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



To: Cllr David Wisinger (Chair)

CS/NG

Councillors: Marion Bateman, Chris Bithell,
Derek Butler, David Cox, Ian Dunbar, Carol Ellis,
David Evans, 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

15 April 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, 22ND APRIL, 2015 at 1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 18)

To confirm as a correct record the minutes of the meeting held on 25th March 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
22ND APRIL 2015

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	053122	053122 - A - Full Application - Proposed Alternative Site Access off Yowley Road and Alterations to Car Parking Arrangement to Residential Development Approved under Planning Permission 050492 at 15 - 23 Yowley Road, Ewloe (Pages 19 - 28)
6.2	053146	053146 - A - Full Application - Conversion and Alterations of Adjoining Buildings to Form 4 No. Holiday Flats and Change of Use and Alterations to First Floor Living Accommodation to Form Additional 1 No. Holiday Apartment at Maes y Delyn, Rhewl, Holywell. (Pages 29 - 40)
6.3	052887	052887 - A - Outline Application - Erection of 6 No. Dwellings at 31 Welsh Road, Garden City (Pages 41 - 52)
6.4	053080	053080 - A - Full planning application for the erection of 6no. apartments with associated access and parking at 1 Queen Street, Queensferry. (Pages 53 - 62)
6.5	053011	053011 - A - Full Application - Erection of Concrete Batching Plant at Bryn Thomas Crane Hire, Chester Road, Oakenholt. (Pages 63 - 72)
6.6	051084	051084 - R - General Matters - Conversion of Rear of Former Church to Two Bed Apartment at English Congregational Church, High Street, Bagillt (Pages 73 - 82)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.7	051613	051613 - Appeal by Anwyl Construction Co Ltd Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 41 No Dwellings, Open Space and Access Works at Old Hall Road/Greenhill Avenue, Hawarden - ALLOWED (Pages 83 - 96)

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PLANNING AND DEVELOPMENT CONTROL COMMITTEE
25 MARCH 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 March 2015

PRESENT: Councillor David Wisinger (Chairman)

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

SUBSTITUTIONS:

Councillor: Carolyn Thomas for Derek Butler, Mike Lowe for Billy Mullin and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The following Councillor attended as local Members:-

Councillor Colin Legg - agenda item 6.1.

The following Councillors attended as observers:

Councillors: Haydn Bateman and Owen Thomas

APOLOGY:

Councillor Richard Jones

IN ATTENDANCE:

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

155. DECLARATIONS OF INTEREST

Councillor Carolyn Thomas declared a personal interest in the following application because she was the Interim Chair of the AONB Partnership-

Agenda item 6.1 – Single wind turbine of maximum tip height 86.5m and ancillary development, including a crane hard-standing pad, substation, equipment housing cabinet and access road at Lygan Uchaf Farm, Wern Road, Rhosesmor (052344)

Councillors Ian Dunbar, Carol Ellis and Mike Peers declared a personal interest in the following application because a family member worked for Airbus:-

Agenda item 6.7 – Erection of a radar mast and associated development (to include micro-siting) at Airbus, Chester Road, Broughton (053219)

In line with the Planning Code of Practice:-

Councillor Alison Halford declared that she had been contacted on more than three occasions on the following application:-

Agenda item 6.5 – 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 (052759)

156. LATE OBSERVATIONS

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

157. MINUTES

The draft minutes of the meetings of the Committee held on 12 February 2015 and 25 February 2015 had been circulated to Members with the agenda.

Accuracy – 12 February 2015

Councillor Chris Bithell referred to the first paragraph on page 9 and suggested that the words 'particularly with the delays being caused by roadworks in the area' be replaced with 'because of the regular delays caused by movement of traffic on the A548 this was a particular concern'. The proposal was seconded and on being put to the vote was CARRIED.

RESOLVED:

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

158. 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.

159. FULL APPLICATION – SINGLE WIND TURBINE OF MAXIMUM TIP HEIGHT 86.5M AND ANCILLARY DEVELOPMENT, INCLUDING A CRANE HARD-STANDING PAD, SUBSTATION, EQUIPMENT HOUSING CABINET AND ACCESS ROAD AT LYGAN UCHAF FARM, WERN ROAD, RHOESMOR (052344)

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. An amendment to and additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and highlighted the main planning considerations that were reported in paragraph 7.06. The applicant had had the opportunity to withdraw the application but had decided to continue with the application. Five reasons for refusal were reported with the first two relating to the detrimental impact on the character of the landscape and the height of the turbine having an impact on the safe operation of the radar at John Lennon Airport. He also referred Members to the late observations where an additional letter of objection was reported.

Mr. G. Royles spoke against the application on behalf of concerned residents. He spoke of the visual and health impact of the turbine and explained that it was four times as high as the turbine at Rhosesmor school and was nearly as tall as the chimney at Castle Cement in Padeswood. It was proposed to erect the turbine in the Alyn Wheeler Valley which was in the Area of Outstanding Natural Beauty (AONB) and near to the Site of Special Scientific Interest (SSSI). The Unitary Development Plan stated that development should maintain and enhance the landscape but he felt this proposal would be out of context and be a blot on the landscape. Mr. Royles felt that approval of the application would set a precedent and he referred to setback distance of 2km from properties which was required in Scotland; this proposal would have a setback distance of 0.5km. He referred to injury and fatalities caused by wind turbines and the negative impact that it would have on the health of residents. He felt that the turbine was too big and too close to neighbouring properties.

Councillor John Thomas from Halkyn Community Council also spoke against the application. He said that he was not against renewable energy but not at the expense of the community and added that noise pollution would have a detrimental impact on people and wildlife. He raised concern that three footpaths were close to the proposed site and suggested that the inclusion of the footpaths on the plans available on the Council's website would have been helpful. He raised significant concern about the effect on the landscape, the AONB and the neighbouring SSSI.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He spoke of the significant height of the turbine which would be twice the height of the flats in Flint and of the significant impact on the AONB. He felt that the proposal would cause environmental harm and affect health and should be rejected.

Councillor Carolyn Thomas said that the area had been designated an AONB because of the views and the sense of tranquillity which would be lost if the application was approved. She felt that it would be an alien structure in the landscape.

The Local Member, Councillor Colin Legg, spoke against the proposal. He felt that the turbine would be grossly intrusive on the landscape and approval would set a precedent which was a significant concern. He stressed the overwhelming objection to the proposal and referred to official guidance that indicated that the 2020 targets for onshore wind farms had been met and that other forms of power could be explored. Councillor Legg said that the proposal would be of no benefit to Flintshire or its residents and would cause harm to the area, and set a precedent, if it was approved. He felt that the AONB would suffer and the Alyn Wheeler valley would be disfigured.

Councillor Mike Peers commented that the applicant had chosen not to speak in support of the application. He felt that the main concern was the effect on the landscape and the AONB and highlighted paragraphs 7.17 and 7.18 on the assessment undertaken by an independent Landscape Consultant with considerable experience in dealing with applications for wind turbines. He felt that this turbine had no place in this area and highlighted the concerns raised by Liverpool John Lennon Airport.

Councillor Gareth Roberts felt that the refusal reasons were sound and that an application that could endanger aircraft safety should be refused. Councillor Ian Dunbar concurred that the proposal would be detrimental to the area and that the height of the turbine was a significant concern. It would also have an impact on the landscape and the views of the Clwydian Range. He also referred to the ecological impact on the wildlife.

In response to the comments made, the officer said that the areas of concern had been identified and reasons for refusal identified.

In summing up, Councillor Bithell spoke of the comments of the third party speakers and concurred that the proposal would not benefit anyone. It would be a blot on the landscape and would be detrimental to local residents and tourists and would destroy the view of the AONB.

RESOLVED:

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

160. OUTLINE APPLICATION – ERECTION OF 2 NO. DWELLINGS ON LAND TO THE REAR OF 6 WELSH ROAD, GARDEN CITY (052875)

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 attention to the planning history where refusal of the application, and subsequent

dismissal of the appeal, was reported. The appeal had been dismissed due to concerns that the site was in a C1 flood zone and that the consequences could not be managed. The Inspector had considered the impact on the area and the impact on highway safety and felt that these were acceptable but had still raised concerns of the significant risk of flooding and the ambiguity over the depth of the garden areas of the proposed dwelling nearest the site boundary with 8 Welsh Road. The application had been resubmitted with a proposed indicative site layout. A revised Flood Consequences Assessment (FCA) had been submitted and the views of Natural Resources Wales and the Council's Emergency Planner had been sought and were reported in paragraph 7.17. The officer referred Members to the late observations where an addition to paragraph 7.12 was reported.

Mr. D.A. Jones spoke against the application on behalf of some of the residents on the grounds of overlooking, loss of privacy, access and highway safety. He spoke of recent drainage problems following heavy rain and said that if the application was approved, the problems would increase as an estimated 80% of the land would be covered by the proposal. He indicated that the ownership of numbers 8 and 10 Welsh Road had recently changed and improvements had been made but 6 Welsh Road had fallen into a state of disrepair as it had been vacant since 2006. Mr. Jones felt that this indicated that there was no demand for two further dwellings in this location. He urged the Council to compel the owner of the property to make it habitable.

Ms. R. Ellis, the agent for the applicant, spoke in support of the application. She said that a detailed flood risk assessment had been undertaken. The main issues for consideration were reported in paragraph 7.06 and further details on issues 1 to 4, and how they had been addressed, were reported in paragraphs 7.08 to 7.13. In referring to the FCA which had been submitted as part of the application in accordance with Technical Advice Note 15, Natural Resources Wales (NRW) had confirmed that the finished floor levels being set at 5.78 m AOD would be acceptable. She commented on the Northern Gateway site which had been granted outline planning permission in 2012 and added that extensive consultation had been undertaken on the flood risk. An application to discharge condition 6 on the same application had been approved in November 2013 and had included the requirement for defence strengthening works, which were currently being undertaken. These works would alleviate flooding to the Northern Gateway site and this application site. On the issue of surface water drainage, Ms. Ellis indicated that Welsh Water had been consulted and there were no records of problems with surface water in the area and the Council's drainage engineer had also not objected to the proposal.

Councillor Christine Jones moved refusal of the application, against officer recommendation, which was duly seconded. She said that this was a resubmitted application and that the original application had been dismissed at appeal. The site was in a C1 flood zone and she said that Natural Resources Wales had indicated that in the event of flooding, the dwellings would be left as a dry island and that access and egress could not be achieved. Councillor Jones queried what had changed on this application and

sought clarification on the required finished floor levels as the criteria stated 6.24 m AOD compared to 5.78 m AOD referred to in the report. She also expressed her significant concern about the access to the site which was dangerous and would become busier as a result of the Northern Gateway site access. The proposal would have a visual impact on the neighbouring properties and would increase the surface water problems that were already in place. Councillor Jones felt that the application should be refused on the grounds of safety and the risk of flooding. Councillor Dave Cox concurred that the siting of the proposal was not suitable.

In referring to the decision to dismiss the appeal, Councillor Mike Peers asked if the Inspector had provided an indication of what would be acceptable. He also asked whether the issue of the depth and positioning of the garden area had been overcome.

Councillor Chris Bithell referred to the comments of the third party speakers and the local Member and spoke of the decision to dismiss the appeal because of concerns about flooding and space around dwellings. On this application, NRW had indicated that the problem of flooding could be overcome and the policy for space around dwellings had been complied with. He felt that it would therefore be difficult to defend either reason at appeal. Garden City was classed as a Category B settlement and had a growth band of 8 to 15% over the plan period. As at April 2014, Garden City had experienced growth of approximately 9.4% so this would also be difficult to defend on appeal as the Council did not have a five year land supply.

In response to the comments made, the officer said that the Inspector had not provided details of what floor levels would be acceptable. The FCA had been updated and had been expanded to take account of a 1 in 1,000 year flood event and provided additional modelling information to what had been considered by the Planning Committee and the Inspector. Consultation had been undertaken following the submission of the amended FCA and subject to conditions, no objections had been received from the consultees. On the issue of layout, an indicative layout had been submitted and the proposals complied with the guidance in Local Planning Guidance Note 2 on Space Around Dwellings. It was therefore considered acceptable based on the comments of the Inspector which also included consideration of the access issues, to which no objections had been received.

In summing up, Councillor Jones raised concern at the comments of NRW as the site was still in a high flood risk area. She felt that sewerage remained a problem and added that the drains in the area could not cope with the inclusion of more properties. On the issue of access, she said that Welsh Road was extremely dangerous and this would worsen when the Northern Gateway proposal commenced. She reiterated her reasons for refusal as risk of flooding, drainage and access.

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

RESOLVED:

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

161. FULL APPLICATION – 72 NO. SELF CONTAINED 1 & 2 BED APARTMENTS WITH SUPPORTING COMMUNAL FACILITIES AT COLESHILL STREET, FLINT (053076)

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 highlighted the main considerations which were reported in paragraph 1.02. He drew attention to the late observations where an extra condition had been requested by Highways.

Councillor Dave Cox proposed the recommendation for approval which was duly seconded. He welcomed the proposal which was a part of the Masterplan for the major development of Flint and fully supported the application for the provision of the extra care and elderly support scheme. Councillor Christine Jones also welcomed the scheme which was positive for elderly people.

In referring to consultations, Councillor Mike Peers commented that Flint Town Council had not submitted a response to the scheme. He also queried where bins for the 72 apartments would be stored as the issue of refuse and recycling was not reported. Councillor Chris Bithell welcomed the development of the site for the third extra care facility in Flintshire. He was pleased that archaeological investigations had taken place and that a further programme of works was to be submitted and agreed before any other works were undertaken. He thanked the officer for the considerations on this issue.

Councillor Veronica Gay felt that 24 car parking spaces was inadequate and even though it was reported that residents could use the town centre car parks, she raised concern at this suggestion because car parking charges were to be introduced. Councillor Carol Ellis also welcomed the proposal which would enable elderly people to maintain their independence and reduce the need for them to enter a nursing home. On the issue of parking, she stated that when she had visited the two other extra care facilities, there had been sufficient parking for residents, staff and visitors. She added that some residents in the facilities were not able to drive. On the issue of waste, she explained that waste was collected in a communal area

where it was collected by the refuse lorries and would therefore not result in 72 individual bins for the apartments.

In response to the comments made, the officer explained that 24 parking spaces was fully compliant with the Council's policies and he reiterated the closeness of the facility to the town centre. He confirmed that the waste was collected from a central area and was not a kerbside collection. He added that no development should commence until an archaeological investigation scheme had been submitted and agreed.

In summing up, Councillor Cox indicated that Flint Town Council were fully supportive of the proposal.

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 additional condition requested in the late observations.

162. FULL APPLICATION – ERECTION OF 8 NO. DWELLINGS AT FORMER CHURCH HALL SITE, WELL STREET, HOLYWELL (052679)

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

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He welcomed the scheme which he felt would benefit the area.

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 £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.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 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.

163. 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 (052759)

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 was a resubmission but had been amended to delete the siting of touring caravans. However, the reference to caravans was reported in paragraph 7.18 and the officer asked Members to disregard this. Also the word 'no' should be included in the penultimate sentence in paragraph 7.31 between the words 'there is' and 'ecological objection'.

Mr T. Rimmer spoke against the application and said that a similar application had been refused and dismissed on appeal. He commented on the inclusion of the reference to caravans in paragraph 7.18. He said that the site was located in the green barrier in open countryside and all of the neighbouring land was farmland. Mr. Rimmer felt that the application would have an impact on the hydrology of the area and he spoke of nitrate vulnerable zones. He felt that policy GEN4 Green Barrier was important in considering this application and that the Inspector had found the application to be inappropriate and intrusive. Mr. Rimmer commented on the construction of the ponds and said that the report did not include information on hydrology and a business case for the proposals had not been made. The report made reference to the importance of landscape and Mr. Rimmer felt that the application should be refused because of this. He also felt that the fishing ponds would harm the green barrier and the open character of the area and were not essential. In response to a query from Councillor Chris Bithell, Mr. Rimmer indicated that he was speaking on behalf of the neighbouring land owner.

Mr. J. Woodcock, the applicant, spoke in support of the application. He explained that he had purchased the land in 2009 and had undertaken discussions with officers prior to purchasing the land and had followed their guidance. He had noted the local objections and he explained that a drilling assessment had been undertaken. He currently ran a small family business in Ewloe and it was hoped that the business could achieve a David Bellamy ecology award. This revised application had a recommendation of approval

and would enhance the landscape, was sustainable and would make use of redundant buildings.

