "The proposed development retains the existing access to serve the existing house and proposes a new access alongside this property. This is not a situation comparable to 'tandem' development as described in Planning Policy Wales".

7.10 Impact on Character of Surrounding Area

The area is characterized predominantly by semi-detached and terraced properties particularly adjacent to the southern and western boundaries of the application site. It is considered that the development of a pair of semi-detached properties could be satisfactorily accommodated on the site, with adequate circulation space provided so as not to harm the character and appearance of the surrounding area. The impact of the development on the scale proposed, was previously considered by the Inspector in respect of the appeal previously dismissed under Code No. 049531, with it being concluded that: "I find no particular distinction to the character of the area, there is development in depth adjoining the appeal site and given this variety of pattern and form, I do not consider the change to represent harm to the character and appearance of the area".

7.11 The plans submitted as part of this application illustrate the development of two storey dwellings with accommodation in the roofspace served by velux windows. The house types proposed take into account the need to set the finished floor levels of the dwellings at 5.78 AOD in order to address flood concerns as outlined in paragraph 7.17 of this report. The resultant ridge heights of the proposed dwellings would relate in visual terms and be sympathetic to existing properties adjacent to the site on Welsh Road and at Glan Y Ferri.

7.12 Impact on Privacy/Amenity

Indicative sketch plans submitted as part of the application illustrate the development of 2 No. detached dwellings, the distances between existing/proposed properties and associated curtilage areas acceptable have regard to Local Planning Guidance Note 2 Space About Dwellings. It is considered that the privacy/amenity of the occupiers of existing/proposed dwellings would be safeguarded as part of the proposed development.

7.13 Adequacy of Highways

Consultation on the application has been undertaken with the Highways Development Control Manager who raises no objection to the proposed development at this location, subject to the imposition of conditions relating to access, visibility and parking/turning. The concerns relating to the adequacy of the access and impact on

highway safety are duly noted and this was addressed in detail by the Inspector in respect of the appeal with it being concluded as follows:-  
“The proposed access is shown to provide adequate visibility in both directions, and there is adequate and sufficient forward visibility for traffic travelling over the Blue Bridge towards the proposed access. There is no technical evidence presented on accidents and there is no compelling evidence that future users of the proposed access would cause conflict with road users of the adjacent Tata Steelworks and Northern Gateway access. I conclude that the development would not harm highway safety, and would not conflict with UDP policies GEN1 and AC13”.

7.14 Flood Risk

As the site lies within a C1 Flood Zone, a Flood Consequences Assessment (FCA) has been submitted as part of the application in accordance with the requirements of Technical Advice Note 15 – Development and Flood Risk.

7.15 Consultation on the FCA has been undertaken with Natural Resources Wales (NRW) and the Council’s Emergency Planner, in order to assess whether the flood risks associated with the development can be acceptably managed. For Members information this was a key issue in the dismissal of the appeal under Code No. 049531 by The Planning Inspectorate.

7.16 In accordance with the criteria within A1.15 of Technical Note 15, there is a requirement to (i) set finished floor levels within the depth threshold for a property in an extreme flood event (ii) ensure that safe emergency evacuation from both the property and access can be achieved.

7.17 NRW have confirmed on the basis of the FCA and additional information submitted in progression of this application that the finished floor levels of the properties being set at 5.78 m AOD, will be acceptable and remain flood free in the 0.1% AEP climate change event. In addition the Council’s Emergency Planner has confirmed that the breach scenario depths and velocities outside the buildings will enable safe evacuation from the site in the event of a flooding situation. As this is an outline application however, it is recommended that if Members are mindful to grant permission for the development, that the requirement for a flooding evacuation plan be subject to the imposition of a condition.

7.18 Surface Water Drainage

The concerns relating to the impact of development on surface water disposal from the site and adjacent properties is noted. This was an issue previously considered by the Inspector who concluded:-

“I have no objective evidence presented that the development would cause surface water drainage problems. There is no objection raised

from the Council's Drainage Engineer and I am not convinced that the matter could not be addressed by a planning condition. I find no conflict with relevant UDP Policy GEN1, in relation to surface water drainage issues".

## **8.00 CONCLUSION**

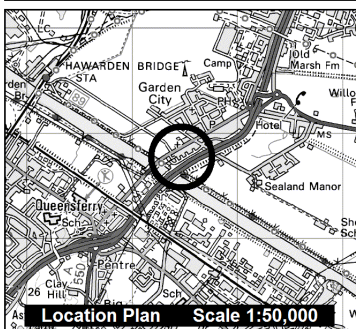
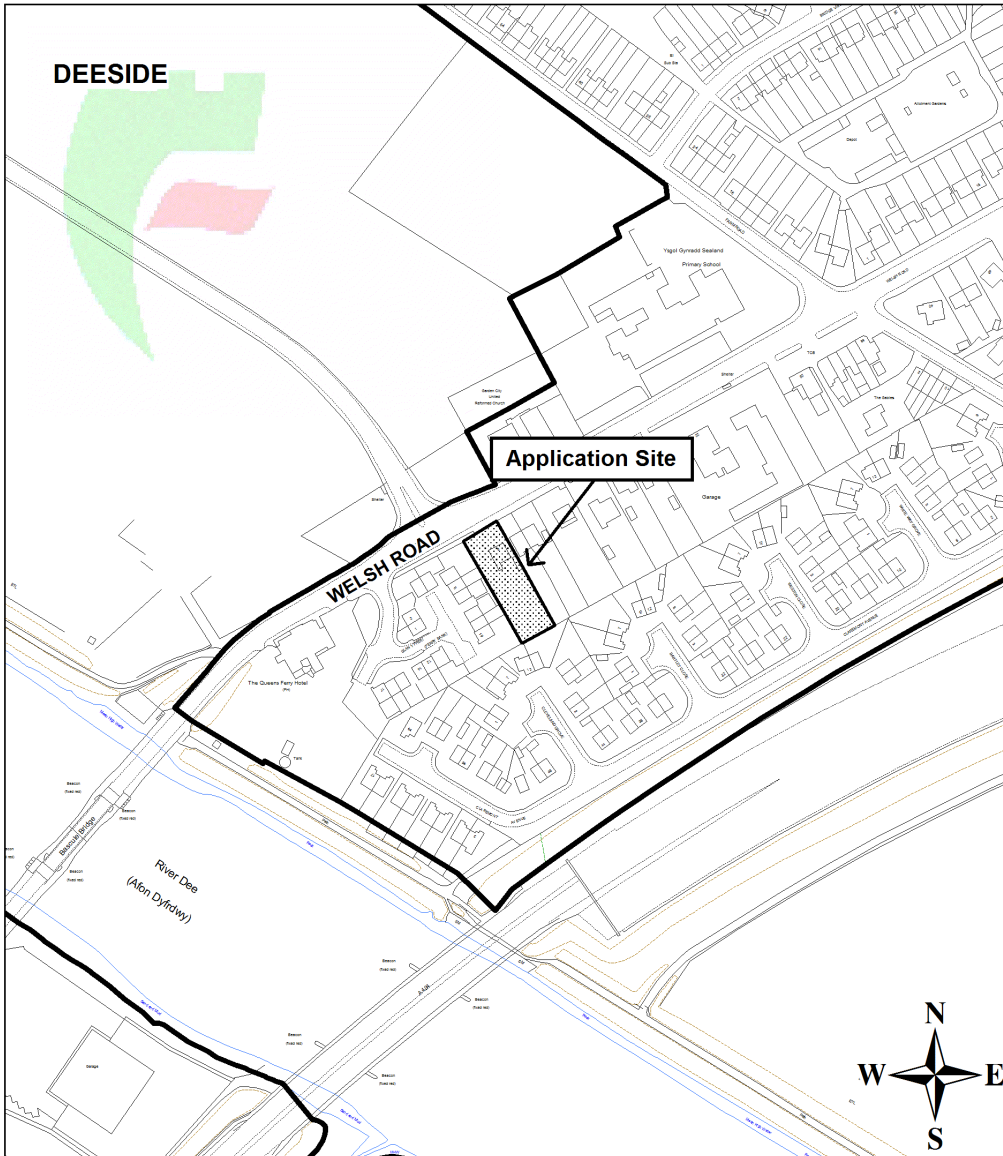
- 8.01 In conclusion, it is considered that the resubmitted application can be supported as it addresses the fundamental issue of whether the flood risks associated with the development can be acceptably managed. This was highlighted as being of particular importance in the dismissal of a previous appeal to the Planning Inspectorate. Further consultation on a revised FCA submitted as part of this application has been undertaken with National Resources Wales and the Council's Emergency planner with it being confirmed that the measures advanced to address the consequences of the potential flooding of the site are acceptable. In addition there is no objection to the development from a highway perspective and the privacy/amenity of occupiers of existing and proposed dwellings can be safeguarded. I therefore recommend that permission be granted subject to the imposition of conditions.
- 8.02

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

### **LIST OF BACKGROUND DOCUMENTS**

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

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 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 3268

Planning Application **52875**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **FULL APPLICATION – 72 NO SELF CONTAINED 1 & 2 BED APARTMENTS WITH SUPPORTING COMMUNAL FACILITIES AT COLESHILL STREET, FLINT.**

**APPLICATION NUMBER:** **053076**

**APPLICANT:** **CLWYD ALYN HOUSING ASSOCIATION**

**SITE:** **COLESHILL STREET, FLINT,**

**APPLICATION VALID DATE:** **7<sup>TH</sup> JANUARY 2015**

**LOCAL MEMBERS:** **COUNCILLORS A. ALDRIDGE**  
**COUNCILLOR D. COX**

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

**REASON FOR COMMITTEE:** **PROPOSED NUMBERS OF DWELLINGS EXCEED LIMIT FOR WHICH DELEGATED POWERS TO DETERMINE ARE CONFERRED TO THE HEAD OF PLANNING**

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

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of an extra care and elderly support scheme comprising 72 apartments and associated parking at the site of the former maisonettes at Coleshill Street, Flint.
- 1.02 The issues for consideration are the principle of development, design considerations, impact on residential amenities, highways considerations, impact upon archaeology and drainage.

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

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

1. Time limit on commencement
2. In accordance with approved plans
3. All external materials to be submitted and approved
4. Boundary details to be submitted and approved
5. Landscaping scheme to be submitted and approved
6. Implementation of landscaping scheme.
7. Drainage scheme to be submitted and agreed.
8. Scheme for closure of existing accesses off Coleshill Road to be submitted and approved.
9. No other site works until accesses closed off.
10. No development until details of forming & construction of access submitted & agreed.
11. Scheme for parking and turning of vehicles to be submitted and approved.
12. Scheme for layout, design, means of signage, highway drainage, lighting and footways to be submitted and agreed.
13. Scheme for surface water interception between site and highway to be submitted and agreed.
14. No development until Construction Traffic Management Plan submitted and agreed.
15. Travel Plan to be submitted and agreed.
16. Window details to be submitted and agreed.
17. No development within 3 metres of centre line of water main.
18. No development until archaeological investigation scheme submitted and agreed. Development to accord strictly with agreed scheme thereafter.
19. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to the retention of affordable housing.
20. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to public open space and recreation.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor. A. Aldridge

No objection to a delegated determination.

Councillor D. Cox

No objection to a delegated determination.

Flint Town Council

No response at time of writing.

Highways (DC)

No objection subject to the imposition of conditions.

Pollution Control Officer

No response at time of writing.

Dwr Cymru/Welsh Water

No objections subject to conditions and notes in respect of the proposed drainage and the presence of a water main upon the site.

Natural Resources Wales

Notes the area is within a Flood Zone A and is therefore unlikely to be affected by flooding. The scheme should ensure that flood risk is not increased elsewhere. Accordingly a condition requiring the submission and agreement of surface water drainage proposals is suggested.

NRW advises that the distance between the application site and protected sites in the area is such that the development is unlikely to impact upon these sites.

CPAT

Has assessed the submitted archaeological investigation report and confirms it satisfies the curatorial advice and design brief and is therefore acceptable. Requests the imposition of a condition to address additional archaeological works.

SP Power Systems

No adverse comments.

Wales & West Utilities

No adverse comments.

**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, no letters have been received in response to the above consultation.

**5.00 SITE HISTORY**

- 5.01 **049972**  
Prior Approval – Demolition of flats  
Prior approval not required 27.7.2012

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan

Policy STR1	-	New Development
Policy STR4	-	Housing
Policy STR8	-	Built Environment
Policy GEN1	-	General Requirements for Development
Policy GEN2	-	Development inside Settlement Boundaries
Policy D1	-	Design Quality, Location and Layout
Policy D2	-	Design
Policy D3	-	Landscaping
Policy D4	-	Outdoor Lighting
Policy HSG3	-	Housing on Unallocated Sites within Settlement Boundaries
Policy HSG8	-	Density of Development
Policy HSG9	-	Housing Mix and Type
Policy HSG10	-	Affordable Housing within Settlement Boundaries
Policy AC13	-	Access and Traffic Impacts
Policy AC18	-	Parking Provision and New Development
Policy HE8	-	Recording of Historic Features

#### Planning Policy Wales

TAN12	-	Design
TAN15	-	Flood Risk
TAN18	-	Transport
TAN23	-	Economic Development

#### Local Planning Guidance Notes:

9	-	Affordable Housing
11	-	Parking standards
12	-	Access for All

#### Flint Strategy and Master Plan 2021

#### Flint Town Centre Development Brief

The proposal is considered to be in accordance with the above national and local planning policies and guidance.

## **7.00 PLANNING APPRAISAL**

### 7.01 Site and Surroundings

This 0.437 hectare site occupies a prominent corner position on the junction of Coleshill Road and Earl Street within Flint town centre. It is presently largely vacant land, having been latterly occupied by maisonettes and associated circulation and parking space. Certain of the maisonettes are still present upon site although these are intended to be demolished as part of this proposal.

