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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, Nancy Matthews, Billy Mullin,
Mike Peers, Neville Phillips, Gareth Roberts,
David Roney and Owen Thomas

16 March 2016

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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, 23RD MARCH, 2016 at 1.00 PM** to consider the following items.

Yours faithfully

Peter Evans
Democracy & Governance Manager

WEBCASTING NOTICE

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A G E N D A

1 APOLOGIES

2 DECLARATIONS OF INTEREST

3 LATE OBSERVATIONS

4 MINUTES (Pages 5 - 42)

To confirm as a correct record the minutes of the meeting held on 24th February 2016.

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
23RD MARCH 2016

Item No	File Reference	DESCRIPTION
Applications reported for determination (A=reported for approval, R=reported for refusal)		
6.1	054135	054135 - A - Application for Variation of Condition Nos 2, 14 & 18 Following Grant of Planning Permission: 042468 at Parry's Quarry, Pinfold Lane, Alltami (Pages 43 - 78)
6.2	054201	054201 - A - Full Application - Erection of Waste Transfer Building, Weighbridge, Weighbridge Office, Access Road and Ancillary Development at Parry's Quarry, Pinfold Lane, Alltami (Pages 79 - 92)
6.3	054536	054536 - A - Application for Variation of a Condition 4 (To Increase Tonnage Capacity), Condition 10 (Extension to Working Hours) and Condition No. 26 (Increase Height of Stockpiles) Following Grant of Planning Permission (052359) at Flintshire Waste Management, Ewloe Barns Industrial Estate, Mold Road, Ewloe (Pages 93 - 102)
6.4	054629	054629 - A - Full Application - Change of Use of Land from Paddock to a Touring Caravan Facility (24 Touring Caravans) and Erection of Amenity Block at Ty Hir, Ffordd Glyndwr, Nercwys (Pages 103 - 118)
6.5	053686	053686 - R - Full Application - Proposed Development of Solar Photovoltaic Panels and Associated Works Including Inverter Housings, Access Tracks, Security Fencing and Cameras at Deeside Lane, Sealand (Pages 119 - 134)
6.6	053687	053687 - R - Full Application - Development of Solar Photovoltaic Panels and Associated Works Including Inverter Housings, Access Tracks, Security Fencing and Cameras at Manor Farm, Deeside Lane, Sealand (Pages 135 - 150)
6.7	054607	054607 - A - Full Application - Erection of 33 No. Apartments with Associated Car Parking at Albion Social Club, Pen y Llan, Connah's Quay (Pages 151 - 162)
6.8	054077	054077 - A - Outline Application - Residential Development with Details of Access at Pandy Garage, Chester Road, Oakenholt (Pages 163 - 180)
6.9	054615	054615 - A - Full Application - Erection of 4 No. Dwellings (Starter Homes) at Rhyddyn Farm, Bridge End, Caergwrle (Pages 181 - 194)
6.10	054668	054668 - A - Full Application - Change of Use to 16 No. Apartments with Associated Car Parking at 1-3 Pierce Street, Queensferry (Pages 195 - 206)
6.11	054594	054594 - A - Full Application - Change of Use from a Guest House to a Small Group Residential Children's Home at Gerddi Beuno, Whitford Street, Holywell (Pages 207 - 214)
6.12	054686	054686 - R - Full Application - Change of Use from Agricultural to Residential and Siting of Park Home at Bryn Hedydd Farm, Llyn Helyg, Lloc (Pages 215 - 222)
6.13	053662	053662 - A - Full Application - Erection of 20 No. Semi-Detached Houses, 2 No. Semi-Detached Bungalows and 1 No. Special Needs Bungalow Together with Access Road and Parking at Land off Coed Onn Road, Flint (Pages 223 - 236)
6.14	054753	054753 - R - Change of Use of Land to Residential Curtilage and Erection of Fence at White House, Sealand Road, Sealand (Pages 237 - 242)
6.15	053957	053957 - General Matters - To Agree the Wording of Refusal for Planning Application 053957 - Display Recycling at Unit 8a - 8b, Antelope Industrial Estate, Rhydymwyn (Pages 243 - 248)
6.16	053959	053959 - General Matters - To Agree the Wording of Refusal for Planning Application 053959 - Display Recycling at Unit 6, Antelope Industrial Estate, Rhydymwyn (Pages 249 - 252)

Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.17	053884	053884 - Appeal by Mr. A. Baxter Against the Decision of Flintshire County Council to Refuse Planning Permission for Change of Use from Offices to 1 No. Dwelling at Glasmor Bach, Pen y Cefn Road, Caerwys - DISMISSED (Pages 253 - 258)
6.18	052761	052761 - Appeal by Miss J. Hood Against the Decision of Flintshire County Council to Refuse Planning Permission for the Outline Application for the Erection of 1 No. Dwelling at 24 Borough Grove, Flint - DISMISSED (Pages 259 - 264)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **24 FEBRUARY 2016**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 24 February 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, Dave Cox, Ian Dunbar, Carol Ellis, David Evans, Richard Jones, Mike Lowe, Mike Peers, Gareth Roberts, David Roney and Owen Thomas

SUBSTITUTIONS:

Councillor: Jim Falshaw for Alison Halford, Veronica Gay for Ray Hughes, Mike Reece for Christine Jones and Chris Dolphin for Nancy Matthews

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Dave Mackie - agenda items 6.4 and 6.5. Councillor Glyn Banks - agenda item 6.11. Councillor Matt Wright - agenda item 6.18. Councillor Adele Davies-Cooke (adjoining ward Member) - agenda items 6.9 and 6.10

The following Councillors attended as observers:

Councillors: Haydn Bateman and Clive Carver

APOLOGIES:

Councillors: Richard Lloyd, Billy Mullin and Neville Phillips

IN ATTENDANCE:

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

119. DECLARATIONS OF INTEREST

Councillor Ian Dunbar declared a personal and prejudicial interest in the following application because an objector had dealt with a personal matter for a family member:-

Agenda item 6.12 – Erection of a foodstore, associated car parking, access, servicing and landscaping (partly retrospectively) at Brought Shopping Park, Broughton (054589)

Councillor Mike Peers declared a personal and prejudicial interest in the following application because his son was an employee of the applicant:-

Agenda item 6.16 – Full application - Erection of 21 No. dwellings including 15 No. 2 bed apartments and 6 No. 1 bed apartments at Gateway to Wales Hotel, Welsh Road, Garden City (054513)

Councillor Derek Butler declared a personal and prejudicial interest in the following application because he was the owner of the property:-

Agenda item 6.20 – Full application – formation of dormer to front of dwelling at 7 Somerford Road, Broughton (054725)

120. LATE OBSERVATIONS

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

121. MINUTES

The draft minutes of the meeting of the Committee held on 20th January 2016 had been circulated to Members with the agenda.

RESOLVED:

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

122. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that deferment of the following applications was recommended:

Agenda item 6.7 - Full application – Proposed development of solar photovoltaic panels and associated works including inverter housings, access tracks, security fencing and cameras at Deeside Lane, Sealand (053686) – to allow consideration to be given to additional information submitted by the applicant.

Agenda item 6.8 - Full application – Development of Solar Photovoltaic Panels and associated works including inverter housings, access tracks, security fencing and cameras at Manor Farm, Deeside Lane, Sealand (053687) – to allow consideration to be given to additional information submitted by the applicant.

Councillor Chris Bithell proposed deferment of the applications and this was duly seconded by Councillor Derek Butler who requested site visits to be undertaken prior to consideration of the applications by Committee.

On being put to the vote, both applications were deferred.

RESOLVED:

That applications 6.7 and 6.8 be deferred and that a site visit be undertaken prior to consideration of the applications by Committee.

123. FULL APPLICATION – PROPOSED NEW VEHICULAR ACCESS TO PARRY’S QUARRY, OFF PINFOLD LANE, ALLTAMI (054050)

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 22 February 2016. 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 Senior Minerals and Waste Officer detailed the background to the report and gave a brief overview of applications 6.1, 6.2 and 6.3 as they all related to the same site. An application had been granted on appeal and was in the process of being implemented and the landfill site being constructed. The use of the site would not change by these applications and the proposals were as a result of enforcement action with agenda items 6.1 and 6.3 being partly retrospective but this was not a reason to refuse the applications.

This proposal was requesting a new access to the site which would be 250 metres away from the junction with the A494 trunk road; the existing access was approximately 50 metres from that junction. The creation of the access had required the removal of several trees. Welsh Government(WG) had initially issued a direction to withhold planning permission pending the submission of further information but this direction had now been lifted following the submission of a road widening scheme by the applicant at the junction between Pinfold Lane and the A494. The creation of the new access would serve heavy goods vehicles (HGVs) with the existing access remaining in place for use by cars and light vehicles; it was felt that the proposal would be a significant highway gain. A number of conditions relating to highways were being requested and the officer highlighted a comment in the late observations from a resident who had previously submitted comments during consultation; the concerns had been addressed in the report. Highways had commented that the issues raised by the resident were insufficient to recommend refusal and therefore approval was recommended.

Mr. S. Amos, the applicant, spoke in support of the application. Pinfold Lane served other commercial uses and industrial uses and the new access would be located 250m north of the existing access and was a major improvement to the existing arrangement. There were no objections from statutory consultees and no outstanding objections on any of the planning applications and therefore he requested that the applications be approved.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He said that there were concerns about having two accesses to the site with the new access also being the egress point for the

HGVs. Councillor Chris Bithell said that the proposal met with highway requirements and would be located further away from residential properties.

Councillor Owen Thomas expressed significant concern that the work had already commenced on this site before the planning application had been considered. He felt that the concrete included at the access would affect the water flow of the ditch and he queried whether a pavement would be provided to protect pedestrians. The Housing and Planning Solicitor understood the frustrations about the applications being retrospective, but he advised that this was not material to the consideration of the application. Councillor Mike Peers queried whether the appeal inspector had considered the current access to be inadequate and had therefore imposed an additional entrance. He referred to the road being an unclassified road with a 60 mph speed limit and commented on paragraph 7.04 where it was reported that two HGVs were able to pass but would need to modify their speed; he asked whether it was proposed that the speed limit on the road would be reduced. It was also reported that HGVs wanting to exit the proposal site would need to wait for the travelling HGV to pass before exiting; he raised concern and asked whether this related to the current or new access.

The Local Member, Councillor Carol Ellis, did not see how the introduction of a second access would be a highway gain when the existing access would remain open. She asked who would police the site to ensure that HGVs only used the new access and raised concern because this was a very busy junction with many vehicles using Pinfold Lane as a shortcut to the A55. Councillor Ellis also raised concern that the application was retrospective and queried whether the issue of flooding would be rectified. She did not feel that two HGVs could pass on the lane as there was insufficient space. She said that 18 of the 31 conditions had been amended and added that there was a need to ensure that the conditions set by the appeal inspector were followed. Councillor Ellis sought assurance that the conditions would be policed by officers of the Council, and highlighted those relating to dust, noise, wheel washing and the transfer of operating hours from the original proposal to this application.

Councillor Richard Jones felt that the fact that the application was retrospective was very material as it had an impact on local residents. He felt that to receive requests to amend conditions that had been imposed on appeal did not generate a feeling of trust for the applicant and that reasons should be provided by the applicant of why the conditions needed amending. Councillor David Roney said that it appeared that there was agreement amongst the speakers that the new proposals were an improvement and asked if a condition could be imposed to close the original entrance. In referring to the comments of Councillor Thomas about concreting over the ditch to make the new entrance, Councillor Gareth Roberts suggested that this issue would be addressed by conditions 8, 9 and 10. He said that he could not see any reason to refuse the application which he agreed would be an improvement on what was currently in place.

In response to the comments made, the Senior Minerals and Waste Officer confirmed that the new entrance would be an access and egress for HGVs and reiterated the fact that a retrospective application was not a reason for refusal. A pavement had not been put forward as part of this proposal, nor had it been requested by WG or Highways and therefore the Senior Officer did not feel that it was appropriate to include it as a condition. The Senior Engineer – Highways Development Control confirmed that the application did not include a footway and the pedestrian movement associated with the application did not generate the need for a pavement. The Senior Minerals and Waste Officer said that the Planning Inspector had approved the application on the information before him including the existing access which the Inspector felt was appropriate. The applicant had asked the Planning Authority to consider an additional access and officers found the proposals to be acceptable. She provided further information on the issue of vehicles needing to wait before exiting the site but felt that this was not an area for concern. The officer advised that the next application on the agenda had a condition attached to ensure that the new access was restricted to HGVs with the existing access being for cars and light vehicles. She confirmed that this would be enforced by the Planning Authority. The road widening scheme would need to be completed before the site could accept waste and she confirmed that a culvert would also be put in place which would alleviate any drainage issues and there were a number of conditions in place on this application relating to drainage. The officer confirmed that this application was only for the access and the issue of the number of conditions that had been amended was relevant to the next application on the agenda and covered the whole of the site as reflected in the Section 73 application. The ownership of the site had changed and the new owners wanted to regularise the operation of the site. The applicant had not submitted the application on the basis of closing the existing access. The Senior Engineer – Highways Development Control confirmed that moving the access for HGVs further away from the Pinfold Lane/A494 junction was a considerable highway gain and Highways did not have any objections to the proposal subject to conditions.

In summing up, Councillor Butler suggested that the condition relating to the policing of the accesses to ensure they were used by the appropriate vehicles should apply on this application as well as on the next application on the agenda. The Senior Minerals and Waste Officer advised that the applicant had submitted the application based on HGVs accessing and egressing the new access. She explained that the condition applied to the Section 73 application which covered the whole of the site. Councillor Butler reiterated his comments about the need for a condition relating to the access and egress of the new access by HGVs and the existing for cars and light vehicles. The Senior Engineer – Highways Development Control confirmed that a condition could be included for an operational traffic management plan.

RESOLVED:

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

additional condition on the submission and approval of a traffic management plan.

124. APPLICATION FOR VARIATION OF CONDITION NOS 2, 14 AND 18 FOLLOWING GRANT OF PLANNING PERMISSION: 042468 AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI (054135)

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 22 February 2016. 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 Senior Minerals and Waste Officer detailed the background to the report and explained that the application was linked to the previous application. It was to amend three conditions relating to the inclusion of a new access proposed under application 054050 (condition 2), the restriction of the site access to that currently consented (condition 14) and to the improvements to the site access and the junction of Pinfold Lane with the A494 (condition 18). She drew Members' attention to the late observations where an amendment to paragraph 1.04 and to condition 14 were reported. The full list of conditions had been made available to Members prior to the meeting. The amendment to condition 14 would allow the operator to continue to use the existing site whilst constructing the landfill, providing sufficient time for details reserved by condition to be secured and for the construction of the new access to be completed. Once constructed, the new access would be used as an access and egress point for heavy goods vehicles (HGVs) with the existing access being used by cars and light vehicles only. On the issue of condition 18, there had originally not been any requirement to improve the highway but Welsh Government (WG) had issued a direction that permission be withheld pending the submission of suitable information/evidence. The applicant had now proposed highway improvements which were the same as the original application and included the widening of Pinfold Lane. WG had now directed that any planning permission include a number of conditions to include adequate provision for vehicles to turn, wheel washing facilities and full details of highway improvement works to be provided. The Senior Minerals and Waste Officer said that this was a Section 73 application and therefore was in effect a new planning permission for the whole site which was why there were a large number of conditions attached. When considering the application, there was a need to consider all of the conditions applied to the applications for the site, not just the ones that the applicant was asking for variations on. She understood Councillor Carol Ellis' comment about the condition being proposed by a Planning Inspector which were imposed following a significant amount of deliberation and discussion. The amendments proposed did not significantly or fundamentally change the controls at the site and in many cases there was a need for additional schemes to be submitted such as on the issue of landscaping and protected species to tie all of the schemes on the site together. The Section 73 application would ensure that all of the conditions were appropriate and fit for purpose.

Mr. S. Amos, the applicant, spoke in support of the application. On the issue of road widening scheme, transport consultants had been employed by the applicant and they reviewed personal injury traffic accident data and demonstrated that no accidents had been recorded on the A494/Pinfold Lane junction over the past 10 years. It was therefore felt that there were no road safety issues that required the provision of any road widening scheme but a scheme had been provided and it was felt that this would offer a significant improvement to the ability of two vehicles to pass. There were no outstanding objections nor conflict with planning policy and therefore Mr. Amos asked Committee to approve the application.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He felt that the proposal would improve the area and on the issue of condition 18 and the requirement to submit a highway improvement works scheme within three months of the date of the permission, he asked whether there was a need to stipulate a timetable for this.

The Local Member, Councillor Carol Ellis, said that it had been indicated that the Local Planning Authority would police the conditions but she expressed significant concern about how the provision of the conditions would be monitored. The officer had provided an explanation of why the conditions had been amended and she taken on board that there were also new conditions. She agreed with Councillor Bithell about the requirement for a timetable and asked for assurance that the condition relating to working hours from the original application would be transferred to this application. The conditions relating to noise and opening hours had not been amended but Councillor Ellis queried why condition 23 relating to stockpiles had been amended. On the original access, she asked whether a condition could be included where there was a height restriction to prevent HGVs going in and out.

Councillor Richard Jones said that the report related to changes to three conditions but that these would have a knock on effect to other conditions. He said that there had been 13 other amendments on conditions but he did not know why some were being proposed for change as they did not have any connection to the three conditions that had been referred to in the application.

The Senior Minerals and Waste Officer advised that condition 18 required the submission of a scheme including a timetable and required that the scheme be implemented as approved prior to the receipt of waste and therefore this was the same as for the original landfill permission. The timetable would need to be agreed but it was difficult to include a timetable in the condition. She noted the concerns raised by Councillor Ellis and confirmed that the Planning Authority would enforce that the HGVs using the approved access only. The previous application required the inclusion of a condition for an operational traffic management plan and she suggested that this also be included for this application as it covered the whole of the site. The issue of height restriction would also be covered by the traffic management plan. The Senior Officer also noted the concerns about the condition relating to operating hours and noise and she confirmed that this would be as applied as in the original landfill permission. On the issue of condition 23 relating to stockpiles,

the original application restricted the storage of waste material to avoid waste being stored before it was disposed of. The purpose of the transfer building which was the subject of the next application would enable the applicant to store waste material before it was disposed of which was why it was proposed that condition 23 be amended. If Members resolved to refuse the transfer building, then condition 23 would not be needed. In response to Councillor Jones' comments, she explained why some of the conditions had been amended, particularly conditions 13 and 17 and she added that the amended conditions required the submission of an updated scheme. The main changes were to secure a detailed compensation and mitigation method statement for Great Crested Newts which both Natural Resources Wales (NRW) and the Council's Ecology Officer felt was necessary. The only new condition was number 17 requested by WG to prevent the discharge of water onto the highway.

Councillor Jones proposed deferment of the application to allow further information to be provided on how the amended conditions related to the variations of the three conditions referred to in the report; this was duly seconded. Councillor Ellis sought clarification on condition 21 relating to litter. The Planning Strategy Manager said that it was his understanding that a full list of the detailed conditions was available in the Members' Room and that this would allow them to be scrutinised in advance of the meeting. It had been stated that the amendments had only been suggested where necessary and he did not feel that deferment of the application was necessary.

In response to Councillor Ellis' query, the Senior Minerals and Waste Officer spoke of condition 21 and said that the original landfill permission required the submission of schemes, which had included the provision of a scheme relating to litter and therefore this had already been secured. The wording was only to reinforce that the scheme also applied to this planning permission. On the issue of ecology, a scheme had been agreed under the original landfill consent but there was a need to ensure that the scheme tied together the whole of the site and that was why an additional scheme was being requested.

The Chief Officer (Planning and Environment) said that it was important to provide a single comprehensive permission for the whole of the site.

The Chairman asked Councillor Jones whether he wanted to withdraw his request for deferment following the explanation that had been provided. He confirmed that he did not as the connection between all of the conditions was not clear.

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

RESOLVED:

That the application be deferred to allow clarification of the amendments to the conditions and the reasons for the changes.

125. FULL APPLICATION – ERECTION OF WASTE TRANSFER BUILDING, WEIGHBRIDGE, WEIGHBRIDGE OFFICE, ACCESS ROAD AND ANCILLARY DEVELOPMENT AT PARRY’S QUARRY, PINFOLD LANE, ALLTAMI (054201)

The Chairman suggested that as the previous application, which related to the same site, had been deferred that this application also be deferred. Councillor Carol Ellis proposed deferment and this was duly seconded.

RESOLVED:

That the application be deferred.

126. FULL APPLICATION – PROPOSED NEW VEHICULAR ACCESS TO SERVE PLOT 5 ONLY OF PREVIOUSLY CONSENTED GYPSY SITE AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE (054095)

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 22 February 2016. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application was for a new vehicular access for plot 5 only. The application had been deferred from the October 2015 meeting of the Committee to allow a site visit to take place and to consider whether an application relating to the other points should be considered at the same time. The agents of both parties had been encouraged to submit an application for the whole site to consider all of the proposed changes to the site but they had been unwilling to do so. Proposals for other separate accesses on the site were still being considered and were not yet ready to come forward. The application had an impact on the layout of the whole site as it moved the amenity buildings and relocated the static caravans and it was therefore decided that the application could not be considered in that format. However, this proposal was now ready for consideration by Members. The overall ‘red line’ area for the application before the Committee today had been amended to retain the turning head so if this application was approved, the application could go ahead and the rest of the site could still conform with the existing planning permission. Therefore Members needed to consider what the proposed harm was to the green barrier for the access proposed as part of this application only and the subsequent application on the agenda for the re-siting of the proposed amenity building.

Mr. J. Gollege spoke against the application. He indicated that he was a member of Northop Hall Community Council but that the comments he was making today were his own views. He objected to the application on the grounds that it did not comply with the recommendations and conditions of two separate planning appeals. The Committee refused permission twice but it was approved on appeal by the Planning Inspector on the grounds of need despite the site being on green barrier land. The point was reported in 7.05 of the officer’s report as being recognised by the appeal Inspector but failed to

acknowledge the fact that at the first appeal hearing, the Inspector stated there was harm through inappropriateness in conflict with policy GEN4 and there was harm to the open character and appearance of the green barrier. Condition 12 of the second appeal hearing stated that all trees and hedgerow should be retained in the course of construction. As part of the appeal submission, the applicant had committed to improve the screening. Mr. Gollege said that maintenance of the natural screening was important to local residents and failure to recognise this in the report to Committee was a serious omission. The Inspectors at both hearings had required the retention of the hedgerow and natural screening and any breach of the natural screening therefore contravened this. The access requested in the application should have been included in the original site design and raised at the public inquiry. Any special considerations had been taken into account when granting the application on appeal and Mr. Gollege felt that the personal requirements by the applicant would have a harmful impact on the rural area. Removing the hedgerow even by 4.5 metres would not improve the natural screening.

Councillor Derek Butler proposed refusal of the application, against officer recommendation, which was duly seconded. He said that his main concern was that the hedge was being removed which was against the decision of the appeal Inspector. He also felt that this would result in more water in the ditch. He did not feel that there was a valid need for a second access point and felt that the site should remain as granted on appeal with one access/egress for the whole site. Councillor Owen Thomas spoke of his concern that when the Committee had first visited the site, the A55 had been behind a bund and trees but on this visit, the A55 had clearly been visible. He also raised concern about noise on the site and commented that it was reported that the ditch had been cleared of vegetation; he added that it was proposed that the ditch would be filled in to allow the creation of the access. He commented on the hedgerow regulations of 1997 and queried why this had not been adhered to. The appeal Inspector had indicated that the hedgerow should be retained and that there should only be one access and therefore this proposal did not comply with the Inspector's decision.

The Local Member, Councillor Dave Mackie, indicated that he had previously declared an interest, so he would speak for three minutes and then leave the chamber prior to the discussion of the application. He indicated that both applications had been deferred from the October 2015 meeting on the advice of the Chief Officer (Planning and Environment). He quoted from the minutes of that meeting where it was reported that officers felt that the application for the access for this site and the proposal requesting individual accesses for plots 2, 3 and 4 should be considered at the same time and it was intended that all the applications should be considered at the same committee meeting. Councillor Mackie indicated that the other application was still being considered and the wording for this application was identical to that reported to Committee in October 2015 and he therefore requested that this application should be deferred. The Inspector had granted approval of the site on appeal and his condition 12.2 stated that all existing trees, hedgerows and other vegetation should be retained. Councillor Mackie felt that creating an opening for the proposed new access would clearly damage the screening and should

be avoided and as mentioned earlier, there was potential for an additional three openings if the other application was approved. He queried why there was a need for a new opening when the site road provided access and had already been approved. He added that two accesses may prove dangerous particularly to playing children with the possibility of vehicles approaching from different directions. He asked the Committee to reject the application and thereby retain all the screening. Councillor Mackie then left the chamber for the remainder of the discussion on the application.

Councillor Chris Bithell said that the site was originally granted planning permission with one access for the five pitches. This application had now been submitted for an additional access for one pitch and he suggested that approval of the application would set a precedent. He felt that the hedgerow would disappear if individual accesses were permitted and said that the original permission should be adhered to. Councillor Mike Peers felt that the proposal had no planning merit and was only for the personal gain of the applicant. He raised concern at the suggestion that only 4.5 metres of hedgerow had been removed as he felt that it should all have been retained as reflected in the appeal Inspector's decision. The report at paragraph 7.03 referred to a single point of access with an internal access road within the site serving each plot and he felt that what was being requested in this application was unnecessary and unjustified. It was reported in paragraph 7.11 that there was no planning reason to refuse the application but Councillor Peers felt that there would be a significant impact on the environment. He suggested that the application should be refused and the removed hedge replaced. Councillor Richard Jones referred to paragraph 7.05 where it was reported that the need for more gypsy and traveller sites outweighed the harm to the green barrier. He felt that this proposal was changing how the original decision had been made and changed how the Inspector valued the green barrier. He suggested that if this application had been submitted to an appeal Inspector, it would not have been allowed on appeal. Councillor Jones felt that changes to conditions and the site had been drip-fed to Committee to get the applicant to the stage that they were originally seeking and he felt that this was inappropriate and should be stopped by refusal of this application. Councillor Gareth Roberts referred to the need to ensure that the ditch was cleared further down as it had been filled in to generate the access to the site. He said that it had also been noted that nearly all of the hedgerow had been removed and queried whether it could be conditioned that the hedge be restored.

In response to the comments made, the officer indicated that the applicant had stated that he required this individual access as he did not have a right to the main access into the site. There had been a need to consider the highway and planning impacts of the proposal and these issues had been addressed in the report. On the issue of noise raised by Councillor Thomas, the officer advised that the bund had been included as part of the application and had therefore not previously been in place. Additional planting had also been included on the bund and a condition had been included to ensure that the existing ditch was culverted and that a scheme was submitted and approved by the planning authority. A landscaping condition would also ensure that the hedging would be retained. On the issue of whether this application set a

precedent, the officer indicated that each application should be considered on its own merits. Councillor Peers had also queried why it was reported that 'only' 4.5m of hedgerow was being removed and the officer explained that in some instances all of the hedgerow would have needed to be removed to obtain the relevant visibility splay but in this instance only 4.5 metres was required to be removed.

The Planning Strategy Manager said that the setting of a precedent was not a good reason to refuse an application and that each application should be considered on its own merits. He provided clarification that the green barrier did not necessarily convey protection to hedgerows but indicated that the importance of the green barrier was to retain its openness and said that Members should consider whether the limits of the balance suggested by the Inspector had been reached.

Councillor Peers proposed that the hedgerow be reinstated. In response to an earlier comment by Councillor Thomas on the hedgerow regulations 1997, the Housing and Planning Solicitor said that the separate regulation was not material to the consideration of this application.

In summing up, Councillor Butler raised concern that the rationale for the recommendation of approval was that the applicant did not have the right of access to his plot through the main access. He stated that the Inspector had not given permission for five landlocked houses and he could not see the reason for the extra access. He felt that the limits of the balance suggested by the Inspector had been reached and that all of the relevant information had been considered by the appeal Inspector at the public inquiry and he had made his decision accordingly. Councillor Butler felt that the application should be refused on the grounds of visibility, loss of the environment and it had not been proved that the applicant would be landlocked if the application was refused.

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

RESOLVED:

That planning permission be refused on the grounds of detrimental impact on the character of the open countryside and green barrier and that the application did not comply with policies GEN3 & GEN4.

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

127. FULL APPLICATION – ERECTION OF DAY ROOM/AMENITY BUILDING ON PLOT 5 IN LIEU OF PREVIOUSLY APPROVED DAY ROOM AS APPROVED BY PERMISSION 050463 AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE (054096)

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 22 February 2016. 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 this application was requesting the relocation of the day room to locate it adjacent to the road side hedge in the north eastern corner of plot 5 and an increase in the size of the building was also being requested. The officer explained that if the application was approved, the applicant would need to enter into a Section 106 agreement to agree that the building was constructed in lieu of the previously consented dayroom/amenity building on 050463.

The Local Member, Councillor Dave Mackie, said that as Members had rejected the previous application which had included the relocating of the static caravan on the plot, approval of this application would result in the day room being located right next to the location of the caravan. Councillor Mackie, having earlier declared an interest in this and the previous application, left the meeting prior to its discussion.

Councillor Chris Bithell asked whether the hedgerow had been removed and the officer indicated that the hedge referred to was located near to the day room and if the previous application had been approved, it would have required the reinstatement of the hedge. Councillor Mike Peers asked whether this proposal prevented the occupier of plot five from accessing the entrance and egress that was proposed under the appeal; the officer confirmed that the applicant would still be able to access the entrance.

Councillor Peers suggested that the application be deferred as there were a number of issues about the hedge that required clarification and it was not clear that if the day room was moved where the occupier's caravan would be situated. Councillor Bithell said it was also not clear where the amenity building would be included on the site and that consideration of this item was on the assumption that the previous application had been approved. The officer said that on the previously approved plan, the static caravan was located where the amenity building was now proposed to be and the static caravan was located where the touring caravan was proposed to be sited. There was still room for the access and there would still be room for the amenity building and to be able to turn and park a touring caravan. The officer also confirmed that this application could be approved and not affect the decision previously made.

Councillor Butler proposed the recommendation for approval which was duly seconded. Councillor Owen Thomas sought clarification of what was located on the west side of the site. Councillor Peers said that the application was dealing with the increase in the size of the dayroom and raised concern that the entrance that had been refused on the application previously considered was shown on the plans being displayed for this application. He asked whether there was an illustration showing the relocation of the dayroom and the originally approved internal road layout. If not, he asked for written assurance of where the day room would be, ignoring all information about the access which had previously been refused. Councillor Richard Jones felt that

the plan was indicating that the access had already been agreed which was incorrect as it had been refused on the previous application and he raised concern that this could be confusing when determining the application.

The Development Manager said that the application related only to the dayroom and that if Members were concerned, then a condition could be added that the permission related only to what was described in the description and specify what it did not apply to. He added that nothing within this application would prejudice the applicant's right to access the site by the private road which had been approved at appeal.

In response to Councillor Thomas' question, the officer confirmed that the static caravan was located on the west side of the site. The Development Manager confirmed that the proposed static caravan met the definition of a mobile home.

Councillor Butler requested that an additional condition be included relating to replacement of the hedge as shown in paragraph 7.04 of the previous application; this was duly seconded. The Development Manager said that by refusing the previous application for the access, this development would be subject to that permitted at appeal which included a condition to retain the hedge and therefore barring an appeal on this application, the applicant would be in breach of the condition if it was not reinstated and enforcement action by the Council would be required.

RESOLVED:

That planning permission be granted subject to the applicant entering in to a Section 106 agreement to agree that the building is constructed in lieu of the previously consented dayroom/amenity building on 050463, subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and with an additional condition making it clear that permission applies only to the items specified in the description of development and not matters shown on the plan.

After the vote had been taken, Councillor Mackie did not return to the meeting.

128. FULL APPLICATION – ERECTION OF 92 NO. DWELLINGS (62 NO. HOUSES AND 30 NO APARTMENTS) AND ALL ASSOCIATED DEVELOPMENT WORKS AT THE WALKS, DUKE STREET, FLINT (054485)

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

The officer detailed the background to the report and explained that the proposals had been the subject of a design review which was attached to the report. The main issues for consideration were reported in paragraph 1.02.

Councillor Dave Cox proposed the recommendation for approval which was duly seconded. He said that this had been a long awaited planning application and would be an added bonus to the town of Flint and would mark the start of the regeneration of the town. In seconding the proposal, Councillor Mike Reece welcomed the scheme and hoped that similar projects would be achieved in rural areas. Councillor Ian Dunbar commented on the demolition of the maisonettes and in referring to a similar scheme in Connah's Quay, he welcomed the flagship development as part of the Council's Strategic Housing and Regeneration Programme (SHARP) and gave particular thanks to Andy Roberts and David Glyn Jones for their work which he felt should be commended. Councillor Chris Bithell also welcomed the rejuvenation of the centre of Flint and the submission and agreement of an archaeological investigation scheme prior to the development of the site. He expressed significant concern about the low number of car parking spaces allocated for the site and queried how the travel plan, which needed to be submitted and agreed, would be monitored.

The officer thanked Councillor Dunbar for his comments.

The Senior Engineer – Highways Development Control confirmed that the Local Planning Guidance for Parking related to maximum standards and added that the site was very sustainable and had a good public transport infrastructure.

