

# Public Document Pack

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



To: Members of the Planning and  
Development Control Committee

CS/NG

13 May 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, 20TH MAY, 2015** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

- 1 **APPOINTMENT OF CHAIR**  
To appoint a Chair for the Committee.
- 2 **APPOINTMENT OF VICE-CHAIR**  
To appoint a Vice-Chair for the Committee.
- 3 **APOLOGIES**
- 4 **DECLARATIONS OF INTEREST**
- 5 **LATE OBSERVATIONS**

6 **MINUTES** (Pages 7 - 26)

To confirm as a correct record the minutes of the meetings held on 17 April and 22 April 2015.

7 **ITEMS TO BE DEFERRED**

8 **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  
20 MAY 2015**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
8.1	053080	053080 - A - Full Application - Erection of 6 No. Apartments with Associated Access and Parking at 1 Queen Street, Queensferry (Pages 27 - 38)
8.2	052887	052887 - A - Outline Application - Erection of 6 No. Dwellings at 31 Welsh Road, Garden City. (Pages 39 - 52)
8.3	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 53 - 62)
8.4	053048	053048 - A - Outline Application with all Matters Reserved for the Construction of Over 55's Extra Care Accommodation at Car Park, Halkyn Road, Holywell (Pages 63 - 72)
8.5	053141	053141 - A - Full Application - Erection of 16 No. Dwellings with Associated Pedestrian Footway and Upgrade of Existing Lane at Holmleigh, Cheshire Lane, Buckley (Pages 73 - 86)
8.6	051926	051926 - A - Full Application - Construction of 4 No. 2 Bedroomed Houses with Adjacent Car Parking at 245 High Street, Connah's Quay. (Pages 87 - 96)
8.7	053420	053420 - A - Full Application - Proposed Change of House Types on Plots 19, 26 & 27 and Re-Position on Plots 20, 21 & 22 from Previously Approved Residential Development 048855 at Cae Eithin, Village Road, Northop Hall. (Pages 97 - 104)
8.8	053496	053496 - A - Full Application - Proposed Change of House Type Position on Plots 40 to 46 Inclusive at Cae Eithin, Village Road, Northop Hall. (Pages 105 - 112)
8.9	052388	052388 - General Matters - Full Application - Erection of 20 No. Dwellings (Phase 2) at Village Road, Northop Hall. (Pages 113 - 116)
Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
8.10	050613	050613 - Appeal by Morris Homes Ltd Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 36 No. Affordable Dwellings with Associated Parking, Access, Habitat Creation and Public Open Space at Llys Ben, Northop Hall - DISMISSED. (Pages 117 - 124)
8.11	050965	050965 - Appeal by Mr. B. Thomas Against the Decision of Flintshire County Council to Refuse Planning Permission for Regularisation of Existing Equipment Store at Mountain Park Hotel, Northop Road, Flint Mountain - DISMISSED. (Pages 125 - 128)
8.12	052233	052233 - Appeal by McDonald's Restaurant Limited Against the Decision of Flintshire County Council to Refuse Planning Permission for Alterations to the Drive Thru Lane and the Reconfiguration/Extension to the Car Park to Provide a Side by Side Order Point at McDonald's Restaurant, St. Asaph Road, Lloc - ALLOWED (Pages 129 - 132)
8.13	052639	052639 - Appeal by Mr. Ian Bramham Against the Decision of Flintshire County Council to Refuse Planning Permission for Replacement of a Static Caravan with Chalet for Holiday Use and Associated Works at Land Adjacent Chapel House, Bryn Goleu, Nannerch - DISMISSED. (Pages 133 - 134)

<b>8.14</b>	<b>052702</b>	052702 - Appeal by Mr. J. Bedford Against the Decision of Flintshire County Council to Refuse the Planning Permission for Construction of New Roof Over Garage, Pond Shelter and Installation of Hot Tub at 28 Windsor Drive, Flint - DISMISSED. (Pages 135 - 138)
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## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE** **17 APRIL 2015**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Friday, 17 April 2015

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

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Evans, Ray Hughes, Christine Jones, Richard Lloyd, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, David Roney,

### **SUBSTITUTIONS:**

Councillor: Haydn Bateman for Carol Ellis, Richard Jones for Veronica Gay and Mike Lowe for Billy Mullin

### **ALSO PRESENT:**

The following Councillors attended as adjoining Ward Members:-

Councillor: Bernie Attridge, Ian Dunbar and Ian Smith for agenda item 4.1

### **APOLOGIES:**

Councillors: David Cox and Alison Halford

### **IN ATTENDANCE:**

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

## **172. DECLARATIONS OF INTEREST**

Councillor Bernie Attridge declared a personal and prejudicial interest in the application and indicated that, following advice from the Democracy and Governance Manager, he would leave the meeting after he had spoken.

## **173. LATE OBSERVATIONS**

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

## **174. FULL APPLICATION FOR AN ENERGY RECOVER FACILITY AT WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL PARK, DEESIDE (052626)**

The Committee considered the report of the Chief Office (Planning and Environment) in respect of this application which had been the subject of a site visit earlier that day. The usual consultations had been undertaken and the responses received were detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The Senior Minerals and Waste Officer detailed the background to the report and explained that the proposal was to address the management of residual municipal waste for the five North Wales Authorities that had signed up to the North Wales Residual Waste Treatment Project (NWRWTP). The proposal would allow the waste to be dealt with in a cost effective way rather than being submitted to landfill to comply with local and national directives. The current figures for recycling in North Wales were 56% which was an increase from 19% in 2003. The target was to achieve 70% recycling with 30% residual by 2025 with a target of zero residual by 2050. Failure to comply with these targets would result in heavy penalties. The officer explained that the waste was currently sent to a disposal facility in Wrexham or processed by the Council's themselves and there were two digesters in North Wales for food waste, one in Caernarvon and one in Rhuddlan.

It was reported in the late observations that some of the Local Members had not responded to the second round of consultation that was undertaken. The officer explained that the applicant had submitted information on technical flood issues on part of the site based on Natural Resources Wales (NRW) forecasts. Flooding had not been raised in any of the public consultation responses and therefore responses to the second consultation on this particular issue had not been expected from all those who responded to the first consultation. He commented on the Environmental Impact Assessment requirements to re-consult following the submission of further information and the second consultation process had gone above and beyond the requirements of the Regulations that only required relevant consultees to be consulted. Because the site ran very close to different wards, even though it was sited in Connah's Quay Wepre ward, there had been a decision to undertake wider consultation with adjoining ward members which was repeated in the second consultation.

The site was 10.5 hectares in size and was located in the Deeside Industrial Park. The development was industrial in nature and would look like other sites in the area. It was proposed that the chimney stack would be 85 metres and the site was to be fully landscaped and would include a water attenuation pond. The facility would be reached by road from the A548 but it was anticipated that in the longer term rail links could be achieved. The officer commented on a site visit that some Members had attended in Wolverhampton to a similar type of facility to what was being proposed. This site could take up to 200,000 tonnes of waste whereas the site in Wolverhampton was designed to take up to 300,000 tonnes. This site would accept residual municipal waste from the five North Wales authorities of between 112,000 and 118,000 tonnes per year and would also be able to process and treat 57,000 to 88,000 tonnes of industrial and commercial waste. The recycling of the waste would produce 16MW of electricity and 8MW of heat and the facility would produce 45,000 tonnes of bottom ash.

The proposal was in accord with the Unitary Development Plan and complied with policies GEN1, STR1, EWP5 and EWP6 to EWP8. The proposal would not affect the ecological integrity of the site or the designation of the River Dee or the Dee Estuary. It also complied with good design standards. There were excellent transport links in place to the Deeside

Industrial Park. It was recommended that the proposal be approved and granted a temporary permission to 2050 to address the concerns raised by NRW. Control of the site would be by planning conditions and the requirement to apply for an environmental permit from NRW. There were strict guidelines in place in relation to omissions and noise level controls and if these were not adhered to, then the permit would not be granted and the facility could not operate. The proposal was sited some way from residential properties and it was not anticipated that noise would be an issue. Up to 300 jobs would be created during the construction of the proposal with 32 to 37 personnel required to operate the site. The officer explained that it was the intention of the applicant to set up a liaison group to serve as a forum to highlight and address concerns as a result of the proposal. The application had received a small number of objections and the officer indicated that more letters of support than objection had been received. The letters of support mainly commented on sustainability and the economic benefits for the area whilst the letters of objection highlighted noise pollution and air quality as areas of concern as well as insufficient transport links in the wider area. Objections had also been received about the procurement process undertaken by the NWRWTP but the officer explained that this was not a material planning consideration. The initial objections raised by NRW had now been withdrawn following submission by the applicant of further information relating to flooding issues and therefore there were no objections from statutory consultees.

Mr. M. Redmond spoke on behalf of Burton Residents Association. He said that the main reasons for objecting to the proposal were on the grounds of possible risk to health, possible noise pollution and the use of obsolete technology. He felt that particles PM1 and PM2.5 could not be monitored and these could cause serious damage to health and that an incinerator was an obsolete method of dealing with waste as there were other options such as mechanical and biological treatments. He commented that incinerators were banned in Germany. On the issue of noise, he explained that following a public consultation exercise held in June, information on noise modification work by the company had been requested but Mr. Redmond said that to date this had not been received. Concerns had also been raised about noise and vibration and requests had been submitted to the operator to consider the issues but these had been denied. If the application was approved, Mr. Redmond asked that strict environmental conditions be imposed. He added that he was aware that if the application was refused, then Flintshire County Council would be liable for a large penalty.

Mr. P. Short spoke in support of the proposal. He felt that Parc Adfer was vital to manage waste sustainably and would be used as a resource for energy and would produce 40,000 tonnes of secondary aggregates. The site was specifically allocated for employment use and would create 35 jobs once the facility was in operation. The proposed facility would be sited in the Deeside Enterprise Zone and the proposal complied with all guidelines on the issues of noise and air quality. The site was over 1.7km away from residential settlements and would not lead to any noise issues for residents. It was not anticipated that the traffic in the area would increase because of the proposal and if all of the vehicles from the facility used Aston Hill, the traffic would only

increase by 0.1%. It complied with all policies and met and exceeded the required guidelines. The proposal would produce 16MW of low cost energy and would also produce heat.

Councillor C. Risley from Connah's Quay Town Council spoke against the proposal. He raised significant concern about the process for identifying the preferred site and indicated that if the application was refused, Flintshire County Council would be liable for a penalty of over £70m; he therefore queried how the Committee could objectively determine the application. He highlighted serious concerns on pollution, noise, dust, soot, ash and noxious omissions and added that the facility would have little or no control over what entered the process other than it was residual waste. He felt that it was difficult to monitor omissions and added that any omissions would affect the residents of Connah's Quay. He commented on the increase in traffic and problems which currently occurred on the wider road network and added that in 2012/13, the A494 which served the Deeside Industrial Park was free of roadworks or accidents for only 84 days. The risk to the health of residents had not been considered and he asked whether this was worth the provision of 35 jobs.

The Democracy and Governance Manager indicated that how the site had been identified and any penalties that would have to be paid were not material planning considerations and should therefore not be taken into account in considering the application.

Councillor Ian Dunbar, an adjoining Ward Member, spoke on behalf of the residents of Connah's Quay. They were strongly against the proposal due to fears about the fallout of omissions and he commented on omissions from other facilities on the Deeside Industrial Park including the power station and the steelworks. Concerns had been raised about the health of residents and their families and Cllr Dunbar referred to a USA environmental protection website which indicated that Wheelabrator had violated the clear air act. On the issue of policy EWP12, he did not feel that the report had addressed the concerns raised by Cheshire West and Chester Council and therefore suggested that the application could be refused or deferred until the concerns had been addressed. He queried what would happen if the rates of waste fell below the proposed targets and referred to an email which indicated that the costs had increased once Wheelabrator became the final bidder. He said that Connah's Quay Town Council had asked that the proposal be scrapped but the NWRWTP had proceeded with the proposal. Cllr Dunbar added that there was now the added concern of the penalty of £71m. He commented on the consultation undertaken with Connah's Quay Town Council where the proposals to bring the waste in by rail had been discussed but not proceeded due to the cost. This would now result in 80 to 90 extra wagons on the road to bring the waste to the site.

The Democracy and Governance Manager reiterated his earlier comment that the issue of penalty was not a material planning consideration.

Councillor Bernie Attridge, an adjoining Ward Member, spoke on behalf of Connah's Quay Town Council's request to reject the application but added that as it appeared that local members had not been consulted on the second



round of consultation, that the application be deferred to allow the consultation to take place. Burton Residents Association had also requested information but this had not been received. If the application could not be deferred, he asked that it be refused on the grounds that there had been a failure to demonstrate the need for the facility and non-compliance with Welsh Government (WG) policies. Concern was also raised about the proposals no longer including an option to bring the waste to the site by rail. He felt that this would result in wagons coming to the site from all over the country rather than just North Wales to make up the commercial and industrial waste targets. He felt that the proposal would not benefit the residents of Connah's Quay, Shotton or Garden City and requested that the Committee either defer or refuse the application. Having earlier declared an interest, Councillor Attridge left the meeting.

Councillor David Roney proposed refusal of the application, against officer recommendation, which was duly seconded. He commented on concerns about health of residents and referred to a report by an environmental watchdog that hundreds of thousands of people would die as a result of air pollution. He felt that to install an incinerator would add to these concerns. He queried the amount of pollutants that would be produced and queried how the Committee could approve an application to burn waste that should be recycled. He commented on the waste site in Rhyl where 90% of waste was recycled if operatives on site supervised the disposal of the waste into skips, but this reduced to 60% with no supervision. He referred to TAN8 which indicated that such facilities should be sited adjacent to a suitably sited heat user but he did not feel that such a user was in place currently.

In referring to paragraph 8.04 where site selection was reported, Councillor Mike Peers indicated that this provided little background about the brownfield site. He commented on the 200,000 tonnes that could be processed at the site but raised concern about the industrial and commercial waste of approximately 57,000 tonnes which was more than 25% of the amount that the site could process; he queried why this was not reported and asked where the waste would come from. He commented on the use of rail to bring waste to the site and referred to the original consultation document from the NWRWTP about the benefits of using rail to reduce traffic and bring financial benefits. It had now become apparent that rail would not be used due to costs but Councillor Peers felt that it should be a fundamental part of the application.

Councillor Ian Smith objected to the application. He said that thousands of tonnes of waste would be burned and the omissions would be spread over a wide area, but the distance was unknown. He felt that there were no plans to measure the omission levels so the accumulation levels would not be known.

In referring to the suggestion to defer the application, Councillor Chris Bithell said that responses to the first consultation were well documented but very few appeared to have been consulted in the second round of consultation; he therefore moved deferment which was duly seconded. He suggested that it could be that the consultees were satisfied and had therefore not responded but he also queried whether the consultation had been

undertaken properly. Councillor Derek Butler concurred as he felt that it was important that all consultees be given the opportunity to respond to the second consultation. Councillor Peers referred to the earlier explanation from officers about the second consultation and asked whether it was safe to proceed to a determination at this meeting because of the lack of response to the second consultation. Councillor Roney felt that there had been a conspiracy of silence as the press and public had not been aware of the meeting which was originally scheduled for 13 March 2015 and that he had only known of this meeting last week. Councillor Richard Jones reiterated the comments about the lack of responses to the second consultation and highlighted the comments from Cheshire West & Cheshire Council who had responded first time round but not the second. Cllr Neville Phillips also agreed with deferment.

In response, the Chief Officer (Planning & Environment) explained that the reason the meeting had not taken place on 13 March 2015 was because of the second consultation as a result of objections from NRW about flooding. Further information was then submitted by the applicant on that aspect and officers were then duty bound to reconsult and therefore the meeting on 13 March could not take place. The initial response from Cheshire West & Chester Council had not made any reference to flooding and therefore they would not have been expected to make any response to the second consultation which was only on flooding issues. Statutory consultees had been consulted and the issues of flood risk had been addressed and as a result, NRW had withdrawn their objection.

The Democracy and Governance Manager explained that for special planning committees, the date was only released to the public when officers were sure that the meeting would proceed. Notice was provided to Members of the 13<sup>th</sup> March date but further consultation was required so the meeting could not take place. Advance notice of this meeting was also provided to members but confirmation that the meeting could take place was only agreed last Friday as the report had to be considered by a barrister to ensure that it was legally sound to proceed today; he confirmed that it was. The press had been kept updated by the Corporate Communications Office.

Councillor Bithell said that issues other than flooding had been raised and consultees would expect their comments to be carried forward too. The Chief Officer (Planning and Environment) said that all comments received were valid but that he would not have expected all consultees to respond to the second consultation if they had not referred to the issue of flooding in their initial response. He did not feel that the application should be deferred and added that all of the objections received were material to the consideration of the application.

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

Councillor Bithell indicated that the proposal was on a brownfield site which was allocated in the UDP for B1 and B8 employment uses and was an appropriate site for a waste management facility. He was disappointed that the provision for rail was not included in the proposals as he felt that the 5.5

extra vehicle movements per hour was considerable. He referred to the comments about there being no sustained level of nuisance which he felt suggested that there was some such levels. He commented on the cumulation of omissions from this and other factories on the Deeside Industrial Park but indicated that it was reported that this was within allowable levels. He raised concern about the stack height.

Councillor R. Jones referred to the comments of Cheshire West & Cheshire Council about levels of nitrous oxide which he was concerned about and he raised concern that details of omissions had not been provided other than to refer to them being below acceptable levels in paragraph 8.104; he requested a guarantee that the omissions would not be a risk to health. He referred to the possible issue of contaminated land and highlighted paragraph 8.68. He also asked for clarification on where the industrial and commercial waste would come from and, in referring to TAN8, sought clarification on what could be used as a heat load. He felt that there were better ways to deal with waste. Councillor Christine Jones raised concern about the health of residents and referred to the toxic omissions from the stack and the effect on the environment and atmosphere on the future health of residents. She considered it was a major concern and she sought reassurance that the emissions would be monitored. She also considered that the impact on the highways was a major concern with an additional 208 movements by heavy goods vehicles; the highways were already extremely congested. She was disappointed that the waste would not be brought to the site by rail.

Notwithstanding the comments of the Burton Residents Association, Councillor Butler said that national bodies that had been consulted did not have an issue with health and the proposal was compliant with guidelines. He added that if the applicant did not comply, a permit would not be issued and the site could not operate. He commented on the visit to Wolverhampton and of the support put forward by local business. He also referred to the 35 jobs that would be created. He felt that businesses in the area would be able to use the heat source but raised concern that rail links no longer formed part of the proposal. He also commented on whether the arisings over the period would be sufficient and that waste would be brought in from further afield. He felt that it was important to concentrate on whether the proposal was needed.

Councillor Gareth Roberts felt that it would be difficult to substantiate grounds for refusal in an appeal as the application met the criteria. He was surprised at the omission of rail as a method to transport the waste but felt that this was not a sufficient reason to refuse the application. He commented on the height of the chimney stack but suggested that it would not be out of place as it was on an industrial estate. No adverse comments or objections had been received from statutory consultees and he spoke of the visit to the site in Wolverhampton. He also suggested that consideration of whether there were other methods available to dispose of the waste was not grounds for refusal of this application and he felt that the correct decision was to approve the proposal.

In response to the comments made, the Senior Minerals and Waste officer explained that the majority of residential municipal waste from Gwynedd, Anglesey and Flintshire was currently taken to the Hafod site in

Wrexham and therefore this proposal would not result in additional traffic movements as the vehicles were already on the road, even though they were going to a different destination. The site could accommodate the levels of traffic proposed because of the transport links and in an ideal world, rail would be a good option for the movement of waste but the applicant could not be forced to include this in the proposal. On the issue of contaminated land, he explained that the site was a brownfield site where the steelworks had been sited. It was therefore felt that the best option was to leave the earth in situ rather than dig it up and this had been detailed in paragraph 8.68. The Council would have no control over where the industrial/commercial waste was sourced from but the officer did not feel that it would come from far away from the site. The main purpose of the application was for the municipal waste generated by five local authorities across North Wales and any other parts to the proposal could not be controlled by condition. Consultation with Environmental Health colleagues had been undertaken and they had indicated that there would be no adverse cumulative effects on human health from pollution. He reminded Members that they should deal with the application before them and not consider whether there were other technologies that were more appropriate. On the issue of the stack height, at 85 metres, it was slightly shorter than the height from the road to the top of the Flintshire Bridge which was 93 metres.

The Minerals and Waste Manager commented on the stack height and displayed photographs to show the Committee the area where the chimney would be sited and suggested that because it would be sited in an industrial area, it would blend into the background. On the issue of where the industrial/commercial waste would come from, he explained that waste seldom travelled more than 35 miles and given that new facilities had recently opened in England that served Cheshire/Lancashire/Greater Manchester, he felt that the waste would come from areas where this site would be nearer to travel to. He commented on the capacity of the site which would accommodate the target amount of 30% residual waste which currently went to landfill and added that the greatest contributor would be Flintshire and local authority waste with any difference in arisings probably coming from North Wales.

In response to a comment from Councillor Roney on the requirements of TAN8, the officer confirmed that the site was located in the Deeside Industrial Park which was one of the largest industrial areas in Wales or even the UK and was a suitable heat load.

The Policy Strategy Manager felt that TAN8 was relevant and commented on the future of Deeside Enterprise Zone and Northern Gateway and the target of 5,000 jobs for the area for which he suggested energy would be required. He advised that there was the additional safeguard that none of the statutory consultees had any concerns or objections to the proposal which he felt Members should be mindful of. It was also a requirement that the site was operated in a safe sustainable manner otherwise NRW would not issue an environmental permit.