The Local Member, Councillor Alison Halford, proposed the recommendation for approval which was duly seconded. She indicated that there were policies in place to permit development in the open countryside and green barrier and she added that the proposal would not damage water in the area.

In welcoming the application, Councillor Chris Bithell said that diversification was essential. The proposal would encourage tourism and would create employment and would provide a facility for fishing which was a popular pastime. He felt that it was a commendable proposal which would bring buildings back into use and met all of the requirements of the Council's policies.

Councillor Ian Dunbar complimented the applicant on having complied with everything that had been asked of him . Councillor Mike Peers sought clarification on the sustainability of the bore hole to supply water to the development. He also asked for further information on how the foul sewage would be dealt with via a bio-disc treatment plant and discharged into an existing ditch. Councillor Peers highlighted paragraph 7.14 where the comments of the Inspector on the harm that the caravan park would have on the openness of the green barrier and queried what impact other vehicles such as vans would have. He raised concern at the proposal to remove 160m of roadside hedge to create the appropriate sight lines and asked for an explanation about new building in the countryside and the visual impact of any such building. Councillor Carol Ellis also raised concern about the removal of the hedgerow and asked whether a condition could be imposed to prevent the applicant from submitting a further application for the provision of touring caravans on the site. Councillor Christine Jones welcomed the proposal as a leisure activity.

In response to the comments made, the officer said that caravans did not form part of this proposal and if an application was submitted in the future, it would be considered on its merits. The difference between the impact of caravans and vans was the nature of the permanence as caravans would be on site for 24 hours a day whereas cars and vans would only be on site for the duration of the visit to the fishery. It was reported that the vehicles would have an impact but that it would be acceptable. On the issue of the hedge removal, it was necessary to provide visibility but it was proposed that a replacement hedge would be planted outside the sight lines. The officer indicated that condition 8 could be modified to specify the grubbing-up and moving of the hedgerow but that a fallback would need to be considered if this was not successful. The bore hole would provide clean water for the site and had been the subject of consultation with no objections. The discharge into the existing ditch would be of clean water following treatment. Existing buildings would be converted and the form and scale were considered to be acceptable and did not detract from the architectural quality of the building.

Councillor Ray Hughes requested that re-grubbing of the hedge be tried first.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) with condition 8 being amended to require grubbing-up and moving the hedge to the rear of the visibility splay and a new hedge to be planted if this fails.

164. FULL APPLICATION – RETENTION OF 2 NO. CLIMBING POLES AT FIELDS NORTH EAST OF CROSSWAYS ROAD, PEN Y CEFN, CAERWYS (052956)

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 one letter of objection had been received. The poles were already in place and a temporary five year permission was proposed.

Mr. S. Belfield, the applicant, spoke in support of the application. He explained that 'Woodfest' had started 14 years ago and that the poles, which were secure, were an integral part of the event. He explained what was involved in constructing these, stating that there were only two other sets in Wales. He felt that the poles did not overshadow or overlook neighbouring properties and they did not result in loss of privacy. The location of the site was ideal for the festival which provided an overwhelming benefit to the tourism of the area. Mr. Belfield added that 'Woodfest' supported 10 charities and employed a number of local people.

Councillor Jim Falshaw proposed the recommendation for approval which was duly seconded. He welcomed the proposal and added that the festival attracted contestants from all over Europe and created a vibrant atmosphere in Caerwys.

Councillor Chris Bithell welcomed the proposal but queried whether the applicant would have to remove the poles and reapply for permission at the end of the five year temporary period. The officer confirmed that the applicant would have to reapply when the temporary permission expired and that the application would be reassessed at that time.

RESOLVED:

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

165. FULL APPLICATION – ERECTION OF A RADAR MAST AND ASSOCIATED DEVELOPMENT AT AIRBUS, CHESTER ROAD, BROUGHTON (053219)

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 figure in paragraph 1.01 should read 25 metres and not 24 as reported. The officer confirmed that this was a typographical error and that consultation had been undertaken for a 25 metre high mast. The proposal was not out of character with the site and the radar mast would be a back-up due to concerns that wind turbines in other areas could cause problems for aircraft safety.

Councillor Alison Halford 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).

166. 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, CAERGWRLE (051753)

The Chief Officer (Planning and Environment) advised that the applicant had undertaken the work to comply with the requirements of the appeal decision.

RESOLVED:

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

167. 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 (051810)

The Chief Officer (Planning and Environment) advised that the application which had been partly retrospective, was not an enforcement issue.

Councillor Chris Bithell indicated that concern had been expressed when the Committee had visited the site about the area of agricultural land in the vicinity that had been lawned. He had asked officers to establish whether the areas were being used as gardens and whether residents therefore had permitted development rights for the area. The Officer advised that the lawned areas were not being used as gardens but that the issue of whether a change of use had occurred would be raised with the Enforcement Team to monitor the situation.

RESOLVED:

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

168. **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 (052054)**

RESOLVED:

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

169. **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 (052186)**

RESOLVED:

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

170. **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 (052603)**

RESOLVED:

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

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

There were 50 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.01 pm)

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Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND APRIL 2015**

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

SUBJECT: **FULL APPLICATION – PROPOSED ALTERNATIVE SITE ACCESS OFF YOWLEY ROAD AND ALTERATIONS TO CAR PARKING ARRANGEMENT TO RESIDENTIAL DEVELOPMENT APPROVED UNDER PLANNING PERMISSION 050492 AT 15 – 23 YOWLEY ROAD, EWLOE.**

APPLICATION NUMBER: **053122**

APPLICANT: **PENNAF LTD**

SITE: **15 – 23 YOWLEY ROAD, EWLOE**

APPLICATION VALID DATE: **07.01.15**

LOCAL MEMBERS: **COUNCILLOR H BROWN**
COUNCILLOR G HARDCASTLE

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO CONCERNS OVER ACCESS AND LOCAL RESIDENTS CONCERNS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an application to seek the use of an alternative access to the consented scheme 050492 for 8 apartments and to use the former site access off Yowley Road. The consented apartments under application 050492 were proposed to be accessed from the adjacent residential development constructed by Rowland Homes (previously known as land at Bon Accord) from Briarwood/Burghley Road. The

roads within the Briarwood/ Burghley Road development have not yet been adopted but are in the process of being adopted by the Council. It has come to light during this process that there is a land ownership issue preventing adoption of the road to link into this development. While the access from Burghley Road was a better option in planning terms when looking at the development of the area as a whole, there are no highway objections to the use of the Yowley Road access and it has an historic use by vehicle traffic. It is therefore considered that permission be granted.

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

- 2.01
1. Time commencement
 2. Plans
 3. Resurface the access road
 4. Access to be 4.1 metres shared surface

3.00 CONSULTATIONS

3.01 Local Member

Councillor G Hardcastle

Requests committee determination due to local residents concerns about increase use of the access. He is also disappointed that access to the site cannot be achieved through the Bon Accord site - Briarwood Road as previously intended due to landownership issues however he understands that there is no highway objection in relation to the use of the Yowley Road access due to the previous use of the site and the previous planning permissions granted. He had particular concerns in relation to the use of the access by emergency vehicles due to the width of the access.

Councillor H Brown

Requests committee determination due to local residents concerns about increase use of the access.

Hawarden Community Council

The Council objects on the grounds that the access road is too narrow and its junction with Yowley Road is in a potentially hazardous position.

Head of Highways Development Control

No objections on the understanding that the proposal indicates the applicants intention to maintain the existing 4.1m wide private (non-adoptable road and resurface the access route. The access route was formerly used to serve the Council owned garage site and the traffic generation associated with the previous use is felt to be more onerous. Furthermore a previous planning consent has been issued for 10 units utilising the same point of access (044059).

Head of Pollution Control

No adverse comments to make.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

3 objections on the grounds of;

- This goes against condition 9 on planning permission 041888 and the previous refusal of the removal of this condition
- Access for this development was always intended to be from Burghley Road
- Yowley Road has become damaged through use by construction vehicles from the site
- Yowley Road access is not suitable for regular residential traffic as it is narrow and long and only suitable for one car
- High risk of conflict between cars wanting to pass
- Unsafe for pedestrians
- No lighting on this access
- Poor visibility for any vehicle entering Yowley Road
- Condition 6 of permission 044698 required the installation of bollards at the Yowley Road access if an alternative access point was made available
- Residents on Yowley Road have to park on the road as the garage site is now being built on this narrows the road
- Additional noise to residents on Yowley Road from increase in traffic and rumble strip noise
- Delivery vehicles and emergency services won't be able to access it

A petition with 56 signatures objecting on the grounds of

- Impact on highway safety
 - Long single narrow road
 - Only wide enough for one car
 - A fire engine would not fit down the road
 - Concern about conflict with pedestrians
- Impact on residential amenity
 - Yowley Road is not very wide and this will increase traffic on Yowley Road and parking on the road.
- The alternative access has a wide entrance wide enough for two cars to pass.

5.00 SITE HISTORY

5.01 050492 – Erection of 8 apartments. Approved 06.03.14.

044698 – Erection of 10 affordable apartments. Approved 09.04.12.

044059 - Erection of two new apartment blocks comprising 10 No. affordable dwellings. Withdrawn 05.02.08.

Planning history for adjacent site

041888 – Outline - Demolition of dwelling and construction of residential development. Approved 11.03.08.

045353 - Removal of condition no. 9 attached to planning permission ref. 041888 requiring provision of estate road to adjacent land. Refused 28.11.08.

047129 - Application for Reserved Matters Approval for 47 dwellings (detached, semi-detached, terraced houses and apartments), details of layout, scale, appearance and access submitted in accordance with condition no.1 of outline planning permission 041888 for residential development. Approved 17.06.10.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR2 – Transport and Communications

STR4 – Housing

GEN1 – General requirements for Development

GEN2 – Development Inside Settlement boundaries

HSG3 – Housing on unallocated sites within settlement boundaries

D1 – Design quality, location and layout

D2 – Design

D3 – Landscaping

AC2 – Pedestrian Provision and Public Rights of Way

AC3 – Cycling Provision

AC13 – Access and Traffic Impact

AC18 – Parking provision and new Development

The development complies with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an application to seek the use of an alternative access to the consented scheme 050492 for 8 apartments and to use the former site access off Yowley Road. The new access requires the reconfiguration of the parking layout but the number of spaces remains the same as previously approved.

7.02 Site Description

The site is a former garage site for properties on Yowley Road and

Crossways. Access to the site was from Yowley Road with some properties on Crossways retaining rear access to their properties via the site access. The site is bounded to the south and east by the rear gardens of the existing residential properties on Yowley Road and Crossways and west of the site is the new housing development known as Briarwood Road.

7.03 The consented apartments under permission 050492 are now under construction and nearing completion.

7.04 Proposed development

The consented apartments under application 050492 were proposed to be accessed from the adjacent residential development constructed by Rowland Homes (previously known as land at Bon Accord) from Briarwood/Burghley Road. The roads within the Briarwood/ Burghley Road development have not yet been adopted but are in the process of being adopted by the Council. It has come to light during this process that there is a land ownership issue preventing adoption of the road to link into this development. This is explained below. The Housing Association therefore now wish to use the previous access to the site off Yowley Road due to this technicality. The new access requires the reconfiguration of the parking layout but the number of spaces remains the same as previously approved 12.

7.05 Planning history

During the consideration of 041888 Planning and Development Control committee added a condition requiring as part of the submission of the reserved matters “the provision of an estate road to adoptable standard to be constructed to the precise site boundary with the adjacent open land to the east which forms part of the disused garage court.”

7.06 An application was made 045353 for the removal of condition no. 9 attached to planning permission ref. 041888 requiring the provision of the estate road to the adjacent land. No objections were raised by highways to the removal of the condition, however this was refused on the grounds that this would prejudice the potential for the efficient and sustainable redevelopment of the adjacent site. The removal of the condition would mean the future development of the existing site would not comply with development plan policies with regard to providing an appropriate, safe and convenient access for both vehicles, cyclists and pedestrians. It was felt at that time as no scheme had been drawn up for the Bon Accord site connectivity of the two sites would create the best overall layout in planning terms.

7.07 The subsequent reserved matters application 047129 for 47 dwellings showed an access road in accordance with that condition linking the Bon Accord site to the former garage site off Yowley Road. The access road was constructed in accordance with the approved details to the boundary of the site, however it has come to light that there is a

ransom strip of 30cm between the two sites preventing vehicle connectivity. A 30cm strip was retained by the previous owners as part of the sale of the land to Rowland Homes around the entire site boundary of the Bon Accord site to all its boundaries apart from the residential frontage to Holywell Road. The adopted highway of Burghley Road therefore will exclude a 30cm strip between the two sites meaning access cannot be legally achieved.

- 7.08 The Yowley Road site access is approximately 4 metres in width with a narrow footway on one side. This has had historic vehicle use as a garage court although this had reduced in recent years properties off Crossways still have rear access using this access to the rear of their properties. The access has also been used for construction vehicles associated with the apartment scheme. There is therefore a historic use of the access.
- 7.09 There is an extant permission 044698 for 10 apartments using this access which had no highways objection. A condition was imposed on this stating that if another access did become available from the adjacent site that access to Yowley Road should be bollarded but this was not on highway safety grounds. This was to encourage connectivity between the two sites as it would provide in planning terms a better alternative in terms of an access with footways on both sides.
- 7.10 The access way will be resurfaced and the footway and kerb removed to widen the access to 4.1 metres creating a shared surface. Manual for Streets advocates the use of shared surfaces and the Councils own residential street design guide allows their usage. Given the previous use of the site and consent 044698 there is also already a past and consented highway use of the access. There are therefore no technical grounds for refusal on highway safety.

8.00 CONCLUSION

- 8.01 While the access from Burghley Road is a better option in planning terms, there are no highway objections to the use of the Yowley Road access and it has an historic use by vehicle traffic. It is therefore considered that permission be granted.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

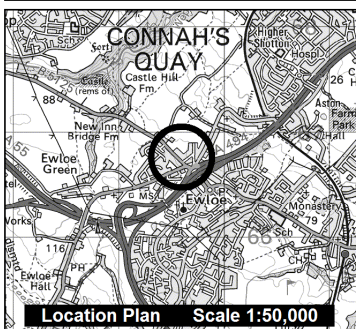
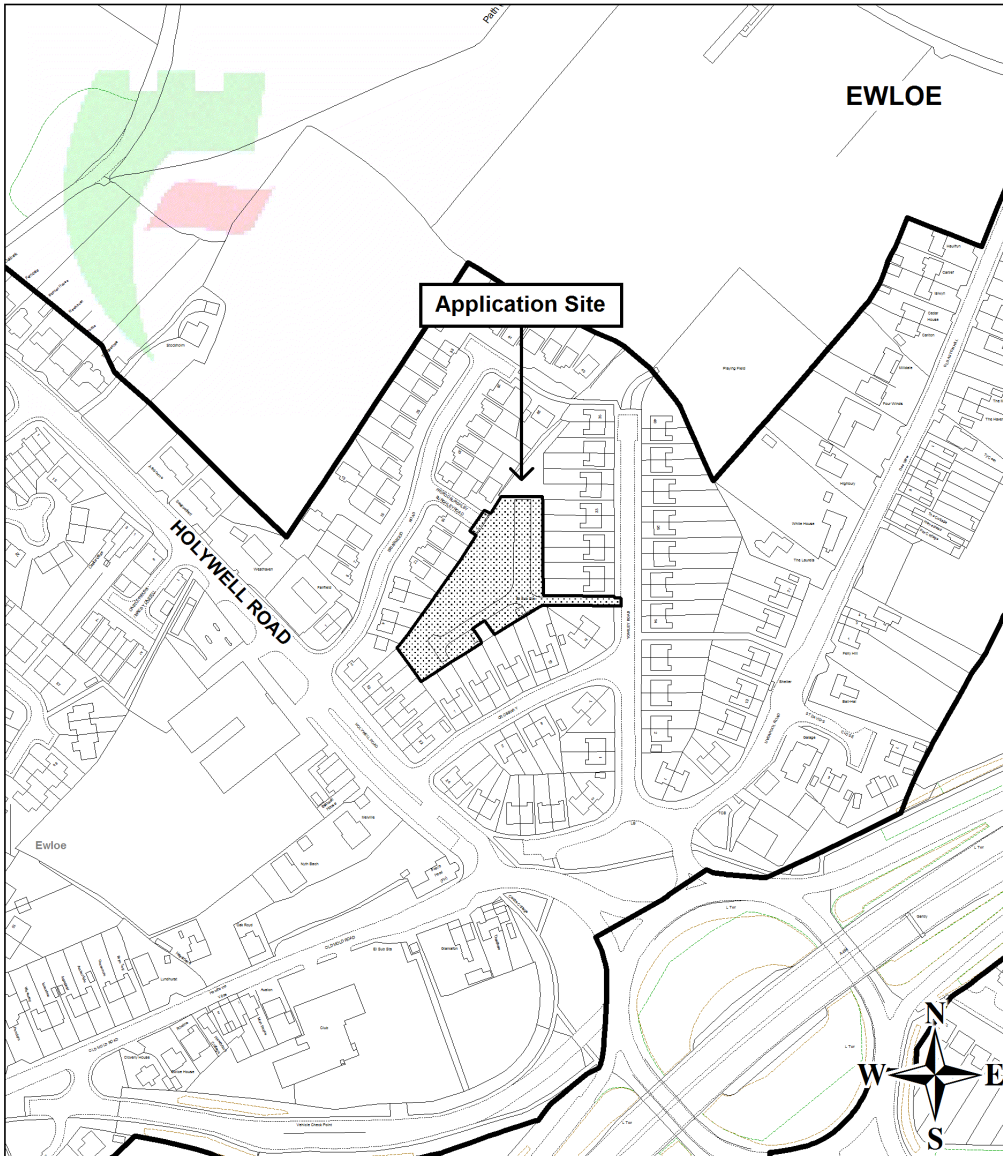
LIST OF BACKGROUND DOCUMENTS

