

Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Marion Bateman, Chris Bithell,
Derek Butler, David Cox, Ian Dunbar, Carol Ellis,
David Evans, Alison Halford, Ray Hughes,
Christine Jones, Richard Jones, Richard Lloyd,
Mike Lowe, Billy Mullin, Mike Peers,
Neville Phillips, Gareth Roberts, David Roney and
Owen Thomas
Plus one Liberal Democrat Nomination awaited.

15 July 2015

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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 22ND JULY, 2015 at 1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 5 - 34)
To confirm as a correct record the minutes of the meetings held on 20th May 2015 and 22nd May 2015.
- 5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

The report of the Chief Officer (Planning and Environment) is enclosed.

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON
22ND JULY 2015

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	052180	052180 - A - Full Application - Strategic Flood Alleviation Scheme for the Town of Mold (Pages 35 - 50)
6.2	053004	053004 - A - Full Application - Conversion of Commercial Units into 4 No. Dwellings at The Old School House, Main Road, Higher Kinnerton (Pages 51 - 58)
6.3	053012	053012 - R - Full Application - Erection of 21 No. Dwellings to Include 15 No. Two Bed Apartments, 6 No. One Bed Apartments at Gateway to Wales Hotel, Welsh Road, Garden City (Pages 59 - 68)
6.4	052937	052937 - A - Full application - Siting of 52 additional static caravans together with landscape planting at "Treetops Caravan Park", Tanlan Hill, Ffynnongroyw (Pages 69 - 78)
6.5	051831	051831 Outline - residential development at "Station Yard", Corwen Road, Coed Talon, Flintshire. (Pages 79 - 82)
6.6	053680	053680 - A - Full Application - Installation of a Temporary 24 m High Moveable Mast (on a Trailer with a Cabin) Accommodating 3 No. Antennas and 1 No. 0.3 m Diameter Dish and a Generator at Ground Level all Within a Heras Fence Compound (Retrospective Application) at Airbus, Chester Road, Broughton (Pages 83 - 90)
6.7	053321	053321 - A - Full Application - Installation of a 25 m Lattice Tower Accommodating 4 No. Antennas and 2 No. Transmission Dishes, Installation of 3 No. Equipment Cabinets at Ground Level, All Within a 1.8 m High Chainlink Fence Compound at Chester Road, Broughton (Pages 91 - 98)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.8	051482	051482 - Appeal by Anwyl Construction Co Ltd Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 35 No. Class C3 Dwellings Including Associated Landscaping and Formation of New Access from Cymau Lane at Abermorddu CP School, Cymau Lane, Caergwrle - ALLOWED (Pages 99 - 104)
6.9	052409	052409 - Appeal by Stirling Investments Against the Decision of Flintshire County Council to Refuse Outline Planning Permission with All Matters Reserved for the Erection of One Residential Dwelling at Bromfield Lane, Mold - DISMISSED (Pages 105 - 108)
6.10	052645	052645 - Appeal by Mr. W. Thomas Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use of the Sundawn Garden Centre to a Plant Hire Depot, Including the Demolition of the Existing Garden Centre Buildings, the Erection of a Workshop Building and the Conversion of the Tea Pot Cafe for Use as Ancillary Office Accommodation at Tea Pot Cafe & Sundawn Garden Centre, Llwybr Hir, Caerwys - ALLOWED (Pages 109 - 112)
6.11	052705	052705 - Appeal by Mr. C. Maggs Against the Decision of Flintshire County Council to Refuse Planning Permission for a Proposed Detached Bungalow on Land to the Rear of Belmont, South Street, Caerwys - DISMISSED. (Pages 113 - 118)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **20 MAY 2015**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 20 May 2015

As the agenda for this meeting was published before the nominations to the Planning and Development Control Committee had been confirmed following the Annual meeting, the Chair read out the names of all the members of the committee.

PRESENT: Councillor David Wisinger (Chair)

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

SUBSTITUTIONS:

Councillor: Ron Hampson for Billy Mullin, Veronica Gay for Mike Peers, and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The Chairman exercised his discretion to allow local Member Councillor Peter Curtis to speak on agenda item 8.4

APOLOGY:

Councillor Alison Halford

IN ATTENDANCE:

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

1. APPOINTMENT OF CHAIR

The Chairman confirmed that his appointment as Chair of the Committee had been agreed at the Annual Meeting of the Council held on 12 May 2015.

RESOLVED:

That Councillor David Wisinger be confirmed as Chairman for the Committee.

2. APPOINTMENT OF VICE-CHAIR

The Chairman sought nominations for the position of Vice-Chair for the Committee. Councillor Christine Jones nominated Councillor Ian Dunbar and this was duly seconded.

RESOLVED:

That Councillor Ian Dunbar be appointed as Vice-Chair for the Committee.

3. DECLARATIONS OF INTEREST

Councillor Christine Jones declared a personal and prejudicial interest in the following application because she lived next door to the application site:-

Agenda item 8.2 – Outline application – Erection of 6 No. dwellings at 31 Welsh Road, Garden City (052887)

Councillor Jones indicated that she had also declared an interest on this application when it was considered at the meeting on 22 April 2015, and had completed the necessary form and had left the meeting prior to the discussion once she had spoken on the application.

Councillor Christine Jones declared that she had a pre-determined view on the following application because she was the Cabinet Member for Social Services:-

Agenda item 8.4 – Outline application with all matters reserved for the construction of Over 55's Extra Care accommodation at Car Park, Halkyn Road, Holywell (053048)

Councillor Gareth Roberts declared a personal interest in the following application because of his involvement with Holywell Football Club:-

Agenda item 8.4 – Outline application with all matters reserved for the construction of Over 55's Extra Care accommodation at Car Park, Halkyn Road, Holywell (053048)

4. LATE OBSERVATIONS

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

The Chief Officer (Planning and Environment) explained that a briefing note on the implications of the Community Infrastructure Levy (CIL) Regulations 2010 had been emailed to Members; a hard copy of the document had also been circulated to the Committee at this meeting.

The Housing & Planning Solicitor explained that the regulations, which came into effect on 6 April 2015, prescribed that if five or more Section 106 obligations had been agreed for a particular infrastructure project or type of infrastructure between 6 April 2010 and 6 April 2015, further obligations could not be requested for that particular infrastructure project or type of infrastructure. The regulations were of particular relevance for applications 8.5 and 8.9 on the agenda for this meeting and would be discussed at a future meeting of the Planning Strategy Group.

Councillor Chris Bithell expressed significant concern about the document and said that based on the assumption that a new classroom would cost £350,000 to build, he felt that nothing would be accomplished as some of the payments from developers were very small. He added that monies from contributions could not be pooled as the agreements were applicable to particular planning applications and sites and therefore a level of funding required would rarely be achieved. He felt that CIL would not allow for suitable provision for schools and therefore undermined the whole process. He suggested that urgent discussions with Welsh Government Ministers and the Welsh Local Government Association were required.

The Chief Officer (Planning and Environment) shared the frustration of Members and added that the regulations did not differentiate between the amounts of payments received for Section 106 agreements. The Planning Strategy Manager explained that the payments from developers should be seen as a contribution towards the full costs of provisions of classrooms etc. and were based on the growth in pupil numbers. He reminded Members that any monies collected from Section 106 agreements that had not been used within 10 years of collection would need to be returned to the developer. He added that it was important to identify how to use the payments already received before the 10 year limit was reached.

Councillor Richard Jones raised concern that the number of payments was restricted to five and suggested that it should be restricted by amount which he felt was more logical. Councillor Carol Ellis said that when monies were allocated to the nearest school to the development, it was not always in the ward where the application was sited. She highlighted an example where one school was nearest to a development but the obligation was for a different school because it was deemed to be nearer to the site. The Planning Strategy Manager explained that advice was taken from Education Colleagues regarding admission policies for schools and suggested that the formula may need to be reconsidered.

5. MINUTES

The draft minutes of the meetings of the Committee held on 17 April 2015 and 22 April 2015 had been circulated to Members with the agenda.

22 April 2015

Councillor Richard Lloyd referred to the second paragraph on page 19 and requested that the figure in the seventh line be amended from 3.7 metres to 4.1 metres.

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

Councillor Chris Bithell referred to the fourth paragraph on page 21 and suggested that the word 'complaint' should be replaced with the word 'compliant'.

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

RESOLVED:

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

6. 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.

7. 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. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that the application had been deferred at the 22 April 2015 meeting to request confirmation from Natural Resources Wales (NRW) as to why this proposal was considered differently to that of a nearby development (reference 051988). The report addressed NRW's response and paragraphs 7.13 and 7.14 detailed the different considerations for the two applications.

Mrs. S. Speechley spoke against the application. She said that the site had previously been used as a garden and added that NRW had indicated that the application failed to comply with A1.14 of TAN15. It had been suggested at the meeting on 22 April 2015 that NRW had been inconsistent in their determination of this proposal and application 051988. Mrs. Speechley said that the plans failed to show the alleyway which measured 4.8 metres and narrowed to 3.6 metres, in which cars would turn into the site opposite the gate to her garden which she felt was dangerous. Scaffolding which had been erected on her house currently obstructed half the alleyway and would therefore prevent any vehicles entering the proposed site whilst the scaffolding was in place if approval was granted. Mrs. Speechley also felt that the proposal was dangerous and impractical for pedestrians as a footway would not be put in place from the site.

Mr. J. Paul, the agent for the applicant, spoke in support of the application. He felt that the concerns raised had been addressed and he provided details of the proposed ridge height compared to properties on Chester Road and Queen Street. He said that invasion of privacy would not be an issue and he raised concern about the suggested inconsistency by NRW which had been highlighted at the previous meeting. He also spoke of the

concerns raised about possible flood risk which he felt had been addressed. He added that the proposal would allow for a quality designed solution which would help to address the lack of five year housing land supply.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He spoke of the discussions that had been undertaken at the previous meeting and said that there were no planning reasons to refuse the application. He commented on the objection raised by NRW when they had not objected to a site nearby and queried whether the inconsistency could be raised with NRW. The Development Manager advised that if the application was approved, NRW could consider whether to ask for the application to be called-in and added that officers were comfortable with the recommendation.

Councillor Christine Jones raised concern at the inconsistency of NRW as both this site and the nearby site that they had not objected to were in the C1 flood zone. She suggested that the site was greenfield rather than brownfield as it had been a garden which was the reason for the objection by NRW. Councillor Richard Jones felt that NRW were being consistent in their opinion which he felt should be followed and the application should therefore be refused. In referring to the comments of NRW in paragraphs 7.13 and 7.14, Councillor Derek Butler indicated that NRW had identified this site as being more vulnerable because it did not benefit from existing planning permission which the nearby site did. He concurred that NRW had been inconsistent in their opinion and suggested that this issue should be raised with NRW.

In response, the Planning Strategy Manager said that the Council was the statutory authority and that advice as part of the consultation exercise had been provided by NRW. He felt that there was no justification for NRW to give differing views on sites that were so close together. He suggested that there was no greater risk on this site than on the nearby site and that appropriate conditions would be applied to mitigate any concerns.

On being put to the vote, the proposal to refuse the application was CARRIED. Councillor Butler indicated that the reasons for refusal were based on the objection from NRW as detailed in paragraphs 7.13, 7.14 and 7.15 of the report.

Councillor Richard Jones commented on the Section 106 obligation attached to an approval of the application and queried whether five or more contributions had been requested for public open space enhancements in lieu of on-site provision, based on the briefing note discussed earlier. The Housing & Planning Solicitor advised that this was immaterial as the Committee had refused the application.

RESOLVED:

That planning permission be refused because of the objection from Natural Resources Wales (as reported in paragraphs 7.13, 7.14 and 7.15).

8. OUTLINE APPLICATION – ERECTION OF 6 NO. DWELLINGS AT 31 WELSH ROAD, GARDEN CITY (052887)

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

The officer detailed the background to the report and explained that the application had been deferred from the 22 April 2015 meeting in order for the applicant to explore a Section 106 Obligation to secure maintenance of the proposed access and for the applicant to confirm whether he held 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 officer referred Members to the late observations where a letter to the applicant from Spar had indicated that they were in full agreement for the applicant to maintain the roads to the side and rear currently within the title of the Spar premises. A letter from the applicant's Solicitor indicated that the applicant retained ownership of part of the access to the rear of 35-37 Welsh Road and retained a right of passage over it and that a license agreement had been drawn up between the applicant and the owners of Spar that required the applicant to maintain the access in perpetuity to a suitable standard. This would therefore allow the applicant to enter into a Section 106 agreement to secure resurfacing and maintenance of the access road to the site.

Councillor Christine Jones said that the access road to the north, west and east of the site should always be in the ownership of 35 Welsh Road and added that she had a document as proof of this. The land had been purchased in 1952 by the shop owners and the document also indicated that the access should be kept in good order and open at all times. She said that part of the land to the left of the property was not in the ownership of the applicant and suggested that there was no legal agreement between the owners of Spar and the applicant and therefore she did not feel that a Section 106 agreement should be considered. She added that the site had already appeared for sale on an estate agent's website; the Housing & Planning Solicitor advised that this was not a material planning consideration. Councillor Jones, having earlier declared an interest in the application, left the meeting prior to its discussion.

In referring to the work that was being undertaken on the transfer of land and for the applicant to maintain the access in perpetuity to a suitable standard, Councillor Chris Bithell queried whether the application was premature. The Housing & Planning Solicitor advised the access was to be the subject of a Section 106 obligation and if an obligation was not forthcoming within six months of the Committee resolution then the Chief Officer (Planning and Environment) would have delegated authority to refuse the application.

Councillor Richard Jones sought clarification on the Section 106 obligation for recreation enhancements in lieu of on-site provision and queried whether five or more requests had been made in the past. In response, the

Development Manager explained that £1,100 per dwelling had consistently been requested for recreation enhancements and that the applicant could challenge the request if the application was approved. He added that all aspects of Section 106 Agreements would be considered following the introduction of the Community Infrastructure Levy (CIL) requirements. Councillor Neville Phillips asked about ownership of the land but was advised by the Housing & Planning Solicitor that this was not an issue that Members needed to consider.

Councillor Ian Dunbar proposed refusal of the application, against officer recommendation, which was duly seconded. He said that the applicant only owned half of the road and queried how the applicant could indicate that he could maintain all of it. He added that the footway and rear of the shops was also not owned by the applicant. Councillor Ray Hughes concurred and Councillor Marion Bateman asked whether ownership of the road was a material consideration; the Housing & Planning Solicitor confirmed that it was not.

In response to a comment from Councillor Derek Butler, the Housing & Planning Solicitor said that the Section 106 agreement had been requested because of the concerns raised by Members. Information received since the previous meeting indicated that such an agreement could be made by the applicant and the owners of Spar. He reminded Members that if the application was approved and the Section 106 agreement was not signed within six months of the date of the Committee resolution, then the application would be refused.

Councillor Bithell queried whether the Section 106 obligation would provide a safeguard and Councillor Richard Jones felt that to include a Section 106 obligation for recreation enhancements was unlawful as it was not known whether five or more had already been requested. Councillor Richard Lloyd sought clarification on whether the road width would be 3.7 metres and Councillor Gareth Roberts commented on the Section 106 agreement. In response to Councillor Lloyd's question, the officer indicated that a condition could be included that the road width be 3.7 metres.

Councillor Dunbar felt that the application should be refused because the applicant did not own the land and because of the Section 106 agreement. The Planning Strategy Manager advised that the safeguards would be in the Section 106 obligation and if the obligation was not provided then the application would be refused. He added that the reasons given were not valid reasons to refuse the application. Councillor David Roney suggested that the application be refused due to the insufficient parking for the number of proposed properties. Councillor Dunbar added that the insufficient width of the access could be a reason to refuse the application. In response, the Senior Engineer – Highways Development Control said that Highways had not raised an objection to the proposal subject to conditions and the maintenance of the access in perpetuity. The developer was to improve the width of the access road and this use was less onerous than the previous use for garages and therefore there was no reason to refuse the application. Councillor Lloyd queried how the applicant could improve the road if he did not own it and the

Housing & Planning Solicitor advised that this would be achieved by entering into an agreement with the owner of Spar and by signing the Section 106 agreement.

The Housing & Planning Solicitor asked Members to clarify the reasons for refusal and reminded the Committee about the Costs Circular and reasons for awarding costs in an appeal.

Councillor Roney sought clarification on the footpath provisions if the access road was to be widened. The Senior Engineer – Highways Development Control advised that the Residential Design Guidance indicated that developments of up to 25 properties only required a shared surface for road users and pedestrians and therefore the footpath width was not a material consideration.

On being put to the vote, the proposal for refusal because of an inadequate access, which was against officer recommendation, was LOST.

Councillor Bithell proposed the recommendation for approval with the additional condition from the officer about widening the access and this was duly seconded. 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)
- the additional condition about widening the access
- the applicant entering into a Section 106 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 section 106 agreement/unilateral undertaking to secure resurfacing and future maintenance of the access road to the site

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 and Environment) be given delegated authority to REFUSE the application.

After the vote had been taken, Councillor Jones returned to the meeting and the Chairman advised her of the decision.

9. **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 which had been the subject of a site visit on 18 May 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application had been deferred at the meeting held on 22 April 2015 for a site visit to be undertaken and for clarification on the width of the access road. An amended plan had been submitted by the application which clarified that the width of the access with the current kerbs realigned would be 3.9 metres in width.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. In referring to the access, Councillor Bithell said that the proposed width could be achieved and therefore there were no reasons to refuse the application.

Councillor Richard Lloyd felt that the recommendation would not be for approval if the dwellings had already been built or if there was not a ransom strip in place. He also highlighted application 050492 which referred to a fence that would prevent access from Yowley Road and commented on the decision notice for application 044698 which indicated that Yowley Road would be closed by bollards in the interest of highway safety; he queried why this no longer applied.

In response to a question from Councillor Richard Jones about the ownership of the land, the Housing & Planning Solicitor said that the applicant had certified when submitting the application that the land was in their ownership.

The officer referred to the previous application for 10 dwellings on the site and explained that this included a detailed layout for the Bon Accord site and added that there had been no Highways objections to that application. However, due to a situation where a covenant on the site made it difficult for the developer to use the access that had been constructed; there were still no objections to the proposal from Highways.

In summing up, Councillor Bithell said that the site was previously used for garages and there were no grounds to refuse the application.

RESOLVED:

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

10. OUTLINE APPLICATION – OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE CONSTRUCTION OF OVER 55'S EXTRA CARE ACCOMMODATION AT CAR PARK, HALKYN ROAD, HOLYWELL (053048)

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 18 May 2015. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and explained that the principle of the development for residential purposes was acceptable. Objections had been received from Holywell Town Council and the public including two petitions.