In summing up, Councillor Roney reiterated his earlier comments about a large number of people dying because of air pollution and suggested that a

heat load source had not been identified. He commented on the lack of an option for rail transportation of the waste and queried what would happen if there was not enough waste to achieve the targets set for the proposal. He spoke of possible alternatives to deal with the waste and also of the trip to Wolverhampton which he had not enjoyed. On the site visit Members had been advised that the site was run with six operators in the day and one at night and he felt that this proposal would therefore not create jobs. He commented on the harmful effect of top ash which had to be buried because of its toxic nature. He felt that the application should be refused because the applicant had not shown the need for the size of facility that was being proposed and that the proposal did not include the movement of waste by rail to reduce traffic on the road.

The Chief Officer (Planning and Environment) commented that the second reason given was not valid and indicated that there was a need to identify the harm shown by the development. Councillor Roney then suggested that the reasons should be:-

1. No need for the size and type of facility
2. No suitable receptor for combined heat and power plant as required by TAN8
3. Increased impact on the road network

The Chief Officer (Planning and Environment) said that there had been no objections from Highways on traffic issues and queried whether Councillor Roney wanted to include the third reason; he confirmed that he did.

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

The Chief Officer (Planning and Environment) indicated that the application had been refused against officer recommendation and he considered it appeared to represent a significant departure from planning policy and as such would need to seek advice from the Legal Officer as to whether he agreed that the decision was a significant departure from policy. If he did, the decision would need to be referred back to the Committee in line with procedures.

## **175. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were 9 members of the public and 2 members of the press in attendance.

(The meeting started at 2.30 pm and ended at 4.33 pm)

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**Chairman**

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**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**22 APRIL 2015**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 22 April 2015.

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

Councillors: Chris Bithell, Derek Butler, David Cox, Ian Dunbar, Alison Halford, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips, and Mike Reece

**SUBSTITUTIONS:**

Councillors: Haydn Bateman (for Marion Bateman), Jim Falshaw (for Owen Thomas), Brian Lloyd (for David Roney), Mike Lowe (for Billy Mullin)

**ALSO PRESENT:**

The following Councillor attended as local Member:-

Councillor Carolyn Thomas - agenda item 6.2.

The following Councillor attended as an observer:

Councillor: George Hardcastle

**APOLOGIES:** Councillors Carol Ellis, Gareth Roberts and Veronica Gay

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

**176. DECLARATIONS OF INTEREST**

Councillor Mike Peers declared a personal/prejudicial interest in the following application because a family member was employed at Pennaf Limited:-

**Agenda item 6.1 – 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 (053122).**

Councillor Christine Jones declared a personal/prejudicial interest in the following application because the application site is located at the rear of her main residence:-

**Agenda item 6.3 – Outline application – Erection of 6 No. Dwellings at Land to the Rear of 31 Welsh Road, Garden City (052887).**

**177. LATE OBSERVATIONS**

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

**178. MINUTES**

The draft minutes of the meeting of the Committee held on 25 March 2015 had been circulated to Members with the agenda.

Matters arising

Councillor Chris Bithell referred to the concern he had raised in Minute 167, and asked if the situation had been monitored by the Enforcement Team. The Planning Development Manager responded that as far as he was aware it had not but he would make further enquiries about the matter with the Enforcement Team.

**RESOLVED:**

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

**179. 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.

**180. VARIATION IN ORDER OF BUSINESS**

The Chair indicated that there would be a slight change in the order of business to bring forward agenda item 6.5. The remainder of the agenda would then follow in the usual order.

**181. FULL APPLICATION – ERECTION OF CONCRETE BATCHING PLANT AT BRYN THOMAS CRANE HIRE, CHESTER ROAD, OAKENHOLT (053011)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 20 April 2015. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The Officer detailed the background to the report and highlighted the main planning considerations that were reported in paragraph 7.05 and outlined in the report. He referred Members to the late observations which included an additional suggested condition concerning days and hours of work.



Mr. John Yorke spoke against the application on behalf of concerned residents. He raised a number of concerns in relation to unsafe and inadequate access and highway safety. He commented on the lack of restriction on direction of travel to and from the entrance/exit points and the risks associated with heavy traffic and large vehicles seeking to perform manoeuvres in and out of the access. He also referred to the impact in terms of site operation and the number of days and hours worked which he felt had not been given sufficient consideration by Planning Officers. He referred to the number of Halkyn Quarry lorries which would travel through the centre of Flint and he expressed further concerns regarding the scale and design of the building and the 26m. high structure proposed, which he said could not be obscured from public view

Mr. Huw Evans, the agent for the applicant, spoke in support of the application. He referred to the improvements that had been made to address the concerns raised by the local Member for the Ward, local residents and following discussions with Highways officers it was intended to close the central reservation gaps, ensuring that all traffic would turn left resulting in a net gain to highway safety. With regard to potential noise and dust issues he stated that the batching plant used a wet process and there was no objection from the Council's Pollution Control officers. He added that the proposal complied with the policies in the UDP and national policies concerning sustainable use of brownfield land and the creation and safeguarding of local jobs. Concerning the late observations he said that the suggested additional condition in relation to the days and hours of work at the site were also acceptable to the applicant.

Councillor Ray Hughes moved refusal of the application, against officer recommendation, which was duly seconded. He outlined his concerns in terms of highway safety on the basis of 30 ton lorries having to stop for both the cycleway and the road and commented on the lack of an acceleration/deceleration lane. He added that this would introduce slow moving vehicles at both roundabouts. He believed that the safety of the general public travelling in the area was paramount and expressed the view that this outweighed any benefits to be gained by granting the application.

Councillor Mike Peers acknowledged that the applicant had sought to address closure of the central reservation gaps, however, he felt that further enhancements were required and that an acceleration/deceleration lane was needed on this fast stretch of road, in which case he would be happier with the proposal.

Councillor Derek Butler spoke in support of the application and the choice of location. He said the proposal would develop and protect employment in the area.

Councillor Chris Bithell stated that this was a brownfield site and officers from Planning and Highways had raised no sound planning reasons to refuse the application and he commented on the need to acknowledge the advice provided.

Councillor David Cox spoke against the application. He referred to the routes which heavy vehicles would have to take to and from Halkyn through Flint and said that the number of vehicles proposed would place a severe strain on traffic in the area.

Officers responded to the concerns raised and referred to the improvements that would be made to the existing access and that the Manual for Streets did not support the provision of acceleration/deceleration lanes. The concerns over routing could be met through a traffic management plan, which could be conditioned. Referring to the further issues raised regarding visibility Officers advised that arrangements were in excess of requirements. The Planning Strategy Manger added that the proposal complied with Policy EM4, he referred to previous uses which included a petrol filling station and the existing heavy traffic through Flint.

In summing up Councillor Ray Hughes reiterated his concerns around highway safety and commented on the danger posed by the manoeuvring of heavy vehicles, slow moving traffic, lack of a deceleration lane, and a cycle-way.

The Chair asked Members to vote on the proposal put forward by Councillor Ray Hughes that the application be refused. On being put to the vote the proposal to grant the application was LOST

**RESOLVED:**

That planning permission be refused on the grounds of highway safety reasons

**182. 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 (053122)**

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

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

The Officer detailed the background to the report and highlighted the main planning considerations which related to the ransom strip across the preferred access but an earlier permission for 10 apartments used the access now proposed. She drew attention to the late observations and advised that the Local Member, Councillor George Hardcastle, had raised concerns about use of access and had requested that consultation be undertaken with

Emergency Services. A shared surface was suggested and the Fire Service had indicated that this was acceptable provided that a width of 3.7 metres could be achieved.

Councillor Richard Lloyd moved refusal of the application, against officer recommendation, which was duly seconded. He stated that a site visit had not been undertaken regarding the application and outlined a number of concerns in terms of access. He referred to the Yowley Road site access and said it was not suitable as it was only 3.1 metre wide between kerbs, having a narrow footway on one side, overgrown boundary growth, and he disputed the availability of the 3.7 metres width required by the Fire Service. He also queried the ransom strip and the Democracy and Governance Manager advised that it was for Members to determine the application before them. Cllr Lloyd asked that clarification on the width of the Yowley road site access be provided and proposed that the application be deferred and a site visit undertaken. On being put to the vote the proposal was CARRIED.

**RESOLVED:**

That planning permission be deferred to allow width of access to be confirmed and a site visit to be undertaken.

After the vote had been taken, Councillor Mike Peers returned to the meeting. The Chair informed Councillor Peers of the decision which had been taken by the Committee in his absence.

**183. 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 (053146)**

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 highlighted the main planning considerations which were outlined in the report. She advised that there had been a number of objections to the application by local residents which were detailed in paragraph 4.01 of the report. She advised that the proposal complied with Policy T3 of the UDP as detailed in para. 7.07 of the report. Referring to the issues raised in relation to private amenity space and overlooking she said these had been taken account of and could be mitigated subject to the conditions recommended.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He welcomed the proposal which he said would help to promote and develop tourism in the area.

Councillor Ian Dunbar also spoke in support of the application and said the applicant had agreed to address the concerns raised by local residents and that the existing building would be converted into quality tourist accommodation.

Councillor Carolyn Thomas, Acting Local Member, spoke in support of the application. She said she had attended the site which was in a residential area and had formerly been used as a public house. She said the proposed 5 holiday lets were one bedroom units and provided accommodation which was suitable for single people or couples and expressed the view that the impact on adjacent residents would therefore be minimal. She referred to the conditions that had been imposed subject to permission being granted which she felt would adequately address the concerns raised by local residents around privacy and overlooking adjacent property. Councillor Thomas commented that there was a lack of accommodation available for visitors who wanted to walk and enjoy the scenery in the area as bed and breakfast or hotel accommodation was frequently fully booked.

In summing up, Councillor Bithell, said that the application complied with planning policy and national policies on tourism and proposed that the application be approved. On being put to the vote the proposal was CARRIED.

**RESOLVED:**

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

**184. OUTLINE APPLICATION – ERECTION OF 6 NO. DWELLINGS AT LAND TO THE REAR OF 31 WELSH ROAD, GARDEN CITY (052887)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 20 April 2015. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

Councillor Christine Jones spoke (as a resident) against the application expressing a number of concerns around access to the site and she referred to the existing problems of parked cars outside the local Spar convenience store which combined a post office, delivery lorries, a busy intersection with pedestrian crossing and bus stop, and poor visibility. She raised further concerns that the road was not wide enough and would not be able to accommodate access by the emergency services. Councillor Jones referred to issues concerning drainage and said there had been flooding in the area due to blocked sewers. She summarised her reasons why she felt that the site was unsuitable for residential development.

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

Mr. Barker, the agent for the applicant, spoke in support of the application. He said access to the site was gained via a shared access between 31 Welsh Road, a residential property, and 35 Welsh Road which was a Spar convenience store. He claimed that the design of the scheme took account of scale and form and a FCA had set the levels for the buildings. Landscaping would be of species of the same type and the development made best use of the land in policy terms. The site had formerly been used for garaging and was currently subjected to fly tipping and anti-social behaviour. He said the proposed scheme would be an improvement on past use and that the land had deteriorated into wasteland. In terms of the shared access and maintenance of such, Mr. Barker commented on discussions and an agreement that had been reached between the applicant and owners of the Spar convenience store. He also referred to the conditions which were to be met by the applicant subject to the application being granted.

Councillor Ian Dunbar moved refusal of the application, against officer recommendation, which was duly seconded. He expressed concerns regarding inadequate access, increased traffic, poor access onto Welsh Road, restricted visibility, and the danger posed by heavy vehicles. Councillor Dunbar also commented on the current pedestrian access through the site from Sealand Avenue which was used as a 'short cut' to the shops and bus stop on Welsh Road.

Councillor Chris Bithell also spoke against the application and reiterated the concerns expressed by Councillor Dunbar. He referred to the agreement that the agent had indicated had been reached between the applicant and owners of the Spar Convenience Store concerning access and maintenance and said that the details of this should be provided to the Committee. He queried whether the agreement reached was in perpetuity or a temporary agreement.

Referring to paragraph 7.24 of the report, Councillor Bithell raised a query around the floor levels of the dwellings and the need for internal steps to be provided. He commented on current and future use of the living space and the need for the dwellings to be compliant with disability guidelines.

Councillor Mike Peers queried the level of growth within the settlement in view of the proposed Northern Gateway development and he referred to paragraph 7.20 in the report and asked how the 'right of access' was to be maintained. Councillor Peers also referred to an existing housing development (at the back of the Spar Convenience Store) and asked how access was gained to those properties.

Councillor Derek Butler asked whether this was backland development and commented on the poor and complicated access arrangement. He proposed deferral of the application which was duly seconded. He explained that clarification around ownership and access was required.

Councillor Richard Jones raised the issue of domestic waste collection and said that the matter of kerb recycling should also be taken into consideration.

The officer responded to the comments and queries raised, advising that the difference in levels would be addressed under the Building Regulations, pointing out that properties had been allowed with garaging on the ground floor. In response to the growth of the settlement she advised that this was 9.4% as the Northern Gateway development was not included. She confirmed that the public right of way from the Sealand Avenue would be retained and that the other houses referred to accessed from the other side. The Planning Strategy Manager advised that the outline planning application was to determine whether Members agreed or not to the principle of development subject to the detail being provided at reserved matters stage.

The Democracy and Governance Manager referred to the negotiations over ownership referred to in para. 7.17 of the report and advised that if Members needed further clarification over the possibility of a S.106 Agreement they should defer consideration of the application to obtain this.

The Chair asked Members to vote on the proposal put forward by Councillor Derek Butler that the application be deferred. On being put to the vote the proposal was CARRIED.

**RESOLVED:**

That planning permission be deferred to clarify the ownership and rights over the access and any rights over the alternative access to the rear of the Spar store.

After the vote had been taken, Councillor Christine Jones returned to the meeting. The Chair informed Councillor Jones of the decision which had been taken by the Committee in her absence.

**185. FULL APPLICATION – ERECTION OF 6 NO. APARTMENTS WITH ASSOCIATED ACCESS AND PARKING AT 1 QUEEN STREET, QUEENSFERRY (053080)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 20 April 2015. 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.

Mrs. S. Speechley, local resident, spoke against the application. She stated she was the immediate neighbour to the proposed development and expressed concerns that it would have a direct impact on her property. She referred to the 9.2 metre distance to the gable of her property and the height of the development which she felt was overbearing and visually intrusive to herself

and neighbouring properties and was not in keeping with the character and two-storey build of properties in the surrounding area. She raised concerns around lack of privacy, inadequate parking, and highway safety. Mrs. Speechley also referred to the objection which had been put forward by Natural Resources Wales (NRW) to the proposal.

Councillor Christine Jones moved refusal of the application, against officer recommendation, which was duly seconded. She referred to the site visit which had been undertaken and outlined her concerns regarding the overbearing and intrusive size of the development. She also stated that the site was located within a flood risk area and drew attention to the objection to the proposal by NRW on the grounds that the Flood Consequences Assessment had failed to demonstrate that the development could be built flood-free in the design flood event.

Councillors Chris Bithell and Richard Jones raised concerns around the provision for undercroft parking and the erection of a three storey building. They also referred to a previous application in the area and said there was a need to seek clarification from NRW over the inconsistency in their stance concerning this proposal. Councillor D. Butler queried how NRW could express two different views in the same area. Councillor R. Lloyd said that the height was not in keeping and Councillor M. Peers felt that the design needed to be looked at and that he would be more comfortable if the ridge height was reduced.

In responding to the points raised the officer advised that the criteria relating to the similar development for 8 units nearby was the same and that NRW's stance was inconsistent. In design terms the impact on the amenity of neighbours had been addressed and the ridge height was only 800 mm. higher than the existing buildings. The Development Manager added that the principle of this development was acceptable in planning and sustainability terms and this was the type of development that was needed to help address our lack of housing land supply. Because of the flood risk constraints it was necessary to incorporate the undercroft parking but this had been looked at carefully and officers had addressed the impact on neighbouring properties.

Councillor Chris Bithell proposed deferral of the application which was duly seconded. He explained that further explanation was required from the NRW as to why there was inconsistency in the decision regarding this proposal and their stance taken on another recent application in the area.

In summary Councillor Christine Jones reiterated the views expressed by Councillor Bithell and stated that justification from NRW for the inconsistent stance should be sought.

The Chair asked Members to vote on the proposal put forward by Councillor Chris Bithell that the application be deferred and on being put to the vote the proposal was CARRIED.

**RESOLVED:**

That planning permission be deferred to seek further clarification from NRW over the justification for the inconsistent stance on this application and another recent application in the area.

**186. GENERAL MATTERS – CONVERSION OF REAR OF FORMER CHURCH TO TWO BED APARTMENT AT ENGLISH CONGREGATIONAL CHURCH, HIGH STREET, BAGILLT (051084)**

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

The Planning Officer referred to previous consideration of the application by the Committee at the meeting held on 12 March 2014 when it was resolved that conditional permission be granted subject to the applicant entering into a Section 106 Obligation to ensure the proposed development made provision for affordable homes in the area . He reported that as no progress had been achieved with the applicant's agent to sign the Section 106 Agreement it was recommended that the application be refused.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. On being put to the vote the proposal was CARRIED.

**RESOLVED:**

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

**187. 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 (051613)**

**RESOLVED:**

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

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

There were 3 members of the public and 1 member of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.50 pm)

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**Chairman**



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 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:** **22<sup>ND</sup> 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 (site visit was already undertaken prior to the previous committee dated 22<sup>nd</sup> April 2015)**

### **1.00 SUMMARY**

- 1.01 This application was previously presented to Planning Committee Members on 22<sup>nd</sup> April 2015, whereby the resolution was to request confirmation from NRW as to why this proposal is considered differently to that of the nearby development, ref: 051988. This report addresses NRW's subsequent response.
- 1.02 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
3. Restriction to ensure ground floor cannot be used as living accommodation
4. Implementation of scheme of acoustic mitigation
5. Foul drainage and surface water to be drained separately from the site
6. No direct connect of surface water drainage without approval in writing
7. No land drainage run-off into the public sewerage system.
8. Positive means to prevent the run-off of surface water onto the highway
9. Construction Traffic Management Plan
10. Materials to be approved
11. Finished floor levels at first floor (living accommodation) to be set at 7.70m above Ordnance Datum
12. Access off Queen Street by means of vehicular crossing
13. Highway boundary enclosure not to exceed 1.0m.
14. The results of the Acoustic Report (20548R01bPKrmw) must be implemented by the applicant.
15. Any noise barrier shall be set back at least 1.0 metre into the developer's land, from the existing Welsh Government boundary feature to allow for maintenance of the proposed noise barrier and boundary fence.
16. Any flood lighting shall be designed to prevent light spill onto the adjacent trunk road carriageway and shall not be prejudicial to highway safety.
17. The window on the north east elevation serving unit 3 shall be fitted with obscured glazing and shall remain as such in perpetuity.
18. Details of a Flood Plan to be provided to residents shall be

submitted and agreed.

If the Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed or earlier payment is not received 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 preliminary view is that the proposal maybe 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.

Welsh Government (Trunk Roads)

No objection subject to the following conditions:

1. The results of the Acoustic Report (20548R01bPKrmw) must be implemented by the applicant.
2. Any noise barrier shall be set back at least 1.0 metre into the developer's land, from the existing Welsh Government boundary feature to allow for maintenance of the proposed noise barrier and boundary fence.
3. Any flood lighting shall be designed to prevent light spill onto the adjacent trunk road carriageway and shall not be prejudicial to highway safety.

Emergency Planning Regional Manager

No objection to the proposal subject to the recommendation in the Waterco FCA report that advises that a Flood Plan including evacuation procedures is provided to residents and that each householder must sign up to NRW's flood warning scheme.

**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 4<sup>th</sup> July 1995)

P/4/7/15020 – Outline application for residential development (granted 7<sup>th</sup> 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 are almost identical in terms of the level of risk that each site posed and the proposed design methods for mitigating against any floods is 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 of 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 Clarification from NRW as to why this proposal has been considered differently to planning application ref: 051988 is the following:
- 7.13 **'For site NT/2014/115809 (ref: 051988), as the site already benefits from planning permission for 'Less Vulnerable' development, the proposals would not result in an increase in vulnerability for the ground floor. For this reason, we have not objected to the development, however, we have requested a condition restricting residential accommodation to the upper floor(s). [TAN15 Section 11.20 'Changes of Use' states that flood risk may be considered unacceptable only where the changes of use is from Less to High vulnerability].**
- 7.14 **For site NT/2015/116636 (this application), as the site does not benefit from existing planning permission (this has been confirmed by the LPA), we have treated the proposals as a new 'Less Vulnerable' development within an area vulnerable to flooding. The developer's FCA has failed to demonstrate that the proposals comply with the requirements of TAN15 – in particular, section A1.14 – and as such, we have no option but to object to the development.**
- 7.15 **In view of the above, NRW conclude that our responses are entirely consistent with the principles set out in TAN15 as well as being consistent with other responses for similar sites within Flintshire and across north Wales. In these cases, the responses differ simply because of the different current planning status of both sites.'**
- 7.16 In response to the above, vacant to 'less vulnerable' (53080) as opposed to 'less vulnerable' to 'less vulnerable' (51988), is only relevant if it is considered that it is a 'greenfield' site as opposed to 'brownfield' land, which we consider it to be. It is for the local planning

authority to determine whether or not the land is 'brownfield' land, not NRW. 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.