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



Responses to Publicity

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

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND APRIL 2015**

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

SUBJECT: **FULL APPLICATION – CONVERSION AND ALTERATIONS OF ADJOINING BUILDINGS TO FORM 4 NO. HOLIDAY FLATS AND CHANGE OF USE AND ALTERATIONS TO FIRST FLOOR LIVING ACCOMMODATION TO FORM ADDITIONAL 1 NO. HOLIDAY APARTMENT AT MAES Y DELYN, RHEWL, HOLYWELL.**

APPLICATION NUMBER: **053146**

APPLICANT: **MRS KAY RONEY**

SITE: **MAES Y DELYN, RHEWL, HOLYWELL**

APPLICATION VALID DATE: **21.01.15**

ACTING LOCAL MEMBER: **COUNCILLOR CAROLYN THOMAS**

TOWN/COMMUNITY COUNCIL: **MOSTYN**

REASON FOR COMMITTEE: **APPLICANT IS MARRIED TO AN ELECTED MEMBER OF THE COUNCIL**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the conversion of an existing outbuilding and ancillary building to form 5 holiday lets at Maes y Delyn, Rhewl, Mostyn. It is considered that the proposed conversion of the outbuildings to holiday accommodation complies with policy T3 of the Flintshire UDP and national policies on tourism. The issues in relation to private amenity space and overlooking can be mitigated by

conditions as set out above.

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

- 2.01
1. Time Commencement
 2. In accordance with plans
 3. Holiday Occupancy condition
 4. Closure of window on rear elevation
 5. New first floor opening to open from right only
 6. Details of new windows and doors
 7. Landscaping
 8. Maes y Delyn and Holiday lets to be in same ownership/occupied by manager
 9. Parking for 7 vehicles
 10. Foul drainage
 11. Surface water and land drainage
 12. Photographic survey
 13. Bat and swallow mitigation
 14. Access to have visibility splay of 2.4m x 43 m in both directions
 15. Access to be 4.5m in width for 10m within the site
 16. Access layout in accordance with standard detail with gates 4.5metres back

3.00 CONSULTATIONS

3.01 Acting Local Member
Councillor C Thomas

Considers the proposed condition to tie the holiday lets to the dwelling is an acceptable way of moving forward with the application.

Mostyn Community Council

No response received at time of writing.

Head of Highways Development Control

No objection subject to conditions covering;

- Access to have visibility splay of 2.4m x 43 m in both directions
- Facilities to be provided for the parking of 7 vehicles
- Access to be 4.5m in width for 10m within the site
- Access layout in accordance with standard detail with gates 4.5metres back

Public Rights of Way

Public Footpath 108A abuts the site but appears unaffected by the development.

Head of Public Protection

No adverse comments to make.

Welsh Water/Dwr Cymru

No objection subject to standard conditions relating to foul and surface water drainage.

The Coal Authority

The application site falls within a high risk area. There are coal mining features and hazards which should be considered as part of the development proposals. Records indicate that the site has been subject to past coal mining activities which would include the zone of influence of a recorded mine entry which extends into the north eastern part of the site. However as this is an application for conversion only and no new build is proposed that intersects the ground which could present a risk to the coal mining features, it is not considered that a Coal Mining Risk Assessment is necessary for this proposal. No objection is raised however an Informative should be issued.

Clwyd Powys Archaeological Trust

The development appears to have limited sub-surface archaeological implications however the proposals will affect the stables outbuilding attached to the former Swan Inn which are of late 189th -19th Century. It would be unfortunate if this building was now converted without a record of its current architectural style and layout. Request a condition requiring a photographic survey.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

8 objections on the grounds of;

- Noise and disturbance from comings and goings
- Increase in traffic
- Overlooking from the proposed window into the rear garden and property
- Holiday lets should not be so close to a residential property
- Strain on sewage system
- Holiday accommodation is not needed in this area
- There are no facilities in the village for visitors
- Sufficient holiday accommodation along the coast

5.00 SITE HISTORY

5.01 049564 Change of Use from Public House to Dwelling 30.05.12.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR6 - Tourism
GEN1 - General Requirements for Development
D1 – Design Quality, Location and Layout
D2 – Design
WB1 – Species Protection
AC13 – Access and Traffic Impact
AC18 – Parking Provision and New Development
T3 – Self Catering Tourist Accommodation
T8 - Holiday Occupancy Conditions

The application is in accordance with the above policies.

TAN 13: Tourism – states “*Circumstances may arise when the Council will grant planning permission for the conversion of buildings in rural areas into holiday accommodation where the proposals would not be acceptable for permanent residential use. In such circumstances holiday occupancy conditions will be imposed on new tourist accommodation to prevent the use of the building as a permanent residence.*”

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the conversion of an existing outbuilding and ancillary building to form 5 holiday lets at Maes y Delyn, Rhewl, Mostyn.

7.02 Site description

The outbuildings are attached to the dwelling of Maes y Delyn which was formally the Swan Inn. Planning permission was granted on 30th May 2012 (049564) for the conversion of the public house into a dwelling. The property is situated in the village of Rhewl, Mostyn in a predominately residential area.

7.03 The site is bounded to the west, south and east by existing residential properties. To the north the site is bounded by the main road through the village. The dwelling of Maes y Delyn is set back from the main road by a grassed area which now forms part of the front garden to the dwelling and the former car park of the public house. The site is open and highly visible from the road. There is an existing vehicle access into the car parking area at the front of the property and a separate driveway to the east of the house. The outbuildings are attached to the house to the west and continue in an L-shape to the south referred to as the stables. The outbuildings form a boundary with the adjacent residential property Swanfields to the west.

7.04 There is a public footpath 108A running through the site adjacent to the access to the east. This has been fenced off as part of the previous planning application.

7.05 Proposed development
It is proposed to convert the outbuildings into 5 one bedroom holiday lets. The original application included the provision of a two bay car port at the front of Maes y Delyn and a shed in the rear garden with washing and drying facilities. Following concerns raised about these matters the car port has been removed from the application and the washing and drying facilities have been removed from the shed. The shed is now proposed to be used for storage and a seating area. A Structural Survey and Ecological Survey have been submitted with the application.

7.06 The outbuildings were previously used ancillary to the pub use for bottle storage, beer cellar and pool room. The buildings would be converted to create two ground floor units within the stables, one with a mezzanine provision, two ground floor units within the ancillary buildings and one unit within the existing residential unit as a flat on the first floor. It is proposed that one of the ground floor units would be wheel chair accessible.

Principle of development

7.07 The application site is situated within the village of Rhwel, Mostyn and seeks the conversion of existing buildings within the boundary of a Category C settlement. Policy T3 'Self Catering Tourist Accommodation' is the relevant policy of the UDP against which to assess the proposal. This policy seeks to improve the provision and range of permanent, quality tourist accommodation whilst not increasing the pressure on existing housing stock in rural areas.

7.08 The policy states that "*New self-catering tourist accommodation will be permitted within defined settlements, provided that in all cases the development must comply with four criteria set out below;*

7.09 a) *be appropriate in terms of scale, type and character to the building and site and its location and setting*

The site is in a residential area and was formally a public house prior to its conversion to a dwelling. It is proposing to convert the existing outbuildings which are attached to the current dwelling into 5 one bed units. No extensions are proposed. Limited new openings are proposed and it is considered the conversion would not be of detriment to the character of the building. A car port was proposed in the front of Maes y Delyn in the car park but this has been removed following concerns about its scale and impact on the street scene.

7.10 7 parking spaces are proposed within the car parking area at the front of the property. 5 of these would be for the holiday lets with 2 the dwelling of Maes y Delyn. There is also further provision to park cars to the east of the existing dwelling however the applicants have stated this area will be reserved for residents to drop off luggage only. It is therefore considered that there is

sufficient parking within the site for the scale of the proposal in accordance with Council Standards.

- 7.11 b) *not have a significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community in general;*

Residents have raised concerns over the impact of the proposed units on residential amenity due to the increased activity. The site was formerly a public house and the garden area to the rear was frequented by patrons of the public house. Its former use would have historically had an impact on the residential amenity of the neighbouring properties. The holiday lets would access the units from the rear and park at the front of the property. Generally the movements from a holiday let would be less than a residential property as holiday makers would be out for the majority of the day and it would be unlikely there would be full occupation of all 5 units for the whole year. The units are all one bedroom and the applicants wish to cater for couples. It is therefore considered the impact on adjacent residents would be limited from the activity generated from the units.

- 7.12 The proposed shed in the garden was proposed to be used for washing facilities, however concerns were raised about the noise of such activities in the proposed type of building and impact on the amenity of residents, so these facilities have been removed and this is proposed as a store and seating area only.

- 7.13 It is proposed to insert a window at first floor level in the stable building in order to meet Building Regulations and to utilise the first floor roof space of the building. Concerns were also raised during the course of the application about overlooking, particularly from the proposed first floor window into the adjacent residential property 17 Maes Alarch and impacts on privacy. As a result of these concerns the proposed first floor window has been relocated further to the east to reduce the potential for overlooking and it has been agreed that the window would open only from the right to further reduce the opportunities for overlooking.

- 7.14 There is an existing window on the rear elevation of the building which was recently discovered after vegetation removal. This will be blocked up as part of the conversion to prevent any overlooking into the garden of the adjacent property.

- 7.15 Concerns have also been raised regarding drainage, however Welsh Water have raised no objections and it is considered the flows generated by the previous public house use would have been greater or similar to that proposed by the new units.

- 7.15 c) *where appropriate, be accessible by a choice of modes of travel, particularly by foot, cycle or public transport; and*

The application site is in the village of Rhewl and the intention is to market the holiday lets to those seeking walking holidays. A public footpath runs adjacent to the site which links into the wider network and from the Coast Road there is the Coastal Path. There is an infrequent bus service No 18 (2 hourly) from Flint- Holywell - Prestatyn-Rhyl stopping outside Maes y Delyn, however there are more frequent bus services which operate along the main coast road. There is no train station locally, although this could be reached via the aforementioned bus service in either Flint, Prestatyn or Rhyl. The site is therefore accessible by public transport.

- 7.16 d) *not have significant adverse impact on features or areas of landscape, nature conservation or historic value.*
There are no features of landscape or nature conservation. The buildings are not Listed. An ecological survey of the outbuildings was submitted with the application.
- 7.17 The inspection revealed the presence of approximately 10 bat droppings none of which were fresh on the ground floor of the southern half of the building. The species of bat could not be identified from the droppings.
- 7.18 European Protected Species (EPS) and their breeding sites and resting places are protected in the United Kingdom under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12 of the Habitats Directive 92/43/EEC. The Directive (Article 16) only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is;
- i. no satisfactory alternative and
 - ii. no detriment to the maintenance of the species population at favourable conservation status in their natural range.
- 7.19 Regulation 9 (1) and 9 (5) of the 2010 Regulations requires public bodies in the exercise of their functions, to ensure compliance with and to have regard to the provisions of the Habitats Directive. Consequently, in determining planning applications which may affect EPS, the Local Planning Authority must take account of the provisions of the Habitats Directive.
- 7.20 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated:

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

- 7.21 The buildings are within a settlement boundary and their reuse for economic benefit for holiday accommodation is in the public interest for both social and economic reasons. The buildings are also in a sustainable location in a village centre and their reuse for economic benefit supports the principles of PPW. The submitted ecological report recommends a suitable scheme of mitigation following a further emergence survey at the appropriate time of year. Several swallow nests both old and from the previous breeding season were located on roof timbers throughout the building. As the roof space is being utilised for the holiday accommodation this will be lost for use by bats and swallows, however external mitigation can be provided in form of boxes or alternative nesting sites in the proposed shed outbuilding. The bat and swallow mitigation can be dealt with by condition.
- 7.22 The reasoned justification to UDP policy T3 refers to circumstances which may arise when the Council will grant planning permission for the conversion of buildings in rural areas into holiday accommodation where the proposals would not be acceptable for permanent residential use. In such circumstances holiday occupancy conditions will be imposed on new tourist accommodation to prevent the use of the building as a permanent residence.
- 7.23 Although this site is in a settlement boundary, under Policy HSG3 any permanent residential use would need to meet a defined local need as it is in a Category C settlement. This settlement is also over its 10% limit. The issue over private amenity space would also be an issue for permanent residential use, therefore it is seen to be appropriate to apply a condition limiting the use of the 5 units to holiday purposes only and tying the management of them to the occupier of Maes y Delyn. This therefore prevents the holiday lets being used as a permanent residence and also prevents them from being sold off separately to the dwelling.
- 7.24 The Structural Survey states that the buildings are suitable for conversion into habitable rooms. As part of the detailed design stage the existing roof rafters and purlins require analysis to ascertain their capacity for any additional loadings. The finished floor levels of the ground floor require careful consideration as to avoid any undermining of the existing walls. The timber lintels over openings should be replaced with appropriately sized precast lintels. Vegetation should be cleared back from the building and subsequent areas of masonry may require re-pointing. Lime mortar should be adopted for all remedial

and re-pointing works. These are detailed matters which would be dealt with through Building Regulations.

8.00 CONCLUSION

8.01 It is considered that the proposed conversion of the outbuildings to holiday accommodation complies with policy T3 of the Flintshire UDP and national policies on tourism. The issues in relation to private amenity space and overlooking can be mitigated by conditions as set out above.