7.02 The site is bounded to the northwest by other existing arrangements

of maisonettes, with Bollingbroke Heights beyond. The western edges of the site are served via Feather Lea. Flint Library and the rear of premises on Church Street abut the site to the south. The northern and eastern edges of the site are marked by Coleshill Road and Earl Street, with residential terraced housing and the Catholic Church further to the east and Flint Leisure Centre further to the north.

7.03 The Proposals

The proposed development comprises an apartment block of 72No. 1 and 2 bedroom apartments. The height of the building is staggered from 4 storeys adjoining Coleshill Road and Earl Street with the rear part of the building at 3 storeys in height. The units are intended to provide extra care accommodation for older residents (aged 55+) and are available via an affordable rental scheme. The premises also includes provision of communal facilities to support the assisted living arrangements. These include a café, restaurant, multi-purpose rooms, a hairdressers, residents lounge and laundry.

7.04 Vehicular access to the site would be off Feather Lea with 24No. car parking spaces to the rear of the building, with principal pedestrian access to the building being derived from the car park. There are a number of pedestrian gated entrances to the site from Coleshill Road and Earls Street. A pedestrian link between Feather Lea and Earl Street is provided as a continuation of the pedestrian linkages between Church Street and the retails units and leisure centre to the north east.

7.05 The Principle of Development

Within the UDP, Flint is classified as a Category A settlement where most housing growth is expected to occur. The site is sustainably located with access to bus services and other local services and infrastructure.

7.06 In addition, the site is identified within both the Flint Strategy and Master Plan 2021 and Flint Town Centre Development Brief. These documents provide an overview for the re-development of parts of the town centre as a consequence of the removal of older and unsuitable forms of accommodation within the town. The application site forms part of the Spatial Framework of the Masterplan and is identified amongst the listed Short Term Projects within the plan as a residential opportunity site.

7.07 Accordingly, the principle of the development of this site is established not only through a policy presumption in favour of development of this type in this location, but also via the Masterplan and development brief specific to the town centre overall and the site in particular.

7.08 Design

The proposals have drawn upon the guidance set out in the Flint Town Centre Design Brief insofar as it relates to this site. The building

has created a new frontage to both Coleshill Road and Earl Street in order to create a built 'edge' reflective the original fortified boundary of the town. The design of the building reflects the aims of the brief to introduce residential form which creates street frontages and makes a clear distinction between the public and private realm.

- 7.09 The 4 storey form of the building at the junction of Coleshill Road and Earl Street, together with the contemporary design, serves to create a distinctive focal point on the approached from Aber Road towards the town itself which serves as a focal way finder on this approach. The proposals to serve the site in vehicular terms from the rear ensures that the design enables the street presence of the building to be softened by incorporating tree planting as part of the overall street scene creation.
- 7.10 The application was accompanied by a design statement and detailed discussions have taken place with the applicant to arrive at the current design. Whilst the building is four storeys in height, this must be viewed in the context of the maisonette development it is intended to replace and the tower blocks located further to the north west. In addition, the height serves to recreate the historical sense of enclosure along the street.
- 7.11 A palette of materials has been suggested for the external finishes of the building to enhance the visual impact of the building and to complement the character of the area. These include details such as a brick, render panels, faced block and a metal cladding system. Windows are proposed to be powder coated aluminium. The exact specification and finish colours are as yet determined and therefore I propose to condition the submission and agreement of the same prior to their use.
- 7.12 I am mindful of discussions which have occurred between the applicant and my Conservation Officers in relation to the finish standards of the materials to be used. Accordingly, the submissions to satisfy this condition shall include details that provide for a metal cladding system of copper or tained zinc, with a standing seam joint. In addition, a scheme to detail the finished brick features within those elements of the elevations proposed to be formed in brick will be conditioned.
- 7.13 The proposed scheme would redevelop a key site within Flint town centre in accordance with development plan policies. The proposed apartment building would not be out of character with the site and its surroundings and is of a modern design using quality materials which would enhance the overall appearance of the area.
- 7.14 Archaeology  
The site occupies a position which corresponds to the position of the original medieval town boundary at the junction of Coleshill Road and

Earl Street. Given the fact that proposals involve a large scale clearance of built form in this location, it was considered that there would be a need for the site to be the subject of both a desk based and an intrusive archaeological investigation.

- 7.15 These investigations have been undertaken by Archaeology Wales and a report (dated Feb 2015) into the same produced. This report identifies that remains of the original medieval bank and ditch which formed the ramparts to the original town still exist within the site. In addition, there are other archaeological remains relating to both the development of Flint before its foundation as a planned town, and other remains relating to domestic activity in the medieval period.
- 7.16 The report concludes that the scope of investigation was limited by those areas of the site which were available and accessible for investigation. It advises that, in conjunction with the clearance of the site prior to the commencement of development, there is a great scope for further archaeological investigation.
- 7.17 The findings of the report have been considered by CPAT, in consultation with CADW. CADW have decided that the remains in respect of the rampart are not such that would wish to designate them as a Schedule Ancient Monument. However, the report considers that great potential exists for further surviving remains to exist for a distance of 15 metres further to the north of the site.
- 7.18 Accordingly, CPAT have advised that this potential should be investigated further during the course of the preparation of the site for development to allow for a full recording of the remains before the proposed development proceeds. Accordingly it is suggested that a condition be imposed upon any grant of permission which requires a further programme of archaeological work to be submitted and agreed before any other works are undertaken. Thereafter the development should be undertaken in strict accordance with this scheme.
- 7.19 Highway impact  
The proposals, being a form of sheltered housing, fall within Use Class C3. Local Planning Guidance Note 11 – Parking, requires that proposals of this ilk make provision for 1 car parking space per 3 units in addition to emergency vehicle access. This equates to 24 car parking spaces. The proposals make this provision and therefore are in accord with the policy requirements in this regard.
- 7.20 It should however be noted that the site is located within a town centre and is within 50 metres of existing public car parks. The proposed site is also in walking distance of local bus and rail links, leisure and education facilities and the town retail centres. Accordingly the site is considered to be sustainably located in highway terms.
- 7.21 The proposals have been to subject of consultation with Highways

(DC) who have assessed the proposals in terms of impact upon highway safety and have advised that there is no objection to the proposals, subject to the imposition of conditions. In coming to this view, regard has been had to the traffic generation associated with the site when the maisonettes were occupied.

7.22 Other matters

No public open space is proposed as part of the development. Due to the type and size of the proposed development the Authority would not be seeking on site recreation provision. However, the scheme will still be required to address the Council's Policy and guidance requirements in relation to the need for the scheme to provide for the public open and recreation need of future occupiers.

7.23 As the Council own the application site, I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address the public open space and recreation issue is submitted and agreed.

7.24 In respect of affordable housing policies, although the applicant is a Registered Social Landlord and should operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing and, in this case, are proposing a scheme of 100% affordable housing, safeguards should still properly be sought to ensure the retention of the same in the future.

7.25 Therefore I propose to condition that no development is permitted to commence until a scheme detailing the methods via which the affordability of these units will be secured in perpetuity is submitted to and agreed in writing with the Local Planning Authority.

7.26 The proposals have been considered in terms of both drainage and flood impact. Neither is a concern subject to an appropriate condition to agree the proposed drainage and surface water regulation proposals. Dwr Cymru have noted the presence of a water main upon the site, along the frontage of Coleshill Road, within 3 metres of which there should be no development. I have assessed the proposals against the advised position of the pipe and am satisfied that the building occupies apposition greater than 3 metres from this water main.

8.00 CONCLUSION

8.01 The proposed development is therefore considered acceptable in principle and detail subject to conditions of the form outlined in paragraphs 2.01 above.

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

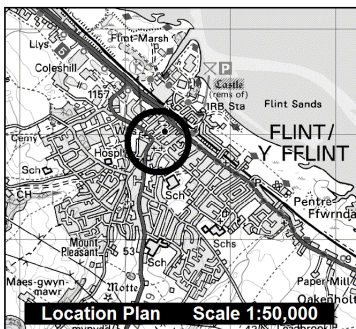
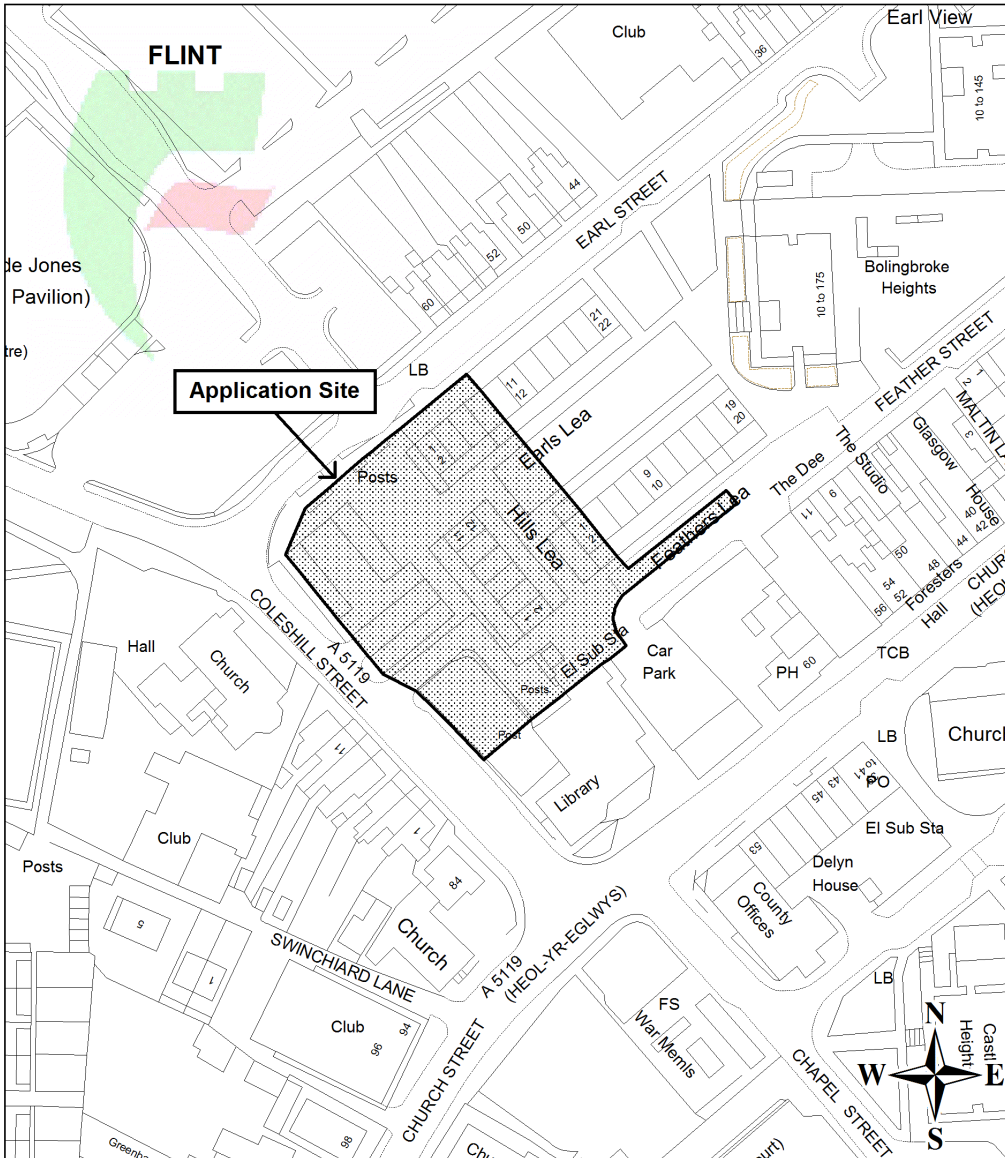
National & Local Planning Policy

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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OS Map ref	SJ 2473
Planning Application	<b>53076</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 8 NO. DWELLINGS AT FORMER CHURCH HALL SITE, WELL STREET, HOLYWELL.**

**APPLICATION NUMBER:** **052679**

**APPLICANT:** **PADSTONE HOMES**

**SITE:** **FORMER CHURCH HALL SITE, WELL STREET, HOLYWELL**

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

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

**TOWN/COMMUNITY COUNCIL:** **HOLYWELL 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 of a scheme for the re-development of the site of the former Church Hall building and dwelling known as 'The Close', now both demolished, and re-develop the site with a residential development proposal consisting of 8No. dwellings.

**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 £8,800 to the Council in lieu of on site play and recreation provision. Such sum to be paid to the Council prior to the occupation of any dwelling hereby approved and to be used to upgrade existing facilities within the community.
- b. Secure a scheme detailing the measures and means of ensuring the future management and maintenance of the proposed estate highway. Such measures to be agreed prior to the commencement of the development hereby approved.

2.02 Conditions

1. Time limit.
2. Archaeological Watching brief.
3. Boundary treatments submitted and agreed.
4. Materials, colours and finishes to be agreed.
5. Schedule of works to existing walls. Implementation prior to commencement of any other site works.
6. Removal of Permitted Development Rights.
7. Windows and doors to be timber construction and painted finish. Details to be agreed.
8. Implementation of landscaping works in first planting season following works commencement.
9. Car parking facilities to be retained in perpetuity.
10. Tree protection fencing to be erected prior to commencement of development.
11. Details of all foul, surface and land drainage to be submitted and agreed prior to commencement.
12. Development to be undertaken in strict accord with recommendations of ecology and archaeology reports.
13. Notwithstanding the ecology and tree reports, no works to trees without an ecologist present.

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 P.J. Curtis

No objection to a delegated determination.