7.17 Furthermore, NRW have stated that

**'in areas at flood risk where a FCA does not comply with the acceptability criteria in TAN15, NRW (and previously EAW) has consistently objected to new development within residential gardens. Such development would introduce additional development into an area at flood risk'**

7.18 However, this is not always the case. Another recent development in this area (application ref. 52875) involved the erection of two dwellings within the rear garden of No. 6 Welsh Road, Garden City. NRW's initial response on this pointed out that the site lies within Zone C1 and objected to the development in the absence of a FCA. Following the submission of the FCA and detailed correspondence regarding hydraulic modelling, etc. NRW withdrew its objection and planning permission was granted subject to the completion of a Section 106 obligation.

7.19 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.

7.20 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.

7.21 Design

The proposed building will be two and a half stories, with only the two upper floors used for habitable accommodation.

7.22 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.



### 7.23 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.

Welsh Government have confirmed that they have no objection to the proposal in respect of any noise impact that the nearby A494 may have on the occupants of the proposed apartments subject to conditions ensuring adequate mitigation measures are implemented in accordance with the acoustic report submitted.

## 8.00 CONCLUSION

8.01 It is considered that the form of development is acceptable in this location and notwithstanding the clarification from NRW that they consistently object to development in gardens, in this instance, to refuse the application on these grounds would not be a pragmatic approach to developing a site that addresses all other issues and would complete both street frontages.

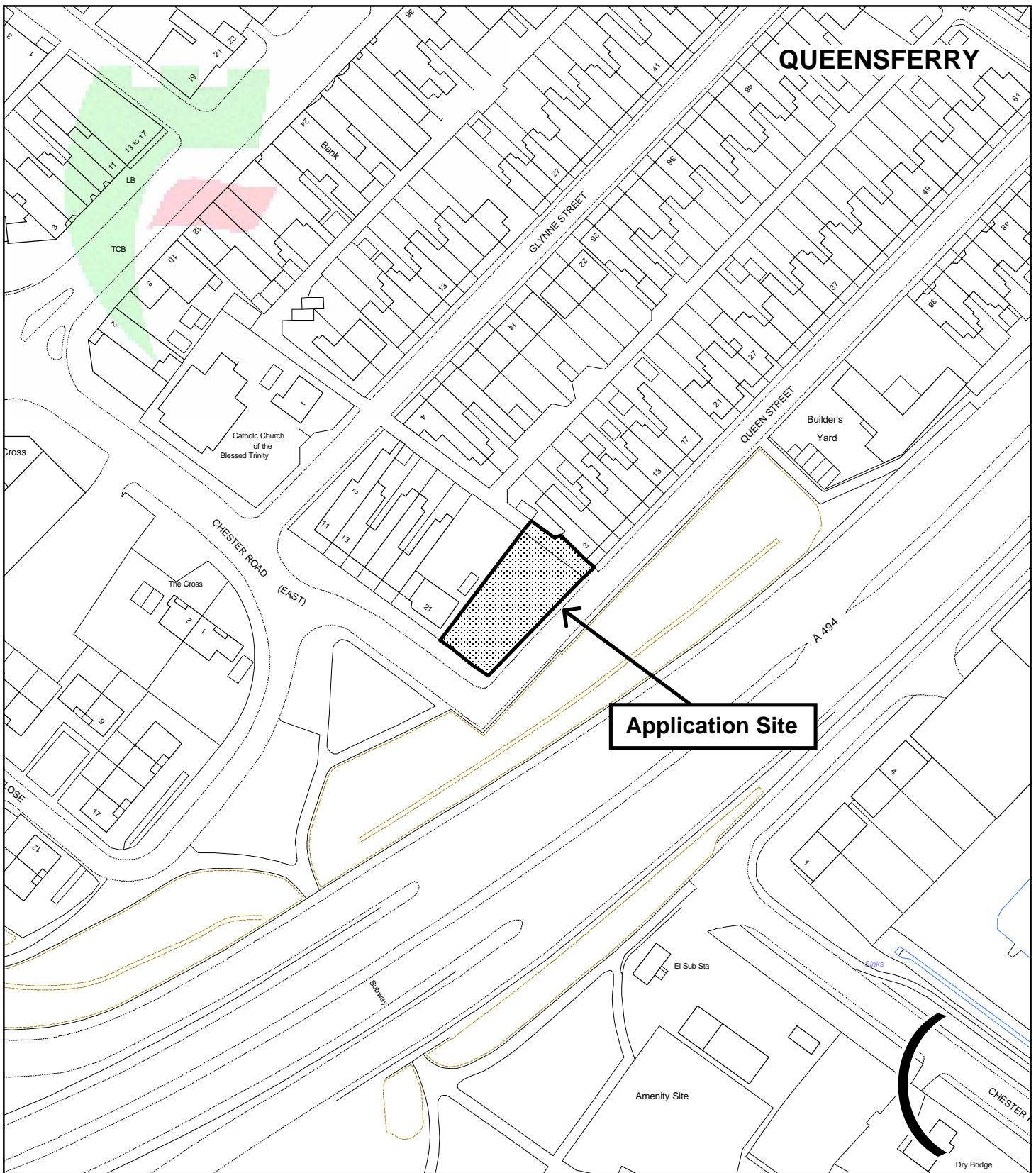
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

### **LIST OF BACKGROUND DOCUMENTS**

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

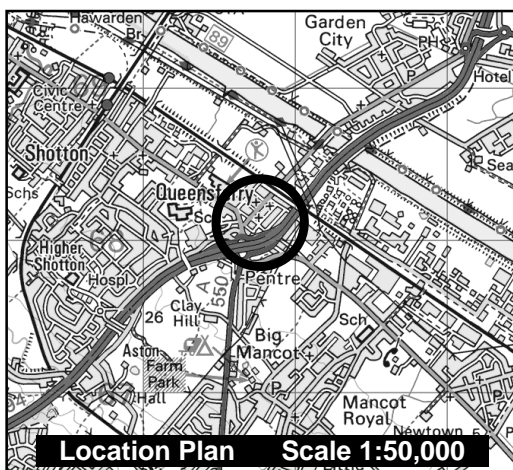
**Contact Officer:** Alex Walker  
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**QUEENSFERRY**

**Application Site**



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



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3168

Planning Application **53080**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 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**

This application was deferred from consideration at Planning and Development Control Committee on 22<sup>nd</sup> April 2015 in order for the applicant/agent to explore a Section 106 Obligation to secure maintenance of the proposed access and confirm whether he holds any access rights over the alternative access route to the site to the east of 37 Welsh Road and to the rear of 35-37 Welsh Road.

The applicants agent has submitted a letter from Blakemore Retail who are the agents representing the landowner of 35 Welsh Road. They are in full agreement for Mr. Miah to carry out road repairs in perpetuity and on an ongoing basis to make good any damage that may occur even though part of the road may fall within their demise. In respect of the transfer it is still their intention to move forward with this and they are

waiting for a response from their solicitor on what needs to be done to complete the transfer. The applicant has instructed a solicitor to draw up a license agreement between himself and the landowner of 35 Welsh Road to set out his responsibilities in terms of maintaining the access way. This will demonstrate the ability of the applicant to be able to maintain the access way on the land he does not have the freehold to.

In terms of alternative access to the site via the road to the east of 37 Welsh Road and to the rear of 35 - 37 Welsh Road the applicant's solicitor is assessing the relevant land registry documents to ascertain what access rights his client has.

## **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; and
- A S106 agreement/unilateral undertaking to secure resurfacing and future maintenance of the access road to the site

### 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 225mm 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 therefore 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 25<sup>th</sup> 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 application 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 to 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 has instructed a solicitor to draw up a licence agreement between the applicant and the landowner of 35 Welsh Road to allow him to undertake works to maintain the access. The applicant and the landowner of 35 Welsh Road have confirmed that they are in negotiations to transfer the other half of the access road to the applicant. However in the meantime following the signing of the licence agreement this give us more comfort that the applicant would be able to enter into a S106 agreement with the landowner of

35 Welsh Road.

- 7.18 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. The applicant's solicitor is assessing the land registry documents to see what rights of access the applicant has over this land.
- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 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 separation distances and private amenity areas, along with space for parking and turning.
- 7.23 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.

- 7.24 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.
- 7.25 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.
- 7.26 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.

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.
- 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.

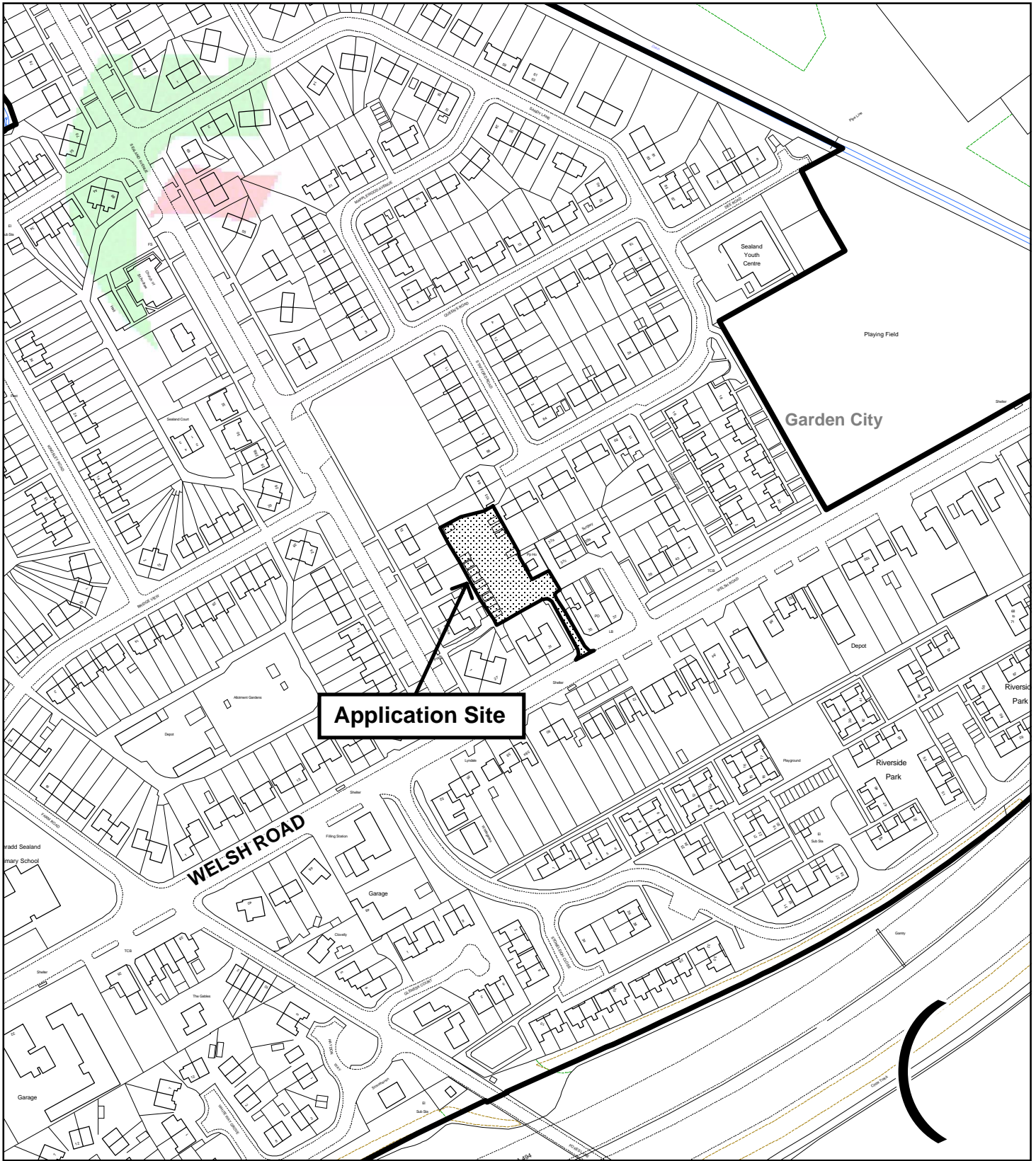
## **LIST OF BACKGROUND DOCUMENTS**

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

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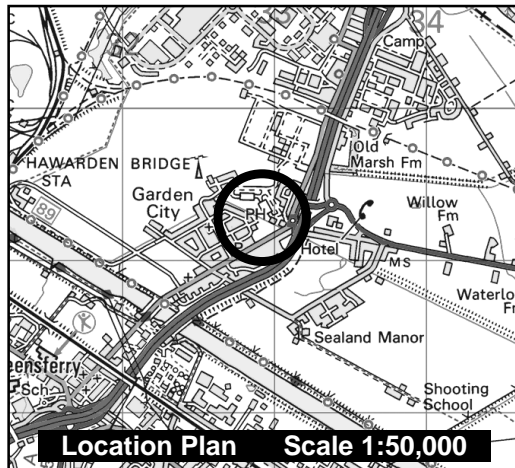




**Application Site**

**WELSH ROAD**

**Garden City**

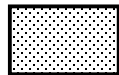


**Location Plan Scale 1:50,000**



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale	1:2500
OS Map ref	SJ 3269
Planning Application	<b>52887</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 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:** **YES**

This application was deferred from consideration at Planning and Development Control Committee on 22<sup>nd</sup> April in order for a site visit to be undertaken and for clarification on the width of the access road. An amended drawing has been submitted clarifying that the width of the access with the current kerbs realigned will be 3.9 metres in width.

### **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 should 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 3.9 metres shared surface

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor G Hardcastle

Requests committee determination due to local resident's concerns about increased 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. If the land ownership issue is resolved will the Burghley Road access be used as per the original agreement.

Councillor H Brown

Requests committee determination due to local residents' concerns about increased 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

3.9 m will allow for emergency vehicle access but will not allow for the simultaneous passage of two vehicles therefore it may result in a

vehicle having to wait for a short period of time on Yowley Road (an unclassified cul de sac with low traffic generation). 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). There are therefore no highway objections.

Head of Pollution Control

No adverse comments to make.

Fire and Rescue Service

The application should conform to Building Regulations Approved Document B Volume 1, Section B5 whereby the minimum distance between the kerbs should be 3.7metres as per Table 20, Page 111, Version 2007. We consider the rest of the layout to comply with our requirements and have no further comments.

**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. The new access requires the reconfiguration of the parking layout but the number of spaces remains at 12, as previously approved.

#### 7.05 Planning history

During the consideration of 041888 the 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 achieved.
- 7.08 The Yowley Road site access is approximately 3.9 metres in width with a narrow footway on one side. This has had historic vehicular 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 realigned to widen the access to 3.9 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. The emergency services are satisfied that 3.9 metres provides access to their vehicles. 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 the basis of concerns over highway safety.



## **8.00 CONCLUSION**

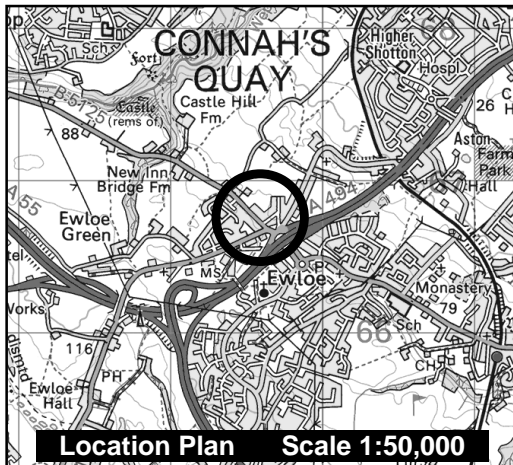
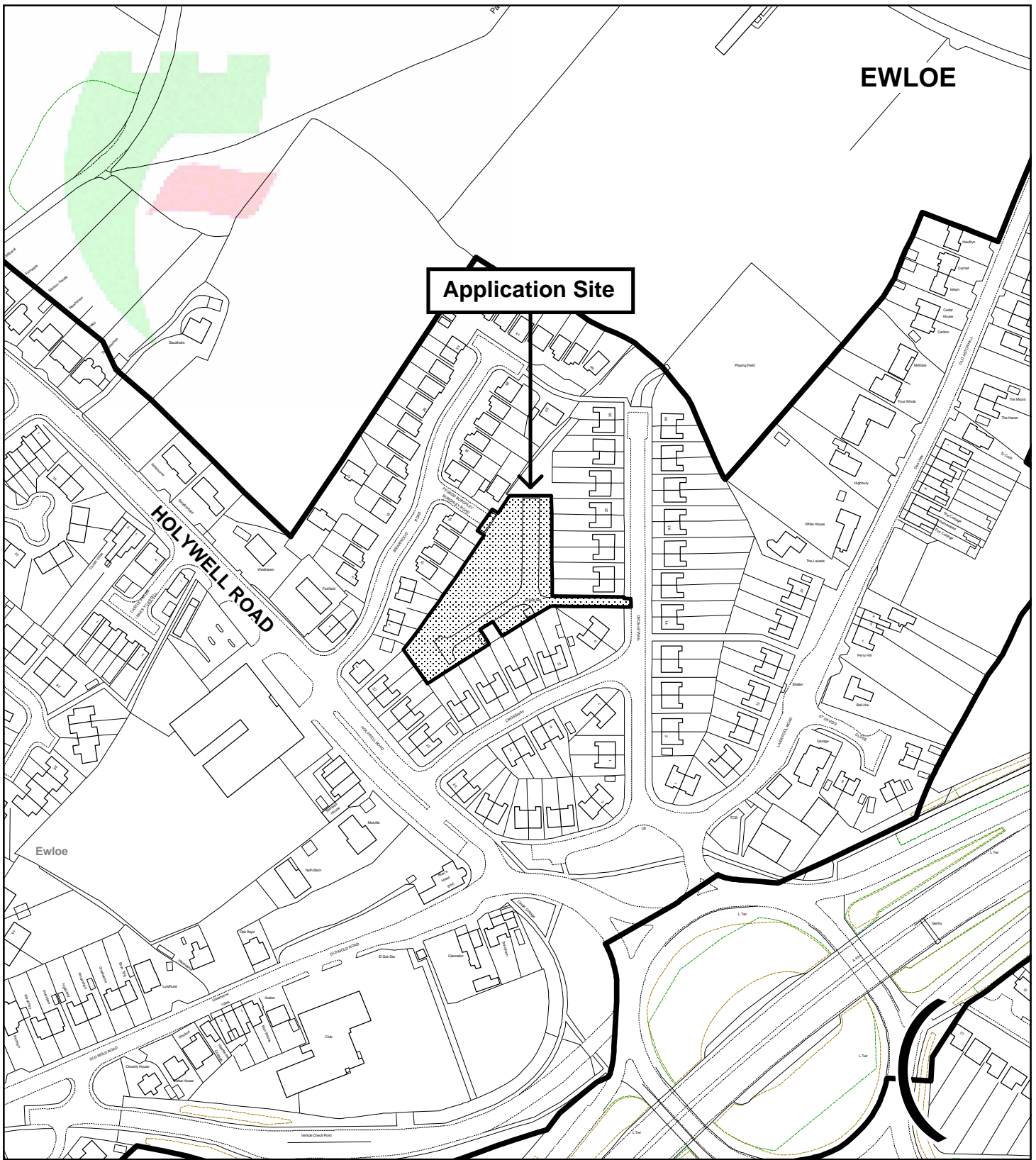
- 8.01 While the access from Burghley Road is a better option in planning terms, there are no highway objections to the use of the Yowley Road access and it has an historic vehicular use. It is therefore considered that permission be granted.
- 8.02 In considering this planning application the Council 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

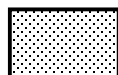
**Contact Officer:** Emma Hancock  
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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2966

Planning Application **53122**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE CONSTRUCTION OF OVER 55'S EXTRA CARE ACCOMMODATION AT CAR PARK, HALKYN ROAD, HOLYWELL**

**APPLICATION NUMBER:** **053048**

**APPLICANT:** **WALES & WEST HOUSING**

**SITE:** **CAR PARK,  
HALKYN ROAD, HOLYWELL**

**APPLICATION VALID DATE:** **15<sup>TH</sup> DECEMBER 2014**

**LOCAL MEMBERS:** **COUNCILLOR P. J. CURTIS  
COUNCILLOR H.G. ROBERTS (adjoining)**

**TOWN/COMMUNITY COUNCIL:** **HOLYWELL TOWN COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST COMMITTEE DETERMINATION TO ENABLE GREATER CONSIDERATION OF THE PROPOSED LOCATION**

**SITE VISIT:** **YES, TO ENABLE THE MEMBERS OF THE COMMITTEE TO VIEW THE SITE**

### **1.00 SUMMARY**

- 1.01 This application is submitted in outline with all matters of detail Reserved for future consideration and approval. The application is accompanied by an indicative layout and parameters of the scale of the proposed development are set out in the accompanying Design and Access Statement. However, these are purely indicative and members are reminded that this application concerns itself solely with the principle of the development of this site for residential purposes.

1.02 The application seeks to establish the principle of the development of this 0.73 hectare site for the purposes of an over 55's Extra Care facility, together with associated infrastructure.