Ms. L. Burnell Jones said that there were no objections to the project but where it was to be sited was a concern. The proposal would take away the only long stay car park in Holywell, which was used by those who attended the hospital and it was felt that this would have a profound effect on the community. She commented on the significant problems that would occur for emergency vehicles as the proposed road width and turning circle would make it difficult for those vehicles to manoeuvre. The unadopted road was very narrow and Ms. Burnell Jones suggested that there was also a water course in the area and that land contamination from previous uses was also a cause for concern. She commented on the limited number of parking spaces for the size of the proposal and said that current and future traffic generation would be an issue.

Councillor Gareth Roberts proposed refusal of the application, against officer recommendation, which was duly seconded. He commented on the advice that he had received about the need to declare a personal interest in the application but added that he did not feel that he had an interest. He said that an extra care facility would be welcomed in Holywell but not on this site as it was currently used for long stay car parking provision and was an essential ancillary car park for the hospital. He commented on the survey which had been undertaken about the car park usage over a 24 hour period and suggested that the mitigation parking areas would be insufficient. Councillor Roberts detailed the number of patients that were treated in various departments and clinics in the hospital and said that lives would be put at risk if the application was approved.

Councillor David Roney said that the project was welcomed in Flintshire but indicated that when Tesco opened in Holywell, money was given to provide an alternative parking area, which was on this site. He added that it was already difficult to park at the hospital and doctor's surgery.

The Local Member, Councillor Peter Curtis, thanked the Chairman for allowing him to speak. He agreed that the Extra Care Facility would be welcomed but felt that it would be more appropriate on an alternative site. He commented on the survey which had been undertaken over a 24 hour period and spoke of the current problem of finding a car park space which he

suggested would worsen if the application was approved. He felt that if those visiting the town could not find a parking space, they would shop elsewhere and suggested that it was important to maintain the site for long stay parking.

Councillor Chris Bithell said that the facility would be welcomed but the site visit had showed the problems that would be experienced if the car park was lost. He queried the number of spaces that were to be provided as part of the proposal and suggested that the total figure was inadequate. Councillor Derek Butler referred to the late observations where it was reported that Betsi Cadwaladr University Health Board supported the proposal. Councillor Richard Jones felt that the loss of ancillary parking would cause highway issues and that the survey that had been undertaken was inadequate; he suggested that the application should be refused because of lack of mitigation parking that was to be provided as part of the scheme.

Councillor Christine Jones said that the car park was not designed for use by those attending the hospital or the doctor's surgery and suggested that it was used as an informal park and ride scheme. She commented on the other Extra Care facilities in Flintshire and explained that residents did not experience problems with parking at those sites. She added that other locations for the project had been explored but were unsuitable.

In response to the comments made, the officer said that the survey had not been undertaken over a 24 hour period but was carried out in two 12 hour sections, one in the week and one at a weekend. The issues of road widening and possible land contamination as raised by Ms. L. Burnell Jones were covered by conditions 7 and 16 respectively. The amount of parking included in the proposals for the Extra Care facility took account of staff and visitors and were in accordance with the Local Planning Guidance. He advised that other sites had been examined but had been ruled out as unacceptable.

Councillor Richard Jones sought clarification on the parking survey figures and the Senior Engineer – Highways Development Control provided details of the survey results and how these had been used to calculate the parking provision for the proposal and the mitigation parking areas. It had been suggested that the current car park was used as an informal park and ride service and therefore was not used in connection with parking for visitors to the town. Councillor Carol Ellis suggested that the application should be refused or deferred until information about the car park usage was known.

The Planning Strategy Manager said that the ancillary use of the car park for those visiting the hospital or doctor's surgery was not what the long stay provision was intended for. He suggested that the hospital should provide adequate spaces for those visiting the hospital and added that 55 spaces would be provided for long stay use in addition to those proposed for the Extra Care Facility. He added that the funding for the project was time limited and refusal of the application would mean that the proposal would not take place.

In summing up, Councillor Gareth Roberts commented on the impact of losing the car park site and spoke of the large number of undeveloped

application sites in the area which would create extra demand on the hospital and therefore the car parking area. He said that the Extra Care Facility would be welcomed and commented on the prospect of losing the funding for the project. He added that the application should be refused because of the loss of car park that had become vital for the ancillary use of the hospital.

Councillor Ellis proposed deferment of the application to await further information, which was duly seconded. On being put to the vote, the proposal to defer the application was LOST.

Councillor Roberts requested a recorded vote but was not supported by the requisite number of Members.

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

RESOLVED:

That planning permission be refused due to the highway safety implications of the loss of the car park for ancillary use for the hospital.

11. FULL APPLICATION – ERECTION OF 16 NO. DWELLINGS WITH ASSOCIATED PEDESTRIAN FOOTWAY AND UPGRADE OF EXISTING LANE AT HOLMLEIGH, CHESHIRE LANE, BUCKLEY (053141)

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 18 May 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the site benefited from an extant outline permission and that this application dealt with access to the site. He highlighted two amendments to paragraph 7.17 as it was incorrectly reported that Dwr Cymru/Welsh Water had objections to the proposal. He also explained that the word 'not' should be included in the last line of that paragraph and that the sentence should read 'Dwr Cymru/Welsh Water raise no objection to this proposal but have requested conditions to ensure that combined flows are not discharged to this system'.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that the concerns that had been raised had been addressed in the report and there was no reason to refuse the application.

In referring to her significant concerns about highway safety, the Local Member, Councillor Carol Ellis, spoke of the entrance to the Health Centre which had not been in place when the outline permission was granted for this site. She commented on another entrance for a site with 20 dwellings which was not far away from this site and said that no Section 106 monies had been spent on improving the road or providing a 30 mph warning sign. She added

that she felt that the road was 'an accident waiting to happen' and was very dangerous. Councillor Ellis asked whether Cheshire Lane would be brought up to an adoptable standard and queried whether it would be widened as she felt that there would be problems with vehicles accessing the estate road. In highlighting the responses to the public consultation, Councillor Ellis said that Buckley Town Council had objected to the proposal as it conflicted with Policy IMP1 of the Unitary Development Plan. She commented on the figure of £17,600 that the developer would be required to pay in lieu of on-site play provision and raised concern that it was not possible to request a contribution for educational provision for Mountain Lane School. Councillor Ellis also raised concern about drainage and spoke of the route that children took to access Elfed High School and reiterated her concerns about highways.

Councillor Richard Jones referred to the Section 106 agreement which could not be requested for educational contributions and said that the application should be refused because of the effect on the local schools which could not be mitigated. He concurred with Councillor Ellis that Buckley Town Council had objected to the application and suggested that the application could be deferred so that the objection could be considered. Councillor Neville Phillips spoke of the Elfed High School and the number of pupils that would be able to attend the school in the future, based on guidelines outlined by Welsh Government and suggested that the status of the school be considered.

In response to the comments made, the officer explained that the response had been received from Buckley Town Council which had included objections to the proposal. However, the concerns had also been raised by Councillor Ellis at this meeting and therefore there was no requirement to defer the decision to consider the objections. On the issues raised about access and the issues on Alltami Road, the officer explained that an access design layout had been agreed and the road up to the site entrance would be upgraded but Cheshire Lane would not be upgraded to an adoptable standard. Paragraphs 7.24 to 7.31 provided full details of the consideration of contributions based on the Community Infrastructure Levy requirements and explained why a contribution could not be requested for Mountain Lane School. He added that there were no capacity issues at Elfed High School as it had 48% surplus places. Paragraph 7.29 explained that the impact of the development on Mountain Lane School had been considered and the formula in Local Planning Guidance Note 23 gave an indication that four pupils would be expected to be generated from the development which would increase the pupils on roll to 401; the school had an actual capacity of 409. He agreed that the proposal did conflict with policy IMP1 but said that there was no justifiable basis to refuse the application.

The Planning Strategy Manager concurred that there was no reason to refuse the proposal and explained that there were alternative schools which had capacity and added that the Section 106 policy did not allow the transfer of monies to other schools.

In summing up, Councillor Bithell said that the areas of concern raised by Councillor Ellis had been addressed and no adverse comments had been

received from Highways. He said that the lack of educational contributions did concern him and that but that the application should be approved.

RESOLVED:

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

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

12. FULL APPLICATION – CONSTRUCTION OF 4 NO. 2 BEDROOMED HOUSES WITH ADJACENT CAR PARKING AT 245 HIGH STREET, CONNAH’S QUAY (051926)

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

The officer detailed the background to the report and highlighted the late observations where it was reported that the Local Member, Councillor Bernie Attridge, did not have any objections to the application. A number of objections had been received in relation to highways during the public consultation exercise. He added that an application for six flats had been approved in 2009.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that the site, which had previously been granted planning permission for six apartments, was within the settlement boundary and therefore the principle of development was acceptable and this application was for four apartments. In summing up, he added that neither of the Local Members had any objections to the proposal.

RESOLVED:

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

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

13. 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 (053420)

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

The officer detailed the background to the report and explained that the application was for the submission of house types and re-positioning on some plots because of work that had been undertaken due to mine shafts on the site. Once the badger sett had been relocated, a detailed assessment was undertaken and as a result a request had been received from the applicant to change the house types and layout of the site.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. In response to a question from Councillor Bithell, the officer explained that the application would not impact on the Section 106 obligation as the number of dwellings was not being amended.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a supplementary Section 106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions as required by 048855.

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the

committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application.

14. **FULL APPLICATION – PROPOSED CHANGE OF HOUSE TYPE POSITION ON PLOTS 40 TO 46 INCLUSIVE AT CAE EITHIN, VILLAGE ROAD, NORTHOP HALL (053496)**

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

The officer detailed the background to the report and explained that the dwellings on plots 40 to 46 had been built 950mm further south than had previously been approved and were further away from the existing properties on Village Road. This would have implications for the parking and footway in front of properties on plots 40 to 43 from 1.8 metres to 1.3 metres and to 1 metre along the frontage of plots 44 to 45. It was also proposed to change the house types to allow for roller doors on the garages. There had been no objections from Highways on the proposals.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He raised concern that this was not the first application for amendments to layouts or house types that had been submitted due to errors by the company. Councillor Derek Butler queried whether the dwellings being sited in the wrong place should have been raised by the Council's Building Regulations Department. Councillor Marion Bateman concurred and highlighted a similar problem that had occurred on a site in her ward. In response, the Chief Officer (Planning and Environment) explained that not all developers used the Council's Building Control Service and therefore the error may not have been brought to the Council's attention. Councillor Richard Jones suggested that the dwellings would need to be demolished if they had been built one metre closer to the properties on Village Road rather than further away from them. He asked that a letter be sent to the applicants to advise that the Committee may not be minded to approve such applications easily in the future.

The Development Manager explained that it was the owner's responsibility to build dwellings in the correct place to comply with planning permissions. This was not the Building Regulations function and their officers did not have the resources to check that all developments were built in accordance with the planning permission granted. If the properties had been built one metre closer to the dwellings on Village Road, the impact of the error would have needed to be considered and may have warranted refusal of the application. He added that developers needed to take their responsibility seriously.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a supplementary Section 106 agreement or unilateral undertaking to link this development with the requirement for the affordable housing provision and the open space and education contributions as required by 048855.

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

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

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

The officer detailed the background to the report and explained that planning permission had been granted in October 2014 subject to conditions and the applicant entering into a Section 106 agreement for gifted units, a payment in lieu of on-site open space provision and an educational contribution for Hawarden High School. However, since the approval had been granted, further applications with S106 obligations had been granted and Community Infrastructure Levy regulations had come into place. From April 2015, the regulations prevented further obligations being requested for an infrastructure project/type of infrastructure if five or more S106 obligations had already been agreed. To date, five obligations had been entered into for educational contributions towards Hawarden High School and therefore a further request as part of this permission could not proceed. The report was therefore seeking a revised recommendation that permission be granted subject to conditions and a Section 106 obligation for gifted dwellings and a payment in lieu of on-site open space provision only.

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 agreement for the following:-

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

16. **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 (050613)**

The Chief Officer (Planning and Environment) explained that this appeal had not been permitted even though the Council had a below five year housing land supply and was therefore an indication that not all planning applications would be permitted despite the insufficient land supply.

The Inspector had concluded that 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.

RESOLVED:

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

17. **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 (050965)**

The Chief Officer (Planning and Environment) indicated that enforcement action was now being considered on this application.

RESOLVED:

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

18. **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 (052233)**

RESOLVED:

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

19. **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 (052639)**

RESOLVED:

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

20. **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 (052702)**

The Chief Officer (Planning and Environment) explained that enforcement action was now being considered.

RESOLVED:

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

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

There were 5 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.35 pm)

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Chair

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PLANNING AND DEVELOPMENT CONTROL COMMITTEE
22 MAY 2015

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

As the agenda for this meeting was published before all of the nominations to the Planning and Development Control Committee had been confirmed following the Annual meeting, the Legal Officer read out the name of the members not already listed on the agenda.

PRESENT: Councillor David Wisinger (Chair)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, Ray Hughes, Christine Jones, Richard Jones, Mike Lowe, Gareth Roberts and David Roney

SUBSTITUTIONS:

Councillor: Mike Reece for Ian Dunbar, Haydn Bateman for Carol Ellis and Veronica Gay for Mike Peers

ALSO PRESENT:

The following Councillor attended as adjoining ward Member:-

Councillor Ian Dunbar - agenda item 4.1

The following attended as observers:

Councillors: Glyn Banks, Nancy Matthews and Paul Shotton

APOLOGIES:

Councillors: David Cox, Richard Lloyd, Billy Mullin, Neville Phillips and Owen Thomas

IN ATTENDANCE:

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

Mr. Paul Wright from Natural Resources Wales

22. DECLARATIONS OF INTEREST

No declarations of interest were made.

23. LATE OBSERVATIONS

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

24. PLANNING APPLICATION 052626 FOR AN ENERGY RECOVERY FACILITY (“ERF”) AT WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL PARK, DEESIDE

The Chief Officer (Planning and Environment) explained that the application had been refused at the Planning & Development Control Committee meeting on 17 April 2015. At that meeting he had indicated that he would be seeking advice from the Legal Officer, in line with the protocol, as to whether the decision was a significant departure from policy.

The Housing & Planning Solicitor explained that the report of the Chief Officer (Planning and Environment) and the late observations that were submitted to the meeting of the 17 April 2015 were appended to the report of the Chief Officer (Governance). He detailed the background to the report and explained that the three reasons for refusal suggested by Councillor David Roney were reported at paragraph 2.02. Advice had been sought from the Democracy & Governance Manager, who was the Legal Officer at the 17 April 2015 meeting, about whether the decision was a significant departure from policy and this was in accordance with paragraph 11.5 of the Planning Code. Written representations had been requested from the Chief Officer (Planning and Environment) and the proposer and seconder of the motion and these were detailed in paragraphs 3.01 to 3.05 of the report. A response had not been received from the seconder of the motion by the deadline of 1 May 2015. The Democracy & Governance Manager had decided that the decision was a significant departure from policy and therefore the Committee was being asked to reconsider its decision made on 17 April 2015.

The Chairman advised that normally all Members would ask their questions and responses would be provided at the end of the debate but on this occasion, as the previous debate had been lengthy and raised many detailed questions, Members' questions would be answered after they were asked.

Councillor David Roney queried why Councillor Mike Peers' comments were not included when he had seconded the motion to refuse the application on 17 April 2015 and had provided a detailed response to the Democracy & Governance Manager. The Housing & Planning Solicitor advised that the response from Councillor Peers had not been received by the 1 May 2015 deadline date so the decision was made without his response. However, all of the representations made at the meeting on 17 April 2015 had been taken into account by the Democracy & Governance Manager.

Councillor Richard Jones queried whether the Democracy & Governance Manager made his judgement based only on the written representations or whether he had viewed any other policy documents. The Chief Officer (Planning & Environment) advised that in his response, he had referred to Technical Advice Notes, planning policy and the Unitary Development Plan and this would therefore have formed part of the decision made by the Democracy & Governance Manager.

The Chair indicated that the Senior Minerals & Waste Officer would now present his report for the Committee to consider.

The Senior Minerals & 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 waste to be dealt with in a cost effective way rather than being submitted to landfill to comply with local and national directives. The facility could take up to 200,000 tonnes of waste per annum which would include between 112,000 to 118,000 tonnes per year of residual municipal waste from the five North Wales authorities and the processing and treatment of 57,000 to 88,000 tonnes of industrial and commercial waste.

The current figures for recycling in North Wales were 56% and the target was to achieve 70% recycling and 30% residual by 2025 with a target of zero residual waste by 2050. The officer explained that the recovery of waste through the Energy Recovery Facility (ERF) was a medium term solution and failure to comply with the targets would result in heavy penalties per tonne. The facility was urgently required as there were currently limited facilities to treat residual waste and based on Natural Resources Wales (NRW) data, 405,000 tonnes of waste was produced in North Wales in 2012 with 140,000 tonnes being sent to landfill so more waste was being produced than this site could treat. The facility would be sited on the Deeside Industrial Park and was small in size when compared to other factories and buildings on the Industrial Park. The officer commented on the policies that had been considered and reminded Members that there had not been any objections to the proposals from statutory consultees. He added that the application had received 12 letters of objection on issues such as noise and air pollution, old technology and a rail link not being delivered from the outset of the project. However, the proposals had received more letters of support than objections. The procurement process of the NWRWTP had also been raised as an area of concern but the officer advised the Committee that this was not a material planning consideration.

The proposed facility would produce 16MW of electricity and 8MW of heat which would make it a combined heat and power generator. The proposal complied with TAN8 which indicated that such a facility needed to be sited near to a suitably sited heat load; TAN8 did not require the heat load to already be in place. He commented on the use of technologies and spoke of TAN21 which the application complied with. The infrastructure in and around the Deeside Industrial Park could comfortably accommodate the traffic that would be generated by the proposal as this was only expected to be a 2% increase which was insignificant. Waste was already being transported along the A55 to landfill sites or to other facilities in England. A rail link to the site was included as part of the original project but this application indicated that the bulk of waste would be taken to the site by road as a rail link was currently unviable.

On the issue of pollution, the officer explained that conditions would be put in place to monitor the air quality and an environmental permit would also be required. If the levels did not comply with policy, then NRW would not issue the permit and the facility could therefore not operate; this would ensure that there was no risk to the general public. Dispersion modelling studies submitted by the applicant had proved to be inconclusive and a Human Health Risk Assessment had also been submitted which showed that the risk of omissions from ERFs were all within the limits for the protection of public health. The Environmental Health department had monitoring stations in the county and the development was also subject to noise level controls so would not have an unacceptable impact on residential amenity. The predicted noise levels would not affect health and it was anticipated that the noise produced by this facility would be drowned out by the other factories in the area. The proposal would create up to 300 jobs during the construction stage and between 32 and 37 personnel would be required to operate the site. The officer reminded the Committee that the facility was required to deal with the waste that could not currently be recycled and this was a medium term solution to achieve 70% recycling targets by 2025 and 0% by 2050.