RESOLVED:

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

129. APPLICATION TO VARY CONDITION 4 ATTACHED TO PLANNING PERMISSION REF: 043879 RELATING TO HOURS OF WORKING AT UNIT 8A-8B ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN (053957)

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 22 February 2016. 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 Manager (Minerals and Waste) detailed the background to the report and explained that the application was requesting a variation to condition 4 relating to the hours of working and the delivery and removal of materials. There had been a number of objections from the local residents and Cilcain Community Council but none from statutory consultees. He drew Members attention to the late observations where information on a noise assessment that had been undertaken was reported. It was proposed to increase the delivery hours from 8am to 6pm to 7am to 7pm and this would allow for the possibility of further employment in addition to the 50 workers currently employed on the site. Controls were already in place for the site in relation to noise and dust in the form of an environmental permit which was regulated by Natural Resources

Wales (NRW). However, he added that the operator was in breach of a condition relating to height of materials stored outside the building as the mound was in excess of what was permitted. If there was no evidence that the height of the waste was reduced, then the permit would be removed by NRW.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. The proposal for an extra hour at the start and end of the day for external working and deliveries to the site from Monday to Saturday. Increasing the hours would allow the continuation of the management of the specialised waste and would create further jobs at the plant, whilst safeguarding existing jobs at the site. The site was located on an industrial estate and it was considered that the proposal was in keeping with other units on the industrial estate. Highway access was good and it was felt that the proposal would have a negligible impact on neighbouring residents. On the issue of dust, the report stated that there was no evidence of dust accumulation in the area and the application was compliant with national policy and the Unitary Development Plan. There had only been an objection from Cilcain Community Council, which indicated that there had been improvements to the management of the site, and none from statutory consultees. The Council's Public Protection officer had indicated that the noise from the site was inaudible and had therefore not raised any objection. Consultation responses did not relate to dust emissions being an issue. The overall development constituted a sustainable development and Mr. Williams encouraged the Committee to approve the application.

Councillor Owen Thomas proposed refusal of the application, against officer recommendation, which was duly seconded. He raised concern about the breach of the operating licence for the site and suggested that some conditions had been omitted from the recommendation in the report. On the issue of dust, it was indicated that the operator should cease until the dust was no longer a problem so Councillor Thomas did not know why the operation on the site had not ceased as dust was a problem. He said that in 2013 the applicant agreed to have a building on the site where lorries could tip tubes but the building had never been used. One of the conditions related to HGVs only being able to go in forward to the site but the operator was in breach of this as vehicles were also reversing in. Unloading of materials should also not take place outside the front of the site but this was also not complied with. Councillor Thomas felt that the applicant had failed to address the noise impact from the site and he also referred to hazardous and dangerous waste being on the site which was not permitted.

Councillor Mike Peers said that it was reported that the reasons for the application was to reduce a problem with late deliveries and to increase the throughput capacity to enable the operator to grow the business. He sought clarification as to whether late deliveries was a material planning consideration. He queried whether there was any evidence that the extra operating hours would create additional jobs as referred to in paragraph 7.04 and suggested that paragraph 7.08 indicated that the application had a total disregard for dust mitigation measures. There was also evidence that the applicant was in breach of the conditions that had been imposed. Councillor Peers was unable to support the application for increased capacity as he felt it would lead to a further

impact on the environment. In response about the late deliveries, the Housing & Planning Solicitor said that it was for the applicant to alleviate the problem which was an impact in planning terms.

The adjoining ward Member, Councillor Adele Davies-Cooke spoke against the application. She felt that the applicant was in flagrant breach of conditions relating to:-

- Unloading and loading outside the front of the building
- Storing of materials and plant equipment in front of building
- Height of waste material in excess of 3 metres at rear of the site
- Vehicles reversing into the site
- HGVs tipping on yard instead of in the covered building
- Clouds of dust leaving the site boundary without adequate abatement measures
- Storage and treatment of CRTs best available techniques as required by a directive

She felt that conditions had not been complied with since 2008 and in 2013, the Council had written to the applicant to remind them of the conditions and delivery hours and the impact that non-compliance would have on neighbouring residents. Despite assurances, there had been no improvement on the site. The area was rural and very quiet and the noise from the operation was clearly audible. Councillor Davies-Cooke felt that the planning officer's report was inaccurate and only briefly provided details of the objections from residents. The application did not comply with a number of planning policies and there was no mention of the noise report by the applicant that had been assessed by an acoustic consultant advising that the issue of noise had not been addressed. She queried why the stockpiles were such a significant size if the stock could be sold on as had been suggested by the officer. The company was not complying with existing conditions and no enforcement action had been taken and there was therefore no assurance that the company would comply with noise and dust prevention measures. She felt that the existing opening hours were adequate. Councillor Davies-Cooke referred to a letter from the Environment Agency dated 17 January 2011 which referred to a review of how the site had been granted planning permission and the suitability of the site for such an operation. This was a CRT site which was unique and there were no other sites of this type with these issues with planning permission for this type of operation. She referred to background noise levels of 20 decibels and any noise which would typically be inaudible would become audible and therefore the suitability of the site in such a location was brought into question. In the event that the company ceased trading and the site needing to be cleared, she asked whether the Council would be responsible for the cost. She asked the Committee to refuse the application.

Councillor Richard Jones expressed concern on the issue of noise and indicated that Natural Resources Wales (NRW) identified the proposal may increase the volume of complaints. He added that the size of the mound of waste was significant and felt that to increase the operating hours would make the situation worse. Councillor Gareth Roberts referred to the issue of the NRW

permit which he felt could be revoked until the applicant had addressed the concerns. Once the applicant had complied with this, they could resubmit a proposal. He spoke of hazardous waste on the site and concurred with the recommendation or refusal as he felt the increased hours would only increase the amount of the waste being brought onto the site.

In referring to previous complaints that had been investigated and the reference in the report to a previous operator, Councillor Chris Bithell sought clarification as to whether there had been any improvements since the new operator had been in place. There were a number of aspects that he was uncertain about and queried whether the complaints previously made had been investigated and appropriately resolved. He referred to a comment from the Head of Public Protection that the last period of monitoring had shown that the factory was not causing a nuisance or affecting amenity. He also referred to the comments of NRW and queried whether they were in support of the application or not. He felt that it would be helpful if the officer from Public Protection was in attendance to answer any questions raised by Members. Councillor Derek Butler also referred to NRW comments and commented on the late observations. He felt that if there were heavy metals in the area then the site should be policed and suggested that NRW should be monitoring the use of the site rather than the planning authority considering an application to extend the opening hours to make the site compliant.

In response, the Manager (Minerals and Waste) said that noise had been an issue on the site for some time but there had been a number of different operators in place. An extensive amount of work had been carried out on the site and Public Protection colleagues had been working with the Environment Agency and NRW. The operation at the site was audible but generally the overall noise was within appropriate limits. The increase in hours related to daytime hours not night-time. A condition was in place on the current planning permission that the operator could store materials at the rear of the site but he confirmed that the size of the mound was in excess of that permitted but an extension to the hours of operation would allow the operator to reduce the stockpiles. He said that all of the material on the site was saleable products and in the past the waste had been designated as hazardous but this had been re-designated by NRW as no longer being hazardous. He suggested that if there was not a marked improvement in the operation of the site, then NRW would suspend the licence and the operator would therefore not be able to bring new material onto the site.

Councillor Jones referred to the mound at the back of the building and queried whether it was washed material. The Manager (Minerals and Waste) said that a lot of the material was not subject to pre-washing and the mound had built up over time but the current operator could recycle it and put it back into the market. Councillor Bithell asked how long the current operator had been in charge. Councillor Peers said that the officer had indicated that the throughput capacity was not related to this operation but in paragraph 7.04 it indicated that the proposal would increase the throughput capacity to grow the business he sought clarification on this.

In response, the Manager (Minerals and Waste) confirmed that the current operator had been at the site for 18 months. He said that this application would address the problems relating to early and late arrivals but would also allow the business to expand and increase throughput through the site. The Planning Strategy Manager asked Members to consider their reasons for refusal and whether approval of the application would generate any planning harm.

In summing up, Councillor Owen Thomas said that the reason for refusal was that the proposal would increase the output and he was concerned about the environment and the impact of noise if the hours were increased. He felt that the applicant was not complying with current conditions and therefore the inclusion of more conditions would not resolve the issues. He referred to a site in Sandycroft which had been abandoned and the hazardous materials that had to be cleared by the Council and expressed significant concern at the cost to the taxpayer if a similar situation arose on this site.

RESOLVED:

That planning permission be refused on the grounds that the potential increase in output would have a detrimental impact on the environment and potential noise increase.

130. APPLICATION FOR VARIATION OF CONDITION NO. 3 & 4 FOLLOWING GRANT OF PLANNING PERMISSION (048179) TO EXTEND OPERATIONAL HOURS AT UNIT 6, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN (053959)

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 22 February 2016. 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 Manager (Minerals and Waste) detailed the background to the report and explained that the application was seeking to extend the operational hours for the delivery of materials and also extend the hours under which external working was allowed. The site was used for dismantling electrical equipment and the glass would be sent to unit 8 and the other items removed from the site.

Mr. J. Williams, the agent for the applicant, spoke in support of the application. He reiterated that there had been no objections to the proposal from statutory consultees other than Cilcain Community Council who even though they were opposed to the extended opening hours, had acknowledged that management of the site had recently improved.

Councillor Owen Thomas proposed refusal of the application, against officer recommendation, which was duly seconded. He raised concern that if the operational hours were extended, more items would be brought into the site

which would create more material to be transferred to the other site which would create additional waste outside. He felt that both applications were linked and the problems that residents were experiencing would still occur. Councillor Mike Peers concurred that increasing the hours would increase output to the other site and would increase the problems. As the extension of opening hours for unit 6 had been refused, if the hours for this site were increased, this would result in the operator not being able to move the waste to the other site, and would therefore increase the stockpiles of waste on this site.

The adjoining Local Member, Councillor Adele Davies-Cooke, asked the Committee to refuse this application as they had done with the previous proposal and felt that this would be the fairest outcome for the community. She said that the materials would not be able to be moved onto the other site if this application was also refused.

The Manager (Minerals and Waste) said that the operation at this site was different to that carried out on the other site but added that unit 8 was the main input for bulk deliveries and some materials were also moved from unit 6 to unit 8.

Councillor Thomas felt that the reason for refusal should be the same as for the previous application. He said that at the site visit, Members had been able to see that fridges and other electrical equipment were unloaded on the road outside the front of the building and suggested that if the hours of operation were increased, then more items would be unloaded on the road. The Planning Strategy Manager said that Councillor Thomas had suggested that the application be refused because of noise and environmental harm but then went on to say it was because equipment was unloaded onto the roadside. The Planning Strategy Manager said that he had not heard any evidence of the harm that approving the application would generate. In response, Councillor Thomas said that it would increase the waste on the other site as there would be more input into it and would therefore increase the problems.

RESOLVED:

That planning permission be refused because the potential increase in output would have a detrimental impact on the environment and potential noise increase.

131. **USE OF LAND AS RECYCLING AND RECOVERY CENTRE FOR END OF LIFE VEHICLES, FERROUS AND NON-FERROUS METALS; REDUNDANT/SCRAP CARAVANS, RECEIPT AND STORAGE OTHER SALVAGED INERT MATERIALS, INCLUDING SALVAGED BUILDING SUPPLIES AND SITING OF 1 NO. CARAVAN FOR SECURITY AT DELYN METALS LIMITED, POINT OF AYR, FFYNNONGROYW (051795)**

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 22 February 2016. 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 Manager (Minerals and Waste) detailed the background to the report and explained that a similar application had been refused in 2013 as the applicant had not completed the necessary legal agreement. This application was a resubmission with a revised access but still incorporated the original access which would be used by heavy goods vehicles (HGV) with the revised access being for light vehicles due to constraints of a very low bridge. Another change since the previous submission was that the North Wales Coastal Path had been built and as a result of this, there was potential conflict at crossing points. The applicant had proposed a unilateral undertaking for a commuted sum with respect to highways works for signposting on the A548 and the cycle path. The site was currently subject to an enforcement notice and if this application was refused, then enforcement would continue but if it was approved, then the notice would be withdrawn.

Ms. C. Percival spoke against the application on behalf of ENI Liverpool Bay Operating Company Limited. The first concern was about safety and the danger posed by HGVs using the route to the site in the event that a lorry would breach the fence line. ENI also objected to an unlimited number of trucks with scrap metal passing through their site. She hoped the application was rejected but if it was approved, ENI requested, as a condition, the installation of a crash barrier along the section of the green access route as far as it ran adjacent to the perimeter fence. The second issue related to site security for ENI which had been designed to prevent easy access to the colliery site adjacent to the Point of Ayr terminal. The application suggested that there would be locked gates to prevent unauthorised use but did not address how the routes might be used once the gates were unlocked at the beginning of the working day. ENI was not in a position to provide continuous monitoring or gate keeping for a third party and Ms. Percival added that illegal occupation of the site had been an issue in the past. The third area of concern was the rail overpass which was a purpose built direct route to the Point of Ayr facility from the Talacre roundabout. She noted that a number of vehicles had used this route via the railway overpass even though there were conditions in place. A rental agreement for the railway airspace was in force between Network Rail and ENI and the applicant did not have permission from either party to use this access and would not have sufficient control over the vehicles including their speed. Finally the fourth issue related to pedestrians given that this area had featured highly in Flintshire's Tourism Strategy for the Talacre area. The most recent proposal put forward was for a circular route from the Dangerpoint facility, round the colliery into the village of Talacre and would serve to increase pedestrian traffic in this area. It was proposed in the application that the public rights of way would be blocked off as mitigation in the design and access statement but this would be an offence and was therefore not achievable. For these reasons and those put forward their letter of June 2015, ENI objected to the proposal.

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. On the issue of conflict with cyclists, he said that this was preferable to cyclists using the busy coast road.

The Chairman exercised his discretion to allow the Local Member, Councillor Glyn Banks, to speak on the application. Councillor Banks said that he had requested a site visit for three reasons which included the dangerous access for vehicles accessing the site through the underpass but this had been addressed and Network Rail were content. Secondly he felt that the access was unsuitable for long term use, with the proposal seeking permission to 2033 and thirdly that the route crossed the cycle path but he felt that this had been addressed by the issue of signage and the imposition of a speed limit. In welcoming the report, he felt that the concerns he had raised had been addressed and he asked the Committee to approve the application.

Councillor Mike Peers referred to the comments from the third party speaker and felt that the condition suggested by the speaker on behalf of ENI should be considered if the application was approved. Councillor Gareth Roberts noted the remarks by British Rail regarding the underpass to the railway but suggested that some vehicles would still try and access this route without the provision of appropriate signage to inhibit the route to vehicles of a certain height. He felt that Ms. Percival had given the impression that vehicles would be travelling over ENI land and therefore they were in a position to control who had access to it but added that this was a civil matter. He felt that the application could be approved with signage about height restrictions on the access under the underpass. Councillor Chris Bithell referred to paragraph 7.39 on landscape and visual impact where it was reported that immediate views would be possible as visitors travelled past the site. He queried whether any further landscaping could be undertaken in this area.

In response to the questions and comments, the Manager (Minerals and Waste) said that in relation to traffic and a crash barrier, it was proposed to include a condition for a Traffic Management Scheme to be submitted and agreed which would include a whole range of measures and could include a crash barrier. It was not possible to erect a height barrier on the low bridge as suggested as the applicant did not own the land so it was proposed that signage be erected on the A548 to indicate that there was a low bridge. He reminded Members that the applicant had operated in the area for a number of years and that vehicles going to the site would be by prior notification. It was his understanding that a 'banksperson' would be required to unlock the gate and relock it once the vehicle had passed through and that this could be included as a condition. On the issue of landscaping, the Manager (Minerals and Waste) said that this was an open and flat area and it was possible that any landscaping included could draw attention to the site. He reminded the Committee that there was a Special Area of Conservation (SAC) and a Site of Special Scientific interest (SSSI) surrounding the site for open wetland and therefore would not comply with the designations by Natural Resources Wales (NRW). He added that the existing palisade fencing which separated the access road from the cycleway detracted from the views of the site.

Councillor Richard Jones suggested that a condition should be included to prevent the dragging of containers under the low bridge. The Manager (Minerals and Waste) felt that this could be included in the Traffic Management Scheme. The Senior Engineer – Highways Development Control said that by

means of the Unilateral Undertaking, officers had sought to secure funding from the developer to enable measures to be installed on the existing adopted highway to stop HGVs from using the unadopted road in the form of advanced signage on the highway that the height of the bridge was unsuitable for use by certain vehicles. There was also a requirement for an operational traffic management plan which would need to be submitted and approved and this would also provide a safeguard in the way it was operated.

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 or unilateral undertaking for a commuted sum with respect to highways works for signposting on the road and cyclepath.

132. ERECTION OF A FOODSTORE, ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING (PARTLY RETROSPECTIVELY) AT BROUGHTON SHOPPING PARK, BROUGHTON (054589)

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 meeting on 20th January 2016 in order for issues of site security, impact of the site on the amenity of residents and the loss of the affordable housing on the site to be addressed. The report had been updated to address the concerns and a summary of the issues was included. On the issue of site security, Aldi had confirmed that an additional camera at the rear of the store had been erected and signage advertised the fact that CCTV was in operation. The proposed landscaping was in excess of what was required in an ordinary landscaping scheme and any additional planting would not leave sufficient room for the proposed scheme to grow and establish. Officers had considered that no additional planting or fencing was required in the interest of residential amenity. The trolley bay had been relocated to the front of the store. Aldi had undertaken their own noise readings following complaints from a neighbouring resident and this concluded that there were no issues with the plant equipment and it was within the agreed levels as predicted in the noise assessment which accompanied the planning application. The increased delivery times would not have an impact on residential amenity as these took place in an enclosed bay and there had not been any complaints in respect of any issues relating to the opening hours or delivery times. On the issue of affordable housing, there were a number of people on the Affordable Housing register for Broughton and the report detailed how the commuted sum for affordable housing had been calculated.

The Chief Officer (Planning and Environment) advised that he would read out a statement prepared by Mrs. J. Richards (who had registered as an objector), as she did not want to appear on the webcast. Her statement was summarised as follows:

When Aldi had obtained planning permission, they had built what they wanted, not what had been approved. She felt that Flintshire County Council had made an error by not including the words 'for approval' and Aldi took advantage of this. She expressed concern about the monies for public art and the amount for affordable housing as she did not feel that it was sufficient to build two properties. The lack of provision for affordable housing on the site had resulted in an additional 31 car parking spaces and the building of a larger store which was nearer to the residential properties than had originally been approved. Mrs. Richards expressed significant concern about the provision of the landscaping which Aldi had indicated would be enhanced but Mrs. Richards said that it had been completely removed in some places. She also raised concern about the issue of security to the rear of the store which was located near her property and urged the Committee to refuse the application.

Mr. G. Brown, on behalf of the applicant, spoke in support of the application. Following the previous meeting he had spoken to Mrs. Richards to try and address her concerns. The main issue related to the positioning of the trolley bay and he had agreed that this would be relocated to the front of the store, which had since been undertaken. At the Committee meeting, Councillor Derek Butler had also referred an issue of noise. The noise monitoring that was carried out did show an increase in noise at the times referred to by objectors but it appeared that this was from Hawarden Airport, not from the Aldi store and was therefore out of Aldi's control. Another area of concern had been site security and Mr. Brown confirmed that an additional CCTV camera had been installed to the rear of the store. Mrs. Richards had also asked why the north side of the site was not fenced off but Mr. Brown confirmed that it was already fenced off and he added that there had not been any evidence of anti-social behaviour on the site. Mrs. Richards had also felt that individuals would be able to access her property from the rear of the store but Mr. Brown commented on the steps that such intruders would need to take to be able to do this. He suggested that access could be gained more easily to the property through her front gate. He indicated that landscaping of the site had been undertaken and particularly concentrated on an area to the boundary of Mrs. Richards' property and this had now been replanted. Mr. Brown felt that all concerns raised by Mrs. Richards had been addressed and he added that no other objections from residents had been received.

Councillor Ian Dunbar, having earlier declared an interest in the application, indicated that he would speak for three minutes and would then leave the meeting prior to its discussion. He suggested that some of the conditions imposed on the permission had been ignored by Aldi and Mrs. Richards' statement also highlighted concerns about the bund and the security of residents in their homes. He felt that what was currently in place was an open invitation for individuals to climb on to the bund and access the neighbouring properties. Councillor Dunbar suggested that an extra gate be included to increase security and asked that the landscaping be replaced to

reflect what was previously in place. He felt that streetlights would be a deterrent to any intruders trying to access the front of the residential properties and that the inadequate bund was an easier way to enter Mrs. Richards' garden.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He said that Aldi had taken measures to address the concerns and had installed CCTV to the rear of the building and even though some of the bund had been removed, additional planting had been put in place which would provide screening in time. The trolley bay had been moved and the noise issues that had been raised were not in the control of Aldi. The officer had advised that the amount for affordable housing was acceptable. Prior to the store being in place, there had been an open bund on the site but Aldi had now provided an additional camera which Councillor Bithell felt addressed the issue of security of the neighbouring properties. He raised concern about problem with the measurements for the location of the site and suggested that this needed addressing for the future.

Councillor Gareth Roberts said that the original application had been approved by Committee and expressed significant concern about some of the comments made when the application was considered at the previous meeting of the Committee as what had been provided, was what had been requested. He felt that Aldi should be commended for the work they had done, particularly in relation to the loading bay. He noted that Welsh Government had not objected to the application even though the site had originally been allocated for housing. Councillor Roberts said that there were no grounds to refuse the application as it complied with planning policy and approval was the correct decision. Councillor Derek Butler said that the original proposal that had been approved was for a store and five affordable dwellings but only the store element had been delivered. On the letter sent by Aldi, he said that he had not received it at his home address so it had been sent to County Hall where it had only recently been passed to him; he added that he was not the Local Member for the ward. He said that the Committee was making representations for Mrs. Richards and indicated that Aldi had built the store in the wrong place and had removed the bund. Councillor Butler requested that Mrs. Richards' concerns on the issue of security be addressed.

Councillor Mike Peers commented that at the previous meeting he had sought clarification on whether officers had discussed an extension to the car park with Aldi; he asked that this be answered. He supported Councillor Butler's comments on the lack of delivery of affordable housing on the site and referred to an email from Aldi to Members which had not indicated that the affordable housing was no longer part of the proposal. He referred to the November 2014 Committee meeting when Ms. Gabrilatsou had indicated that the application allowed for the delivery of five affordable houses and had referred to the growth for Broughton of 15%. One of the seven objections to the proposal had indicated that the affordable housing element had been a ploy to get the application through. Councillor Peers sought clarification on the calculation of the commuted sum in lieu of affordable housing on the site and suggested that the figures were incorrect. He highlighted paragraph 7.34 on the location of

houses within a retail environment accessed through a car park not being an attractive environment and commented that this had not appeared to be an issue for Aldi in November 2014 when the proposal was discussed. Paragraph 7.39 of the report before this Committee indicated that this was not a desirable location for the siting of the affordable homes; Councillor Peers felt that the affordable dwellings should be provided and that refusal of the application was the correct decision. Councillor Owen Thomas said that the Committee had voted for the application, against officer recommendation, in November 2014. He said that the Committee had listened to the residents of Broughton who wanted an additional supermarket with the provision of five affordable dwellings. On the issue of the security to the rear of the store, Councillor Thomas felt that if the bund had not been touched then the nearby resident would not have complained. He said that Aldi had built the store in the wrong place and queried whether Aldi should be asked to take the store down and build it in the correct location.

Councillor Marion Bateman said that her main concern was the issue of security for Mrs. Richards' property. She had been unable to attend the site visit with the Committee but had attended the site since and suggested that access could currently be gained to the rear of the properties from the Aldi site. She requested that the side of the store nearest to Mrs. Richards' property be blocked off to prevent public access. Councillor Richard Jones referred to application 052369 where the opening hours had been agreed but this application indicated that the opening hours would revert back to the original hours requested by the applicant which he felt should not be permitted and that a condition should be included to confirm the opening hours proposed for application 052369.

In response to the comments made, the officer indicated that officers did not have any objection to the use of the area previously approved for affordable housing as car parking spaces. On the issue of opening hours, the Public Protection Officer did not have any objection to the hours proposed as part of this application. There was no longer an issue relating to noise as the trolley bay had been relocated to the front of the store and the deliveries would take place within an enclosed bay and the proposed delivery hours had also not received any objections from Public Protection officers.

The Planning Strategy Manager advised that it was important for Members to consider the proposal before them and said that substantial improvements had been made since the application was first submitted. He expressed significant concern about the suggestion to refuse the application and ask Aldi to demolish the store. He queried whether the concerns raised by Mrs. Richards were material in planning terms and said that the bund was not in place as a security measure but was intended as a form of separation. Additional landscaping had been put in place but it was not appropriate to request more planting at this stage as the plants needed room to grow and mature. However, replanting would take place if required in the future. On the issue of the affordable housing element, it was for Members to judge whether the applicant was appropriate or not but reminded the Committee that the predominant use in the area was for food retail. The Planning Strategy

Manager advised that Aldi had approached Registered Social Landlords to take on the affordable housing element of the original scheme but they did not want to take up the opportunity and therefore it was considered that a commuted sum was more appropriate which could assist those in need of affordable homes in a number of ways. The initial figure proposed by Aldi was lower than what had finally been achieved and that this had been as a result of discussions between officers and Aldi. He felt that the suggestion for fencing off the area nearest to Mrs. Richards' property was sensible but said that the increased opening and delivery hours would not generate any extra noise for the residents as the loading bay was located away from the boundary. The stores in Mold and Buckley were open for the hours proposed in this application and therefore a reduction in hours for this store was not appropriate.

The Housing & Planning Solicitor asked Councillor Bithell if he was willing to accept the conditions suggested by Councillor Bateman for a security fence and Councillor Jones for opening hours as agreed for application 052369 as he had made the proposal to accept the officer's recommendation. He agreed to add the condition suggested by Councillor Bateman.

In response to a query from Councillor Roberts on paragraph 7.26, the officer confirmed that the store could be opened on a Sunday for a six hour period between the hours of 10am and 6pm.

The Housing & Planning Solicitor advised that the first vote needed to be on the amendment proposed by Councillor Jones for reduced opening hours to those proposed. On being put to the vote, the proposal was LOST. The proposal by Councillor Bithell for the officer recommendation with the additional condition for security fencing was voted on and was CARRIED.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), subject to the additional condition requiring submission and approval of a security fence to prevent public access to the bund to the rear of the store and subject to the applicant entering into a Section 106 obligation/unilateral undertaking to provide the following:-

- Payment in the sum of £210,000 towards to provision of, or to facilitate access to, affordable housing in the community
- Payment in the sum of £15,000 towards a community art project or projects for the public realm.

If the obligation pursuant to Section 106 of the Town & Country Planning Act 1990 (as outlined above) is not completed within three 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 Dunbar returned to the meeting and the Chairman advised him of the decision.

133. FULL APPLICATION – CHANGES TO AND SUBSTITUTION OF HOUSE TYPES TO 156 NO. PLOTS AT OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN (054641)

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

The officer detailed the background to the report and explained that the application had been submitted to Committee because of the requirement for a supplementary Section 106 agreement.

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

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a supplementary Section 106 agreement or unilateral undertaking to link this development with the unilateral undertaking on application 051613, which requires the payment of an education contribution of £129,283 towards Hawarden High School and £122,570 to Ysgol Penarlag, Ewloe, the provision of 4 gifted units to NEW Homes and secures the provision of and the maintenance of the public open space.

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

134. FULL APPLICATION – INSTALLATION OF 845 KW SOLAR ARRAY INCLUDING PANELS, SECURITY FENCING, CONTROL ROOM, CUSTOMER CABIN AND INVERTOR CABIN AT STANDARD LANDFILL SITE, STANDARD ROAD, SPENCER INDUSTRIAL ESTATE, BUCKLEY (054630)

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

The officer detailed the background to the report and explained that the report referred to the relevant issues that had been considered.

Councillor Mike Peers proposed the recommendation for approval which was duly seconded. He explained that he had met with the Cabinet Member for Environment, the Chief Officer (Streetscene and Transportation) and the Energy Manager on the proposal. In welcoming the green benefits of the solar panels he spoke of the need to recognise that this was an amenity site and of

ensuring that the extensive 360 degree views would still be seen from the viewing point in the park once the solar panels were in place. He had discussed the issue with the Cabinet Member and Chief Officer who had indicated that, if necessary, the level of the viewing platform could be raised to retain the views. He asked that this be conditioned and in referring to the security fencing which would prevent access to the solar panels, he also asked that the footpaths be kept open at all times. Councillor Peers indicated that he had discussed with the Chief Officer, the possibility of a Section 106 (S106) agreement to secure a community benefit and spoke of an email from the Chief Officer giving assurance that money would come forward to provide a car park for users of the site.

In response, the officer confirmed that a condition about the level of the viewing platform could be included and added that the route of the footpaths would be kept open even when the solar panels and security measures were in place. On the request for a S106, the officer explained that it was not directly related to this proposal and would therefore fail the test for a S106 obligation. The Chief Officer advised that the Council could not enter into a Section 106 with itself as the applicant and suggested that a letter be sent to the Chief Officer (Streetscene and Transportation) on behalf of the Committee to seek a community benefit in connection with the development.

On being put to the vote, the Committee agreed to the recommendation of the officer, the inclusion of a condition about raising the viewing platform to retain the 360 degree views and the suggestion to send a letter to the Chief Officer (Streetscene and Transportation).

RESOLVED:

That planning permission be granted subject to the inclusion of a condition about raising the viewing platform to retain the 360 degree views and a letter being sent to the Chief Officer (Streetscene and Transportation) and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

135. FULL APPLICATION – INSTALLATION OF 400 KW SOLAR ARRAY INCLUDING PANELS, SECURITY FENCING, CONTROL ROOM, CUSTOMER CABIN AND INVERTOR CABIN AT BROOKHILL LANDFILL SITE, BROOKHILL WAY, CATHERALLS INDUSTRIAL ESTATE, BUCKLEY (054631)

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 this was a similar proposal to the previous application but was for a 400kw solar array.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He queried whether a similar condition as that requested for the previous application was also required for this application.

The Local Member, Councillor Carol Ellis, said that she had been assured that the proposal would not have a detrimental impact on residents. She raised concern about a footpath that had previously been diverted and queried whether it would still be available. In referring to landfill tax, Councillor Ellis asked whether any benefit to the community would be provided and commented on the nearby Site of Special Scientific Interest (SSSI) and skateboard park.

In response, the officer advised that the footpath was a definitive line footpath that connected to the railway line but the definitive route was no longer walkable. On the issue of community benefit, he suggested that a similar letter be sent to the Chief Officer (Streetscene and Transportation) to explore possibilities. Councillor Bithell and the seconder agreed to add this suggestion to their proposal.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and that a letter be sent to the Chief Officer (Streetscene and Transportation) on behalf of the Committee to seek a community benefit in connection with the development.

136. FULL APPLICATION – ERECTION OF 21 NO. DWELLINGS INCLUDING 15 NO. 2 BED APARTMENTS AND 6 NO. 1 BED APARTMENTS AT GATEWAY TO WALES HOTEL, WELSH ROAD, GARDEN CITY (054513)

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 scheme included an area for refuse and recycling. He drew Members' attention to paragraph 7.17 to 7.20 where it was reported that payment via a Section 106 agreement were not being sought in lieu of on-site play and recreation provisions or educational contributions.

Councillor Chris Bithell proposed the recommendation for approval, with the additional conditions from Welsh Government referred to in the late observations, which was duly seconded.

Following the debate, Councillor Mike Peers asked that it be noted that he had not taken part in the debate or voted on the application as he had a personal and prejudicial interest in the application. He had not realised who the applicant was until the debate had already started.

RESOLVED:

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

137. FULL APPLICATION – PROPOSED REPLACEMENT OF GARAGE WITH NEW SINGLE STOREY DWELLING AT TOP CORNER, VILLAGE ROAD, NORTHOP HALL (054552)

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 22 February 2016. 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 before Committee at the request of the Local Member as he disagreed with the recommendation of the officer. Paragraph 7.02 highlighted the main issues for consideration in determination of the application which was recommended for refusal because the application site was outside the settlement boundary of Northop Hall.

Mr. R. Turner, the agent for the applicant, spoke in support of the application. He said that the key issue was the principle of development for a new dwelling outside the settlement boundary. He felt that the report did not mention that the site was just outside the settlement boundary and explained that the boundary was the wall onto Smithy Lane. He suggested that in policy terms the site was classified as being in open countryside but Mr. Turner said that Members would have noted on the site visit that the site was hardly in open countryside. He felt that this was an instance where either the siting of the boundary was not a realistic picture of where the settlement ended or a different approach should be taken as to what constituted open countryside as the surrounding area was not typically open countryside. He suggested that there were already precedents for provision of dwellings outside settlement boundaries and referred to the application for 41 dwellings in Hawarden that had been permitted on appeal. Mr. Turner drew Members' attention to the fact that the application had not received any objections and reminded Members that the Council did not have a five year housing land supply and therefore queried how any dwelling could be deemed non-essential, as had been reported. He asked Members to note the previous approval for the replacement of a proposed garage with ancillary accommodation had the identical form and massing as this proposal and should therefore be acceptable in the open countryside. He referred to two sites in the area that had been submitted as candidate sites for the Local Development Plan and said that the report focussed on policy HSG7 but did not refer to HSG5 which had been raised in the design and access statement and was the policy that Mr. Turner felt the proposal could have been considered against. He felt that the site was a highly sustainable location for a new dwelling.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He said that the site was outside the settlement boundary and was in the open countryside and suggested that once the settlement had been breached, other proposals would come forward. The site in Hawarden had been approved on appeal because of the lack of five year land supply and Mr. Turner had mentioned that neighbouring sites had been submitted as candidate sites. He felt that these would be dealt with accordingly and that this application was being presumptuous. Councillor Gareth Roberts concurred and queried what could be said to applicants who had their applications outside the settlement boundary turned down if this application was approved.

The officer said that the previous permission for an annexe was permitted in policy terms but had not been forthcoming and what was being proposed was a new dwelling which was contrary to policy.

On the issue of candidate sites, the Planning Strategy Manager said that policy did not use words such as 'just outside' or 'nearly in' and was why the settlement boundary was a definitive line. He added that 41 dwellings in Hawarden was an entirely different circumstance to this proposal. Candidate sites had been put in for consideration but currently carried no weight in the determination of applications and policy HSG5 related to limited infill which it was not felt that this proposal complied with.

RESOLVED:

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

138. FULL APPLICATION FOR THE ERECTION OF FIRST FLOOR EXTENSION TO SIDE OF DWELLING, ERECTION OF PORCH TO FRONT, FORMATION OF NEW ROOF WITH CREATION OF A SECOND FLOOR WITHIN THE ROOF SPACE AT "COPPER VIEW", PENTRE ROAD, PENTRE HALKYN, HOLYWELL (054664)

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 main issues related to the raising of the wall plate and the roofline to provide accommodation in the roof space. The application was considered to be contrary to policies GEN1 and HSG12.