#### Holywell Town Council

No objection. Offers a general observation that members of the Town Council are concerned in respect of:

1. the future capacity of the drainage system,
2. increases in traffic along Well Street,
3. Impacts upon historical environment, and
4. impact upon trees.

#### Head of Highways (DC)

Notes that the principle of an un-adopted highway has been established via a previous grant of planning permission (047933) as a consequence of the constrained nature of the site as a result of the proximity of Scheduled Ancient Monuments, listed buildings, protected trees and the location of the site within a Conservation Area. Considers that the long term maintenance of the estate road should be safeguarded via a S.106 agreement requiring maintenance in perpetuity by a management company.

#### Pollution Control Officer

No adverse comments.

#### Public Open Spaces Manager

Advises that on site play facilities are not required but the Council should seek a commuted sum equivalent to not less than £1100 per dwelling. Such Monies would be used to enhance existing play provisions within the community.

#### Dwr Cymru/Welsh Water

No adverse comments. Requests the imposition of conditions in respect of foul, surface and land drainage.

#### Natural Resources Wales

No objections. Requests the imposition of conditions in relation to:

1. the need for an ecologist to be present during tree works to ensure no bat roosts are affected; and
2. a surface water regulation system to be submitted and agreed.

Advises that should bats be found within any trees to be removed, a licence will be required and should be acquired before any further works are undertaken.

CADW

No adverse comments.

Clwyd Powys Archaeological Trust

Considers that an archaeological watching brief condition should be imposed upon any subsequent grant of planning permission.

Wales & West Utilities

No adverse comments.

**4.00 PUBLICITY**

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

4.02 At the time of writing, no letters have been received in response to the above consultation.

**5.00 SITE HISTORY**

5.01 **05/039111**

Erection of 24 apartments with parking and access.  
Withdrawn 24.2.2006.

**05/039117**

Conservation Area Consent Application - Demolition of buildings.  
Withdrawn 24.2.2006.

**06/042653**

Demolition of church hall and construction of 3 blocks of 6 apartments and refurbishment and extension to existing dwelling.  
Withdrawn 01.3.2007.

**07/044049**

Demolition of existing former church hall and dwelling known as 'The Close' and erection of 6no. semi-detached and 3no. detached dwellings.  
Permitted subject to S.106 agreement. 27.4.2010.

**10/047933**

Erection of 9No. detached dwellings.  
Permitted subject to S.106 agreement. 23.11.2011

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development  
Policy STR4 - Housing  
Policy STR7 - Natural Environment  
Policy STR8 - Built Environment



Policy STR11 -	Sport, Leisure & Recreation.
Policy GEN1 -	General requirements for development.
Policy GEN2 -	Development inside settlement boundaries.
Policy D1 -	Design Quality, Location & Layout.
Policy D2 -	Design
Policy TWH1 -	Development affecting trees & woodlands.
Policy HE1 -	Development affecting Conservation Areas.
Policy HE2 -	Development affecting listed buildings & their settings.
Policy HE3 -	Demolition in Conservation Areas.
Policy HE6 -	Scheduled Ancient Monuments.
Policy HE8 -	Recording of historic features.
Policy AC13 -	Access and traffic impact.
Policy HSG3 -	Housing on unallocated sites within settlement boundaries.
Policy SR5 -	Outdoor Playing Space & New Residential Development.

6.02 The above policies broadly identify the criteria against which development proposals of this type will be assessed having regard to issues of historical sensitivity, safeguarding and enhancement of Conservation Areas, tree protection and the broader design and development criteria. I consider that the proposals would comply with the above policies.

## **7.00 PLANNING APPRAISAL**

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

The application site was latterly occupied by 2 vacant and dilapidated buildings, namely the former Church Hall and a dwelling known as 'The Close', both of which have now been demolished. Demolition rubble remains upon site upon the footprints of the former buildings.

7.02 The site lies at the northern extreme of Well Street. Development along this street exists in a variety of forms, predominantly residential, but including a catholic Church and its ancillary buildings. The site occupies a position along a heavily wooded and prominent ridge of land which runs along and north - south axis. The site is largely overgrown given that the uses upon the site have ceased. The site boundary to the west is formed by the stone and brick retaining wall to the adjacent burial ground at St. James' Church. There is no formal demarcation of the northern and eastern boundaries of the site other than a prominent change of levels from the ridge top plateau of the site. The boundary to the south is a brick wall which forms a common boundary with the Listed Building, 46 Well Street. The area of the site proposed for development is relatively flat with a slight slope across the site in a northerly direction. This slope is reflective of the general slope of the surrounding landform although the raised ridge is such that there is a marked levels difference between the site and land to the east and west. Access to the site is derived from the existing

highway, Well Street which runs along part of the western boundary of the site, with the point of access existing at the south western corner of the site.

7.03 Principle of Development

Within the UDP Holywell is classified as a Category A town where most housing growth is expected to occur. The site is sustainably located with access to bus services and the other local services. In addition, Members are reminded that this site benefits from an extant planning permission under Reference 047933, which permits the erection of 9No. dwellings.

7.04 Accordingly, the principle of the development of this site is established not only through a policy presumption in favour of development of this type in this location, but also via an extant planning permission.

7.05 The Proposed Development

The proposed scheme seeks permission to erect 8No. 2 storey dwellings, each of which provides 4 bed accommodation. The scheme includes the provision of an estate highway to serve the dwellings together with additional landscaping works.

7.06 Design and Appearance

The proposals represent an amendment from that which previously approved under application reference 047933. However, the nature of the amendment produces little difference other than to change the format of the approved layout and the composition and number of the proposed dwellings. The total effect is to reduce the number of dwellings sought from the approved level of 9 to 8.

7.07 The design of the units retain the previously achieved and agreed contemporary interpretation of a Georgian/Victorian style of dwelling, reflective of the historic character of the Holywell Conservation Area in the vicinity of the site. The proposed finishes relate well to properties upon Well Street in particular.

7.08 The design evolution of the layout of the proposed dwellings respects the tight constraints which the extensive tree cover of the wider area imposes upon the site. This has resulted in a scheme which reflects the linear character of development along Well Street as a historical pattern and also ensures that the footprint of the buildings can be accommodated upon the site without the need for unacceptable and damaging encroachment into the tree areas. It is not considered the design and layout of the proposed dwellings would have a detrimental impact on the residential amenity of existing residential properties nor on the residential amenities of future occupants of the dwellings. The proposed separation distances from adjacent properties are compliant with the Council's standards and furthermore, the well established tree and vegetation cover upon the periphery of the site is such that visual interaction between the site and the surroundings is limited and

serves to reinforce the view that there is no adverse impact upon residential amenity.

7.09 Access and Car Parking

The proposed development will be accessed from one point onto Well Street at the same point from which vehicular access to site is currently derived. The Head of Highways (DC) has advised that whilst neither the proposed access nor the internal estate road would be compliant with the Council's highway adoption standards, the proposals are reflective of the guidance offered in the Department of Transport publication 'Manual for Streets'. It should be noted that this document has been adopted as a national guideline by the Welsh Government. As such, the future maintenance of the estate road should be the responsibility of a duly appointed management company. I consider that this requirement should be secured by an appropriately worded S.106 agreement.

7.10 In view of the constraints upon the site which arise from protected trees and the requirement for the existing stone wall and gateway off Well Street, the Head of Highways (DC) accepts that an access and road to adoptable standards cannot be provided without compromising these constraints which would be unacceptable in view of the sites location with the Conservation Area.

7.11 The proposal would provide for 16 on site car parking spaces. These spaces can be conditioned to be retained in the interests of preventing an increase in on - street parking.

7.12 Scheduled Ancient Monuments, Listed Buildings & their Settings & the Holywell Conservation Area

The site sits in close proximity to a number of Scheduled Ancient Monuments (Holywell Castle Mound to the north and St. Winifrede's Well and Chapel to the north west) and listed buildings (No's 44 & 46 Well Street and St. James Church Vicarage to the south). The site is also located entirely within the defined Holywell Conservation Area. In considering the proposal regard has been had to ensuring that there are no direct impacts upon either the fabric or the settings of these historically important monuments and buildings or the character and appearance of the Conservation Area as a whole.

7.13 It should be noted that whilst Scheduled Ancient Monuments (SAM) are located in the vicinity of the site, they are not located within the boundaries of the application site. It has been identified therefore that the only impacts arising from the proposals which ought to be guarded against are of a visual nature. In this regard the existing tree cover upon the boundaries to the SAM are important as they act as an effective visual screen between the monuments and the site and the wooded slope to the west of the site has identified previously as an integral part of the setting of the Well and Chapel and as such, should protected to preserve this setting. In this respect, whilst some tree

management is required due to adverse impacts upon the structural integrity of the burial ground retaining wall, a scheme of replacement planting has been identified in parts and I propose to condition the implementation of this scheme within the first planting following the commencement of the development in order to maximise the time for this planting to take and reinforce the wooded screen.

- 7.14 In respect of the potential for the site to contain any archaeological remains which do not appear in the National Record, I propose to impose a condition in accordance with the request from the Clwyd Powys Archaeological Trust for an archaeological watching brief during the course of development. This will ensure that any remains which exist upon site which were previously unrecorded or unknown will be correctly excavated and recorded.
- 7.15 The nearby listed buildings are also located outside of the site and for similar reasons to those outlined above, no adverse impacts are considered likely to arise to their settings. The closest property, 46 Well Street sits adjacent to the southern boundary of the site and the only works of any potential impact to this property and its setting relate to the structural works identified to the boundary wall (within the application site). In order to ensure that these works do not detract visually from the setting of 46 Well Street, I suggest the imposition of a condition requiring the submission, agreement and implementation of a schedule of works to both this wall and the wall abutting the burial ground, prior to the commencement of any other site works.
- 7.16 As discussed in previous paragraphs under other headings, the location of the site within the Conservation Area has been key in driving the design approach to this proposal. I consider that the scheme with which Committee is now presented represents a considered response to the particular design constraints which apply to this site. I consider that the visual character of the Conservation Area is reflected and portrayed through the proposed linear layout and the style and proposed finishes of the dwellings. I am satisfied that the application of appropriately worded conditions in respect of the agreement of detailed matters such as materials, finishes and colours will ensure that the finished scheme will complement the visual character of the Conservation Area.
- 7.17 Infrastructure and other matters  
Neither Natural Resources Wales, Welsh Water nor the Pollution Control Officer has raised objections to the proposal. Welsh Water have requested that conditions be imposed with regard to the submission and agreement of the precise methods and means of site drainage. I propose to impose a condition to that effect. NRW have requested conditions in relation to a surface water regulations system. I consider the purpose of this condition is addressed within the proposed wider drainage condition. In addition NRW have sought a condition for an ecologist overview whilst tree works are undertaken to

safeguard against impacts upon bats. I propose to condition accordingly.

- 7.18 The site constraints are such that the actual provision of open space and play facilities on site is not practical. Accordingly, and in line with the identified policies and LPGN advice, the developer is required to enter into an agreement to secure the payment of a commuted sum in lieu of such on site provisions. The applicant should enter into a Section 106 Agreement or issue an advanced voluntary payment to provide for £1100 per dwelling in lieu of on site open space. All monies received shall be used to enhance play and recreation facilities in the community.

## **8.00 CONCLUSION**

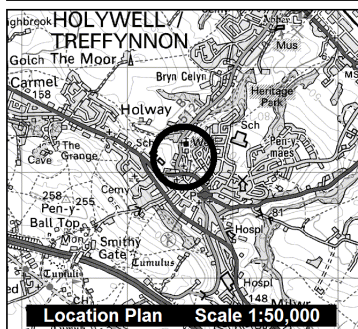
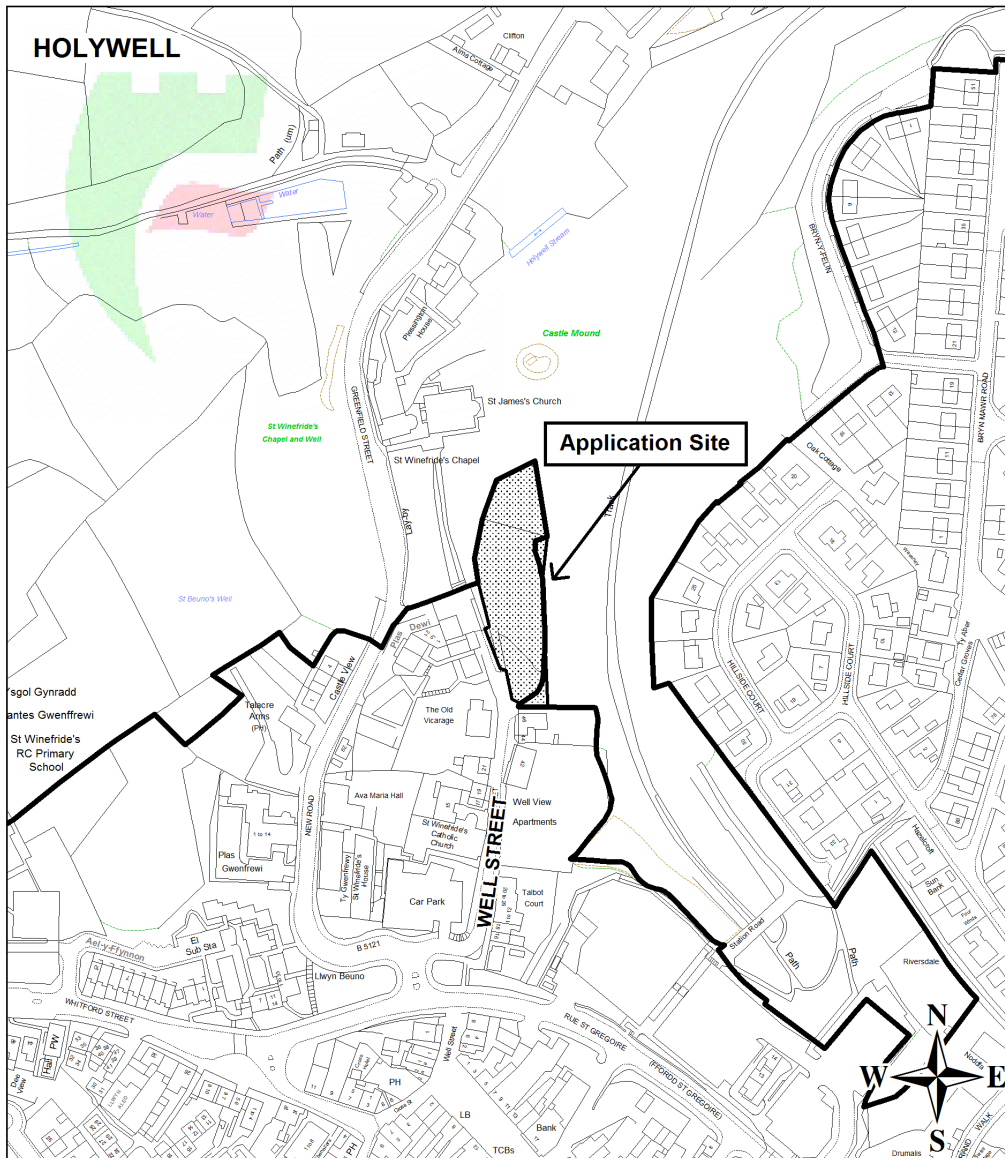
- 8.01 I am satisfied that following the satisfactory investigation in reports submitted in support of the application, and via the imposition of appropriate conditions, this proposal would not give rise to any adverse impacts upon the historically sensitive nature of the site surroundings.
- 8.02 The proposed development is therefore considered acceptable in principle and detail subject to a S.106 agreement of the form outlined in paragraph 2.01 above.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