Mr. M. Redmond from Burton Residents Association spoke against the application. He understood that the local authority had an obligation to replace landfill but he did not feel that this facility was the appropriate alternative. He commented on the proposed cost of the project (£800m) and said that the incinerator would pollute the air, would be noisy and would contaminate the water. Mr Redmond called into question the assumption that population growth would offset increased recycling rates. Mr. Redmond spoke of the banning of incinerators in Germany in favour of new, cheaper and more effective technologies and urged the Committee to confirm its decision of 17 April 2015 to refuse the application. He quoted from a letter about alternative options to incinerators and suggested that less intrusive alternatives should be considered. Mr. Redmond spoke of the risk from air pollution and nano-particles that would be produced and added that all plastics could be recycled rather than incinerated.

Mr. P. Short spoke in support of the proposal. He felt that the proposal was located in an ideal site and the facility would provide opportunities which would include the development of apprenticeships. It would allow the Council and the partner authorities to comply with Welsh Government targets and move waste up the hierarchy and achieve better recycling figures. He concurred that more letters of support than objection had been received. On the issue of air pollution and health concerns, he gave assurance that there would not be any detrimental impact from the facility. Mr. Short added that there had not been any need to consider cumulative impact as there was very little impact from the facility. He commented on the site visit that had been undertaken to a similar facility in Wolverhampton. He said that household recycling collections would not be affected by the approval of this application as this facility would deal with the items that could not be recycled and would also treat commercial waste. Mr. Short spoke of the economic benefits that the proposal would provide and detailed the number of jobs that would be created during the construction phase and for the operation of the site. Mr

Short referred to the treatment of fly ash and recycling of bottom ash into building products, and examples of these were on display in the chamber. The applicant felt that this was a robust proposal and indicated that no objections had been received from statutory consultees. Mr Short therefore asked the Committee to approve the application.

Councillor A. Dunbobbin from Connah's Quay Town Council spoke against the application. It had been suggested that residents of Connah's Quay had not been overly concerned about the proposals but Councillor Dunbobbin dismissed this. He spoke of a meeting at the Civic Hall which had attracted a large amount of attention from the public but said that people did not feel empowered to challenge large organisations and therefore it was the role of Councillors to provide a voice for the public. He referred to the comment from the Highway Development Control Manager in the late observations which indicated that the proposal would not have a significant impact on the A548/zone 4 roundabout. Councillor Dunbobbin commented that the A548 will go through heavily populated areas and that the A55 only had 84 days free of roadworks or accidents in 2012/13. He sought a commitment from the operator that a rail link would be implemented in the future and suggested that there had not been any consultation on its removal from the original proposals. He added that he felt that the appropriate infrastructure in and around the site was not yet in place.

Councillor Chris Bithell proposed that the previous decision be overturned and that the officer recommendation for approval in the report of 17 April 2015 be accepted; this was duly seconded. At the 17 April 2015 meeting, he had expressed concerns about the lack of a rail link but added that there were no planning grounds to refuse the application; he felt that there were planning reasons and policies in place to approve the proposals. He said that the brownfield site was allocated for B1, B2 and B8 uses in the UDP and would be developed on the largest industrial area in Europe. He noted that the site was included in the areas of search list identified in the UDP. The proposal complied with policy and the suggestion that there may be better methods of dealing with residual waste was not a material planning consideration. The Committee needed to consider the application before it and decide if it complied with policy and could be accommodated on the site. Concerns had been raised about noise and air pollution and flooding but these issues had been considered in detail and addressed satisfactorily in the report. Councillor Bithell added that the proposal would also be the subject of monitoring from NRW and would require a permit to be able to operate the site; this would not be granted if levels of pollution were unsuitable. On the third reason for refusal on highways issues, Councillor Bithell said that no objections had been received from Highways officers and it had been indicated that the road network could cope with a 2% increase in traffic. The waste was currently being transported on the roads in Flintshire to other sites. Councillor Derek Butler agreed with Councillor Bithell that the three reasons for refusal did not stand up and that concerns about the proposed development had been adequately addressed. He reminded the Committee that the permit from NRW would not be issued if the appropriate levels were exceeded. The proposal was required and complied with policies including

TAN8 and he felt that the health and pollution issues had also been addressed. The 2% increase in traffic movements on the road network could be accommodated and Councillor Butler commented on the major improvements for the A55 which had been identified in the National Transport Plan.

Councillor Ian Dunbar spoke as an adjoining ward Member. He spoke of the concerns raised by residents of Connah's Quay and reiterated the comments he had made at the meeting on 17 April 2015. He felt that there had been a fundamental failure to demonstrate the need for the facility and he commented on the impact for the area for the next 25 years. Councillor Dunbar spoke of future increases in recycling rates which would reduce the amount of residual waste that would be created and suggested that not achieving the targets for the treatment of residual waste would be costly. He commented on the possible costs of treating the waste which he felt would be more expensive than penalties for not meeting the lower than target waste figures. He said that since Wheelabrator had become the preferred bidder, the rail link had been removed from the proposals and the costs had accelerated. He commented on the meeting that the applicant had attended at Connah's Quay Town Council and asked the Committee to confirm its decision of 17 April 2015 and refuse the application.

In response to a comment from Councillor Marion Bateman about vehicle movements as a result of the proposal, the Chief Officer (Planning & Environment) reminded the Committee that these were not new vehicle movements as the journeys to move the waste to other disposal sites within the region were currently being undertaken.

Councillor Christine Jones objected to the proposal and raised concern about environmental issues and added that she did not feel that the emissions from the facility would be safe. She commented on a report that dioxins were responsible for 12% of human cancers and the effects caused a great deal of anxiety. She reiterated that she had significant concerns about the risks to the public from emissions which could harm humans and animals and was a cause of anxiety. Councillor Jones sought clarification that monitoring would be undertaken on a regular basis. The Senior Minerals & Waste Officer acknowledged the concerns but referred to a review by the Health Protection Agency which indicated that incinerators would have a very small detrimental effect on human health. The Chief Officer (Planning & Environment) reiterated earlier comments that NRW would not issue a permit if they had concerns. It had also been indicated that the operator would go 'above and beyond' in the monitoring of pollution from the facility so the Chief Officer was confident that the impact on health would be managed appropriately.

Councillor David Roney spoke against the proposal and reiterated his three reasons for refusal at the meeting on 17 April 2015 which were:-

- that the facility was too big
- increased impact on the road network

- there was no suitable receptor for the combined heat and power plant as required by TAN 8

He felt that the proposal assumed a year on year increase of 3 to 4% waste but Welsh Government projections showed a reduction of 1.2% each year. He was concerned that this could give rise to a 100 kilotonne discrepancy. He added that approval of the application would prevent additional recycling for 25 years and it was not known where the commercial waste would be obtained from to reach the targets of treatment of waste that needed to be achieved. Councillor Roney spoke of a recent case which would force the Government to address pollution levels including those from diesel engine vehicles; he said that this application depended on the transport of waste by lorries powered by diesel. On the issue of TAN8, he said that a heat load source had not been identified and therefore the application did not comply with the policy. He asked that the Committee refuse the application to allow the best solution for recycling of residual municipal waste to be considered. He raised concern that Members' comments were being greeted and dismissed by a panel of officers, and said that the practice followed at this meeting for answering Members' questions was not how the meeting was normally conducted; he suggested that this was not democratic. In response, the Chief Officer (Planning & Environment) explained that the only difference at this meeting was that questions were answered after they had been asked rather than officers responding to all of the questions at the end of the debate.

In response to the comments of Councillor Roney, the Senior Minerals & Waste Officer advised that 175,000 tonnes per annum of waste currently went to landfill and it was expected that there would be more waste arisings in the future than the facility could treat so there was therefore a considerable need for the ERF. It was considered to be a medium term solution to deal with the waste arisings from the five North Wales partners in the project. On the issue of TAN8, the Deeside Industrial Park where the facility would be sited was one of the largest in Europe and was therefore a suitable heat load site. He reminded the Committee that TAN8 indicated that there did not need to be a suitable heat load in place before the planning application could be considered. The Planning Strategy Manager concurred that there was no requirement in TAN8 to identify an appropriate or potential user for the heat source as part of the proposal. He spoke of the comments about reductions in waste arisings but added that it was anticipated that waste arisings would increase due to the numbers of new houses that were expected to be built over the next 15 to 20 years across North Wales.

Councillor Richard Jones spoke of the different types of residual waste (biomass and combustible) and raised concern about the effect on the efficiency of the facility if a heat source load was not in place. He spoke of fossil fuels which contributed significantly to the greenhouse effect and would lead to an increase in the global warming effect. He felt that the heat source should be considered at this stage and queried whether this could be conditioned to be in place before the site was operational. He suggested that not having a heat load source in place would affect the efficiency of the facility and added that the provision of this facility would not encourage residents or

businesses to recycle. In response, the Chief Officer indicated that the authority could not require the applicant to identify a heat source. However he added that it was important that the plan was located where it was likely that there would be a requirement for heat, which this site was. There was great potential and a number of opportunities in the locality and the application was seen as a positive introduction into the Deeside Enterprise Zone. He added that the figures behind the proposal supported the size of the proposal project. On the issue of imposing a condition requiring a heat source load prior to commencement, the Chief Officer and the Housing & Planning Solicitor advised that the proposed condition did not meet the required test for a planning condition. Councillor Jones suggested that the operator may want to consider identifying a source. The Planning Strategy Manager indicated that it was in the interest of the operator to explore the use of the heat load but reiterated that policy did not require it at this stage.

Councillor Butler referred to an email from the Chair of the Deeside Industrial Park Business Forum which indicated that there was demand for the heat source. Councillor Roney asked for the email to be shared with the Committee Members. The Housing & Planning Solicitor indicated that Members needed to treat any new information with caution as such information could not be verified.

The Chief Officer (Planning & Environment) referred to comments from the Chair of the Forum in relation to the planning application which were included in the late observations circulated to the Committee at its 17 April 2015 meeting and included as appendix 2 on this agenda.

Councillor Roney started to read out from what he said was a further email sent by the Chair of the Forum to all Labour Members of the Council. The Housing and Planning solicitor advised that new documents that had not been circulated previously should not be introduced during the meeting and the information Councillor Roney had read was not relevant to the application before the Committee.

Councillor Richard Jones suggested that the applicant should be asked if they would commit to identifying a heat source user and that every effort be put in to ensuring that recyclables were not included in the waste treated by the facility.

In response to the comments made, the Manager (Minerals & Waste) said that recycling rates in North Wales currently stood at 55 to 58%. WG had set out a projected target that 70% waste should be recycled and this facility was designed to deal with the remaining 30%.

Following a comment from the Chief Officer (Planning & Environment) that the concerns over the identification of a heat user *could* be addressed by the imposition of a planning condition, Councillor Richard Jones proposed an amendment that a condition be included that a heat source user be identified at an early stage; this was duly seconded. The Chief Officer said that the condition proposed would require Wheelabrator to submit a scheme to identify

an end user for the heat load. Councillor Bithell noted that whilst the principle of this amendment had merit, if the facility was constructed, he considered that demand for the heat would follow anyway. On being put to the vote for the approval of the application with the additional condition proposed, there was an equality of voting and the Chair used his casting vote against the proposal.

The original recommendation of approval then became the substantive motion.

Councillor Gareth Roberts felt that refusal of the application would be difficult to defend at appeal and commented on the risk of costs being awarded against the Council if the appeal was allowed. He said that the site was in a suitable location and would generate a small amount of extra traffic and reminded Members that the waste was currently already transferred through Flintshire to reach landfill sites.

Councillor Richard Jones requested a recorded vote and was supported by the requisite five other Members.

In summing up, Councillor Bithell said that the reasons for refusal provided at the previous meeting would be difficult to defend at appeal. He commented on the higher level of support than objections and added that the facility as a heat source would attract other businesses to the area once it was operational. He added that the proposal would provide valuable jobs.

On being put to the vote, planning permission was granted by 7 votes to 6 with the voting being as follows:-

FOR – GRANTING PLANNING PERMISSION

Councillors: Marion Bateman, Chris Bithell, Derek Butler, Haydn Bateman, Mike Lowe, Gareth Roberts and David Wisinger

AGAINST – GRANTING PLANNING PERMISSION

Councillors: Mike Reece, Ray Hughes, Christine Jones, Richard Jones, Veronica Gay and David Roney

RESOLVED:

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

25. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 12 members of the public and 3 members of the press in attendance.

(The meeting started at 10.00 am and ended at 11.55 am)

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Chair

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **FULL APPLICATION – STRATEGIC FLOOD ALLEVIATION SCHEME FOR THE TOWN OF MOLD**

APPLICATION NUMBER: **052180**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **LAND LOCATED BETWEEN THE A5119/A494 (RUTHIN ROAD) TO THE SOUTH WEST OF MOLD AND A541 DENBIGH ROAD (NORTH WEST) AND PLAYING FIELDS AT YSGOL GLANRAFON/MAES BODLONFA, MOLD**

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

LOCAL MEMBERS: **COUNCILLOR G.H. BATEMAN**
COUNCILLOR MS A.J. DAVIES-COOKE
COUNCILLOR R. GUEST
COUNCILLOR C. LEGG
COUNCILLOR B. LLOYD
COUNCILLOR N. MATTHEWS

TOWN/COMMUNITY COUNCIL: **GWERNYMYNYDD COMMUNITY COUNCIL**
HALKYN COMMUNITY COUNCIL
MOLD TOWN COUNCIL

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application which has been submitted by Flintshire County Council proposes the construction of a strategic flood alleviation scheme for the town of Mold.

1.02 The nature of the proposed works principally involves the formation of new culverts with associated intake/outfall structures across agricultural land on the fringe of the town, extending from the south west to the north west together with the introduction of 3 No. new underground attenuation tanks on land within the town itself, on recreational land and open space at Ysgol Glanrafon and Maes Bodlonfa.

1.03 The proposed works are on land within the community/town council boundaries of Gwernymynydd, Halkyn and Mold. As a result the community/town councils and Local Members representing each ward boundary have been consulted on the application.

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

- 2.01
1. Time limit on commencement.
 2. In accordance with approved details.
 3. Details of phasing scheme to be submitted and approved
 4. No development other than the formation of a site compound/storage area for machinery/plant to be undertaken on land adjacent to A5119/A494 Roundabout (edged on attached plan) without the further grant of planning permission.
 5. No direct access for construction traffic, from the site, onto the trunk road without further written approval.
 6. No development including site clearance to take place until a Construction Traffic Management Plan has been submitted and approved.
 7. Prior to the commencement of any site works the siting, layout and design of the means of access to be submitted and approved.
 8. Stated visibility splays at proposed point of access to be kept free from obstructions for duration of site works.
 9. Details of interception culvert including the design of intake screens to be submitted and approved, prior to the commencement of development.
 10. Details of attenuation storage system to be submitted and approved prior to the commencement of development.
 11. Existing foul sewer to be safeguarded in accordance with details to be submitted and approved.
 12. No land drainage run-off to discharge into public sewerage system.
 13. No surface water to connect into public sewerage system.
 14. No development including site clearance to commence until a specification/timescale for the undertaking of works and re-establishment of playing fields and open space at Maes Bodlonfa and Ysgol Glanrafon has been submitted and approved.

15. Archaeological Watching Brief to be submitted and approved prior to commencement of development.
16. Notwithstanding details contained within Ecological Appraisal no development to commence until a scheme for wildlife mitigation has been submitted and approved.
17. No development to commence until details of proposed tree removal/remedial works including where required replacement planting have been submitted and approved.
18. Timescale for implementation of landscaping scheme.
19. Footpath 1 to be protected during site construction works.
20. Details of security fencing adjacent to open culvert to be submitted and approved.
21. Details of site restoration including timescale of works across agricultural land to be submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member

Councillor G.H. Bateman

Request site visit and planning committee determination in order to assess the impact of development on the character of the landscape, agricultural land and amenity of residents in the locality.

Councillor Ms A.J. Davies-Cooke

No response received at time of preparing report.

Councillor R. Guest

No response received at time of preparing report.

Councillor C. Legg

Request site visit and planning committee determination in order to assess the impact of development on the character of the landscape, agricultural land and amenity of residents in the locality.

Councillor B. Lloyd

Request site visit and planning committee determination in order to assess the impact of development on the character of the landscape, agricultural land and amenity of residents in the locality.

Councillor N. Matthews

Express concerns that the proposed scheme

- Will not provide adequate capacity during heavy rainfall to cater for the volume of water from Hafod Moor/Bryn Gwyn Hill.
- Will result in development on high quality agricultural land.

Mold Town Council

The Council agreed that they would support stage one of this application on the condition that the attenuation measures are put in place to slow the flow of water. The Council had no objections to Stage 2 of the planning application. In addition the Council asked that consideration is given to the introduction of tree planting to assist with flood management and sought assurances for good management of the culverts into the future. The Council quoted Monmouth as a good example, where they had used a dam process to deviate streams in the headlands.

Halkyn Community Council

No response received at time of preparing report.

Head of Pollution Control

No adverse comments.

Welsh Government Transport

Direct that any permission granted includes the following conditions:-

1. There shall be no direct access for construction traffic, from the site, onto the trunk road, without further written approval.
2. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted and approved by the Highway Authority.

Highways Development Control Manager

Recommend that any permission includes conditions in respect of access, visibility and the need for a Construction Traffic Management Plan.

Dwr Cymru/Welsh Water

Recommend that any permission includes conditions in respect of land and surface water drainage and need to safeguard impact of development on line of existing sewer which crosses the site.

Natural Resources Wales

Do not object to:-

- a) the proposal from a flood attenuation perspective subject to the imposition of conditions regarding the design of the system.
- b) the proposal on ecological grounds as the proposal will not cause any adverse major impacts on ecology. Consider that the ditched sections if appropriately managed will enhance the wildlife interest of the application site.

Public Open Spaces Manager

Wish to advise that in respect of:-

a. Maes Bodlonfa Recreation Ground

The proposed works will impact on the availability of football pitches for two seasons and the existing football clubs that use the site will need to relocate to other fields on educational sites which will require upgrading to bring them up to a playing standard.

b. Ysgol Glanrafon

The proposed scale of works will have a major impact on the availability of open space for use by the school.

Having regard to the above, consider that the timing of such works is therefore important to ensure the minimum disruption/re-establishment of playing fields and therefore a timescale/specification should be agreed prior to the commencement of development.

Environment Directorate

(Rights of Way)

Public Footpath 1 crosses the site. The applicant may be required to apply for a Temporary Closure Order to protect the public during the construction.

Head of Pollution Control

No adverse comments.

Ramblers Association

Subject to safeguards with regard to construction works, the proposal is supported as a means of alleviating the serious flood problems that have been experienced. Consider that temporary alternative footpath routes may be required during construction works.

Clwyd – Powys Archaeological Trust

Request the imposition of a condition to ensure that an archaeological watching brief is undertaken.