Mr. A. Jones, the applicant, spoke in favour of the proposal and said that he and his family had lived in the property for 18 months and had been praised for their enhancements to the dwelling. The application was proposing raising the front elevation by 400mm to allow the introduction of living space at the second floor level which would provide an overall height increase of 5.33% on

the original dwelling. This would still be lower than the semi-detached properties to the north west of the building. The proposed roof lights would be tinted and would blend in and all elevations would be finished in the same materials as the original dwelling. The proposed extension over the single storey element would increase the floor space by 11 square metres and would facilitate a decent sized third bedroom. The dormer windows to the rear elevation would be set back from the gable end and would only be visible for a few metres in each direction and would not encroach on neighbour's space or light. There was only one dwelling to the rear of the property and this was over 400 metres away. The properties on Pentre Road varied in scale and colour and a dwelling three doors away was significantly taller than what was proposed in this application and was located much closer to the road. Mr. Jones felt that this proposal added to the mix of dwellings in the area rather than adversely affecting the streetscape. The original proposal included dormer windows to the front of the dwelling but this element had now been removed from the application. It was reported that the rooflights were too large but Mr. Jones felt that there were other properties in the vicinity with larger glassed aspects to the front of the dwellings.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that the proposal would result in an imposing dwelling and was inappropriate in this area. Councillor Derek Butler concurred and felt that allowing this dwelling to become three storey would not be in keeping with the surroundings and would generate applications from other residents for similar proposals.

The Local Member, Councillor Matt Wright, spoke in support of the application. He agreed that there were a range of properties in the area and said that there had not been any objections to this proposal. The change to the roof line was very small and he asked the Committee to vote against the recommendation of officers to allow the applicant to develop his family home as he felt that the application was a reasonable interpretation of planning law.

Councillor Richard Jones agreed with the proposal to refuse the application and spoke of similar applications in Buckley. He felt that the proposal would have a significant detrimental effect on the neighbouring property which was a bungalow. Councillor Owen Thomas spoke in support of the application and agreed that the properties in the road were of differing heights and scales and that the enhancements proposed would be an enhancement to the dwelling. Councillor Mike Peers said that it was reported in paragraph 2.01 that the scheme did not harmonise with the site. He sought clarification on the percentage increase and he suggested that the decision on whether to approve or refuse the application was a matter of opinion. Councillor Gareth Roberts said that there were a mix of dwellings in the area but felt that the decision to refuse the application to allow the property to become three storey was correct. Councillor Marion Bateman asked whether it was essential to raise the ridge height and whether the space would be uninhabitable if it was not raised.

In response, the officer said that he did not have the details of the percentage increase with him but that this was not the issue here. He added that the increase to the right hand side of the dwelling was below 50%. The increase in the ridge line would give the impression that the property was three storey and that the visual impact was a concern.

In summing up, Councillor Bithell said that it was a dominant building and that the provision of roof lights and a dormer made it a three storey dwelling. He felt that allowing a two storey side extension as well as raising the ridge height would make the property even more dominant. A similar proposal had been refused in 2015 and he felt that this application should also be refused.

RESOLVED:

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

139. CHANGE OF USE TO A HOUSE OF MULTIPLE OCCUPATION AT 7 BREEZE HILL, CONNAH'S QUAY (054219)

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 this was an enforcement generated application. He added that the property would need to be registered with Rent Smart Wales under the Housing (Wales) Act 2014.

Councillor Ian Dunbar proposed the recommendation for approval which was duly seconded. He said that the property was already being lived in and the application would ensure the safeguarding of the residents.

RESOLVED:

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

140. FULL APPLICATION – FORMATION OF DORMER TO FRONT OF DWELLING AT 7 SOMERFORD ROAD, BROUGHTON (054725)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Councillor Derek Butler, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the application had been submitted to Committee because the applicant was a Councillor.

Councillor Mike Lowe proposed the recommendation for approval which was duly seconded.

RESOLVED:

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

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

141. GENERAL MATTERS – CONTINUATION OF USE OF LAND AS RESIDENTIAL GYPSY SITE ACCOMMODATING 9 FAMILIES ON 7 PITCHES, WITH A TOTAL OF 13 CARAVANS (NO MORE THEN 7 STATIC CARAVANS) AND RETENTION OF 3 NO. AMENITY BLOCKS AND ERECTION OF 1 NO. ADDITIONAL AMENITY BLOCK AT DOLLAR PARK, BAGILLT ROAD, HOLYWELL (053163)

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

The Housing & Planning Solicitor explained that he had received some correspondence from a person who he believed to be a complainant about the development indicating that they intended to write a letter of judicial review of the decision made at the 20th January 2016 meeting of the Committee. He had been asked if the application could be deferred until the letter of judicial review was received but as the letter did not indicate why the challenge was being made, the Housing & Planning Solicitor did not feel that a decision on the application should be deferred. During the meeting today he had been handed some email correspondence which he understood to be from a barrister on behalf of the complainant. He had not had the opportunity to read the email but said that if for any reason, following a decision on this application, there was a need to come back to committee with further legal advice arising from the email, he would do so.

The report before the Committee included two recommendations and the Housing & Planning Solicitor said that at the previous meeting, the decision had been to grant planning permission but Councillor Chris Bithell had asked for a condition relating to the provision of alternative sites earlier than the five years temporary permission that had been granted. The recommendation at paragraph 7.01 had been put forward as he had found no precedent or reference in the guidance for anything other than a fixed time period and therefore the Housing & Planning Solicitor felt that to grant permission for five years was the safest option. However, at 7.02 he had drafted a recommendation that would at least provide certainty that should the Local Planning Authority identify an alternative site then notice could be given by them on this site and within six months of service of the notice, planning permission would come to an end.

Councillor Bithell spoke of a phone call that he had received whereby concern had been raised by a resident that material had not been shared with the Committee in relation to access and egress of the site. The resident had also indicated that lengthy discussions had taken place with the Senior Engineer – Highways Development Control and a dvd had been submitted showing the issue he was referring to. Councillor Bithell proposed the recommendation at 7.02 which was duly seconded. Councillor Gareth Roberts said that he had seen some of the footage and commended the individual for providing it. He felt that the application was for a permanent site but the committee had made the correct decision to extend the temporary permission. Councillor Roberts agreed that the recommendation at 7.02 was appropriate and suggested that the material that Members had not seen could have been material in their decision making on the application. He felt that it was not appropriate to refuse the application because there was a risk that permanent permission could have been granted on appeal.

The Planning Strategy Manager commented that it had been suggested at the previous meeting that the development plan would sort out this issue of sites, but this was not the case. He explained that the requirements of the new Housing Act required the authority to carry out an updated Gypsy and Traveller Accommodation Needs Assessment. This was currently ongoing but preliminary findings showed that there was a continuing need for pitches and the Act required the authority to act on that need. The needs of the Travellers on this site, with it being a temporary permission, were within the study that was ongoing and should be dealt with in a permanent way by an alternative solution.

RESOLVED:

That planning permission be granted in accordance with the recommendation set out in the officer's report considered by the committee on 20th January 2016 and subject to the additional condition set out in the late observations provided to that committee but with an amended condition in respect of the life of the permission that states "The use hereby permitted shall be for a limited period, being the period of five years from the date of this decision. If within the five year period of the permission the Council confirms in writing by way of notice served at the site, that in its opinion there is a suitable alternative site then planning permission shall cease within six months of the date of that written notice".

142. GENERAL MATTERS – ERECTION OF A PAR OF SEMI-DETACHED BUNGALOWS AT HEATHERDENE, VICARAGE ROAD, RHYDYMWYN (053534)

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

The officer detailed the background to the report and explained that planning permission had been granted in October 2015 which was subject to a Section 106 (S106) agreement to ensure that the dwellings were made

affordable either by selling at 70% market value or that the properties were let at an affordable rent at the Local Housing Allowance rate for the area. During the application process, the applicant had incurred additional costs as he had needed to provide an updated Flood Consequences Assessment and because of this, he was now asking that the dwellings be sold at 90% of market value. The Council had verified the costs submitted by the applicant and the officer was therefore proposing that the S106 agreement reflect that the dwellings be sold at 90% discount market value but include a clause that should the properties be valued at more than £135,000 then the market discount be increased incrementally from 10% to a maximum of 30%.

Councillor Chris Bithell asked what safeguards would be put in place to ensure that the properties were sold at open market prices. The Housing & Planning Solicitor advised that the S106 agreement would reflect the market value and this figure would need to be agreed with the applicant and the Local Planning Authority. If agreement could not be reached, the District Valuer would be asked to provide a market value figure.

Councillor Owen Thomas proposed the recommendation for approval which was duly seconded. He sought clarification about the 19 properties that had been built in Rhydymwyn, all of which were affordable homes and queried whether a S106 agreement was needed on this proposal. In response, the Planning Strategy Manager said that Rhydymwyn was a Category C Settlement where all new dwellings had to meet proven local need.

RESOLVED:

That planning permission be granted subject to the applicant entering into a Section 106 agreement/unilateral undertaking or earlier payment for the following contributions:-

- £733 per unit for recreation enhancements in lieu of on-site provision towards teenager play provision at 'Donkey Field' Rhydymwyn; and
- Ensuring that the properties are sold at 90% of the market value at time of sale if the market value is more than £135,000 then the financial appraisal shall be reassessed in order for the relevant discount market value to be applied; or
- The properties are rented at an affordable rent at the Local Housing Allowance (LHA) rate for the area.

143. APPEAL BY MR. B. EVANS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE USE OF THE LAND FOR THE STATIONING OF CARAVANS FOR THE RESIDENTIAL PURPOSES FOR 1 NO. GYPSY PITCH TOGETHER WITH THE FORMATION OF HARD STANDING AND UTILITY/DAYROOM ANCILLARY TO THAT USE AT 8 RATCLIFFE ROW, CHESTER ROAD, PENTRE (052899)

RESOLVED:

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

144. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 25 members of the public and 1 member of the press in attendance.

(The meeting started at 12.00 pm and ended at 5.51 pm)

.....
Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH, 2016**

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

SUBJECT: **APPLICATION FOR VARIATION OF CONDITION NUMBERS 2, 14 AND 18 FOLLOWING GRANT OF PLANNING PERMISSION 042468 AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI**

APPLICATION NUMBER: **054135**

APPLICANT: **MOLD INVESTMENTS LTD**

SITE: **PARRY'S QUARRY, PINFOLD LANE, ALLTAMI**

APPLICATION VALID DATE: **13/08/2015**

LOCAL MEMBERS: **CAROL ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY MOUNTAIN**

REASON FOR COMMITTEE: **MEMBER REQUEST DUE TO IMPACT ON THE HIGHWAY AND NEARBY BUSINESSES AND RESIDENTIAL PROPERTIES**

SITE VISIT: **YES: SITE VISIT WAS UNDERTAKEN ON THE 22ND FEBRUARY**

1.00 SUMMARY

- 1.01 Members will note that this application was deferred by Planning Committee on the 24th February 2016 to allow clarification to be provided regarding the proposed conditions and the reason for any amendments to conditions imposed on the original landfill permission. Because a Section 73 application results in a new permission, a review of the conditions attached to the original planning permission has been undertaken and amendments and/or additional schemes required where considered necessary.
- 1.02 To address the concerns raised by Members, Appendix 1 has been included which identifies the wording imposed on the original landfill permission, the wording proposed for inclusion on any conditions attached to this application

and the reason for any change. To summarise, the proposed changes can be broadly grouped into:

- **Wording changes which are necessary as a direct result of the proposal:** Conditions 2 (list of approved plans and documents), 13 (vehicle manoeuvring, plant storage, parking and internal site access roadways), 14 (approved points of access), 15 (wheel washing facilities), 17 (no drainage onto highway), 18 (highway improvement works);
- **Wording changes which are necessary to ensure compliance with an approved scheme:** Conditions 10 (noise), 12 (dust), 21 (litter), 24 (drainage), 26 (leachate and gas), 31 (liaison committee).
- **Wording changes which are necessary because an approved scheme needs updating in light of changes to the development:** Conditions 4 (working programme), 6 (landscaping), 8 (ecology), 28 (restoration) and 29 (Aftercare).
- **Wording changes to reflect the fact that the development has commenced:** Conditions 1 (commencement), 7 (topographical surveys)
- **Conditions which are to remain unchanged:** 3, 5, 9, 11, 16, 19, 20, 22, 25, 27

1.03 N.B Condition 23 has been amended to allow waste to be stored within the waste transfer building proposed under application 054201 and condition 32 added to secure a traffic management plan.

1.04 This application is to amend condition 2 to include the new access proposed under application 054050, to amend condition 14 which restricts site access to that currently consented to allow the use of another access, which is the subject of planning application 054050, and to amend condition 18 which requires improvements to the site access and the junction of Pinfold Lane with the A494 to be made prior to the receipt of waste.

1.05 It is recommended that condition 14 is amended to read:

“Site access from the public highway shall only be at the point shown on ‘Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006’ and ‘Proposed Road Access layout Retaining Existing Gates’, drawing number CL(0)02 dated September 2006.

Upon the satisfactory completion of the new access point, as approved in writing by the Local Planning Authority, shown on drawing ‘1735-01-SK101 Proposed New Site Access General Arrangement’ dated 23rd July, the existing approved access point shown on ‘Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006’ and ‘Proposed Road Access layout Retaining Existing Gates’, drawing number CL(0)02 dated September 2006 shall be for cars and light vehicles only and shall not be used for Heavy Goods Vehicles. Heavy Goods Vehicles shall then only access and egress the site using the point shown on drawing ‘1735-01-SK101 Proposed New Site Access General Arrangement’ dated 23rd July.

- 1.06 It is recommended that condition 18 is amended to read:
“Within 3 months of the date of this permission, a scheme detailing highway improvement works on Pinfold Lane, including a timetable for their implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall include detailed design, geometric layout, construction and drainage. All works adjacent to the A494 trunk road shall meet the standards required by the Design Manual for Roads and Bridges (DMRB). The scheme shall be implemented as approved, prior to the receipt of waste unless otherwise agreed in writing by the Local Planning Authority.”

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

- 2.01 Supplementary S106 agreement to attach the obligations contained in the S106 agreement dated 16 December 2008 in relation to planning permission 042468 to the permission arising out of this application.

- 2.02 Subject to the following conditions:

- (1) Linking commencement to date of permission
- (2) Development to be carried out in accordance with approved plans
- (3): Approved plans and documents to be kept at site office.
- (4) Detailed working programme to be submitted and agreed
- (5) Reviews of the development to be submitted and agreed
- (6) A landscaping scheme to be submitted and agreed
- (7) Topographical surveys to be submitted and agreed.
- (8) A scheme to secure mitigation and compensation for great crested newts to be submitted and agreed
- (9) Hours of operation.
- (10) Development to be carried out in accordance with approved noise scheme
- (11) Noise limits at nearby sensitive properties.
- (12) Development to be carried out in accordance with approved dust scheme.
- (13) A scheme to secure details of hard surfacing of internal site access roadways, parking, vehicle manoeuvring and plant storage areas to be submitted and agreed.
- (14) Restriction of site access to existing approved and new approved only
- (15) A scheme to prevent the deposition of mud, dust, debris and litter onto

the public highway to be submitted and agreed.

(16) Sheeting of vehicles.

(17) No drainage from the site shall be connected to or allowed to discharge onto the highway, unless otherwise agreed in writing by the Local Planning Authority.

(18) Require the submission and implementation of highway improvement works prior to the receipt of waste.

(19) Implementation of odour neutralisation around site periphery.

(20) External lighting.

(21) Development to be carried out in accordance with approved scheme for the control of litter.

(22) Location of the storage of plant, skips or any other item.

(23) Restriction of temporary stockpiles of waste outside of the transfer station.

(24) Development to be in accordance with approved scheme for the management of surface water and ground water.

(25) Storage of oils, fuels and liquid chemicals.

(26) Development to be in accordance with the approved scheme for facilities to deal with leachate and gas.

(27) Restriction of levels within the site.

(28) A scheme detailing progressive restoration to be submitted and agreed.

(29) An aftercare scheme to be submitted and agreed.

(30) Cessation of the deposition of waste no later than 20 years from the notified date of commencement and restoration in accordance with approved schemes.

(31) Implementation of approved liaison committee scheme.

(32) A traffic management plan to be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member: Request that the application be referred to Planning Committee and a site visit due to the impact on the highway and nearby businesses and residential properties.

3.02 Buckley Town Council: The original planning permission in 2005 was for a landfill site. The two applications (054050 and 054135) appear to be moving away from that original application. With regard to the variation of condition number 18 placed on the planning permission in relation to 042468, the Town Council believes that the traffic light junction with the A494 still requires to be

changed and upgraded as, since 2005, traffic flows have increased from the site in question, but also Flintshire County Council has substantial vehicle movements at the location due to the development of its Alltami Depot since 2005. The Committee, therefore, requests a site visit to consider the impact of current and future vehicle movements on the highway as it currently stands and the environmental and visual impact of the proposed changes.

- 3.03 Hawarden Community Council: No objection
- 3.04 Head of Assets and Transportation: Initially recommended refusal in the interest of highway safety. Raise no objection to the amendment of conditions 2 and 14 of permission 042468 subject to the approval of 054050. However, raise concern regarding the removal or amendment of condition 18. There are two parts to condition 18: removal of the requirement to widen the site access and removal of the requirement to widen the approach to the A494 junction. Whilst the first part could be considered acceptable following the grant of planning application 054050, no justification has been submitted to warrant agreement to the second part of the proposal. Pinfold Lane, on approach to the junction is less than 6m wide; this is considered to be too narrow to allow two large HGVs to pass comfortably. The previous proposals allowed for the widening of the road up to 10.5m (3 no. 3.5m wide lanes). These widths were proposed in the Environmental Statement dated 2006 and there has been no recent review as to whether these improvements continue to be appropriate.
- 3.05 Following the submission of additional information, including a road widening scheme along Pinfold Lane, do not object subject to the inclusion of conditions to secure a detailed scheme for the widening of Pinfold Lane and to ensure its implementation prior to the development being brought into use, and to secure positive means to prevent the run-off of surface water from any part of the site onto the highway.
- 3.06 Environmental Health Officer: No objection subject to the retention of the noise conditions included on the original landfill consent.
- 3.07 Forestry Officer: Detailed comments regarding trees and landscaping with respect to the three applications. Requests the inclusion of additional landscaping along the western boundary of the site and on bunds.
- 3.08 County Ecologist: No objection subject to the inclusion of a condition to secure an updated detailed mitigation and compensation scheme with respect to great crested newts.
- 3.09 Natural Resources Wales: No objection subject to the inclusion of a condition to secure an updated detailed mitigation and compensation scheme with respect to great crested newts.
- 3.10 Welsh Government Transport Division: Initially issued a direction that permission be withheld pending the submission of suitable information/evidence, which concludes that no further improvements to the A494/Pinfold Lane Junction are necessary. Initially issued a direction that

permission be withheld pending the submission of suitable information/evidence, which concludes that no further improvements to the A494/Pinfold Lane Junction are necessary. Following the submission of additional information removed the direction and now direct that any planning permission shall include a number of conditions to secure adequate provision for vehicles to turn, wheel washing facilities, full details of the highway improvement works, and measures to prevent drainage from flowing onto the trunk road.

- 3.11 Airbus: No comment received at time of writing report.
- 3.12 Coal Authority: Recommend including the Coal Authority's Standing Advice within the decision notice as an informative note to the Applicant.
- 3.13 Archaeology: There are no archaeological implications relating to the variation of condition.

4.00 PUBLICITY

- 4.01 Press Notice, Site, Notice, Neighbour Notification
- 4.02 Objection: Pinfold Lane is derestricted i.e. 60mph national speed limit, is narrow and is not suitable for further entrances and exits for vehicles in such proximity to other high intensity vehicle users such as FCC Depot.
- 4.03 Objection: Pinfold Lane is not considered suitable for HGVs at present. The swept path drawings demonstrate that the road is not wide enough for two lorries to pass. The proposal would result in increased traffic movements closer to private properties and the hotel, resulting in increased noise, dust. Concern regarding past performance of the operator.

5.00 SITE HISTORY

- 5.01 The proposal site was previously worked under a mineral permission which is subject to an undetermined ROMP.
- 5.02 038425: Waste transfer station including weighbridge, highway protection, lorry parking and raising of levels to create a hardstanding. Approved by Planning Committee, date of decision 21/04/2005
- 5.03 042468: Construction and operation of a solid waste landfill with associated infrastructure and enhanced site access. Granted on appeal, reference APP/A6835/A/08/2068136.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 - GEN 1: General requirements for development
 - GEN 3: Development outside development boundaries
 - D3: Landscaping

D4: Outdoor lighting
WB1: Species protection
WB2: Sites of International Importance
WB3: Statutory Sites of National Importance
AC13: Access and Traffic Impact
EM5: Expansion of existing concerns
EM7: Bad Neighbour Industry
EWP6: Areas of Search for Waste Management
EWP7: Managing Waste Sustainably
EWP8: Control of Waste Development
EWP11: Development on or adjacent to landfill sites
EWP16: Water Resources

- 6.03 Planning Policy Wales Edition 8, January 2016
Technical Advice Note 5: Nature Conservation and Planning, 2009
Technical Advice Note 18: Transport, 2007
Technical Advice Note 21: Waste, 2014

7.00 PLANNING APPRAISAL

7.01 Principle

The principle of a waste management use in this location is well established through the grant of previous planning permissions. The most significant of which is for the construction and operation of a solid waste landfill which was granted on appeal, reference number 042468, appeal reference APP/A6835/A/08/2068136. This proposal would not significantly change the landfill planning permission but is intended to provide an alternative access to the site for HGVs.

7.02 Highways

Pinfold Lane is an unclassified road with a 60mph speed limit. The road connects with the A494 Trunk Road. The proposal would enable the Applicant to use an access to the north of the existing access approximately 90m to the north of the Pinfold Lane/A494 Junction through revision to condition 14 attached to the landfill permission and would remove the need for the highway improvement works required by condition 18. The proposed access is the subject of a separate planning application, reference number 054050.

7.03 Condition 14

Condition 14 restricts site access from the public highway to the existing quarry access, as shown on '*Plan 2. Block Plan Showing Main Elements of Proposed Landfill Project*', Sheet 1 of 2 dated 9 November 2006 and '*Proposed Road and Access Layout Retaining Existing Gates*', Drawing No CL(0)02 dated September 2006. The Applicant is seeking to vary condition 14 to read: "*Site access from the public highway at the point shown on 'Plan 2. Block Plan Showing Main Elements of Proposed Landfill Project*', Sheet 1 of 2 dated 9 November 2006 and '*Proposed Road and Access Layout Retaining Existing Gates*', Drawing No CL(0)02 dated September 2006 shall be for cars and light vans only. Heavy Goods Vehicles shall only use the site access from the public highway at the point shown on drawing '1735-01-SK101 Proposed

New Site Access General Arrangement' dated 23rd July 2015."

- 7.04 For clarity, and in order to restrict the points of access to the site from the highway it is recommended that condition 14 is amended to read:

"Site access from the public highway shall only be at the point shown on 'Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006' and 'Proposed Road Access layout Retaining Existing Gates', drawing number CL(0)02 dated September 2006.

Upon the satisfactory completion of the new access point, as approved in writing by the Local Planning Authority, shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July, the existing approved access point shown on 'Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006' and 'Proposed Road Access layout Retaining Existing Gates', drawing number CL(0)02 dated September 2006 shall be for cars and light vehicles only and shall not be used for Heavy Goods Vehicles. Heavy Goods Vehicles shall then only access and egress the site using the point shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July."

- 7.05 Condition 18

The Applicant is also seeking to vary condition 18, which has two parts; firstly, removal of the requirement to widen the site access and removal of the requirement to widen the approach to the A494 junction.

- 7.06 The improvements proposed as part of the application included:

- Improvements to existing site access to allow heavy goods vehicles to enter and leave the site at the same time;
- Widening of the approach to the signals from Pinfold Lane to provide a two lane entry at the junction to increase capacity;
- Relocation of existing splitter island and traffic signal pole on the A494 (east) to provide additional manoeuvring area for long vehicles leaving Pinfold Lane (north) and travelling east.

- 7.07 The Applicant initially requested that the condition be amended to read "*No waste material shall be brought onto the site until the Heavy Goods Vehicle site access point has been fully constructed in accordance with approved drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July 2015*". The Highway and Development Control Manager objected to the proposal and Welsh Government issued a direction due to concerns related to the highway improvements rather than the improvements to the access, which could be considered acceptable following the grant of approval 054050. Pinfold Lane on approach to the junction is less than 6m wide, which is too narrow for two large HGVs to pass comfortably. Concern has also been raised by members of the public and the Town Council.

- 7.08 In response to this the Applicant submitted a Technical Note which comprises a revised road widening scheme which widens the Pinfold Lane (north)

approach to the A494 junction by 0.75m. The Technical Note also sought to demonstrate that the landfill development would result in a strictly limited increase in vehicle movement across the local highway and would have a negligible impact on the operation of the A494/Pinfold Lane Junction.

7.09 A further iteration of the road widening scheme has been submitted, which demonstrates that increasing the approach by 0.75m would result in a carriageway width of 3.75m at the approach to the junction. The Welsh Government has now removed their direction subject to the inclusion of conditions to secure further detail regarding movement of vehicles within the site, highway improvements, the provision of a wheel wash, and drainage.

7.10 It is recommended that condition 18 is amended to read:
“Within 3 months of the date of this permission, a scheme detailing highway improvement works on Pinfold Lane, including a timetable for their implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall include detailed design, geometric layout, construction and drainage. All works adjacent to the A494 trunk road shall meet the standards required by the Design Manual for Roads and Bridges (DMRB). The scheme shall be implemented as approved, prior to the receipt of waste unless otherwise agreed in writing by the Local Planning Authority.”

7.11 At Planning Committee on the 24th of February 2016 Members resolved to grant planning application 054050 for the creation of a new access subject to the submission of a traffic management plan. For the avoidance of doubt it is recommended that the same condition is included on any S73 permission. Subject to the inclusion of conditions to address the matters raised above the proposal is considered acceptable in highway terms, in line with policy AC13 of the adopted Flintshire Unitary Development Plan.

7.12 **Landscape**

The new access is located approximately 290m along Pinfold Lane and is located within a line of semi-mature trees which extend along much of the western periphery of the quarry. The proposed road widening scheme and the creation of adequate visibility splays would necessitate the cutting back and/or removal of vegetation, some of which has already been removed to facilitate the creation of the new access. The trees provide an important visual screen and form part of the approved landscaping scheme for the overall site. In order to ensure that the proposed amendments to the highways conditions do not have a detrimental impact on the landscape it is recommended that condition 6 is amended to secure further landscaping and to help ensure that the landscaping for the entirety of the site links in with any landscaping required under application 054201 and 054050.

7.13 There are no landscape designations which would be affected by the proposal and any visual impacts would be limited due to the location of the entrance.

7.14 **Ecology**

The site is in close proximity to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special

Area of Conservation (SAC), with part of the designations falling within land within the ownership of the Applicant. A scheme to secure mitigation for the landfill works was secured under reference 051710 and the site as a whole requires a licence under Regulation 53 of the Habitats Regulations. Given the proposed changes to the site both NRW and the County Ecologist have recommended that further details are secured via condition.

7.15 **Amenity**

Concern has been raised by members of the public regarding the impact of allowing a new access to be used. The Environmental Health Officer has not raised concern regarding the proposal. The new access would be located at distance from residential properties and is considered to have no further impact on amenity than the existing access. The Environmental Health Officer has not objected to the proposal subject to the retention of the original noise conditions.

7.16 **Environmental Impact Assessment**

The landfill planning permission, reference 042468, was subject to Environmental Impact Assessment as it fell within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as amended. The proposed development comprises a change to the development and has been considered against category 13(a) of Schedule 2: Changes or extensions to development within Schedule 2.

7.17 The proposed changes are considered to be of local importance only and do not significantly change the development already approved.

7.18 **Other matters**

A review of the conditions attached to planning permission 042468 has been undertaken and it is recommended that those conditions which are still relevant should be duplicated on the any approval given under Section 73, for the avoidance of doubt and to ensure there is sufficient control over the entirety of the site since a S73 planning permission results in a new planning consent. Appendix 1 identifies the original conditions imposed on the landfill consent, the proposed conditions and the reason for any change.

8.00 **CONCLUSION**

8.01 The proposed amendment to condition 14 would permit the use of a new access approximately 90m to the north of the A494/Pinfold Lane junction. The new access would be used to serve HGVs and is considered to be better located than the existing location as its location away from the Pinfold Lane/A494 junction is less likely to cause disruption to the operation of the junction.

8.02 The Applicant has proposed highway improvements along Pinfold Lane to remove the need to undertake the improvements approved under the landfill consent under condition 18. Further detail regarding the highway improvements is considered necessary and could be secured via condition.

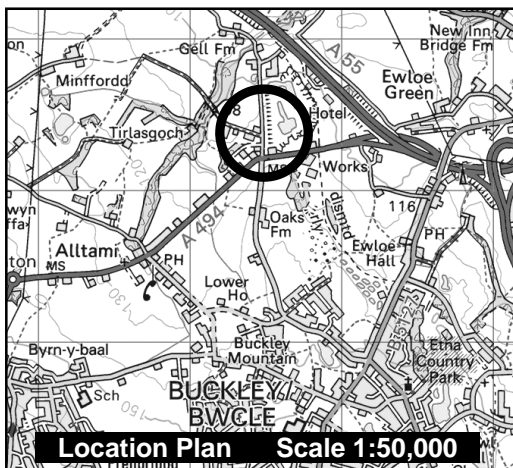
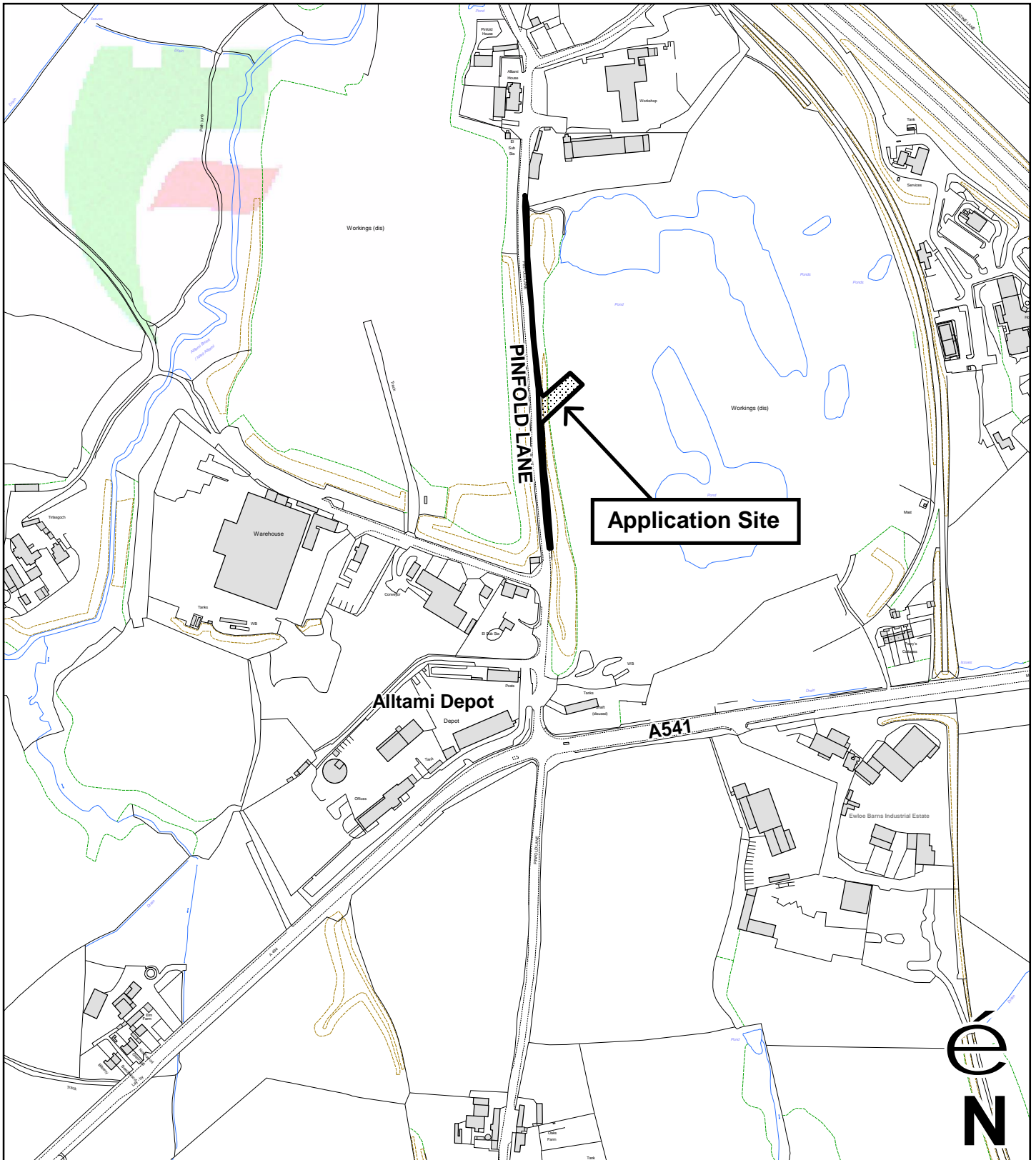
- 8.03 A Section 73 gives a permission in its own right. For the avoidance of doubt and to ensure that there is adequate control over the entire site the conditions attached to the original landfill consent, reference 042468, are recommended for inclusion on any permission granted or where considered necessary, amended due to intervening approval of schemes, discharge of conditions or changes to the development by virtue of other planning consents. The conditions being changed or others altered as a direct consequence of the proposal being sought are listed in full and have been assessed in this report.
- 8.04 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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



Contact Officer: Martha Savage
Telephone: 01352 703298
Email: Martha_savage@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	1:5000
OS Map ref	SJ 2766
Planning Application	54135

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Appendix 1:

Condition Number	Original Wording of Conditions attached to planning permission 042468	Proposed Amended Wording of Conditions	Reason for change
1.	The development hereby permitted shall commence within five years from the date of this decision and the date of commencement shall be notified in writing to the local planning authority within 7 days of the said date.	The development to which this permission relates shall be commenced from the date stated on this decision notice.	The development has already commenced. This condition is included for the avoidance of doubt.
2.	<p>The development hereby permitted shall take place in accordance with the submitted documents and plans as modified by the conditions imposed on this decision. There shall be no departure there from without the prior written approval of the local planning authority. The said documents and plans are:</p> <ul style="list-style-type: none"> • Application form • Plan 2. Block Plan Showing Main Elements of Proposed Landfill Project, Sheets 1 and 2, AMEC Job Ref J1071, dated 9 November 2006 • Plan 1. Site Location Plan, AMEC Job Ref J1071, dated 9 November 2006 • Landscape and Visual Assessment – Indicative Restoration Planting Plan, Planit EDC • Schedule of Proposed Tree Planting and Wildflower Meadow Seeding Specifications • Cross Sections and Miscellaneous Details Revision A, AMEC Project No 	<p>Except as otherwise required by conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p><u>The documents approved under planning application reference 042468, including:</u></p> <ul style="list-style-type: none"> • Application form • Plan 2. Block Plan Showing Main Elements of Proposed Landfill Project, Sheets 1 and 2, AMEC Job Ref J1071, dated 9 November 2006 • Plan 1. Site Location Plan, AMEC Job Ref J1071, dated 9 November 2006 • Landscape and Visual Assessment – Indicative Restoration Planting Plan, Planit EDC • Schedule of Proposed Tree Planting and Wildflower Meadow Seeding 	The list of approved documents have been expanded to include documents approved under the S73 application, whilst retaining those documents approved under the original condition, to ensure that the development is carried out in accordance with the approved plans and documents.