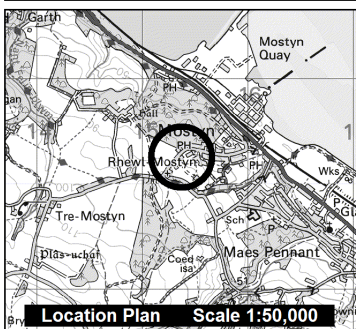
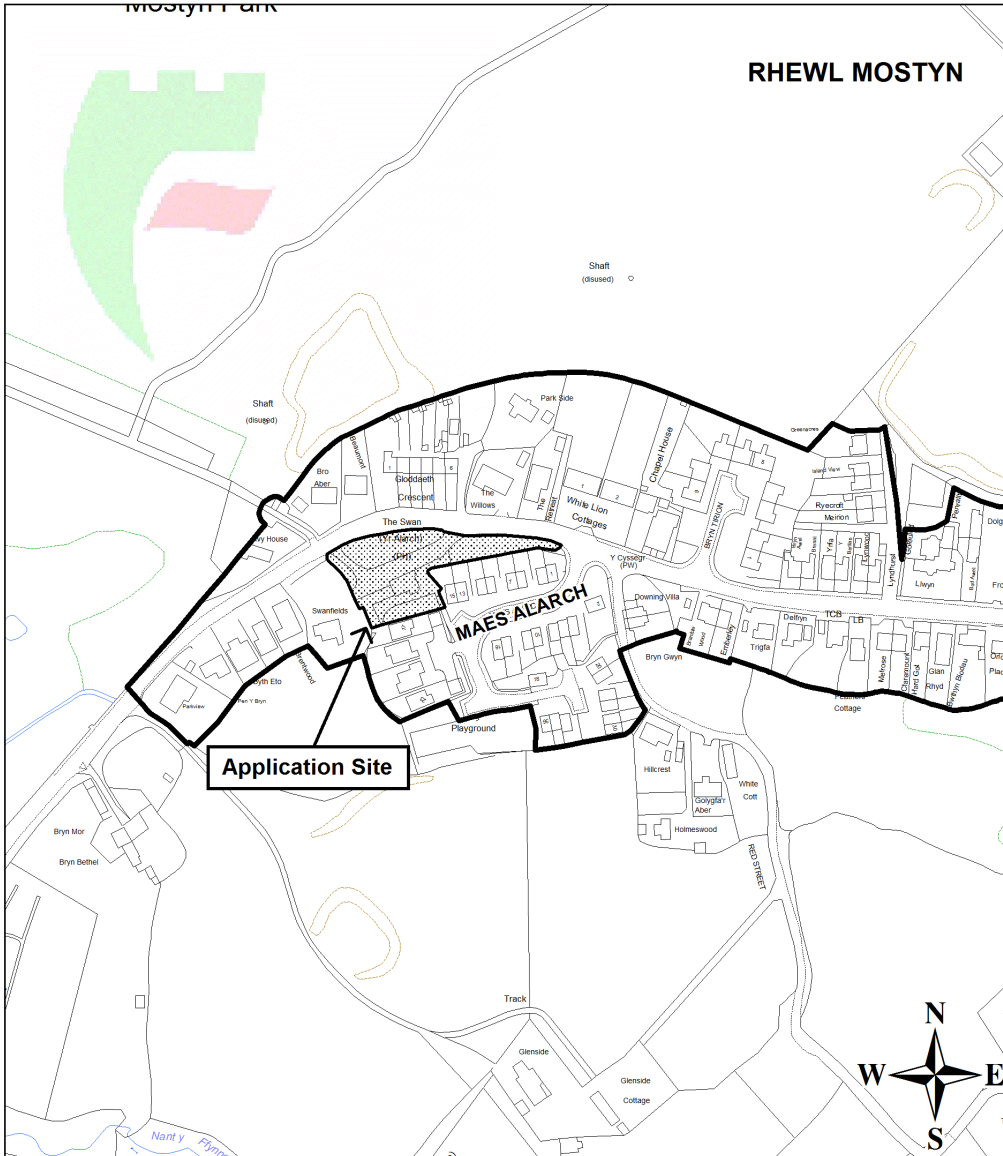
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

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

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	<p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary 		<table border="1"> <tr> <td>Map Scale</td> <td>1:2500</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 1580</td> </tr> <tr> <td>Planning Application</td> <td>53146</td> </tr> </table>	Map Scale	1:2500	OS Map ref	SJ 1580
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Planning Application	53146						

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND APRIL 2015**

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

SUBJECT: **OUTLINE APPLICATION – ERECTION OF 6 NO. DWELLINGS AT LAND TO THE REAR OF 31 WELSH ROAD, GARDEN CITY**

APPLICATION NUMBER: **052887**

APPLICANT: **MR. F. MIAH**

SITE: **LAND TO THE REAR OF 31 WELSH ROAD, GARDEN CITY.**

APPLICATION VALID DATE: **25.11.15**

ACTING LOCAL MEMBER: **COUNCILLOR DAVID WISINGER**

TOWN/COMMUNITY COUNCIL: **SEALAND**

REASON FOR COMMITTEE: **ACTING LOCAL MEMBER REQUEST DUE TO CONCERNS OVER ACCESS TO THE SITE AND DRAINAGE**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application for the erection of 6 dwellings at land to the rear of 31 Welsh Road, Sealand. A Flood Consequences Assessment has been submitted with the application that demonstrates that the consequences of flood can be effectively managed subject to finished floor levels being set at 5.56AOD. The illustrative layout shows that 6 dwellings can be accommodated on the site to meet with the separation distances in LPGN: Note 2 Space Around Dwellings and provide sufficient easements for the Welsh Water sewers. The access has a historic use for vehicular traffic and

therefore there are no objections on highway grounds.

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

2.01 The proposal is recommended for approval subject to the following:-
Subject to entering into a S106 agreement/unilateral undertaking or earlier payment for the following contributions;

- £1,100 per unit for recreation enhancements in lieu of on-site provision

Conditions

1. Time commencement outline
2. Reserved matters submissions
3. Surface water drainage
4. Foul sewerage drainage
5. No development (including the raising or lowering of ground levels will be permitted within;
 - Each 22mm combined sewer – 3 metres either side of the centreline of the public sewer
 - Each 150mm combined sewer – 3 metres either side of the centreline of the public sewer
 - 250 Public Rising Main – 3 metres either side of the centreline of the public sewer.
6. Finished floor levels at 5.56mAOD
7. Flood Plan
8. Details of site access layout and design
9. Parking and tuning layout
10. Positive means to prevent surface water runoff on the highway
11. Construction Traffic Management Plan.
12. Site investigation
13. Flood management plan condition
14. No development until strengthening works to River Dee flood defences has been completed

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 David Wisinger

Requests committee determination and a site visit due to concerns over site access and drainage.

Sealand Community Council

The Council objections on the grounds that;

- The site is totally inadequate for any residential development due to the restrictive nature of the site
- Loss of privacy to existing properties adjacent to the site
- Inadequate access, un-adopted and poor width
- Poor access onto Welsh Road with restricted visibility
- Poor surface water drainage and it sits within a flood risk area, site suffers from flooding
- Vehicle access would be across a public footpath used by pedestrians
- Noise impacts for surrounding properties
- Site is in flood plain of River Dee

Head of Assets and Transportation

The road is of limited width being 3 metres wide with 1.2 metre footways on both sides. A road of this width would generally be considered inadequate to serve a residential development however as the road has previously served a garage court and currently serves an informal parking area the traffic generation for the proposed residential use is likely to be less than the current and previous uses.

The access road is not adopted and therefore any improvements or maintenance would be borne by the developers. It is suggested that it may be appropriate consider the applicant enters into a S106 agreement to require the formation of a management company to ensure that access is appropriately managed and maintained.

The development proposals are in outline only with no indication of the size of the houses. It is therefore not possible to comment on the adequacy of the number of parking spaces indicated on the drawing.

There are therefore no highways objections to the principle of development subject to conditions covering; details of site access; parking layout, surface water runoff, and a Construction Traffic Management Plan.

Head of Public Protection

The site is situated on a former garage site and as such there is the potential for the land to be contaminated. No objections in principle subject to a condition required a site investigation prior to the commencement of development.

Welsh Water/Dwr Cymru

Standard conditions relating to foul and surface water drainage and land drainage.

The proposed development is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels will

be permitted within;

Each 22mm combined sewer – 3 metres either side of the centreline of the public sewer

Each 150mm combined sewer – 3 metres either side of the centreline of the public sewer

250 Public Rising Main – 3 metres either side of the centreline of the public sewer.

Natural Resources Wales

The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.

A condition requiring finished floor levels to be set at 5.56mAOD.

The FCA has been based on the reinforcement of the flood defences there for suggest a condition that this development does not commence until that work has been completed.

Airbus

No aerodrome safeguarding objection.

Education

As both the nearest Primary (Sealand C.P. School) and Secondary School (John Summers High School) currently has in excess of 5% surplus capacity it is not our intention to seek a Section 106 contribution at the present time.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

2 objections on the grounds of

- Access to the site is adjacent to my property which is a single un-adopted access road and is in constant use by users of the Spar shop
- Access is in poor repair
- Access gets blocked by parked cars using shops
- Accidents on the access
- Access to site on Welsh Road is busy and visibility is poor. It is a busy intersection with a pedestrian crossing and a bus stop.
- Main sewers for all of the properties in the area run right through the centre of the site
- Flooding in the area due to blocked sewers
- Pedestrian right of way to the rear of 31 Welsh Road through the site which is used by school children and pensioners and a cut through to the post office and chemist
- Increased traffic

- There have not been two storey building on this site at any point in the past and this will reduce light
- Overdevelopment - 6 is too many 3 or 4 would be better
- Overlooking
- Cars will have to reverse on main road if cars are parked on the access.

5.00 SITE HISTORY

5.01 None.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 STR1 - New Development
 STR4 - Housing
 GEN1 - General Requirements for Development
 GEN2 - Development Inside Settlement Boundaries
 D1 - Design Quality, Location and Layout
 D2 - Design
 D3 - Landscaping
 AC13 - Access and Traffic Impact
 AC18 - Parking Provision and New Development
 HSG3 – Housing on Unallocated Sites within Settlement Boundaries
 HSG8 - Density of Development
 SR5 - Outdoor Playing Space and New Residential Development
 EWP17 - Flood Risk

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

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application for the erection of 6 dwellings at land to the rear of 31 Welsh Road, Sealand.

7.02 Site Description

The application site is situated to the north of Welsh Road and is accessed via a shared access between 31 Welsh Road which is a residential property and 35 Welsh Road which is a Spar convenience store. The site was formerly a garage site owned by the Council which has been sold to a third party. The site is surrounded to its north east west and south by residential properties which are all two storey. There is a Welsh Water pumping station located directly to the east of the site.

7.03 Proposed development

This is an outline planning application for the erection of 6 dwellings at

land to the rear of 31 Welsh Road, Sealand. All matters are reserved for future consideration, however a block plan has been submitted to show that the site could accommodate 6 dwellings.

7.04 Principle of development

Garden City is a Category B settlement with a growth rate of 9.4% as of April 2013. The UDP strategy through policy STR4 and HSG3 allows housing development up to 15% in Category B settlements. The site also meets the PPW definition of a brownfield site as it was a former garage site. The application is therefore considered acceptable in principle subject to meeting the other requirements of Policy HSG3 in relation to impact on the character of the site the surrounding area and Policy GEN1.

7.05 The main issues in relation to this application are flood risk, access and impact on residential amenity.

7.06 Flood Risk

The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.

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

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

7.08 In terms of justifying the development, the site is located within the settlement boundary of Garden City in the Flintshire Unitary Development Plan. Garden City is a Category B settlement for development as defined in the UDP strategy and the site is brownfield. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.

- 7.09 In terms of meeting with the aims of PPW, the site is adjacent to a Spar convenience store post office and chemist. There is a dedicated cycle way along Welsh Road and a bus stop opposite the application site. There is a Primary school and other facilities on Welsh Road. The site is therefore sustainably located.
- 7.10 It is considered that the site does fall within the definition of previously developed land, as the site was formerly occupied by garages. This therefore meets with criteria (iii).
- 7.11 In terms of criteria (iv) the application was accompanied by a Flood Consequences Assessment undertaken by Weetwood. The site is located in the defended 1 in 100 fluvial /1 in 200 tidal annual probability flood outline. The River Dee is approximately 557 metres to the south west of the site. Flood defence reinforcement work are currently being undertaken along a section of the River Dee northern embankment as part of delivering the Northern Gateway development sites. These works will ensure that the embankment height is set to a minimum of 7.20mAOD.
- 7.12 In agreement with NRW Weetwood have modelled the 0.1% AEP climate change event which shows that the site would remain dry during this event with finished floor levels at 5.56mAOD. NRW have stated finished floor levels should be set at 5.56mAOD in accordance with the findings of the Flood Consequences Assessment. A topographical survey has been undertaken and the current site levels are 4.45AOD – 4.74 AOD.
- 7.13 Emergency Planning have been consulted on the proposed access and egress routes for evacuation in the event of a flood and similarly to the application at 6 Welsh Road which was approved at Planning and Development Control Committee on 25th March 2015, they suggest a condition requiring a Flood management plan to be imposed.
- 7.14 Drainage
Residents have raised issues relating to drainage. Welsh Water have not raised any concerns with regards to the capacity of the network or treatment facilities' it would serve. The only matter raised is the location of two sewers which cross the site. While this is an outline application with all matters reserved the applicant needs to be able to demonstrate that 6 dwellings can be accommodated on the site. During the course of the applicant the indicative layout has been amended to show that 6 dwellings can be accommodated on the site maintaining the required easements for Welsh Water.
- 7.15 Access
Vehicular access to the site is via an un-adopted access from Welsh Road which runs between 31 and 35 Welsh Road. Residents and the Community Council have raised concerns regarding the proposed

access to the site.

- 7.16 The road is of limited width being 3 metres wide with 1.2 metre footways on both sides. A road of this width would generally be considered inadequate to serve a residential development, however as the road has previously served a garage court and currently serves an informal parking area, the traffic generation for the proposed residential use is likely to be less than the current and previous uses.
- 7.17 The access road is not adopted and therefore any improvements or maintenance would be borne by the developers. Highways suggested that it may be appropriate consider the applicant enters into a S106 agreement to require the formation of a management company to ensure that access is appropriately managed and maintained. However from the land registry documentation the applicant only owns half of the access way, although holds a right of passage by car and vehicle over all of it. The applicant could therefore not enter into a S106 agreement as he does not have control over all of the land. The applicant has advised that he is in negotiations with the adjacent landowner (Spar) to obtain the other half of the access road and therefore the responsibility for maintaining the road would lie with the applicant and he accepts that road improvements are required. There is an alternative access to the development to the rear of Spar which links to a section of adopted highway between 37 and 39 Welsh Road but this crosses third party land.
- 7.18 Highways raise no objections to the principle of the development and would need further details on the size of the houses in any reserved matters application to ascertain how the parking and turning required could be achieved. There are therefore no highways objections subject to conditions covering; details of site access; parking layout, surface water runoff, and a Construction Traffic Management Plan.
- 7.19 The access is between a residential property and a Spar Shop/post office and chemist. Concerns have been raised by local residents due to users of the shops parking on the pavement adjacent to the Spar shop which can lead to vehicles blocking the access. The pavement on the Spar side is wider in parts and does have the width to allow cars to park off the road without blocking the flow of traffic, however as there are no dropped curbs this is not a formal parking area. There are car parking spaces adjacent to the chemist shop and a number of spaces to the east of the chemist which are available for users of the shops.
- 7.20 Residents have raised the issue of the current pedestrian access obtained through Sealand Avenue through the site as a short cut to the shops and the bus stop on Welsh Road. This is not a definitive public right of way but is a legacy from when the majority of the area was owned by the Council and was Local Authority housing with associated garages. This access path has been retained by the

Council for pedestrian use only and has bollards at its entrance onto Sealand Avenue. The 'short cut' does now cross private land although the Council retains a right of access by foot and vehicles along the access way between 31 Welsh Road and 35 Welsh Road. Details of whether this access route will remain would be provided at reserved matters stage.

- 7.21 Impact on residential amenity and neighbouring properties
The application is in outline for 6 dwellings. Therefore at this stage the applicant needs to demonstrate that 6 dwellings can be accommodated on the site with adequate separate distances and private amenity areas, along with space for parking and turning.
- 7.22 Following the response from Welsh Water, it was brought to the applicant's attention that there are two sewers which cross the site and an easement of 3 metres either side of the centreline is required. The initial indicative layout showed the dwellings infringing on this easement and an amended layout was submitted. This shows a terrace of 6 dwellings running from north to south in the middle of the site with private garden areas to the west and a shared parking and turning area to the south.
- 7.23 The submitted indicative layout does demonstrate that 6 houses could be accommodated on the site in accordance with the separation distances set out in Local Planning Guidance Note 2: Space Around Dwellings. There are 22 metres between habitable rooms and 12 meters between blank gables and habitable rooms. It also illustrates private garden areas and a parking and turning area, although the exact details would be subject to a reserved matters application.
- 7.24 The finished floor levels of the dwellings are recommended to be set at 5.56m AOD following the recommendations in the FCA and the comments from NRW. The topographical survey shows the actual existing site levels to be 4.45AOD – 4.74 AOD. The applicant has indicated that required finished floor levels would not be met by raising the site but by increasing the finished floor levels of the living accommodation within the dwellings by having internal steps. The details of the dwellings and ridge heights would be clarified in any reserved matters application to ensure that the proposed dwellings were in keeping with the other properties in the area.
- 7.25 S106 Contributions
Both the nearest Primary School and Secondary School currently has in excess of 5% surplus capacity therefore we cannot seek a Section 106 contribution as the threshold is not met.
- 7.26 A contribution to off-site open space is required in lieu of on-site provision at £1,100 per dwelling.