Cadw

Consider that the design of the culvert has been modified to ensure that there is no impact on the edge of the essential setting of the Grade II* registered park and garden at Rhual.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Lack of consultation on the proposed development.
- The proposed scheme will cause problems and floodrisk downstream of the new discharge points to the River Alyn.
- The installation of 'open cut' drains to catch over ground flow is excessive and unwarranted.
- Concerns that excavated material from the site will be deposited on a triangular area of land adjacent to the A5119/A494 roundabout.

One letter of support received which considers that the proposed scheme offers the best solution to the problems of flooding within the town.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy STR10 – Resources

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development Inside Settlement Boundaries

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location & Layout

Policy TWH1 – Development Affecting Trees & Woodlands

Policy TWH2 – Protection of Hedgerows

Policy L1 – Landscape Character

Policy WB1 – Species Protection

Policy WE5 – Protection of Registered Landscapes, Parks & Gardens of Special Historic Interest

Policy AC13 – Access & Traffic Impact

Policy EWP17 – Flood Risk

Additional Guidance

Planning Policy Wales (PPW) 2014

Technical Advice Note 5 – Nature Conservation & Planning

Technical Advice Note 6 – Planning for Sustainable Rural Communities.

Technical Advice Note 15 – Development & Flood Risk.

The proposal would generally comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This application which has been submitted by Flintshire County Council seeks planning permission for the construction of a strategic flood alleviation scheme for the town of Mold. The application has been submitted as Mold has experienced extensive flooding during the last 35 years particularly in 2000 and 2012.

7.02 Consultants employed by Flintshire County Council have identified that the source of the flooding is a number of minor watercourses running off the strip catchments to the west of the town. These catchments deliver storm flows into the existing culverted watercourses and surface water sewers and the current drainage infrastructure is unable to cope with these flows resulting in flooding during periods of heavy rainfall.

7.03 Proposed Development

For Members information, there are two distinct parts to the proposed scheme which seek to address the flooding issues highlighted and this includes:-

a. An Overland Flow Cut-Off Drain to the West of Mold

This will involve the formation of a culvert and in part an open ditch/channel together with intake and outfall structures stretching from the A494 near Gwernymynydd, northwards through a series of five farms, passing under the Gwernaffield Road and the A541, before discharging into the River Alyn, through the Poole House Culvert. The culvert would pass across agricultural land approximately 585 m which is Grade 3a and 1900 m of Grade 3 which are defined as being a mix of good/moderate quality.

b. Underground Attenuation Tanks Near Caer Bracty & Maes Bodlonfa

The installation of 3 No. underground attenuation tanks each with a storage capacity of approximately 3,000m³ on playing fields/open space at Maes Bodlonfa and Ysgol Glanrafon. At Maes Bodlonfa there will be a single attenuation tank while at the school fields at Ysgol Glanrafon the storage area will consist of two tanks. It is proposed that ground levels will be raised by approximately 500 mm to facilitate their installation.

In addition to the standard application forms and plans, the application is accompanied by:-

- A Design & Access Statement.
- An Arboricultural Assessment.
- An Ecological Survey.

7.04 Main Planning Considerations

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

- a. The principle of development.
- b. The impact of development on the character of the landscape.
- c. Impact on amenity of occupiers of existing properties.
- d. Impact on playing fields at Maes Bodlonfa and Ysgol Glanrafon.
- e. Adequacy of access.
- f. Agricultural Land Classification (ALC).
- g. Impact on ecology.

7.05 In commenting in detail in response to the main planning considerations outlined above, I wish to advise as follows:-

7.06 Principle of Development

The principle of the development which is proposed to alleviate instances of significant flooding within the town, is in my view acceptable in line with the established planning policy framework. This is however subject to ensuring that there is no detrimental impact on the character of the landscape/ecology/highways and the safeguarding of relevant amenity considerations.

7.07 Consultation on the details submitted has been undertaken with Natural Resources Wales (NRW) who raise no objection to the principle of development subject to conditions to control the detailed design of the proposed scheme.

7.08 Impact on Character of Landscape

During the construction phase, it is acknowledged that disturbance, movement and additional noise would affect the landscape character of the site and locality. However the impact of the construction works will be for a temporary period only and with the exception of a short section of an open ditch/channel, the culverts and attenuation tanks will be installed underground. This will, in my view, minimise the visual impact of the development proposed.

7.09 For Members information the application site includes a triangular area of land adjacent to the A5119/A494 roundabout on the north-western edge of Mold. This area of land has been included within the site on the rationale that the land in question, given its proximity to the line of the new culverts/channel, could be used as a contractor's site or compound for the storage of machinery whilst works are being undertaken.

7.10 During the construction phase of the development, it is also recognised that there will be a volume of excavated material produced, with any excess quantities proposed to be removed from the site. The third party concerns regarding the potential deposit of any surplus material on the triangular area of land adjacent to the

A5119/A494 roundabout are duly noted. It is my view that such activity would have a detrimental appearance on the character of the landscape and entrance to the town of Mold. If Members are mindful to support the application then a condition should be imposed to restrict the use of this land for the siting of a contractor's compound or storage of machinery only, this being limited for the duration of the site works.

- 7.11 Impact on Amenity of Occupiers of Existing Dwellings
The proposed development seeks to alleviate the impact of flooding for residents and their properties within the town of Mold, but it is recognised that during construction works that there will be a level of disturbance for residents. This will primarily be as a result of the movement of plant/machinery, noise from site operations and removal of excavated material from the site. It is however considered that with the imposition of conditions to control hours of use that this will safeguard the privacy/amenity of existing residents.
- 7.12 Impact on Existing Playing Fields at Maes Bodlonfa/Ysgol Glanrafon
As highlighted in paragraph 7.03 (b) of this report, the proposed development would involve the installation of underground attenuation tanks on playing fields/open space at Maes Bodlonfa and Ysgol Glanrafon.
- 7.13 During construction works this will result in these areas being unavailable for use and consultation on this aspect of the development has been undertaken with the Council's Public Open Spaces Manager.
- 7.14 It is acknowledged that the existing users of the recreational ground at Maes Bodlonfa will have to relocate to other site(s) whilst the work is undertaken and the availability of open space within the Ysgol Glanrafon will be impacted upon for a period of time. However, the nature of the site works proposed will result in the unavailability of these facilities for a short period of time only and provided the work can be timed and programmed to ensure minimum disruption, can in my view be supported.
- 7.15 Adequacy of Highways
Given the relationship of the site to the existing highway network including the A494 Trunk Road, consultation on the application has been undertaken with both Welsh Government Transport and the Council's Highways Development Control Manager.
- 7.16 An assessment of vehicular movements associated with the development from construction vehicles, the movement of excavated material from the site and the safeguarding of access for any future maintenance work has been undertaken.

- 7.17 Whilst there is no objection to the principle of development from a highway perspective, and it is considered that there is likely to be minimal disruption to the operation of the highway network following completion of the works, Welsh Government Transport have directed that any permission includes conditions to:-
- a. Ensure that there is no direct access from the site onto the Trunk Road without further approval, and
 - b. No development including site clearance work is to take place until a Construction Traffic Management Plan has been submitted and approved to control.
- 7.18 The Highways Development Control Manager concurs with the conclusions of this direction and if Members are mindful to grant permission, specific details of the Construction Traffic Management Plan including e.g., access/egress routes and hours of operation can be controlled through the imposition of a condition.
- 7.19 Agricultural Land Classification
Clarification on the Agricultural Land Classification (ALC) across which the proposed development is to take place, has been undertaken with the Land Use Planning Unit (Welsh Government).
- 7.20 It has been confirmed that the proposed culvert would pass across approximately 585 m of Grade 3a and 1900 m of Grade 3 agricultural land. Whilst there are national and local policies which seek to protect the 'best and most versatile agricultural land, the development does not require on the basis of the area involved consultation with Welsh Government (Agriculture).
- 7.21 It is acknowledged that during site works there there will be some disruption on farming activities that are currently undertaken with some land being unavailable for use during this period. It is important to ensure that the level of disruption and impact on farming operations is minimised during this period and after completion of the works the site is restored to its previous condition with measures for aftercare secured. If members are mindful to grant permission this can be secured through the imposition of planning conditions.
- 7.22 Ecological Considerations
The proposed route of the proposed culverts/ditches and associated structures across agricultural land, has been the subject of an ecological assessment and a species survey has been submitted as part of the application. This has focussed on the potential impact of development on Great Crested Newts, Bats, Badgers, Birds, Water Voles and Reptiles including Lizards and Slow Worms.

- 7.23 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.
- 7.24 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994, now the 2010 Regulations, which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and a licensing system administered by the Welsh Ministers.
- 7.25 Planning Policy Wales (Edition 7, paragraph 5.5.11) advises Local Planning Authorities that: “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitats”.
- 7.26 Technical Advice Note 5 - Nature Conservation and Planning (2009) states at para. 6.3.6 :- “Regulation 3(4) of the Habitats Regulations [Regulation 9 (5) in the Habitats Regulations 2010] requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive’s provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive’s requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met. These requirements are transposed by the provisions of the Habitats Regulations. The issues of whether development could give rise to a breach of the Regulations’ requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a licence may be needed, the three licensing ‘tests’ required by the Directive should be considered by the local planning authority. Paragraph 6.3.7 then states:- “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three

tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied”.

- 7.27 For Members information, the submitted report/survey concludes that the proposed route of the flood alleviation scheme does not have any major impact on any habitats or protected species listed. On completion of the scheme the report also advises that the ditched sections of the route will if managed appropriately enhance the species diversity along this corridor.
- 7.28 The proposed development and conclusions of the ecological survey have been assessed by Natural Resources Wales (NRW) who have confirmed that the development will not have an impact on the species listed, subject to the undertaken of appropriate mitigation in respect of badgers. In addition NRW have also confirmed that the ditched sections if appropriately managed, will enhance the wildlife interest of the application site. The aspects of the development can be addressed through the imposition of appropriately worded conditions if Members are minded to support the proposed development.

8.00 CONCLUSION

- 8.01 It is my view that given recent instances of heavy flooding within the town of Mold, that a strategic scheme to try and alleviate the consequences for individuals and their properties is to be welcomed and supported. Of particular importance however is the need to ensure for landowners, across whose land the additional works are required to be undertaken, that there is no detriment to the character of the landscape their farming interests or ecological interests that may be present. In addition there is a need to recognise that during construction operations that there will be an inevitable impact on the existing highway network through increased vehicular movements and that the impact of these movements needs to be strictly controlled. I therefore recommend that conditional permission is granted as outlined in paragraph 2.01 of this report.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

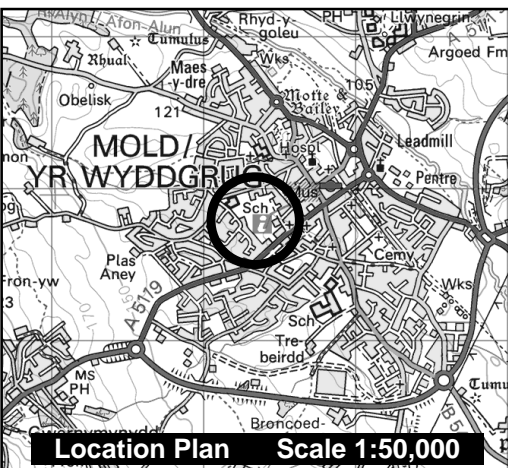
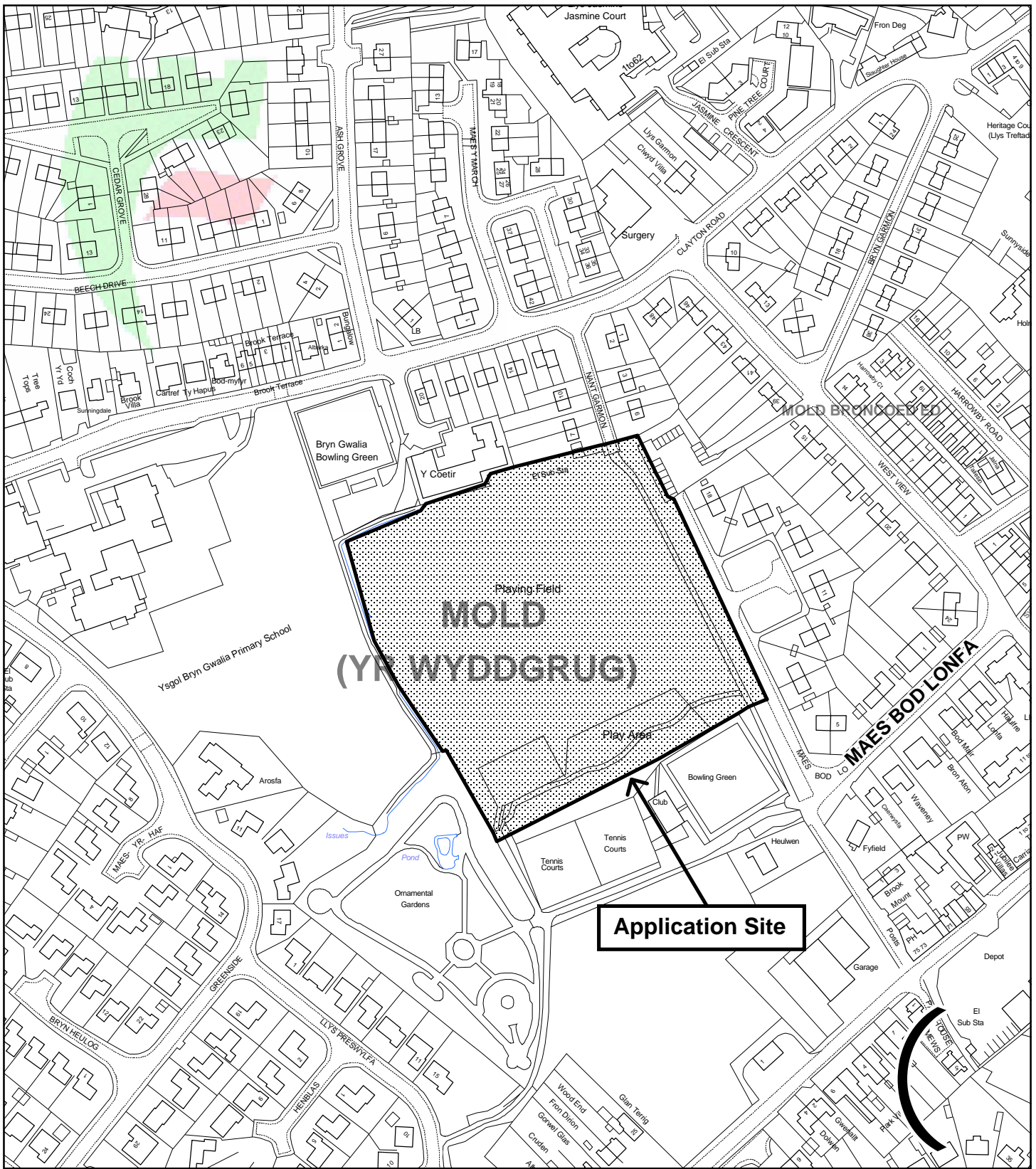
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

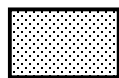
Contact Officer: Mark Harris
Telephone: (01352) 703269
Email: Robert_m_harris@flintshire.gov.uk

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2264

Planning Application **52180**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **FULL APPLICATION – CONVERSION OF COMMERCIAL UNITS INTO 4 NO. DWELLINGS AT THE OLD SCHOOL HOUSE, MAIN ROAD, HIGHER KINNERTON.**

APPLICATION NUMBER: **053004**

APPLICANT: **MR. S. MEARS**

SITE: **THE OLD SCHOOL HOUSE, MAIN ROAD, HIGHER KINNERTON.**

APPLICATION VALID DATE: **17TH DECEMBER 2014**

LOCAL MEMBERS: **COUNCILLOR P. LIGHTFOOT**

TOWN/COMMUNITY COUNCIL: **HIGHER KINNERTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUIREMENT FOR LEGAL OBLIGATION TO CONTROL OCCUPANCY OF UNITS.**

SITE VISIT: **NO.**

1.00 SUMMARY

- 1.01 This full application proposes the conversion of former offices at The Old School, Higher Kinnerton into 4 No. 2 bedroom dwelling units.
- 1.02 For Members information, the offices have remained vacant since relocation of the company that previously occupied the building to alternative/larger premises.

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) A Section 106 Obligation/Unilateral Undertaking to ensure that the units are offered for sale or rent to meet affordable local housing needs.
- b) A section 106 Obligation/Unilateral Undertaking or advance payment of £733 per unit towards the maintenance and enhancement of open space in the locality.

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Foul/surface water to be drained separately.
4. No land drainage to discharge into public sewerage system.
5. No net increase of surface water to connect into public sewerage system.
6. Where existing openings are proposed to be blocked up - materials to match existing.

3.00 CONSULTATIONS

3.01 Local Member
Councillor P. Lightfoot
No response received.

Higher Kinnerton Community Council
No objections.

Head of Pollution Control
No adverse comments.

Public Open Spaces Manager
Request the payment of £733 per dwelling in lieu of on-site Public Open Space, in order to improve existing facilities in the locality.

Highways Development Control Manager
Following the receipt of an amended site plan, no objection and do not intend to make a recommendation on highway grounds.

Dwr Cymru/Welsh Water
Request that any permission includes conditions in respect of foul, surface and land drainage.

4.00 PUBLICITY

- 4.01 Site Notice, Neighbour Notification
No responses received.

5.00 SITE HISTORY

- 5.01 **96/2/00981** – Change of use to graphic design and reprographics studio.

052100 – Change of use to child day care nursery – Permitted
18th June 2014.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR4 – Housing.
Policy GEN1 – General Requirements for Development.
Policy GEN2 – Development Inside Settlement Boundaries.
Policy D2 – Location & Layout.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.
Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries.
Policy HSG8 – Density of Development.
Policy EM6 – Protection of Employment Land.

Additional Guidance

Local Planning Guidance Note 2 – Space Around Dwellings.
Local Planning Guidance Note 11 – Parking Standards.

7.00 PLANNING APPRAISAL

7.01 Introduction

The building the subject of this application is located on the western side of Main Road, Higher Kinnerton at the junction with Park Avenue and The Orchard. It is a large converted former school which has subsequently been used as an office. It currently stands vacant and is located within the settlement boundary of Higher Kinnerton as defined in the Flintshire Unitary Development Plan.

7.02 Proposed Development

The building measures approximately 25 m x 14 m x 7.5 m (high) and is constructed having facing brick external walls and a slate roof. It is proposed that the building which has the main frontage onto Park Avenue is converted into 4 No. 2 bed dwelling units, with minimal alterations proposed to the external appearance to facilitate its conversion into residential use. These alterations principally incorporate the blocking up of existing openings and installation of

traditional windows reflecting the form/pattern of the existing building.