	<p>5788001071/0001, dated November 2006</p> <ul style="list-style-type: none"> • Proposed Road and Access Layout Retaining Existing Gates, Drawing No CL(0)02, Veryard Opus, dated September 2006 • Design Statement, dated November 2006 • Management Plan for the Control and Prevention of Bird Strikes, dated May 2007 • Predictive Odour Assessment and Odour Management Plan, dated May 2007 • Environmental Statement Volume 1 (including Non-Technical Summary) and Volume 2 Figures and Appendices, including all plans and drawings, dated November 2006 • Addenda to Environmental Statement and Responses to Consultations, including all plans and drawings, dated May 2007 • Additional information on the Hydro geological setting of Parry's Quarry, including all plans and drawings, dated 17th October 2007 • 100m Waste Offset Simple, AMEC Project No 5788001071/0001 Drawing No 2 Revision A, dated November 2006, submitted with Proof of Evidence of Mr Wayne Cooley dated October 2008 • Indicative Cross-Section View, AMEC Project No 5788001670/8 Drawing No 8, dated October 2008, submitted with Proof of Evidence of Mr Wayne Cooley dated October 2008 • Highway Improvement Proposals, Opus, submitted as Appendix 9 of Proof of Evidence of Roger Adams dated October 	<p>Specifications</p> <ul style="list-style-type: none"> • Cross Sections and Miscellaneous Details Revision A, AMEC Project No 5788001071/0001, dated November 2006 • Design Statement, dated November 2006 • Management Plan for the Control and Prevention of Bird Strikes, dated May 2007 • Predictive Odour Assessment and Odour Management Plan, dated May 2007 • Environmental Statement Volume 1 (including Non-Technical Summary) and Volume 2 Figures and Appendices, including all plans and drawings, dated November 2006 • Addenda to Environmental Statement and Responses to Consultations, including all plans and drawings, dated May 2007 • Additional information on the Hydro geological setting of Parry's Quarry, including all plans and drawings, dated 17th October 2007 • 100m Waste Offset Simple, AMEC Project No 5788001071/0001 Drawing No 2 Revision A, dated November 2006, submitted with Proof of Evidence of mr Wayne Cooley dated October 2008 • Indicative Cross-Section View, AMEC Project No 5788001670/8 	
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	2008	<p>Drawing No 8, dated October 2008, submitted with Proof of Evidence of Mr Wayne Cooley dated October 2008</p> <p><u>Documents received by the Local Planning Authority under 054135 on the 7th of August unless otherwise stated:</u></p> <ul style="list-style-type: none"> • Application form • Letter, reference MH/1735-01 from Mr Mike Halsall • Design and Access Statement • Site Plan • Proposed New Site Access General Arrangement, drawing number 1735-01-SK101 • Precautionary Working Method Statement, dated July 2015, received by the Local Planning Authority on 11/08/2015 • Great Crested Newt Survey Report, dated July 2015, received by the Local Planning Authority on 11/08/2015 • Transport Technical Note 1735-01-TN01b, received by the Local Planning Authority on 02/12/2015 • Proposed Widening Scheme Pinfold Lane Approach to Mold Road, Drawing Number 1735-01/SK201 Revision B, received by the Local Planning Authority on 19/01/2016 • Proposed Widening Scheme – 	
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		<p>Pinfold Lane Swept Path Assessment Rigid Vehicles to Pinfold Lane Drawing No. 1735-01-ATR201 Revision A received by the Local Planning Authority on 05/01/2016</p> <ul style="list-style-type: none">• Proposed Widening Scheme – Pinfold Lane Swept Path Assessment Rigid Vehicles from Pinfold Lane Drawing No. 1735-01/ATR202 Revision A received by the Local Planning Authority on 05/01/2016• Proposed Widening Scheme – Pinfold Lane Swept Path Assessment Articulated Vehicles to Pinfold Lane Drawing No. 1735-01/ATR203 Revision A received by the Local Planning Authority on 05/01/2016• Proposed Widening Scheme – Pinfold Lane Swept Path Assessment Articulated Vehicles from Pinfold Lane Drawing No. 1735-01/ATR204 Revision A received by the Local Planning Authority on 05/01/2016• Proposed Widening Scheme – Pinfold Lane Swept Path Assessment Max legal 16.5 Articulated HGV right turn to Pinfold Lane Drawing No. 1735-01-ATR205 Revision A received by the Local Planning Authority on 05/01/2016	
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		<ul style="list-style-type: none"> Proposed Widening Scheme – Pinfold Lane Swept Path Assessment Rigid Vehicles right turn to Pinfold Lane Drawing No. 1735-01-ATR206 Revision A received by the Local Planning Authority on 05/01/2016 	
3	A copy of this decision and all approved plans and schemes and all documentation subsequently amended, approved or agreed in accordance with this permission shall be kept at the operators site office for inspection during normal working hours and made known to any person(s) given responsibility for the construction of the facility, and the management or control of waste activities/operations at the site.	No change	No change considered necessary.
4	Notwithstanding any other requirement of this permission, a detailed working programme, showing timescales and phasing of all operations, including site preparation, waste infilling, and any restoration within the first five years after commencement of development shall be submitted to and approved in writing before any development commences. Development shall be carried out in accordance with the approved details.	Notwithstanding any other requirement of this permission, within 1 month of the date of this permission a detailed working programme, showing timescales and phasing of all operations, including site preparation, waste infilling, and any restoration within the first five years after commencement of development shall be submitted to the local planning authority for approval. Development shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.	A scheme was approved under condition 4 and development commenced. No progress was made following initial works to commence development and the site has since changed ownership. The working programme does not take account of the delay to the development or of applications for a new access or transfer building and therefore needs to be updated to reflect these

			changes.
5	<p>A review of the development shall be carried out during the fourth, ninth, fourteenth and nineteenth year after the notified date of commencement of the landfill development. For the avoidance of doubt, the notified date of commencement is the 27th of January 2014. Schemes detailing any resulting changes to the timing of operations, phasing and reduced restoration levels which may arise from changes in landfill categorisation, waste management practice, annual input and the nature of the waste stream which could affect the timescale of the development and the restoration of the site shall be submitted to and approved in writing by the local planning authority before the end of the relevant review year. Any schemes submitted for approval shall include any necessary changes to the restoration and aftercare schemes received pursuant to conditions 28 and 29. Development shall then continue in accordance with the latest scheme approved under this condition.</p>	No change	No change considered necessary.
6	<p>No development shall take place until a scheme for the landscaping, screen mounding and fencing of the site boundary, including a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the</p>	<p>Within 2 months of the date of this permission a landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall be based upon the scheme approved under reference 051471 and shall include:</p>	<p>A scheme was approved under condition 6, reference 051471, and development commenced. Changes to the development as the result of the creation of a new</p>

	<p>approved timetable. Any scheme for approval shall include details of the location of screen mounds, soil profiles, species mix (grassland, scrub and tree species), planting and seeding methods, location of planting, and an annual/ongoing maintenance programme to cover matters such as pruning, grass cutting/strimming, weed control, fertiliser applications and replacement of failures. Any scheme submitted for approval shall also have regard to any ecological requirements relating to the site.</p>	<ul style="list-style-type: none"> • timetable for its implementation i. a plan identifying the trees, hedges and shrub vegetation to be removed and/or cut back along the western and southern boundaries of the site. ii. a plan identifying the trees, hedges and shrub vegetation to be retained iii. proposed new planting by reference to a plan iv. details of the species, number, sizes, density, methods for protection/support and maintenance of all planting. <p>The landscaping scheme shall be implemented as approved unless otherwise agreed in writing by the local planning authority.</p>	<p>access and erection of a transfer building, mean that the scheme needs to be updated and additional landscaping secured.</p>
7.	<p>A topographical survey of the site shall be carried out at intervals of 12 months during the life of the development, the first survey to be completed within 12 months of the notified date of commencement. The results of each survey shall be submitted to the local planning authority within 1 month of the survey in the form of a contour plan and cross sections across the site showing current levels and final pre-settlement levels above ordinance datum.</p>	<p>A topographical survey of the site shall be carried out at intervals of 12 months during the life of the development. The results of each survey shall be submitted to the local planning authority within 1 month of the survey in the form of a contour plan and cross sections across the site showing current levels and final pre-settlement levels above ordinance datum.</p>	<p>The notified date of commencement was the 27th January 2014, it is therefore not possible to require a survey within 12 months of the notified date of commencement.</p>
8	<p>Prior to the commencement of development a scheme detailing measures to be employed to</p>	<p>Within 2 months of the date of this permission a detailed compensation</p>	<p>A scheme was approved under condition 8,</p>

	<p>protect amphibians and their habitats within the site and adjoining land edged in blue on the approved site location plan and a timetable for their implementation shall be submitted to and approved in writing by the local planning authority. The scheme to be submitted for approval shall include a survey and any mitigation necessary as a result of disturbance of amphibians. The scheme to be submitted shall address such matters as relocation, wildlife corridors, management, security, monitoring, auditing, reporting and security. The approved scheme shall be carried out in accordance with the approved timetable and retained for the life of the development including the aftercare period referred to in condition 29 below.</p>	<p>scheme and mitigation method statement, that demonstrates how the Great Crested Newt population will be protected and any impact properly mitigated shall be submitted to the local planning authority for approval. The agreed details of the compensation scheme and amphibian mitigation method statement for Great Crested newts shall be used to support an application for a Regulation 53 derogation licence by Natural Resources Wales and implemented thereafter. All activities undertaken on site shall be strictly in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.</p>	<p>reference 051710. Changes to the development as the result of the creation of a new access and erection of a transfer building, mean that the scheme needs to be updated.</p>
9	<p>The hours of operation, including site preparatory work and maintenance of plant and equipment shall be restricted to:</p> <ul style="list-style-type: none"> • 0730 to 1800 Mondays to Fridays • 0800 to 1300 on Saturdays <p>The importation of waste shall be limited to:</p> <ul style="list-style-type: none"> • 0830 to 1700 Mondays to Fridays • 0830 to 1200 on Saturdays <p>Subject to the exemptions listed below, there</p>	<p>No change</p>	<p>No change considered necessary.</p>

	<p>shall be no working whatsoever on Saturday afternoons after 1300, Sundays, Public and Bank Holidays.</p> <p>The following operations are exempted from the above working hours limitations:</p> <ul style="list-style-type: none"> • The operation of drainage and leachate pumping, pollution prevention control and monitoring equipment, and landfill gas control equipment. • Any other activities as are agreed beforehand by the local planning authority • Any emergency remedial actions necessary to safeguard members of the public, employees and the environment as may arise from fire, collapses and failure of essential environmental control equipment subject to the local planning authority being notified the next working day. 		
10	<p>Prior to the commencement of development a written scheme for the control of noise, including a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures to mitigate the impact</p>	<p>The development shall be carried out in accordance with the approved noise scheme, reference number 050934, unless otherwise agreed in writing by the local planning authority.</p>	<p>The original wording cannot be repeated because it required the submission of a scheme prior to the commencement of development. A scheme</p>

	<p>of noise on neighbouring land uses, including the A55 service area and all facilities included therein. The scheme shall provide details of the location, height, extent and construction of acoustic barriers and details of reversing alarms to be used on site plant. The scheme shall be implemented, retained and operated in accordance with the approved details.</p>		<p>was submitted and approved prior to the commencement of development in accordance with condition 10, reference 050934. This new wording has been included for the avoidance of doubt, and to ensure that the development is carried out in accordance with the approved scheme.</p>
11	<p>Notwithstanding the requirements of condition 10 above, the noise levels at any neighbouring noise sensitive properties or land uses shall not exceed:</p> <ul style="list-style-type: none"> • 55dB LAeq (1 hour) free field measurement in the periods 0730-1800 Mondays to Fridays and 0800-1300 Saturdays other than during the construction of screen mounds and acoustic barriers designed to reduce the impact of the development and approved under condition 6 above. • 50dB LAeq (1 hour) free field at the A55 service area and 40 dB LAeq (1 hour) free field elsewhere where night time, Saturday afternoon after 1300, Sunday, Public or Bank Holiday working is authorised under condition 9 above. • 70dB LAeq (1 hour) free field measurement in the periods 0730-1800 	No change	No change considered necessary.

	<p>Mondays to Fridays and 0800-1300 Saturdays during the construction of the screen mounds and other earthwork barriers designed to reduce the impact of the development and approved under condition 6 above.</p>		
12	<p>Prior to the commencement of development a written scheme for the control of the generation and dispersal of dust arising from on site operations shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented, retained and operated in accordance with the approved details.</p> <p>Notwithstanding the above, if visible dust emission should cross the site boundary, the site operations, except emergency operations in connection with the safety of the site, shall be stopped forthwith until such time as there is no longer any visible dust emission from the site.</p>	<p>The development shall be carried out in accordance with the approved scheme for the control of the generation and dispersal of dust, reference number 050935, unless otherwise agreed in writing by the local planning authority.</p> <p>Notwithstanding the above, if visible dust emission should cross the site boundary, the site operations, except emergency operations in connection with the safety of the site, shall be stopped forthwith until such time as there is no longer any visible dust emission from the site.</p>	<p>The original wording cannot be repeated because it required the submission of a scheme prior to the commencement of development. A scheme was submitted and approved prior to the commencement of development in accordance with condition 12, reference 050935. This new wording has been included for the avoidance of doubt, and to ensure that the development is carried out in accordance with the approved scheme.</p>
13	<p>Prior to the commencement of development a scheme detailing the hard surfacing of internal site access roadways, parking, vehicle manoeuvring and plant storage areas, including a timetable for their construction, shall be submitted to the local planning authority for</p>	<p>Within 1 month of the date of this permission, a scheme detailing the hard surfacing of internal site access roadways, parking, vehicle manoeuvring and plant storage areas, including a timetable for their construction, shall be</p>	<p>A scheme was approved in accordance with condition 13, reference number 051471. Changes to the site layout as a result of the new access and the proposed</p>

	<p>approval. The scheme to be submitted shall make provision for ongoing maintenance and repair of hard surfaces and for bitumen macadam or concrete surfaces in areas subject to constant and/or heavy use. The scheme shall be implemented, retained and operated in accordance with the approved details unless otherwise agreed in writing by the local planning authority.</p>	<p>submitted to the local planning authority for approval. The scheme to be submitted shall make provision for ongoing maintenance and repair of hard surfaces and for bitumen macadam or concrete surfaces in areas subject to constant and/or heavy use. The scheme shall be implemented, retained and operated in accordance with the approved details unless otherwise agreed in writing by the local planning authority.</p>	<p>transfer building mean that the scheme needs to be updated. Furthermore, Welsh Government and Highways requested that details regarding vehicle manoeuvring are secured by condition.</p>
14	<p>Site access from the public highway shall only be at the point shown on 'Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006' and 'Proposed Road Access layout Retaining Existing Gates', drawing number CL(0)02 dated September 2006.</p>	<p>Site access from the public highway shall only be at the point shown on 'Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006' and 'Proposed Road Access layout Retaining Existing Gates', drawing number CL(0)02 dated September 2006.</p> <p>Upon the satisfactory completion of the new access point, as approved in writing by the Local Planning Authority, shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July, the existing approved access point shown on 'Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project,</p>	<p>The proposed change is the subject of the Section 73 application. The proposed wording would enable the operator to continue using the existing approved access until such time as the new access is completed and ready for use.</p>

		Sheet 1 of 2 dated 9 November 2006' and 'Proposed Road Access layout Retaining Existing Gates', drawing number CL(0)02 dated September 2006 shall be for cars and light vehicles only and shall not be used for Heavy Goods Vehicles. Heavy Goods Vehicles shall then only access and egress the site using the point shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23 rd July.	
15	Prior to the commencement of development a scheme to prevent the deposition of mud, dust, debris and litter onto the public highway shall be submitted to the local planning authority for approval. The scheme shall be implemented, retained and operated in accordance with the approved details.	Within 1 month of the date of this permission, a scheme to prevent the deposition of mud, dust, debris and litter onto the public highway which shall include the provision of wheel washing facilities and a timetable for implementation, shall be submitted to the local planning authority for approval. The scheme shall be implemented, retained and operated in accordance with the approved details.	A scheme was approved in accordance with condition 15, reference number 050936. Changes to the site layout as a result of the new access and the proposed transfer building mean that the scheme needs to be updated to secure the provision of wheel washing facilities adjacent to the new access. Furthermore, Welsh Government requested that details regarding wheel washing facilities are secured by condition.
16	All goods vehicles entering and exiting the site shall be sheeted, or loads otherwise contained	No change	No change considered

	or secured, in order to prevent the discharge of loose material and debris onto the highway.		necessary.
17	Not used	No drainage from the site shall be connected to or allowed to discharge onto the highway, unless otherwise agreed in writing by the Local Planning Authority.	This condition was specifically requested by Welsh Government and Highways.
18	No waste material shall be brought to the site until the site access and the junction of Pinfold Lane with the A494 has been improved in accordance with details previously submitted to and approved in writing by the local planning authority.	Within 3 months of the date of this permission, a scheme detailing highway improvement works on Pinfold Lane, including a timetable for their implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall include detailed design, geometric layout, construction and drainage. All works adjacent to the A494 trunk road shall meet the standards required by the Design Manual for Roads and Bridges (DMRB). The scheme shall be implemented as approved, prior to the receipt of waste unless otherwise agreed in writing by the Local Planning Authority.	This condition is the subject of the S73 application. The Applicant no longer wishes to implement the junction improvements in accordance with details previously approved. Highway improvements are proposed and would be secured by the new condition.
19	Prior to the deposition of any waste a system for odour neutralisation around the entire site periphery shall be installed in accordance with details previously submitted to and approved in writing by the local planning authority. The details to be submitted shall detail how and when the system is to be employed. A system	No change	No change considered necessary.

	involving the use of odour masking will not be approved. The system shall be implemented, retained and operated in accordance with the approved details and maintained in working order. Waste shall not be exposed and there shall be no tipping of waste at any time when the approved system is unavailable for use.		
20	Any external lighting shall be in accordance with details previously submitted to and approved in writing by the local planning authority.	No change	No change considered necessary.
21	Prior to the commencement of development a scheme to control litter escaping beyond the site boundary during the operational life of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented, retained and operated in accordance with the approved details.	The development shall be carried out in accordance with the approved scheme for the control of litter, reference number 050937, unless otherwise agreed in writing by the local planning authority.	The original wording cannot be repeated because it required the submission of a scheme prior to the commencement of development. A scheme was submitted and approved prior to the commencement of development in accordance with condition 21, reference 050937. This new wording has been included for the avoidance of doubt, and to ensure that the development is carried out in accordance with the approved scheme.
22	Storage of plant, skips or other item associated with the development shall be confined to an	No change	No change considered

	area previously approved in writing by the local planning authority. No storage shall take place within the access splays.		necessary.
23	There shall be no temporary stockpiles of any waste materials. All waste shall be placed directly in a waste cell; where this is not possible for any reason waste material shall not be allowed to enter site.	There shall be no temporary stockpiles of any waste materials outside of the transfer building. Upon leaving the transfer building all waste shall be placed directly in a waste cell; where this is not possible for any reason waste material shall not be allowed to enter site.	The Applicant is seeking to erect a waste transfer building to store waste prior to disposal in the landfill site. The wording has therefore been revised to ensure that no waste is stored in the open air, whilst allowing material to be stockpiled in the transfer building.
24	A detailed scheme for the drainage and disposal of surface and ground water shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved scheme shall be implemented prior to the tipping of any waste on site.	Drainage and disposal of surface and groundwater shall be in accordance with the approved scheme, reference number 050915.	The original wording cannot be repeated because it required the submission of a scheme prior to the commencement of development. A scheme was submitted and approved in accordance with condition 24, reference 050915. This new wording has been included for the avoidance of doubt, and to ensure that the development is carried out in accordance with the approved scheme.

25	All oils, fuels and liquid chemicals stored at the site shall be contained in sealed containers located within a bunded impervious enclosure with a minimum capacity of 110% of the capacity or cumulative capacity of the storage tank(s) contained within each bunded area. All valves, gauges, sight glasses and hoses shall be kept within the bunded area and shall be locked when not in use to prevent unintentional discharge. In the event of a spillage or rupture, the spillage shall be remedied at the earliest opportunity to avoid risks of escape, fire, or harm to the environment.	No change	No change considered necessary.
26	Prior to the commencement of development a detailed scheme showing the location and design of leachate treatment facilities and facilities to deal with gas generated by the landfill, including buildings and fencing, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented, retained and operated in accordance with the approved details.	The development shall be undertaken in accordance with the scheme approved under reference number 050915, facilities to deal with leachate and gas.	The original wording cannot be repeated because it required the submission of a scheme prior to the commencement of development. A scheme was submitted and approved in accordance with condition 26, reference 050915. This new wording has been included for the avoidance of doubt, and to ensure that the development is carried out in accordance with the approved scheme.

27	<p>No wastes shall exceed the approved pre-settlement contours and levels as shown on the 'Final Contour Plan (Drawing Number 3 Revision A) dated August 2006 (part 2 of ES Volume 2 Appendix 2.3). 'Cross Sections and Miscellaneous Details Revision A' dated November 2006 and 'Indicative Cross-Section View (Drawing No 8)' dated October 2008. Once the height of a cell or phase has reached the above pre-settlement contours and levels or such lower levels as have been approved pursuant to condition 5, it shall be capped and restored progressively in accordance with the phasing and restoration schemes approved pursuant to conditions 4 and 28 and any amendments thereto approved pursuant to condition 5.</p>	No change	No change considered necessary.
28	<p>Within 12 months of the notified date of commencement of development a detailed scheme of progressive restoration shall be submitted to and approved in writing by the local planning authority.</p>	<p>Within 12 months of the date of this permission a detailed scheme of progressive restoration shall be submitted to the local planning authority for approval. The scheme shall be implemented as approved unless otherwise agreed in writing by the local planning authority.</p>	<p>The notified date of commencement was the 27th of January 2014. Following the initial works undertaken to commence the development, no further work was undertaken for approximately 18 months, during which time the site changed ownership. No scheme of progressive restoration has been submitted to date. In order</p>

			to secure a scheme of progressive restoration within a reasonable timescale the revised wording has been proposed.
29	An aftercare scheme showing the steps to restore the physical characteristics of the land, as far as is practicable to do so, to a condition suitable for nature conservation and public open green space shall be submitted to and approved in writing by the local planning authority within 12 months of the commencement of development. The submitted scheme shall specify a programme of events related to the restoration of the site in accordance with the conditions imposed on this permission. The programme shall cover the progressive restoration of the site and endure for at least 5 years from the completion of the final phase of restoration. Aftercare shall be implemented in accordance with the approved scheme and any amendments thereto approved pursuant to condition 5 above.	An aftercare scheme showing the steps to restore the physical characteristics of the land, as far as is practicable to do so, to a condition suitable for nature conservation and public open green space shall be submitted to and approved in writing by the local planning authority within 12 months of the date of this permission. The submitted scheme shall specify a programme of events related to the restoration of the site in accordance with the conditions imposed on this permission. The programme shall cover the progressive restoration of the site and endure for at least 5 years from the completion of the final phase of restoration. Aftercare shall be implemented in accordance with the approved scheme and any amendments thereto approved pursuant to condition 5 above.	The notified date of commencement was the 27 th of January 2014. Following the initial works undertaken to commence the development, no further work was undertaken for approximately 18 months, during which time the site changed ownership. No aftercare scheme has been submitted to date. In order to secure an aftercare scheme within a reasonable timescale the revised wording has been proposed.
30	The deposition of waste shall cease no later than 20 years from the notified date of commencement of development. The site shall	The deposition of waste shall cease no later than 20 years from the notified date of commencement of the landfill	The notified date of commencement is now known and has been

	thereafter be restored and subject to aftercare in accordance with the schemes approved pursuant to conditions 28 and 29 and any amendments thereto approved pursuant to condition 5.	development. For the avoidance of doubt, the notified date of commencement is 27 th of January 2014. The site shall thereafter be restored and subject to aftercare in accordance with the schemes approved pursuant to conditions 28 and 29 and any amendments thereto approved pursuant to condition 5.	included within the condition for the avoidance of doubt. The duration of tipping would not change as a result of the proposed wording.
31	No development shall commence until details of a scheme for the setting up of a Local Liaison Group and its regular meeting throughout the lifetime of the development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented.	The Liaison Committee scheme shall be implemented as approved under application reference 051531 throughout the lifetime of the development.	The original wording cannot be repeated because it required the submission of a scheme prior to the commencement of development. A scheme was submitted and approved in accordance with condition 31, reference 051531. This new wording has been included for the avoidance of doubt, and to ensure that the development is carried out in accordance with the approved scheme.
32	N/A	Prior to the use of the new access point, as approved in writing by the Local Planning Authority, shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23 rd July, a traffic management plan shall be	At Planning Committee on the 24 th of February 2016 Members resolved to grant planning application 054050 for the creation of a new access subject to the

		submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the traffic management plan unless otherwise agreed in writing by the local planning authority.	submission of a traffic management plan. For the avoidance of doubt it is recommended that the same condition is included on any S73 permission.
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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **ERECTION OF WASTE TRANSFER BUILDING, WEIGHBRIDGE, WEIGHBRIDGE OFFICE, ACCESS ROAD AND ANCILLARY DEVELOPMENT AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI**

APPLICATION NUMBER: **054201**

APPLICANT: **MOLD INVESTMENTS LTD**

SITE: **PARRY'S QUARRY, PINFOLD LANE, ALLTAMI**

APPLICATION VALID DATE: **25/08/2015**

LOCAL MEMBERS: **COUNCILLOR ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY**

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

SITE VISIT: **YES :SITE VISIT WAS UNDERTAKEN ON THE 22ND FEBRUARY**

1.00 SUMMARY

- 1.01 Members will note that this application was deferred at the last meeting of the Planning Committee, 24th February 2016 due to its connection with a Section 73 application, reference number 054135, which was also deferred.
- 1.02 This a full application for the erection of a waste transfer building, weighbridge, weighbridge office, access road and ancillary infrastructure. The application site forms part of a wider site which secured planning permission on appeal for a solid waste landfill. This

application is partly retrospective since the internal haul roads and the weighbridges and weighbridge office have now been erected.

- 1.03 The proposal is intended to improve operational efficiency within the site and would reduce impacts on amenity by (i) Removing the need for delivery vehicles to access the tipping area, thereby reducing the risk that mud and debris would be transported onto the highway; (ii) Allowing wastes to be tipped and bulked within the building, reducing the number of times that vehicles tip and therefore reducing the risk of wind-blown litter and dusts being released. The waste transfer building would have a visual impact within the locality, but is not considered out of keeping with other uses in the area nor is it considered likely to be overbearing for nearby sensitive receptors.
- 1.04 There are two other applications which have been submitted alongside this application, and which have a bearing on the acceptability of this application.

054050: Proposed new vehicular access to Parry's Quarry

054135: Application for variation of conditions number 2, 14 and 18 following grant of planning permission 042468.

- 1.05 Applications 054050 and 054135 both seek to enable the use of an alternative access point to that approved under planning permission 042468. The application under consideration has been designed and submitted on the basis that the new access is approved. Members resolved to approve Application 054050, on the 24th February 2016 and deferred application 054135. Application 054135 is also being reported to Committee for determination.

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

2.01 Conditions:

- 1) Stating that commencement shall be from the date of the permission.
- 2) The inclusion of a time limit, linked to the end date of the landfill.
- 3) Development shall be carried out in accordance with the approved plans and documents.
- 4) Confirmation that the conditions attached to this permission shall in no way invalidate conditions attached to the landfill permission.
- 5) Restriction of the use of the transfer building for the storage and management of waste prior to deposition in the landfill.
- 6) Restriction of vehicular access and egress via the access approved under planning permission 054050
- 7) Scheme detailing highway improvement works on Pinfold Lane.
- 8) Secure highway improvements prior to the receipt of waste.

- 9) Scheme for the turning of vehicles.
- 10) Scheme for the prevention of run-off of surface water onto the highway.
- 11) Condition to secure implementation of the surface water scheme.
- 12) Condition preventing drainage from the site connecting to the highway.
- 13) Scheme for the provision of wheel wash facilities.
- 14) Requiring the submission of a scheme to control noise.
- 15) Requiring the submission of a landscaping scheme.
- 16) Restricting the hours of operation, in line with the authorised hours of operation for the landfill.
- 17) The submission of a scheme to secure mitigation for protected species.
- 18) Restricting the colour of the waste transfer building to holly green.
- 19) The submission of scheme to secure details regarding external lighting.
- 20) The submission of a drainage scheme for the site.

3.00 CONSULTATIONS

- 3.01 Local Member: Request that the application be referred to Planning Committee and a site visit due to the changes to the current permission and impact on highway and environmental impact issues it may cause.
- 3.02 Neighbouring Ward Member Councillor Mackie: Question why such a tall building is required. Request a diagram showing the proposed building in relation to the bund and any other significant nearby structure. Since Councillor Mackie's comments were received the Applicant has revised the transfer building to reduce its overall height to 15m above ground level.
- 3.03 Buckley Town Council: This is the fourth application in relation to the site and this is moving significantly away from the original approval granted by the Welsh Assembly Inspector. The original approved application did not have a waste transfer building and also had a smaller weighbridge. The Waste Transfer Building will have an adverse visual impact on the surrounding area. The highway issue has already been highlighted by the Town Council, particularly in respect of the fact that Flintshire County Council has high traffic movements from their Depot in the immediate locality. The Town Council therefore recommends refusal of this application.
- 3.04 Head of Assets and Transportation: Advise that this application is dependent upon the outcome of planning applications 054050 and 054135 which are still under consideration by the Local Planning Authority. If planning consent for a revised vehicular access is granted, would support the provision of a lengthy access road and

waste transfer building. These elements of the current application would provide adequate waiting area for loaded vehicles arriving on site and queuing to tip and the transfer facility would remove the need for road going vehicles to access the tip area and hence reduce the risk of mud being brought onto the highway. If applications 054050 and 054135 are refused recommend that the current application should be refused or amended in such a way as to provide an appropriate area for handling incoming deliveries.

- 3.05 Head of Public Protection: No objection subject to the inclusion of a condition to address noise.
- 3.06 Ecology: No objection subject to the inclusion of condition to secure the Reasonable Avoidance Measures and mitigation for protected species, specifically great crested newts.
- 3.07 Landscape/Trees: No objection subject to the inclusion of condition to secure additional landscaping.
- 3.08 Welsh Water/Dwr Cymru: Request the inclusion of conditions to secure a drainage scheme for the site.
- 3.09 Natural Resources Wales: No objection subject to the inclusion of conditions to secure Reasonable Avoidance Measures and mitigation for amphibians.
- 3.10 Airbus: No comment received at time of writing report
- 3.11 Clwyd-Powys Archaeological Trust: There are no archaeological implications for the proposed development at this site.
- 3.12 Welsh Government Transport Division: Initially issued a direction that permission be withheld pending the submission of suitable information/evidence, which concludes that no further improvements to the A494/Pinfold Lane Junction are necessary. Following the submission of additional information, removed the direction and now direct that any planning permission shall include a number of conditions to secure adequate provision for vehicles to turn, wheel washing facilities, full details of the highway improvement works, and measures to prevent drainage from flowing onto the trunk road.
- 3.13 Coal Authority: The part of the site where new development is proposed actually falls outside the defined Development High Risk Area. Therefore do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application. Nevertheless, recommend the inclusion of an informative note within the decision notice.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

2 objections, raising the following matters:

- Visual impact: States the height of the transfer building would be up to 17m in height. States that the maximum height of the landfill above existing ground level would be much lower. Raises concern regarding the visual impact upon the surrounding area from Liverpool Road, Buckley over to Village Road, Northop Hall. Request a reassessment to ensure that there would be no visual impact on local communities by the building.
- Noise: No maximum sound dbA levels stipulated
- Dust control measures: No details identified

5.00 SITE HISTORY

5.01 038425: Waste transfer station including weighbridge, highway protection, lorry parking and raising of levels to create a hardstanding. Approved by Planning Committee, date of decision 21/04/2005

5.02 042468: Construction and operation of a solid waste landfill with associated infrastructure and enhanced site access. Granted on appeal, reference APP/A6835/A/08/2068136.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
GEN 1: General requirements for development
GEN 3: Development outside development boundaries
D3: Landscaping
D4: Outdoor lighting
WB1: Species protection
WB2: Sites of International Importance
WB3: Statutory Sites of National Importance
AC13: Access and Traffic Impact
EM5: Expansion of existing concerns
EM7: Bad Neighbour Industry
EWP6: Areas of Search for Waste Management
EWP7: Managing Waste Sustainably
EWP8: Control of Waste Development
EWP11: Development on or adjacent to landfill sites
EWP16: Water Resources

Planning Policy Wales Edition 8, July 2016

Technical Advice Note 5: Nature Conservation and Planning, 2009

Technical Advice Note 18: Transport, 2007

Technical Advice Note 21: Waste, 2014

7.00 PLANNING APPRAISAL

7.01 This is a full application for a split level waste transfer building,

removal of the existing weighbridge and office and provision of a new twin weighbridge with new office, internal access road, external hardstanding / vehicle turning area and retaining walls.