### **LIST OF BACKGROUND DOCUMENTS**



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

**Contact Officer:** David Glyn Jones  
**Telephone:** 01352 703281  
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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

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

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Map Scale	1:2500
OS Map ref	SJ 1876
Planning Application	<b>52679</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **FULL APPLICATION – CONVERSION OF AND EXTENSION TO EXISTING BUILDING TO PROVIDE FISHERY SALES OFFICE AND CANTEEN, CONVERSION OF AND EXTENSION TO BUILDING TO PROVIDE A DWELLING WITH B & B LETTING, CONSTRUCTION OF 2 NO. FISHING POOLS AND A MITIGATION WILDLIFE POOL, DEMOLITION OF EXISTING OUTBUILDING ON ROADSIDE, LANDSCAPING, INSTALLATION OF NON-MAINS DRAINAGE, FORMATION OF PARKING AREA AND CREATION OF A NEW ACCESS (CLOSURE OF EXISTING ACCESS) AT STAMFORD WAY FARM, STAMFORD WAY, EWLOE.**

**APPLICATION NUMBER:** **052759**

**APPLICANT:** **MR. J. WOODCOCK**

**SITE:** **STAMFORD WAY FARM, STAMFORD WAY, EWLOE.**

**APPLICATION VALID DATE:** **25<sup>TH</sup> NOVEMBER 2014**

**LOCAL MEMBERS:** **COUNCILLOR A. M. HALFORD**  
**COUNCILLOR D. I. MACKIE**

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

**REASON FOR COMMITTEE:** **SITE EXCEEDS 2 HECATRES IN AREA**

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

## **1.00 SUMMARY**

- 1.01 This is a full planning application for the change of use to a tourist fishery enterprise involving the creation of fishing ponds and the conversion and extension of existing buildings to form a fishery sales office, canteen with toilet and shower facilities and a managers dwelling which also includes bed and breakfast accommodation.
- 1.02 The proposal also involves:
1. the creation of a new access and closure of the existing,
  2. demolition of buildings fronting the main road,
  3. formation of driveway and car parking areas, and
  4. fencing and landscape planting.
- 1.03 This application is a resubmission following the dismissal of an appeal against the refusal of previous proposals under Reference 050839. The major difference between this proposal and the previous is the deletion of the proposal for touring caravans from this scheme and the introduction of bed and breakfast accommodation as part of the proposed dwelling.
- 1.04 The issues for consideration are the principle of the development in planning policy terms; the effect on the openness of the green barrier; the effect on the visual appearance and character of the open countryside and the extension to the barn to form a dwelling.

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

- 2.01
1. Time implementation.
  2. Compliance with submitted information and amended plans.
  3. Samples of all external materials
  4. Provision of 2.4m x 160m visibility splays in both directions.
  5. Visibility splays kept free of all obstacles during construction.
  6. Provision and retention of loading, unloading, parking and turning facilities.
  7. Closure of existing access & creation of new access before any other development
  8. Submission, approval and implementation of detailed landscape scheme including proposed boundary treatments.
  9. Removal of permitted development rights on all future openings (windows/dormer windows etc) for dwelling
  10. Removal of permitted development rights on all future extensions, outbuildings, porches etc for dwelling
  11. Occupation of house tied to management of fishery enterprise.
  12. Commercial use to be established prior to conversion and occupation of house.
  13. Mitigation for barn owls and swallows and implementation of ecological recommendations

14. Surfacing of car parking areas & access track to be agreed.
15. Submission and approval of lighting scheme.
16. No external storage except in maintenance area.
17. No development within 3 metres of centreline of water main.
18. Siting design and layout of site access to be submitted and agreed before any works on site.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor A Halford

No advised position at time of writing.

Councillor D Mackie

No response at time of writing.

Hawarden Community Council

Object on the grounds of;

1. green barrier
2. concerns on impact on the water supply to properties in the Locality.

Head of Highways (DC)

No objection subject to conditions covering;

1. visibility splay of 2.4m x 160m in both directions
2. visibility splays kept free from obstructions during all construction works
3. siting, layout and design of the means of site access to be agreed
4. adequate facilities shall be provided and retained within the site for the loading, unloading parking and turning of vehicles

Pollution Control Officer

No adverse comments to make.

Economic Development Manager

The creation of new visitor attractions is welcomed. Advises of a large potential visitor market. Also notes the importance of the landscape from a tourism perspective as part of the appeal of the area.

Dwr Cymru/Welsh Water

No objection. Advises of a distribution water main crossing the site. Condition preventing development of structures within 3 metres of the centreline of the pipeline.

Natural Resources Wales

No objections in principle to the proposed development. As private drainage is proposed to be used discharges above 5m<sup>3</sup> to surface

water require an environmental permit.

#### SP Energy Networks

Have plant and equipment in the area and the developer should therefore be advised of the need to take appropriate steps to avoid any potential danger.

#### AIRBUS

No adverse comments.

### **4.00 PUBLICITY**

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

4.02 At the time of writing, 2No. letters of objection upon the following grounds have been received:

1. Impact upon the openness of the green barrier,
2. Impacts upon ability to farm adjacent land,
3. Absence of information to demonstrate no impact upon hydrology,
4. Size of proposed access,
5. No evidence of scheme viability,
6. Outdated supporting evidence,
7. No evidence of need,
8. Unsustainably located in access terms, and
9. Absence of drainage infrastructure.

4.03 In addition, 11No. letters of support for the proposal have also been received. Support is offered on the following basis:

1. The proposals would relieve some of the pressure upon the fishing in Wepre Wood,
2. The site would be prevented from becoming completely ruinous,
3. There is a need for this sort of recreation facility in the locality,
4. Affords a safe and secure facility to introduce youngsters to the sport of angling, and
5. Will create local employment opportunities.

### **5.00 SITE HISTORY**

#### **5.01 047414**

Close up existing access, create new vehicular access and demolition of farm building. Permission refused July 2010.

Appeal dismissed in Oct 2010.

#### **049803**

Change of use from agricultural to caravan park with 27 spaces including the conversion of barn into residential and agricultural shed into campsite facilities, demolition of existing outbuildings, formation of an access, construction of fishing pools, parking and ancillary works. Refused 12.10.12.

**050839**

Change of use from agricultural to caravan park with 27 spaces including the conversion of shed into campsite and fishing facilities, conversion of barn into site managers dwelling, formation of an access, construction of fishing pools, parking and ancillary works.

Refused 14.10.2013

Appeal Dismissed 8.4.2014

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR6 - Tourism
- Policy GEN1 - General Requirements for Development
- Policy GEN3 - Development in the Open Countryside
- Policy GEN4 - Green Barriers
- Policy D1 - Design Quality, Location and Layout
- Policy D2 - Design
- Policy D3 - Landscaping
- Policy L1 - Landscape Character
- Policy WB1 - Species Protection
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision and New Development
- Policy HSG7 - Change of use to Residential Outside Settlement Boundaries
- Policy RE4 - Small Scale Rural Enterprises
- Policy SR2 - Outdoor Activities
- Policy TWH2 - Protection of Hedgerows

Planning Policy Wales

TAN 6 Planning for Sustainable Rural Communities

TAN 13 Tourism

Local Planning Guidance Notes:

5 – Conversion of Rural Buildings

10 – New housing in the open countryside

11 – Parking standards

The proposals would accord with the above policies.

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for a the change of use to a tourist

fishery enterprise involving, the creation of fishing ponds and the conversion and extension of existing buildings to form canteen, fishery sales, toilet and shower facilities and a managers dwelling with bed and breakfast accommodation. The proposal also involves the creation of a new access, demolition of buildings fronting the main road, formation of driveway and car parking areas and fencing and landscape planting.

7.02 The Site and Surroundings

The site is located on the south side of Stamford Way, opposite Stamford Way Farm, between Northop Hall and Ewloe. It lies in open countryside within the green barrier.

7.03 The application site is a field of 2.5ha (6.3 acres), bounded on all sides by hedgerows containing some trees. There is an existing vehicle access at the eastern end of the site frontage. The site contains three former agricultural buildings, one on the road frontage, and the other two are further inside the site. The site is no longer part of a working farm and the buildings are unused. The field slopes down gradually from north to south, away from the road. There are power lines running across the site. There is a residential property the former farm house which is in separate ownership, opposite the application site. There is a boarding kennels and associated dwelling located to the east of the site.

7.04 The Proposals

The proposed development comprises: • creation of a new access and closure of the existing access; • demolition of a brick and slate farm building located on the road frontage; • conversion and extension of a barn to a dwelling with B&B accommodation; • conversion and extension of an agricultural building to fishery facilities; • access driveway; • 2 fishing pools with central islands; • a wildlife pond; • car park for fishing pools, including disabled spaces;

7.05 The primary use of this development is to create recreational fishing ponds. The proposal would create 2 fishery pools with 35 angling pitches. The recreational fishing pools would have a surface water area of 650m<sup>2</sup> located at the southern end of the site. The fishing ponds will be screened by substantial landscaping and planting.

7.06 It is proposed to convert the existing barn into a three bedroom dwelling. 2 of the proposed bedrooms will be used in conjunction with the primary use of this converted building as manager's accommodation. The 3<sup>rd</sup> bedroom will be available as B&B accommodation in association with the fishing pools. The existing barn is of stone and brick construction with a slate roof. This building is attractive and of architectural merit. It has a two storey element measuring about 8.8m long x 5.7m wide x 6m high and a single storey element measuring about 12m long x 6m wide and about 4.5m high. The conversion would involve new roof lights on the rear elevation. To

the rear would be a single storey 9m x 9m x 4.3m high extension for a bedroom, sitting area and living room. The extension would be rendered with a slate roof. The dwelling would have private amenity space to south and its own internal access and parking area.

7.07 The existing brick agricultural building would be converted to form a fisherman's canteen, administration/reception building for the fishery, toilet/showers, kitchen and maintenance/storage area as facilities for the fishing enterprise. The existing building measures approximately 14m x 10.5m x 5m high, with a small projection of 6m x 3m x 4m high, would be extended by 7m x 6m to provide. The building would retain a brick external finish, with vertical timber cladding to gable ends above eaves level and a grey sheeted roof.

7.08 The new access would be formed at the western end of the road frontage and serve a road through the site to the fishing pools and associated parking area. This requires the removal of the existing roadside hedge and the erection of a 1.5m high post and rail fence with new hedge planting. 7 parking spaces would be provided for the canteen building, including 2 disabled spaces; 20 spaces for the fishing and 2 disabled parking spaces by the first fishing pool. A private drive off the access road would serve the barn converted to the dwelling and B&B. The existing access would be closed up. A bore hole and pumping station would be used to supply water to the development. Foul sewage would be dealt with via bio-disc treatment plant and discharged into an existing ditch.

7.09 The fishing and canteen would be open for 52 weeks of the year, with the fisheries open from 8am to dusk. The development would create two full time jobs and four part-time jobs.

#### 7.10 The Main Issues

The issues for consideration are the principle of the development in planning policy terms; the effect on the openness of the green barrier; the effect on the visual appearance and character of the open countryside and the extension to the barn to form a dwelling. The key to acceptability of this proposal is in the detail, having regard to its green barrier location covered by policy GEN4 Green Barriers and the requirements of policies STR6 Tourism and SR2 Outdoor Activities.

#### 7.11 Policy Considerations and the Principle of Development

The site lies within the green barrier in open countryside. The most important attribute of a green barrier is its openness and there is a general presumption against any inappropriate development within a green barrier except in very exceptional circumstances. These circumstances should outweigh any harm that may be done to the green barrier and its openness. The visual amenity of the green barrier should not be detrimentally affected by development.