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

2.01 Suggested Conditions:

1. Outline - Time limit
2. Outline - Details of reserved matters
3. In accord with approved plans
4. Outline - Submission and approval of site levels
5. No access formation until scheme agreed.
6. Submission of siting, layout and design of means of access
7. Submission of detailed siting, layout and design of the site accesses, public car parking and widening of un-adopted road prior to commencement.
8. Scheme for parking & turning facilities to be submitted & agreed.
9. Travel plan to be submitted prior to first occupation of any apartments.
10. Scheme for positive means to prevent surface water run off on to Highway to be submitted and agreed.
11. Public rights of way to be marked out and safeguarded during course of development.
12. No development until a construction traffic management plan is submitted and agreed.
13. Foul and surface water discharges drained separately
14. Surface water not allowed to connect, directly or indirectly to public sewerage system
15. Land drainage run-off shall not be permitted to discharge, directly or indirectly into public sewerage system
16. Contaminated land report submitted and approved identifying any land contaminants and if found any remediation/mitigation measures prior to commencement of development.
17. Scheme for comprehensive integrated drainage system to be submitted and agreed. Such scheme to include surface water regulation system.
18. No occupation of any units until public car parking has been provided in full and strict accordance with agreed scheme.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor P.J.Curtis

Requests that the application is considered by the Members of the Committee following a site visit as he considers that the location of the site needs to be seen and discussed by the Committee.

Councillor H. G. Roberts (Consulted as adjoining ward member)

No formal response at time of writing.

Holywell Town Council

Supports the principle of the provision of an Extra care facility upon an appropriate site within Holywell.

Does not consider the application to be an appropriate site for the following reasons:

1. Proposals to off-set the loss of car parking arising from the development do not mitigate other anticipated highway impacts;
2. Increased impacts upon highway safety arising from indiscriminate parking as a consequence of the loss of designated parking areas;
3. Impacts upon residential amenity of the future occupiers of the Extra Care facility arising from the proposed public parking surrounding the site;
4. Detrimental impact upon nearby community facilities as a consequence of the loss of parking provision; and
5. Concern that there is no comparable replacement parking provision made to continue the long term parking provisions secured at this site as a consequence of the Tesco development in Holywell.

Highways DC

No objection to the proposals subject to conditions.

Pollution Control Officer

Requests that a condition requiring a land contamination survey, and associated remediation strategy if required, is attached to any grant of planning permission.

Welsh Water/Dwr Cymru

No response at time of writing.

Natural Resources Wales

No objections. Requests the imposition of conditions in relation to the need for a surface water regulation scheme to be agreed.

The Coal Authority

No adverse comments. Standard advice applies.

#### **4.00 PUBLICITY**

- 4.01 The application has been publicised by way of the publication of a press notice, display of a site notice and via neighbour notification letters.

4.02 At the time of writing, 11No. third party letters have been received in response to the publicity exercise. In addition, 2No. petitions bearing a total of 1113 signatures have also been received. The following issues are raised in objection to the proposals:

1. Concerns in relation to indiscriminate overspill parking in the surrounding streets as a result of the loss of parking spaces;
2. Concerns that the loss of parking will result in insufficient parking for nearby community uses;
3. Insufficient mitigation parking spaces provided to compensate for loss;
4. Replacement parking should be located more closely to the town centre;
5. Insufficient parking spaces for the proposed building;
6. Car park is used in conjunction with Holywell Town Football Club and the development will result in the loss of publically available parking at a time when the success of the club is generating larger attendances and therefore demand for parking;
7. Closure of Flint Community Hospital has resulted in increased visitor numbers to Holywell Hospital and consequent demand for parking; and
8. Potential for traffic conflicts with so many uncontrolled access points in close proximity to each other.

## **5.00 SITE HISTORY**

5.01 The wider site and its surroundings have extensive historical planning permission relating to the former Council depot, development of the Bodowen Surgery and the adjacent Holywell Community Hospital. The applications listed below reflect the site history in relation to residential development (and related) proposals at the application site.

### **038071**

Outline – Residential Development  
Withdrawn 18.05.2005

### **040220**

Outline – Residential Development  
Permitted 20.04.2007

### **040213**

Construction of car park and roundabout including lighting columns.  
Permitted 27.2.2006

### **045212**

Variation of condition 2 attached to 40220  
Permitted 12.12.2008



**047926**

Outline – Erection of 15 dwellings  
Permitted 19.9.2011

**054329**

Outline - Residential Development  
Permitted 10.10.2014

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

- Policy STR1 - New Development
- Policy STR4 - Housing
- Policy GEN1 - General requirements for development
- Policy GEN2 - Development inside settlement boundaries
- Policy HSG3 - Housing on unallocated sites within settlement boundaries.
- Policy AC18 - Parking provision and new development

The proposals would comply with the above policies.

**7.00 PLANNING APPRAISAL**

7.01 The Site and Surroundings

The site comprises approximately 0.73 hectares of a combination of vacant, overgrown land and the adjacent public car park to the rear of Bodowen Surgery. The site is accessed via a shared point of access from Halkyn Road and lies to the south-east of Holywell Town Centre. The site is set within the wider context of an established residential area to the north (beyond fields and woodlands), Holywell Community Hospital to the South, Holywell Town Football Club to the East and Bodowen Surgery to the West.

7.02 The Proposed Development

The proposal is an outline application with all matters reserved for subsequent approval for residential development. An illustrative layout has been submitted showing the construction of a 3 storey Extra Care building providing 20No. 1 bedroomed apartments and 46No. 2 bedroomed apartments.

7.03 The proposals also include the provision of 53No. car parking spaces to mitigate for the loss of the existing public car park. The access has been indicated to be off the internal access road serving the hospital, proposed mitigation car park and football club which in turn is off Halkyn Road.

7.04 The Main Issues

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

- the principle of the development in planning policy terms;
- the impact arising from the loss of public car parking spaces;
- the impact of the proposals upon highway safety;
- the implications of any historical contamination upon the site; &
- impacts upon residential amenity.

7.05 Principle of Development

As the site is located within the settlement limit for Holywell, a Category A settlement within the Flintshire Unitary Development Plan, the principle of residential development upon the site is considered acceptable.

7.06 In addition, Members should be aware that the planning permission granted under application reference 054329 remains extant for the eastern part of this site.

7.07 Loss of Public Car Parking

Approximately two thirds of the proposed development site is presently occupied by the long stay public car park which provides 100 spaces to serve the town centre. Concerns have been expressed from a variety of sources that the development of the site will give rise to a lack of long stay car parking for the town. In addition the car park serves, (although was never provided for the purpose of serving) the adjacent Holywell Community Hospital, Holywell Town Football Club, Nearby Schools and the Adjacent doctors surgery. In each instance, the use of the car park is ancillary to the parking provisions and arrangements for each of these premises. Concerns have been raised that the loss of such ancillary parking will give rise to indiscriminate parking upon the streets in the surrounding area, to the detriment of highway safety.

7.08 In recognition of these concerns, a survey of usage was undertaken by the Parking Services Manager. This survey established that, on average, 50% of the provided spaces were in use on a daily basis, although the exact nature of the use was not established. The results of this survey have been used to amend the proposals such that, in addition to proposed parking provision for the proposed residential use of the site, part of the site fringe will be used to form 2No. public car parking areas to mitigate against the impact of the loss of car parking.

7.09 These mitigation parking areas are proposed to be located:

1. in an area between the site and the existing surgery car park to the west and will provide 33No. parking spaces, and
2. in a frontage area between the site and the roadway serving the football club which will provide 20No. parking spaces.

7.10 These proposals have been the subject of re-consultation with, amongst others, Highways DC who advise me that, subject to the

condition set out in Section 2 of this report, there is no objection to the proposals arising from the reduction in available parking spaces.

7.11 Impacts upon Highway Safety

Concerns specific to parking on adjacent highway and the approach road to the site have also been raised as a consequence of the concerns in respect of the loss of parking spaces.

7.12 I am advised that the proposed mitigation parking is considered acceptable to off-set the loss of parking and therefore there is no basis upon which, given the results of the usage survey, to conclude that there will be increased on street parking in the locality. Accordingly it is not anticipated that there will be any adverse impacts upon highway safety as a consequence of the development.

7.13 In relation to the concern raised in respect of the level of parking provided for the proposed Extra Care building, I would firstly remind Members that all proposals are indicative and final details will not be secured until such time as a Reserved matters application is submitted. However, upon the application of the Council's car parking standards, as set out in Policy AC18, the indicative proposals would give rise to a need for 32 spaces and provision for ambulance access. The proposals provide for 35 spaces which is a provision above the required standard.

7.14 Land Contamination

The Pollution Control Officer has advised that due to historical lead mining activities within the area, a condition should be placed upon any grant of planning permission requiring a site investigation being undertaken to identify any potential contaminants from this use and indeed all previous uses and if found identify how these can be remediated against. I propose to condition accordingly.

7.15 Impacts upon Residential Amenity

The nearest residential properties lie approximately 70m to the north of the site. Given this distance, it is considered that both the existing and proposed occupiers of the development will not be significantly detrimentally affected by the proposals.

**8.00 CONCLUSION**

8.01 I consider that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend accordingly.

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

**LIST OF BACKGROUND DOCUMENTS**

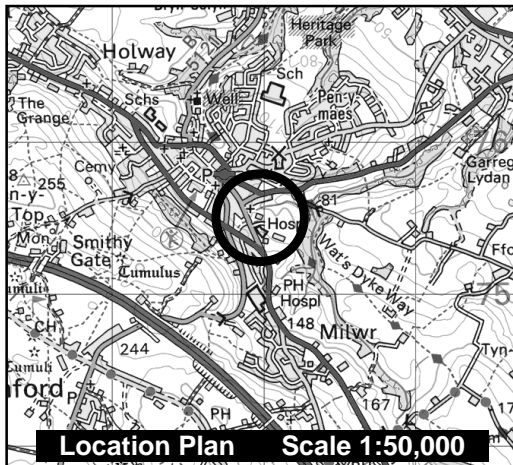
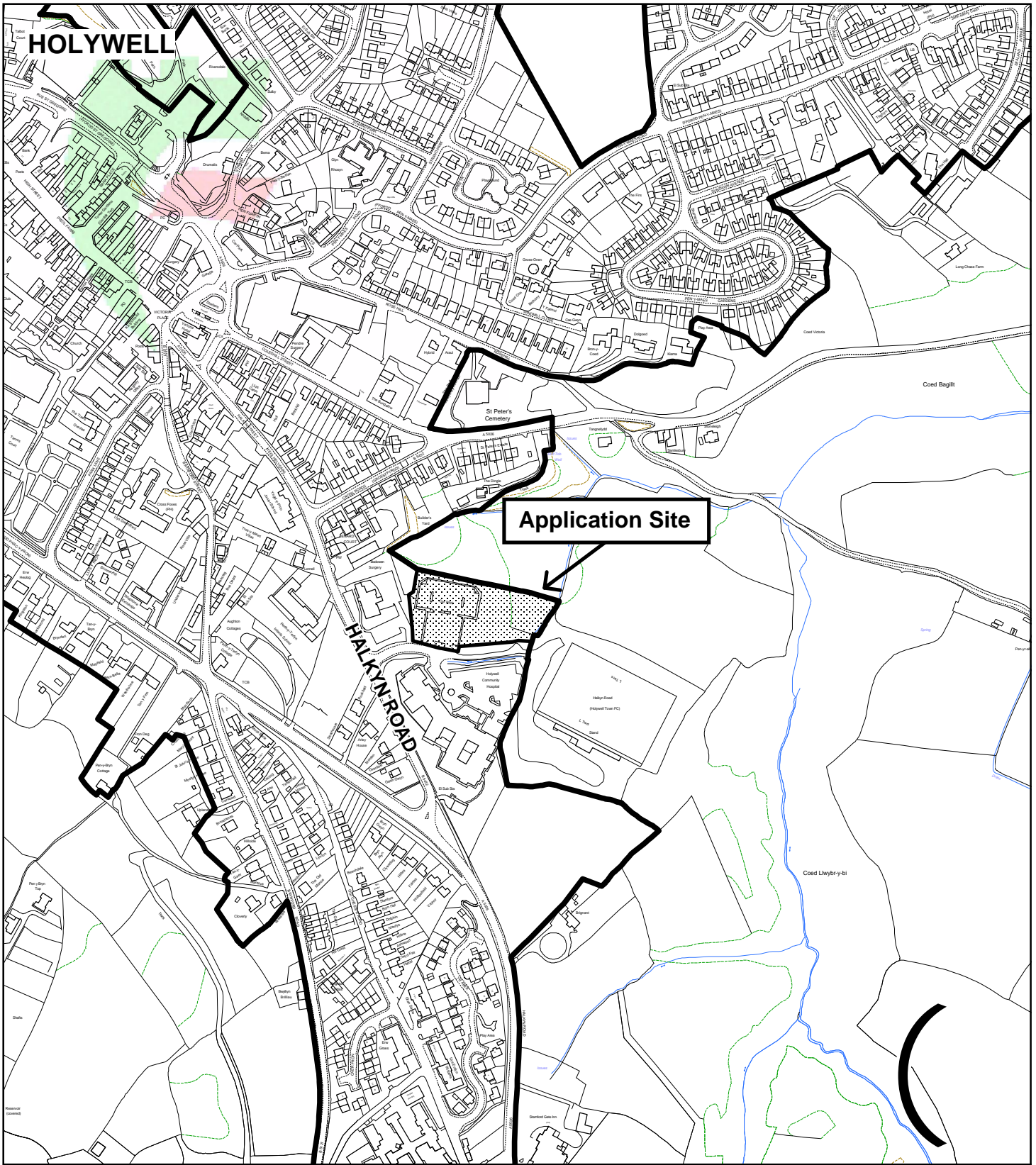
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

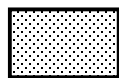
Responses to Publicity

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 1975

Planning Application **53048**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 16 NO. DWELLINGS WITH ASSOCIATED PEDESTRIAN FOOTWAY AND UPGRADE OF EXISTING LANE AT HOLMLEIGH, CHESHIRE LANE, BUCKLEY.**

**APPLICATION NUMBER:** **053141**

**APPLICANT:** **THOMPSON DEVELOPMENTS LTD**

**SITE:** **HOLMLEIGH,  
CHESHIRE LANE, BUCKLEY**

**APPLICATION VALID DATE:** **16<sup>TH</sup> JANUARY 2015**

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

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

**REASON FOR COMMITTEE:** **THE SCALE OF THE PROPOSALS EXCEED THOSE FOR WHICH DETERMINATION POWERS ARE DELEGATED TO THE CHIEF OFFICER**

**SITE VISIT:** **YES. LOCAL MEMBER REQUESTS THAT MEMBERS FAMILIARISE THEMSELVES WITH THE SITE AND SURROUNDINGS IN VIEW OF HER CONCERNS IN RELATION TO ACCESS AND HIGHWAY SAFETY.**

### **1.00 SUMMARY**

- 1.01 This full application seeks approval for the erection of 16No. dwellings, together with access improvements and pedestrian footway provision and other ancillary works on land to the rear of 'Holmleigh', Cheshire Lane, Buckley.

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

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

- a) Ensure the payment of a contribution of £28,000 to the Council for ecological mitigation. Such sum to be paid to the Council prior to the occupation of any dwelling.
- b) Ensure the payment of a contribution of £17,600 in lieu of on site play and recreation provisions. Such sum to be paid to the Council prior to the occupation of 50% of dwellings. Such sum to be used in the improvement of existing recreation and play facilities in the community.

2.02 Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. No development to commence until a scheme for the comprehensive drainage surface and land waters approved.
4. Boundary Treatments to be submitted and agreed.
5. Implementation of Boundary Treatments
6. Hedgerow protection.
7. Removal of Permitted Development Rights.
8. Submission of external finish materials, including hard surfaces.
9. Safeguarding of footpath route.
10. Submission of Ecological Mitigation Strategy and Reasonable Avoidance Measures.
11. Implementation of scheme agreed under Condition 10.
12. Foul and surface water to be drained separately from site.
13. Completion of approved drainage scheme prior to occupation of dwellings.
14. Siting, layout and design of the means of site access to be agreed prior to any work commencement.
15. Access to be kerbed and completed to base course up to internal tangent point of entrance radii before any other works commence.
16. Garages to be set back 5.5m from footway.
17. Scheme for interception of site surface water to prevent run off onto highway.
18. Detailed layout, design, means of traffic calming and signing, street lighting and construction of the internal estate roads to be agreed prior to works commencement.
19. No development until a Construction Traffic Management Plan is submitted and agreed.
20. No occupation of any dwelling until a Full Travel Plan is submitted and agreed.

If the Obligation pursuant to Section 106 of the Town & Country Planning



2.03 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 Mrs. C. A. Ellis

Requests that the proposals are considered by Committee members following a site visit. Has concerns in respect of the following issues:

- Concerned in respect of the relationship of the proposed access to existing and recently approved access points along Alltami Road; and
- Considers the proposals may give rise to further traffic on Alltami Road to the detriment of highway safety.

Buckley Town Council

No objection.

Highways (DC)

No objection subject to the imposition of conditions. Footpath 22 abuts the site but is unaffected.

Pollution Control Officer

No adverse comments.

Public Open Spaces Manager

Advises that the requirements of Policy and Local Planning Policy Guidance in relation to open space and recreation are best addressed via contribution in lieu of on site provision of the same. A contribution via S.106 agreement of £1100 per dwelling is sought.

Capital Projects and Planning Unit (CPPU)

Advises that no contributions are sought in respect of educational capacity at the applicable nearest schools.

Dwr Cymru/Welsh Water

No objection subject to the imposition of conditions.

Airbus

No adverse comments.

Natural Resources Wales

No objection subject to the imposition of conditions and the applicant being willing to enter into a S.106 agreements in respect of Special Area of Conservations Impact Offsetting.

Coal Authority

No adverse comments. Standard advice applies.

Wales & West Utilities  
No adverse comments.

#### **4.00 PUBLICITY**

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

At the time of writing, 6No. third party letters have been received in response to the publicity exercise. These letters raise the following objections;

1. Concerned about the scale & height of the proposed dwellings;
2. Overdevelopment of the site;
3. Increased traffic will adversely affect highway safety; and
4. Drainage infrastructure inadequate to accommodate the proposals.

#### **5.00 SITE HISTORY**

5.01 **040672**  
Outline – Residential Development  
Withdrawn 3.2.2006.

**041006**  
Outline – Residential Development  
Approved 12.5.2009.

**049289**  
Renewal of 041006  
Approved 28.8.2013

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 -	New development.
Policy STR4 -	Housing.
Policy GEN1 -	General Requirements for Development
Policy GEN2 -	Development inside settlement boundaries.
Policy HSG3 -	Housing on unallocated sites within settlement boundaries.
Policy WB1 -	Species protection.
Policy WB2 -	Sites of international importance.
Policy WB3 -	Statutory Sites of National Importance.
Policy AC13 -	Access and Traffic Impact
Policy AC18 -	Parking Provision and New Development
Policy D1 -	Design Quality, Location & Layout
Policy D2 -	Design

- Policy D3 - Landscaping  
Policy SR5 - Outdoor play space & new residential development.

## **7.00 PLANNING APPRAISAL**

### 7.01 Site Description

The site comprises an area of open land to the rear of bungalows on Alltami Road with access proposed to be derived via Cheshire Lane which is presently a narrow, single width route. All boundaries of the site are formed by mature and well established hedgerows. However, this is supplemented by residential style fencing to the rear boundaries of the properties on Alltami Road. There are 3 cottages at the end of Cheshire Lane, one of which abuts the site along its southerly boundary. A further 5 bungalows fronting Alltami Road also bound the site to the north. A short trackway abuts the western boundary of the site with bungalows beyond. These are set within large curtilage areas. The site abuts an area of playing fields associated with the nearby Elfed High School to the east.

### 7.02 The Proposed Development

The application provides detailed proposals for the development of the site to erect 16No. 2 storey dwellings. The proposals provide 13No. 3 bed dwellings and 3No. 4 bed dwellings with this accommodated provided as 8No. semi-detached and 8No. detached dwellings. Access is proposed to be derived from Cheshire Lane and has been the subject of consideration by the Local Highway Authority under the previous outline applications where it was deemed to be acceptable subject to conditions.

### 7.03 The Main Issues

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

- The principle of the development;
- Ecological impact considerations;
- Access and highway safety considerations;
- Impacts upon drainage infrastructure;
- Design considerations; and
- Amenity impacts.

### 7.04 Principle of development.

The site is located within the settlement boundary of Buckley which is defined as a Category A settlement within the adopted Flintshire Unitary Development Plan. Policy GEN2 identifies a presumption in favour of the development of such sites but identifies that in the case of unallocated 'windfall sites' there are limitations imposed via policy HSG3.

7.05 Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development will be permitted in Category A settlements where it does not conflict with the planned housing provision

for the County, as set out in the UDP, and does not conflict with Policy GEN1.

- 7.06 The bringing forward of such windfall sites is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing, in that housing development should be primarily directed towards Category A settlements. This is because there are a greater range of facilities, services and infrastructure, commensurate with the fact that Category A settlements are the largest settlements in the County.
- 7.07 Whilst this application is a separate full application, the principle of development is already established via an extant Outline planning permission.
- 7.08 Ecology  
The site lies in close proximity to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sties Special Area of Conservation (SAC). These sites support a nationally important population of great crested newts and, in the case of the SSSI, a variety of more widespread amphibian species and semi-natural grassland. Under Regulation 48 of the Conservation (Natural Habitats) Regulations 1994, the Council must consider whether a development proposal in combination with other plans for projects is likely to have a significant effect on the Deeside and Buckley Newt SAC.
- 7.09 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....would not impact adversely on any European protected species....."
- 7.10 The effect of the proximity of these designations and the above referenced legislation is such that the need to ensure no adverse impacts upon SAC and SSSI features arising from development proposals is a material planning consideration. Accordingly, it is essential that this matter is properly addressed in the consideration of this application.
- 7.11 The development would not lead to a direct loss of habitat within the SAC or SSSI. However, in this case it is considered that mitigation proposals are required to address indirect impacts on the SAC that may be caused by construction of the development proposal and also through recreational pressures and disturbance/predation of wildlife.
- 7.12 The applicant has submitted both an extended Phase 1 Habitat Survey and a Method Statement which includes Reasonable Avoidance Measures to mitigate against the potential impacts upon the Deeside and Buckley SAC. These reports were produced in connection with the recent renewal of outline planning permission (049289). The ecologist who undertook this work has confirmed that the results remain accurate and the

recommendations are relevant to the consideration of this application.