7.02 The site is located within Parry's Quarry, a site which has been used historically for quarrying and which more recently has secured planning permission for landfill on appeal. The proposal is intended to improve the operational efficiency of the landfill site.

7.03 The waste transfer building would measure 60m x 40m and extend up to 15m in height above ground level. A ramp access would lead to a lower loading area which would extend 6m below ground level. The building would be constructed using a steel frame with holly green vertical steel profile cladding. The transfer building would be used for the bulking of waste prior to landfilling, no processing, sorting or treatment of waste would take place. Loads would be transferred directly to the landfill site where it would be disposed of.

7.04 No external lighting is proposed.

7.05 The existing weighbridge would be removed and a new twin weighbridge provided on the proposed access road. A weighbridge office, measuring 2.4m x 6m and extend up to 4m in height. The office would be constructed using the same materials as the transfer building.

7.06 Hours of operation of the overall site would not change as a result of this application.

7.07 The new road would be constructed of concrete.

7.08 **Principle**

The principle of a waste management use in this location is well established through the grant of previous planning permissions. The most significant of which is for the construction and operation of a solid waste landfill which was granted on appeal, reference number 042468, appeal reference APP/A6835/A/08/2068136. This proposal would not significantly change the landfill planning permission but is intended to provide additional infrastructure to improve the operational efficiency of the landfill site.

7.09 The landfill permission includes conditions which would secure complete restoration of the site following the cessation of landfilling for the purposes of nature conservation and public open space. In order that the proposed development does not compromise the overall restoration of the site it is recommended that a condition is included which links the proposed development to the landfill permission and which requires restoration of the site following the cessation of landfilling. Subject to the inclusion of the condition identified above, the principle of the development in this location is considered

acceptable.

7.10 **Highways**

Although this proposal should be considered on its own merits, there are two other planning applications which are of relevance to the consideration of this planning application with respect to highways, one which was reported to Planning Committee on 24/02/2016 which Members resolved to approve and the other, application reference 054135 which is being reported to Planning Committee at the same time as this application. The site would be accessed via Pinfold Lane which itself is accessed from the trunk road, therefore Welsh Government has been consulted and provided comment in respect of the application.

7.11 The proposal includes the construction of an internal road which would link up with a new access to the north of the existing access which is the subject of a separate planning application, reference 054050 which Members resolved to approve on 24/02/2016.

7.12 Planning application 054135 has also been submitted to vary conditions to allow the new access to be used for HGVs whilst retaining the existing access for cars and light vans, and to remove the need for improvements to be made to the junction with the A494. Alternative improvement works to Pinfold Lane are proposed which would comprise the widening of the carriageway and a realignment of the centre line to provide minimum carriageway widths south and north of 3.7m and 3.75m respectively.

7.13 The application states that the proposal would not result in a change to the overall tonnage of material which would be managed at the landfill site. However, the proposal is intended to i) Improve the efficiency of future waste operations at the site; ii) Avoid waste delivery vehicles having to drive to the tipping area; iii) Improve turnaround times for delivery vehicles; and iv) To mitigate potential impacts in terms of dust, noise and odour. The proposal therefore has the potential to increase the turnaround time of vehicles which in turn may increase the total number of vehicles visiting the site and may have an influencing factor in relation to planning application 054135.

7.14 Welsh Government has not objected to the proposal subject to the inclusion of conditions to secure improvement works to Pinfold Lane, the provision of wheel wash facilities, adequate provision for vehicles to turn around and prevention of drainage from the site being discharged to the trunk road.

7.15 The highways officer has not objected to the proposal as long as planning consent for the revised access is granted and subject to a condition that all heavy good vehicular access and egress shall be via the access constructed under application reference 054050.

7.16 Subject to the conditions identified above the proposed development is considered acceptable in highway terms, in accordance with Technical Advice Note 18 and policy AC13 of the adopted Flintshire Unitary Development Plan.

7.17 **Landscape**

The proposal site forms part of a wider site which has planning permission for landfill. The weighbridges and weighbridge office are intended to replace a previous weighbridge and office which was located to the south of the proposed transfer building. The element that is considered to have the most significant visual impact is the waste transfer building which would extend up to 15m in height and would be holly green in colour. No external lighting is proposed as part of the scheme other than for low level road marker lighting. The transfer station would be visible within the locality but is not considered out of keeping with adjacent land uses. There are no landscape designations within close proximity of the site and any sensitive receptors would view the transfer building within the context of the local area which already comprises a number of industrial style buildings.

7.18 There is a landscape scheme for the landfill permission which has been approved under reference 051472. The bund adjacent to the A494 has been re-profiled to accommodate new fencing and as a result is currently bare which itself is having a negative effect on the landscape. Under the existing scheme the bund would be seeded with an appropriate grass mixture, however, in order to provide additional mitigation for the waste transfer building it is recommended that additional tree planting is undertaken on and around the bund as well as grass, to further help assimilate the transfer building into the landscape.

7.18 The proposal includes internal concrete haul roads which run parallel with Pinfold Lane. The planting along the western side of the site provides an important visual screen which has been thinned, reducing the density of the screening. In order to rectify this and to ensure that the visual impact of the proposed development is minimised it is recommended that a condition is included to secure additional landscaping along the western boundary of the site, as well as on and around the bund to the south of the site.

7.19 The forestry officer did not object to the proposal subject to the inclusion of a condition to secure additional landscaping. Subject to the inclusion of a condition to secure additional landscaping, restrict the colour of the building to holly green and to control lighting, the proposal is considered acceptable in landscape terms, in line with policy GEN 1 of the adopted Flintshire Unitary Development Plan.

7.20 **Ecology**

The Buckley Claypits and Commons Site of Special Scientific Interest

(SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC) is located in close proximity to the site. A scheme to secure mitigation for the landfill works was secured under reference 051710 and the site as a whole requires a licence under Regulation 53 of the Habitats Regulations. Both NRW and the County Ecologist have recommended that a condition is included to secure Reasonable Avoidance Measures and mitigation for protected species. Subject to the inclusion of a condition to secure the matters referred to above, the proposal is considered acceptable with respect to protected species, in line with policies GEN 1, WB1, WB2 and WB3 of the adopted Flintshire Unitary Development Plan.

7.21 **Amenity**

There are a number of residential properties within 100m of the proposal site, the closest of which are Parry's Cottages which are located adjacent to the south eastern corner of the site. The proposal is intended to improve operational efficiency of the site and is considered to offer opportunities to actually reduce the impact of the landfill on nearby sensitive receptors through a reduction in wind blown litter, dust, reduction of vehicle movements within the site and tracking of mud onto the highway. The transfer station would also enable waste to be accepted on site during adverse weather conditions when deposition in the landfill may not be desirable or possible.

7.22 The waste transfer station would be located at sufficient distance so as not to have an overbearing impact on nearby residential properties and additional landscaping as well as the use of colour would help the transfer building assimilate into the landscape. The hours of operation of the transfer station would be in line with the hours of operation approved under the landfill permission and the level of activity at the site would not change as a result of the proposal.

7.23 The relocation of the internal haul roads, weighbridges and weighbridge office and use of an alternative access 250m to the north of the existing access requires consideration in terms of any changes to impacts on amenity from the relocation of these activities. Some concern has been raised on this in response to consultation on the applications for the new access and the Section 73 application. The new access is located to the north of the existing access, away from the nearest sensitive receptors. The relocation of the access would not cause vehicles to pass any additional sensitive receptors along Pinfold Lane and whilst the access would be nearer to the Box and Ewloe Wood House, the distance is sufficient that any increase in activity would be unlikely to be discernible from either property.

7.24 The Environmental Health Officer has not objected to the proposal subject to the inclusion of a condition to control noise. The landfill permission has a noise condition, Condition 11, which provides noise limits at nearby noise sensitive properties. Condition 11 applies to

noise sensitive properties outside of the site and it is therefore considered unnecessary to duplicate this condition in any permission issued in respect of the transfer station. A noise scheme has been approved under condition 10 attached to the landfill permission and does not include consideration of the transfer building and its operations. It is therefore recommended that a condition is included to secure a scheme for the control of noise.

7.25 **Drainage**

It is proposed to utilise the existing quarry surface water management system for discharge into the Alltami Brook, to the north of the building and that internal wash down water would be collected in sealed containers and pumped into the main sewer.

7.26 There is an approved surface and ground water management scheme which would be implemented prior to the tipping of waste on site. The transfer building and internal haul roads would increase the impermeable area within the site and increase the volumes of surface water which would require management. Welsh Water has advised that further information is necessary regarding drainage to prevent hydraulic overloading of the public sewerage system and to prevent pollution of the environment. Subject to the inclusion of a condition to secure further details regarding drainage the proposal is considered acceptable with respect to drainage, in accordance with policies GEN1 and EWP16 of the adopted Flintshire Unitary Development Plan.

7.27 **Environmental Impact Assessment**

The landfill planning permission, reference 042468, was subject Environmental Impact Assessment as it fell within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as amended. The proposed development comprises a change to the development and has been considered against category 13(a) of Schedule 2: Changes or extensions to development within Schedule 2.

7.28 The proposed development would not increase the throughput of waste at the site and is intended to enable improved handling of material already consented by planning permission 042468 prior to final disposal in the landfill site. The proposed development could actually reduce the impact of the landfill by allowing wastes to be tipped within an enclosed area, reducing the risk of dust and wind blown litter and removing the need for vehicles delivering waste to the site to access disposal areas.

8.00 **CONCLUSION**

8.01 The use of the site for waste management is well established through the grant of planning permission 042468. The proposal would not change the use of the site and is intended to improve the operational

efficiency of the site, as well as reduce the impact of the operations on local amenity through a reduction in wind-blown litter, dust, a reduction of vehicle movements within the site and the reduction of tracking of mud and debris onto the highway by removing the need for highway going vehicles to access the tipping face.

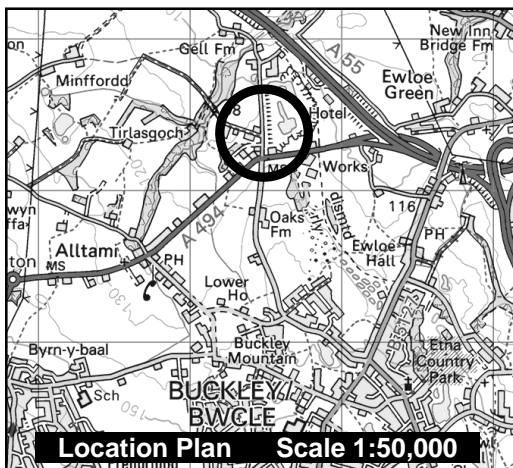
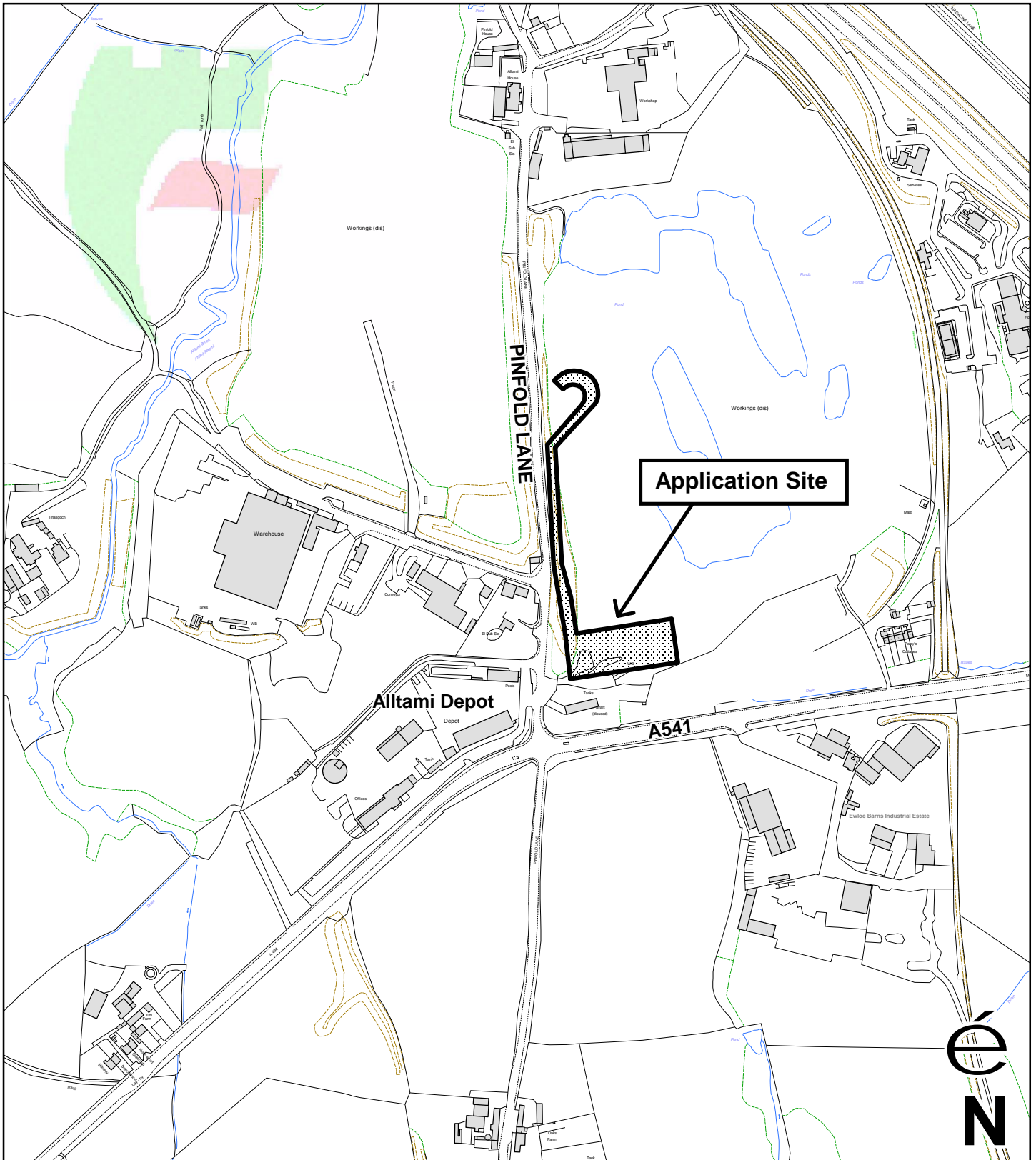
- 8.02 The transfer building would have a visual impact in the locality, however, the impact is considered to be relatively limited and could be mitigated through the use of appropriate colour and landscaping. The building would be viewed against the backdrop of existing industrial buildings within the area and is not considered out of keeping. Furthermore, the use of the proposal would be time limited, in line with the landfill permission with a restoration condition to ensure that the site is restored in line with the overall site. Subject to the inclusion of conditions to address the matters raised in the report above, the proposal is considered acceptable, in line with the policies of the adopted Flintshire Unitary Development Plan.
- 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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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



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

Legend

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

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Map Scale	1:5000
OS Map ref	SJ 2766
Planning Application	54201

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **APPLICATION FOR VARIATION OF A CONDITION 4 (TO INCREASE TONNAGE CAPACITY), CONDITION 10 (EXTENSION TO WORKING HOURS) AND CONDITION NO. 26 (INCREASE HEIGHT OF STOCKPILES) FOLLOWING GRANT OF PLANNING PERMISSION (052359) AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNES INDUSTRIAL ESTATE, MOLD ROAD, EWLOE**

APPLICATION NUMBER: **054536**

APPLICANT: **THORNCLIFFE BUILDING SUPPLIES LTD**

SITE: **FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNES INDUSTRIAL ESTATE, MOLD ROAD, EWLOE**

APPLICATION VALID DATE: **03/11/2015**

LOCAL MEMBERS: **CAROL ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **No**

1.00 SUMMARY

- 1.01 This is an application under Section 73 of the Town and Country Planning Act for the variation of conditions attached to planning permission 052359. Planning permission 052359 was issued for the extension of an existing waste management site, the retention of a

new waste transfer building and associated infrastructure. A number of conditions were attached to the planning permission, including condition 4, which restricts the annual tonnage of waste which can be managed at the site, condition 10 which restricts working hours and condition 26 which restricts stockpile heights. The Applicant initially sought to vary condition 4 to enable up to 125,000 tonnes of waste to be managed at the site per annum and condition 26 to increase stockpile heights to 10m, however, these elements of the application have now been withdrawn by the Applicant. The Applicant has also requested that the local planning authority consider the extended hours for a 6 month trial period.

- 1.02 The Applicant has submitted a noise assessment in support of the application to vary condition 10 which identifies that noise generated by certain activities at the site would not exceed background levels at the nearest noise sensitive property. It is recommended that condition 10 is varied to allow those activities which have been assessed to be undertaken at the site between 0600 and 1900 and on a Sunday between 1000 and 1700 over a period of 6 months, in line with the Applicant's request, to enable the local planning authority to assess the impact of allowing the extended hours on nearby residential properties.

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

- 2.01
- (1) Commencement
 - (2) List of relevant documents and plans
 - (3) Restriction on fixed plant and machinery
 - (4) Restrict annual tonnage to 75,000 as existing
 - (5) Contaminated land – The development shall be carried out in accordance with the approved scheme submitted under condition 5 attached to planning permission 052359
 - (6) Restriction on use of land on the southern part of the site in advance of compliance with condition 5
 - (7) Contaminated land monitoring
 - (8) Restriction of working if contamination not previously identified is found
 - (9) Noise levels limited to 55dB LAeq (1hour freefield) and 45dB after 1pm on a Saturday or Christmas Day
 - (10) Hours of operation – extended hours limited for a 6 month period after which the hours of operation shall revert back to the original hours of operation attached to planning permission 052359.
 - (11) Compliance with landscape scheme
 - (12) Restriction on use of land on the southern part of the site in advance of compliance with condition 11
 - (13) Retention of trees along the eastern boundary
 - (14) Fencing
 - (15) Restriction on use of land on the southern part of the site in advance of compliance with condition 14

- (16) Compliance with the approved ecological compliance audit scheme
- (17) Restriction on use of land on the southern part of the site in advance of compliance with condition 16
- (18) Compliance with the approved biosecurity risk assessment
- (19) Restriction on use of land on the southern part of the site in advance of compliance with condition 18
- (20) Compliance with Ecological Impact Assessment
- (21) Restriction on vehicle movements
- (22) Compliance with scheme for the provision of wheel wash facilities
- (23) Restriction on use of land on the southern part of the site in advance of compliance with condition 22
- (24) Compliance with lighting scheme
- (25) Colour of building to be juniper green
- (26) Height of stockpiles to be restricted to 5m
- (27) No more than 50% of the available floor space shall be occupied by stockpiles
- (28) Compliance with scheme for the hard surfacing of internal roads
- (29) Restriction on use of land on the southern part of the site in advance of compliance with condition 28
- (30) Compliance with scheme for the control of dust
- (31) Restriction on use of land on the southern part of the site in advance of compliance with condition 30
- (32) Compliance with the drainage scheme
- (33) No surface water shall connect to the public sewerage system
- (34) Noise monitoring

3.00 CONSULTATIONS

- 3.01 Local Member: Request that the application is referred to Planning Committee and that a site visit is undertaken due to the effect on the environment, visual impact, effect on residential properties north of the site regarding noise. In light of changes to the application consider that a site visit is no longer necessary.
- 3.02 Neighbouring Ward Member: Raised a number of queries including the need for the application so soon after the grant of full planning permission, breaches of conditions, highway impacts of the development.
- 3.03 Town/Community Council: Concerns are expressed with regard to the entrance to the site being on a trunk road (A494) and in close proximity to the Elm cross roads. The residue on vehicle wheels will naturally spread on to the A494 and will impact upon the safety of all road users, including pedestrians. The application, if approved, will further increase the traffic flows at and around the Elm cross roads, particularly since Flintshire County Council now have a high volume of vehicles accessing and egressing the Elm cross roads from its Alltami Depot.

Following re-consultation, support comments already made by Councillor Ellis:-

1. The removal of conditions 10 and 26, the increase in working hours would have an impact on nearby residents which is why the conditions were set. Additional movements on the A494 could have a detrimental effect on other road users. This matter had been raised with the Welsh Assembly Government.

2. An increase in the height of the stockpile may result in further environmental issues and also have an impact on residents who are at present experiencing issues with the site.

3.04 Head of Public Protection: Initially objected to the proposal due to the impact on nearby sensitive properties. Following the receipt of further information with respect to noise advise that condition 10 can be varied to allow the receipt and tipping of waste to take place within the transfer building approved under planning permission 052359, subject to the inclusion of a time limit to give the local planning authority the opportunity to evaluate the impact of allowing the extended hours on local amenity.

3.05 Head of Assets and Transportation: No comment. The Welsh Government is the highway authority for the A494 trunk road.

3.06 Welsh Government: Initially directed that permission be withheld until further notice while additional information is provided and analysed to enable appropriate highway observations to be made. Following the removal of the request to vary condition 4 advise that they do not issue a direction in respect of this application.

3.07 Natural Resources Wales: Do not object to the proposed development. Note that the operator currently operates under an environmental permit which allows the applicant to accept a maximum amount of 125,000 tonnes per year. Advise that the operator should bear in mind that increasing the heights of waste piles will increase the exposure of the waste to the weather and the operator may have to take additional measures to reduce the risk of wind-blown litter/dust from these piles. The operator should also be taking into account the risk of fire and the advice provided within the Waste Industry Safety and Health (WISH) Forum guidance on Reducing Fire Risk at Waste Management Sites which suggests a maximum height for loose waste piles of 5m (4m for baled waste) and minimum distance between stacks/piles and buildings, maximum volumes of individual piles and maximum widths that should also be taken into consideration.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification
Objection to the proposed extended hours of operation. Concerns raised include noise and the visual impact of vehicle beacons flashing within the site.

5.00 SITE HISTORY

- 5.01 052359: Application for the extension of the existing waste management site, together with the retention of a new waste transfer building and product storage bays, weighbridge and weighbridge office building. Approved, 14/10/2015

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN 1: General requirements for development
D3: Landscaping
D4: Outdoor lighting
EM7: Bad Neighbour Industry
EWP7: Managing Waste Sustainably
EWP8: Control of Waste Development
EWP12: Pollution
EWP13: Nuisance

Planning Policy Wales Edition 8, January 2016

Technical Advice Note 5: Nature Conservation and Planning, 2009

Technical Advice Note 11: Noise, 1997

Technical Advice Note 21: Waste, 2014

7.00 PLANNING APPRAISAL

- 7.01 This is an application under Section 73 of the Town and Country Planning Act for the variation of conditions attached to planning permission 052359. Planning permission 052359 was issued for the extension of an existing waste management site, the retention of a new waste transfer building and associated infrastructure. A number of conditions were attached to the planning permission, including condition 4, which restricts the annual tonnage of waste which can be managed at the site, condition 10 which restricts working hours and condition 26 which restricts stockpile heights. The Applicant initially sought to vary condition 4 to enable up to 125,000 tonnes of waste to be managed at the site per annum and condition 26 to increase stockpile heights to 10m, however, these elements of the application have now been withdrawn by the Applicant. The Applicant has also requested that the local planning authority consider the extended hours for a 6 month trial period.

- 7.02 The Applicant is now seeking to vary condition 10, to extend working hours from 0700-1800 hours to 0600-1900 hours and allow Sunday working between the hours of 1000 and 1700.

- 7.03 Condition 10
Condition10 states:

The operations hereby permitted shall only be carried out between:

- 0700-1800 hours Monday to Saturday
- No working Sundays or Christmas Day, except for repair, maintenance and testing which shall only be carried out between 0900-1700 hours.

Prior written approval shall be obtained from the Local Planning Authority for any operations outside these hours.

Condition 10 was originally included in the interests of residential amenity, in accordance with policies GEN 1 and EWP 13 of the Flintshire Unitary Development Plan. The main issue which is considered of relevance is noise. Visual disturbance is also considered below in response to concerns raised by a member of the public during the consultation.

7.04 Noise

The Applicant is seeking to vary the condition to allow working on Sundays between the hours of 1000 and 1700 and to extend weekday opening hours to between 0600 and 1900 hours. The proposal site is located on a well-established industrial estate with a variety of different uses. The closest residential properties are located approximately 200m north of the proposal site, separated by the A494 trunk road. The Environmental Health Officer initially objected to the proposed variation to working hours in the absence of evidence to demonstrate that noise would not be unacceptable at nearby noise sensitive properties. The Applicant submitted a noise assessment to try and address the concerns raised by the Environmental Health Officer which concluded that noise arising from the site between the hours of 0600 and 0700 on a weekday would result in a difference of 13.5dB above background and on a Sunday would result in a difference of 9.5dB above background at the nearest noise sensitive properties, Parry's Cottages. The Environmental Health Officer objected to the proposed hours of operation on the basis that there would be an adverse impact on nearby residential properties.

7.05 The Applicant has now submitted a revised noise assessment which has used a revised methodology and assessed a range of activities within the site including vehicle movements and reversing beeping, workers sorting waste, HGV movements, the use of a Liebherr 550 digger and tipping of waste. The assessment included continuous noise monitoring at a residential property located along Pinfold Lane approximately 300m to the west, and spot measurements at Parry's Cottages, by properties along Smithy Lane approximately 390m to the east and at the top of Smithy Lane, by properties located along Liverpool Road approximately 690m from the site. The assessment concluded that noise arising from the site would not exceed background levels at the nearest noise sensitive properties. Activities such as crushing and screening have not been assessed and it is therefore recommended that any condition restricts the activities to those assessed within the noise assessment. In light of the revised noise assessment the Environmental Health Officer has removed his objection subject to the inclusion of a condition to limit the duration of

the additional hours of operation to a six month period, in line with the Applicant's request. This would enable the impact of allowing the extended working hours to be fully assessed. In order to ensure that noise is assessed, it is recommended that a condition is included to secure a noise monitoring scheme, including the identification of actions which would be taken in the event of a breach of noise limits contained within condition 9 attached to planning permission 052359.

7.06 Visual disturbance

Concern has been raised by a member of the public regarding both the impact of noise and the visual impact of vehicles moving within the site. Vehicles which use the site use a combination of audible and visual warnings for health and safety reasons, including flashing beacons. Due to topography and the location of sensitive receptors in the locality it is considered that flashing beacons used within the site would be visible from residential properties to the east. The nearest residential properties to the east of the site are those located along Smithy Lane, the closest of which is approximately 390m from the site, although there are no direct views of the site because of the location of windows within the properties. Views of the site are also possible from properties along Liverpool Road, the closest of which is approximately 690m from the site. Whilst flashing beacons would be visible they are located at distance and as such are considered unlikely to have a significant adverse impact on residential amenity. The Environmental Health Officer has not raised concern regarding the visual impact of flashing beacons during the extended hours. Nevertheless, by limiting the period of time within which the site can operate under extended hours would enable the impacts to be fully assessed.

7.07 It is therefore recommended that condition 10 is amended to read:

For a period of six months starting from the date of this permission the receipt of waste and tipping of waste within the transfer building, including the manual sorting of waste, shall be restricted to :

- *0600-1900 hours Monday to Saturday*
- *1000 – 1700 Sunday*

All other activities, including crushing and screening and processing of waste in the open air, shall be restricted to:

- *0700-1800 hours Monday to Saturday*
- *No working Sundays or Christmas Day, except for repair, maintenance and testing which shall only be carried out between 0900-1700 hours.*

Following the period of six months identified above, the hours of operation shall revert back to those contained within condition 10 of planning permission 052359, which states:

The operations hereby permitted shall only be carried out between:

- *0700-1800 hours Monday to Saturday*
- *No working Sundays or Christmas Day, except for repair,*

maintenance and testing which shall only be carried out between 0900-1700 hours.

Prior written approval shall be obtained from the Local Planning Authority for any operations outside these hours.

- 7.08 Subject to conditions to address the above, it is concluded that revising the hours of operation would not result in a significant adverse impact on nearby residential properties, in line with policies GEN 1 and EWP 8 of the Flintshire Unitary Development Plan.

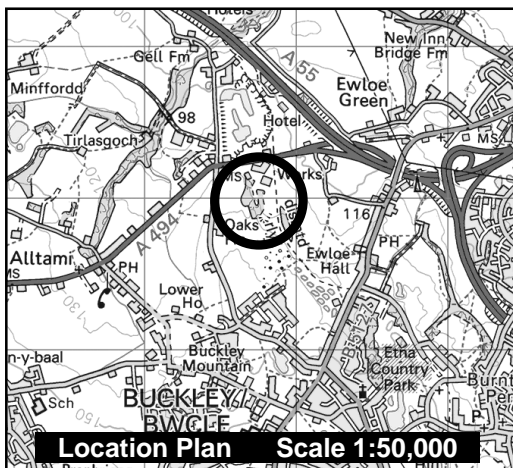
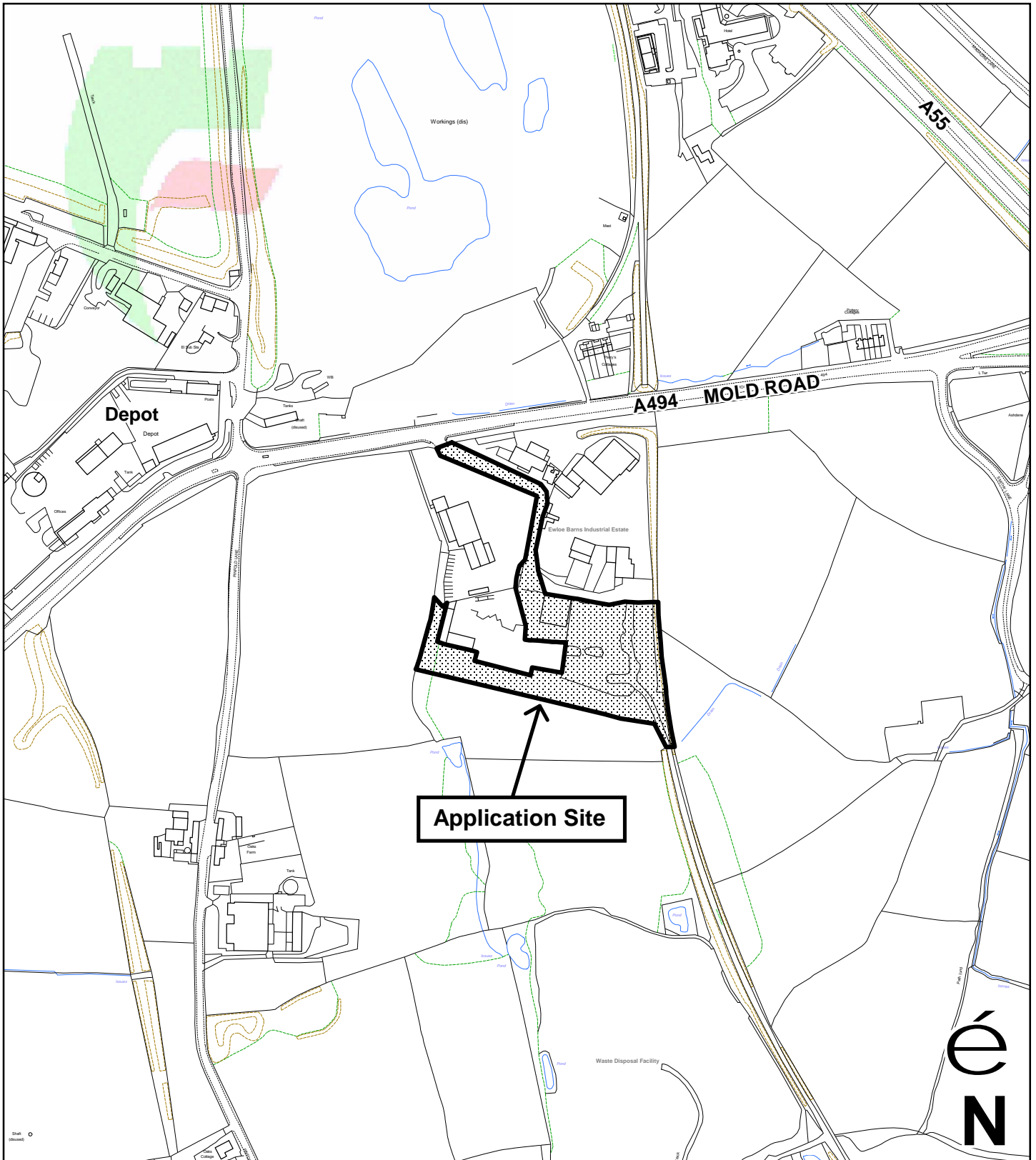
8.00 CONCLUSION

- 8.01 The proposal site is located within an existing industrial estate with the closest sensitive receptors located approximately 200m to the north of the site separated by the A494 trunk road. A noise assessment submitted by the Applicant has predicted that noise levels would not exceed background noise levels at the nearest residential properties. It is recommended that the extended hours of operation are approved for a limited period of time so that monitoring can be undertaken to confirm that noise levels are acceptable.
- 8.02 All other elements of the Section 73 application, including the request to amend conditions 4 and 26, no longer form part of the application.
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Martha Savage
Telephone: (01352) 703298
Email: Martha.savage@flintshire.gov.uk



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

Legend

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

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Map Scale	1:5000
OS Map ref	SJ 2766
Planning Application	54536

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE OF LAND FROM PADDOCK TO A TOURING CARAVAN FACILITY (24 TOURING CARAVANS) AND ERECTION OF AMENITY BLOCK AT ‘TY HIR’, FFORDD GLYNDWR, NERCWYS, MOLD.**

APPLICATION NUMBER: **054629**

APPLICANT: **MR. ROBERT WYNNE**

SITE: **TY HIR,
FFORDD GLYNDWR, NERCWYS**

APPLICATION VALID DATE: **23RD NOVEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR N. MATTHEWS**

TOWN/COMMUNITY COUNCIL: **NERCWYS COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for change of use of the land from a paddock to a 24 touring caravan facility and erection of an amenity block at ‘Ty Hir’, Ffordd Glyndwr, Nercwys, Mold. The issues to be considered within the determination of this application are the principle of the development in planning policy terms, the highway implications, the effects upon the amenities of adjoining residents, the effects upon the character and appearance of the landscape, the effects upon the setting of listed buildings, the archaeological implications, the effects upon land contamination and wildlife together with the drainage and economic implications.