#### 7.12 Green Barrier

Policy GEN4 'Green Barriers' states development within green barriers will only be permitted where it comprises (amongst others):

- b) essential facilities for outdoor sport and recreation
- f) the re-use of existing buildings; and
- g) other appropriate rural uses/development for which a rural location is essential,

provided that it would not:

- i. contribute to the coalescence of settlements; and
- ii. unacceptably harm the open character and appearance of the green barrier.

7.13 It is considered that the creation of fishing ponds creates essential facilities for outdoor recreation and is also a rural use for which such a location is essential as referred to in g) above. It needs to be demonstrated that any harm which may arise as a consequence of the proposal, is considered to be acceptable due to other overriding circumstance or the harm can be mitigated, for example by landscaping.

7.14 In dismissing the appeal against the previous refusal of planning permission upon this site, an Inspector considered the issue of Green Barriers and the question of openness. He noted that the sloping nature of the site helped to create a feeling of expansive openness. He considered the impact of those proposals, including a touring caravan park, upon the openness of the green barrier and concluded that those proposals would unacceptably harm the Green Barrier due to an irreversible impact upon its' openness. This decision is material in my determination of the same question in relation to this current proposal.

7.15 The previously proposed caravan element has been deleted from this current proposal and therefore, one has to consider the appropriateness of the remainder of the proposals in a Green barrier location. Whilst fencing, access roads and parking areas associated with this development will have a visual impact, measures have been taken to minimise the impact of these. The fencing has been reduced to 1.5 metres in height and can be conditioned to ensure it is appropriate to this rural location. The fencing would also be screened by new planting.

7.16 In terms of criteria f) this proposal involves the re-use of 2 existing buildings – the barn for a dwelling as manager/B&B accommodation and the agricultural building for a canteen, toilet, admin/reception and maintenance block with an extension to each building. The amount of new build is not significant in the context of the site as a whole and the extensions would have a limited impact on the green barrier. It is not considered these minor elements would cause significant harm.



- 7.17 A further issue is whether the proposal would contribute to the coalescence of Northop Hall and Ewloe. The site is located approximately 0.5km from the settlement boundary of Northop Hall and 1km from the settlement boundary of Ewloe. There are 3 existing buildings on the site, one of which is to be demolished to improved the visibility for the new access point and the other two are being utilised in support of the proposed enterprise. The other works at the site would not involve any additional built form. The fishing ponds would be engineered at ground level, with small islands. It is therefore considered that the proposal would not lead bring about any coalescence of Ewloe with Northop Hall.
- 7.18 Tourism and Outdoor Recreation  
With regard to Policy STR6 'Tourism' it is considered that the proposal will meet the needs of visitors and residents; it will be in scale and type appropriate to the locality, as the caravans will be sited for 7 months rather than 12 and it involves regeneration of existing buildings into a beneficial economic use contributing to rural diversification.
- 7.19 In relation to Policy SR2 'Outdoor Activities, permits activities where the activity proposed is of a type, scale and intensity that would not unacceptably harm the character and appearance of the site and its surroundings, residential or other amenity, or any landscape, nature or conservation interest. The policy also requires sites to be accessible by a choice of modes of transport.
- 7.20 There is a residential property opposite the application site. There will be some impact on the amenity of this dwelling with the introduction of a new use to a currently vacant site, particularly associated with vehicle movements. However it is not considered the operation of the fisheries would have any significant impact on amenity. The site is accessible by a choice of modes of travel other than the private car, as it is located on a bus route, therefore there are alternatives options for accessing the site.
- 7.21 Policy GEN3 'Development in the Open Countryside' allows for developments related to tourism, leisure and recreation to be located in the open countryside, provided there is no unacceptable impact on the social, natural and built environment. In this case it is considered the fishing enterprise would not be detrimental to the social, natural or built environment.
- 7.22 Policy HSG7 permits the change of use to a dwelling of an existing non-residential building where residential conversion is a subordinate part of a scheme for business reuse provided that;
- a. the building is structurally sound and capable of conversion without significant extension, extensive

rebuilding, or external alteration. The applicant has submitted a structural report of the barn with the application which supports this re-use. The front of the building will not be altered and the existing openings of the building would be used. There is one new door opening to the rear of the building and the introduction of some roof lights. The scheme does involve an extension to the barn to provide additional residential accommodation to meet the applicants needs to accommodate his family.

- b. the traditional architectural and historic features are retained. The building is a traditional existing brick, stone and slate building. The existing openings are being reused and there is not a significant number of new openings.
- c. the residential use of the building and curtilage provides adequate privacy and space around dwellings and does not have an unacceptable effect on the character and appearance of the surrounding area, by virtue of its siting, scale, design, form, use of material and landscaping. The applicant is applying for a single storey rear extension of 9m x 9m x 4.3m high. The proposed extension is single storey and render in finish. The proposal provides adequate residential amenity space for a two bedroom dwelling which would provide accommodation for the manager of the enterprise. There are no issues with overlooking as the nearest dwelling is across the road. The building is also proposed to offer 1 bedroom as B&B accommodation for use in connection with the fishery.
- d. reasonable standards of residential amenity are provided by the proposal. There would obviously be the potential for conflict between the proposed enterprise and the proximity of a dwelling, however this is managers accommodation associated with that use and the fishery use. Measures have been put in place to ensure that there is surveillance of the business while maintaining some privacy.

7.23 Policy RE4 'Small Scale Rural Enterprise' is relevant to the proposal. The proposal complies with the policy as the buildings to be converted are structurally sound and capable of conversion without major or complete reconstruction and it is suitable for the specific re-use. The development is of a form, bulk, design and materials and sited so as to respect the character of the site and surroundings. It does not unacceptably harm features or areas of landscape, nature conservation or historic value. The permission can be conditioned to

not allow external storage or operations which would be harmful to residential amenity or to the character and appearance of the area. Satisfactory on-site parking, servicing and manoeuvring space for the nature and volume of traffic likely to be generated which should be capable of being served satisfactorily by the highway network is proposed. The site is accessible by a choice of means of travel, particularly by foot, cycle or public transport.

7.24 PPW paragraph 7.6.8 in relation to 'supporting the economy', says the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for tourism and recreation. Local planning authorities should adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes, provided that:

- a. they are suitable for the specific reuse;
- b. conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- c. their form, bulk and general design are in keeping with their surroundings;
- d. imposing conditions on a planning permission overcomes any planning objections;
- e. if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- f. conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and/or architectural interest.

It is considered that the proposal complies with this WG advice.

7.25 Access and highway considerations

It is proposed to create a new access and visibility splay as the existing access does not provide adequate visibility for a commercial use as proposed. The roadside building needs to be demolished to provide adequate visibility.

7.26 Previously an application was submitted to create a new vehicle access with no associated development (047414). This application was refused and dismissed on appeal. The proposed new access is in a similar position to that previously dismissed on appeal, so it is important to explain the differences between the schemes. In dismissing the appeal the Inspector considered the 5m wide access would represent an urbanising and incongruous feature that would be harmful to the character and appearance of the surrounding rural area. The Inspector noted that the area of land to be served by the proposed access amounted to only 2.4 hectares and was not part of an agricultural holding. Therefore there was no need for such a wide entrance as only one vehicle would need to gain access to the field at

any one time and another would not be exiting at the same time.

7.27 In this case, the proposed 5m wide access would serve a new commercial enterprise. It therefore needs to be wide enough for 2 vehicles to pass. The Head of Highways (DC) has no objection, subject to conditions. The proposed access is seen in the context of the development of the site as a whole. Although the existing roadside hedge would be removed this would be replanted set back behind the new visibility splay so over time any impact would be mitigated.

7.28 Ecology

The site itself is primarily improved grassland with mixed hedgerows. The site is within 170m of Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for their woodland and great crested newts. The nearest GCN breeding site is over 500m away.

7.29 The habitats present on site are poor great crested newt terrestrial habitat and there are no breeding sites in close proximity. While it is considered unlikely that great crested newts will be found on site, wildlife features are created away from the fishing pools.

7.30 An Ecological Assessment was submitted with the application. This refers to a Bat and Breeding Bird Survey which found no evidence of bats in any of the buildings but large numbers of nesting swallows. Mitigation measures mentioned in that survey need to be incorporated into the existing proposals. The Ecological Design Scheme recommends the erection of 15 bat and bird boxes of various designs and a barn owl box. Swallow nesting sites are proposed in the converted agricultural building.

7.31 The proposal involves removal of approximately 160m of roadside hedge to create the appropriate sight lines. This is a mainly hawthorn hedge and is 'gappy' in places. A new hedge outside the sight lines would be planted of predominately hawthorn plus other native species. Additional hedge planting is also proposed around the wildlife pond. Habitat connectivity for amphibians will be provided through this new planting, the inclusion of a wildlife pond and the replanted roadside hedge. The implementation of these along with appropriate mitigation for swallows and barn owls, will ensure there is ecological objection to the proposal. These matters are dealt with in the recommended conditions.

7.32 The Deeside and Buckley Newt SAC will not be directly affected by the proposal which is a self contained recreational activity. In the long term the provision of managed fishing ponds may have the potential to reduce fishing pressures within the SAC.

**8.00 CONCLUSION**

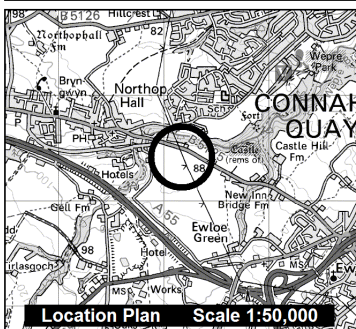
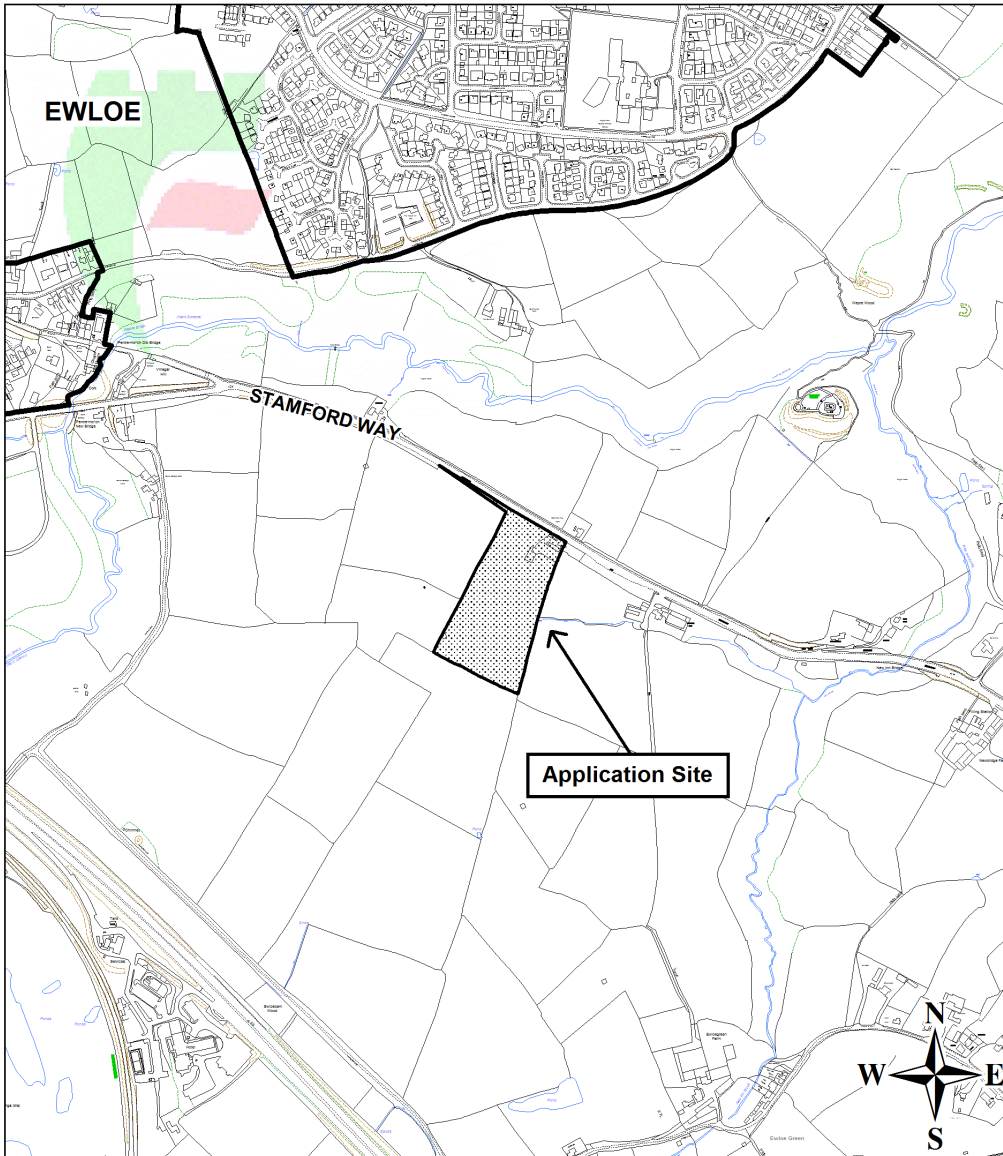
- 8.01 It is considered that the proposed use is appropriate development in the green barrier and any harm is considered to be mitigated by the proposed landscaping and non-intrusive nature of the use of the site. It is not considered that the proposal would lead to the coalescence of settlements.
- 8.02 The proposed conversion of the buildings for the canteen, shop and toilet/shower facilities and managers' dwelling/B&B accommodation reuse existing buildings on the site with some extensions. The elements of new build are therefore limited. It is considered all elements of the proposal are acceptable subject to suitable conditions as set out above.
- 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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 Chief Officer: Mr Andrew Farrow

**Legend**

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

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OS Map ref SJ 2867

Planning Application **52759**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **FULL APPLICATION – RETENTION OF 2 NO. CLIMBING POLES AT FIELDS NORTH EAST OF CROSSWAYS ROAD, PEN Y CEFN, CAERWYS**

**APPLICATION NUMBER:** **052956**

**APPLICANT:** **WOODFEST ST ASAPH LIMITED**

**SITE:** **FIELDS NORTH EAST OF CROSSWAYS ROAD, PEN Y CEFN, CAERWYS**

**APPLICATION VALID DATE:** **17<sup>TH</sup> DECEMBER 2015**

**LOCAL MEMBERS:** **J E FALSHAW**

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

**REASON FOR COMMITTEE:** **THE PROPOSED DEVELOPMENT EXCEEDS 15M IN HEIGHT**

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

### **1.00 SUMMARY**

1.01 This planning application seeks retrospective planning permission for the erection of 2no. 26.5m high timber climbing poles to be used during 'Woodfest'.