7.13 The proposed Reasonable Avoidance Measures have been the subject of examination by both the County Ecologist as the Natural Resources Wales, both of whom consider them to be acceptable and recommend a condition requiring their implementation. However, as replacement land cannot be provided within the development site or surrounding area, a financial contribution towards mitigation projects in the area is proposed. This approach has been agreed with Natural Resources Wales and accordingly, it is considered that the ecological issues have now been satisfactorily resolved and planning permission can be granted subject to a Section 106 agreement requiring the payment of £1,750 per dwelling to be secured towards ecological mitigation. Accordingly, the sum of £28,000 is sought via the proposed S.106 Agreement.

7.14 Access and Highway safety

The principle of access derived from Alltami Road, via Cheshire Lane has been considered previously by Members in their determination of the outline planning applications relating to this site. The detailed proposals in terms of access and estate highways and footways have been the subject of consultations with colleagues in Highways DC who raise no objection to the proposals, subject to conditions.

7.15 I am mindful of the representations made by the Local Member and local residents in relation to access and highway safety concerns. However, the proposed point of access is as that previously approved and there are no material considerations or changes of circumstance which would warrant a different conclusion in respect of access and highway safety. The access point is sufficiently distant from both existing and future access points (taking account of planning permissions yet to be commenced) to satisfy me that highway safety will not be compromised.

7.16 Drainage Implications

Concerns have been raised in relation to the proposed future drainage of this site and my attention has been drawn to the fact that it has been waterlogged in the past. The application has been the subject of comprehensive consultation in relation to site drainage and no objection has been raised in relation to this matter.

7.17 Foul waters arising from the developed site are proposed to be drained via an existing adopted sewer which runs on a north south axis along the unmade lane to the west of the site. Dwr Cymru/Welsh Water raise objection to this proposal but have requested conditions to ensure that combined flows are discharged to this system. I propose to condition accordingly.

7.18 In respect of surface water, it is proposed that both surface water from the development and surface water from the proposed highways are discharge via an existing Local Authority maintained drain running east west to the south of the site. In view of the fact that connection to this drain is proposed

to occur outside of the site and consent to discharge is yet to be agreed, I propose to condition a scheme for surface water drainage to be agreed prior to the commencement of development.

7.19 The historic waterlogging of the site comes as no surprise given the heavy clay nature of soils in the wider Buckley area. I consider the drainage proposals proposed, subject to satisfaction of the required conditions, will bring about an improvement to the drainage of this site in the longer term.

7.20 Design Considerations

The proposed development occupies a site located to the rear of dwellings fronting Alltami Road with the proposed houses arranged around an adoptable road, turning head and private access road. The proposed dwellings adjacent to the tree and hedgerow lined northern boundaries are set an appropriate distance from these trees.

7.21 The proposed dwellings are of a form and scale reflective of the general vernacular in the area although I appreciate that the dwellings fronting Alltami Road are single storey in scale. The dwellings are proposed to be constructed of brick with concrete roofing tiles. Whilst the proposed brick has been specified a part of the application, I propose to condition the submission of materials for agreement to allow for the roofing material to be agreed and also allow for any potential changes to the brick.

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

7.23 Amenity Impacts

The proposed dwellings would have adequate private amenity space, space around dwellings and car parking provision. I do not consider that there would be significant detrimental amenity issues associated with the proposed dwellings and their relationship with the existing dwellings to the north of the site. I have considered the representations made to this effect but have had regard to the separation standards provided; the fact that the most rearward projections of the existing dwellings do not have windows facing out onto the proposed development; and have taken account of the fact the development site is on land which slopes downhill from north to south. I consider that these issues, in combination, are such that on balance there is no significant amenity impact as a consequence of overlooking likely to occur. I am equally satisfied that there is no adverse amenity impact between those properties to the west and south arising from overlooking.

7.24 Other Matters

The proposals have been considered in the light of the guidance set out in

LPGN23 - Developer Contributions to Education; and LPGN13 - Open Space Requirements. Members are aware of the advice contained within these guidance. Following consultations with the Council's CPPU I am advised as follows:

- In terms of a requirement for contributions towards education infrastructure and provisions within the county, I am advised that the application of the above guidance would indicate a need for contributions towards the nearest primary school, Mountain Lane C.P School as this school has a sub 5% surplus capacity. However, the Council has already secured 6 contributions towards the capacity at this school, as set out in the table below.

Planning reference	Site address	Date of Agreement	Amount
047722	Knowle Lane	22/01/2013	£17,500
046545	Hillcrest, Drury Lane	01/10/2013	£10,500
047624	Alltami Road	29/10/2013	£21,000
047900	Ewloe Hall Motors, Liverpool Road	19/03/2013	Outline application
050804	Brunswick Road	19/07/2013	£24,514
052285	Williams Car Sales, Church Road	N/A	£12.257

- Accordingly, any further requests towards the same end would not be in compliance with the Community Infrastructure Regulations 2010 and therefore, by virtue of Reg.123, The Local Planning Authority may not make any further requests for S.106 contributions for the same purpose at this school.
- There is no requirement for a contribution towards secondary school capacity as the nearest secondary school, Elfed School, has 48% surplus spaces.

7.25 The LPA cannot therefore consider a Section 106 agreement in respect of education capacity at Mountain Lane C.P School.

7.26 Having regard to the principles in relation to S.106 Agreements set out within Welsh Office Circular 13/97 'Planning Obligations', that such obligations should only be sought where without the same the Local Planning Authority would not grant planning permission, it falls to be considered whether the proposals ought therefore to be refused in the light of the implications of CIL.

7.27 Clearly, in relation to educational contributions towards primary school places at Mountain Lane C.P School, the development proposals bring about an adverse impact which cannot now be mitigated by a further Section 106 contribution. I have therefore considered whether or not, weighing all matters into the balance and exercising my planning judgement, I should recommend that this application should be refused given that there is an adverse impact at Mountain Lane C.P School which cannot be mitigated by way of a Section 106 contribution.

- 7.28 I am mindful of the fact that the proposals provide for the residential development of a site which benefits from an extant Outline planning permission. I am also mindful that the Council has not met the requirement to maintain a 5 year housing land supply, having presently a 4.1 year supply of housing land.
- 7.29 I am mindful that, save the issue in relation to primary education contributions, all other matters are acceptable on the assessment of their planning merits in all other respects. Nonetheless, there is an impact arising from the proposals which cannot be mitigated by a Section 106 obligation and this will adversely impact upon the capacity of Mountain Lane C.P School. The impact therefore needs to be weighed against the matters set out above, and in light of CIL. The proposals, upon the application of the formula within LPG23 indicate that 4 pupils are expected to be generated from the development to attend this school which presently has 397 pupils on the roll. The proposals would therefore increase the pupils on roll to 401. The school has an actual capacity of 409. The proposals would result in a further encroachment into the surplus places at the school below the 5% threshold. Therefore, in planning policy terms, the proposed development is in conflict with Policy IMP1 of the UDP.
- 7.30 If the development gave rise to a higher number of pupils and the school did not have any spare capacity at all, the impact may be such that the application should be refused, given that mitigation of the impact cannot now be taken into account as a result of CIL. However, having considered all the other matters set out in this report, I am of the view that, whilst finely balanced, the particular impact that would arise as a result of this proposed development is not so great as to warrant refusal of planning permission in this instance.
- 7.31 Following consultation with the Council's POSM in respect of open space and recreation requirements arising from the proposed development, I am advised as follows:
- On site provision of play and recreation facilities is not the most appropriate way to address the requirements of Policy SR5 in this case. A contribution in lieu of the same is therefore sought with this sum to be used to upgrade existing play and recreation facilities within the locality.
  - Accordingly and in line with LGPN 13: Open Space Requirements, I recommend that a contribution equivalent to £1100 per dwelling is sought via a S.106 agreement to satisfy this requirement. This will secure a contribution of £17,600 towards play and recreation facilities for use by future residents.

## **8.00 CONCLUSION**



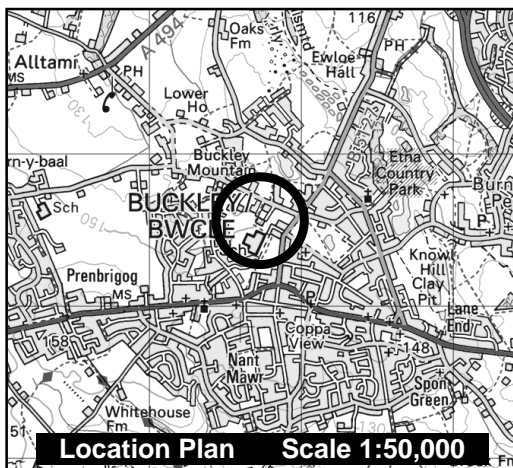
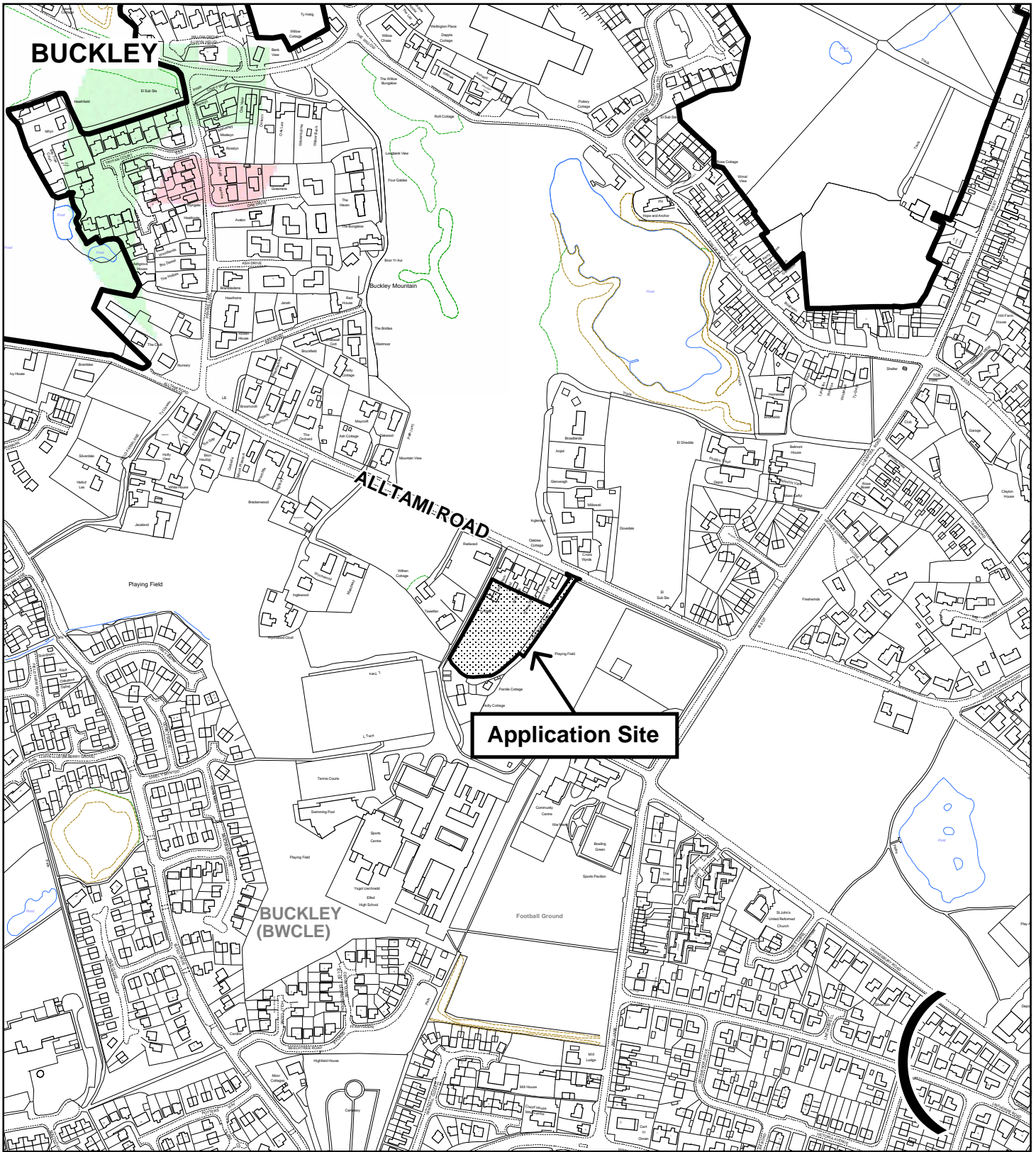
- 8.01 The development of this site for residential use is acceptable in principle, as evidenced by the previous extant outline permission. This detailed full application satisfies the Council's policies in relation to those detailed matters.
- 8.02 Taking the starting position advocated within Section 38(6) of the Planning and Compulsory Purchase Act 2004, I have concluded that the proposals are compliant with the policies of the UDP apart from policy IMP1. Weighing all other material considerations into the balance as set out above, I am of the view that the proposals are on balance acceptable as they outweigh the conflict with Policy IMP1 of the UDP in the particular circumstances of this application.
- 8.03 Appropriate provisions for play and open space provision have been considered and appropriate contributions associated with both this issue and Ecological Offsetting are proposed to be secured via an appropriately worded legal agreement.
- 8.04 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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

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

**Contact Officer:** David Glyn Jones  
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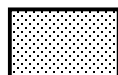


**Location Plan Scale 1:50,000**



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 1975

Planning Application **53141**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **FULL APPLICATION – CONSTRUCTION OF 4 NO. 2 BEDROOMED HOUSES WITH ADJACENT CAR PARKING AT 245 HIGH STREET, CONNAH'S QUAY.**

**APPLICATION NUMBER:** **051926**

**APPLICANT:** **MR. D. O'NEILL**

**SITE:** **245 HIGH STREET, CONNAH'S QUAY.**

**APPLICATION VALID DATE:** **3<sup>RD</sup> APRIL 2014**

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

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

**REASON FOR COMMITTEE:** **NO AUTHORITY FOR PAYMENT WITHOUT SECTION 106 OBLIGATION**

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

### **1.00 SUMMARY**

- 1.01 This full application is for the erection of four, two bedroomed houses with adjacent car parking at 245 High Street, Connah's Quay. Members may be aware that permission was granted on the site for six flats with private parking under 044877 on 7<sup>th</sup> August 2009.
- 1.02 The main issues for consideration are the principle of the development in Planning Policy terms, the highway implications, the effects upon both the character and appearance of the area and the amenities of existing occupiers together with matters of flood risk.

1.03 Given that the site is located within the settlement limit of Connah's Quay and being a 'Category A' settlement, the principle of residential development is acceptable in Planning Policy terms. It is considered that the details of the proposals are also acceptable, hence the recommendation to grant planning permission subject to an upfront payment in lieu of no on site public open space and the conditions listed below.

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

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

- Payment of £4,400 in lieu of on site public open space.

Conditions

1. Five year time limit on commencement of development.
2. In accordance with approved plans.
3. All external materials to be further submitted and approved.
4. Landscaping scheme to be further submitted and approved.
5. Implementation of above landscaping scheme.
6. Details of retaining wall/structure to rear of site to be further submitted and approved. Approved scheme implemented before dwellings are first occupied.
7. Scheme of sound insulation to all windows for the dwellings to be further submitted and approved.
8. Positive means to prevent run-off of surface water from any part of the site onto highway provided in accordance with details to be further submitted and approved.
9. Prior to commencement of development, detailed scheme further submitted and approved for disposal of foul sewage, surface water and land drainage. Assessment of disposal of surface water by means of SUDS and results of assessment provided to the Local Planning Authority.

If the payment is not made or 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 Chief Officer (Planning & Environment) be given delegated authority to **REFUSE** the application.

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor J.B. Attridge  
No response received to date.

Councillor A.P. Shotton  
No response received to date.

Connah's Quay Town Council  
No objections.

Highways Development Control Manager  
No objection to the proposal and confirms does not intend to make a recommendation on highway grounds.

Head of Public Protection  
Requests conditions be applied to any permission granted with regard to double glazing of windows.

Public Open Spaces Manager  
Requests payment of £1,100 per dwelling in lieu of on site public open space.

Natural Resources Wales  
Site lies partially within Zone C1 as defined by TAN15 Development & Flood Risk (2004). Site has current planning permission for six one-bedroom flats, so this represents no change to the highly vulnerable classification of the development. Therefore would not object to proposal provided any permission is granted subject to appropriate condition.

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

#### **4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification  
Two letters of objection received. The grounds of objection being:-

- Increase in traffic and parking. Lay-by opposite is in constant use during the day and difficult to get on to High Street. What provisions are being made which works are done? After works, increase in car usage and the lay-by will be permanently busy. Council done nothing to eradicate the problem. Major accident will prompt action.
- Parking layout of one car in front of another will encourage the residents of new houses to park in the lay-by making congestion worse.
- Cars will be forced to reverse onto the Main Road due to layout of parking and will encourage the residents of the house to use the limited lay-by space.

- Proposed bin compounds are located in front of the allocated parking and will require the cars to be reversed out to release the bins for collection leading to bins being left on the roadside on a permanent basis.
- Applicant removed supporting bank. Ask this to be rectified before complete collapse takes place.

## **5.00 SITE HISTORY**

### **5.01 044877**

Erection of 6 flats with private parking – Granted 7<sup>th</sup> August 2009.

### **02/34991**

Renewal of 97/5/971 – Granted 2<sup>nd</sup> October 2002.

### **97/5/971**

4 No. dwelling – Granted 17<sup>th</sup> March 1998.

### **4/5/24367**

Outline residential development – Withdrawn 10<sup>th</sup> Aril 1997.

### **4/5/20042**

Outline – One pair of semi-detached dwellings – Withdrawn 2<sup>nd</sup> August 1995.

### **4/5/1552**

Outline – Erection of a bungalow or a pair of semi-detached dwellings – Refused.

### **4/5/1551**

Outline – Erection of 4 No. shops – Refused.

## **6.00 PLANNING POLICIES**

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

STR1 – New Development.

STR4 – Housing.

STR8 – Built Environment.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

D1 – Design Quality, Location & Layout.

D2 – Design.

WB1 – Species Protection.

AC13 – Access & Traffic Impact.

HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

SR5 – Outdoor Playing Space & New Residential Development.

EWP12 – Pollution.

EWP13 – Nuisance.



EWP16 – Water Resources.  
EWP17 – Flood Risk.

Local Planning Guidance Note No. 2 – Space Around Dwellings.  
Local Planning Guidance Note No. 11 – Parking Standards.  
Local Planning Guidance Note No. 13 – Open Space Requirements.  
Local Planning Guidance Note No. 19 – Sustainable Drainage Systems.  
Local Planning Guidance Notes No. 22 – Planning Obligations.

National Planning Policy

Planning Policy Wales Edition 7, July 2014.

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

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

Technical Advice Note (TAN) 15: Development & Flood Risk (2004).

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

The site is located within the settlement boundary for Connah's Quay, with the settlement also being a 'Category A' settlement as defined by the Adopted Flintshire Unitary Development Plan. Therefore, the principle of residential development is acceptable and accords with both the Local and National policies referred to above.

**7.00 PLANNING APPRAISAL**

**7.01 Site Description & Proposals**

The site is vacant between a developed frontage of mixed use developments consisting of shops and dwellings fronting the High Street. It has been cleared in the past and is presently overgrown. The boundary to the North is formed by the adjacent highway, the High Street. The boundary walls to the premises on 239 & 247 High Street form the boundaries to the East & West. A combination of residential curtilage boundaries to properties located to the South and a chain link fence adjacent to the footpath which runs from High Street to Bryn Arnold, form the rear boundary of the site. The site is relatively flat across its East – West axis and is located upon a level commensurate with the topography to the North. There is however a marked difference in land levels between the site and the land to the South, which is elevated in relation to the site.

7.02 The proposals are for the erection of four, two bedroomed houses, arranged in a terraced row fronting High Street within the middle of the plot with car parking either side of the row. The houses will measure approximately 8 m x 4 m x 9 m (height to ridge) and constructed of rendered walls and grey concrete tile roofs. Vehicular access to the parking spaces either side of the row will be onto High Street.

**7.03 Issues**

The main issues to be considered within the determination of this application are the principle of the development in Planning Policy

Terms, the highway implications, the effects upon the character and appearance of the area, flood risk and the effects upon the amenities of the adjoining residents.

7.04 Background

Planning permission for the erection of six flats with private parking was granted under 044877 on 7<sup>th</sup> August 2009. The flats were arranged in a one, three storey block fronting the road with car parking to the rear.

7.05 Principle of Development

The site is located within the settlement boundary of Connah's Quay which is also a Category A Settlement as defined by the Flintshire Unitary Development Plan. As such Policy HSG3 allows residential development in this location and therefore the principle of the development is acceptable in planning policy terms.

7.06 Highway Implications

Two car parking spaces will be provided for each dwelling at each end of the row, with one in front of the other. The car parking spaces will be accessed off High Street.