7.03 Vehicular access to serve the development is proposed from Park Avenue, with parking space for 8 No. vehicles provided within the site curtilage.

7.04 Planning Policy

For Members information, the site is located within the settlement boundary of Higher Kinnerton, which is a Category C settlement as defined in the Flintshire Unitary Development Plan. Policy HSG3 sets an upper growth ceiling of 10% over the 15 year Plan period and requires that all new dwellings, including conversions, are to meet a proven local need. The level of growth is monitored over the 15 year period commencing with the baseline data at 1st April 2000 and ending with survey data as at 1st April 2015. Although the growth level for Higher Kinnerton has exceeded the 10% ceiling, it is no longer possible to control growth levels beyond the 15 year monitoring period. The stipulation that additional dwellings must be to meet proven local needs remains in force.

7.05 It is therefore necessary for each application in a Category C settlement to be considered on its merits as to whether it is a sustainable location to accommodate the development proposed. Higher Kinnerton is considered to have a good range of facilities and services for a modestly sized settlement and also has good accessibility to nearby employment facilities. The sustainability of the settlement was also considered by the Unitary Development Plan Inspector who recommended that the UDP allocation be retained as part of the consideration of objections to the allocation. In this context, it is considered that Higher Kinnerton can sustainably accommodate the proposed development.

7.06 The applicant's agent is aware of this policy requirement and have advised that at this stage no decision has been made on whether the dwellings would be provided for sale or rent. The Council's Housing Strategy Unit has been consulted on the application and advised that there are 14 persons registered for affordable properties for sale and a further 14 registered seeking affordable rental property. This therefore confirms that there is an affordable housing need within the locality.

7.07 Principle of Residential Use

It is acknowledged that the previous use of the building has been as an office, with the applicant subsequently moving to larger premises. This has resulted in the property becoming vacant. The applicant has provided details of the marking of the premises since March 2012 for a further commercial use. Whilst permission was granted in June 2014 for the change of use of the building to a child day care nursery, it is understood that the prospective operator has decided not to proceed with the establishment of this facility on economic grounds.

- 7.08 In these circumstances it is considered that the applicant has sought to encourage the introduction of a further commercial use within the premises but this has proved to be unsuccessful. Whilst a previous office use has been lost from within Higher Kinnerton it is not considered having regard to Policy EM6 that this would lead to an unacceptable reduction in the supply and range of employment sites in the area.
- 7.09 It is therefore my view that the principle of the conversion of the building into residential use is acceptable and if Members are mindful to grant permission the development would be required to meet a local affordable housing need which would be controlled through a Section 106 Obligation. This would ensure that the units were provided for sale or rent at a discounted rate which would provide for an increase in and variety of tenures within Higher Kinnerton.
- 7.10 Impact on Character of Site/Surroundings
The proposed conversion would involve limited external alterations to the existing physical fabric of the building. It is my view that the changes which principally incorporate the blocking up of existing and creation of additional openings would help to retain and improve the character of the building at this location.
- 7.11 Adequacy of Access/Parking
Amended plans submitted as part of this application, illustrate the provision of 8 No. parking spaces accessed from Park Avenue to serve 4 No. dwellings proposed.
- 7.12 Consultation on the acceptability of the access and parking arrangements has been undertaken with the Highways Development Control Manager who raises no objection to the development as it would be in accord with Local Planning Guidance Note 11 - Parking standards.

8.00 CONCLUSION

- 8.01 It is considered that the conversion of the existing building on the scale proposed to meet an identified affordable local housing need within Higher Kinnerton is acceptable subject to the completion of a Section 106 Obligation to control occupancy and the tenure. There is no objection to the development from a highway perspective and I therefore recommend that planning permission be granted subject to conditions.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 22 JULY 2015**

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

SUBJECT: **FULL APPLICATION - ERECTION OF 21 NO. DWELLINGS TO INCLUDE 15 NO. TWO BED APARTMENTS, 6 NO. ONE BED APARTMENTS AT GATEWAY TO WALES HOTEL, WELSH ROAD, GARDEN CITY**

APPLICATION NUMBER: **053012**

APPLICANT: **PENNAF HOUSING GROUP**

SITE: **LAND TO SIDE OF GATEWAY TO WALES HOTEL, WELSH ROAD, GARDEN CITY, FLINTSHIRE**

APPLICATION VALID DATE: **4TH DECEMBER 2014**

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

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

REASON FOR COMMITTEE: **THE SCALE OF THE PROPOSALS EXCEED THAT FOR WHICH POWER TO DETERMINE IS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The application seeks full planning permission for the erection of a 3 storey apartment building together with associated parking facilities. Access to the site is proposed to be derived from Welsh Road via a new point of access.

1.02 The apartment building provides 21No. apartments comprising a mix of 6No. 1 bed apartments and 15No. 2 bed apartments. Each apartment provides a combined living, dining and kitchen space, a bathroom and bedroom accommodation.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. The site lies within Zone C1 as defined by the Development Advice Maps (DAM) referred to under TAN15: Development and Flood Risk (2004). The Local Planning Authority consider that insufficient information has been provided to demonstrate that the risks and consequences of flooding can be acceptably managed in accordance with the criteria identified in TAN15. Accordingly, and applying the precautionary principle, the Local Planning Authority consider that the proposals are contrary to guidance set out in Paragraphs 13.4.1 – 13.4.4 inclusive of Planning Policy Wales (7th Ed July 2014); the provisions of Policies GEN1, HSG3 and EWP17 of the Flintshire Unitary Development Plan; and fail to satisfy the requirements of Technical Advice Note 15 : Development and Flood Risk.

2. The Local Planning Authority consider that insufficient information has been provided to demonstrate that the proposals would not result in unacceptable adverse impacts upon the safety of users of the adjacent highway network. Accordingly, and applying the precautionary principle, the Local Planning Authority consider that the proposals are contrary to the provisions of Policies GEN1, HSG3 and AC13 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Ms. C. M. Jones
Disappointed that the applicant has not addressed the concerns raised. Supports officer recommendation.

Sealand Community Council
No objection.

Highways DC
Insufficient detail is provided to demonstrate that the site can be accessed by refuse vehicles. Further detail is required in relation to the proposed shared surface. Currently submitted details illustrate a conflict between the access from Welsh Road and the designated footway.

Pollution Control Officer
No objection. Requests the imposition of conditions in relation to noise

attenuation glazing to be installed within the building.

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 £733 per apartment is sought.

Capital Projects and Planning Unit (CPPU)

Advises that no contributions are sought in respect of educational capacity at the applicable nearest schools as both schools have in excess of 5% surplus capacity.

Welsh Government – Transport

Directs that permission is withheld. Advises that further evidence is required which reduces façade noise within the site. Advises appropriate highways observations cannot be made until such information is submitted.

Dwr Cymru/Welsh Water

No objection subject to the imposition of conditions.

Natural Resources Wales

Objects. Considers the proposals do not adequately demonstrate that the site would not be at risk in the event of a flood or that such risks could be acceptably managed.

Airbus

No objections.

Wales & West Utilities

No objections.

4.00 PUBLICITY

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

4.02 At the time of writing this report, 2 No. letters have been received from third parties. Neither letter objects but does raise questions in relation to proposals in respect of:

- the relocation of the bus stop;
- the proposed boundary treatments and landscaping; and
- potential impacts upon amenity arising from overlooking. Suggests a condition relating to obscure glazing should be imposed.

5.00 SITE HISTORY

5.01 043434

Erection of 2 No. apartment blocks to provide 38 apartments
Withdrawn 6.6.2011

046298

Erection of a two storey extension hotel and erection of a three storey
32no. apartment building
Permitted 6.6.2011

051555

Erection of 21no. apartments
Withdrawn 14.2.2014

051555

Variation of a conditions 3,4,5,6,9,10,11,12,13,14,17, & 19 on
Ref:046298
Resolution to grant subject to a Section 106 Agreement, the signing of
which is pending.

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 D12 - Design quality, location & layout
- Policy D2 - Design
- Policy D4 - Landscaping
- Policy AC13 - Access & traffic impact
- Policy AC18 - Parking provision and new development
- Policy HSG3 - Housing on unallocated sites within settlement
boundaries
- Policy HSG8 - Density of development
- Policy HSG9 - Housing mix and type
- Policy HSG10 - Affordable housing within settlement
boundaries
- Policy SR5 - Play areas and new housing development
- Policy EWP17 - Flood Risk

Planning Policy Wales (Ed.7 2014)
TAN 15: Development and Flood Risk (2004)

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site is presently vacant and presently has an open frontage.

Boundaries to the site are formed by a 2 metre high brick wall to the adjacent Gateway to Wales Hotel site, a mixture of brick wall, mesh fencing and established vegetation to the adjacent residential properties to the west and a 2 metre timber acoustic attenuation fence to the rear with the A494 beyond. Access to the site is presently derived from a centrally located access in the northern site boundary.

7.02 The surrounding area is difficult to characterise and consists of buildings of single, 2 and 3 storey forms. The site is bounded immediately to the east by the 2 storey Hotel. To the South west the site abuts a site of 2 and 3 storey apartment buildings and a mixture of single and 2 storey dwellings fronting Welsh Road. External finishes to these buildings vary but brick is the predominant material with slate and tile roofs. The proposed finishes to the apartments generally accord with the locality.

7.03 **The Proposed Development**

The proposals provide for the erection of a single 3 storey apartment building which is proposed to be sited to the southern end of the site, abutting existing apartment blocks and the A494. The building is arranged in such a fashion that the proposed accommodation is arranged over the 3 floors with car parking areas provided in the land surrounding the building.

7.04 **Main Issues**

The main issues for consideration are:

- The principle of development;
- Flood risk;
- Highway and access considerations;
- Design and impact upon amenity
- Affordable housing and S.106 matters

7.05 **The Principle of Development**

The site is located within the settlement boundary of Garden City as defined in the Flintshire Unitary Development Plan (FUDP) where the principle of residential development is acceptable subject to meeting identified criteria relating to access and visual and residential amenity.

7.06 Garden City is defined as a Category 'B' settlement in the FUDP which states that working densities for the development of unallocated sites within category B settlements should be around 30 dwellings per hectare. The site area is 0.24 hectares and the development of 21 residential units equates to a density of approximately 84 dwellings per hectare which would accord with this policy aim. Therefore, in planning policy terms, there is a presumption in favour of the development.

7.07 **Flood Risk**

The site is located in a C1 flood risk zone as identified in the

Development Advice Map referred to in TAN15: Development and Flood Risk. Notwithstanding the general policy presumption in favour of development within existing settlements, applications for development of this nature within C1 zones must demonstrate that the development would not present an undue risk to life from flooding. The considerations set out in Paragraph A1.14 of TAN 15 must therefore be satisfied.

- 7.08 In response to the submitted Flood Consequence Assessment, Natural Resources Wales (NRW) advised that this did not demonstrate that the development would be flood free for the lifetime of the development and therefore did not comply with TAN15. In attempting to address this objection, the applicant submitted an addendum to the FCA. This was also the subject of consultation with NRW. NRW noted that the FCA was premised on the view that flood defence improvements in association with the 'Northern gateway' development site had 'removed the risk of flooding associated with a breach scenario'.
- 7.09 I am advised that this premise is flawed as these improvement works do not remove the risk. They move the likely point of breach in such an event further eastwards along the Dee and away from the Northern Gateway site. NRW advised that a breach analysis would be required to ascertain the risks to the application site in such an event. In addition, NRW have advised that given the C1 zone location, there should be no residential accommodation located at ground floor and have expressed a preference for the ground floor of the premises to be formed by undercroft car parking.
- 7.10 To date, and despite repeated requests, I have neither received the requested breach analysis nor have amended proposals to provide for undercroft car parking been received. Accordingly the requirements of TAN15 cannot be demonstrated to have been met and therefore the requirements of Policy EWP17 are also not met. Consequently a reason for refusal will be recommended upon this basis.
- 7.11 **Highway and Access Considerations**
Vehicular access to the site is proposed a new point of access within the site frontage, the existing access being closed off. Concerns have been raised in relation to the proximity of an existing bus stop and its restriction to visibility at the point of via access. Consultation with Highways DC has established that the bus stop can be moved to maximise visibility. It is considered that the scheme provides adequate levels of car parking for both elements of the proposals.
- 7.12 Concerns have been raised in respect of the capability of the proposed layout to be accessed by refuse freighters of the form used by the Council. Swept path analysis would be required to address this concern. In addition, further details are required in respect of the nature and construction details of the proposed shared surface road.

- 7.13 In view of the fundamental objection which arises from the failure to address flood risk concerns, it would be unreasonable to put the applicant to further cost in addressing these concerns. Whilst, in the event of planning permission being granted, some of these matters may be acceptable of being addressed via condition, I propose to proceed in relation to highways with the view that insufficient information has been provided to enable a full assessment of the impacts of the proposals in highway terms. Consequently a reason for refusal will be recommended upon this basis.
- 7.14 **Design and Amenity Impacts**
The mass of built form is set well back into the site, bounding the A494 and reflects the scale of development which already exists in this location. In terms of scale the proposed apartment block is reflective of the apartment blocks previously considered acceptable upon this site and accords with the existing apartment buildings to the west of the site. I am satisfied that the mass of the proposed apartment block in this location, having regard to the form of built development in the locality, would not appear incongruous upon this site.
- 7.15 I am satisfied that the degree of separation between the elevation of the rearmost building and the dwellings on Welsh Road (53 metres) is such that, when coupled with the significant landscaping screening which exists along this boundary, there is no significant overlooking opportunity afforded.
- 7.16 I am equally satisfied however that the arrangement of rooms within the buildings, together with the appropriate use of conditions in respect of obscure glazing, would mitigate any adverse impacts which may be voiced in respect of amenity. The proposals accord with the Council requirements in terms of space around dwellings.
- 7.17 **Affordable Housing & S.106 Matters**
The proposals in themselves are not of a quantum whereby the requirements of Policy HSG10 apply. However, given that the applicant is a Housing Association, I am advised that all of the proposed apartments would be available for affordable housing purposes via affordable rental.
- 7.18 Contributions towards education infrastructure at the nearest schools would not be required in this instance as the closest schools (Sealand C.P. School and John Summers High School) both have sufficient capacity to accommodate any pupils anticipated to be created.
- 7.19 Contributions in lieu of on site play and recreation provisions would normally be sought at a rate of £733 per apartment (£156,393 in total) with such monies to be used to enhance existing facilities within Garden City.

7.20 However, in view of the basis for refusal outlined previously in this report, no requirement for a S.106 in respect of these matters arises.

8.00 CONCLUSION

8.01 Notwithstanding the fact that as a matter of principle, development of this sort in locations such as this is acceptable in policy terms, this presumption must be balanced against the consideration of all other material considerations. In this case, those material considerations are the risks associated with flooding and the impacts which arise upon highway safety.

8.02 In flood risk terms, the applicant has failed to demonstrate that the proposed development would not give rise to unacceptable risks in the event of a flood. Accordingly both national and local planning policies direct that the Local planning Authority should employ the precautionary principle and refuse to grant permissions in such instances.

8.03 Similarly with regard to highway safety implications, the Local Planning Authority has not been presented with sufficient information to satisfy itself that the proposals would not give rise to unacceptable impacts upon highway safety.

8.04 Consequently for these reasons I consider the proposals should be refused.

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

LIST OF BACKGROUND DOCUMENTS

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **FULL APPLICATION - SITING OF 52 ADDITIONAL STATIC CARAVANS TOGETHER WITH LANDSCAPE PLANTING AT TREETOPS CARAVAN PARK, TANLAN HILL, FFYNNONGROYW**

APPLICATION NUMBER: **052937**

APPLICANT: **TREE TOPS CARAVAN PARK**

SITE: **'TREE TOPS CARAVAN PARK'**
GWESPYR
HOLYWELL
FLINTSHIRE

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

LOCAL MEMBERS: **COUNCILLOR. G. BANKS**

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

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

SITE VISIT: **YES. REQUESTED BY CHAIRMAN.**

1.00 SUMMARY

1.01 The application is for the expansion of the existing caravan site onto a greenfield site adjacent to the existing park. The proposals would provide an additional 52 caravans. The proposals include significant landscaping works and additional planting.

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

2.01 Conditions:

1. Time limit on commencement.
2. In accordance with plans.

3. No obstruction to route of footpath during site works.
4. Foul and surface waters drained separately.
5. No surface water to public system
6. No land drainage to public system
7. Integrated drainage scheme to be submitted and agreed
8. Scheme for parking, turning, loading and unloading of vehicles to be agreed.
9. Implementation of hedgerow supplementary planting and site landscaping schemes. Maintenance for minimum 5 years.
10. Approval of details of proposed caravans, including finish colours, prior to any other development.
11. No external lighting.
12. Samples of all hard surfaces to be submitted and agreed.
13. Caravans only for holiday purposes and not dwellings.
14. Register of occupants to be kept.

3.00 CONSULTATIONS

3.01 Local Member

Councillor G. Banks

No response at time of writing.

Llanasa Community Council

No objection.

Highways DC

No objection subject to the imposition of conditions and notes.

Public Rights of Way

No objection. Public Footpath 20 abuts the site but is unaffected. Requests condition that the path is protected during construction works.

Pollution Control Officer

No objection.

Dwr Cymru/Welsh Water

No objection subject to the imposition of conditions.

Natural Resources Wales

No objection.

The Coal Authority

No objection. Standard advice applies.

Wales & West Utilities

No objections.

SP Energy Networks

No response at time of writing.

The Ramblers Association
No response at time of writing.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters. At the time of writing this report no letters have been received from third parties.

5.00 SITE HISTORY

5.01 348/77

Extension to site
Permitted 24.10.77.

383/77

Siting of additional wardens van in lieu of holiday van.
Permitted 24.10.77

13/96

New reception/utilities building
Permitted 4.5.96

97/1052

Creation of woodland walk and visitor car park, siting of recycling bins and erection of security barrier to caravan park entrance.
Refused 5.12.97

99/1179

Replacement site managers dwelling
Permitted 4.1.2000

036991

Extension to existing park to add 36 new standings
Permitted 26.4.04

048180

Siting of 10 No. static caravans
Permitted 22.3.2011

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General Requirements for Development
Policy GEN3 - Development in the Open Countryside
Policy T5 - Extension of Existing Static Caravan Sites
Policy AC13 - Access and Traffic Impact
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design Policy

- D3 - Landscaping Policy
- L1 - Landscape Character

National Policy
Planning Policy Wales (Ed.7 2014)
Technical Advisory Note 13: Tourism

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site comprises a 2.14 hectare field parcel located to the south of the existing caravan park. The site is accessed via an existing opening in the northern field boundary. The field is bounded by existing hedgerows on all boundaries with other agricultural fields to the south and east. The remainder of existing caravan park lies upon land to the north and west. The site slopes downhill from south to north and in this respect is reflective of the surrounding topography. It is comparatively flat across its east - west axis. The site lies in close proximity to the village of Gwespyr. Access is proposed to be derived via the existing access from the existing caravan site onto the adjacent New Road.