8.00 CONCLUSION

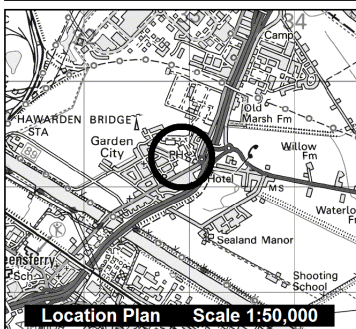
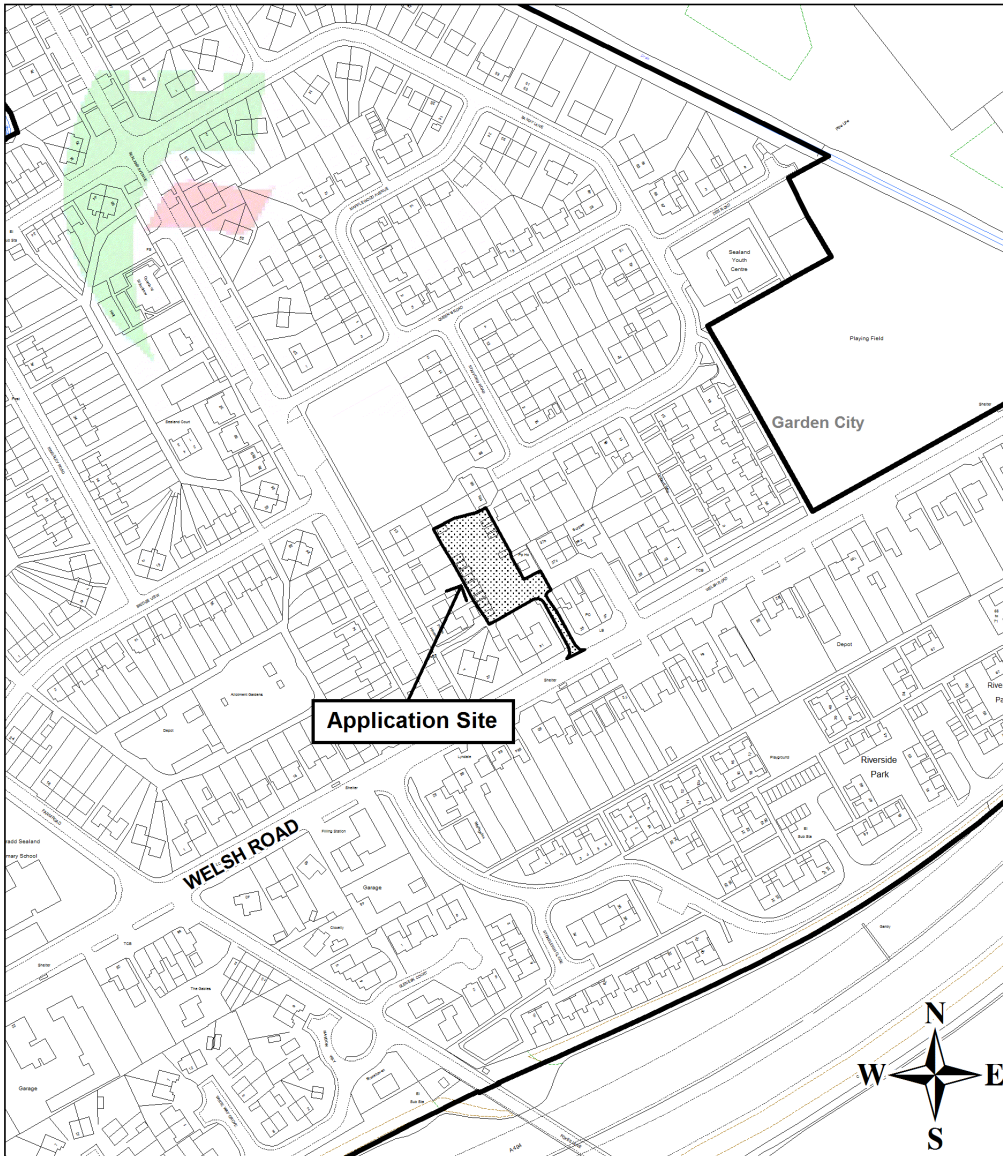
- 8.01 A Flood Consequences Assessment has been submitted with the application that demonstrates that the consequences of flood can be effectively managed subject to finished floor levels being set at 5.56AOD. The illustrative layout shows that 6 dwellings can be accommodated on the site to meet with the separation distances in LPGN: Note 2 Space Around Dwellings and provide sufficient easements for the Welsh Water sewers. The access has a historic use for vehicular traffic and therefore there are no objections on highway grounds.

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

LIST OF BACKGROUND DOCUMENTS

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

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Telephone: (01352) 703254
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	Planning & Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow	<small>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.</small>					
	Legend Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary		<table border="1"> <tr> <td>Map Scale</td> <td>1:2500</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 3269</td> </tr> <tr> <td>Planning Application</td> <td>52887</td> </tr> </table>	Map Scale	1:2500	OS Map ref	SJ 3269
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Planning Application	52887						

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND APRIL 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 6 NO. APARTMENTS WITH ASSOCIATED ACCESS AND PARKING AT 1 QUEEN STREET, QUEENSFERRY**

APPLICATION NUMBER: **053080**

APPLICANT: **DIOCESE OF WREXHAM**

SITE: **1 QUEEN STREET, QUEENSFERRY**

APPLICATION VALID DATE: **22ND DECEMBER 2014**

LOCAL MEMBERS: **COUNCILLOR DAVID WISINGER**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES, SO THAT THE COMMITTEE MEMBERS CAN SEE THE SIZE OF THE PLOT AND THE SURROUNDING AREA.**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of 6 no. apartments on a plot of land adjacent to no.1 Queen Street, Queensferry. The application is accompanied by a Flood Consequences Assessment (FCA) in view of it being located within a flood risk area and a Noise Assessment in view of its proximity to the trunk road, and these are addressed in the Planning Appraisal below. The application is recommended for approval subject to conditions and S106 Obligation covering the relevant issues.

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

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

Subject to entering into a S106 Obligation or earlier payment for the following contributions;

- £733.00 per unit for public open space enhancements in lieu of on-site provision

Conditions:

1. Time commencement
2. In accordance with plans
5. Restriction to ensure ground floor cannot be used as living accommodation
7. Implementation of scheme of acoustic mitigation
8. Foul drainage and surface water to be drained separately from the site
9. No direct connect of surface water drainage without approval in writing
10. No land drainage run-off into the public sewerage system.
11. Positive means to prevent the run-off of surface water onto the highway
12. Construction Traffic Management Plan
13. Materials to be approved
14. Finished floor levels at first floor (living accommodation) to be set at 7.70m above Ordnance Datum
15. Access off Queen Street by means of vehicular crossing
16. Highway boundary enclosure not to exceed 1.0m.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor Wisinger

Requests committee determination and site visit as his initial view is that the proposal is out of character with the street scene, too high, overbearing and having a visual impact on the surrounding properties. He also points out that the site lies within the flood plain

Queensferry Community Council
No response received at time of writing.

Head of Assets and Transportation

No objection subject to the following conditions.

Access to the site from Queen Street shall be provided by means of a vehicular crossing.

The boundary with Chester Road (East) and Queen Street not to exceed a height of 1.0m.

Head of Public Protection

No objection subject a condition regarding enhanced glazing.

Welsh Water/Dwr Cymru

No objections subject to standard conditions relating to standard conditions relating to foul and surface water drainage.

Wales and West Utilities

No objection.

Natural Resources Wales

The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.

NRW have reviewed the contents of the submitted Flood Consequences Assessment (FCA) (Waterco Consultants, w1626-140807-FCA, 07/08/2014) and advise that even if the undercroft parking is considered 'less vulnerable' development, the FCA has failed to demonstrate that it can be built in accordance with Section A1.14 of TAN15 (which requires the development to be flood-free in the design flood event). Consequently, they object to the proposal.

Airbus

No objection

Head of Leisure Services

No objection. A payment of £733.00 should be paid in lieu of on-site public open space.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

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

- Highway safety – inadequate parking
- Overbearing and visually intrusive to neighbouring properties
- Overlooking of neighbouring gardens

5.00 SITE HISTORY

5.01 P/4/7/24196 – Outline application for the erection of two dwellings (granted 4th July 1995)

P/4/7/15020 – Outline application for residential development (granted 7th October 1986)

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

SR5 - Outdoor Playing Space and New Residential Development

EWP3 - Renewable energy in New Development

EWP17 - Flood Risk

The proposal is in general compliance with the above development plan policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks full planning permission for the erection of a single block of 6no. apartments on land adjacent to no.1 Queen Street, Queensferry.

7.02 Site Description

The application site is currently used a temporary contractor's compound for works that are being carried out in the area. Prior to this, the site was vacant and overgrown. There is evidence that historically it has been used as an extended garden area for No.3 Queen Street.

7.03 The site is located on the corner of Chester Road and Queen Street and is roughly rectangular in shape with the highway abutting the south west and south east boundaries of the site. The site is located in a predominately residential area with traditional two storey terraced properties of varying styles to the north west and north east. Further to the south east is of the site is the A494.

- 7.04 Proposed Development
This is a full planning application for the erection of a two and a half storey block of 6no. 1no. and 2no. bed apartments with undercroft parking for 8no. cars, a cycle storage and a refuse collection area on ground floor. The residential accommodation will be on the upper floors.
- 7.05 The building will be 'L' shaped and will front both Chester Road and Queen Street. Turning facilities will be provided to the rear of the building and vehicular access will be off an existing vehicular access off Queen Street.
- 7.06 Principle of development
Queensferry is a Category A settlement with a growth rate of 1.8% as of April 2013. The UDP strategy through policy STR4 directs housing development to Category A settlements. The application is therefore considered acceptable in principle subject to meeting the other requirements of Policy HSG3 in relation to impact on the character of the site the surrounding area and Policy GEN1.
- 7.07 Flood risk
The application site lies entirely within zone C1, as defined by the Development Advice Map referred to under TAN 15 Development and Flood Risk (July 2004). NRW's Flood Map information confirms the site to be within the extreme flood outline.
- 7.08 New development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Section 6.2 of TAN15 states that development will only be justified if it can be demonstrated that;
- i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
 - iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig 4.3) and
 - iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.
- 7.09 In terms of justifying the development, the site is located within the settlement boundary of Queensferry in the Flintshire Unitary

Development Plan. Queensferry is a main settlement for development as defined in the UDP strategy. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.

- 7.10 In terms of meeting with the aims of PPW, the site is considered to be brownfield land. It is considered that the site does fall within the definition of previously developed land, as the land has previously been a garden associated with a residential property and therefore has had a residential use. This therefore meets with criteria (iii).
- 7.11 NRW have reviewed the Flood Consequences Assessment (FCA) that accompanied the application, which was undertaken by the same consultants that undertook the FCA for a proposed development for 8 dwellings approximately 100m further down Queen Street (ref: 051988). The FCA's were almost identical in terms of the level of risk that each site posed and the proposed design methods for mitigating against any floods was identical, i.e. undercroft parking no habitable accommodation on ground floor. Whilst NRW had no objection to the application for 8 dwellings, they do object to this proposal. They state that the proposal fails to comply with A1.14 of TAN15 in respect to the expected flood depths in the undercroft parking area; however, this appears to be based on the undercroft parking being considered as an integral part of the residence and therefore the shallow depth in the event of a flood should be 150mm, not 300mm. The undercroft parking for the 8 dwellings was not considered to be an integral part of the residence and therefore the 300mm shallow depth was permissible.
- 7.12 Given the above, there is a clearly inconsistent approach taken to two very similar developments with almost identical flood risks, and therefore it is considered that the proposal should be approved, subject to the conditions suggested by NRW for planning application ref: 051988, in that the first floor residential accommodation shall be set at a minimum level of 7.70m above Ordnance Datum in order to ensure that the residential part of the development does not flood during the 0.5% probability flood event, with an allowance for climate change
- 7.13 Impact on residential amenity
The site is within close proximity of residential properties and therefore there is potential for overlooking; however, this has been mitigated against through the use of high level windows and obscure glazing where necessary, particularly to protect the amenities of no.3 Queen Street and no. 21 Chester Road.
- 7.14 There is adequate distance between the proposed new building and neighbouring properties to ensure that there will not be any overbearing or over shadowing impact.

- 7.15 Design
The proposed building will be two and a half storey, with only the two upper floors used for habitable accommodation.
- 7.16 The height of the ridge of the building will be approximately 800mm higher than the neighbouring properties. Whilst the site is in a prominent location on the corner of two roads, it will be at the end of two rows of dwellings and therefore the rise in roof heights will not adversely affect the character of the streetscene. Although modern in its design, the building will sit comfortably within its residential setting and create a clearly defined end point to both of the rows of dwellings.
- 7.17 Noise
The application site is located within very close proximity of the A494. As such, Welsh Government (Trunk Roads) has requested that an acoustic survey is to be carried out prior to the determination of the application. A survey has been completed by the applicant and forwarded to Welsh Government for their comment. A response has yet to be received at the time of writing this report.

8.00 CONCLUSION

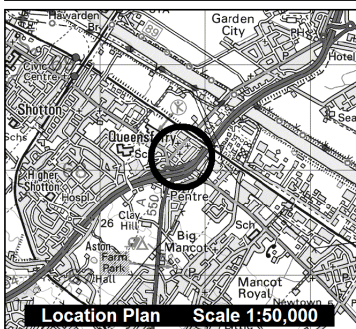
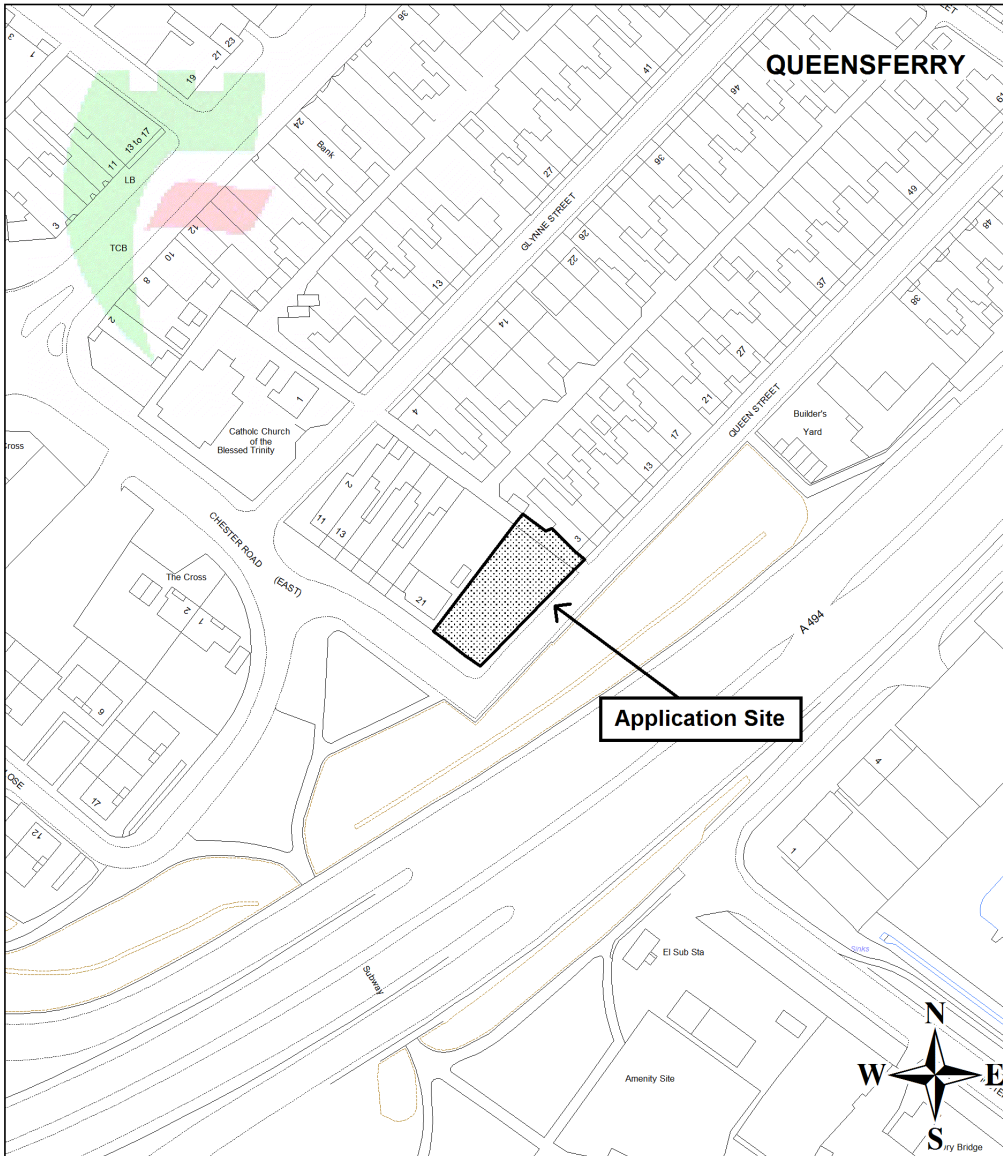
- 8.01 It is considered that the form of development is acceptable in this location and whilst there has been objection to the proposal from NRW, given the similarities of the proposal with the nearby proposal, for the sake of consistency it is considered that the consequences of flooding have been addressed in the form of the design.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

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

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Email: alex.walker@flintshire.gov.uk

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	Planning & Environment, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow	<small>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.</small>
	Legend Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary	

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND APRIL 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF CONCRETE BATCHING PLANT AT BRYN THOMAS CRANE HIRE, CHESTER ROAD, OAKENHOLT.**

APPLICATION NUMBER: **053011**

APPLICANT: **MR. DAVID ROBERTS**

SITE: **BRYN THOMAS CRANE HIRE, CHESTER ROAD, OAKENHOLT.**

APPLICATION VALID DATE: **11TH DECEMBER 2014**

LOCAL MEMBERS: **COUNCILLOR MRS. R. JOHNSON**

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

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER ON THE GROUNDS THAT THE PROPOSALS ARE IN AN AREA OF HEAVY TRAFFIC AND THE PROPOSALS WILL AFFECT SAFETY.**

SITE VISIT: **YES, FOR THE REASONS SET OUT ABOVE.**

1.00 SUMMARY

- 1.01 This full application seeks permission for the change of use of land latterly in use as part of the adjacent Bryn Thomas Crane Hire business, to land for the erection and operation of a concrete batching plant.
- 1.02 The main issues for consideration relate to the principle of the proposals and impacts upon highway safety.