7.07 The Highways Development Control Manager raises no concerns to the proposals upon highway grounds as the requisite number of car parking spaces are being provided and that the technical details of the proposed access points are also considered to be acceptable and the requisite visibility sightlines being achieved.

7.08 Character & Appearance of the Area

It is considered that as the proposed dwellings form a row, being of traditional design and there being a variety of materials upon the existing properties in the area, they will not have a significant detrimental impact upon the character and appearance of the area. The approved scheme granted under 044877 was of a more modern three storey block of six flats being also higher than the existing row of terraced dwellings to the West of the site.

7.09 Flood Risk

The site lies partially within Zone C1 as defined by TAN15 Development and Flood Risk (2004) and shown on Welsh Government's Development Advice Map (DAM).

7.10 Natural Resources Wales' Flood Map shows that the site is at risk of tidal flooding in the 0.5% (1 in 200) annual chance flood events. In addition, the site is partially at risk of surface water flooding in the 0.1% (1 in 1000) annual chance rainfall event.

7.11 However, the site has current planning permission for six, one-bedroom flats (044877), so this proposal represents no change to the 'highly vulnerable' classifications of the development. Therefore,

Natural Resources Wales raise no objection to the proposals, provided any planning permission is granted subject to an appropriately worded condition. This has been placed upon the recommendation to grant planning permission.

7.12 Amenities of Existing Occupiers

In terms of the effects of the proposals upon the amenities of the adjoining occupiers in relation to loss of light, overlooking and obtrusiveness, the only occupiers that could be significantly detrimentally affected would be those at No. 247 High Street which lies immediately west of the site. This is because of the proximity of the proposal and the presence of a ground floor window upon the eastern elevation of No. 247. However, there will be a 5 m separation distance between this existing property and the proposal. In addition, no proposed windows will be upon this side elevation of the development. Indeed, this is no different to the proposals granted planning permission under 044877. Given the above, it is considered that there will be no significant detrimental impact upon the amenities of adjoining occupiers from the proposed development.

**8.00 CONCLUSION**

8.01 The proposed development is considered acceptable in principle and detail subject to the signing of a Section 106 Agreement/Obligation or upfront payment of £4,400 in lieu of on site public open space and the suggested conditions.

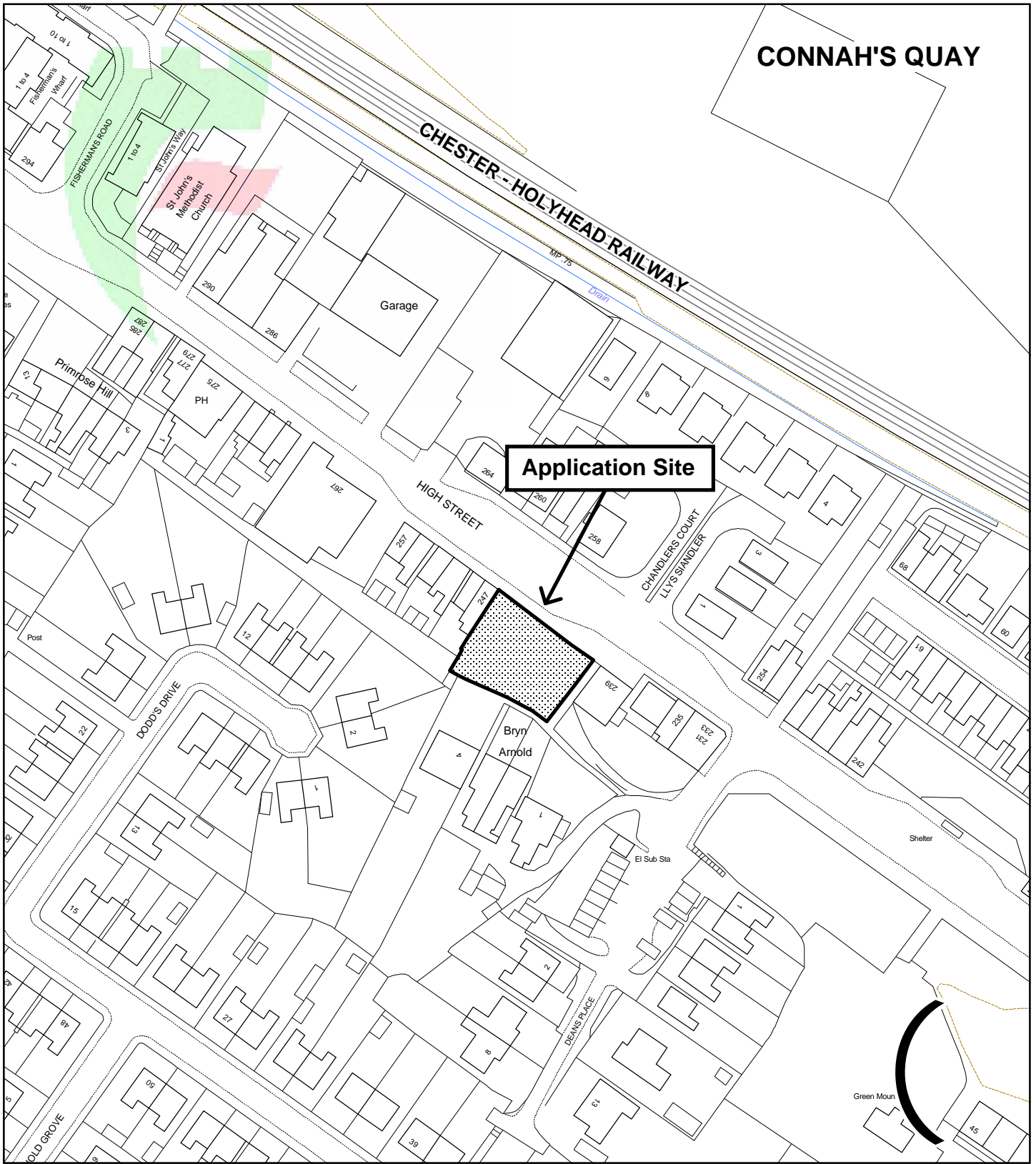
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**LIST OF BACKGROUND DOCUMENTS**

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

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

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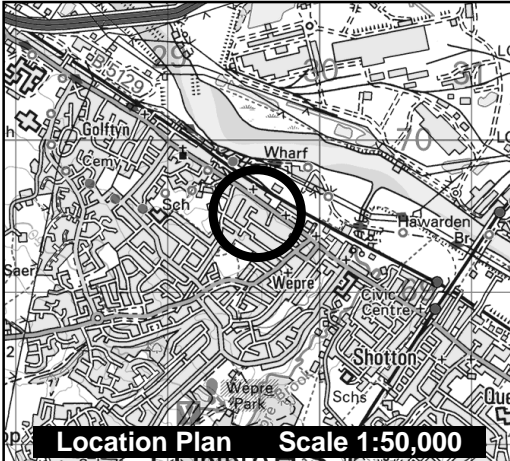
**CONNAH'S QUAY**

**CHESTER - HOLYHEAD RAILWAY**

**Application Site**

**HIGH STREET**

Bryn Arnold



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



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

**Legend**

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

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OS Map ref SJ 2969

Planning Application **51926**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED CHANGE OF HOUSE TYPES ON PLOTS 19, 26 & 27 AND RE-POSITION ON PLOTS 20, 21 & 22 FROM PREVIOUSLY APPROVED RESIDENTIAL DEVELOPMENT 048855 AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL.**

**APPLICATION NUMBER:** **053420**

**APPLICANT:** **ANWYL CONSTRUCTION CO. LTD.**

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

**APPLICATION VALID DATE:** **1<sup>ST</sup> APRIL 2014**

**LOCAL MEMBERS:** **COUNCILLOR T SHARPS**

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

**REASON FOR COMMITTEE:** **S106 AGREEMENT**

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

### **1.00 SUMMARY**

1.01 This is an application for the change of house types on plots 19, 26 & 27 and re-position of dwellings on plots 20, 21 and 22 from previously approved residential development 048855 Phase 1 of residential development at land at Cae Eithin, Village Road, Northop Hall, which is currently under construction.

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

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

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

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

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

## **3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor T Sharps  
No response received at time of writing.

Northop Hall Community Council  
No response received at time of writing.

Highways Development Control  
No objection.

Environmental Protection Manager  
No adverse comments to make.

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

The Coal Authority  
No response received at time of writing.

## **4.00 PUBLICITY**

- 4.01 Site Notice and Neighbour Notification  
No responses received.

## **5.00 SITE HISTORY**

- 5.01 **052907** Proposed change of house types on plots 5,6,33 and 35 to 37, re siting of plot 34 with additional plot 73. Committee resolution to grant permission 25.02.15 subject to the signing of a S106 agreement.

**052406**  
Erection of 4 dwellings (i) substitution of house type on previously



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

**052388**

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

**048855**

Residential development consisting of 51no. dwellings, new road and creation of mitigation land in relation to ecology. Appeal against non-determination. Allowed on appeal 31.01.13

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**048373**

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

**043413**

Outline residential development 15.10.07

**036558**

Outline residential development 30.01.04

**035046**

Residential development 01.05.03. Dismissed on appeal 22.09.03

**6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
STR1 - New Development  
STR 4 - Housing  
GEN1 - General Requirements for Development  
GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout  
D2 - Design  
D3 - Landscaping  
WB1 - Species Protection  
AC13 - Access and Traffic Impact  
AC18 - Parking Provision and New Development  
HSG1 – New Housing Development Proposals  
HSG8 - Density of Development  
SR5 - Outdoor Playing Space and New Residential Development  
EWP14 - Derelict and Contaminated Lane  
EWP17 - Flood Risk

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

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is an application for the change of house types on plots 19, 26 & 27 and re-position of dwellings on plots 20, 21 and 22 from previously approved residential development 048855 which is Phase 1 of residential development at land at Cae Eithin, Village Road, Northop Hall, which is currently under construction.

7.02 The reason for the changes in house types is due to the location of mine shafts on the site. While it was known during the submission of the previous application that mine shafts existed on the site, further intrusive site investigation was required to determine the exact locations of the mine shafts which could not be undertaken until the badger set had been relocated to avoid disturbance to the badgers. The on-site investigation which has been carried out has shown that the positioning of some dwellings needs to be altered due to the locations of the mine shafts.

### **7.03 Site description**

The plots involved are in the south west of the development site and bound the ecological mitigation land to the southern boundary. The plots are accessed from the main spine road which ends in a cul de sac arrangement.

### **7.04 Proposal**

This is an application for;

- a) Plot 19 - the change of house type from the approved 2.5 storey Cricceth to a 2 storey Dolwen
- b) Plot 20 – the change of position of the Dolwen house type
- c) Plots 21 & 22 - the change of position of Porthmadog house type
- d) Plot 26 - the change of house type from the approved Dolwen to a Porthmadog
- e) Plot 27 - the change of house type from the approved

## Porthmadog to a Dolwen

### 7.05 Issues

The application site is allocated for residential development within the Adopted Unitary Development plan for 93 dwellings. Planning permission was granted for 51 dwellings as part of phase 1 of the development on appeal in January 2013. Progress is underway to discharge the relevant conditions and the ecological mitigation has commenced to facilitate a start on site. Phase 2 of the development provides 20 dwellings and a house type substitution was resolved to be approved by this Committee relating to four plots, which led to an additional dwelling. A previous substitution of house type application has been approved 052907 which affects phase 1 only of the development and leads to 1 additional dwelling. The total number of dwellings would therefore be 73.

### 7.06 Impact on residential amenity

The affected plots are internal to the site and are within the south western part of phase 1. There is therefore no impact on the adjoining existing residential properties. The main change is the slight reorientation of plots 18 – 21 and the dwellings upon them in order to accommodate for the mine shafts.

7.07 The proposed re-sited dwellings have separation distances and private garden areas in accordance with the Council's Space Around Dwellings.

### 7.08 Education and open space contributions and affordable housing provision

A supplementary S106 agreement or unilateral undertaking is required to link this development with the open space and education contributions required for the development as a whole.

## 8.00 CONCLUSION

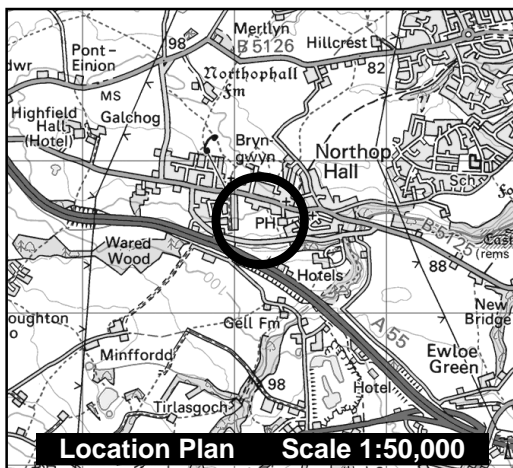
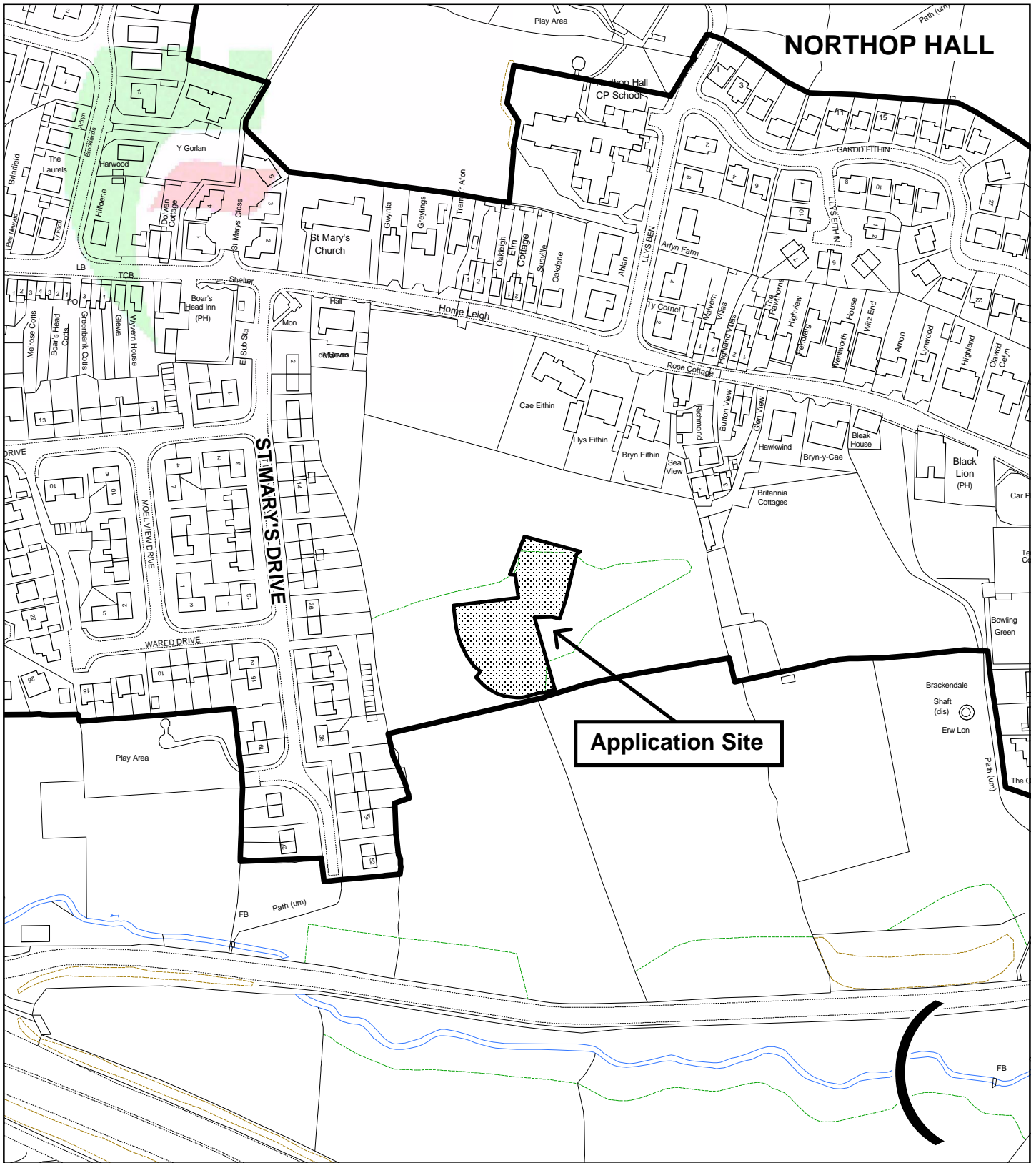
8.01 The proposed changes to the siting of the dwellings and house types required as a result of the location of the mine shafts are acceptable. It is therefore considered that permission be granted subject to the applicant entering into a supplementary S106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions and relevant conditions as required by 048855.

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

## LIST OF BACKGROUND DOCUMENTS

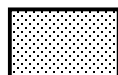
Planning Application & Supporting Documents  
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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2767

Planning Application **53420**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED CHANGE OF HOUSE TYPE POSITION ON PLOTS 40 TO 46 INCLUSIVE AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL.**

**APPLICATION NUMBER:** **053496**

**APPLICANT:** **ANWYL CONSTRUCTION CO. LTD.**

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

**APPLICATION VALID DATE:** **8<sup>TH</sup> APRIL 2015**

**LOCAL MEMBERS:** **COUNCILLOR T SHARPS**

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

**REASON FOR COMMITTEE:** **S106 AGREEMENT**

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

### **1.00 SUMMARY**

1.01 This is an application for the change of house types on plots 40-46 inclusive from previously approved residential development 048855, which is Phase 1 of residential development at land at Cae Eithin, Village Road, Northop Hall, which is currently under construction.

### **2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO NO OBJECTIONS BEING RECEIVED AFTER THE 22<sup>ND</sup> MAY 2015 SUBJECT TO THE FOLLOWING:-**

2.01 To enter into a supplementary S106 agreement or unilateral undertaking to link this development with the requirement for the

affordable housing provision and the open space and education contributions as required by 048855.

1. Time commencement
2. In accordance with plans
3. Other conditions relevant on 048855
4. Dwellings with integral garages to have roller doors

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 T Sharps

No response received at time of writing.

Northop Hall Community Council

No response received at time of writing.

Highways Development Control

No objection.

Environmental Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

No response received at time of writing.

The Coal Authority

No response received at time of writing.

### **4.00 PUBLICITY**

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

1 response received on the grounds of;

- Would like to see the proposed changes, do not want to be overlooked by more houses.

### **5.00 SITE HISTORY**

#### **5.01 052907**

Proposed change of house types on plots 5,6,33 and 35 to 37, re siting of plot 34 with additional plot 73. Committee resolution to grant permission 25.02.15 subject to the signing of a S106 agreement.

#### **052406**

Erection of 4 dwellings (i) substitution of house type on previously



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

**052388**

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

**048855**

Residential development consisting of 51no. dwellings, new road and creation of mitigation land in relation to ecology. Appeal against non-determination. Allowed on appeal 31.01.13.

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Outline residential development 15.10.07.

**036558**

Outline residential development 30.01.04.

**035046**

Residential development 01.05.03. Dismissed on appeal 22.09.03.

**6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan
  - STR1 - New Development
  - STR 4 - Housing
  - GEN1 - General Requirements for Development
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HSG1 – New Housing Development Proposals  
HSG8 - Density of Development  
SR5 - Outdoor Playing Space and New Residential Development  
EWP14 - Derelict and Contaminated Lane  
EWP17 - Flood Risk

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

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is an application for the change of house types on plots 40 to 46 inclusive from the previously approved residential development 048855 for Phase 1 of the residential development at land at Cae Eithin, Village Road, Northop Hall, which is currently under construction.

### **7.02 Site description**

The plots involved are in the north of the development site. They are bounded by existing residential properties of Cae Eithin, Rose Cottage and Bryn Eithin located on Village Road. To the south is the central spine road into the development.

### **7.03 Proposal**

This is an application for the change of the house type position on Plots 40-46 due to technical errors in the setting out of the properties on site. The properties have been sited 950mm further south into the development site than previously approved. This has resulted in a reduced driveway length for these 6 plots and reduced footpath widths on the northern side of the spine road from 1.8 metres to 1 metre - 1.3 metres. Plots 44 -45 are two of the affordable dwellings to be gifted to NEW Homes.

### **7.04 Issues**

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

has been approved 052907 which affects phase 1 only of the development and leads to 1 additional dwelling. The total number of dwellings would therefore be 73.

7.05 Impact on residential amenity

The affected plots are in the north of the development site. They are bounded by existing residential properties of Cae Eithin, Rose Cottage and Bryn Eithin located on Village Road. Plots 40 - 46 have been constructed 950mm further south into the development site than previously approved. This therefore moves the dwellings 950mm further south increasing the garden depth and the separation distances between the proposed and existing dwellings.

7.06 This has resulted in a reduced driveway length for these 6 plots and reduced footpath widths on the northern side of the spine road from 1.8metres to 1.3 metres and to 1.0 metre along the frontage of plots 44 - 45. The width of the spine road and the footpath on the southern side remain as previously consented at 5.5 metres and 1.8 metres respectively. The properties with integral garages will have roller doors plots 40 - 43 and plot 46. However the pair of semi-detached houses which are affordable homes to be gifted to NEW Homes do not have integral garages so in order to achieve 5 metre driveway lengths the footway will be reduced to 1.0metre in front of these two properties. It will then widen back to 1.3 metres until plot 39 when it widens back to 1.8 metres.