7.02 Proposed Development

The applicants operate the adjacent Tree Tops Caravan Park. The applicants wish to use the application site for the purposes of providing a further 52 static caravan pitches. The proposals indicate the provision of an access route around the field. The site boundaries are proposed to be subjected to a scheme of significant landscape planting.

7.03 Main Issues

The main issues in relation to this application are:

- the principle of development in this location having regard to the requirements of policy T5 of the Flintshire Unitary Development Plan (FUDP) and
- impacts on the character and appearance of the landscape.

7.04 Principle of Development

Policy T5 of the FUDP permits extensions to existing caravan sites where they meet a number of criteria. These will be addressed in turn below.

- 7.05
- a) *any increase in the number of standings or units is marginal.*
 - b) *any physical extension of the site is modest.*

The application seeks to provide 52No. pitches upon the site. The site currently consists of 168 standings.

7.06 The existing caravan site extends to some 7.24 hectares in area. The proposed extension seeks to add some 2.14 hectares to this. Whilst, in terms of numbers and area, the proposals amount to an increase of approximately 30%, I am mindful that the site is well screened on all boundaries and is proposed to be the subject of further supplementary planting in these areas which will only serve to reinforce these boundaries.

7.07 I am equally mindful of the advice of colleagues within Economic Development in consideration of this proposal. I am advised that the static caravan sector is extremely important to the tourism economy in Flintshire, especially in the northern parts of the County. I am advised that the site to which this application relates is a very high quality establishment which has won numerous awards and has extensive links with other local businesses which serves to direct visitor spending into other areas of the local economy which in turn is important in safeguarding employment in other smaller rural businesses. Given the site is located within a rural area, it is an important employer in the rural economy in itself.

7.08 c) *the scheme incorporates substantial internal and structural landscaping.*

The site has established hedgerow boundaries to all boundaries and additional boundary planting is proposed. This issue is discussed in greater detail separately below in my assessment of landscape impact.

7.09 d) *the proposal involves improved on site facilities.*

The proposals do not include the provision of any additional facilities. However, given the nature of the site, I would not wish to see permanent buildings within this area of the site as I consider the existing situation of these facilities being within the tree covered area of the existing site to be the preferable arrangement on this site.

7.10 e) *the proposals would not have a significant adverse impact upon existing residential amenity or the community in general.*

The proposals relate to the siting of touring caravans upon an extended but existing caravan site, The proposed site lies within an area of open countryside with the nearest dwellings being some 65 metres to the north in excess of 110m downslope to the north; 580m to the west, 170 metres to the east and 240 me to the south. I do not consider, given these degrees of separation, coupled with the significant screening which intersperse these distances, that the proposals will give rise to adverse impacts upon amenity.

7.11 **Landscape Impact**

Notwithstanding the policy position, I consider the key issue in this case is the impact on the character and appearance of the open countryside. The present site falls within several belts of trees and above the wooded slope leading down to the flat coastal strip. When viewed from the edge of Gwespyr to the west, only the most western fringes of the application site are visible. When viewed from the Coast Road and the minor road leading to the former Point of Ayr Colliery, the site is viewed in the context of a general backdrop of woodland which largely screens the site. The application site forms part of the pattern of fields comprising the open hillside which generally rises above the belt of trees. However, the trees do afford a degree of screening to the northern most of the proposed caravans and only the southern part of the field projects beyond the line of the trees. The visibility of the site from the south is virtually nil due to the break of slope within the topography of the wider area which places the site beyond the line of vision. Visibility from the east is again, almost nil due to the presence of sizeable and mature woodland belts comprising Redwater Wood and the woodland belt extending along the escarpment to the south of Tanlan and Ffynonngroyw.

7.12 Consequently, the extent to which the development as proposed would be prominent on the hillside and would require additional screening from longer distance views is limited to views from the far north (coastal footpath) and the eastern fringes of Gwespyr.

7.13 The application proposes an extensive scheme of additional landscaping and augmentation of existing screening. The site is screened well to its western boundary by a mature belt of hedgerows interspersed with mature trees. This is proposed to be supplemented with the planting of an additional hawthorn hedge and additional native trees. The application site historically had hedges which ran on a north south alignment which were removed when the field was in agricultural use to form a larger field parcel. The proposals seek to reinstate these hedgerows, save for where the internal roadway passes through. This will serve to introduce significant 'fingers' of planting which, once established, will significantly aid in the screening of the site. In addition, where the site is proposed to be terraced to form the platform areas for caravans and roadways, significant belts of landscaping are also proposed upon an east west axis.

7.14 The applicant has provided details to indicate the growth rates of the proposed planting and visual depictions of the effects of the landscaping over a 15 year period. Whilst in years 1 – 5 the effects of the screening are not significant, this must be weighed against the fact that applicant recognises the ecological importance of utilising native indigenous species over other faster growing but non-native evergreens which, in this ecological context, would appear incongruous. However, the screening, in combination with the existing vegetation and its growth over the same period would, after year 5,

combine to provide a very attractive and effective screen. This would sit well in the context of the character of the landscape in this area. As well as ensuring there is adequate planting proposed it is imperative that existing trees within the site are protected and retained as far as possible and the submitted scheme provides for this.

7.15 The existing site is obviously well managed and environmental issues are important to the owners. The extended site requires some screening from the north but there are opportunities for additional tree planting to reduce views into the site without greatly reducing the site area or blocking the wide views out to sea. The finished colour of the caravans can also play a part in ensuring they would be less prominent in the landscape and this is a matter which could be conditioned if permission is granted.

7.16 **Site Sustainability**

Although not a policy criteria, due to the sites proximity to the village of Gwespyr, local businesses such as the two public houses would be within walking distance to visitors to the site which would have economic benefits to the locality. The site is located in close proximity to the Public Footpath network in the area and therefore the scope exists to explore the local walks available.

8.00 CONCLUSION

8.01 The scale of the extension should be balanced against the overall benefits attributed to this scheme. The proposals bring about a reinforcement of existing hedgerows and the reinstatement of lost hedgerows. A sympathetic scheme of additional tree planting is proposed which serves to ensure the proposals are well integrated into the wider landscape. The scheme serves to meet the increasing expectations which visitors have of the North Wales Tourism industry and in this part of the County, this sector is a significant employer.

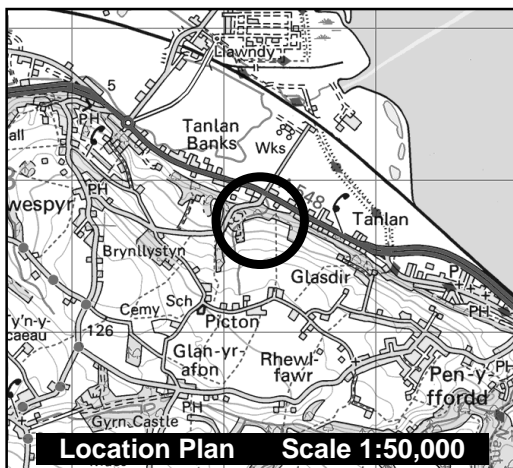
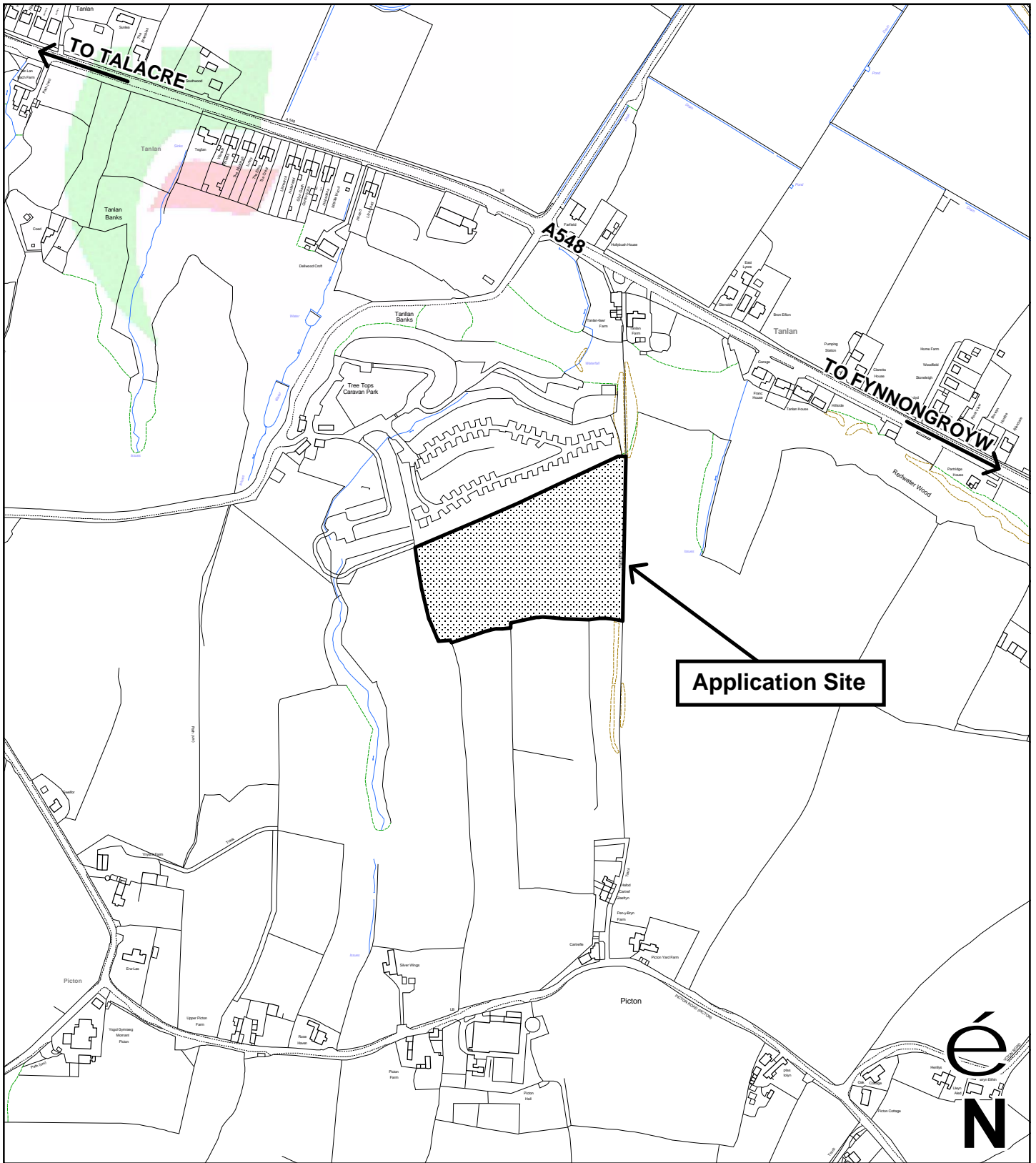
8.02 Accordingly, I consider that subject to the conditions set out in Section 2 of this report, Planning Permission should be granted.

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

LIST OF BACKGROUND DOCUMENTS

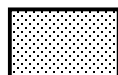
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: David Glyn Jones
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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 1282

Planning Application **52937**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 22 JULY 2015**

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

SUBJECT: **051831 - OUTLINE - RESIDENTIAL DEVELOPMENT AT "STATION YARD", CORWEN ROAD, COED TALON, FLINTSHIRE.**

1.00 APPLICATION NUMBER

1.01 051831

2.00 APPLICANT

2.01 S.P.A DAVIES & SONS

3.00 SITE

3.01 STATION YARD, CORWEN ROAD, COED TALON, FLINTSHIRE

4.00 APPLICATION VALID DATE

4.01 28TH FEBRUARY 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 Castell Alun High School.

6.00 REPORT

6.01 Members will recall resolving to grant planning permission at the Planning and Development Control Committee on 25th February 2015 for application 051831 relating to the Outline application for residential development at Station Yard, Corwen Road, Coed Talon subject to the applicant entering into a S.106 agreement relating to the following matter;

- Education provision – a sum equivalent £18,469 per secondary school pupil generated towards Castell Alun High School.
- 6.02 The infrastructure and monetary contributions that can be required from the a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 ‘Planning Obligations’.
- 6.03 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.
- 6.04 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 S.106 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.
- 6.05 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 6 obligations towards Castell Alun High School since April 2010 namely;

Reference No.	Site Address	Amount of Contribution
048186	Land at Bridge Farm, Fagl Lane, Hope	£31,500
048313	Land at Wood lane Farm, Penyffordd	£139,607
048676	Land at Babylon Fields, Higher Kinnerton	£21,000
048471	Land at Cymau Lane, Abermorddu	£24,500
048892	Land at the Former White Lion Public House, Penymynydd	£52,500

- 6.06 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 Castell Alun 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 lifetime of the UDP, albeit as an outline application.
- 6.07 Taking into account the indicative details provided as part of the application, the development of this site would be anticipated to give rise to 9 pupils of Secondary age based on the multipliers used by Education. Castell Alun High School has a capacity of 1240 and as of 2015 had 1365 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 in Outline for the residential development of the site subject to the conditions listed in the report of the Chief Officer (Planning & Environment) presented at the Planning and Development Control Committee held on 25th February 2015, a copy of which is appended.

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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FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH JUNE 2015**

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

SUBJECT: **FULL APPLICATION – INSTALLATION OF A TEMPORARY 24 M HIGH MOVEABLE MAST (ON A TRAILER WITH A CABIN) ACCOMMODATING 3 NO. ANTENNAS AND 1 NO. 0.3 M DIAMETER DISH AND A GENERATOR AT GROUND LEVEL ALL WITHIN A HERAS FENCE COMPOUND (RETROSPECTIVE APPLICATION) AT AIRBUS, CHESTER ROAD, BROUGHTON.**

APPLICATION NUMBER: **053680**

APPLICANT: **VODAFONE LIMITED**

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

APPLICATION VALID DATE: **27TH MAY 2015**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

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

REASON FOR COMMITTEE: **HEIGHT OF PROPOSAL CAN'T BE DEALT WITH UNDER DELEGATED POWERS.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application relates to the retrospective installation of a temporary 24 metre high moveable mast located on a trailer (including a cabin) accommodating three antennas and one 0.3 metre diameter dish and generator at ground level. The mobile mast will be enclosed using Heras fencing compound located at the AIRBUS site Chester Road, Broughton.

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

- 2.01 1. Permission is granted for a limited period expiring on the 31st December 2015 and unless an application is made and permission obtained for the masts retention, the mast shall be removed and the land reinstated to the satisfaction of the local Planning Authority at or before the expiration of the period granted by this permission.

3.00 CONSULTATIONS

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

Broughton Bretton Council
No objections.

Head of Public Protection
No adverse comments to make regarding this application.

Natural Resources Wales
No response at time of writing.

Airbus Operations
No response at time of writing.

4.00 PUBLICITY

- 4.01 Press Notice & Site Notice
No response at time of writing.

5.00 SITE HISTORY

- 5.01 **053219**
Full Application for the erection of a radar mast and associated development.

052843
Erection of ground support equipment shelter – Approved 19th December 2015.

051621
Relocation of the existing fuel farm- approved 18th February 2015.

051469
Construction of a new catering facility- approved 7th January 2014.

6.00 PLANNING POLICIES

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

7.00 PLANNING APPRAISAL

- 7.01 Introduction
Vodafone Ltd, are seeking planning permission to erect a temporary 24 metre high telecommunications mast along with associated development on land to the north-western corner of the Airbus complex at Broughton, Flintshire. The site itself is located in an area of the site comprised of numerous buildings and associated development used in the construction of aircraft wings. The site of the existing factory is located on a floodplain located to the south of the River Dee. With the exception of Broughton and the shopping complex to the south, the site itself characterised by industrial development at Manor Lane, to the west and agricultural land and small settlement to the north and east.
- 7.02 Site Location
The application site itself is located to the north-west of the main Runway adjacent to the A380 wing assembly building. To the north of the application site are aviation services hangars, with associated access road ways, hard standing and grassed areas. To the east of the site lies rough grassed areas and the main airfield runway. To the south is hard standing areas for aircraft parking and the airfield control tower. The application site itself consists of a hard standing area and has an area of approximately 256 sq. metres.
- 7.03 The Proposal
The proposed development by Vodafone is to ensure that the operational efficiency of the site is not compromised by improving telecommunication links within the boundary of the site. It has been identified that there are deficiencies in the network coverage at the AIRBUS site, with the level of indoor coverage being generally poor. At present there are no existing Vodafone sites in the general area which could be upgraded to provide Airbus Operations with the coverage required and hence the requirement for a new base station. The mast proposed consists of a 25 metre high lattice work tower which accommodates 4 antennas and 2 transmission dishes. The scheme also involves the installation of 3 equipment cabinets at ground level surrounded by a 2 metre high chain link fence.

7.04 Main Planning Considerations

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

- a. Principle of development having regard to the site in question and its surroundings.
- b. Proposed scale of development and impact on the character of the site and its surroundings.

7.05 Principles of Development

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

- 7.06 In terms of layout the floor plan is modest in scale only having a slab level of approximately 225 square metres in area. Clearly the location of the mast and its overall layout is dictated by the need to ensure that the effectiveness and efficiency of the equipment are maintained. As with the design the scale of the mast is dictated by its function. As noted the mast is located within the Airbus complex which itself is characterised by large manufacturing/industrial buildings. Given the scale of the existing structures the location of the mast and the fact it is of a similar height to other structures in the vicinity the scale of the development is considered to be appropriate to its location and complies with the relevant policies.