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

2.01 Conditions:

1. Time limit on commencement
2. As per approved plans
3. Landscaping/screening scheme to be submitted and agreed prior to commencement.
4. Implementation of landscaping scheme
5. Scheme for external lighting prior to first use of premises.
6. Scheme for improvement of existing access prior to commencement of development.
7. Formation of access not to commence until details agreed.
8. Formation of access to be kerbed to internal entrance radii prior to any other works.
9. No works to commence until scheme for closure of gaps in central reservation submitted to and agreed.
10. Works to effect closure of central reservation gaps to be undertaken before any other site works.
11. Scheme for loading, unloading, parking and turning of vehicles to be submitted, agreed and implemented prior to first use of site.
12. Scheme for positive means to prevent surface water run-off from the site onto the highway to be submitted and agreed prior to commencement of development and implemented prior to first use of site.
13. Foul, surface and land water drainage scheme to be submitted and agreed prior to commencement of development and implemented prior to first use of site.
14. Storage heights to be submitted and agreed prior to first use.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs. R. Johnson

Requests that the application is considered by the Planning and Development Control Committee following a site visit. Considers the site needs to be viewed by Committee Members as she considers the site to be located in a heavily trafficked area and as such is of the view that the proposals would not be safe.

Flint Town Council

No response at time of writing.

Highways (DC)

No objections subject to the imposition of conditions.

Pollution Control Officer

No adverse comments. Advises of the fact that the process falls under the Environmental Permitting Regime and advises that a permit to operate will be required.

Natural Resources Wales

No objection. Advises that the proposals are unlikely to adversely affect any protected sites within the vicinity.

Coal Authority

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 have been received in response to the above consultation. These raise objection of the following basis:

- Unsafe and inadequate access,
- Noise and dust pollution,
- No deceleration lane, and
- No restrictions on direction of travel to and from the entrance/exit points.

5.00 SITE HISTORY

5.01 **770/94**

C.O.U for temporary storage
Permitted 5.1.1995

0002/96

Variation of Condition 1 on p.p 770/94
Permitted 20.2.1996

97/212

Renewal for temporary storage
Permitted 9.7.1997

98/523

Outline – erection of a hotel and pub with parking
Permitted 23.5.2000

01/1218

Renewal of 97/212
File closed 27.1.2004

036513

Erection of offices /training school building
Withdrawn 8.3.2004

037271

Erection of offices /training school building
Permitted 5.10.2004

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1	-	New Development
Policy STR3	-	Employment
Policy GEN1	-	General Requirements for Development
Policy GEN3	-	Development in the Open Countryside
Policy D3	-	Landscaping
Policy D4	-	Outdoor Lighting
Policy AC13	-	Access and Traffic Impact
Policy EM4	-	Location of other Employment Dev't

7.00 PLANNING APPRAISAL

7.01 Introduction

This 0.28 hectare site occupies a position adjacent to the northern side of the A548. It is presently vacant land, having been latterly occupied used in conjunction with the adjacent crane hire business and by contractors employed in the installation of the 'Eiregrid' Interconnector infrastructure.

7.02 The site is bounded on all sides by security style steel palisade fencing. The site surface is compacted hardcore. The site has not existing natural features although existing mature hedgerows do abut the site frontage. The site is bounded to the west by the existing Bryn Thomas Crane Hire business. Existing open countryside abuts the north and eastern boundaries. As mentioned, the A548 abuts to the south, with further open countryside beyond.

7.03 Proposed Development

The proposals seek permission for the change of use of the site by way of the erection of apparatus to form a concrete batching plant. The proposals include the use of an existing point of access to the A548 to the south eastern corner of the site. The infrastructure proposals for the site include 2 site cabins to serve as office and staff facilities; tanks for the storage of recycled water, aggregate hopper, conveyor, storage and cement silo; and car parking spaces.

7.04 The proposals are brought about from the need of the applicant to relocate from his existing site at Aberdo Quarry, Pentre Halkyn to enable further quarrying expansion to occur.

7.05 Main Planning Considerations

The main issues for consideration in the determination of the application are:

- The principle of development in planning policy terms,
- Access and highway impacts, and
- Ecological impacts

7.06 Principle of Development

Policy EM4 of the UDP relates to the location of employment development in, amongst other locations, the open countryside. It specifically identifies that the re-use of brownfield land outside of settlement boundaries or allocated sites will be considered acceptable provided that it satisfies the identified criteria. The criteria to be satisfied are:

- i. **The scale and design of the development is in keeping with its immediate surroundings** :- The proposed apparatus is in visual and scale terms akin to the cranes which are stored, in a variety of poses, at the adjacent crane yard. The cabins are also reflective of those both adjacent and previously located at this site. I am therefore satisfied that the proposals meets this criterion.
- ii. **The proposed use is appropriate to the location and causes no detriment to residential amenity or areas and features of landscape, nature conservations and historic importance** :- The proposals are located outwith the settlement boundary and there are no residential dwellings in close proximity to the site, the amenity off which may be affected. The consideration of nature issues is set out in Para. 7.09 of this report. This criterion is also therefore satisfied.
- iii. **The proposal provides satisfactory on site parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposals** :- The proposals have been the subject of consultation with Highways (DC) who have advised that there is no highway objection to the proposals, subject to conditions. This criterion is also therefore satisfied.
- iv. **Outside storage areas are screened from public view** :- The proposals include outside storage of aggregate to be used in the concrete mixing process. The site is well screened from public views by existing mature hedgerows which I consider will serve to screen such outside storage as may occur. However, I am mindful that the frontage of the site is formed by a palisade fence only. This will be moved back from the edge of the highway as part of the proposals and via the proposed landscaping condition, I will be seeking the planting of a hedgerow to add further screening to the site.

In addition, I will condition the proposed height of storage to be submitted and agreed prior to the first use of the site

7.07 Access & Highway Impacts

The proposals have been assessed by Highways (DC) having regard

to the potential impacts arising from the proposals upon highway safety. As mentioned previously, the proposals seek to utilise the existing site access, thereby negating the need to access the site via the adjacent crane hire premises. Concerns have been expressed by third parties in terms of the safety of the use of this access, especially in view of the proximity to a 70m.p.h zone and the risks associated with vehicles seeking to perform right hand turn manoeuvres in and out of the access.

7.08 I am advised that the principle of the use of the access, having regard to the type and frequency of vehicle movements associated with the proposed use, is acceptable subject to the imposition of conditions. These conditions address the need for details of access improvements to be agreed before any works commence and be implemented before any other site works are undertaken. In specific address of the concern relating to right hand turns and their impact upon highway safety, I am advised that a condition requiring the closure of the central reservation gaps will be required, thereby making right hand turns a physical impossibility should be imposed. I propose to condition accordingly. In all other access and highway regard, the proposal is acceptable.

7.09 Ecological Impacts

The site does not form part of any statutory designated wildlife site and the proposals are not envisaged to impact upon any European Protected Species. Consultation on the application has been undertaken with Natural Resources Wales (NRW) who have confirmed that the proposals are considered such that would give rise to any adverse impacts, either directly or indirectly, upon the features, functionality or integrity of such sites.

8.00 CONCLUSION

8.01 I am satisfied that this proposal would not give rise to any adverse impacts upon highway safety or features of ecological importance. The proposed development is therefore considered acceptable in principle and detail subject to the conditions of the form outlined in paragraph 2.01 above.

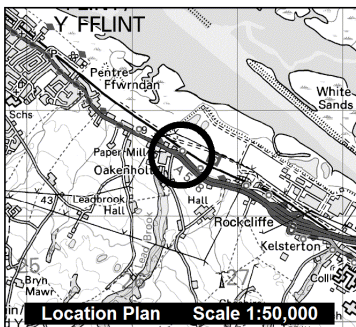
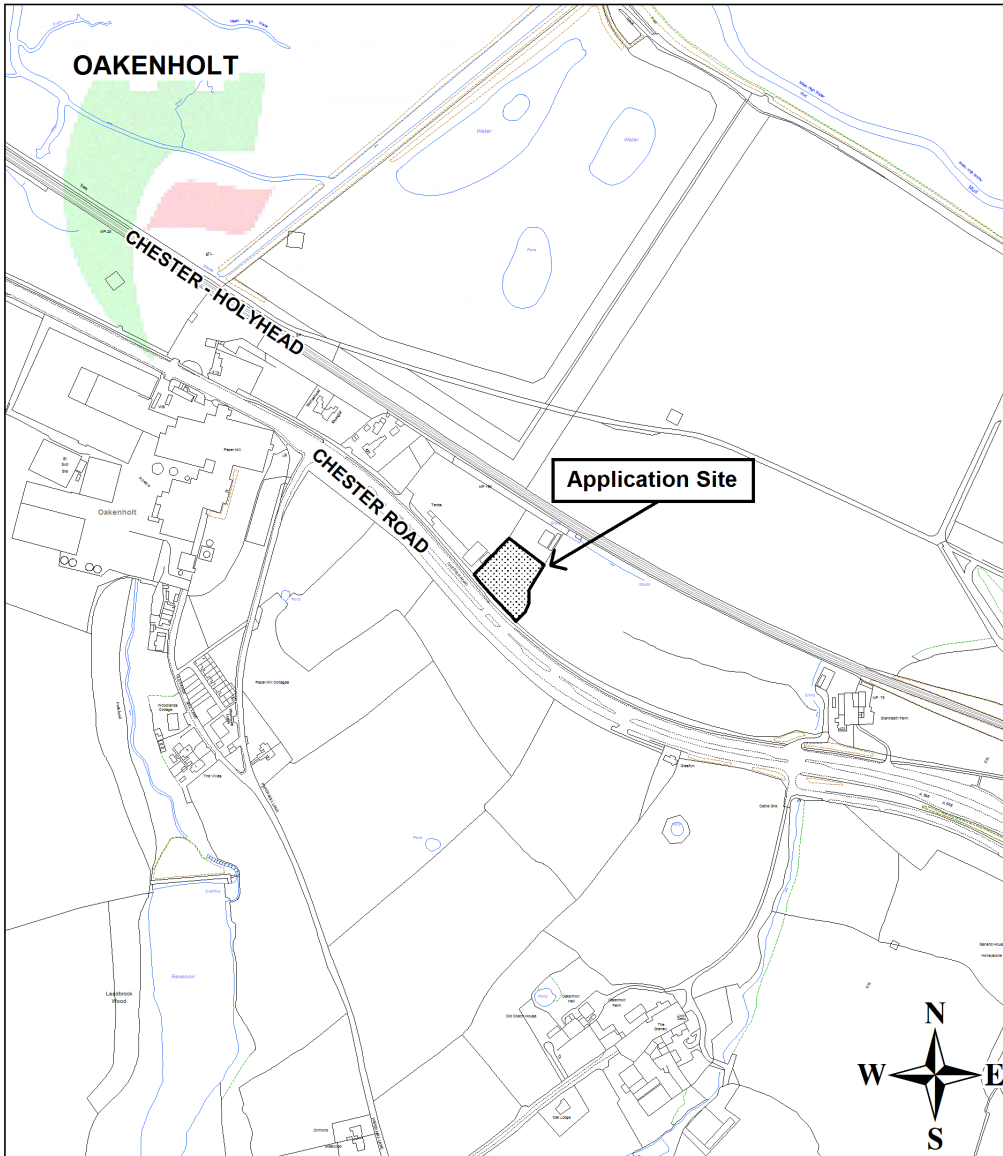
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

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

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Email: glyn_d_jones@flintshire.gov.uk

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application 53011

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 22 APRIL 2015**

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

SUBJECT: **GENERAL MATTERS - CONVERSION OF REAR OF FORMER CHURCH TO TWO BED APARTMENT AT ENGLISH CONGREGATIONAL CHURCH, HIGH STREET, BAGILLT**

1.00 APPLICATION NUMBER

1.01 051084

2.00 APPLICANT

2.01 MR. B. WILDE

3.00 SITE

3.01 ENGLISH CONGREGATIONAL CHURCH,
HIGH STREET, BAGILLT

4.00 APPLICATION VALID DATE

4.01 7 AUGUST 2013

5.00 PURPOSE OF REPORT

5.01 The purpose of this report is to obtain the authority to refuse this application which is awaiting the completion of a Section 106 Obligation and currently remains undetermined.

6.00 REPORT

6.01 Members may recall that consideration of this application was undertaken at the Planning and Development Control Committee held on the 12 March 2014. It was resolved by Members that conditional permission be granted subject to the applicant entering in to a Section 106 Obligation to ensure that the development provides for affordable rentable accommodation for the Bagillt area. A copy of the report to the Planning and Development Control Committee held on the 12 March 2014 is attached as Appendix A.

- 6.02 Despite the applicant's agent being contacted on a number of occasions and a draft copy of the Section 106 Obligation being provided, no response has been received. As there has been no progress made by the applicant's agent to sign the Section 106 Agreement, it is recommended that the application be refused. (This application predates the provision which is included in current reports allowing a refusal to be issued under delegated powers if an obligation is not signed within 6 months of the resolution)
- 6.03 The original report to committee (12th. March, 2014) is appended and the proposed development conflicts with Policy HSG3 of the adopted Flintshire Unitary Development Plan if the resultant dwellings are not affordable under the terms of the policy. The purpose of this report is therefore to obtain the resolution from Members which allows the application to be refused.