7.07 The proposed re-sited dwellings have separation distances and private garden areas in accordance with the Council's Space Around Dwellings. The parking arrangements still provide the required number of spaces and the proposed roller doors will ensure the garages are useable as parking spaces. Highways raise no objections to the proposed amendments to the footpath arrangements.

7.08 Education and open space contributions and affordable housing provision

A supplementary S106 agreement or unilateral undertaking is required to link this development with the open space and education contributions required for the development as a whole.

**8.00 CONCLUSION**

8.01 The proposed changes to the siting of the dwellings and house types required as a result of the technical setting out errors are acceptable. It is therefore considered that permission be granted subject to the applicant entering into a supplementary S106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions and relevant conditions as required by 048855.

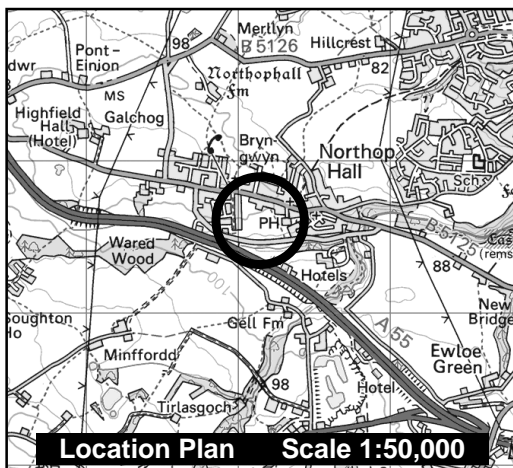
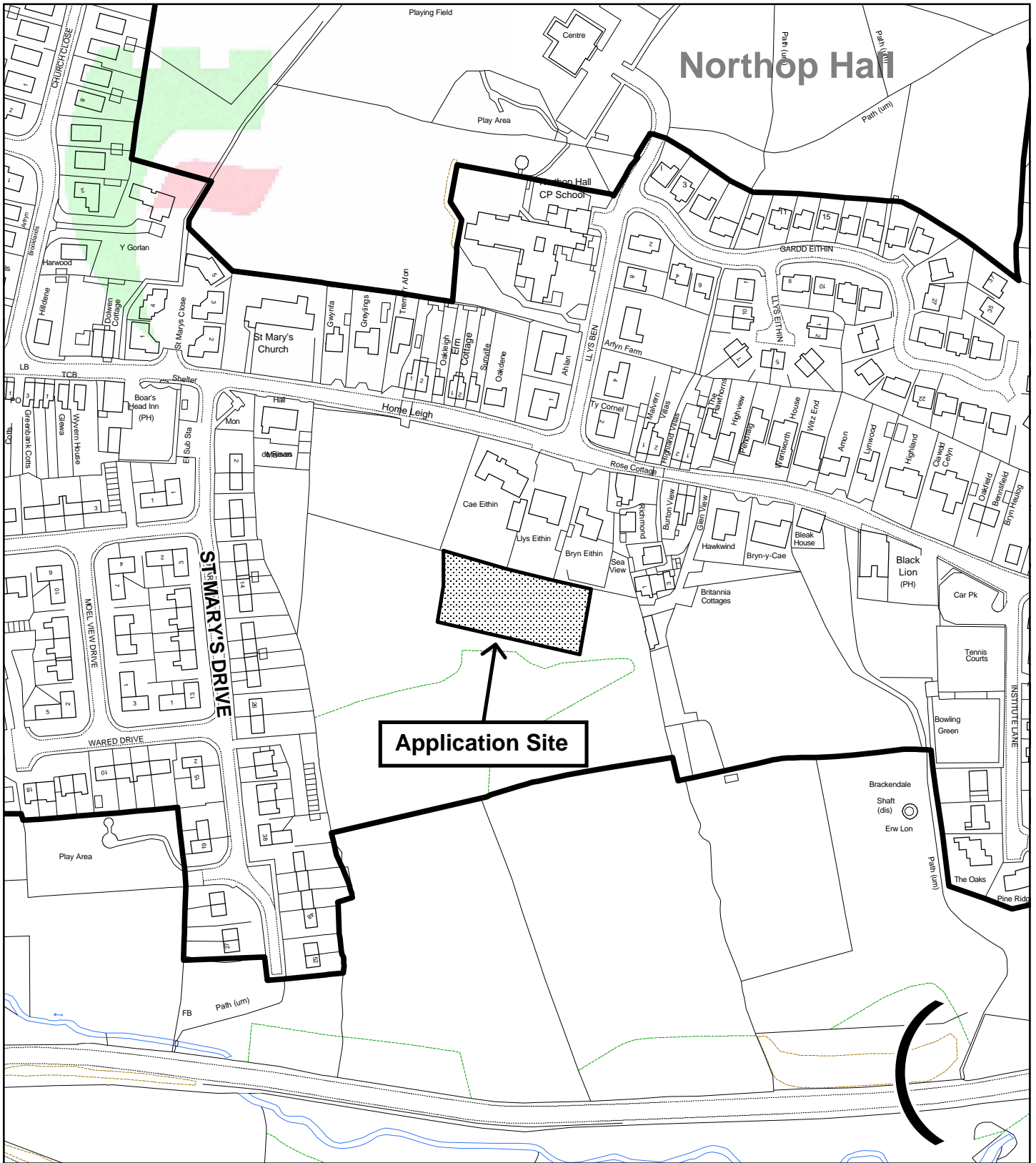
8.02 In considering this planning application the Council has acted in

accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

**LIST OF BACKGROUND DOCUMENTS**

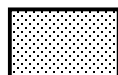
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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **53496**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 20 MAY 2015**

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

**SUBJECT:** **GENERAL MATTERS - FULL APPLICATION - ERECTION OF 20 NO. DWELLINGS (PHASE 2) AT VILLAGE ROAD, NORTHOP HALL.**

### **1.00 APPLICATION NUMBER**

1.01 052388

### **2.00 APPLICANT**

2.01 MR. T. ANWYL & CO. LTD.

### **3.00 SITE**

3.01 VILLAGE ROAD,  
NORTHOP HALL.

### **4.00 APPLICATION VALID DATE**

4.01 11<sup>TH</sup> JULY 2014.

### **5.00 PURPOSE OF REPORT**

5.01 To seek an amended resolution from Members regarding the S106 contribution requirements in respect of the education contribution to Hawarden High School.

### **6.00 REPORT**

6.01 Members resolved to grant planning permission at Planning and Development Control Committee on 8<sup>th</sup> October 2014 for application 052388 relating to the erection of 20 dwellings (phase 2) at Village Road, Northop subject to the applicant entering into a S106 agreement relating to the following matters;

- To gift 2 three bed dwellings to North East Wales Homes to be used as affordable housing
- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision

- To provide a contribution of £55,407 to fund capacity improvements at Hawarden High School

- 6.02 Since then members resolved to approve application 052406 'Erection of 4 dwellings. (i) Substitution of house type on previously approved Phase 1 plot 38; (ii) Substitution of sub-station with additional dwelling; (iii) Erection of 2 dwellings (re-plan of plots 19 and 20 phase 2) at Planning and Development Control Committee on 17<sup>th</sup> December 2014. This relates to plots on both phase 1 and phase 2. A supplementary legal agreement is being drawn up to cover the S106 matters in relation to this.
- 6.03 The infrastructure and monetary contributions that can be required from the a planning application through a S106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 6.04 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:
1. be necessary to make the development acceptable in planning terms;
  2. be directly related to the development; and
  3. be fairly and reasonably related in scale and kind to the development.
- 6.05 While the Authority does not yet have a charging schedule in place, the CIL regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.
- 6.06 The Planning Authority considers that in terms of education contributions this limits the number of contributions to each school to 5. In respect of education contributions the Council has entered into 5 obligations towards Hawarden High School since April 2010 namely;

<b>Planning permission reference</b>	<b>Site address</b>	<b>Amount of Contribution</b>
048855	Phase 1 Cae Eithin, Village Road, Northop Hall	£31,500
048485	Land South of The Larches, Hawarden	£3,000
050805	Land at Overlea Drive, Hawarden	£28,000



049488	105 The Highway, Hawarden	£7,000
051613	Land off Old Hall Road/Greenhill Avenue, Hawarden	£129,283

6.07 Under the provisions of the CIL Regulations we therefore cannot require an obligation under S106 of the Town and Country Planning Act 1990 for any further money for Hawarden High School. The Local Planning Authority has to be consider whether the impacts of this development on the affected infrastructure are so great that permission should not be granted. In this case the site was allocated within the UDP and has come forward in phases due to issues with landownership. This phase of the development for 20 dwellings would give rise to 3 pupils of Secondary age based on the multipliers used by Education. Hawarden High School has a capacity of 1145 and as of 2013/14 had 1169 pupils on role. It is considered in light of Regulation 123 of the CIL Regulations that given the scale of the development and the number of pupils it would generate the impact on the High School would not be justified as a reason for refusal on planning grounds.

## **7.00 RECOMMENDATIONS**

7.01 That Members resolve that permission be granted for the 20 dwellings 052388 subject to the applicant entering into a S106 agreement relating to the following matters only;

- To gift 2 three bed dwellings to North East Wales Homes to be used as affordable housing
- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision

### **LIST OF BACKGROUND DOCUMENTS**

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

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**Email:** emma\_hancock@flintshire.gov.uk

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **APPEAL BY MORRIS HOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF 36 NO. AFFORDABLE DWELLINGS WITH ASSOCIATED PARKING, ACCESS, HABITAT CREATION AND PUBLIC OPEN SPACE AT LLYS BEN, NORTHOP HALL – DISMISSED.**

### **1.00 APPLICATION NUMBER**

1.01 050613

### **2.00 APPLICANT**

2.01 Morris Homes (North) Ltd.

### **3.00 SITE**

3.01 Land off Llys Ben, Northop Hall

### **4.00 APPLICATION VALID DATE**

4.01 15<sup>th</sup>. March, 2015

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an appeal following the refusal of planning permission for the erection of 36 affordable dwellings (under Policy HSG 11 of the UDP), with associated parking, access, habitat creation and public open space at Llys Ben, Northop Hall. The application was refused by Committee in accordance with officer recommendation and the appeal was considered by way of a public Inquiry held over three days in March. The appeal was DISMISSED.

## **6.00 REPORT**

- 6.01 The Inspector considered the main issues in this case to be: whether or not the proposal amounts to inappropriate development in the green barrier; its effects on the openness and purposes of the green barrier; its effects on the character and appearance of the area; its effects on local ecology, particularly on the key features (great crested newts) of the nearby Special Area of Conservation (SAC); and the benefits of the scheme in regard to the provision of affordable housing and other matters. He addresses each of these matters in turn.
- 6.02 With regard to the appropriateness of the development within the green barrier he noted that both Planning Policy Wales (PPW) and the adopted Unitary Development Plan (UDP) policies are consistent in that “Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge” (green barrier in this case); and that the construction of new buildings is inappropriate development unless it is for certain specific purposes, which include “affordable housing for local needs under development plan policies”
- 6.03 In respect of UDP Policy GEN4, Green Barriers, development within green barriers will only be permitted where it comprises certain specified types of development, and one of these is “limited housing infill development to meet proven local housing need or affordable housing exception schemes”. Supporting paragraph 4.16 explains that the latter refers to affordable housing exception schemes on the edge of existing settlements (policy HSG11), provided the development would not unacceptably harm the openness of the green barrier. Policy HSG11, Affordable Housing in Rural Areas, sets a number of criteria to be met: there should be evidence of genuine local need for such provision; there are no suitable alternative sites within settlement boundaries to meet the need; schemes should abut settlement boundaries and form logical extensions to settlements; the scale, design and layout should be sympathetic to its location and the scale of need; and the houses should remain affordable in perpetuity.
- 6.04 The Inspector took the view that so far as appropriateness is concerned, the key issues are the local need for the types of houses proposed and the availability of alternative sites within settlement boundaries to meet the need for affordable housing.
- 6.05 He referred to Technical Advice Note 2, Planning and Affordable Housing (TAN2), which defines affordable housing as “housing provided to those whose needs are not met by the open market” and says affordable housing should “meet the needs of eligible households, including availability at low enough cost for them to afford, determined with regard to local incomes and local house prices”.

- 6.06 It was part of the Council's case that the type of affordable housing proposed does not meet this requirement as most of it would not be affordable to the local people identified as being in need. The Council agreed that there is a need for affordable housing in the area, which, based on the appellant's survey in 2011 (updated for the Inquiry) demonstrates a need for 16 affordable homes per year in Northop Hall. However, the survey also shows that some 64% of identified need is for social rented housing and a further 10% is for intermediate rent at 60% of the market rate. Only 10% required some form of shared ownership housing. The proposed development would comprise 28 shared equity units (at up to 70% open market value) and 8 intermediate rented units (at up to 80% of open market rental), which would meet the needs of only a small proportion of those people in need of affordable housing in the area.
- 6.07 The Appellant tried to argue that detailed analysis of the data collected in the survey shows the proposed houses would be sufficiently attractive and affordable for many of those in need. However, the Council disputed that conclusion and the Inspector was persuaded by the Council's arguments. He concluded on this point that: "it is clear that very few of the people in need of affordable housing would be able to afford the houses in the proposed scheme, even the smallest 2 bedroom houses. Lower quartile income households would not be able to afford any of the shared equity properties (on the basis of standard income multipliers), and even average income households would only be able to afford the 2 bedroom units".
- 6.08 The Appellant's assessment assumed that deposits of some 25% would be provided from savings or existing equity, thus making the mortgages smaller and more affordable. However, the survey also indicated that most of the households in question had no or very little by way of savings or equity, and the Inspector considered the "Appellant's assessment to be quite misleading". The Inspector concluded that most of the properties on offer would not be affordable. In particular he considered it likely that it would be very difficult to find eligible people able to afford the larger 4 bedroom shared equity houses, which make up some 50% of the development.
- 6.09 His conclusion was that most of the proposed scheme would not deliver dwellings that would be affordable to more than just a few of the local people in need of affordable housing. Most of the local need is for social rented housing, and the proposed scheme would do nothing towards that need. "Whilst funding for new social rented housing may not be readily available in the current economic climate, it does not justify the promotion of schemes for intermediate affordable housing in areas where they would not meet the local need".
- 6.10 The second matter at issue was whether or not there are alternative

sites within settlement boundaries capable of meeting the need for affordable housing in the area.

- 6.11 The Council drew his attention to 2 such sites: Cae Eithin in Northop Hall; and Ffordd Newydd in Connahs Quay. The former includes provision for 7 units which are to be gifted to the Council and are likely to be used for social rented housing, where most of the need for affordable housing exists. The Connahs Quay development is a much larger development and includes provision for 41 affordable units. Both developments are within the settlement boundaries and, although one is not in Northop Hall itself, it lies on the closest edge of Connahs Quay less than one kilometre from the current appeal site.
- 6.12 The Appellant drew attention to the principle that rural exception sites are aimed at meeting demand in the community where it exists so that it supports the rural community and is sustainable in that respect, and that consideration should only be given to possible alternative sites in Northop Hall itself.
- 6.13 However, the Inspector states that “Whilst that principle is undoubtedly correct, Northop Hall is not in an isolated location and is situated very close to Connahs Quay, the largest settlement in Flintshire. As such, I consider it eminently reasonable to take into account the affordable housing provisions on the Ffordd Newydd site. Thus, the Cae Eithin and Ffordd Newydd sites may reasonably be considered to be alternative sites capable of meeting the affordable housing need in Northop Hall”.
- 6.14 The Inspector referred to the Council’s current position in having provision for only some 4.1 years of housing land supply and to its inability to achieve its UDP aim of 30% affordable housing (which itself was short of its 38% identified need at the time). Thus, he accepted that the need for affordable housing is not being met over the County as a whole and the backlog is getting worse. However, even taking these factors into account, his conclusion was still that the proposed scheme would not match the identified need in Northop Hall and that alternative sites exist within settlement boundaries to meet local need.
- 6.15 The Inspector therefore concluded that the proposal conflicts with two of the criteria specified in Policy HSG11 and should not be permitted under that policy. As the proposal did not satisfy Policy HSG 11 it also follows that it would not meet the requirements of Policy GEN4 (as it was not one of the exceptions) and would amount to inappropriate development in the green barrier. He referred to the fact that PPW provides a presumption against inappropriate development in a green barrier and says that substantial weight should be attributed to any harmful impact on the green barrier and that planning permission should not be granted for inappropriate development except in very exceptional circumstances where other considerations clearly outweigh the harm to the green barrier.

- 6.16 In addressing this issue, the Inspector considered it “vitaly important to maintain the narrow green gap between Northop Hall and Connahs Quay in order to avoid coalescence of the two settlements. However, he did not consider that the proposed development would significantly affect the gap or be detrimental to the aim of avoiding coalescence between the settlements. Significantly though, he considered that it would encroach into the countryside outside the settlement boundary and be detrimental to that green barrier purpose. It would also harm the openness of this part of the green barrier, which is its main attribute. Although the loss of openness and the encroachment into the countryside would only be quite small in this case, he considered that “it warrants substantial weight (as directed by PPW) in respect of any harmful impact on the green barrier”.
- 6.17 The Inspector recognised the role of the site as an important local amenity and concluded on this point that the proposed scheme would be detrimental to the rural character and appearance of the area, including the amenity of nearby residents, and thus conflicts with the aims of UDP Policies GEN1, GEN3 and L1.
- 6.18 The other main issue identified by the Inspector referred to the effects of the development on Ecology, particularly Great Crested Newts, for which the Deeside and Buckley Newt sites SAC was created. The appeal site lies within range of ponds known to be frequented by newts and that it currently provides much suitable terrestrial habitat, although survey work had not actually confirmed their presence on the site it was accepted that great crested newts are likely to be present.
- 6.19 The proposed development would effectively use some 60% of the site area and, although 40% would be retained as natural habitat or open space, the Inspector considered it likely to be subject to more disturbance than at present and so become a less attractive habitat for newts. He concluded that the proposed development would degrade the terrestrial habitat for newts.
- 6.20 However, he considered its possible effect on the nearby SAC to be of far greater importance. The Council’s first reason for refusal was that the scheme would have a detrimental effect on the key features of the SAC, and it argues that much of the recreational use of the appeal site (particularly the walkers) would be likely to be displaced to walk in the SAC instead and that this would lead to increased disturbance of that natural environment to the detriment of the protected newt species. He noted that Natural Resources Wales (NRW) advised that it considers the proposed scheme (when considered in combination with other plans or projects) would be likely to have a significant effect on the SAC and that, before deciding to approve the proposal, an appropriate assessment under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (as amended) would need to be carried out.

6.21 On this point and having regard to the various legal precedents referred to at the Inquiry, the Inspector concluded that as the possibility of detrimental effects on the conservation objectives of the SAC could not be confidently ruled out, that appropriate assessment would be required before approval could be granted for the scheme. However, in light of the mitigation being offered by the developer, he considered that this carried only limited weight in his decision.

## **7.00 CONCLUSION**

7.01 In his overall conclusion the Inspector states that: “the proposed development would amount to inappropriate development in the green barrier and so substantial weight should be attributed to any harm to the green barrier. The proposal would be detrimental to the openness of the green barrier, which is its most important attribute, and would encroach into the countryside outside the settlement boundary, contrary to one of the purposes of the green barrier. In accordance with national policy, I attribute substantial weight to these matters.”

7.02 He goes on to state: “Furthermore, even if I had reached the conclusion that the proposal would not be inappropriate development, I consider the harm to the green barrier and to the character and appearance of the area to be sufficient to outweigh the limited benefits of the scheme. On balance, the proposal would conflict with the aims of development plan and national policy”.