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

#### **2.01 Conditions:**

1. In accordance with the approved details
2. Temporary permission for five years

### **3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor J.E. Falshaw  
No comments received.

Caerwys Community Council

The poles could fall on to the nearby Babell Road and they are visual intrusive from Autumn through to Spring. It is suggested that should planning permission be granted it is only for a very short period so that they do not become a permanent fixture in the area.

Head of Public Protection

No adverse comments.

### **4.00 PUBLICITY**

- 4.01 Site Notice  
One letter has been received from a local resident objecting on the following grounds:
- Impact on residential amenity
  - Over dominate the open countryside location
  - Incongruous in their setting opposite listed buildings
  - Distraction to drivers
  - They are only used for a few days a year

### **5.00 SITE HISTORY**

- 5.01 None relevant

### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
GEN1 – General Requirements for Development  
GEN3 – Development in the Open Countryside

### **7.00 PLANNING APPRAISAL**

- 7.01 This retrospective planning application includes for the retention of 2no. 26.5m high Douglas Fir timber poles to be used for events during the festival of wood, 'Woodfest'.
- 7.02 Criterion g of policy GEN3 of the Flintshire Unitary Development Plan (FUDP) allows for development in the open countryside that is related, amongst other things, to tourism. The proposed timber poles will be used for an annual festival, which is a tourist event.
- 7.03 The application site comprises an agricultural field located within the

- 7.04 open countryside. The B5122 runs along the eastern boundary of the site and another road runs along the southern boundary. The poles are located within close proximity of each other and close proximity of the B5122.
- 7.05 Llydiart Cerrig, a locally listed building lies approximately 50m to the south of the poles, on the opposite side of the highway.
- 7.06 The field in which the poles are sited have dense hedging and trees; however, due to their height, the poles are readily visible from a number of vantage points. Notwithstanding this, the poles are timber and are not considered to have an unacceptable adverse impact on the character of the area.
- 7.07 Whilst there is a dwelling within relatively close proximity of the site, it is not considered that the poles will have any unacceptable detrimental impact on the amenities enjoyed by the occupants of the property.
- 7.08 Although the poles are within close proximity of a highway, it is considered that given their stationary and natural appearance they will not cause any distraction to drivers that would result in any risk to highway safety.
- 7.09 Given that the poles are natural timber, they have a limited lifespan. Also, as they are only required for a single annual event, there is no guarantee of the event being held on the site in perpetuity. As such, should planning permission be granted, it should be on a temporary basis for five years.

## **8.00 CONCLUSION**

- 8.01 In conclusion, it is my view that the scale and form of the development does not have an unacceptable adverse impact on the character of the area and as such I recommend that planning permission should be granted on a temporary basis.
- 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.

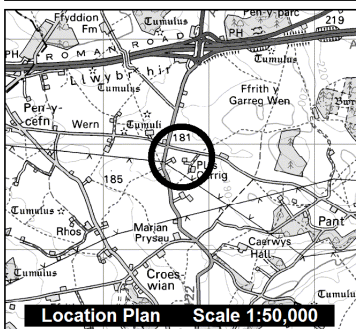
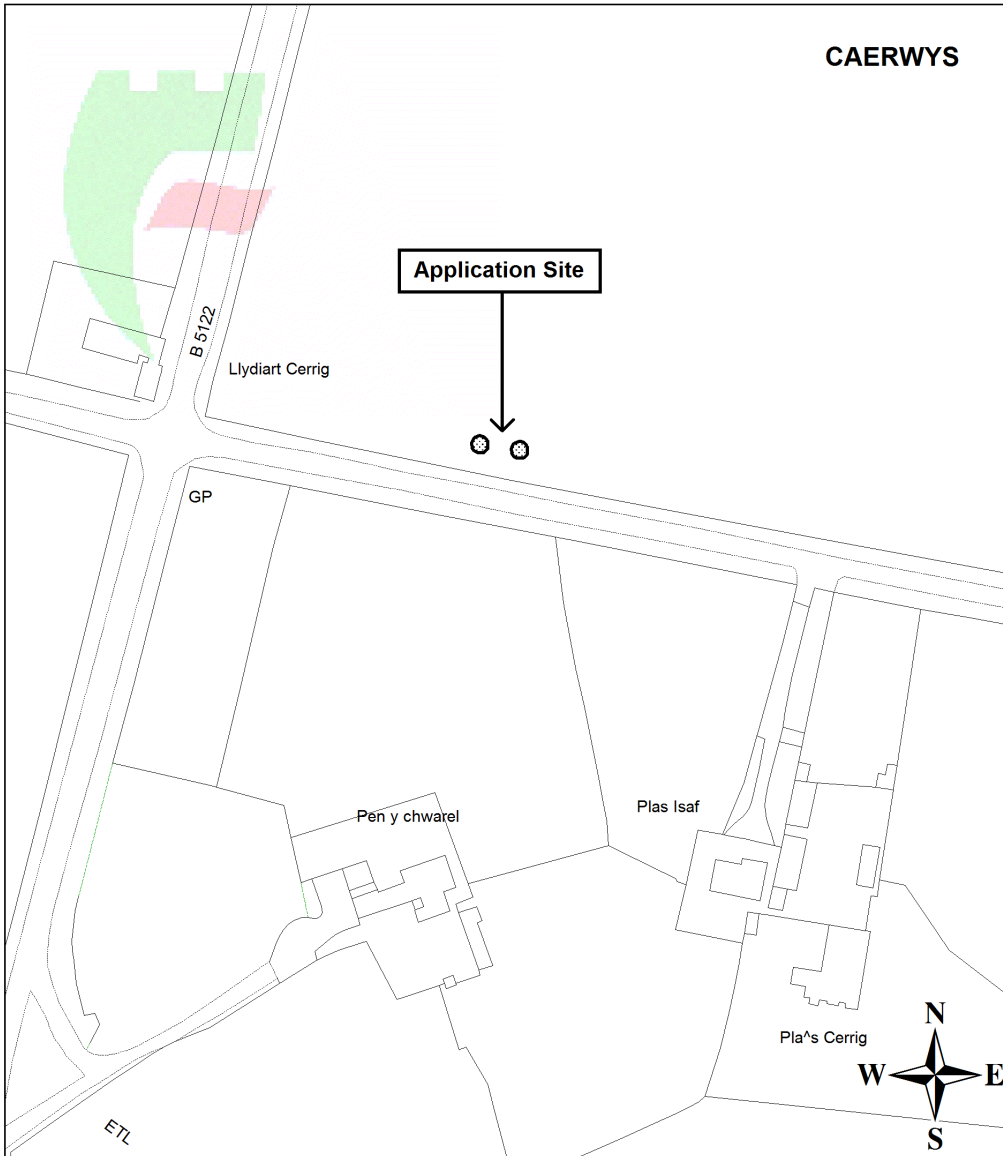
### **LIST OF BACKGROUND DOCUMENTS**

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

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<p><b>Legend</b></p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</p>	<p>Map Scale 1:1250</p> <p>OS Map ref SJ 1274</p> <p>Planning Application <b>52956</b></p>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF A RADAR MAST AND ASSOCIATED DEVELOPMENT AT AIRBUS, CHESTER ROAD, BROUGHTON**

**APPLICATION NUMBER:** **053219**

**APPLICANT:** **AIRBUS OPERATION OPERATIONS**

**SITE:** **AIRBUS,  
CHESTER ROAD, BROUGHTON**

**APPLICATION VALID DATE:** **3<sup>RD</sup> FEBRUARY 2015**

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

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

**REASON FOR COMMITTEE:** **THE HEIGHT OF THE DEVELOPMENT IS OVER 15 METRES.**

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

### **1.00 SUMMARY**

1.01 The planning application relates to the erection of a 24 metre high radar mast and associated development at the Airbus Operations site on Chester Road, Broughton, Flintshire,

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

- 2.01
1. Time limit on commencement.
  2. As per the approved plans.

### **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor W Mullin  
No response at time of writing.

Broughton Bretton Community Council  
No response at time of writing.

Airbus Operations Ltd  
No response at time of writing.

Head of Public Protection  
No adverse comments to make relating to the application.

Natural Resources Wales  
The NRW have noted the site is in a Zone C1 Flood Risk area as defined in TAN 15 and raise no issue that the radar is an exception to the general rule being required in this location by virtue of its nature for the safety of aircraft. Also raise issues regarding protected species and the Local Authorities ecologist is consulted on the application.

#### **4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification  
No response at time of writing.

#### **5.00 RECENT SITE HISTORY**

5.01 **052843**  
Erection of ground support equipment shelter – Approved 19<sup>th</sup> December 2015.

**051621**  
Relocation of the existing fuel farm- approved 18<sup>th</sup> February 2015.

**051469**  
Construction of a new catering facility- approved 7<sup>th</sup> January 2014.

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

GEN1 - General Requirements.  
D1 - Design Quality, Location & Layout.  
D2 – Design.  
EM3 - Development Zones & Principal Employment Areas.



## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

Airbus Operations Ltd., are seeking planning permission to construct a 24 metre high radar mast along with associated development on land to the north-east of the Airbus complex at Broughton, Flintshire.

7.02 The site itself is located to the north of the Chester Road, Broughton, Flintshire, the site comprised of numerous buildings and associated development used in the construction of aircraft wings. The site of the existing factory is located on a floodplain located to the south of the River Dee. With the exception of Broughton and the shopping complex to the south, the site itself characterised by industrial development at Manor Lane, to the west and agricultural land and small settlement to the north and east.

### **7.03 Site Location**

The application site itself is located to the north-east of the main runway. To the west of the application site are aviation services hangers, with associated access road ways, hard standing and grassed areas. To the east of the site lie rough grassed areas and a surface water drainage lagoon. To the south is hard standing areas for open storage and amenity grassland and to the north is a surface water pumping station, beyond which is the Chester – Holyhead railway line. The application site itself consists of open grassed area and has an area of approximately 0.18 hectares (ha). With the drainage lagoon near by.

### **7.04 The Proposal**

The proposed development by Airbus is to ensure that the operational efficiency of the site is not compromised by the potential adverse effects of existing and future wind farm developments. Wind turbines have been shown to have detrimental effects on the performance of conventional primary surveillance radar. These effects include the desensitisation of radar in the vicinity of the turbines and the creation of “false” aircraft returns which air traffic controllers must treat as real in certain circumstances. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers.

7.05 As a consequence, the existing radar system in operation at the Airbus site is proposed to be supplemented with an in-fill radar, which would be tolerant of existing and future wind farm developments.

### **7.06 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 site in question and its surroundings.

- Proposed scale of development and impact on the character of the site and its surroundings.

7.07 Principles of Development

The site of the proposed radar mast is located within an area identified as an Airport Development Zone EMP3 within the Flintshire Unitary Development Plan (UDP) which encompasses Air Operations Ltd. In policy terms Planning Policy Wales, Technical Advice Note 12: Design (TAN 12) provides the objectives for development with regard to character. The proposal is considered to meet the relevant policies by virtue of its scale, layout and appearance.

7.08 In terms of layout the floor plan is modest in scale only having a slab level of approximately 16 metres in area. Clearly the location of the mast and its overall layout is dictated by the need to ensure that the effectiveness and efficiency of the equipment are maintained. As with the design this is dictated by its functional use as part of an airfields needs for safety of aircraft using the complex.

7.09 As with the design the scale of the mast is dictated by its function. As noted the mast is located within the Airbus complex which itself is characterised by large manufacturing/industrial buildings. Given the scale of the existing structures the location of the mast and the fact it is of a similar height to other structures in the vicinity the scale of the development is considered to be appropriate to its location and complies with the relevant policies.

7.10 Description of the Proposed Development

The proposed mast would be located to the east of the north extent of the existing runway and to the immediate east of the existing blister hangers used for maintenance of aircraft. The proposed development consists of the erection of a radar mast in order to facilitate the safe operation of the Airport. The proposals also includes the construction of a number of elements of associated development including:-

- a radar cabin/equipment housing;
- a fuel tank;
- a new sub-station;
- lighting;
- fencing;
- CCTV; and
- a new access spur and car parking.

7.11 The proposed mast and associated development listed above would be housed within a fenced compound, the individual elements of which would be built on a new concrete raft having an area of 224m<sup>2</sup>.

7.12 Radar Mast

The proposed radar mast would comprise a single tower of steel

frame construction and would be 25m in height by up to 5m in width. A rotating antenna 2metres in height and 5metres in width would be located on top, with a lightning conductor up to 5m in length and an aviation obstacle light would be positioned on top of the tower.

7.13 Radar Cabin / Equipment Housing

The radar cabin would provide 15.8m<sup>2</sup> of gross floor space and would be located adjacent to the radar mast and would house equipment necessary to ensure the efficient and effective operation of the radar system.