7.00 RECOMMENDATIONS

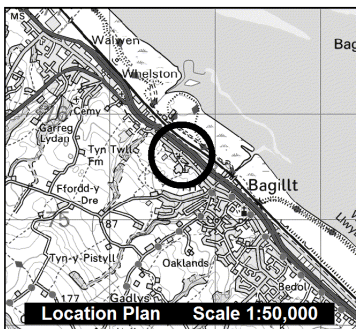
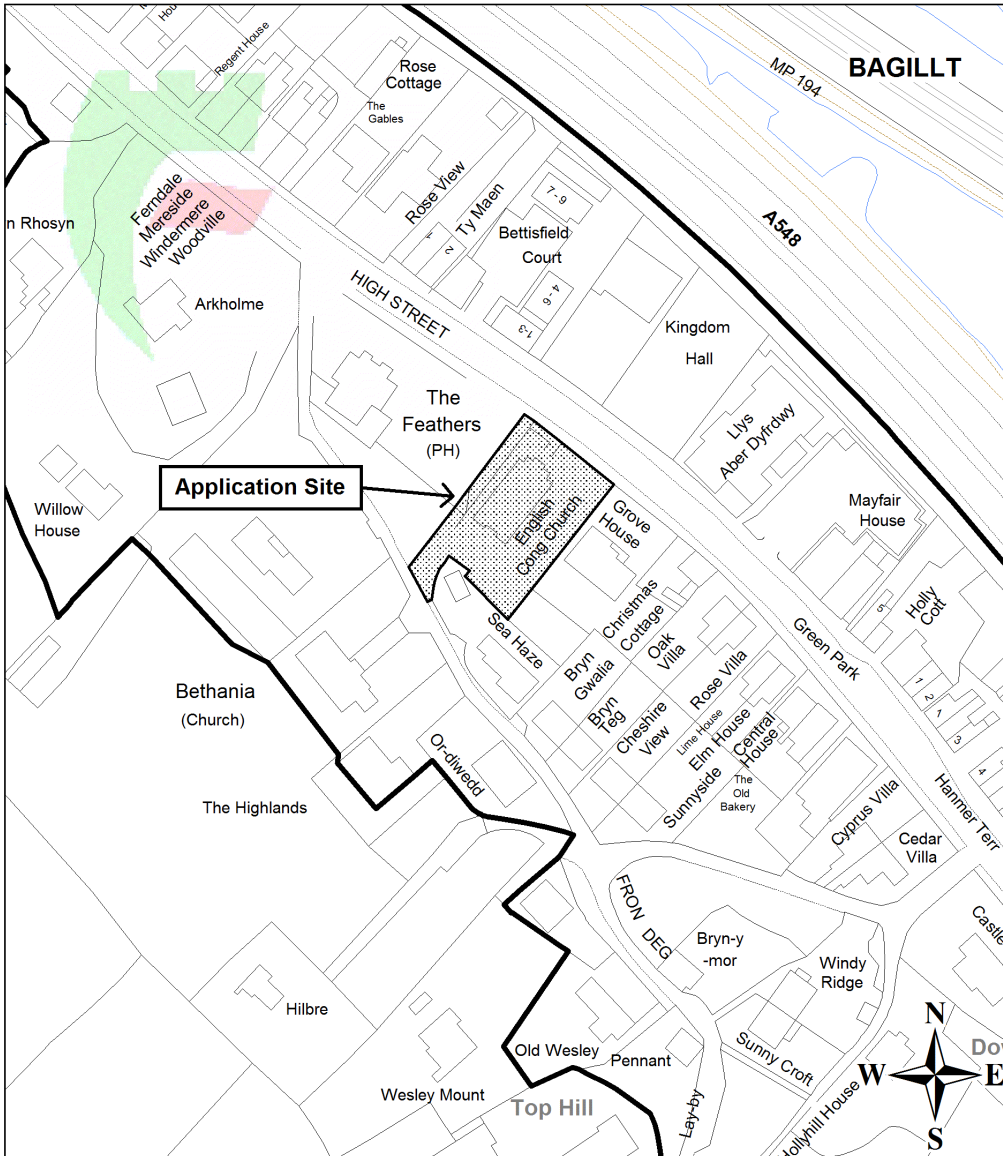
- 7.01 That planning permission be refused for the following reason.

The proposed development does not make provision for affordable homes (rental value of 80% market value for the Bagillt area) and it is therefore considered that it conflicts with Policy HGS3 of the adopted Flintshire Unitary Development Plan.

LIST OF BACKGROUND DOCUMENTS

Planning application and supporting documents

Contact Officer: Barbara Kinnear
Telephone: (01352) 703260
Email: Barbara.kinnear@flintshire.gov.uk



	Planning & Environment Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr. Andrew Farrow
	<p>Legend</p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</p>
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<p>Map Scale 1:1250</p> <p>OS Map ref SJ 2175</p> <p>Planning Application 51084</p>	

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 12 MARCH 2014

REPORT BY: HEAD OF PLANNING

SUBJECT: CONVERSION OF REAR OF FORMER CHURCH TO TWO BED APARTMENT AT FORMER CONGREGATIONAL CHURCH, HIGH STREET, BAGILLT

APPLICATION NUMBER: 051084

APPLICANT: MR B WILDE

SITE: FULL PLANNING APPLICATION FOR THE CONVERSION OF PART OF BUILDING TO TWO BED APARTMENT AT FORMER ENGLISH CONGRAGATIONAL CHURCH,HIGH STREET, BAGILLT.

APPLICATION VALID DATE: 7 AUGUST 2013

LOCAL MEMBER: COUNCILLOR M A REECE

COMMUNITY COUNCIL: BAGILLT COMMUNITY COUNCIL

REASON FOR COMMITTEE: RECOMMENDATION FOR APPROVAL SUBJECT TO A 106 AGREEMENT FOR AFFORDABLE HOUSING WHICH DOES NOT FALL WITHIN THE SCHEME OF DELEGATION

SITE VISIT: NO

1.00 SUMMARY

- 1.01 This application seeks consent for the conversion of part of the former church to create a two bedroom apartment, which would create affordable rental housing provision for Bagillt.
- 1.02 The matter for consideration is the imposition of a Section 106 Agreement to ensure that the apartment is retained for local people

who require affordable rentable housing.

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

2.01 That conditional planning permission be granted subject to the applicant entering in to a Section 106 Obligation, in respect of the following matter;

To ensure that the apartment is retained for local people who require affordable rentable housing.

Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Existing railings on western boundary to be removed to maximise width available
4. No enclosure fronting the site shall be greater than 1m above the near side channel level.
5. No net increase in surface water
6. Land drainage shall not be permitted to discharge in to the public sewerage system.
7. Foul and surface water to be drained separately from site.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M.A. Reece

Agrees to determination under delegated powers.

Bagillt Community Council

The Council objects to this particular development. There needs to be an overall proposal for the future of all the former Church building.

Head of Assets & Transportation

Suggest that the railings be removed in order to maximise parking available, and a note to applicant on any permission, that the boundary fronting the highway shall not be greater than 1m above the nearside channel level.

Head of Public Protection

No objections to the development.

Natural Resources Wales

The betterment provided in the updated submitted Flood Consequences Assessment, although limited allows some mitigation and is not considered to be so onerous as to substantiate a refusal on flooding grounds, as such NRW raise no objection. The scheme is considered to be a development of like for like, in that that the church

use was a highly vulnerable use and the apartment falls within the same definition of highly vulnerable in the NRW's consideration, accordingly there is no added risk posed by this development.

Emergency Planning

At the request of NRW the emergency planning section have considered the proposal, the submitted documents and having visited the site, the officer raised no objection to the proposal. This is due to the site being with in a NRW flood warning area, and there being sufficient high ground adjacent to the site to provide a suitable evacuation route in the event of a flood.

Welsh Water/ Dwr Cymru

If minded to grant consent recommend conditions and advisory notes.

Housing Strategy Officer

Confirm that the applicant sought preliminary advice and that there was an identified need for local affordable housing, at an affordable rent of 80% of the market rent in the Bagillt area and any provision created by the development, will need to be for this rentable value.

The strategy officer has sent through revised figures for applicants registered for affordable /local housing register for Bagillt for which there are currently 40 applicants registered for 2 bed rental accommodation. The officer also confirmed the wording requirements for the 106 pertaining to affordable renting of the apartment to ensure that it is maintained for local people who require affordable rental housing.

4.00 PUBLICITY

4.01 Neighbour Notification

No objections received at time of writing.

5.00 SITE HISTORY

5.01 **778/92** - Use of Land as car park and retention of existing access.
Permit 25.11.92

07/43645 - Erection of detached two storey dwelling. Permit 29.10.07

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 - General Requirements for Development

HSG3 - Housing on Unallocated sites Within Settlement Boundaries

EWP17 - Flood Risk

7.00 PLANNING APPRAISAL

7.01 This application seeks change of use of part of the former church to a

2 bed apartment. The rest of the building is to remain in the former use D1, which allows alternative uses in the same use class to be carried out without having to seek a change of use.

- 7.02 Whilst recognising the concerns of the community council, with regard to the application only applying for a partial use of the building, the local planning authority can only consider the application as submitted recognising that the remainder of the unit will remain in its current use unless a further planning application is submitted.
- 7.03 The proposed unit is to provide for an affordable rental housing provision, a 2 bedroom apartment unit. The applicant had carried out preliminary discussion with both the policy section and the housing strategy officer, with regard to the proposed developments compliance with the requirements of policy HSG3. There is a proven need for this type of accommodation in this area, and it has been confirmed that there are a number of people on the housing register that would comply and have a local connection to the area. As such the proposal is considered to be compliant with policy, subject to the applicant entering in to a Section 106 Obligation to ensure this affordable local housing provision is retained in the community. The applicant is aware of this requirement and has agreed to the provision of the required 106 Obligation.
- 7.04 The application site lies within an established mixed residential area, on a level site although the land to the rear rises steeply. A conifer hedge on the boundary with Sea Haze the property to the rear of the site and Grove House to the side affords privacy. There is a vacant piece of land to the side boundary with Grove House. The boundary with the Feathers public house has a small section of metal railings which are to be removed to comply with the Highways recommendation.
- 7.05 The conversion scheme proposed, leads to minimal external changes to the existing fabric of the building, with internal division of the building to create the accommodation unit. The external changes are minimal and amount to the insertion of a door to the rear of the building and the closing up of an existing side door. The building is not listed or a building of local interest, it does however lie within a C1 flood risk zone, Natural Resources Wales have considered the two Flood Consequences Assessment submitted by the applicant and have confirmed that they raise no objection to the proposal as it not considered to be any more onerous than the church use.

8.00 CONCLUSION

- 8.01 Taking all of the above matters into consideration, it is considered that there is a need for affordable rental accommodation within Bagillt. The proposed scheme has been sympathetically designed in regard to the existing former church building and is not considered to adversely

impact on the character or residential amenity of the area.

- 8.02 As such it is recommended that conditional approval be granted subject to the signing of a Section 106 Obligation to ensure the apartment are maintained for local people who require affordable rental housing.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND APRIL 2015**

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

SUBJECT: **APPEAL BY ANWYL CONSTRUCTION CO LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 41 NO DWELLINGS, OPEN SPACE AND ACCESS WORKS AT OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN - ALLOWED**

1.00 APPLICATION NUMBER

1.01 051613

2.00 APPLICANT

2.01 ANWYL CONSTRUCTION CO LTD

3.00 SITE

3.01 OLD HALL ROAD/GREENHILL AVENUE,
HAWARDEN

4.00 APPLICATION VALID DATE

4.01 23.12.14

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal following the refusal of planning permission by Planning and Development Control Committee for the proposed erection of 41No. Dwellings, open space and access works at land off Old Hall Road/Greenhill Avenue, Ewloe, contrary to officer recommendation in May 2014. The appeal was considered through a Public Inquiry held

for 3 days in February 2015. The appeal was ALLOWED. No application for costs was made by either party.

6.00 REPORT

6.01 Issues

The Inspector considered the main issues to be;

(a) Whether the proposal accords with planning policies that seek to strictly control new development outside settlement boundaries;

(b) Whether the proposal would result in the unacceptable loss of best and most versatile agricultural land;

(c) Whether the proposal would result in Ewloe having an unacceptable housing growth rate; and,

(d) Whether any harm and/or conflict with policy in respect of one or more of the above is outweighed by the lack of a 5-year housing land supply.

6.02 Settlement boundaries

The Inspector noted the site is in agricultural use and is located immediately adjacent to the settlement boundary for Ewloe, with existing housing on its northern, eastern and western sides and the land to the south being within a green barrier. The appellants acknowledged that the proposal conflicts with *Flintshire Unitary Development Plan* (UDP) policy GEN3, which states that development proposals outside settlement boundaries will not be permitted unless they fall into one of the exceptions listed, and policy HSG4, which does not permit new dwellings outside settlement boundaries unless essential to house a farm or forestry worker. The Inspector also considered that the proposal conflicts with policy STR1, which only permits development outside settlement boundaries where it is essential to have an open countryside location.

6.03 One of the objectives of these policies is to protect the character and appearance of the countryside, however, the UDP Inspector considered that development of the site would be a logical rounding off of the settlement and would harm neither the character of the locality nor the integrity of the green barrier. There is nothing in the evidence before this Inspector that would lead him to a different conclusion.

6.04 The Statement of Common Ground (SoCG) records that the majority of properties to the west of the site are two-storey semi-detached dwellings with two large two-storey detached properties to the south west. Whilst there are bungalows elsewhere, the SoCG notes that some of these have been altered and extended significantly in some cases to dormer/two-storey properties. In such circumstances, the Inspector was satisfied that the proposed 2 and 2.5 storey dwellings

would not adversely affect the architectural quality of the area and the proposed brick and render finishes would reflect the local vernacular.

6.05 Agricultural land

The Inspector noted that the Agricultural Land Classification Map indicates a substantial portion of the site as Grade 2 with the remainder being Grade 3. He referred to the fact that in considering the appeal site, the UDP Inspector noted that such grading is only intended as a broad guide but did not consider that it should be dismissed lightly. Whilst it had been suggested that the land is of much poorer agricultural quality and should not be considered as being within the 'best and most versatile' category, there was some doubt as to whether the report was prepared in accordance with the relevant guidelines. The UDP Inspector accepted the merits of many of the points made in favour of retaining the housing allocation on the site but they did not outweigh the need to resolve the agricultural land classification issue and recommended the allocation be deleted on that basis.

6.06 A subsequent assessment in 2009 by Reading Agricultural Consultants Ltd carried out in accordance with MAFF's revised guidelines and criteria, classified approximately 0.4 ha (24%) as Grade 3a with around 1.3 ha (76%) as Grade 3b. Grade 3b is capable of producing high yields of grass or moderate yields of cereals whilst Grade 3a is capable of producing moderate to high yields of cereals. The assessment notes that there is no facility to grow arable crops at Kearsley Farm, the field shape is awkward for turning machinery and access from other farms is problematic such that the agricultural utility of the land is restricted. The assessment required interpolation of auger and soil pit tests and an interested person suggested at the Inquiry that an alternative interpolation could result in a higher proportion of Grade 3a land. Whilst that may be so, the Inspector in determining this appeal had no reason to believe that the figures provided are not the best estimate. Furthermore, the Welsh Government's Department for Natural Resources and Food concluded that the survey appears sound and that a mixture of subgrade 3a and 3b would probably have been predicted.

6.07 UDP policy RE1 only permits development which would result in the loss of agricultural land of Grades 1, 2 or 3a where there is an overriding need for the development. It could be argued that the lack of a 5-year housing land supply and failure to meet the UDP's housing target represent an overriding need, but the policy also requires that the development cannot be accommodated on derelict, non-agricultural or lower grade agricultural land or available lower grade land has an environmental value or designation which outweighs the agricultural considerations. Addressing the shortfall in UDP housing

provision and achieving a 5-year housing land supply is likely to require the release of some greenfield sites adjacent to existing settlements, but there is no evidence before him to show that this could not be done utilising lower grade agricultural land and the Inspector concluded that the proposal conflicts with UDP policy RE1 as well as policy GEN1. For the same reason, it also conflicts with *Planning Policy Wales* (PPW). This states that the best and most versatile agricultural land should be conserved as a finite resource for the future and considerable weight should be given in development management decisions to protecting such land from development, because it is of special importance.

6.08 Housing growth rate

The Inspector notes that the UDP designates Ewloe as a Category B settlement, where additional development which would cumulatively result in more than 15% growth over the plan period will need to be justified on the grounds of housing need. Such justification could include local housing need and/or an explanation of why the development needs to take place in a category B rather than a category A settlement. The UDP is intended to cover a 15 year period between 2000 and 2015.

6.09 As of April 2014 there had been 357 completions in Ewloe since 2000 representing a 15.7% growth rate. At that time there was a commitment of a further 46 units from unimplemented planning permissions and if they were all completed by the UDP end date that would see Ewloe experiencing 17.7% growth over the Plan period. Both planning witnesses accepted that the actual figure would be likely to be between 15.7% and 17.7%. The UDP Inspector was of the view that additional growth of some 2% in Ewloe would not be excessive, although this was in the context of an anticipated 13% growth following adjustments to allocations, sites with planning permission and planning applications since 2005 would have increased that slightly, and the overall increase would still have been just outside the 15% indicative limit.

6.10 The Inspector who determined Appeal Ref: APP/A6835/A/14/2217325 for a single dwelling at Wood Lane within Ewloe's settlement limits noted that the proposal before her would result in unplanned growth prejudicial to the Council's settlement hierarchy and spatial strategy. If permission had been granted, there would have been a reasonable prospect of the development being completed by sometime in 2015 and there is no suggestion that delaying commencement was considered. As a result, the development would have contributed to Ewloe's growth over the plan period which has already exceeded 15%. In this case, start on site is not envisaged until Spring 2016 with completion in Spring/Summer 2018. There is, therefore, no realistic

prospect of any dwellings being occupied before the end of the current year such that the proposal would not contribute to Ewloe's growth during the UDP period or conflict with the UDP's spatial strategy.