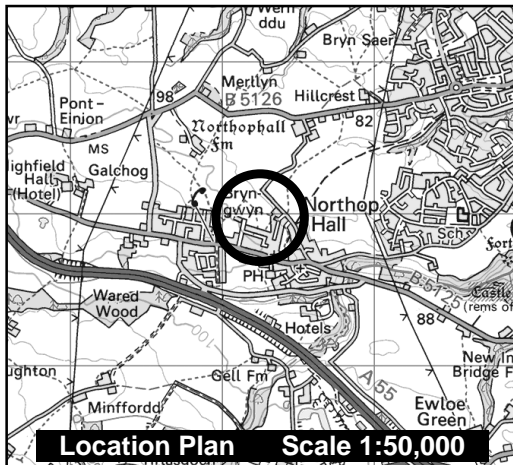
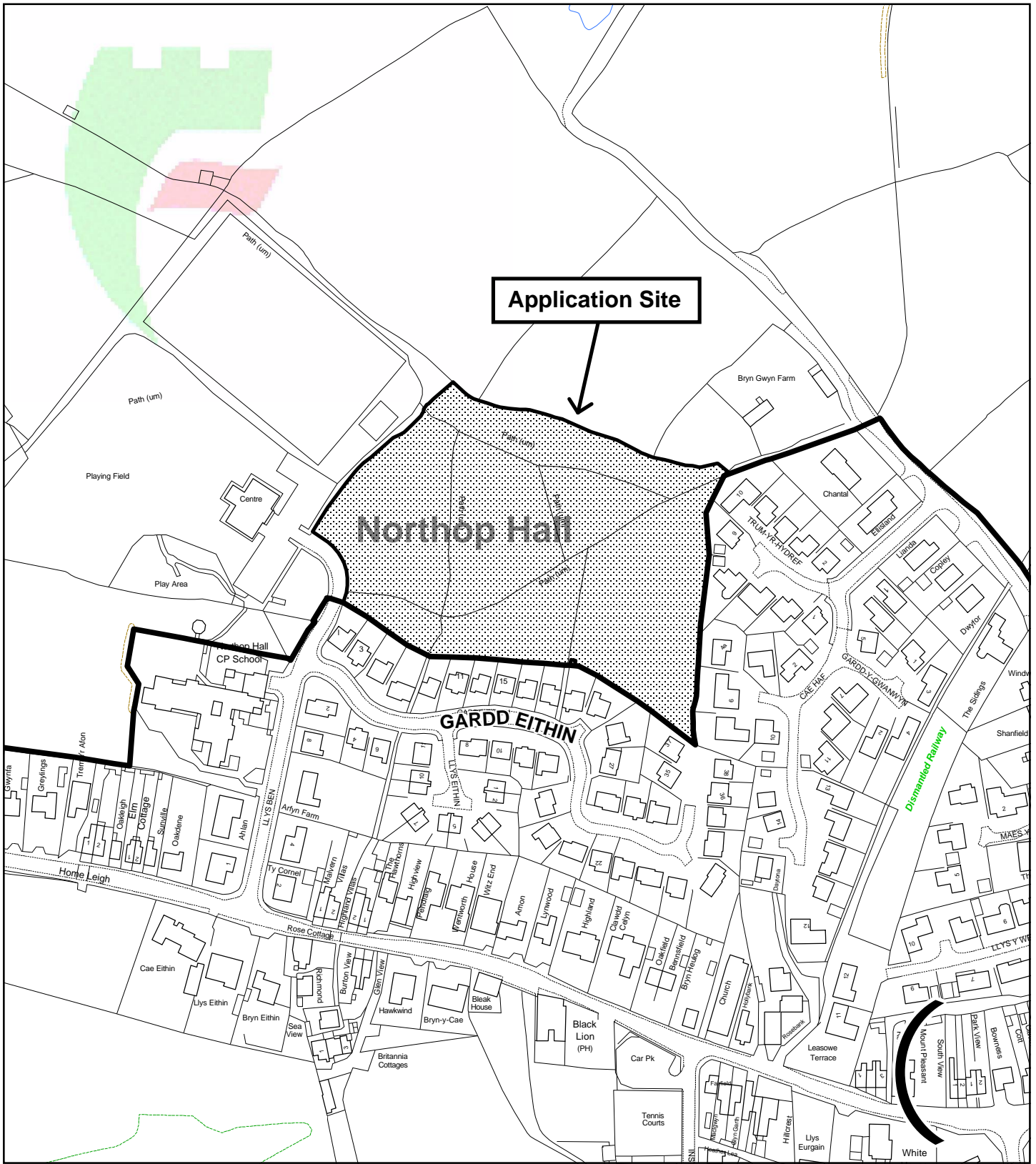
7.03 Having taken all matters into account, including sustainability arguments, he concluded that the appeal should be DISMISSED

### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
Appeal decision letter

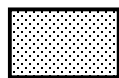
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Planning & Environment,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **50613**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **APPEAL BY MR. B. THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR REGULARISATION OF EXISTING EQUIPMENT STORE AT MOUNTAIN PARK HOTEL, NORTHOP ROAD, FLINT MOUNTAIN – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 **050965**

**2.00 APPLICANT**

2.01 **MR. B. THOMAS**

**3.00 SITE**

3.01 **MOUNTAIN PARK HOTEL,  
NORTHOP ROAD, FLINT MOUNTAIN.**

**4.00 APPLICATION VALID DATE**

4.01 **28<sup>th</sup> JUNE 2015**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in respect of the appeal against Flintshire County Council for refusal of planning application for the retention of an equipment store at Mountain Park Hotel, Flint. The application was refused by Members at Planning Committee on 14<sup>th</sup> March 2015, contrary to officer recommendation, for the following reason:-

“By virtue of its scale and siting, the building has a significant unacceptable impact on the residential amenity of neighbouring residents, contrary to Policy GEN1 of the adopted Flintshire Unitary

Development Plan”.

The appeal is DISMISSED.

## **6.00 REPORT**

- 6.01 The Inspector considered that the main issues in respect of this appeal was the effect of the proposal on the living conditions of neighbouring residents.
- 6.02 The Inspector noted that the equipment store abuts the rear boundary of the garden of The Bungalow, which is the nearest dwelling to the hotel. The rear garden of this dwelling is relatively shallow and the result is a wall of development along the majority of the rear shared boundary.
- 6.03 He considered that the building is considerably higher than any of the adjacent containers and any container it purports to replace.
- 6.04 The inspector found that the proximity of the development to the dwelling, its proximity to the boundary and the overall relative scale causes harm. Furthermore, there would undoubtedly be additional noise and disturbance and the windows, although not causing any actual overlooking, would add to the perception of overlooking into the garden area.

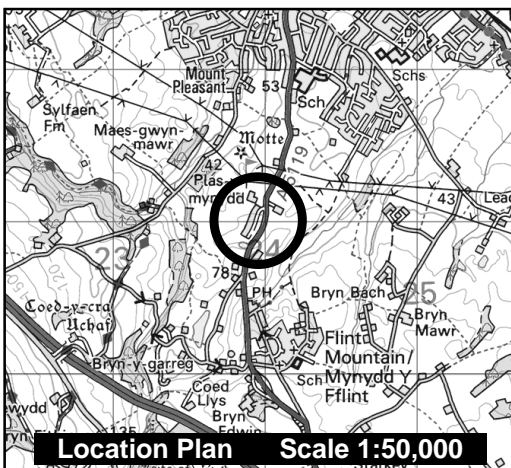
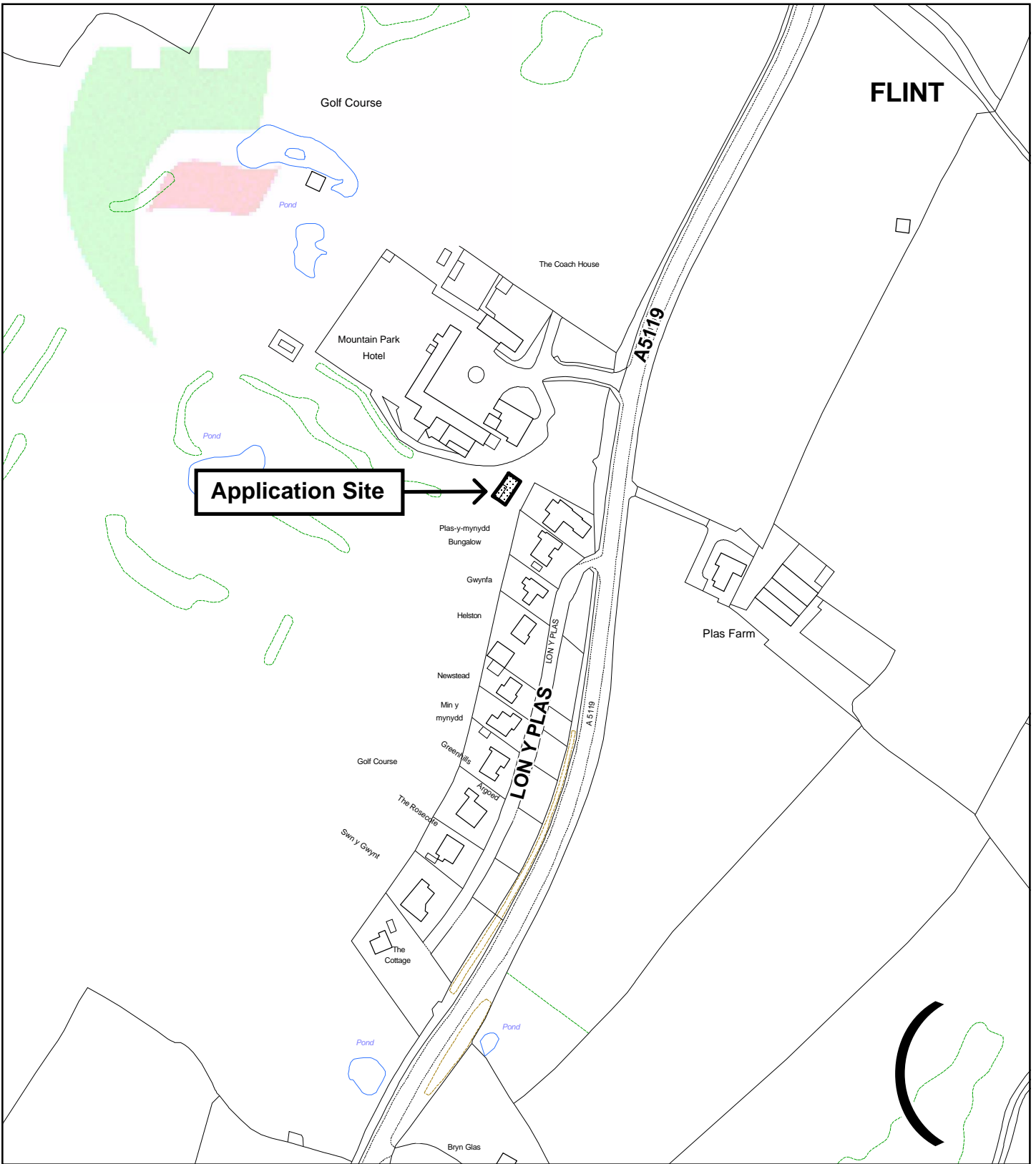
## **7.00 CONCLUSION**

- 7.01 In conclusion, the Inspector found that the development has a significant adverse effect on the amenity of the nearby residents, contrary to policy GEN1 of the FUDP. The appeal is DISMISSED.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** alex.walker@flintshire.gov.uk  
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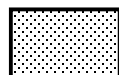


**Location Plan Scale 1:50,000**



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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OS Map ref SJ 2371

Planning Application **50965**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20 MAY 2015**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **APPEAL BY McDONALD'S RESTAURANT LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ALTERATIONS TO DRIVE THROUGH LANE AND RECONFIGURATION/EXTENSION TO CAR PARK AND ORDER POINT AT McDONALD'S, ST ASAPH ROAD, LLOC, HOLYWELL**

### **1.00 APPLICATION NUMBER**

1.01 052233

### **2.00 APPLICANT**

2.01 McDONALD'S

### **3.00 SITE**

3.01 McDONALD'S RESTAURANT,  
ST ASAPH ROAD, LLOC, HOLYWELL

### **4.00 APPLICATION VALID DATE**

4.01 12 MAY 2014

### **5.00 PURPOSE OF REPORT**

5.01 To inform Members of the appeal decision in respect of the appeal against Flintshire County Council's refusal of the planning application for the alteration to the drive through and reconfiguration /extension of the car park and side by side order point. The application was refused under Officer delegated powers on 28 July 2014, for the following reason,

5.02 The proposal represents a non-essential form of development within the open countryside which the Local Planning Authority considers would have an unacceptable and detrimental impact upon the rural character and openness of the site with the consequent detriment to the wider landscape setting. As such the proposal is contrary to the provision of National Policy and the Flintshire Unitary Development

Plan, the proposal is contrary to the provisions of policies STR1, GEN1, GEN3, and L1 of the Flintshire Unitary Development Plan and the provisions of Chapter 4 paras 4.43 and 4.7.8 of Planning Policy Wales, Edition No 6, Feb 2014. The appeal is ALLOWED.

**6.00 REPORT**

6.01 The Planning Inspector considered that the main issue when considering this appeal was the effect the proposal would have on the character and appearance of the surrounding area.

6.02 The Inspector considered the siting of the site adjacent to the existing McDonalds, which forms part of a larger commercial site, close to junction 31 of the A55 North Wales express way. He noted that whilst Policy STR1 generalises that new development should be located in existing settlement boundaries, brownfield sites, or allocations, development is still permitted in the open countryside where essential to open countryside, as in this case.

6.03 He considered that the proposed extension would be an increase of almost half of the existing McDonalds site and when seen in the context of the existing services area as a whole, it would be a relatively small extension.

6.04 The development would be well separated from the woodland to the east, and located within in an area strongly associated with the existing commercial site.

6.05 He considered that whilst finely balanced, with the site being in the open countryside, a number of other material considerations carry considerable weight in the consideration of this proposal, namely its location in relation to the existing established commercial service area.

6.06 The existing circulation, parking and drive thru areas are presently relatively cramped, and the proposal would allow a more efficient management of through put of cars and reduction in the potential conflict between the drive thru traffic and vehicle parking and manoeuvring.

6.07 The impact of the woodland feature was noted in which it was considered that it formed a significant and strong landscape feature, however the development would be associated with the existing development and would be well separated from the woodland and as such the setting would not be eroded and concluded that the proposal would not unduly harm the character and appearance of the surrounding area. The additional structures and signage would also be subsumed with the existing development.

**7.00 CONCLUSION**

7.01 The Inspector considered that the proposal forms a relatively minor



extension to the existing commercial and employment site. The proposed scheme allows for a more efficient traffic management and leads to a reduction in potential conflict between traffic and pedestrians.

- 7.02 He considered that the development would not have a significantly harmful impact on the character and appearance of the surrounding countryside and does not therefore conflict with the Flintshire Unitary Development Plan. The appeal was therefore ALLOWED subject to the imposition of appropriate conditions.

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **APPEAL BY MR. IAN BRAMHAM AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE REPLACEMENT OF A STATIC CARAVAN WITH A CHALET FOR HOLIDAY USE AND ASSOCIATED DEVELOPMENT AT THE CARAVAN, BRYN GOLEU, NANNERCH**

**1.00 APPLICATION NUMBER**

1.01 **052639**

**2.00 APPLICANT**

2.01 **MR. IAN BRAMHAM**

**3.00 SITE**

3.01 **THE CARAVAN,  
BRYN GOLEU, NANNERCH**

**4.00 APPLICATION VALID DATE**

4.01 **11<sup>TH</sup> SEPTEMBER 2014**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in respect of the appeal against Flintshire County Council for refusal of the planning application for the replacement of a static caravan with a chalet for holiday use and associated development. The application was refused under delegated powers on 5<sup>th</sup> November 2014. The appeal is DISMISSED.

## **6.00 REPORT**

- 6.01 The Inspector considered that the main issue is the effect of the development on the character and appearance of the area and on the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).
- 6.02 The proposed chalet was found to harmonise with the surrounding environment than the utilitarian design of the existing caravan and would therefore have less of a visual impact. As such, it would not have a harmful impact on the character and appearance of the area or on the AONB.
- 6.03 Notwithstanding the above, the Inspector noted that although the existing static caravan on the site benefited from a Lawful Development Certificate (LDC), the proposed chalet would not be located on the same footprint and therefore there is no way of ensuring that the caravan is removed without a legal obligation ensuring that the benefit of the LDC ceases once the caravan is replaced. Without such a legal obligation, allowing the appeal would effectively allow for the chalet and a caravan on the site.

## **7.00 CONCLUSION**

- 7.01 The Inspector concluded that although on the face of it, the proposed chalet would not cause any harm to the visual amenities of the area; however, the appeal cannot succeed as it would effectively grant permission for a second residential unit on the site, and subsequently, the appeal is **DISMISSED**.

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **20<sup>TH</sup> MAY 2015**

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

**SUBJECT:** **APPEAL BY MR. J. BEDFORD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CONSTRUCTION OF NEW ROOF OVER GARAGE, POND SHELTER AND INSTALLATION OF HOT TUB AT 28 WINDSOR DRIVE, FLINT – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 052702

**2.00 APPLICANT**

2.01 MR. J. BEDFORD

**3.00 SITE**

3.01 28 WINDSOR DRIVE,  
FLINT.

**4.00 APPLICATION VALID DATE**

4.01 26<sup>TH</sup> SEPTEMBER 2014

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in respect of the appeal against Flintshire County Council for refusal of a retrospective planning application for the erection of a timber shelter and a new roof on the garage at 28 Windsor Drive, Flint. The application was refused under delegated powers on 14<sup>th</sup> November, 2015.

**6.00 REPORT**

6.01 The Inspector identified the main issues to be the effect of the development on the on the character and appearance of the dwelling

and surrounding area.

- 6.02 The development is in the rear garden of the property and provides a shelter for a pond, a hot tub and a sauna.
- 6.03 The inspector noted that the timber structure has an incongruous and ad hoc quality and its mass and bulk sits uncomfortably in its surroundings and dominates and subsumes the rear garden area.
- 6.04 Although he understood the appellant's need for the timber shelter, the Inspector found that this does not outweigh the adverse impact it has on the character of the existing dwelling and surrounding area,

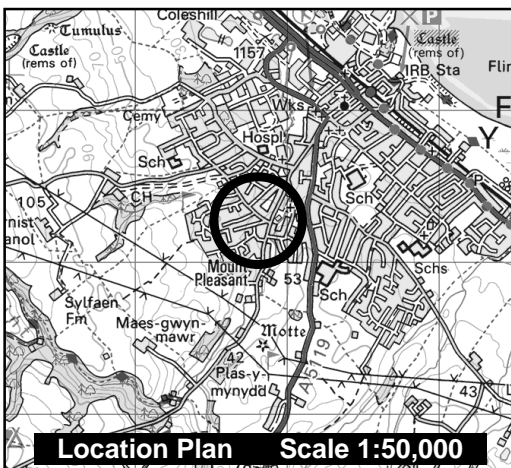
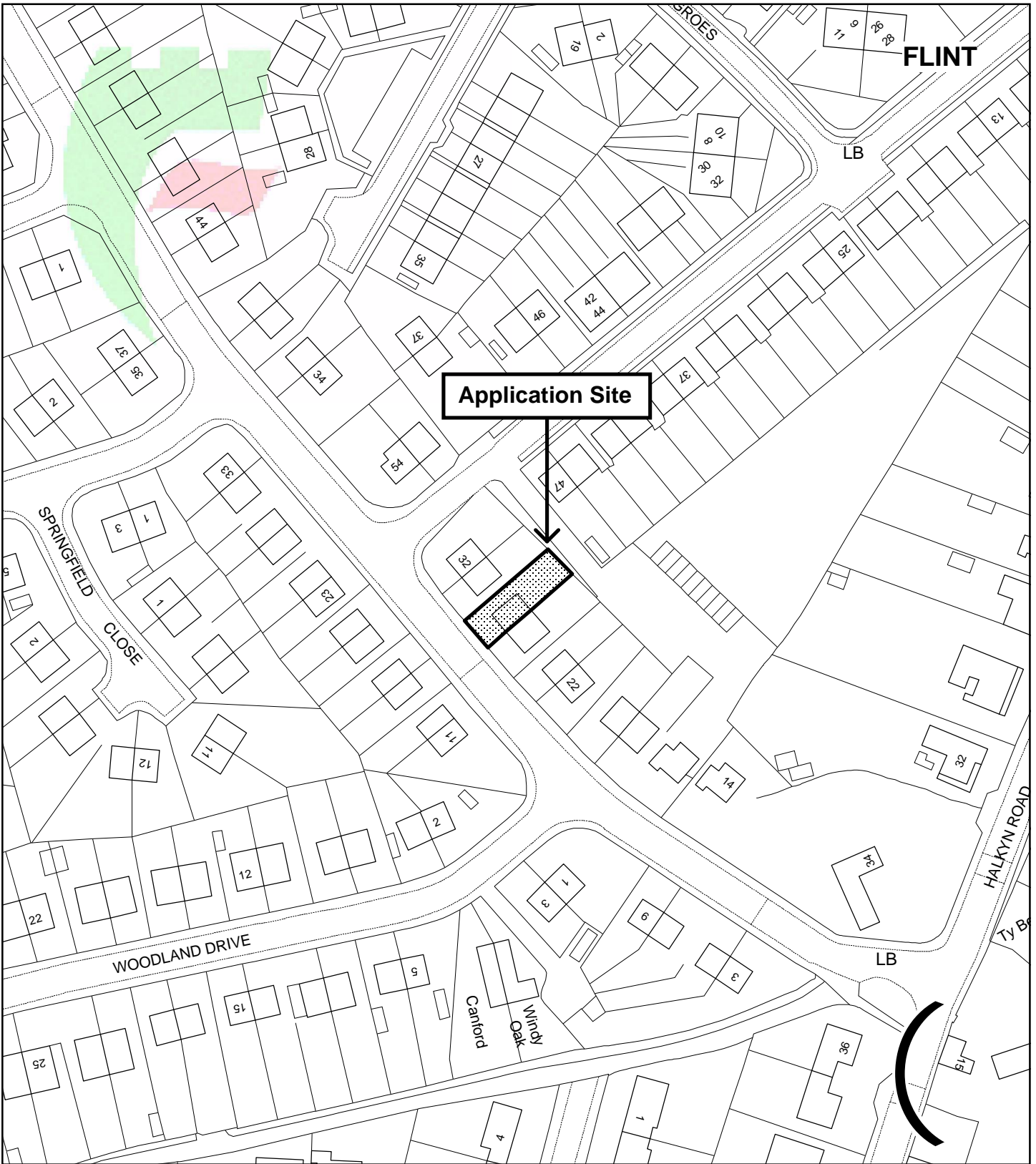
## **7.00 CONCLUSION**

- 7.01 In conclusion, and taking all other matters into account, the Inspector concluded that the development was overdevelopment that dominates the existing dwelling and does not respect its design and setting and the surrounding area, contrary to policies GEN1 and HSG12 of the Flintshire Unitary Development Plan. The appeal was therefore DISMISSED.

### **LIST OF BACKGROUND DOCUMENTS**



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

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Planning & Environment,  
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 Chief Officer: Mr Andrew Farrow

**Legend**

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

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Planning Application	<b>52702</b>

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