8.00 CONCLUSION

- 8.01 The scale of the proposed development is dictated by its intended function to provide telecommunication reception on the site. Notwithstanding, the mast and associated development is to be located within the Airbus site, a location which is characterised by large manufacturing /industrial buildings. Given the scale of the existing buildings on site, and the fact that the mast would be of a similar height to existing buildings, the scale of the development is considered to be appropriate to its location and to its intended function
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

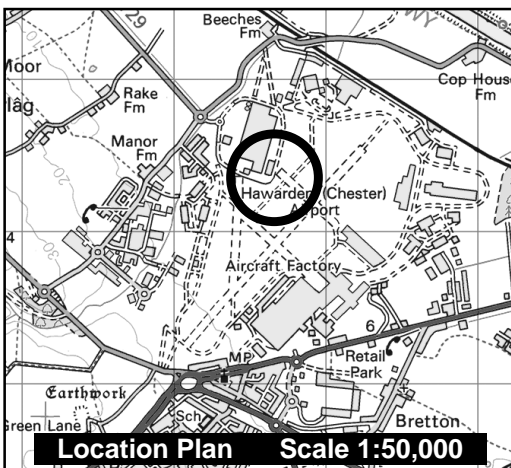
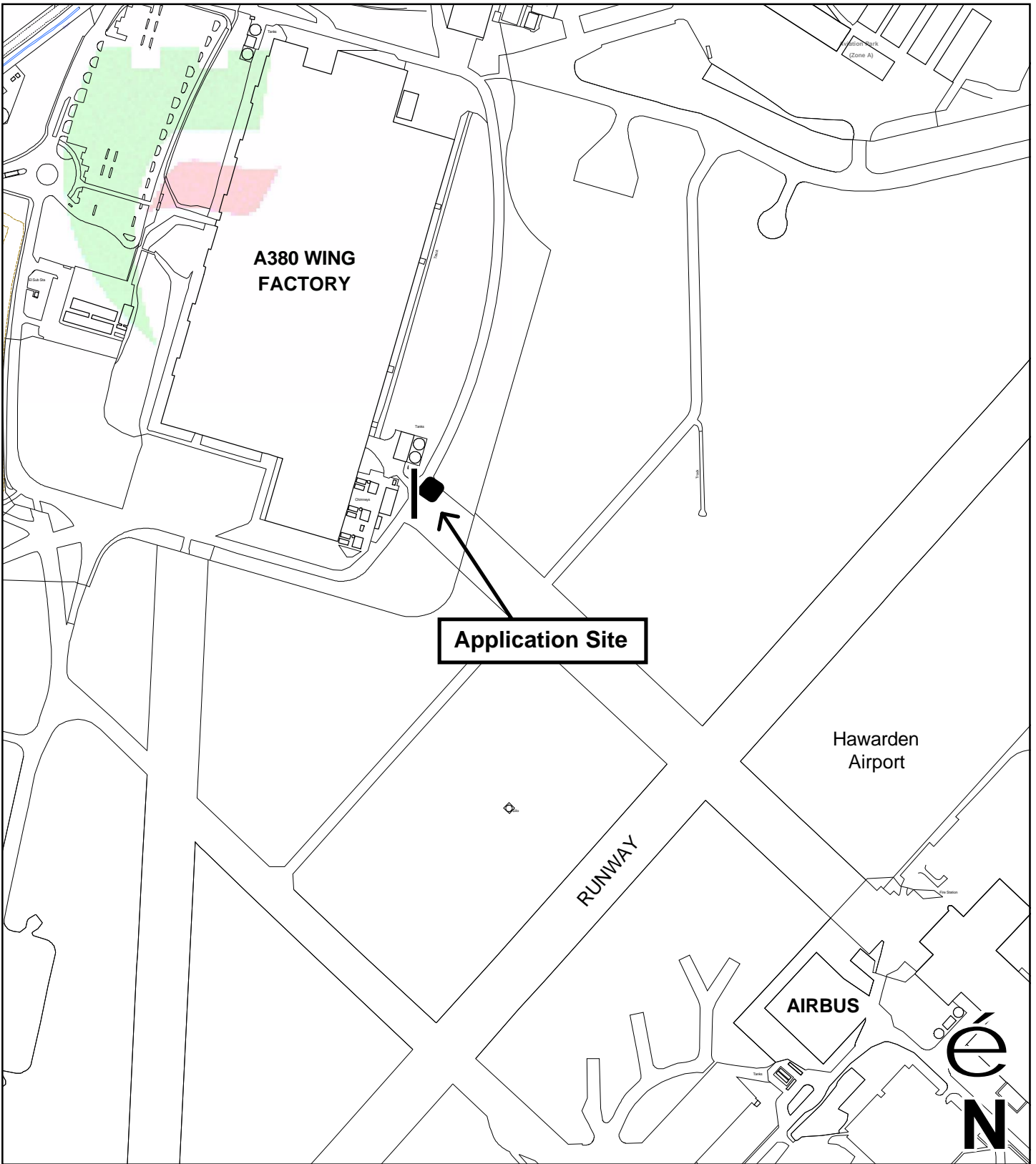
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

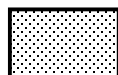
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Planning & Environment,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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OS Map ref SJ 3465

Planning Application **53680**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **FULL APPLICATION – INSTALLATION OF A 25 M LATTICE TOWER ACCOMMODATING 4 NO. ANTENNAS AND 2 NO. TRANSMISSION DISHES, INSTALLATION OF 3 NO. EQUIPMENT CABINETS AT GROUND LEVEL, ALL WITHIN 1.8 M HIGH CHAINLINK FENCE COMPOUND AT CHESTER ROAD, BROUGHTON.**

APPLICATION NUMBER: **053321**

APPLICANT: **VODAFONE LIMITED**

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

APPLICATION VALID DATE: **24TH FEBRUARY 2015**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

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

REASON FOR COMMITTEE: **HEIGHT OF PROPOSAL CAN'T BE DEALT WITH UNDER DELEGATED POWERS.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application relates to the installation of a 25 metre high lattice tower accommodating four antennas and two transmission dishes including the installation of 3 equipment cabinets at ground level. The mobile mast will be enclosed within a 1.8 metre chain-link fence compound located at the AIRBUS site Chester Road, Broughton.

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

- 2.01 1. Time limit on commencement (5 years)
 2. In accordance with approved plans.

3.00 CONSULTATIONS

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

Broughton Bretton Council
No objections.

Head of Public Protection
No adverse comments to make regarding this application.

Natural Resources Wales
Request further information from the applicant to justify the proposed location as the only suitable location and recommend that a limited Flood Consequences Assessment is produced. This information has now been submitted and no objection is raised to the proposal.

Airbus Operations
No objection to the proposal

4.00 PUBLICITY

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

5.00 SITE HISTORY

5.01 **053321**
Retrospective installation of a temporary 24 metre high moveable mast

053219
Full Application for the erection of a radar mast and associated development.-Approved

052843
Erection of ground support equipment shelter – Approved 19th December 2015.

051621
Relocation of the existing fuel farm- approved 18th February 2015.

051469

Construction of a new catering facility- approved 7th January 2014.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 - General Requirements.

D1 - Design Quality, Location & Layout.

D2 – Design.

EM3 - Development Zones & Principal Employment Areas.

7.00 PLANNING APPRAISAL

7.01 Introduction

Vodafone Ltd, are seeking planning permission to erect a temporary 24 metre high telecommunications mast along with associated development on land to the north-western corner of the Airbus complex at Broughton, Flintshire. The site itself is located in an area of the site comprised of numerous buildings and associated development used in the construction of aircraft wings. The site of the existing factory is located on a floodplain located to the south of the River Dee. With the exception of Broughton and the shopping complex to the south, the site itself characterised by industrial development at Manor Lane, to the west and agricultural land and small settlement to the north and east.

7.02 Site Location

The application site itself is located to the north-west of the main Runway adjacent to the A380 wing assembly building near to the A380 wing storage building. To the north and east of the application site are aviation services hangars, with associated access road ways, hard standing and grassed areas. To the south is hard standing areas for aircraft parking and the main A380 factory. The application site itself consists of a grassed area to the side of an existing building.

7.03 The Proposal

The proposed development by Vodafone is to ensure that the operational efficiency of the site is not compromised by improving telecommunication links within the boundary of the site. It has been identified that there are deficiencies in the network coverage at the AIRBUS site, with the level of indoor coverage being generally poor. At present there are no existing Vodafone sites in the general area which could be upgraded to provide Airbus Operations with the coverage required and hence the requirement for a new base station. The mast proposed consists of a 25 metre high lattice work tower which accommodates 4 antennas and 2 transmission dishes. The scheme also involves the installation of 3 equipment cabinets at ground level surrounded by a 1.8metre high chain link fence.

7.04 Main Planning Considerations

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

- a. Principle of development having regard to the site in question and its surroundings.
- b. Proposed scale of development and impact on the character of the site and its surroundings.

7.05 Principles of Development

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

7.06 In terms of layout the floor plan is modest in scale only having a slab Area measuring 5 metre by 5 metres in area. Clearly the location of the mast and its overall layout is dictated by the need to ensure that the effectiveness and efficiency of the equipment are maintained. As with the design the scale of the mast is dictated by its function. As noted the mast is located within the Airbus complex which itself is characterised by large manufacturing/industrial buildings. Given the scale of the existing structures the location of the mast and the fact it is of a similar height to other structures in the vicinity the scale of the development is considered to be appropriate to its location and complies with the relevant polices.

8.00 CONCLUSION

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

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

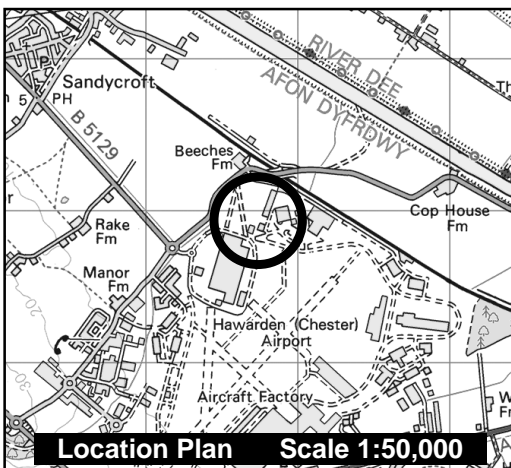
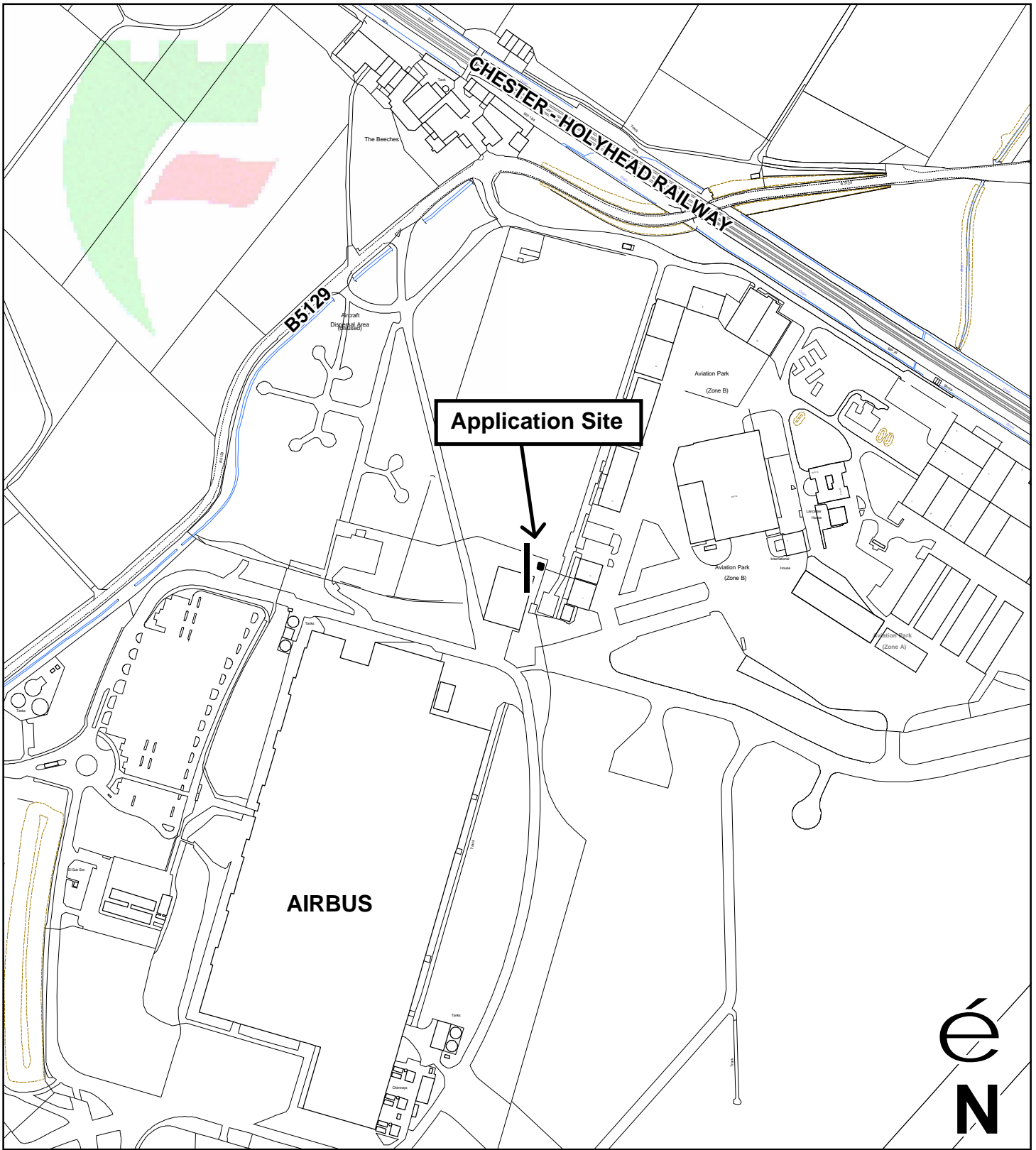
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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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 3465

Planning Application **53321**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **APPEAL BY ANWYL CONSTRUCTION CO LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 35 NO. CLASS C3 DWELLINGS INCLUDING ASSOCIATED LANDSCAPING AND FORMATION OF NEW ACCESS FROM CYMAU LANE AT ABERMORDDU CP SCHOOL, CYMAU LANE, CAERGWRLE – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 051482

2.00 APPLICANT

2.01 ANWYL CONSTRUCTION CO LTD

3.00 SITE

3.01 LAND ADJACENT TO ABERMORDDU CP SCHOOL,
CYMAU LANE,
CAERGWRLE

4.00 APPLICATION VALID DATE

4.01 10.12.2013

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the decision of the Local Planning Authority to refuse to grant planning permission for the proposed erection of 35No. dwellings together with associated infrastructure and new point of access on land adjacent to Abermorddu C.P. School, Cymau Lane, Caergwrle, Flintshire. The appeal was held by way of an exchange of Written Representations and was ALLOWED.

6.00 REPORT

- 6.01 The Inspector considered there to be a single main issue for examination in the determination of this appeal, this being whether suitable financial provision had been made to offset the impacts of the proposed development on local education infrastructure.
- 6.02 The Inspector noted that the sole reason for the refusal of planning permission had related to the failure of the appellant to make provision for a commuted financial contribution towards the provision and improvement of local education facilities. He equally noted this to be the sole matter between the parties in the appeal.
- 6.03 He noted that in the period between the Council making its decision and his consideration of the appeal, Regulation 123 of the Community Infrastructure Levy Regulations (CIL) took effect. He noted the fact that this regulation prohibits any Local Planning Authority from using a planning obligation as a reason to grant planning permission where 5 or more obligations have been entered into between 6th April 2010 and 6th April 2015 for the same type of Infrastructure or project.
- 6.04 The Inspector acknowledged that between these relevant dates, the Council had secured Obligations in respect of financial contributions towards educational infrastructure at Castell Alun High School on 6 occasions. Accordingly he noted that Regulation 123 of CIL therefore prohibited the Council from seeking any further contribution to this school.
- 6.05 However, the Inspector acknowledged the common ground between the Council and the Appellant in relation to other contributions and considered a Unilateral Undertaking offered by the appellant to satisfy the tests for such an obligation. This undertaking provides the following:
1. £36,771 towards primary education at Ysgol Abermorddu;
 2. £3,500 towards highway works, and
 3. The gifting of 3No. affordable housing units to the Council.
- 6.06 The Inspector concluded in relation to his consideration of the main issue that the proposals did provide suitable financial provision to offset the impacts of the proposals upon local education infrastructure and accordingly did not conflict with Policy IMP1 of the Flintshire UDP.
- 6.07 In considering other issues raised by local residents at the time of the Council's consideration of the application, the Inspector concluded there was no basis upon which to have concerns in relation to highway safety as a consequence of increased traffic. He considered that the site is sustainably located in close proximity to local facilities.

7.00 CONCLUSION

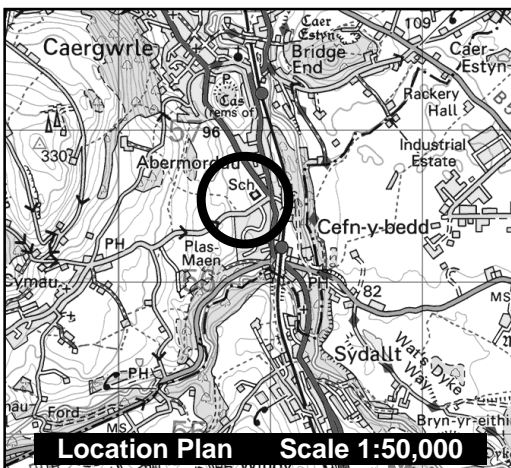
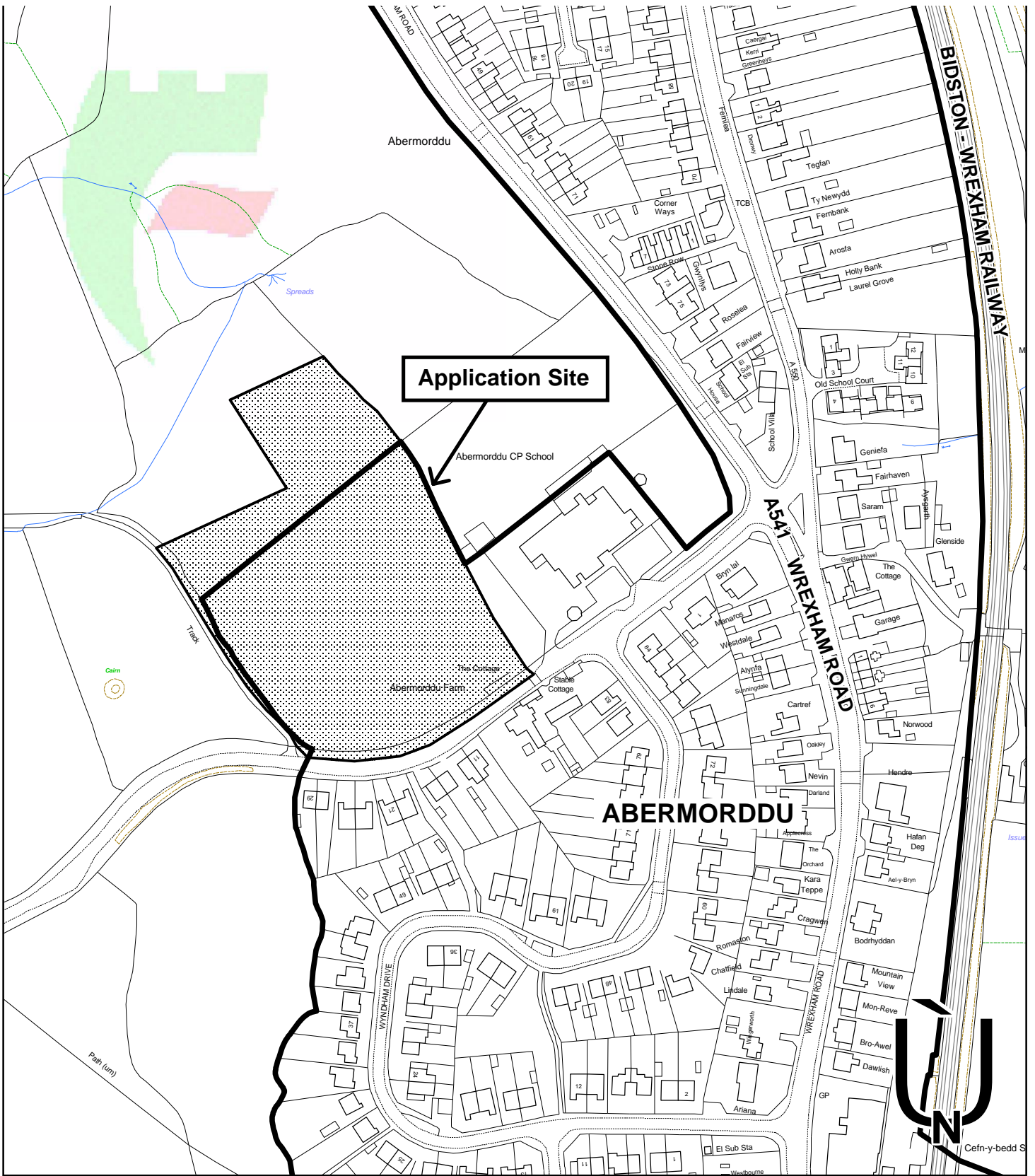
7.01 Consequently, and for the reasons given above, the Inspector considered the appeal should be ALLOWED.