7.14 Fuel Tank

The fuel tank would be of steel construction and would be 2m in height having a maximum of 5,000 litres. In accordance with guidance issued by the Environment Agency, the tank would be surrounded by a bund wall of approximately 1m in height which would serve as a secondary containment system, holding 110% of the contents of the fuel tank, in the event of spillage.

7.15 New Substation

A new sub-station would provide power to the proposed radar. The sub-station would be sited within the compound so that it is close to essential components and would also meets servicing and maintenance requirements.

7.16 Fencing

The proposed compound would be secured by a palisade fence to make the site secure. The fence would be 2.8m in height.

7.17 CCTV

In the interests of safety and security, the proposed compound would be monitored by CCTV at all times and would be linked into the existing Airbus system.

**8.00 CONCLUSION**

8.01 The scale of the proposed development is dictated by its intended function to safeguard aircraft at the airfield. Notwithstanding, the radar mast and associated development would be located within the Airbus site, a location which is characterised by large manufacturing /industrial buildings. Given the scale of the existing buildings on site, and the fact that the mast would be of a similar height to existing buildings, the scale of the development is considered to be appropriate to its location and to its intended function

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**

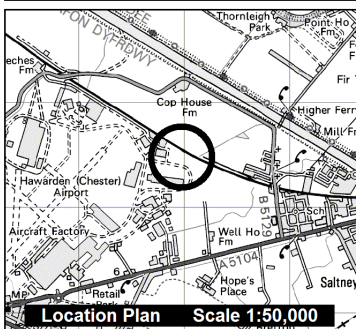
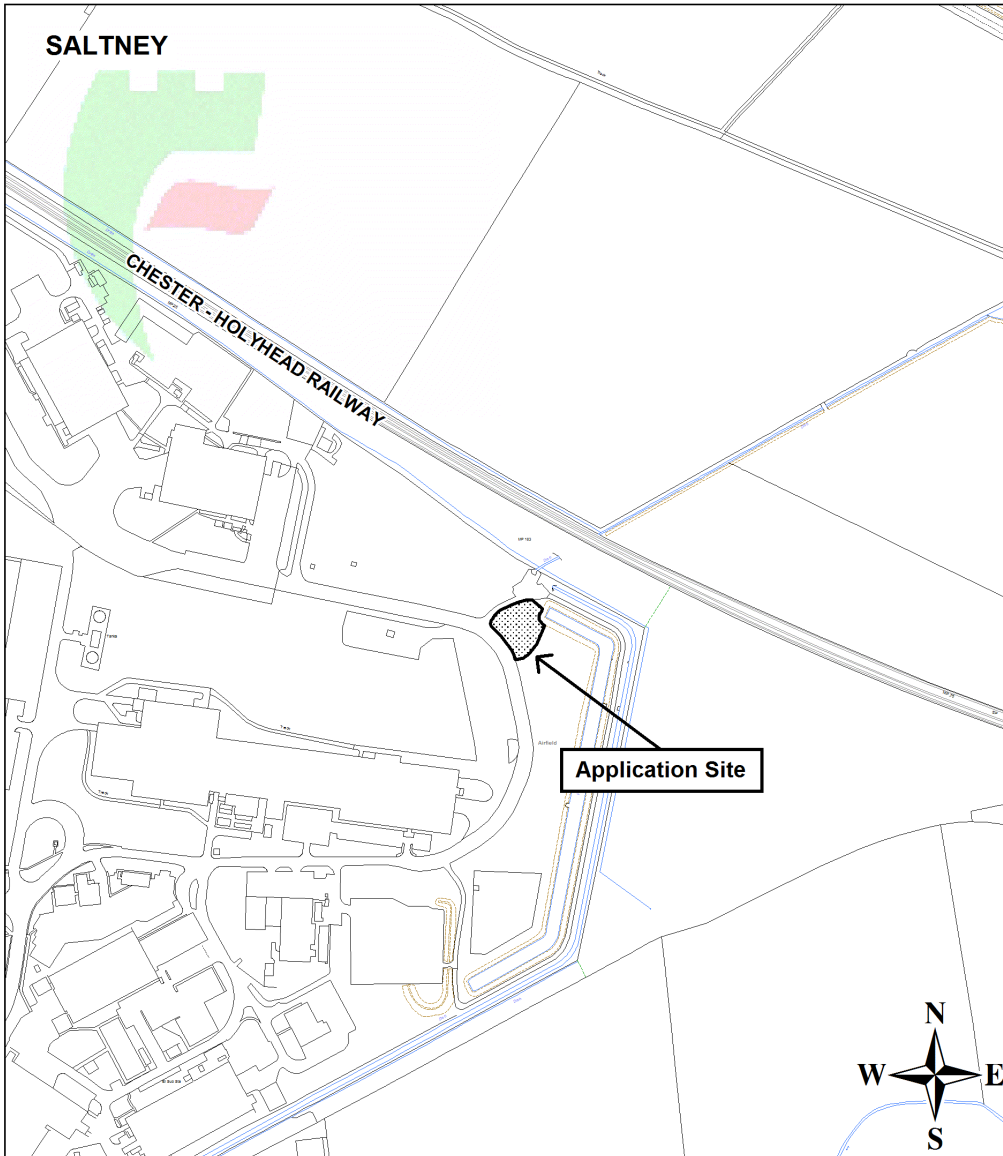
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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 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 3665
Planning Application	<b>53219</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **APPEAL BY MRS MCKAY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RETROSPECTIVE APPLICATION TO RETAIN TIMBER STABLING AND STORAGE, ADDITIONAL STOREROOM AND HARDSTANDING AT 25 RHYDDYN HILL, CAERGWRLLE – ALLOWED.**

### **1.00 APPLICATION NUMBER**

1.01 051753

### **2.00 APPLICANT**

2.01 Mrs McKay

### **3.00 SITE**

3.01 25 Rhyddyn Hill, Caergwrle, Wrexham, Flintshire.

### **4.00 APPLICATION VALID DATE**

4.01 3<sup>rd</sup> February 2014

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an appeal into the Committee decision to refuse to grant planning permission for the retention of timber stabling and storage, additional storeroom and hardstanding. The appeal was dealt with by way of written representations and was subsequently ALLOWED.

### **6.00 REPORT**

6.01 The Inspector identified that the main issues in this case were the effect of the development on the character and appearance of the area, with particular regard to the large area of hardstanding.

6.02 In his consideration of the application, the Inspector noted that the ground level of the site was below that of the neighbouring properties and is seen against the backdrop of the boundary high hedge and trees. He found that due to the small scale of the development they are not obtrusive and are not out of character with the surroundings.

6.03 With regard to the hardstanding area, the Inspector concluded that it was not excessive, enabling vehicles to enter and exit the site is a forward gear, and represents an appropriate form of development when associated with the stables.

## **7.00 CONCLUSION**

7.01 In conclusion the Inspector determined that the development does not have a detrimental impact on the character and appearance of the area and complies with policies GEN1 and GEN3. Conditions were imposed relating to the storage of waste materials, the submission of external lighting details, and that the stables shall only be used for private stabling incidental to the enjoyment of no. 25 Rhyddyn Hill and shall not be used for livery or any commercial purposes.

### **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:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **APPEAL BY MR. A. EVANS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A STABLE AND AGRICULTURAL STORAGE BUILDING (PART RETROSPECTIVE) AT FRON HAUL, BRYNSANNAN, BRYNFORD – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 051810

### **2.00 APPLICANT**

2.01 MR. A. EVANS

### **3.00 SITE**

3.01 FRON HAUL,  
BRYNSANNAN, BRYNFORD.

### **4.00 APPLICATION VALID DATE**

4.01 18/02/14

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of an appeal decision in respect of the refusal of a stable and agricultural storage building to the rear of Fron Haul, Brynsannan, Brynford.

5.02 The application the subject of the appeal was refused by Members at Planning Committee 03.09.14. The subsequent appeal was dealt with under the written representations and site visit procedure and was DISMISSED on 25.02.15.

### **6.00 REPORT**

6.01 The Inspector considered the main issue of the case to be the effect of the development on the character and appearance of the area.

- 6.02 The Inspector noted that the stable block was partly located within the former residential curtilage of Fron Haul. However the steel framed storage building, partly clad in profiled steel cladding and a steel sheet roof is located entirely in the open countryside, outside the settlement boundary of Brynford as defined in the adopted Flintshire Unitary Development Plan.
- 6.03 The stable and storage building can be readily seen from the rear of the adjoining dwellings and can be viewed from the adjacent main road running through Brynford. Although the appeal site is flat, the land slopes away to the west, as such he considered that the appeal buildings were elevated and apparent from other properties and view points in the area.
- 6.04 The Inspector considered that whilst the stable on its own could be seen as being a suitable size for its domestic context, but taken together, the scale and design of the two buildings and associated hard standing sited close to the other properties was considered to be a visual, obtrusive and discordant feature in the residential area.
- 6.05 In addition the Inspector considered that the plain agricultural appearance, harsh functional nature and excessive proportions of the store building was not considered to harmonise with its residential surroundings, as such it was considered that the development was detrimental to the character and appearance of the area contrary to policies GEN1, RE2 and GEN3 .
- 6.06 The Inspector noted that his attention had been drawn to the fact that similar developments had been approved in the area, and the appellant's stated intention that the building would not be for commercial use but for storage of hay , implements and machinery. Never the less none of these considerations outweighed the main issue of the effect of the development on the character and appearance of the residential area.

## **7.00 CONCLUSION**

- 7.01 Having regard of the above, the Inspector considered that the stable and storage building would have a detrimental impact upon the character and appearance of the area.
- 7.02 As a result he concluded that the appeal proposal would conflict with Policies GEN1, GEN3 and RE2 of the adopted Flintshire Unitary Development Plan.

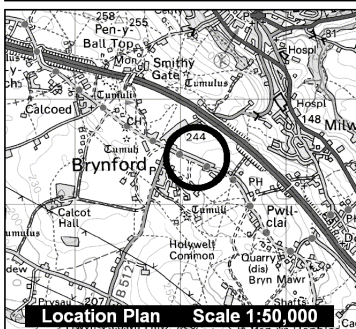
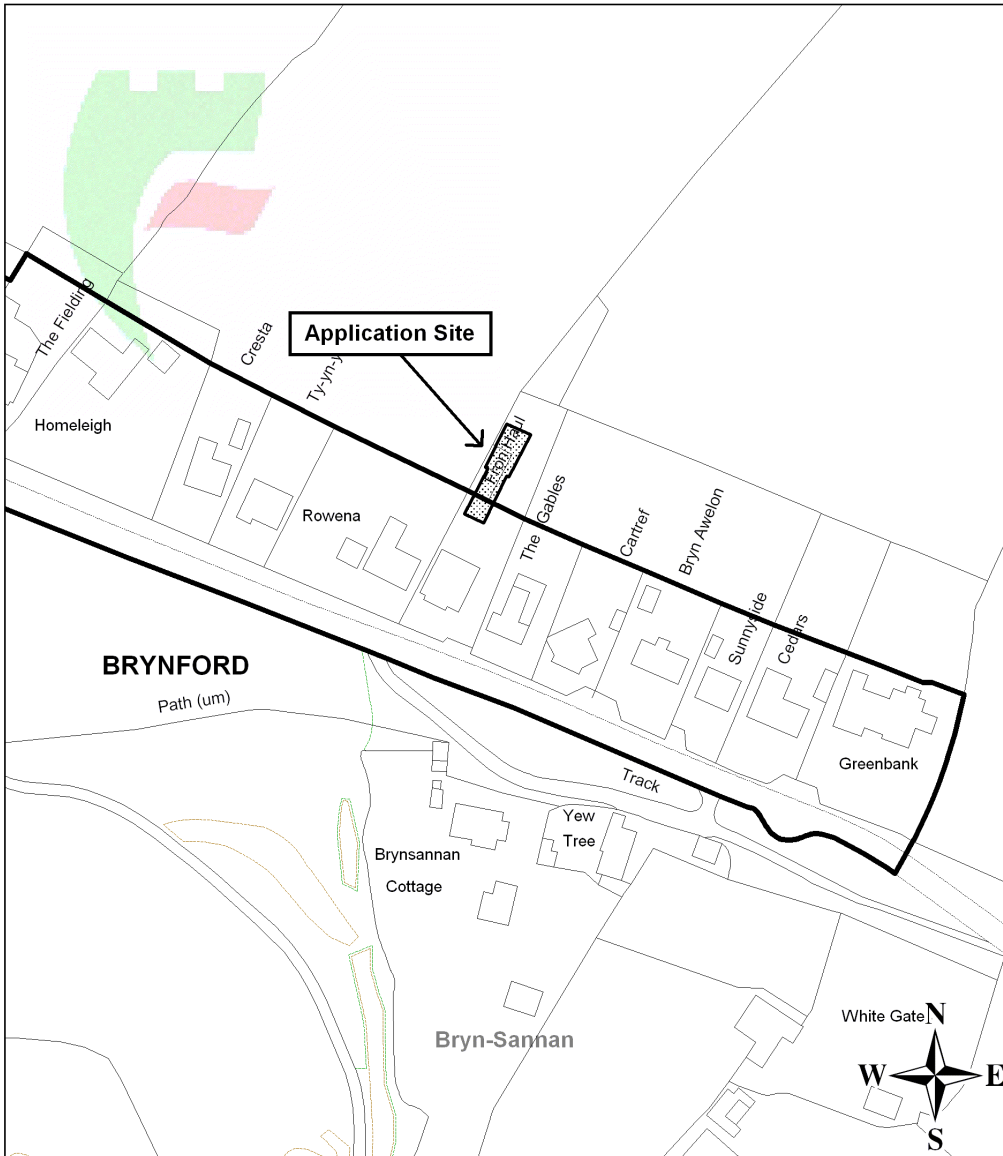
### **LIST OF BACKGROUND DOCUMENTS**

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

Responses to Publicity

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 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	<b>51810</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **APPEAL BY MR. ANDREW ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR OUTLINE – ERECTION OF 4 NO. SEMI-DETACHED THREE BEDROOM DWELLINGS AND DEMOLITION OF 2 NO. EXISTING DWELLINGS AT THE HAVEN, KNOWLE LANE, BUCKLEY – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 052054

### **2.00 APPLICANT**

2.01 Mr. Andrew Roberts.

### **3.00 SITE**

3.01 The Haven,  
Knowle Lane,  
Buckley.

### **4.00 APPLICATION VALID DATE**

4.01 12<sup>th</sup> May 2014

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspectors decision in relation to an appeal into the delegated decision of the Local Planning Authority to refuse to grant outline planning permission for the proposed erection of 4No. semi-detached 3 bedroomed dwellings and the demolition of 2No. existing dwellings 'The Haven', Knowle Lane, Buckley, Flintshire. The appeal was held by way of an Informal Hearing and was DISMISSED

5.02 The Inspector also considered an application for costs by the Council at the hearing. This costs application was REFUSED.