1.02 The principle of development is considered acceptable in planning policy terms as the proposals would enhance tourism in the County and contribute to rural diversification. All of the detailed matters of the application are considered acceptable and thus the recommendation is to approve the application subject to conditions.

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

2.01 Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Caravan pitches used only for holiday purposes and occupancy restricted to the period from 14th February to the 14th January in the following calendar year.
4. No winter storage of any caravans upon site outside of operating season as stated in condition 3 above.
5. Implemented in accordance with submitted highway management plan.
6. Prior to first use, traffic signs 'Unsuitable for Caravans (TSRGD DIAG.820) placed on Glyndwr Road located to north of the site entrance and at junction with A494.
7. Materials of construction of internal roads to be further submitted and approved prior to commencement of development.
8. External materials of toilet block building to be further submitted and approved prior to commencement of development.
9. Notwithstanding details shown upon approved plans, landscaping plan to be submitted and approved prior to commencement of development.
10. Implementation of approved landscaping plan and details above.
11. Scheme of disposal of foul sewage and surface water from site to be further submitted to and approved in writing by the Local Planning Authority.
12. Implemented in accordance with submitted Reasonable Avoidance Measures for Great Crested Newts.
13. Land contamination assessment and any remediation measures therein to be submitted and approved prior to commencement of development.
14. Lighting scheme to be further submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member

Councillor N. Matthews

Requests committee determination and a site visit. This is because the proposed development is for a new facility in the open countryside

outside a settlement boundary. The development does not meet the criteria in Policy EM5 relating to expansion of existing concerns. Therefore contrary to STR1 and GEN3. Insufficient information on access and traffic impact AC13. There would be a detrimental impact on listed buildings. Pistyll Farm which went to appeal (053238). Listed building was quoted as in view although gable end only just visible. It is similar to the view of listed buildings from this site and must be consistent here. No mention of outdoor lighting – Policy D4.

Nercwys Community Council

Objects to the proposal, for the following reasons:-

- Acknowledges development is in open countryside. Do not object to a site with smaller number of caravans e.g., 15, to allow for safety and better movement of vehicles.
- Plans insufficient to visualise the site, its amenities such as septic tanks and its proximity to neighbouring properties. No sign of any internal landscaping.
- Council would have to be satisfied that the site would be laid out with decent sized plots, run as a ‘caravan club’ model rather than individual rentals.

Gwernymynydd Community Council

Objects to the development on the following grounds:-

- Issues of safety to pedestrians and to local traffic movement.
- Exacerbate the dangers to horses and their riders. Health & safety needs to be considered due to narrow country lanes and limited access/egress to and from the site.
- Within open countryside with no bus service, therefore increased traffic movements than expected at this location.
- No requirement for another caravan site as others already in this rural location.
- Detrimental to the adjacent AONB.
- No indication that Flintshire’s licensing section have been consulted on the proposal and approved.
- No details been provided in terms of drainage.
- No consultation with local neighbours.

Head of Highways (Development Control)

Recommends any permission to include a suggested condition. This being the erection of traffic signs – unsuitable for caravans to be placed on Glyndwr Road located to the north of the site entrances and at the junction with the A494.

Head of Public Protection

No adverse comments to make regarding this proposal.

Head of Business Development

The proposal will create additional accommodation options for visitors which will contribute positively to our offer and the value of the tourism sector.

Clwydian Range & Dee Valley AONB Joint Committee

Significantly improved scheme over that which was submitted under 052932. Scale and density been reduced, amenity block re-sited and substantial landscaping proposed to screen the site, break up views and mitigate landscape impacts in addition to protecting the setting of nearby listed building. Committee has no objection in principle, which will add to the tourism infrastructure of the AONB.

If permission granted, should be subject to landscaping conditions and seasonal use condition to avoid winter months when caravans more exposed. Suggests a Traffic Management Plan is drawn up and implemented so that caravans access the site from Nercwys-Eryrys Road to South.

Welsh Water/Dwr Cymru

Applicant intends utilising a septic tank facility and advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

Natural Resources Wales

May affect the Bryniau Clwyd Area of Outstanding Natural Beauty. Section 85 of the Countryside & Rights of Way Act 2000 requires public bodies to have regard to the purposes of conserving and enhancing the AONB standard advice also applies.

Clwyd – Powys Archaeological Trust

Proposals lie close to Pwll y Wheal pool and former East Maeshafn Mine. Pool has been filled in. Main area of former mine shafts, engine and buildings were located in the field immediately to the south east of the site and survive as low stone walls, earthworks and sub-surface structural remains. These will remain unaffected by this development. No objection to the proposed development at this location.

Airbus

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

Wales & West Utilities

No apparatus in the area.

SP Energy Powersystems

May have plant and equipment in the area. Developer to be advised of this.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

14 letters of objection received. The grounds are summarised below:-

- Serious impact upon standard of living conditions on nearby residents and have an unacceptable effect on a rural, agricultural and residential area on the immediate border of an AONB.
- Does not comply with STR1 of the FUDP. No supporting evidence to support the statement that it is much needed tourist accommodation.
- Would create increased levels of waste and pollution.
- No detailed security plan. Local area has been subject to several instances of rural crime. Risk of increased level of crime in area.
- Mine shafts create a health & safety hazard to users of the caravan park.
- No community identity and social cohesion as applicant did not consult neighbours.
- No detailed drainage plan has been submitted.
- Creation of increased levels of pollution due to increased levels of vehicles.
- Significant and uncertain environmental, social, economic and cultural impacts.
- Inappropriate rural diversification initiative to support 2 new full time employees. Contrary to Policy STR3.

- Does not regenerate brownfield land or buildings and does not contribute to rural diversification. Needs of residents will not be met. Contrary to Policy STR6.
- No evidence been provide to demonstrate the over-riding necessity of the development over and above safeguarding the natural environment of Flintshire's open countryside. Contrary to STR7.
- No detailed assessment of impact on built heritage of the historic listed buildings to the south east of Ty Hir. Also detrimental impact upon views of the townscape and villages of Nercwys and Mold.
- Increase in noise and pollution which would result in a detrimental impact upon the amenities of adjoining residents.
- Location of proposed amenity area and caravans would overlook immediate residential properties to their detriment.
- Does not comply with those developments listed in Policy GEN3 of the FUDP.
- The site is not in a tourism destination. Flintshire villages that surround the area are residential and not renowned tourist destinations and do not have extensive tourist facilities. Will not provide dispersion of the economic benefits of tourism across the plan area.
- Development would provide no tourism facilities to cater for the needs of the local community.
- Landscaping will not screen the development. Landscaping plan should be considered to the impact on the residents, environment and locale from inception than an inter-determinate timeline.
- Detrimental impact of light pollution on the area.
- No ecological survey has been submitted. Site is an important habitat and foraging habitat for a range of protected and priority species e.g., great crested newts, badgers, birds and bats.
- Site is part of a former lead mine. No assessment been submitted to demonstrate the level of contamination and stability of the site and the measures required to address contamination and safety.

- No archaeological assessment has been submitted which considers the impacts on the above ground and buried archaeological features.
- Existing septic tank would not be able to take the loads. New septic tank and drainage field would have to be constructed. Very large field required outside of application site. No gradient to enable the drainage field to flow without constructing a purpose built drainage mound.
- Some provision needs to be made as to how the chemical waste is dealt with.

5.00 SITE HISTORY

5.01 052932

Change of use of land from paddock to touring caravan facility (35 touring pitches and amenity block) – Withdrawn 11th May 2015.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR2 – Transport & Communications.

STR6 – Tourism.

STR7 – Natural Environment.

STR8 – Built Environment.

GEN1 – General Requirements for Development.

GEN3 – Development in the Open Countryside.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

D4 – Outdoor Lighting.

L1 – Landscape Character.

L2 – Area of Outstanding Natural Beauty.

WB1 – Species Protection.

WB5 – Undesignated Wildlife Habitats.

HE2 – Development Affecting Listed Buildings & Their Settings.

HE7 – Other Sites of Lesser Archaeological Significance.

AC13 – Access & Traffic Impact.

RE4 – Small Scale Rural Enterprises.

T6 – Touring Caravan Sites.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP14 – Derelict & Contaminated Land.

EWP15 – Development of Unstable Land.

National Planning Policies

Planning Policy Wales (PPW) (Edition 8, January 2016)

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

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

Technical Advice Note 13 – Tourism (1997).

Technical Advice Note 18 – Transport (2007).

Technical Advice Note (TAN) 23 – Economic Development (2014).

The site is located outside any recognised settlement boundaries and within the open countryside as defined by the Adopted Flintshire Unitary Development Plan. As such Policies STR1, STR6, GEN3 and T6 are applicable in this case.

In principle, as the proposals require a countryside location, enhances tourism in the County and contributes to rural diversification it is considered that they are acceptable in planning policy terms. What needs to be considered are the details of the proposals – highway implications, effects upon the landscape, ecological implications and effects upon the amenities of adjoining residents etc.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of 0.625 ha of the western part of a piece of grazing land to the rear of the existing bungalow at Ty Hir, Ffordd Glyndwr, Nercwys, Mold. It is a slightly raised area of land with the remainder of the field sloping downwards to the east. Both the eastern and western boundaries of the site are open with part of the northern boundary being a planted bund and southern boundary being a ranch type wooden fence.

7.02 The access to this land lies within the north western corner which is then accessed off the vehicular access to the existing timber business via the main road of Ffordd Glyndwr.

7.03 The proposals involve the change of use of land to form a touring caravan facility for up to 24 touring caravans together with the creation of an amenity block, landscaping, creation of internal access roads and an amenity area.

7.04 The pitches of the caravans will be within the centre of the site with the amenity building located within the north west corner close to the access to the site and to the rear of Ty Hir, landscaping along all boundaries and within the site and the open amenity area located within the north eastern corner of the site. The amenity building will measure approximately 8 m x 4 m x 4 m (height to ridge) and will be constructed within timber clad walls with the roof covered in shingles. The proposal will employ two full time people.

7.05 Issues

The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms, the highway implications, the effects upon the amenities of adjoining residents, the effects upon the visual appearance and character of the landscape, the effects upon the setting of listed buildings the archaeological implications, the effects upon land contamination and wildlife together with the drainage and economic implications.

7.06 Background

Members may be aware that a previous application (052932) was submitted on the site for a 34 touring caravan facility with an amenity block but was withdrawn on 11th May 2015. The scale and density of this scheme has been reduced with the amenity block being re-sited and substantial landscaping being proposed.

7.07 Principle of Development

The site lies outside of any recognised settlement boundaries and within open countryside as defined by the adopted Flintshire Unitary Development Plan. As such Policies STR1, STR6, GEN3 and T6 are applicable in this case.

7.08 In principle as the proposals require a countryside location, enhances tourism in the County and contributes to rural diversification, they are considered acceptable in planning policy terms. What needs to be considered are the details of the proposals, which includes the highway implications, the effects upon the character and appearance of the landscape, the ecological implications, the effects upon the amenities of adjoining residents etc.

7.09 Highway Implications

The existing access to the land will be utilised which is accessed off the road to the timber business which in turn is off the main road off Ffordd Glyndwr. The applicant's agent has submitted a Traffic Management Plan instructing users of the site to approach and leave the site from Nercwys Road rather than from Gwernymynydd and to avoid slight chance of congestion. Those leaving the site at the end of the booked period will be required to vacate before 12 mid-day. Those arriving will be required to book in after 1 pm.

7.10 The Traffic Management Plan and its requirements have been submitted as the majority of the roads in the vicinity of the proposed site are of limited width and have restricted forward visibility. A number are signed as being unsuitable for HGV traffic. These roads (connecting to the A494) are considered to be unsuitable to cater for caravan access. Although it would be possible for a car and caravan to negotiate these roads, lack of passing opportunities could lead to dangerous situations if vehicles travelling in opposing directions were to meet and then need to reverse.

- 7.11 The only route considered suitable for access is that stretch of Glyndwr Road running north/south from the Nercwys to Eryrys Road. This route has limited opportunities for two large vehicles to pass, however, the chances of two caravans meeting on this stretch of road has been minimised by the requirements of the submitted Traffic Management Plan.
- 7.12 The Head of Highways (Development Control) has been consulted on the application including the Traffic Management Plan who recommends that any permission to include a suggested condition regarding the erection of traffic signs at the north of the site entrance and at the junction with the A494 advising that they are unsuitable for caravans.
- 7.13 Amenities of Adjoining Residents
The two closest properties located to the site are Tyr Hyr and Godrer Foel. The separation distances between these properties to the western boundary of the site are approximately 40m x 30m respectively. Along this boundary planting is proposed.
- 7.14 Given the above distances and screening together with the low height of the touring caravans, it is considered that there will not be a significant detrimental impact upon the amenities of these adjoining occupiers in terms of overlooking, loss of light, obtrusiveness and noise disturbance.
- 7.15 Character & Appearance of Area
The site is located within open countryside, with the Clwydian Range & Dee Valley AONB lying upon the western side of Ffordd Glyndwr. Views from the site eastwards are extensive as the site is elevated with the land beyond being lower. From the site westwards, views into the AONB are restricted due to the existing buildings and trees.
- 7.16 The proposed toilet block building and caravan pitches have been sited as close as possible to the existing buildings so that they can be assimilated into the existing built development and therefore will have a limited detrimental impact upon the appearance of the landscape in this location. The park will also be for seasonal use only. In addition, extensive landscaping is proposed along the site boundaries and within the site itself, so as to screen any adverse impacts upon the landscape. Also, the toilet block is of a small scale with the caravans being of a low height.
- 7.17 Given the above, it is considered that the proposals will not have a significant detrimental impact upon the character and appearance of this countryside location or the adjacent landscape designation of the AONB.

- 7.18 Setting of Listed Buildings
The listed buildings within the complex of Fron Farm are located approximately 100 m to the north east of the site. The land slopes gently downwards to the farm and is interspersed with fields and existing planting of hedgerows and trees.
- 7.19 Due to the distance away of the proposal from these buildings, lie of the land, existing screen of hedgerows and trees and proposed planting it is considered that the proposals will not have a detrimental impact upon the setting of these listed buildings of special architectural and group value.
- 7.20 Archaeological Implications
The proposals lie close to Pwll y Wheal Pool and the former east Maeshafn mine.
- 7.21 However, the pool has been filled in at some point over the last 75 years. A small former shed has also been removed. The main area of former mine shafts and the associated engine and processing buildings were located in the field immediately to the south east of the application area and survive as low stone walls, earthworks and sub-surface structural remains. These will remain unaffected by the proposals.
- 7.22 Given the above it is considered that the proposals will not have a detrimental impact upon the archaeology in the area.
- 7.23 Land Contamination
The site is in an area of former lead mining. There will be excavations for foundations for the toilet block, drainage and childrens play area. Therefore, the site needs to be fully investigated and assessed for contamination of the land. If any contaminants are found then a methodology of remediation measures needs to be submitted and further approved. This investigation and any remediation measures to be submitted can be and have been placed as a condition upon the recommendation to grant planning permission.
- 7.24 Wildlife Implications
The majority of the site is improved grassland which appears to have been mown on a regular basis. The area of land at the rear of the site (which is at a lower level) is covered with dense scrub and tall herb species.
- 7.25 An Ecological Survey has been submitted as part of the application. This is to assess the ecological value of the site and make recommendations for mitigation, enhancement and further surveys as required.
- 7.26 No evidence of badgers were found at the time of the survey although they may be present in the scrub to the rear of the site.

- 7.27 The main part of the site does not support any structures which would offer any potential roost sites of bats. Within the area of dense scrub at the lower end of the site there is a small walled area. This is the remains of a former lime kiln. There is no roof and it is very exposed, the walls are covered with a dense growth of ivy. Any gaps or crevices in the walls may be suitable for hibernating bats. However, this whole area will remain undisturbed as part of the development, so there are no issues in this respect.
- 7.28 Based upon the existing proposals (very low site impact) there would appear to only be a low risk of disturbance to Great Crested Newts. Ponds have, however been identified within 100 m of the development so to reduce any potential issues the Reasonable Avoidance Scheme submitted with the Ecological Survey would be implemented.
- 7.29 The site may support common reptiles such as slow-worms. These would however be restricted to the boundary walls at the lower end of the site or in and around the scrub. The development as proposed would have no impact upon these areas. The proposals do not involve any deep excavation of groundworks, so it is unlikely that there will be any issues. If any trenches need to be dug for pipework or similar then these will be either covered or a ramp (plank of wood) installed to enable hedgehogs to escape.
- 7.30 Birds will use the area of scrub at the rear of the site for nesting and also for general shelter. Barn owls have been recorded in the area. The scrub at the rear of the site will support small mammals which may in turn form part of the hunting area for barn owls (along with other habitats in the surrounding area).
- 7.31 Drainage
In terms of surface water, it is no longer proposed to dispose of surface water through soakaways as the vast majority of the site will remain a grassed area. Rainfall will seep away naturally particularly as there are no hardstandings proposed. The internal access roads within the site will be constructed of semi-permeable materials allowing the natural disposal of rainfall. Run off from the amenity block will be stored and used within the amenity building.
- 7.32 In relation to foul water, a Package Sewage Treatment Plant (PSTP) is proposed for the site. This is more appropriate than that of a septic tank. This type of system which is to be installed will be operated in accordance with the criteria following agreement with Natural Resources Wales. In addition to a treatment facility to serve the amenity/toilet block a suitably sized cesspool will have to be provided for disposal of chemical toilet waste from the caravans. The effluent will be disposed of, off site by a registered carrier.

7.33 Economic

The proposal will employ two full time people. In addition, the facility will add to the variety of tourist accommodation in the County and help support tourist attractions, shops, pubs, restaurants financially in the area.

8.00 CONCLUSION

8.01 For the reasons above, it is considered that the proposals are acceptable in planning terms.

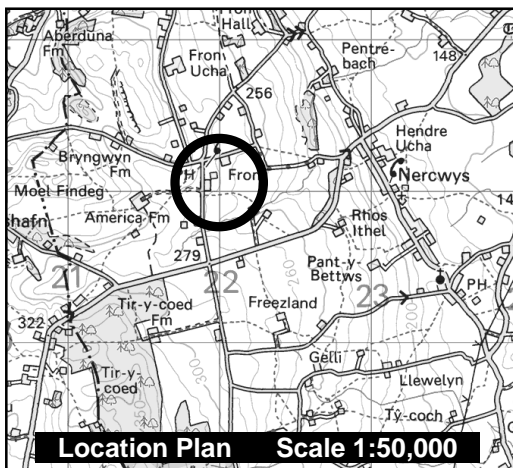
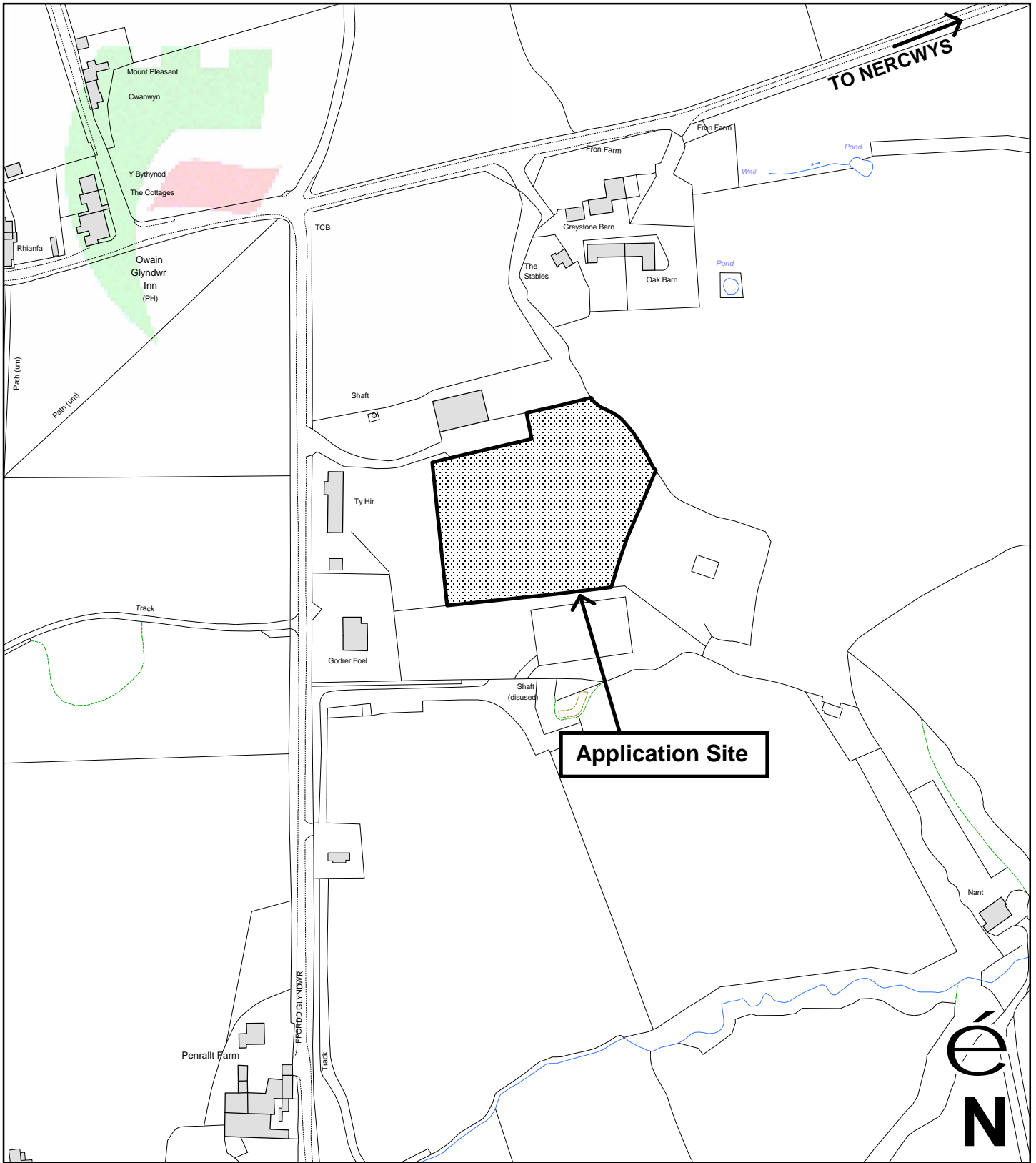
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

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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Planning Application 54629

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 23RD MARCH 2016

REPORT BY: CHIEF OFFICER (PLANNING AND ENVIRONMENT)

SUBJECT: FULL APPLICATION - PROPOSED DEVELOPMENT OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING INVERTER HOUSINGS, ACCESS TRACKS, SECURITY FENCING AND CAMERAS AT DEESIDE LANE, SEALAND

APPLICATION NUMBER: 053686

APPLICANT: SEP CHESTER LTD

SITE: LAND EAST OF DEESIDE LANE, SEALAND, FLINTSHIRE

APPLICATION VALID DATE: 2ND JUNE 2015

LOCAL MEMBERS: COUNCILLOR MRS. C. M. JONES

TOWN/COMMUNITY COUNCIL: SEALAND COMMUNITY COUNCIL

REASON FOR COMMITTEE: THE SIZE OF THE APPLICATION SITE EXCEEDS THAT FOR WHICH DETERMINATION POWERS ARE DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)

SITE VISIT: YES. MEMBERS WILL RECALL IN DEFERRING THIS APPLICATION AT THE COMMITTEE OF 24TH FEBRUARY 2016 IT WAS RESOLVED THE APPLICATION WOULD BE THE SUBJECT OF A SITE VISIT

1.00 SUMMARY

- 1.01 The proposal is a full planning application for a photovoltaic solar farm and ancillary works on agricultural land at Deeside Lane, Sealand. The site extends to approximately 8.50 hectares. The issues for consideration are the principle of development; impacts on visual appearance and character of the green barrier; loss of best and most

versatile agricultural land (BMV), ecological impacts, impacts upon aerodrome safeguarding amenity and impacts on residential amenities.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. The Local Planning Authority considers that the proposals would result in the unjustified loss of Grade 2 Best and Most Versatile agricultural land to beneficial agricultural production. Accordingly, it is considered that the proposals are contrary to the provisions of Policies STR1, STR7, STR10, GEN1 and RE1 of the Flintshire adopted Unitary Development Plan.

 2. The Local Planning Authority considers that insufficient evidence has been provided to justify the development of this site within an area of open countryside and Green Barrier and therefore considers that the proposals would unacceptably harm the character and appearance of the landscape and would have a detrimental impact upon the openness of the Green Barrier in this location. Accordingly the proposals are contrary to the provisions of Policies STR1, STR7, GEN1, GEN3, GEN4 and L1 of the Flintshire adopted Unitary Development Plan.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Mrs. C. M. Jones
Requests Committee Determination.

Sealand Community Council

Objects to the proposals on the following grounds:

- Loss of Grade 2 agricultural land;
- Adverse impact upon habitat and populations of species;
- Proposals are of a scale which adversely impacts upon the character and appearance of the landscape; and
- Potential adverse impact upon aircraft approaching both Hawarden Airport and Liverpool John Lennon Airport.

Highways DC

No objection. Considers that the submitted Construction Traffic Management Plan demonstrates that the proposals would not give rise to any adverse impacts upon the local highway network.

Notes that Public Footpath 10 abuts the site but is unaffected by the proposal.

Pollution Control Officer
No adverse comments.

Dwr Cymru/Welsh Water
No objection.

Welsh Government – Land Use Planning Unit
Objects. Considers that the applicant has failed to demonstrate that the loss of BMV has been considered in accordance with best practice and guidance. Furthermore, considers that no evidence has been provided to prove that the land can be returned to BMV quality at the end of the proposed period of operation of the solar farm.

Airbus
No objection. Considers concerns in respect of aerodrome safeguarding as a consequence of bird hazard is addressed via the submitted Biodiversity Management Plan.

Liverpool John Lennon Airport
No objection. The proposals will have no impact upon operations at the airport.

National Air Traffic Services
The proposals do not give rise to any objection upon air traffic safeguarding grounds.

Natural Resources Wales
No objection to the proposals.

RSPB Cymru
No objection. Welcomes the commitment of the developer to provide a bird habitat management and biodiversity enhancement scheme via the Biodiversity management Plan.

Campaign for the Protection of Rural Wales
Objects to the proposals on the following basis:

- the proposals would have an adverse impact upon landscape character;
- the essential need for an open countryside location has not been made; and
- proposals would result in the loss of high grade agricultural land from agricultural production.

Clwyd Bat Group
No response at time of writing.

Clwyd Badger Group
No response at time of writing.

North East Wales Wildlife
No response at time of writing.

North Wales Wildlife Trust
No response at time of writing.

The Ramblers Association
No response at time of writing.

National Grid
No response at time of writing.

SP Energy Networks
No objections.

Wales and 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.

At the time of writing 18No. letters have been received in objection to the proposals. The grounds for objection are:

- inappropriate development in the open countryside;
- loss of high quality agricultural land;
- absence of details in respect of grid connection;
- community consultation not undertaken as claimed by the applicant;
- Impacts upon character and appearance of the area;
- Impacts upon the enjoyment of footpaths by walkers;
- Flood risk;
- Impacts upon residential amenity occasioned by construction noise and disturbance and noise emitted by plant once operational;
- Area is not industrialised as claimed; and
- Absence of consideration of alternative sites;

At the time of writing 1No. letter has been received in support of the proposal.

5.00 SITE HISTORY

5.01 Various historical applications in relation to the agricultural use of the land but nothing relevant to this proposal.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 – New Development
- Policy STR7 – Natural Environment
- Policy STR10 – Resources
- Policy GEN1 – General Requirements for Development Control
- Policy GEN3 – Development in the Open Countryside
- Policy GEN4 – Green Barriers
- Policy D1 – Design Quality, Location and Layout
- Policy D2 – Design
- Policy D3 – Landscaping
- Policy L1 – Landscape Character
- Policy WB1 – Species Protection
- Policy WB2 – Sites of International Importance
- Policy WB3 – Statutory Sites of National Importance
- Policy WB6 – Enchantment of Nature Conservation Interests
- Policy AC2 – Pedestrian Provision and Public Rights of Way
- Policy AC13 – Access and Traffic Impact
- Policy EWP1 – Sustainable Energy Generation
- Policy EWP5 – Other Forms of Renewable Energy Generation
- Policy RE1 – Protection of Agricultural land

Planning Policy Wales (2016);

Technical Advice Note 5: Nature Conservation & Planning (January 2009);

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010);

Technical Advice Note 8: Renewable Energy (July 2005);

Technical Advice Note 23: Economic Development (February 2014)

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises an 8.5 hectare area of flat agricultural land. The site is bounded on all sides by existing hedgerows. Access is presently derived via an existing lane which serves Banks Farm which is provided via Deeside Lane. The site is set within a wider flat landscape of similar character which is employed predominantly in agricultural production.

7.02 The Proposals

The proposals seek permission for the development of the site to provide a 5MW solar park. The proposal seeks permission on a temporary basis of 25 years. The proposals provide for the siting of 19,320 solar panels arranged in arrays running across the site. The

panels are proposed to be mounted upon a metal frame at an angle of 28 degrees from the horizontal. The panels will be 2.2 metres above ground level at the highest point and 1 metre at their lowest.

7.03 In addition, cabling conduits, set 1 m into the ground are proposed which in turn link with inverters and control cabinets. The proposals provide for the site to be enclosed by a 2m high deer fence and a new electricity sub-station is proposed within the south eastern corner of the site to provide connections to the national grid. Access will remain as existing.

7.04 The Main Issues

I consider the main issues for consideration in connection with this application are:

1. The principle of development having regard to both national and local planning policy;
2. Loss of Best and Most Versatile agricultural land (BMV);
3. Impacts upon the visual character and appearance of the landscape and Green Barrier;

7.05 The Principle of Development

National Policy and Guidance

The Welsh Government (WG) has clear priorities to reduce carbon emissions, with one of the important ways of delivering this being through the continued development of renewable energy generating projects. TAN8 included a target of 4 TWh (Terrawatt hours) per annum of renewable energy production by 2010 and 7 TWh by 2020.

7.06 PPW advises that the WG's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimizing, environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production.

7.07 When considering planning applications for renewable energy schemes, WG advises that planning authorities should take into account:-

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy.
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
- The impact on the national heritage, the coast and the historic environment.
- The need to minimize impacts on local communities, to safeguard quality of life for existing and future generations.
- To avoid, mitigate or compensate identified adverse impacts”.

- 7.08 In addition to this there is a raft of further key documentation relevant to the proposal, for example, EU Energy Strategy 2020, Climate Change Strategy for Wales (2010), Energy Wales a Low Carbon Transition (2014), Planning implications of Renewable and Low Carbon Energy – Practice Guidance (Welsh Government, 2011) and Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (Welsh Government, 2015).
- 7.09 The above paragraphs therefore set out the national planning policy framework associated with renewable energy proposals.
- 7.10 The Planning and Compulsory Purchase Act 2004 stipulates at S.38 that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’. Accordingly, the UDP is the starting point for the consideration of this application, unless National Planning Policy supersedes the provisions of those applicable policies.
- 7.11 **Local Planning Policy**
There are a number of strategic policies to be found in the UDP which are of relevance to this proposal and I refer to each in turn.
- 7.12 STR1 New Development – should generally be located within existing settlement boundaries, allocations, development zones and principal employment areas and will only be permitted outside these areas where it is essential to have an open countryside location.
- 7.13 STR7 Natural Environment – the stated aim of this policy is to safeguard Flintshire’s natural environment by, amongst other things, protecting the open character and appearance of strategic green barriers around and between settlements. The green barrier at this location is not around or between Flintshire settlements. Nevertheless it is a strategic planning designation where it abuts and compliments the West Cheshire Green Belt. In addition criterion (g) seeks to protect the quality of land, soil and air.
- 7.14 STR10 Resources – criterion (a) requires that new development must make the best use of resources through utilizing suitable brownfield land wherever practicable in preference to greenfield land or land with ecological, environment or recreational value.
- 7.15 Policy GEN1 sets out the general requirements to be met by all new development. It states that development that requires planning permission and is in accordance with the Plan’s other policies should satisfy a list of criteria. Criterion (k) states that the development should not result in the permanent loss of the best and most versatile agricultural land where either suitable previously developed land or

land in lower agricultural grade is available. The applicant contends that the site is grade 3b agricultural land. Advice from Welsh Government Land Use Planning Department in respect of the Agricultural Land Classification of this site casts doubt upon this view and indicates the site actually comprises Grade 2 land. Other criterion require the development to not have a significant impact on (amongst other things) wildlife species and other landscape features. Whilst the site is not a designated landscape it is a landscape feature in its own right by virtue of its openness and the visual impact upon this will need to be fully considered.

7.16 Policy GEN3 sets out those instances where development will be permitted in the open countryside and criterion (j) refers to other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere. In terms of the principle of this type of development it is my view that an open countryside location for solar panels is not necessarily essential. For example solar energy can be harvested on brownfield sites, land allocated for employment uses or in the Plan's Principal Employment Areas.

7.17 Whilst the site is open countryside it is also designated as green barrier. Policy GEN4 deals with development in these locations and the proposal does not constitute any of the uses referred to in criteria (a) – (d) or (f). However criteria (e) refers to farm diversification schemes and it is the applicants assertion that the proposal will result in farm diversification for which there is policy support at both the national and local level. Criterion (g) refers to other appropriate rural uses for which a rural location is essential.