- 6.11 The Inspector considers that the UDP spatial strategy has not been particularly successful in the way growth has been distributed across the various settlements. The growth of category A settlements varies between 1.8% and 27.2% against an indicative range of 10%-20%, category B settlements have grown between 2.2% and 27% against an indicative range of 8%-15%, and category C settlements have seen growth of between nil and 27.5% against an indicative range of up to 10%.
- 6.12 Interested parties raised concerns as to the impact on local services. The Council agreed that any impact on school numbers was capable of being addressed through a financial contribution provided through a planning obligation. Insofar as impact on health services are concerned, there are no objections from the relevant practices or the health authority, and Cllr Mackie acknowledged that getting GP appointments may be an issue elsewhere as well as in Ewloe. For the above reasons, the Inspector concluded that the proposal would not result in Ewloe having an unacceptable housing growth rate and there is no conflict with UDP policy STR4.
- 6.13 5-year housing land supply
PPW requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study (JHLAS).
- 6.14 The 2012 JHLAS with a base date of 1st April 2012 showed a 4.5 years supply based on the residual method. Whilst the Council had argued in favour of using the past completions method, the Inspector who reported to the Welsh Government on the JHLAS did not consider that a departure from the residual method was justified. Although objectors suggested that more recent figures would show an improvement, the latest 2013 JHLAS with a base date of 1st April 2013 actually shows a worsening position with only 4.1 years supply on the residual method.
- 6.15 The Welsh Government's letter to Chief Planning Officers of 19 January 2015 states that the residual methodology based on the housing requirements in an adopted LDP (or adopted UDP) will be the only methodology allowed for calculating housing land supply and the use of the past build rates methodology, which was based on the past

performance of the building industry, will not be accepted. As a result, the Inspector in this appeal gave no weight to the Council's initial arguments in respect of past completions.

- 6.16 The Council states that there are sites which are predominantly strategic development sites and not constrained in any way but are shown within the 3i category of the JHLAS through a combination of economic circumstances and developer conservatism. The Council argued that these represent a latent supply which could be accelerated in response to any improvement in market conditions and demand. Nonetheless, the inclusion of those sites within the 3i category has been agreed and for sites to be genuinely available they must be within Category 1 or 2. The Council also refers to examples of sites coming forward which are not currently falling within the 5 year figure and indicate that the draft 2014 study shows a much higher level of completions. That is not consistent with the statement in the 2013 JHLAS that low developer build rates are being put forward for the 2014 study, and the Inspector had no substantive evidence to indicate that the next JHLAS will show a 5-year housing land supply.
- 6.17 *Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1)* states that where the current study shows a land supply below the 5-year requirement, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.
- 6.18 Highways
The Inspector noted interested persons were concerned as to the impact of the additional traffic generated, although there are no objections from the highway authority and the UDP Inspector was of the view that the highway network was suitable and would not be overloaded or unacceptably congested by development of the appeal site.
- 6.19 It has been suggested that the network peak hours considered in the Transport Statement do not reflect what occurs locally. Raw traffic data from the Transport Statement was submitted at the Inquiry at the Inspectors request. Following consideration of this data the Inspector was satisfied that the traffic likely to be generated by the proposal has not been underestimated and it would not, in his view, be so significant as to materially impact on pedestrian safety. Furthermore, junction capacity assessments have confirmed that this level of additional traffic would not result in any notable effects on highway capacity.

- 6.20 Although interested parties suggested to the Inspector that the carriageway width on Old Hall Road is as narrow as 4.61m in places, measurements taken on Greenhill Avenue, Old Hall Road and Kearsley Avenue during the accompanied site visit confirmed that no widths are less than 4.8m which, according to *Manual for Streets*, is sufficient for a car and a commercial vehicle to pass each other. The appellants' highways evidence showed that the junctions of Kearsley Avenue and Wood Lane as well as Kearsley Avenue and Greenhill Avenue are capable of accommodating two-way traffic. The same evidence demonstrates that visibility at the junction of Wood Lane with the B5125 is adequate. The impacts of construction traffic could be adequately controlled through a Construction Traffic Management Plan.
- 6.21 Residential amenity
The Inspector noted that neighbouring occupiers who currently look out over an agricultural field would obviously experience a totally different outlook but, given the compliance with *Local Planning Guidance Note 2: Space around Dwellings* (LPGN 2) as referred to in the Statement of Common Ground. The changed circumstances would not be so severe as to have a significant adverse impact on their living conditions.
- 6.22 Unilateral Undertaking
The Unilateral Undertaking provides for three things. These are transferring four affordable housing units to the Council for a nominal consideration, laying out Open Space Land and a Management Agreement to secure future maintenance, as well as an Education Contribution. The affordable housing and open space aspects were agreed between the Council and the appellants.
- 6.23 Interested parties queried the transfer of four units as opposed to a 30% provision of affordable units within the development as required by UDP policy HSG10. Nonetheless, the Inspector noted the Council's experience with the provision of affordable housing through discounted market value housing which has resulted in a slow take up due to difficulties in obtaining mortgages. The Council therefore requested the 4 units to ensure delivery of affordable housing and to meet the area's need. Such an approach was considered appropriate by the Inspector who determined the Appeal Ref: APP/A6835/A/11/2166719 for land at Overlea Drive. He concluded that the aims of the policy would still be supported and this Inspector had no reason to reach a different conclusion in this case. The Inspector was therefore, satisfied that the affordable housing and open space land provisions are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

- 6.24 The Education Contribution was not agreed between parties. The Contribution is divided into a primary element and a secondary element. The extent of the disagreement in respect of the Primary element is limited to whether attendance at Welsh Medium schools should be considered and whether the number of pupils likely to be generated by the development should be rounded to the nearest whole figure.
- 6.25 The appellants note that across the County some 6.3% of primary pupils attend Welsh Medium Schools, but that is likely to fluctuate across different areas and currently only one pupil from the whole of Ewloe attends such schools. On this basis, the Inspector considered that it is unlikely that any pupils of primary school age generated by the development would attend a Welsh Medium primary school.
- 6.26 Given that the Council allows rounding up and down to the nearest whole figure, there will be an element of ‘swings and roundabouts’ and the Inspector considered that the appellants’ position seems overly pedantic. Furthermore, it is clear from the examples given in *Local Planning Guidance Note No. 23: Developer Contribution to Education* (LPGN 23) that figures would be rounded. This LPGN was subject to consultation prior to formal adoption and should be afforded significant weight in line with my colleague’s decision in Appeal Ref: APP/A6835/A/14/2217030 for land at Rock Bank, Main Road, New Brighton, which found its methodology to be sensible and generally fair. The Inspector was therefore, satisfied that a primary element of £122,570 to the Education Contribution is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. As a result, it is justified and complies with the CIL Regulations.
- 6.27 The disagreement over the secondary element is somewhat more fundamental with the appellants arguing that there is capacity available at other schools within a reasonable distance despite the nearest being over capacity. Nonetheless, LPGN 23 clearly states that contributions will be required for the nearest suitable school, which in this case is Hawarden High. The appellants draw attention to two Appeal Decisions from England. Whilst some comparisons can be made with the cases before him, there was no evidence that either of the local planning authorities in those cases had any relevant and adopted Supplementary Planning Guidance. Up to date quantified evidence of the extent to which Hawarden High is unable to meet those demands has been provided. The LPGN provides the methodology for calculating any financial contribution which is shown to be necessary. Only one pupil from Ewloe attends a Welsh medium secondary school and it is unlikely that the proposal would result in this figure increasing. The Inspector was therefore, satisfied that a

secondary element of £129,283 to the Education Contribution is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. As a result, it is justified and complies with the CIL Regulations.

6.28 Conditions

Conditions to be imposed in the event of the appeal being allowed were discussed at the Inquiry. The only difference between the Council and the appellants related to the need for a phasing condition. In the Inspectors view, this is justified on the basis of providing some certainty as to how the development would be implemented. Given the pressing need to address the lack of a 5-year housing supply, the Inspector agreed that it would be appropriate to require commencement within 2 years rather than the default 5 years.

7.00 **CONCLUSION**

7.01 The Inspector identified conflict with the statutory development plan in respect of the site being located outside settlement boundaries and the loss of some Grade 3a agricultural land. Notwithstanding that the plan has not delivered the anticipated housing numbers by some margin, he considered that the proposal also conflicts with the plan read as a whole. However, that conflict is tempered by the site having residential properties on three sides such that its development would represent a logical rounding off that would not harm the area's character. Although PPW requires considerable weight to be given to protecting Grade 3a land, the relatively small amount of such land that would be lost and its restricted agricultural utility should also be taken into consideration in the overall balance.

7.02 The site is located adjacent to a sustainable settlement which has a range of services and facilities and is accessible by transport modes other than the private car. It has previously been selected for housing as part of the UDP process adopting a sequential approach, although it was subsequently dropped because it was deemed that there was no longer a need for it within the Plan period. In its evidence to the UDP Inquiry, the Council fully acknowledged that the site is a suitable candidate for development in the next plan period and the UDP Inspector noted that if the agricultural land classification issue could be resolved, the site could be considered again as part of the Local Development Plan (LDP).

7.03 However, it was expected at the time of the UDP Inquiry that a new plan would be in place by 2015 to provide continuity to the Plan led system. The reality of the situation, despite the Minister for Housing and Regeneration stating that the need to have an up-to-date adopted LDP in place is non-negotiable, is that adoption is not envisaged until

2018 at the earliest. The UDP seeks to deliver 7,400 units in the Plan period (i.e. up to 2015) (equivalent to 493 per annum), and only 37% of the requirement could be delivered on previously developed sites with the majority of new sites allocated being sustainable extensions to existing settlements. Nonetheless, in its first 10 years or so only 3,288 units had been provided, leaving 4,112 to be shared out over the remaining 5 years (equivalent to 822 per annum). Clearly a step change was required over the last 5 years, but a central premise of the Plan was that this could be achieved. Any failure was to be identified in annual monitoring reports and addressed in reviews to the Plan or interim policies to release more land. The actual completions to April 2013 were only 4,213 units such that 3,187 needed to be provided during the last 2 years or so of the Plan period. However, the 2013 JHLAS predicts that only 1480 units will be delivered over the 3 years to 31 March 2016, leaving a substantial shortfall of at least 1707 at the end of the Plan period with the UDP clearly failing to deliver the necessary level of housing. No reviews or interim measures have been implemented and the Council has indicated that it does not intend to implement any formal steps to increase housing land. Had it done so, the Inspector considers that any additional release would in all probability also have been largely reliant on greenfield sustainable urban extensions. This substantial shortfall will need to be addressed in the early phases of the LDP, but that will not be in place for some time and there is a clear need to deliver additional housing now.

- 7.04 Looking forward, the 5-year requirement amounts to 4667 units. This is equivalent to 933 per annum and almost double the 493 per annum that would have resulted from the UDP delivering its requirement evenly across the Plan period. However, the 2013 JHLAS has identified a deficit of 871 units against this requirement, which further reinforces the need to increase supply. Although the proposal does not comply with development plan and one aspect of national planning policy, the Inspector is of the view that the need to increase supply should still be given significant weight in the overall balance. The Council suggest that sequentially preferable sites should have been considered first, but housing provision in Flintshire is largely dependent on greenfield sustainable urban extensions and the Inspector saw no evidence that this will change beyond 2015. Even if additional sites could be made available adjacent to Category A settlements or on poorer quality land adjacent to category B settlements, the reality of the situation is that they would be unlikely to come forward for some time or be included in the next JHLAS. Furthermore, the extent of the deficit is so great that even if 3i sites in Category A settlements, such as the appellants' development at Croes Atti, could be accelerated, by themselves they would not be sufficient to address the problem.

7.05 The Inspector also notes that the Minister for Housing and Regeneration views building more homes as his priority, noting that this will not only meet growing housing need, but also generate growth and jobs, provide work to help people out of poverty and ameliorate the effects of the bedroom tax. There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations. However, in the particular circumstances of this case the benefits of the scheme outweigh the conflict with the development plan and one aspect of national planning policy and the balance clearly falls in favour of allowing the appeal such that the limited loss of Grade 3a land is not unacceptable.

7.06 For the reasons given above the appeal should be ALLOWED.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

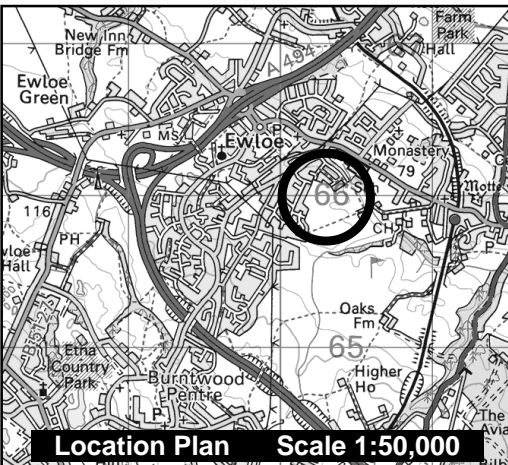
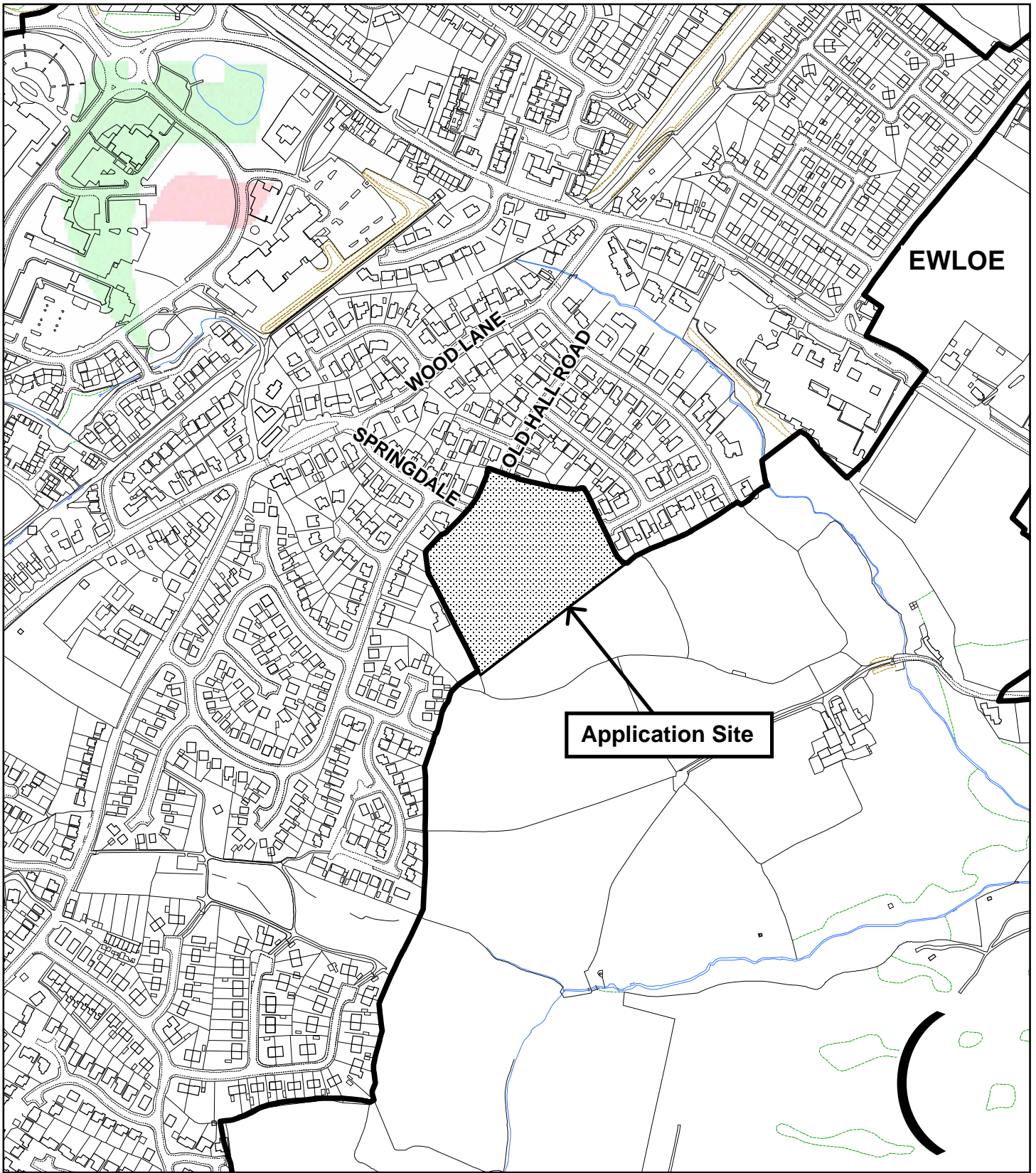
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

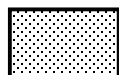
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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr. Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 3066

Planning Application **51613**

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