LIST OF BACKGROUND DOCUMENTS

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



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

Legend

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

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Map Scale	1:2500
OS Map ref	SJ 3056
Planning Application	51482

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **APPEAL BY STIRLING INVESTMENTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR THE ERECTION OF ONE RESIDENTIAL DWELLING AT BROMFIELD LANE, MOLD - DISMISSED**

1.00 APPLICATION NUMBER

1.01 052409

2.00 APPLICANT

2.01 Stirling Investments

3.00 SITE

3.01 Land at Bromfield Lane,
Mold, CH7 1JW

4.00 APPLICATION VALID DATE

4.01 4/8/2014

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to the delegated decision of the Local Planning Authority to refuse to grant outline planning permission on land at Bromfield Lane, Mold. The appeal was dealt with by way of an exchange of written representations and was DISMISSED.

6.00 REPORT

6.01 The Inspector considers the main issues to be the effect of the development on the living conditions of existing occupiers of surrounding dwellings in terms of visual impact; and whether the development would provide acceptable living conditions for the future occupiers of the dwelling with particular regard to noise and odour.

- 6.02 The Inspector states that the appeal site acts as a green buffer between the residential properties and the employment/industrial uses to the north. He agrees that losing this strip of land would allow the industrial estate to become more prominent and visible in the street scene and to those residents living close-by, thus harming their living conditions.
- 6.03 The Inspector then discusses the potential for air pollution and odour in the vicinity caused by the nearby businesses and dismisses the appellant's suggestion of landscaping and acoustic fencing/bunding as a potential mitigation measure.
- 6.04 The Inspector refers to Planning Policy Wales, the principles of sustainable development and making use of available urban land and acknowledges that the appeal site is in a location with adequate infrastructure and good access to local services and facilities. He continues to say that good design is also an important part of sustainable development and that this proposal fails to meet with the sustainability aims due to the harm identified.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the development would have a harmful impact on the living conditions of the existing occupiers of surrounding dwellings in terms of visual impact, and would not provide acceptable living conditions for the future occupiers of the dwelling with particular regard to noise and odour. As such, the Inspector considered the development to be in conflict with Policies GEN1, EWP12 and EWP13 of the Flintshire Unitary Development Plan.
- 7.02 The Inspector has taken into account all other matters raised, including the potential contribution of the dwelling to housing land supply, but states that nothing outweighs the considerations that have led him to the conclusion that the development would be unacceptably detrimental to the living conditions of existing residents and the future occupiers of the dwelling. For the reasons above, the Inspector concluded that the appeal should be DISMISSED.

LIST OF BACKGROUND DOCUMENTS

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **APPEAL BY MR. W. THOMAS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF THE SUNDAWN GARDEN CENTRE TO A PLANT HIRE DEPOT, INCLUDING THE DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS, THE ERECTION OF A WORKSHOP BUILDING AND THE CONVERSION OF THE TEA POT CAFÉ FOR USE AS ANCILLARY OFFICE ACCOMMODATION AT TEA POT CAFÉ & SUNDAWN GARDEN CENTRE, LLWYBR HIR, CAERWYS – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 052645

2.00 APPLICANT

2.01 Mr. W. Thomas

3.00 SITE

3.01 Tea Pot Cafe & Sundawn Garden Centre,
Llwybr Hir, Caerwys

4.00 APPLICATION VALID DATE

4.01 12th September 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal following the refusal of planning permission under delegated powers for the change of use of a garden centre to a to a plant hire depot and the use of the café for ancillary offices at Sundawn Garden Centre and tea Pot Café, Caeryws. The appeal was determined under the written representations procedure. The appeal was ALLOWED. No application for costs was made by either party.

6.00 REPORT

- 6.01 The Inspector considered that the main issue in this case was the impact of the development on the character and appearance of the surrounding countryside.
- 6.02 The Inspector found that the proposed building, which he described has the appearance of an agricultural building, would, in time, be well screened through the proposed landscaping. This, coupled with the removal of the 'unsightly' green houses and garden centre paraphernalia would overall provide a development that harmonises with the rural character and appearance of the area.
- 6.03 In respect of the proposed use, he found that although the proposal did not fall within the list of development permitted under policy GEN3, the purpose of the policy is to protect the countryside from unsustainable development. Given that the land is previously developed land, he did not find that the development was significantly unsustainable and therefore it is not contrary to policy GEN3.
- 6.04 Notwithstanding the suggested condition regarding a Traffic Management Plan to ensure that large commercial vehicles would not use the narrow rural roads linking the site to the A55 Caerwys junction, the inspector considered that this was not necessary.

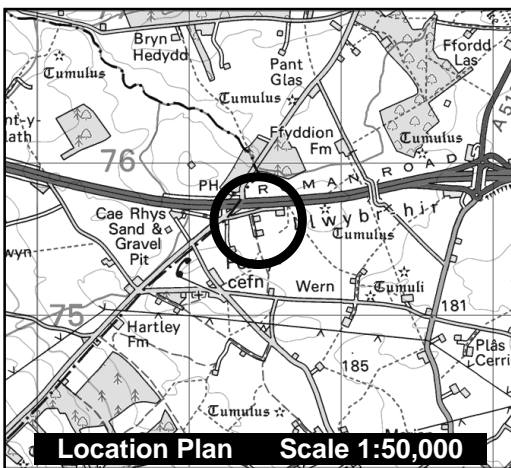
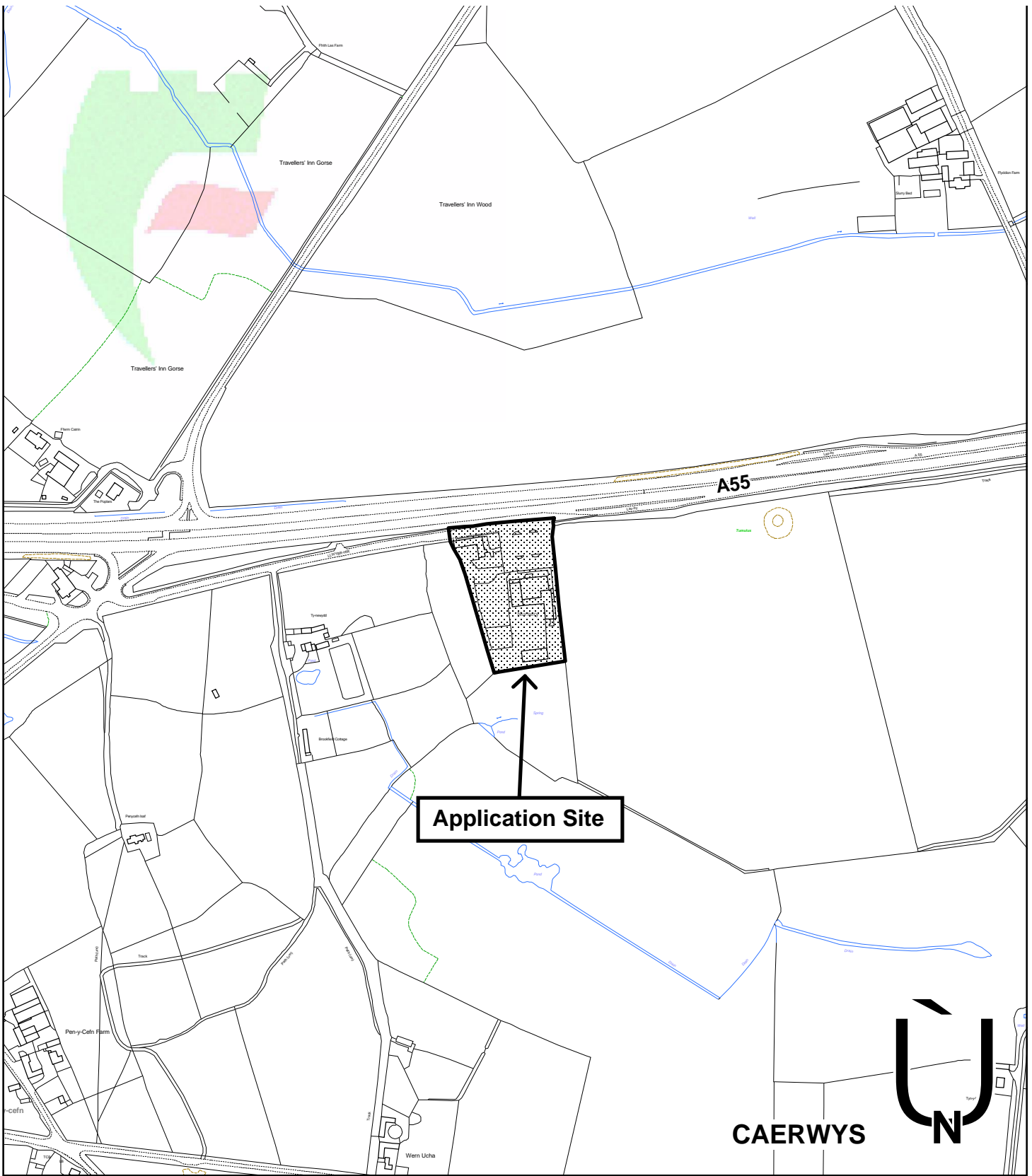
7.00 CONCLUSION

- 7.01 In conclusion, the Inspector found that the proposal would not have an adverse impact on the character and appearance of the open countryside setting and subsequently ALLOWED the appeal subject to conditions controlling the hours of operation, a wheel washing facility and a landscaping condition.

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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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	52645

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **22ND JULY 2015**

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

SUBJECT: **APPEAL BY MR. C. MAGGS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR A PROPOSED DETACHED BUNGALOW ON LAND TO THE REAR OF BELMONT, SOUTH STREET, CAERWYS - DISMISSED**

1.00 APPLICATION NUMBER

1.01 052705

2.00 APPLICANT

2.01 Mr C MAGGS

3.00 SITE

3.01 BELMONT,
SOUTH STREET, CAERWYS

4.00 APPLICATION VALID DATE

4.01 01.10.14

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision in respect of the appeal against Flintshire County Council for refusal of planning application for outline detached bungalow at land to the rear of Belmont, South Street, Caerwys. The application was refused under officer delegated powers on the 11 November 2014, for the following reason :

5.02 The proposed development by virtue of its scale, massing in conjunction with the limited plot depth will lead to a cramped form of development, out of character with the surrounding spacious form of plots. Resulting in over development of the site which does not

preserve or enhance the character and appearance of the Caerwys Conservation Area, contrary to policies GEN1, GEN2, D1 and HE1 of the adopted Flintshire Unitary Development Plan. The appeal was DISMISSED.

6.00 REPORT

- 6.01 The Planning Inspector considered the main issues to be the effect of the development on the character and appearance of the area. Whether the proposed development would preserve or enhance the character or appearance of the Caerwys Conservation Area.
- 6.02 The Inspector considered the area surrounding the appeal site as being characterised predominantly by residential development of a mix of scale and design. The plot sizes in the vicinity of the site area are for the most part, fairly generous and give the area a lower density with a spacious feel.
- 6.03 Whilst the Inspector noted that the details of the application were reserved for future consideration, in his opinion the proposed development would lead to a dwelling which would appear “shoehorned” into a plot of restricted size and would represent an awkward form of development when viewed along the street. It would be at odds with the more spacious, set back plot arrangement typified by the neighbouring dwellings in the surrounding area, thus harming the visual qualities of the area.
- 6.04 The boundary of the site fronting Church Street, is made up of a stone wall which itself adds to the character and appearance of this part of the conservation area. In order to comply with the access visibility requirements it would inevitably lead to a reduction in the height and partial demolition of the wall, this would in the Inspectors opinion would have a harmful impact on the street scene.
- 6.05 In addition, the outside space provided by the development would not be of sufficient overall size for residential purposes.
- 6.06 The Inspector considered that the proposal would represent a cramped form of development on a restricted site, which would have a harmful effect on the character and appearance of the surrounding area and would neither preserve nor enhance the character and appearance of the conservation area and would conflict with policies GEN1, GEN2, D2 and HE1 of the adopted Flintshire Unitary Development Plan.
- 6.07 Notwithstanding the appellants reference to the site being brownfield and is disused at present, the Inspector considered that good design is an important aspect of sustainable development, which should contribute positively to making better places.

6.08 He also noted that the outbuilding presently on site is not well maintained and arguably has a harmful impact on the character and appearance of the area, this does not outweigh the harm the Inspector identified to the character and appearance of the area.

7.00 CONCLUSION

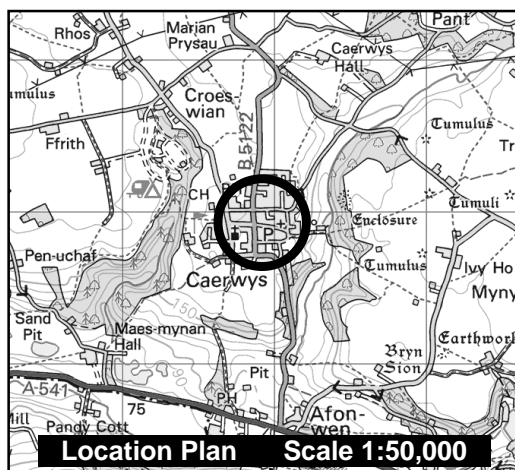
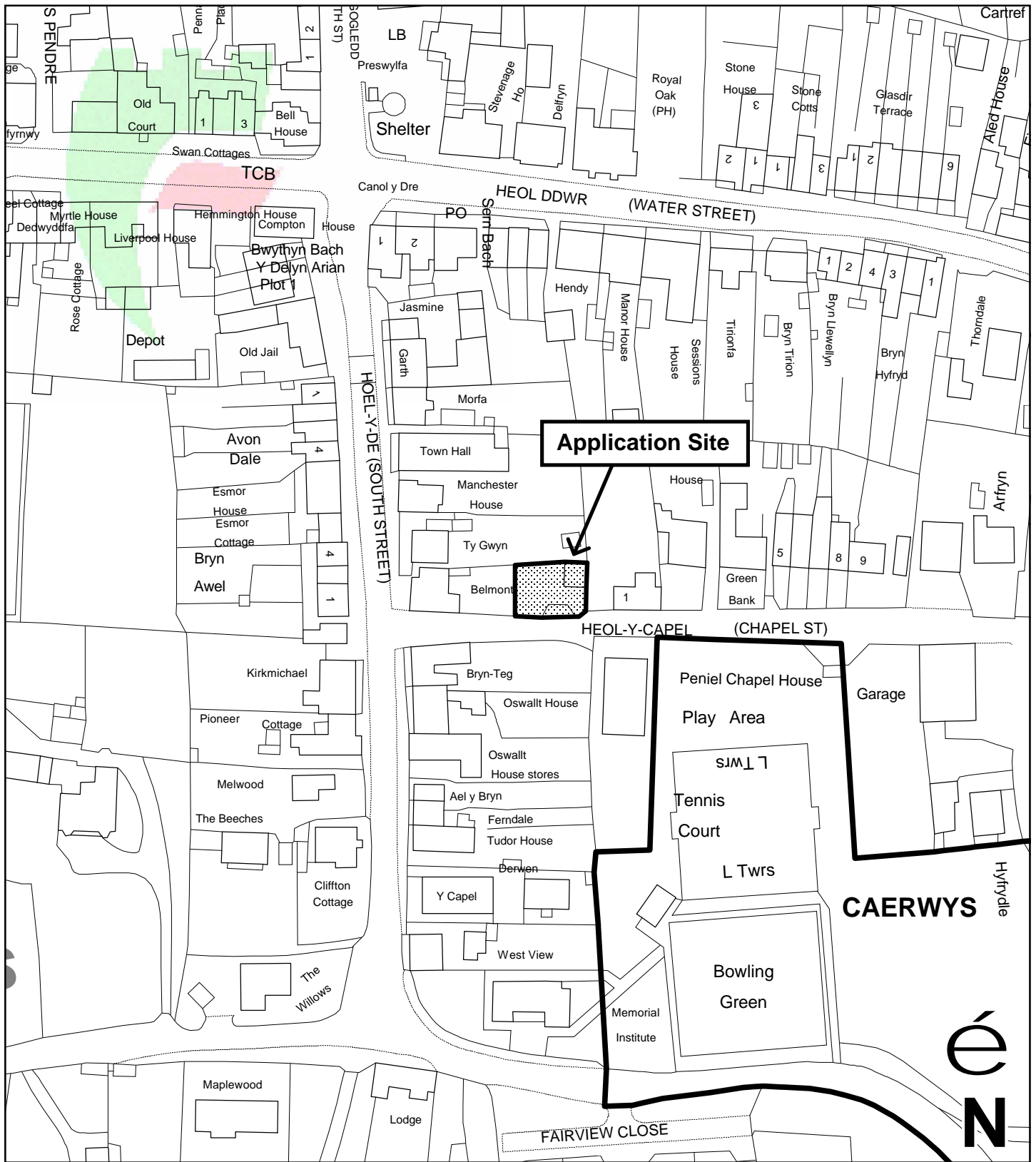
7.01 In conclusion, and taking all matters in to account, the Inspector concluded that the proposal would be harmful to the character and appearance of the area and the Caerwys conservation area as the proposal conflicts with the relevant policies of the adopted Flintshire Unitary Development Plan .

LIST OF BACKGROUND DOCUMENTS

Planning Appeal decision dated 10 June 2015.

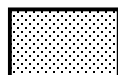
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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **52705**

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