7.18 Notwithstanding these circumstances the policy also goes on to state that proposals are only likely to be considered to be acceptable where, amongst other matters, it would not unacceptably harm the open character and appearance of the green barrier. Openness is a key attribute of this green barrier and whilst the applicant contends that a rural location is essential for the proposed use, it is my view that it is no more essential than other locations which are outside of the green barrier. I therefore fail to see the essential requirement for the proposal to be developed at this location.

7.19 Loss of Best and Most Versatile agricultural land (BMV)
Both national and local planning policy seek to ensure that development does not result in the loss of best and most versatile agricultural land where either suitable previously developed land or land of lower agricultural quality is available. The application particulars assert that quality of the agricultural land is Grade 3b and therefore not BMV. Furthermore, notwithstanding that the applicant does not consider the site to constitute BMV land, they assert that the loss of the land to agriculture is mitigated by the fact that grazing can still occur beneath the solar arrays.

- 7.20 The proposals have been the subject of consultation with Welsh Government Land Use Planning Unit (WG) who have raised objection to the proposals on the basis that it is not in the long term national interest to lose 8.5 hectares of BMV. Furthermore, WG has raised objection on the basis that the land amounts to Grade 2 agricultural land and therefore would constitute BMV. Various representations from third parties also raise this matter in objection.
- 7.21 The applicant has sought to contend that the land is not of such high agricultural quality as a consequence of flooding and soil wetness and ought therefore to be properly considered as Grade 3b. WG have considered the Agricultural Land Classification reports submitted in support of the application, together with other additional information provided in relation to the effect of the claimed flood and soil wetness issues at the site.
- 7.22 WG have consulted with NRW upon these points and NRW have advised that the site is not subject to flooding as a consequence of inundation from adjacent watercourses and groundwater is not such as would result in soil wetness to reduce the quality of the soil. Accordingly, WG maintain their objection and advise that the site comprises Grade 2 land.
- 7.23 Accordingly, the site does amount to land which is Best and Most Versatile agricultural land and therefore its loss to agricultural production, whether permanent or temporary (as cited by the applicant), must be weighed against other factors which make the siting of the proposed development upon such land an imperative notwithstanding the above issue.
- 7.24 In addressing this issue, the applicant has submitted a report examining alternative locations to this site. This report acknowledges that BMV land should only be used where there is demonstrably no previously developed land (PDL) available for use and there is no other lower grade agricultural land available to substantiate that the use of this BMV land is acceptable. The report identifies a variety of sites amounting to PDL, including former landfill sites, and examines opportunities via the use of commercial roof space in the area. For a variety of reasons, the report discounts these sites as being unsuitable.
- 7.25 It would have been expected that the applicant would then have proceeded to consider the availability of lower grade agricultural land in sequential preference to BMV land. However, upon this point, the applicants rely upon their view that the site is sub grade 3b land and therefore, not BMV. In taking this view they have concluded that an assessment of other agricultural land is not required.

- 7.26 It is in this respect that the assessment of alternative sites is fundamentally flawed. The site is BMV land and therefore, to not assess whether other lower grade agricultural land is available does not accord with the applicable policy context.
- 7.27 The applicants have referred to a relatively recent planning permission granted for a solar farm on land to the north of Shotwick Road, suggesting that even if this land is considered to be BMV, the precedent has been set. Members will however recall that that planning permission was granted on the basis of a proven locational need to serve the adjacent papermill, which was cemented through a complex legal agreement binding the applicant to this supply. Despite the letters of support recently submitted (See Paragraphs 7.38 – 7.45 below) there is no such proven need in this case and consequently, no overriding requirement to locate this development upon this particular tract of land.
- 7.28 Impacts upon the visual character and appearance of the landscape and the Green barrier
GEN3 sets out those instances where development will be permitted in the open countryside and criterion (j) refers to other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere. I have stated earlier, this type of development it could also be accommodated on brownfield sites, land allocated for employment uses or in the Plan's Principal Employment Areas. Whilst the site is open countryside it is also designated green barrier.
- 7.29 GEN4 deals with development in these locations and the proposal does not constitute any of the uses referred to in criteria (a) to (f). Criterion (g) refers to other appropriate rural uses for which a rural location is essential. Notwithstanding these circumstances the policy also goes on to state that development should only be permitted provided that it would not contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier. Objections have been received citing the detrimental impact of the proposed development on the designated Green Barrier.
- 7.30 The UDP strategy in the designation of green barriers is to ensure the protection of important areas of open land. This is certainly the case in this instance as the site sits within a larger swathe of green barrier number 16 Sealand – Cheshire Border (N River Dee). The character of the site is in complete contrast to the industrial areas located across the river to the south. The River Dee, in this area of the county could be seen to form a firm and defensive boundary to the limits of built development on the industrial sites to the south. In essence the green barrier designations are intended to perform the same basic functions as green belts albeit without the same level of permanence. In this case the land has been designated as it comprises an extensive area of flat and open agricultural land.

- 7.31 In broad terms Policies GEN3 & 4 refer to use of land in open countryside/green barrier only where it is appropriate and essential with other brownfield sites being preferential. As set out previously in this report, there is no overriding need to locate the development upon this site such that would outweigh the policy presumption against development of this kind in this area. Accordingly, I cannot conclude that this proposal is located thus due to an absence of other alternative sites within the area.
- 7.32 I turn then to consider whether the proposed siting of the arrays in this area would have an adverse impact upon the landscape itself. I note that the application has been the subject of landscape and visual impact assessment and the proposals are accompanied by a Landscape and Visual Impact Assessment and a Historic Environment Assessment. These assessments have assessed both the visual impacts of the proposed development from various vantage points around the site and also the impact of the proposals upon any historic assets in the locality.
- 7.33 The vantage points from which the visual impact assessment (VIA) has been undertaken at points ranging between 0m to 1.27km from the site. The VIA concludes that the impact from these viewpoints is moderate. The impacts are considered to be more significant at distances more local to the application site and principally impact upon the occupiers of nearby dwellings and users of nearby footpaths. In terms of impacts upon Historic Assets, the reports illustrate that there is actually only one asset in the search area (the listed former Women's Land Army building on Sealand Road) but no further assets of this type within the 500m assessment area and those which exist within the wider 5km assessment area have no direct visual relationship with the site and therefore there is no impact upon the setting of such assets.
- 7.34 Despite benefiting from the filtering effect of existing vegetation to long range views, at close range there would be clear views of the site which are unlikely to benefit much from any proposed mitigation by way of landscaping. The application details include visual mitigation by way of landscaping screening in the form of native species hedgerows and tree planting to the field boundaries to augment and reinforce those already existing.
- 7.35 The applicants argue that the site does not have any particular landscape value however it should be noted that green barrier designations need not have any intrinsic inherent quality (landscape or nature conservation). The key purpose is to retain openness.
- 7.36 Given the flat and open nature of the landscape I conclude that development upon this site would be particularly visible within the wider open, flat expanse of land. The site is particularly visible from

the adjacent public footpath situated to the eastern boundaries of the application site where there are uninterrupted views across the whole of the site. There is no doubt the site's development would inevitably change the character of the field and erode its rural quality and diminish the open nature of the green barrier designation. The proposed mitigation would serve to screen the site from medium to long distance views

7.37 Taking the requirements of Policies GEN3 & GEN4 into account I conclude that the proposals would not comply with these policies. The site has not been proven to be sequentially preferable and I consider that it is prejudicial to the green barrier designation, albeit for the temporary period of 25 years, especially at a localised level. I have also factored the requirements of Policies L1 and RE1 into my consideration of the broader issue and note that the proposals would also fail to satisfy the requirement to maintain or enhance the character of the landscape (policy L1) and does not provide an overriding case for the loss of BMV as required by policy RE1.

7.38 Economic Case

The applicant has suggested that power arising from this development could be supplied to local firms or residential customers via a Power Purchase Agreement from a major energy supplier (EDF). In addition, a letter of interest and PPA has also been provided by a land holding company associated with the Airfields site within the Deeside Enterprise Zone. This letter expresses interest in securing the generated power as an added incentive to parties interested in developing the Airfields site.

7.39 As mentioned previously in this report, Members are aware in the case of recently approved Shotwick Road solar farm in which the proximity of the that site to the identified end users of the produced power was considered to be the material consideration which outweighed the other policy concerns in that case. I have examined the details submitted by the applicant in support of their economic argument and am also mindful of the support for the proposal expressed by the Council's Business Development Manager. The submissions in both cases indicate that there is an interest in purchasing the power.

7.40 In the case of the EDF interest, this does not provide any indication of where the end users of the power are actually located in relation to the site itself. Whilst not a determinant factor in itself, it is material in considering the proximity user argument being relied upon by the applicant in support of the use of this site. The question is not whether the point has a policy basis, rather is the issue of sufficient materiality to outweigh the policy presumptions against the proposals. I shall return to this question in drawing conclusions upon this point.

- 7.41 The second expression of interest arises from the developer of the Airfields Site at Northern Gateway. In addition to the letter and PPA, the submission highlights a commitment to deliver energy at a 5% discount and indicates that the economic benefits over the 25 year production life of the this and the related solar farm proposal at Deeside Lane equates to some £13.4M.
- 7.42 The applicant contends that this site has been chosen not only because of its' proximity to site such as the Airfields, but also because of the proximity of available grid connection points within the area. I am advised that this site is one of those closest to the available 11kv grid connection in the area.
- 7.43 I have considered these submissions but note that, notwithstanding the intentions of the developer at the Airfields, there is actually no development undertaken or being undertaken upon this site. Therefore, there is no end user to satisfy the proximity argument being relied upon by the applicant. It is a fact that this proposal offers no guarantees as to when the development of the Airfields development will commence. Therefore, until development has been undertaken, there is no end user at that site and therefore all power generated in the interim would be fed directly into the grid.
- 7.44 This fact brings be back to question of the materiality of the proximity arguments being advanced by the applicant is support of the development of this site. The materiality of such an argument was apparent in the decision at Shotwick Road, where it was evidenced and secured via an appropriate S.106 agreement, that the location of the solar farm was essential given its proximity to the end user of the power.
- 7.45 The fact in this case is that there is no locational factor which would override the policy presumption against the development of a site in the open countryside, within a Green barrier and comprising BMV land. The facts are that, if approved, either of the above arrangements would see the power produced being fed into the grid, with no control as to where that power is then distributed.

8.00 CONCLUSION

- 8.01 In coming to my recommendation, I have weighed into the balance the strong support at national and local levels for the development of renewable energy generation against the presumption against non-essential development in the open countryside/Green Barrier, the impact arising therefrom and the loss of BMV land for the duration of the life of the site.
- 8.02 Whilst the case for the development of such proposals has significant weight, it does not in itself outweigh the fact that the location of the development on this site is not proven to be essential. It therefore

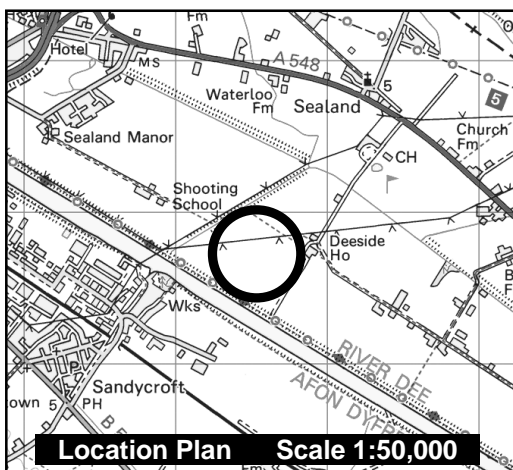
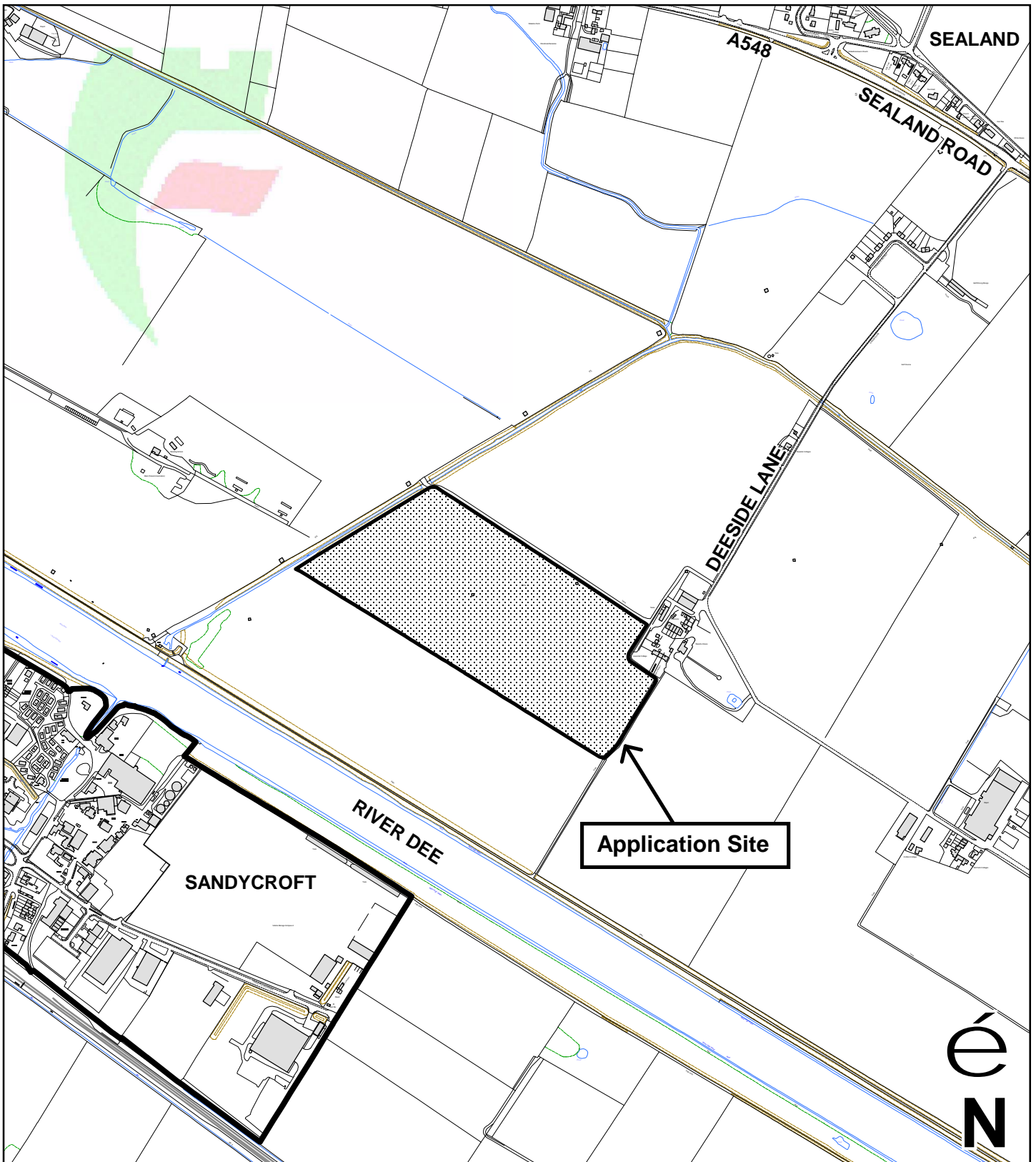
necessarily follows that non-essential development is not, in itself, sufficient reasons to allow development which would result in the loss of BMV land and result in a negative landscape impact.

- 8.03 Accordingly I consider that the proposals are not acceptable having regard to the policies within the UDP and having regard to the national policy guidance framework.
- 8.04 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

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



Location Plan Scale 1:50,000



Planning & Environment,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:10,000

OS Map ref SJ 3467

Planning Application **53686**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 23RD MARCH 2016**

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

SUBJECT: **FULL APPLICATION - DEVELOPMENT OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING INVERTER HOUSINGS, ACCESS TRACKS, SECURITY FENCING AND CAMERAS AT MANOR FARM, DEESIDE LANE, SEALAND.**

APPLICATION NUMBER: **053687**

APPLICANT: **SEP WOOD FARM LTD**

SITE: **LAND AT MANOR FARM, KINGSTON LANE, SEALAND, FLINTSHIRE.**

APPLICATION VALID DATE: **1ST JUNE 2015**

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

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

REASON FOR COMMITTEE: **THE SIZE OF THE APPLICATION SITE EXCEEDS THAT FOR WHICH DETERMINATION POWERS ARE DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **YES. MEMBERS WILL RECALL IN DEFERRING THIS APPLICATION AT THE COMMITTEE OF 24TH FEBRUARY 2016 IT WAS RESOLVED THE APPLICATION WOULD BE THE SUBJECT OF A SITE VISIT**

1.00 SUMMARY

- 1.01 The proposal is a full planning application for a photovoltaic solar farm and ancillary works on agricultural land at Manor Farm, Deeside Lane, Sealand. The site extends to approximately 10.30 hectares. The issues for consideration are the principle of development; impacts on visual appearance and character of the green barrier; loss of best and most versatile agricultural land (BMV), ecological impacts, impacts

upon aerodrome safeguarding amenity and impacts on residential amenities.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01
1. The Local Planning Authority considers that the proposals would result in the unjustified loss of Grade 2 Best and Most Versatile agricultural land to beneficial agricultural production. Accordingly, it is considered that the proposals are contrary to the provisions of Policies STR1, STR7, STR10, GEN1 and RE1 of the Flintshire adopted Unitary Development Plan.

 2. The Local Planning Authority considers that insufficient evidence has been provided to justify the development of this site within an area of open countryside and Green Barrier and therefore considers that the proposals would unacceptably harm the character and appearance of the landscape and would have a detrimental impact upon the openness of the Green Barrier in this location. Accordingly the proposals are contrary to the provisions of Policies STR1, STR7, GEN1, GEN3, GEN4 and L1 of the Flintshire adopted Unitary Development Plan.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Mrs. C. M. Jones
Requests Committee Determination

Sealand Community Council

Objects to the proposals on the following grounds:

- Loss of Grade 2 agricultural land;
- Adverse impact upon habitat and populations of species;
- Proposals are of a scale which adversely impacts upon the character and appearance of the landscape; and
- Potential adverse impact upon aircraft approaching both Hawarden Airport and Liverpool John Lennon Airport.

Highways DC

No objection. Considers that the submitted Construction Traffic Management Plan demonstrates that the proposals would not give rise to any adverse impacts upon the local highway network.

Notes that Public Footpath 10 abuts the site but is unaffected by the proposal.

Pollution Control Officer

No adverse comments.

Dwr Cymru/Welsh Water

No objection.

Welsh Government – Land Use Planning Unit

Objects. Considers that the applicant has failed to demonstrate that the loss of BMV has been considered in accordance with best practice and guidance. Furthermore, considers that no evidence has been provided to prove that the land can be returned to BMV quality at the end of the proposed period of operation of the solar farm.

Airbus

No objection. Considers concerns in respect of aerodrome safeguarding as a consequence of bird hazard is addressed via the submitted Biodiversity Management Plan.

Liverpool John Lennon Airport

No objection. The proposals will have no impact upon operations at the airport.

National Air Traffic Services

The proposals do not give rise to any objection upon air traffic safeguarding grounds.

Natural Resources Wales

No objection to the proposals.

RSPB Cymru

No objection. Welcomes the commitment of the developer to provide a bird habitat management and biodiversity enhancement scheme via the Biodiversity management Plan.

Campaign for the Protection of Rural Wales

Objects to the proposals on the following basis:

- the proposals would have an adverse impact upon landscape character;
- the essential need for an open countryside location has not been made; and
- proposals would result in the loss of high grade agricultural land from agricultural production.

Clwyd Bat Group

No response at time of writing.

Clwyd Badger Group

No response at time of writing.

North East Wales Wildlife
No response at time of writing.

North Wales Wildlife Trust
No response at time of writing.

The Ramblers Association
No response at time of writing.

National Grid
No response at time of writing.

SP Energy Networks
No objections.

Wales and West Utilities
No objections.

4.00 PUBLICITY

4.01 At the time of writing 7No. letters have been received in objection to the proposals. The grounds for objection are:

- inappropriate development in the open countryside;
- loss of high quality agricultural land;
- absence of details in respect of grid connection;
- community consultation not undertaken as claimed by the applicant;
- Impacts upon character and appearance of the area;
- Impacts upon the enjoyment of footpaths by walkers;
- Flood risk;
- Impacts upon residential amenity occasioned by construction noise and disturbance and noise emitted by plant once operational;
- Area is not industrialised as claimed; and
- Absence of consideration of alternative sites;

At the time of writing 1No. letter has been received in support of the proposal.

5.00 SITE HISTORY

5.01 Various historical applications in relation to the agricultural use of the land but nothing relevant to this proposal.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

- Policy STR1 – New Development
- Policy STR7 – Natural Environment
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Planning Policy Wales (2016);

Technical Advice Note 5: Nature Conservation & Planning (January 2009);

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010);

Technical Advice Note 8: Renewable Energy (July 2005);

Technical Advice Note 23: Economic Development (February 2014)

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises a 10.3 hectare area of flat agricultural land. The site is bounded on all sides by existing hedgerows. Access is presently derived via an existing lane which serves Wood Farm which is provided via Deeside Lane. The site is set within a wider flat landscape of similar character which is employed predominantly in agricultural production.

7.02 The Proposals

The proposals seek permission for the development of the site to provide a 5MW solar park. The proposal seeks permission on a temporary basis of 25 years. The proposals provide for the siting of 19,320 solar panels arranged in arrays running across the site. The panels are proposed to be mounted upon a metal frame at an angle of 28 degrees from the horizontal. The panels will be 2.2 metres above ground level at the highest pint and 1 metre at their lowest.

7.03 In addition, cabling conduits, set 1 m into the ground are proposed which in turn link with inverters and control cabinets. The proposals provide for the site to be enclosed by a 2m high deer fence and a new electricity sub-station is proposed within the south eastern corner of the site to provide connections to the national grid. Access will remain as existing.

7.04 The Main Issues

I consider the main issues for consideration in connection with this application are:

1. The principle of development having regard to both national and local planning policy;
2. Loss of Best and Most Versatile agricultural land (BMV);
3. Impacts upon the visual character and appearance of the landscape and Green Barrier;

7.05 The Principle of Development

National Policy and Guidance

The Welsh Government (WG) has clear priorities to reduce carbon emissions, with one of the important ways of delivering this being through the continued development of renewable energy generating projects. TAN8 included a target of 4 TWh (Terrawatt Hours) per annum of renewable energy production by 2010 and 7 TWh by 2020.

7.06 PPW advises that the WG's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimizing, environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production.

7.07 When considering planning applications for renewable energy schemes, WG advises that planning authorities should take into account:-

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy.
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
- The impact on the national heritage, the coast and the historic environment.
- The need to minimize impacts on local communities, to safeguard quality of life for existing and future generations.
- To avoid, mitigate or compensate identified adverse impacts”.

7.08 In addition to this there is a raft of further key documentation relevant to the proposal, for example, EU Energy Strategy 2020, Climate Change Strategy for Wales (2010), Energy Wales a Low Carbon

Transition (2014), Planning implications of Renewable and Low Carbon Energy – Practice Guidance (Welsh Government, 2011) and Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (Welsh Government, 2015).

- 7.09 The above paragraphs therefore set out the national planning policy framework associated with renewable energy proposals.
- 7.10 The Planning and Compulsory Purchase Act 2004 stipulates at S.38 that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’. Accordingly, the UDP is the starting point for the consideration of this application, unless National Planning Policy supersedes the provisions of those applicable policies.
- 7.11 **Local Planning Policy**
There are a number of strategic policies to be found in the UDP which are of relevance to this proposal and I refer to each in turn.
- 7.12 STR1 New Development – should generally be located within existing settlement boundaries, allocations, development zones and principal employment areas and will only be permitted outside these areas where it is essential to have an open countryside location.
- 7.13 STR7 Natural Environment – the stated aim of this policy is to safeguard Flintshire’s natural environment by, amongst other things, protecting the open character and appearance of strategic green barriers around and between settlements. The green barrier at this location is not around or between Flintshire settlements. Nevertheless it is a strategic planning designation where it abuts and compliments the West Cheshire Green Belt. In addition criterion (g) seeks to protect the quality of land, soil and air.
- 7.14 STR10 Resources – criterion (a) requires that new development must make the best use of resources through utilizing suitable brownfield land wherever practicable in preference to greenfield land or land with ecological, environment or recreational value.
- 7.15 Policy GEN1 sets out the general requirements to be met by all new development. It states that development that requires planning permission and is in accordance with the Plan’s other policies should satisfy a list of criteria. Criterion (k) states that the development should not result in the permanent loss of the best and most versatile agricultural land where either suitable previously developed land or land in lower agricultural grade is available. The applicant contends that the site is grade 3b agricultural land. Advice from Welsh Government Land Use Planning Department in respect of the Agricultural Land Classification of this site casts doubt upon this view

and indicates the site actually comprises Grade 2 land. Other criterion require the development to not have a significant impact on (amongst other things) wildlife species and other landscape features. Whilst the site is not a designated landscape it is a landscape feature in its own right by virtue of its openness and the visual impact upon this will need to be fully considered.

- 7.16 Policy GEN3 sets out those instances where development will be permitted in the open countryside and criterion (j) refers to other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere. In terms of the principle of this type of development it is my view that an open countryside location for solar panels is not necessarily essential. For example solar energy can be harvested on brownfield sites, land allocated for employment uses or in the Plan's Principal Employment Areas.
- 7.17 Whilst the site is open countryside it is also designated as green barrier. Policy GEN4 deals with development in these locations and the proposal does not constitute any of the uses referred to in criteria (a) – (d) or (f). However criteria (e) refers to farm diversification schemes and it is the applicants assertion that the proposal will result in farm diversification for which there is policy support at both the national and local level. Criterion (g) refers to other appropriate rural uses for which a rural location is essential.
- 7.18 Notwithstanding these circumstances the policy also goes on to state that proposals are only likely to be considered to be acceptable where, amongst other matters, it would not unacceptably harm the open character and appearance of the green barrier. Openness is a key attribute of this green barrier and whilst the applicant contends that a rural location is essential for the proposed use, it is my view that it is no more essential than other locations which are outside of the green barrier. I therefore fail to see the essential requirement for the proposal to be developed at this location.
- 7.19 Loss of Best and Most Versatile agricultural land (BMV)
Both national and local planning policy seek to ensure that development does not result in the loss of best and most versatile agricultural land where either suitable previously developed land or land of lower agricultural quality is available. The application particulars assert that quality of the agricultural land is Grade 3b and therefore not BMV. Furthermore, notwithstanding that the applicant does not consider the site to constitute BMV land, they assert that the loss of the land to agriculture is mitigated by the fact that grazing can still occur beneath the solar arrays.
- 7.20 The proposals have been the subject of consultation with Welsh Government Land Use Planning Unit (WG) who have raised objection to the proposals on the basis that it is not in the long term national

interest to lose 10.3 hectares of BMV. Furthermore, WG has raised objection on the basis that the land amounts to Grade 2 agricultural land and therefore would constitute BMV. Various representations from third parties also raise this matter in objection.

- 7.21 The applicant has sought to contend that the land is not of such high agricultural quality as a consequence of flooding and soil wetness and ought therefore to be properly considered as Grade 3b. WG have considered the Agricultural Land Classification reports submitted in support of the application, together with other additional information provided in relation to the effect of the claimed flood and soil wetness issues at the site.
- 7.22 WG have consulted with NRW upon these points and NRW have advised that the site is not subject to flooding as a consequence of inundation from adjacent watercourses and groundwater is not such as would result in soil wetness to reduce the quality of the soil. Accordingly, WG maintain their objection and advise that the site comprises Grade 2 land.
- 7.23 Accordingly, the site does amount to land which is Best and Most Versatile agricultural land and therefore its loss to agricultural production, whether permanent or temporary (as cited by the applicant), must be weighed against other factors which make the siting of the proposed development upon such land an imperative notwithstanding the above issue.
- 7.24 In addressing this issue, the applicant has submitted a report examining alternative locations to this site. This report acknowledges that BMV land should only be used where there is demonstrably no previously developed land (PDL) available for use and there is no other lower grade agricultural land available to substantiate that the use of this BMV land is acceptable. The report identifies a variety of sites amounting to PDL, including former landfill sites, and examines opportunities via the use of commercial roof space in the area. For a variety of reasons, the report discounts these sites as being unsuitable.
- 7.25 It would have been expected that the applicant would then have proceeded to consider the availability of lower grade agricultural land in sequential preference to BMV land. However, upon this point, the applicants rely upon their view that the site is sub grade 3b land and therefore, not BMV. In taking this view they have concluded that an assessment of other agricultural land is not required.
- 7.26 It is in this respect that the assessment of alternative sites is fundamentally flawed. The site is BMV land and therefore, to not assess whether other lower grade agricultural land is available does not accord with the applicable policy context.

- 7.27 The applicants have referred to a relatively recent planning permission granted for a solar farm on land to the north of Shotwick Road, suggesting that even if this land is considered to be BMV, the precedent has been set. Members will however recall that that planning permission was granted on the basis of a proven locational need to serve the adjacent papermill, which was cemented through a complex legal agreement binding the applicant to this supply. Despite the letters of support recently submitted (See Paragraphs 7.38 – 7.45 below) there is no such proven need in this case and consequently, no overriding requirement to locate this development upon this particular tract of land.
- 7.28 Impacts upon the visual character and appearance of the landscape and the Green barrier
GEN3 sets out those instances where development will be permitted in the open countryside and criterion (j) refers to other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere. I have stated earlier, this type of development it could also be accommodated on brownfield sites, land allocated for employment uses or in the Plan's Principal Employment Areas. Whilst the site is open countryside it is also designated green barrier.
- 7.29 GEN4 deals with development in these locations and the proposal does not constitute any of the uses referred to in criteria (a) to (f). Criterion (g) refers to other appropriate rural uses for which a rural location is essential. Notwithstanding these circumstances the policy also goes on to state that development should only be permitted provided that it would not contribute to the coalescence of settlements and unacceptably harm the open character and appearance of the green barrier. Objections have been received citing the detrimental impact of the proposed development on the designated Green Barrier.
- 7.30 The UDP strategy in the designation of green barriers is to ensure the protection of important areas of open land. This is certainly the case in this instance as the site sits within a larger swathe of green barrier number 16 Sealand – Cheshire Border (N River Dee). The character of the site is in complete contrast to the industrial areas located across the river to the south. The River Dee, in this area of the county could be seen to form a firm and defensive boundary to the limits of built development on the industrial sites to the south. In essence the green barrier designations are intended to perform the same basic functions as green belts albeit without the same level of permanence. In this case the land has been designated as it comprises an extensive area of flat and open agricultural land.
- 7.31 In broad terms Policies GEN3 & 4 refer to use of land in open countryside/green barrier only where it is appropriate and essential with other brownfield sites being preferential. As set out previously in this report, there is no overriding need to locate the development upon

this site such that would outweigh the policy presumption against development of this kind in this area. Accordingly, I cannot conclude that this proposal is located thus due to an absence of other alternative sites within the area.

- 7.32 I turn then to consider whether the proposed siting of the arrays in this area would have an adverse impact upon the landscape itself. I note that the application has been the subject of landscape and visual impact assessment and the proposals are accompanied by a Landscape and Visual Impact Assessment and a Historic Environment Assessment. These assessments have assessed both the visual impacts of the proposed development from various vantage points around the site and also the impact of the proposals upon any historic assets in the locality.
- 7.33 The vantage points from which the visual impact assessment (VIA) has been undertaken at points ranging between 0m to 1.27km from the site. The VIA concludes that the impact from these viewpoint is moderate. The impacts are considered to be more significant at distances more local to the application site and principally impact upon the occupiers of nearby dwellings and users of nearby footpaths. In terms of impacts upon Historic Assets, the reports illustrate that there is actually only one asset in the search area (the listed former Women's Land Army building on Sealand Road) but no further assets of this type within the 500m assessment area and those which exist within the wider 5km assessment area have no direct visual relationship with the site and therefore there is no impact upon the setting of such assets.
- 7.34 Despite benefiting from the filtering effect of existing vegetation to long range views, at close range there would be clear views of the site which are unlikely to benefit much from any proposed mitigation by way of landscaping. The application details include visual mitigation by way of landscaping screening in the form of native species hedgerows and tree planting to the field boundaries to augment and reinforce those already existing.
- 7.35 The applicants argue that the site does not have any particular landscape value however it should be noted that green barrier designations need not have any intrinsic inherent quality (landscape or nature conservation). The key purpose is to retain openness.
- 7.36 Given the flat and open nature of the landscape I conclude that development upon this site would be particularly visible within the wider open, flat expanse of land. The site is particularly visible from the adjacent public footpath situated to the eastern boundaries of the application site where there are uninterrupted views across the whole of the site. There is no doubt the site's development would inevitably change the character of the field and erode its rural quality and diminish the open nature of the green barrier designation. The

proposed mitigation would serve to screen the site from medium to long distance views

7.37 Taking the requirements of Policies GEN3 & GEN4 into account I conclude that the proposals would not comply with these policies. The site has not been proven to be sequentially preferable and I consider that it is prejudicial to the green barrier designation, albeit for the temporary period of 25 years, especially at a localised level. I have also factored the requirements of Policies L1 and RE1 into my consideration of the broader issue and note that the proposals would also fail to satisfy the requirement to maintain or enhance the character of the landscape (policy L1) and does not provide an overriding case for the loss of BMV as required by policy RE1.

7.38 Economic Case

The applicant has suggested that power arising from this development could be supplied to local firms or residential customers via a Power Purchase Agreement from a major energy supplier (EDF). In addition, a letter of interest and PPA has also been provided by a land holding company associated with the Airfields site within the Deeside Enterprise Zone. This letter expresses interest in securing the generated power as an added incentive to parties interested in developing the Airfields site.

7.39 As mentioned previously in this report, Members are aware in the case of recently approved Shotwick Road solar farm in which the proximity of the that site to the identified end users of the produced power was considered to be the material consideration which outweighed the other policy concerns in that case. I have examined the details submitted by the applicant in support of their economic argument and am also mindful of the support for the proposal expressed by the Council's Business Development Manager. The submissions in both cases indicate that there is an interest in purchasing the power.