## **6.00 REPORT**

6.01 The Inspector considered there to be a single main issue for examination in the determination of this appeal, this being the effects of the proposals upon highway safety. The Inspector considered the matter of visibility at the proposed access in particular.

6.02 He considered the issue of highway safety in 3 parts:

1. Access width;
2. Vehicular visibility; and
3. Pedestrian visibility.

In respect of each the Inspector concluded;

### **6.03 Access Width**

He noted the width of the existing access and noted the proximity of the flank wall of No. 2 Oak Tree Close to the access. Whilst the appellant had indicated he had the agreement of the landowner to remove the fence to No.2 to widen the access, the Inspector considered that there was insufficient width achievable to allow for the simultaneous passage of 2 vehicles at the proposed point of access. Accordingly, he concluded that in the event that 2 vehicles met in the access, one would be required to wait upon Knowle Lane, causing and obstruction to other highway users and pedestrians upon the footway, to detriment of highway safety.

### **6.04 Vehicular Visibility**

The Inspector noted the guidance set out in TAN18 and Manual for Streets (MFS) in respect of the required visibility at the point of access for a 30m.p.h road and agreed that the required splay would be 2.4m x 43m. The Inspector carefully measured these splays on site and noted that they could not be achieved in either direction without the use of third party land. He noted that the appellant had not served the required notice upon any of these parties. Whilst he accepted that a condition requiring the plays could be imposed, there was no means to ensure its retention in perpetuity and furthermore, he noted that one of the parties whose consent would be required had actually objected to the proposals.

6.05 He concluded that the inability to secure visibility would result in vehicles emerging from the access into Knowle Lane appearing in the carriageway in such a manner as would not enable other vehicles upon the highway to stop in sufficient time to avoid a collision. He also concluded that the high levels of on street parking would exacerbate the restrictions to visibility and accentuate the harm.

### **6.06 Pedestrian Visibility**

The Inspector considered the advice within TAN18 and MFS in



relation to pedestrian visibility and noted that visibility in the vertical plane should be amended down to a height of 0.6 m to take account of small children as pedestrians. He noted that the appeal proposals proposed that the boundary walls abutting the access were only proposed to be reduced to 1m in height. Accordingly he concluded that neither small children as pedestrians nor drivers of vehicles emerging from the site would have sight of one another and this restricted inter visibility was result in the increased risk of accident and injury.

#### 6.07 Costs Application

The Council sought an award of costs from the appellant at the hearing on the basis that the appellant had behaved unreasonably for the following reasons:

1. The appellants ground of appeal were unrelated to the reasons for which the planning application had been refused; and
2. As the appellant had not prepared any statement of case prior to the hearing, the council had been put to unnecessary expense in preparing its case to 'cover all bases'.

6.08 The Inspector concurred that the information submitted with the appeal by the appellant was, for the most part, unrelated to the reasons for refusal. He also considered that a statement of case would have been useful in identifying the appellants' arguments, although he noted that the appellant was not required to have produced such a statement. However, he did not consider that, had either of the above been properly prepared, it would have resulted in the Council having to produce less technically detailed a case than it did. He considered the breadth of the evidence of the Council was required to address his and any questions brought by the appellant and therefore the presence of the Highway Engineer at the hearing would have been required in any event.

6.09 The Inspector did not therefore find that unreasonable behaviour had been demonstrated as described in Circular 23/93 and concluded that an award of costs was not justified.

#### **7.00 CONCLUSION**

7.01 Consequently, and for the reasons given above, the Inspector considered the appeal should be DISMISSED.

#### **LIST OF BACKGROUND DOCUMENTS**

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

Responses to Publicity

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>th</sup> MARCH 2015**

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

**SUBJECT:** **APPEAL BY MR STEPHEN CARGILL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED GARAGE TO REPLACE EXISTING GARAGE AND OUTBUILDINGS AT 1 LINDSAY COTTAGES, STATION ROAD, SANDYCROFT**

**1.00 APPLICATION NUMBER**

1.01 052186

**2.00 APPLICANT**

2.01 Mr S Cargill

**3.00 SITE**

3.01 1 Lindsay Cottages,  
Station Road,  
Sandycroft,  
Deeside,  
CH5 2QG

**4.00 APPLICATION VALID DATE**

4.01 21/5/2014

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to the delegated decision of the Local Planning Authority to refuse to grant planning permission at 1 Lindsay Cottages, Sandycroft. The appeal was dealt with by way of an exchange of written representations and was DISMISSED.

## **6.00 REPORT**

- 6.01 The development consists of a detached garage that has a frontage of 6.2 metres, a length of 10.7 metres and a height of 4.5 metres to the highest point. The Inspector noted that the appeal site is located within an area of built development that includes commercial uses, however, it is his opinion that it is still located within a predominantly residential area where ancillary buildings are generally of a scale expected of residential outbuildings and commensurate with their surroundings. The Inspector considers the appeal proposal to be significantly larger than a typical residential garage, introducing an incongruous addition to the side of the dwelling and to the street scene.
- 6.02 The Inspector comments that though the garage would be screened from some directions, it would be seen by those accessing Railway Terrace or travelling along Station Road. The Inspector affirms that the height and scale of the garage would be out of character in these surroundings and although the full extent of the structure would only be seen from a limited number of viewpoints, he considers it to be incongruous and unduly dominant in this setting.

## **7.00 CONCLUSION**

- 7.01 The Inspector concluded that the proposed development would create a prominent and visually intrusive form of development, thereby causing harm to the character and appearance of the area. As such, the Inspector considered the development to be in conflict with Policies GEN1, D2 and HSG12 of the Flintshire Unitary Development Plan.
- 7.02 For the reasons above and having considered all other matters raised, the Inspector concluded that the appeals should be DISMISSED.

### **LIST OF BACKGROUND DOCUMENTS**

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

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **25<sup>TH</sup> MARCH 2015**

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

**SUBJECT:** **APPEAL BY MR. TOM PARRY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A CONSERVATORY EXTENSION AT 9 PARK CRESENT, CARMEL – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 052603

### **2.00 APPLICANT**

2.01 Mr. Tom Parry

### **3.00 SITE**

3.01 9 Park Crescent,  
Carmel.

### **4.00 APPLICATION VALID DATE**

4.01 3<sup>rd</sup> October 2014

### **5.00 PURPOSE OF REPORT**

5.01 To inform members of the appeal decision in respect of an appeal against Flintshire County Council following the refusal of planning permission for a conservatory extension at 9 Park Crescent, Carmel Holywell, CH8 7DJ. The application was refused under delegated powers for the following reason:-

“The proposed conservatory extension, by virtue of it's scale and siting, would introduce a discordant note into the streetscene and create an imbalance. As such, the proposal is contrary to Policies GEN1, D2 and HSG12 of the Flintshire Unitary Development Plan and Local Planning Guidance Note No.2 'Space Around Dwellings'”

## **6.00 REPORT**

- 6.01 The planning Inspector considered that the main issue when considering the appeal related to the impact of the development on the character and appearance of the street scene. The Inspector noted that the appeal property formed a corner plot with its garden area projecting towards the site frontage onto Park Crescent. It was noted that the proposed conservatory would be built on what forms a principle elevations seen from the adjoining road.
- 6.02 The Inspector noted that the proposed conservatory would extend towards the road frontage to such an extent that it would appear out of scale with the dwelling and be unduly prominent and obtrusive in the street scene. It was noted during his site visit that very few of the properties in the area had conservatories that were visible from the highway and those dwellings that had extended or did have conservatories were not visually prominent within the street scene

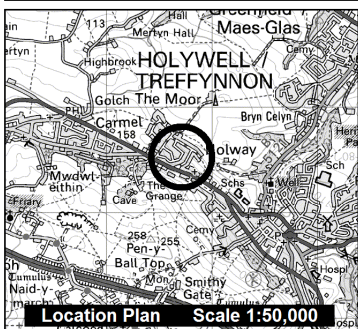
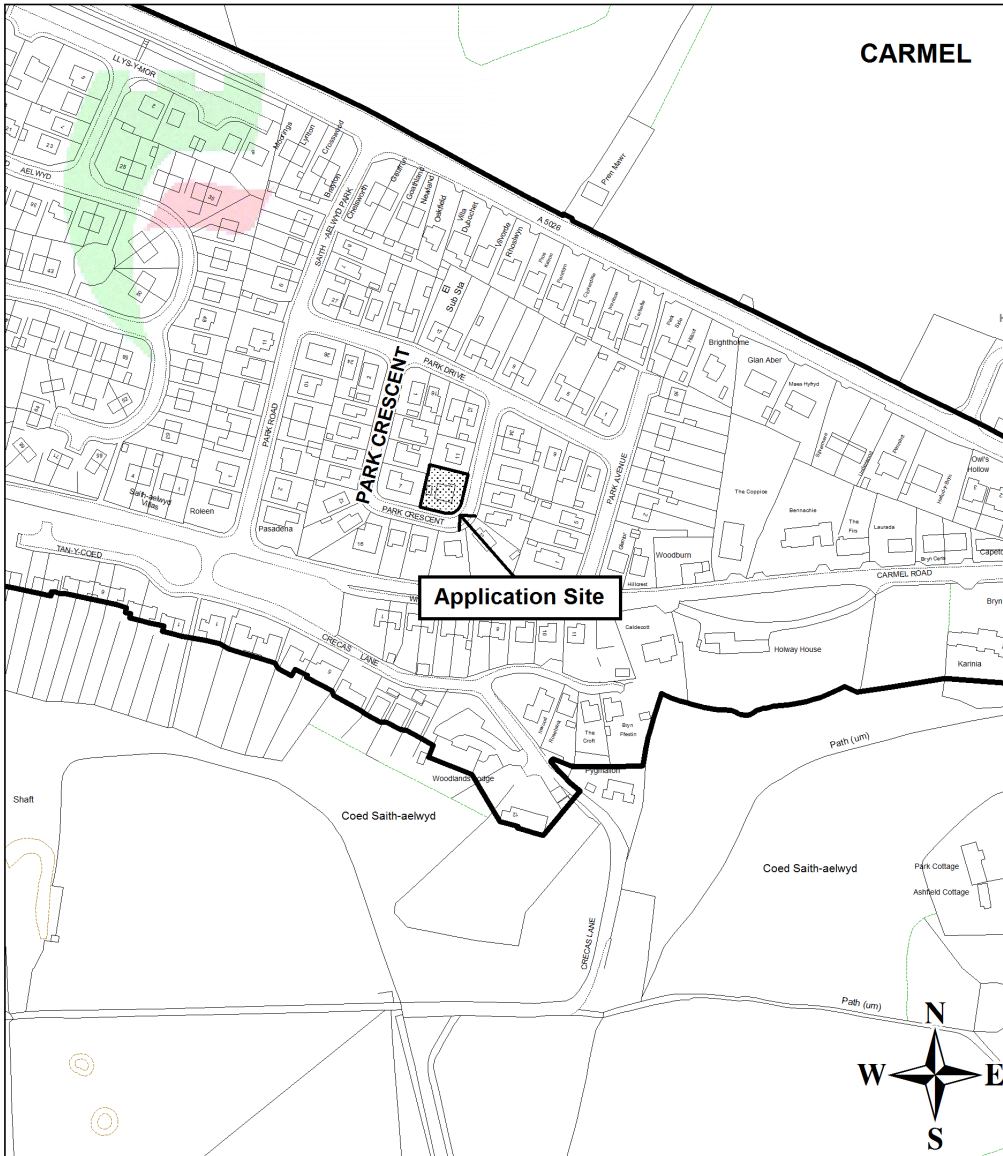
## **7.00 CONCLUSION**

- 7.01 In conclusion, the Inspector considered that the scale and location of the proposed conservatory, together with the prominence of the appeal site, would harm the character and appearance of the street scene contrary to the relevant Flintshire Unitary Development Plan Policies. The appeal was therefore dismissed.

### **LIST OF BACKGROUND DOCUMENTS**

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

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	<p>Planning &amp; Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>						
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<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Planning Application Site</li> <li> Adopted Flintshire Unitary Development Plan Settlement Boundary</li> </ul>	<table border="1"> <tr> <td>Map Scale</td> <td>1:2500</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 1676</td> </tr> <tr> <td>Planning Application</td> <td><b>52603</b></td> </tr> </table>	Map Scale	1:2500	OS Map ref	SJ 1676	Planning Application	<b>52603</b>
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