7.40 In the case of the EDF interest, this does not provide any indication of where the end users of the power are actually located in relation to the site itself. Whilst not a determinant factor in itself, it is material in considering the proximity user argument being relied upon by the applicant in support of the use of this site. The question is not whether the point has a policy basis, rather is the issue of sufficient materiality to outweigh the policy presumptions against the proposals. I shall return to this question in drawing conclusions upon this point.

7.41 The second expression of interest arises from the developer of the Airfields Site at Northern Gateway. In addition to the letter and PPA, the submission highlights a commitment to deliver energy at a 5% discount and indicates that the economic benefits over the 25 year production life of the this and the related solar farm proposal at Deeside Lane equates to some £13.4M.

- 7.42 The applicant contends that this site has been chosen not only because of its' proximity to site such as the Airfields, but also because of the proximity of available grid connection points within the area. I am advised that this site is one of those closest to the available 11kv grid connection in the area.
- 7.43 I have considered these submissions but note that, notwithstanding the intentions of the developer at the Airfields, there is actually no development undertaken or being undertaken upon this site. Therefore, there is no end user to satisfy the proximity argument being relied upon by the applicant. It is a fact that this proposal offers no guarantees as to when the development of the Airfields development will commence. Therefore, until development has been undertaken, there is no end user at that site and therefore all power generated in the interim would be fed directly into the grid.
- 7.44 This fact brings be back to question of the materiality of the proximity arguments being advanced by the applicant is support of the development of this site. The materiality of such an argument was apparent in the decision at Shotwick Road, where it was evidenced and secured via an appropriate S.106 agreement, that the location of the solar farm was essential given its proximity to the end user of the power.
- 7.45 The fact in this case is that there is no locational factor which would override the policy presumption against the development of a site in the open countryside, within a Green barrier and comprising BMV land. The facts are that, if approved, either of the above arrangements would see the power produced being fed into the grid, with no control as to where that power is then distributed.

8.00 CONCLUSION

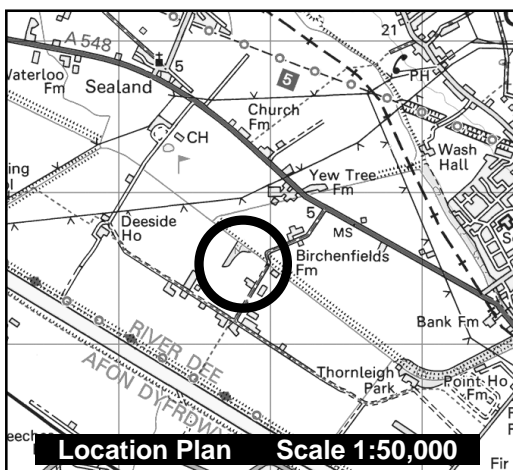
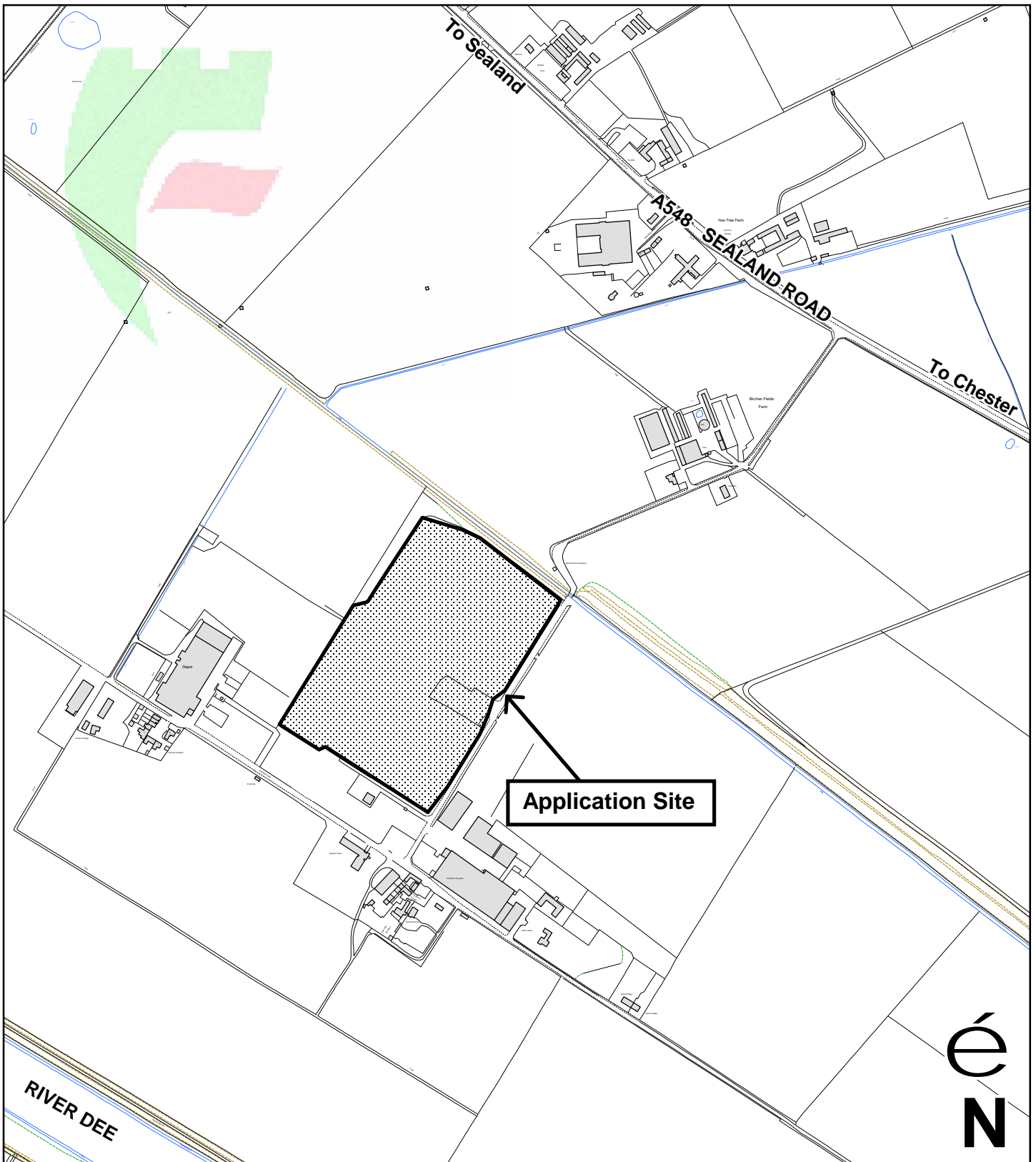
- 8.01 In coming to my recommendation, I have weighed into the balance the strong support at national and local levels for the development of renewable energy generation against the presumption against non-essential development in the open countryside/Green Barrier, the impact arising therefrom and the loss of BMV land for the duration of the life of the site.
- 8.02 Whilst the case for the development of such proposals has significant weight, it does not in itself outweigh the fact that the location of the development on this site is no proven to be essential. It therefore necessarily follows that non-essential development is not, in itself, sufficient reasons to allow development which would result in the loss of BMV land and result in a negative landscape impact.
- 8.03 Accordingly I consider that the proposals are not acceptable having regard to the policies within the UDP and having regard to the national policy guidance framework.

8.04 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

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



Planning & Environment,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:7500

OS Map ref SJ 3567

Planning Application **53687**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 33 NO APARTMENTS WITH ASSOCIATED CAR PARKING AT THE ALBION SOCIAL CLUB, PEN Y LLAN CONNAH’S QUAY**

APPLICATION NUMBER: **054607**

APPLICANT: **STAR BLUE ASSOCIATES**

SITE: **ALBION HOTEL, PEN Y LLAN CONNAH’S QUAY**

APPLICATION VALID DATE: **17.11.15**

LOCAL MEMBERS: **COUNCILLOR BERNIE ATTRIDGE**
COUNCILLOR AARON SHOTTON

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for 33 apartments with associated access and parking, cycle and refuse storage. The proposed scheme would create a form of development both in layout and design terms which would improve the residential amenity of the existing residents and would create an attractive living environment for the proposed residents.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking or earlier payment of monies to provide the following;-

- An off –site commuted sum of £733 per unit in lieu of on-site provision to improve the junior play facilities at River View, Connah’s Quay
- A contribution of £98,056 is required towards educational enhancements at Golftyn Primary School
- A commuted sum of £360,000 to facilitate access to affordable housing in Connah’s Quay

1. Time Commencement
2. In accordance with plans
3. Details and locations of cycle stands/shelters
4. Details of foul, surface water and land drainage to be submitted
5. Materials
6. Hard and soft landscaping including boundary treatment
7. Enhanced double glazing for block A for bedroom and living room windows facing onto Church Street
8. Scheme for the re-alignment of the access
9. Works to the access to be completed prior to the commencement of other works on site
10. Design of access
11. Gates to be set back a minimum distance of 5.0m from the edge of the existing carriageway
12. Parking and turning facilities to be provided and retained
13. Positive means to prevent surface water run-off onto the highway
14. Construction Traffic Management Plan
15. Details of cycling stands/shelters

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Bernie Attridge

Requests a site visit and objects to the application on the following grounds;

- Car parking spaces - appreciate it is classed as Town Centre location but the nearest car park is some distance away so will have a detrimental effect to area.
- Consider the site is still an over development
- No affordable housing provision

Councillor Aaron Shotton

No response received at time of writing.

Connah's Quay Town Council

Objects on the grounds that it is an inappropriate development and a site visit is requested.

Highways Development Control Manager

As a private refuse collection is proposed there is no need within the layout to accommodate the Council's large refuse wagon and the provision of turning facilities as shown to accommodate a smaller vehicle is acceptable. The changes to the car parking layout are now acceptable. While the provision of 42 spaces is below the maximum set out in Local Planning Guidance Note 11 it would appear a reasonable number considering the location of the application site subject to justification of this level of provision.

No objection subject to conditions covering;

- Scheme for the re-alignment of the access
- Works to the access to be completed prior to the commencement of other works on site
- Design of access
- Gates to be set back a minimum distance of 5.0m from the edge of the existing carriageway
- Parking and turning facilities to be provided and retained
- Positive means to prevent surface water run-off onto the highway
- Construction Traffic Management Plan

Public Protection Manager

No objections in principle, however the noise levels from traffic on Church Street are such measures are necessary to protect the residents of block A in accordance with the requirements of TAN11:

Noise. A condition is recommended to require a scheme of enhanced double glazing for block A.

Welsh Water/Dwr Cymru

No objections subject to standard conditions covering foul, surface water and land drainage.

Natural Resources Wales

No objection.

Clwyd Powys Archaeological Trust

There are no Archaeological implications however the eastern stone boundary wall, may be part of the curtilage of the adjacent listed church and vicarage and should be preserved within the proposed development scheme.

Head of Play Unit

In accordance with Local Planning Guidance Note No 13 the Council should be seeking an off-site contribution of £733 per apartment in lieu of on-site public open space. This would be used to enhance existing junior play facilities at River View, Connah's Quay.

Education

The nearest Primary School to the development is Golftyn County Primary School which has 391 children on role and a capacity of 404 children. At present it has 3% surplus places. A development of this scale would generate 8 pupils. As the school has less than 5% surplus spaces a contribution of £98,056 is required based on the pupil multiplier of £12,257 per pupil.

The nearest Secondary school is Connahs' Quay High School which has 15% surplus spaces. A development of this scale would generate 6 pupils which would not reduce the number of surplus spaces below the 5% trigger. A contribution towards secondary provision is therefore not required.

Housing Strategy Manager

Consider due to the nature of the scheme as a private apartment development that a commuted sum would be the best option. This has been calculated based on an estimated sales value of £120,000. $30\% \text{ of } £120\text{K} = £36\text{K} \times 10 = £360,000.$

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

5 objections on the grounds of;

- Enough flats/apartments in this area
- Not enough parking spaces
- Need for pensioners bungalows and town houses
- The height of the buildings would have an impact on the privacy of the surrounding properties
- The development is on a busy road and the access is adjacent to a layby which is regularly used by the church and other residents. This restricts the visibility from the access on to a busy road.
- Will lead to on-street parking
- Overlooking of rear gardens
- Concern more apartments will lead to an increase in crime
- Loss of light
- Over dominance
- Noise
- Impact on the character and appearance of the area
- Pedestrian safety due to increased use of access and traffic

5.00 SITE HISTORY

5.01 053425 -Erection of 36 apartments in 6 three and four storey blocks with associated access and car parking Withdrawn 24.09.15

046886 - Erection of a smoking shelter. File closed 29.01.10

Extension to existing sports and social club Approved 03.09.91

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated within settlement boundaries

HSG8 - Density of Development

HSG10 – Affordable Housing within Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development
S11 – Retention of Local Facilities

Local Planning Guidance Note 2 : Space Around Dwellings
Local Planning Guidance Note 11: Parking spaces
Local Planning Guidance Note 13: Open Space Requirements
Local Planning Guidance Note 23 : Education Contributions
TAN11: Noise

The application is in accordance with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for 33 apartments with associated access and parking, cycle and refuse storage on 0.28 hectares at the Albion Hotel, Church Street, Connah's Quay.

7.02 Site Description

The application site lies within Connah's Quay off Church Street. It is bounded to the north west by the residential development on Pen y Llan Street which is in the form of terraced housing. To the north east the site is bounded by Osbourne Court which are semi-detached houses. To the east of the site is St. Mary's Church and The Vicarage which are both Grade II Listed buildings. To the south of the site are detached residential properties.

7.03 The site is currently occupied by the Albion Hotel which is a large two storey building occupying the south west of the site and abuts the existing residential properties on Pen y Llan Street. The hotel has been extended with two storey hotel accommodation forming the north western boundary with the alley way between the rear yards of Pen y Llan Street and the site boundary. The remainder of the site is car parking.

7.04 Proposed Development

It is proposed to provide 33 two bedroom apartments. These are within five separate blocks of two and a half storeys. It is proposed to provide 33 resident car parking spaces and 9 visitor spaces with amenity areas, cycle shelters and refuse store. The proposed apartments are red brick with a slate roof. The refuse store is 5.8metres by 4.5metres and would be a brick building with a pitched tiled roof and wooden doors.

7.05 Issues

The main issues are the scale and nature of the development, impact on residential amenity and highways impacts.

- 7.06 Principle of development
The site is situated within Connah's Quay which is a town and designated as a Category A settlement within the Flintshire Unitary Development Plan. The site was formerly used as a hotel and social club which is now vacant. The loss of this facility under policy S11 is accepted as the site is within a town centre with other such facilities.
- 7.07 The site is a brownfield site located in a sustainable location and therefore is in accordance with the principle of Planning Policy Wales Edition 8 2016. The application site is also surrounded by residential properties and it is considered that a residential use would be more appropriate in this location.
- 7.08 Scale and nature of the development and impact on residential amenity
The surrounding area is a variety of types ranging from traditional two storey terraced housing and semi-detached properties to three storey block of flats. To the south east of the site is St. Mary's Church and graveyard and the adjacent vicarage, which is a large two storey house and outbuildings in its own grounds. The proposed development is of traditional design with the use of bricks and slate with cill features and traditional gables in the roof. The design of the building has taken features from the traditional properties in the area.
- 7.09 This application is a resubmission of application 053425 for 36 apartments which was withdrawn following concerns raised over the number of units and the form of development. The proposed scheme has evolved through detailed discussions with the agent to reduce the massing of the development from the initial three and four storey blocks. The siting of the apartment blocks has also been carefully considered both in terms of the impact on the existing surrounding properties and to create an attractive living environment for the proposed occupiers.
- 7.10 In terms of the density of the scheme, the site is 0.28 hectares so 33 apartments equates to 117 dwellings per hectare. This is a high density scheme however it is within an urban area where it is considered to be acceptable subject to the form and design of the development.
- 7.11 Block A provides some frontage development and adds to the street scene by continuing the building line along Church Street. Blocks B, and E have been orientated with the principle elevations and living areas facing the communal parking areas to provide natural surveillance with bedrooms at the rear facing the existing residential properties and a more private aspect. Blocks C and D have been

sited to overlook the amenity space which is bounded by the existing stone/brick wall of the grounds of the Vicarage. The blocks have been located to minimise the impact on the existing residential properties by removing all built development from the north western boundary and also respecting the Listed buildings to the south east.

7.12 The side elevations of blocks B and E face Pen y Llan Street and are approximately 12 metres from the habitable rooms in the nearest properties. The current accommodation for the Albion Hotel is situated on the boundary with the alley way separating the site with the rear gardens of Pen y Llan Street. The existing accommodation is 10 metres from the habitable rooms of the existing buildings and has habitable rooms which directly overlooks the existing properties. The proposed block therefore greatly improves the residential amenity of these residents by moving the built form further away from the existing properties and removing any overlooking. Block C within the centre of the site has habitable rooms overlooking Pen y Llan Street but these have separation distances of 22 metres from any habitable rooms. It is therefore considered that the proposed scheme accords with Local Planning Guidance Note 2: Space Around Dwellings.

7.13 The scheme also provides for a refuse store which located within the site adjacent to the north west boundary. This would be a physical structure with the bins located within it to reduce any adverse impacts from odour or litter. The location and details of the cycle stands/shelters would be agreed by condition.

7.14 Affordable Housing

Housing Strategy have considered the housing need in Connah's Quay and consider due to the nature of the scheme as a private apartment development that a commuted sum would be the best option. This could be invested into the SHARP programme which has three identified schemes in Connah's Quay and/or to assist facilitating access to affordable housing through other mechanisms such as deposit assistance

7.15 This has been calculated based on an estimated sales value of £120,000. If the dwellings were sold at 70% discount market value it was the 30% reduction based on £120,000 =£36,000 x 10 = £360,000. The applicant is agreeable to this.

7.16 Access

The site currently has a use as a hotel and social club with 40 car parking spaces and has the potential to be used for another use within the same Use Class for hotels (C1) or social club (A3) which would generate similar vehicle's movements.

- 7.17 The proposed access would provide a pedestrian crossing point and would have gates set back within the site to allow vehicles to pull in clear of the carriageway. Sufficient manoeuvring space is provided within the site for delivery vehicles to turn and to avoid reversing out onto the highway.
- 7.18 Highways raise no objections to the proposed use subject to conditions covering access and parking details and a construction traffic management plan.
- 7.19 Parking
The proposal has 33 spaces with one for each apartment and 9 visitor spaces. The level of car parking is below the maximum parking standards set out in Local Planning Guidance Note 11 which requires 1.5 spaces for apartments. This would equate to 50 spaces as opposed to the 42 proposed. However this is justified as the site is located within Connah's Quay which is a main settlement within the Flintshire Unitary Development Plan. The nearest bus stop is within 100 metres of the site entrance near to the former Swan Inn. There is also access to the rail network from Shotton Station which is approximately 2km away and is accessible by public transport.
- 7.20 S106 Contributions and CIL Compliance
The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. 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.
- 7.21 An off-site commuted sum of £733 per unit in lieu of on-site provision to improve the junior play facilities at River View, Connah's Quay is required. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.
- 7.22 A contribution of £98,056 is required towards educational enhancements at Golftyn Primary School. This is in accordance with Local Planning Guidance Note 23: Education Contributions. There have not been 5 contributions towards this project to date.

7.23 A commuted sum of £360,000 to facilitate affordable housing is requested. This is in accordance with Local Planning Guidance Note 9: Affordable Housing.

7.24 It is considered that all of these contributions meet the Regulation 122 tests.

8.00 CONCLUSION

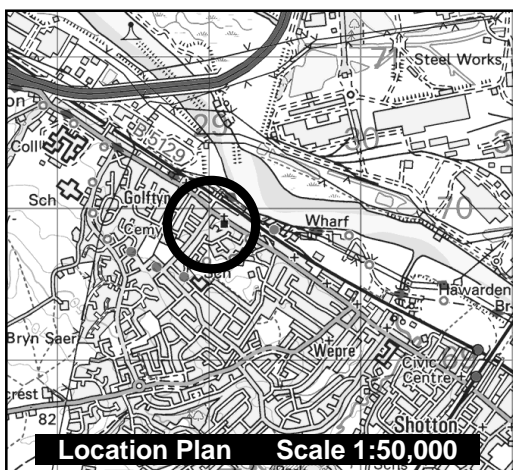
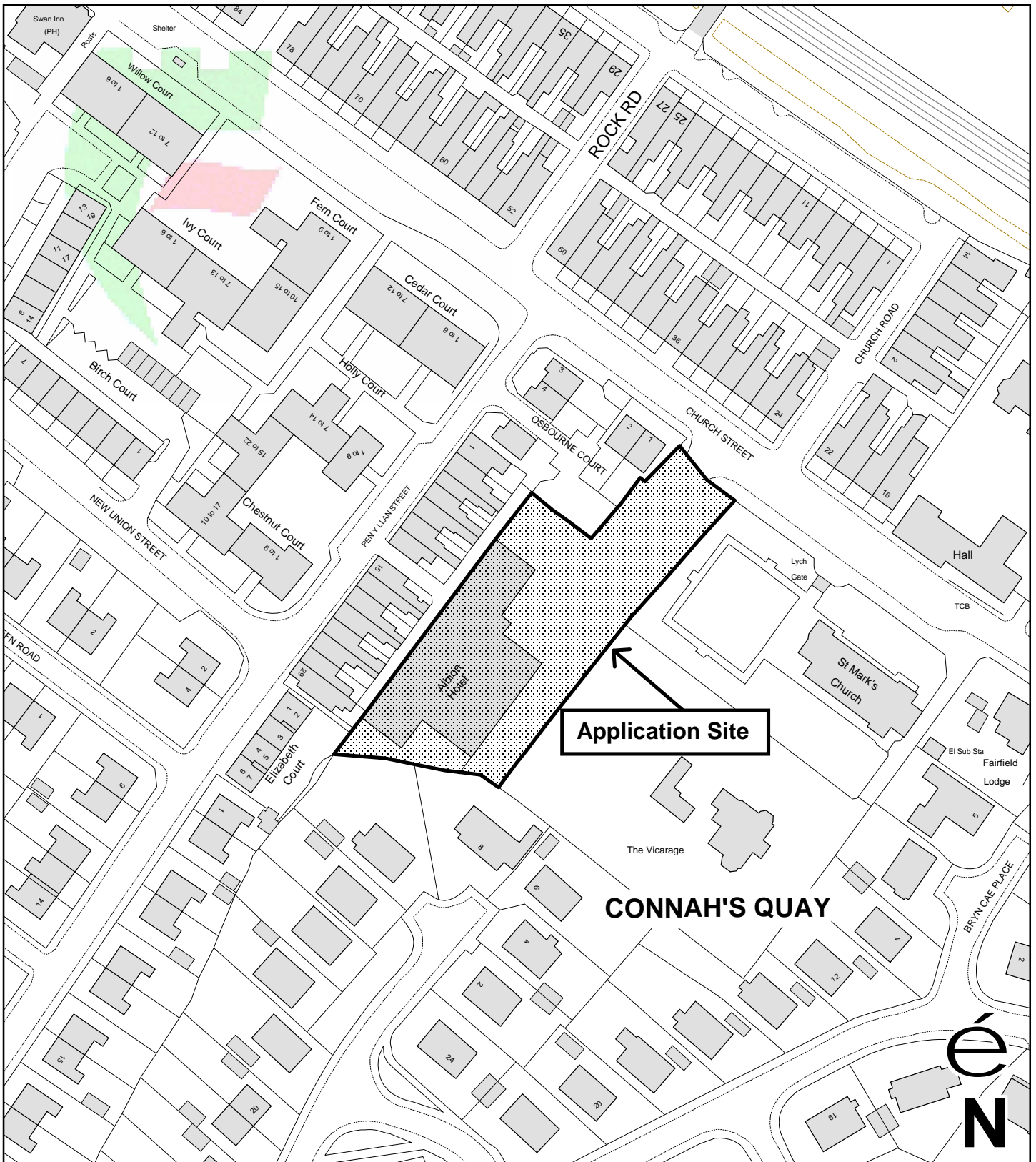
8.01 The proposed scheme would create a form of development both in layout and design terms which would improve the residential amenity of the existing residents and would create an attractive living environment for the proposed residents.

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS



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

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



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

Legend

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

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Map Scale	1:1250
OS Map ref	SJ 2969
Planning Application	054607

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH DETAILS OF ACCESS AT PANDY GARAGE, CHESTER ROAD, OAKENHOLT**

APPLICATION NUMBER: **054077**

APPLICANT: **MR. M. FAULKNER**

SITE: **PANDY GARAGE, CHESTER ROAD, OAKENHOLT**

APPLICATION VALID DATE: **28.07.15**

LOCAL MEMBERS: **COUNCILLOR MS R JOHNSON**

TOWN/COMMUNITY COUNCIL: **FLINT**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application for the use of a 0.48ha site for residential development. Details of access have been provided with all other matters reserved for future consideration.
- 1.02 The principle of residential development is acceptable within a Category A Settlement and complies with the objectives of PPW. Further investigations are required with regard to the archaeology on the site in order to inform the detailed layout of the site at reserved matters stage. Matters of capacity of the foul drainage system can be dealt with by condition on this permission and considered at the reserved matters stage. Flood risk can be managed subject to finished floor levels. The detailed layout and design can mitigate any impacts on residential amenity.

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

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

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

- a) Payment of £49,028 towards educational provision/improvements (toilets) for Croes Atti Primary School;
 - b) Contribution of £1,100 per dwelling in lieu of on-site open space provision to fund improvements to the adjacent play area at Croes Atti Lane
1. Outline time commencement – 3 years to submit reserved matters
 2. Plans
 3. Contaminated land investigation
 4. Drainage – foul flows to existing flow rates only unless Hydraulic modelling exercise is undertaken to show network can accommodate additional foul flows
 5. Surface water drainage scheme
 6. Prior to the reserved matters submission an archaeological investigation shall be undertaken to inform the layout.
 7. Siting layout and design of means of access
 8. Details of culvert/ditch to water course
 9. Extent of adopted highway shown on site
 10. Access kerbed and completed to carriageway base course prior to other site operations
 11. Closure of existing access and reinstatement
 12. Visibility splay of 2.4m x 43m
 13. No obstructions in visibility splay
 14. Parking and turning facilities to be provided on-site
 15. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
 16. Lighting columns to be relocated
 17. Traffic management Plan
 18. Site levels across whole site
 19. Finished floor levels of dwellings to be 8.99m

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 Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor R Johnson

Preliminary views raises concerns about flood risk.

Flint Town Council

No objection

Highways Development Control Manager

No objections subject to conditions covering;

- Siting layout and design of means of access
- Details of culvert/ditch to water course
- Extent of adopted highway shown on site
- Access kerbed and completed to carriageway base course prior to other site operations
- Closure of existing access and reinstatement
- Visibility splay of 2.4m x 43m
- No obstructions in visibility splay
- Parking and turning facilities to be provided on-site
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Lighting columns to be relocated
- Traffic management Plan

Public Protection Manager

The development site has a long industrial history as such there is some justification that contamination could be present in all or part of the site. Additionally the proposed development which includes residential accommodation could be particularly vulnerable to the presence of contamination.

Therefore, I would recommend that a Contaminated Land Investigation condition is attached to any approval you may grant.

CADW

The development site lies immediately to the south of the above named scheduled monument, a small area encroaching onto it to the west of the bowling green. The monument comprises the buried but well-preserved remains of a Roman industrial and possibly also domestic settlement first excavated in the 1930s. This forms part of a more extensive complex of industry and settlement arranged along the Roman road heading west towards Flint, including a number of (undesigned) metal working furnaces and structures excavated in the fields to the north in the 1920s, the complex of official buildings to the north west excavated in 1976-81 and to the west, the remains of the roadside industrial settlement at Croes Atti, excavated with public

funding in 2013 prior to their destruction. An eastward extension of this settlement continuing along the line of the Roman road was surveyed and evaluated in 2014 revealing the remains of further structures and an extensive cremation cemetery.

The plans indicate that a small section of the scheduled area falls within the boundary of the development, albeit away from any structures. Whilst the use of this area is not specified in any supporting documentation it would appear to be left as open space. If any landscaping, access routes, boundary creation or services fall within this area they will require scheduled monument consent from the Welsh Government (Cadw). Given the overarching national policy in favour of the physical preservation of scheduled monuments the onus will be on the applicant to demonstrate that no practicable alternative (route or location), avoiding the monument exists and that the need to undertake the works outweighs the presumption in favour of the protection of such an important monument of national importance. Scheduled Ancient Monument consent is likely to be required subject to the detailed layout.

The proposed trench locations fall outside of the scheduled area and seems logical to the inspector of ancient monuments and archaeology, who is also in agreement with the suggested approach; the Pentre Roman Site is scheduled for its well-preserved below-ground remains and there is some potential for the evaluation trenches to identify further nationally important archaeology, which it should be possible to preserve in situ through an adjustment of design and layout.

Welsh Water/Dwr Cymru

There are isolated incidents of flooding in the public sewerage system downstream of this site which will need to be overcome if development is to proceed. Further assessment of the sewer network would be required to consider the impact of this development upon the receiving sewerage network. In the absence of a completed assessment and based on our knowledge of the local network, we consider that the proposed development would overload the sewerage network. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore object to the development. In order to progress this development and overcome our objection, it will be necessary for a Hydraulic Modelling Assessment to be undertaken at the developer's expense. The conclusion of this study will determine capacity and/or any improvement works required.

Alternatively, if the proposed development site is a brownfield site we are prepared to consider a foul connection into the public sewer outside the proposed development site, albeit to the historical discharge rate of the site. We would suggest investigations are

undertaken by the applicant to confirm if the former development did connect into the sewer. It will also be beneficial for the applicant to explore and provide evidence (i.e. drawings indicating contributing areas, discharge rates) showing if the foul and surface water flows from the existing site discharges into the public foul sewerage system. Upon receiving this information we may be able to reconsider our consultation response for this development.

In relation to the surface water flows from the proposed development, these will have to be disposed of separately by other means, such as using soakaways or discharging directly to a watercourse in liaison with the Land Drainage Authority and / or Natural Resources Wales

Natural Resources Wales

Flood Risk

No objection subject to the imposition of conditions covering;

- Surface water regulation system
- Finished floor levels to be set at 8.99mAOD

Protected Sites

The application site is located approximately 160m away from the boundaries of the Dee Estuary RAMSAR site, the Dee Estuary Site of Special Scientific Interest (SSSI) and Dee Estuary Special Area of Conservation (SAC). From the information provided NRW does consider that the proposed development will not adversely affect the protected sites listed above.

Clwyd Powys Archaeological Trust

Information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological sensitivity.

The plot originally contained the Pandy Mill (PRN 103998) with the place name suggesting a fulling mill that may have medieval origins. The mill was later converted into a flour mill and this is represented on the first edition OS mapping. The mill pool and dam have subsequently been landscaped on the western edge of the plot. The flour mill has been demolished, but remnant stone walls up to two metres high are thought to be incorporated into later buildings at the rear of the plot.

The plot also lies immediately south of the scheduled monument known as Pentre Bridge Roman Site (SAM FI 131) and appears to partly include the scheduled monument within the proposed open space. As there may be a direct impact to the scheduled monument from landscaping or boundary creation activity within the open space area the applicant would need to approach Cadw to determine whether scheduled monument consent is required.

There is an unquantified potential for additional Roman period archaeology outside the scheduled area and across the rest of the development plot. The Roman road through the settlement at Croes Atti and Oakenholt is known to run past the plot on the north side and archaeology related to the nearby industrial or burial activity alongside the road may be present here at sub-surface levels. The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here I would advise that this application is not determined until this resource has been properly evaluated.

Play Unit

Would request a contribution of £1,100 per dwelling in lieu of formal on-site play provision towards improvements at the adjacent public open space at Croes Atti Lane.

Education

An Education contribution of £49,028 is required towards educational improvements at Croes Atti Primary School.

Community Safety Officer

Comments on how the layout should meet Secured by Design Principles.

Airbus

No comments to make.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

8 objections on the grounds that;

- Sufficient housing in Oakenholt at Cros Atti and in Flint
- Increase in traffic on an already busy road the A548
- Would make access to adjacent property of Rubern difficult
- Its in a flood risk area
- There is a stream running through the site
- Impact of two storey properties next to a bungalow
- Loss of light and privacy
- Impact on adjacent beauty spot

5.00 SITE HISTORY

5.01 3/FL/60/82

Change of use to shop. Approved 23.03.82

739/83

Outline erection of 7 lock up garages for industrial use. Refused
04.05.84

585/85

Extension to form workshop Approved 09.04.86

00/85

Façade to form conservatory showroom Approved 04.10.00

6.00 PLANNING POLICIES

6.01 STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – New Dwellings Inside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

HE6 – Scheduled Ancient Monuments and other Nationally Important
Archaeological Sites

HE7 – Other Sites of Lesser Archaeological Significance

HE8 – Recording of Historic Features

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

EWP17 – Flood Risk

Planning Policy Wales Edition 8 July 2016

TAN 1 Joint Housing Availability Studies 2015

Circular 60/96 - Archaeology and Planning

The proposal accords with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application for the use of a 0.48ha site for residential development. Details of access have been provided with all other matters reserved for future consideration.

7.02 Site Description

The site is currently occupied by a number of buildings housing commercial premises namely, Delyn Windows and second hand car sales along with a number of storage buildings, associated car parking and hardstanding. The site is currently accessed from Chester Road. The current position of the site access is to the south of the extent of the site frontage with Chester Road.

7.03 The site is bounded to the south by the residential property of Rubern which is a dormer bungalow. To the north of the site is a further residential property of New House. To the north west of the site is a bowling green and play area. To the west of the site is a pond. There is a stream which runs through the site and feeds into this pond. There is residential development in the form of terraced housing along Chester Road opposite the development site.

7.04 Proposed development

This is an outline planning application for the use of a 0.48ha site for residential development. Details of access have been provided with all other matters reserved for future consideration. Indicative layout has been submitted which shows 17 two storey 2 and 3 bedroomed semi-detached properties and terraced properties with indicative building heights of 7.3 metres to the ridge. Access to the site is proposed from Chester Road central within the site frontage to Chester Road. The existing stream is included within an area of open space on site and is not proposed to be development.

7.05 The application was accompanied by a Flood Consequences Assessment by WaterCo.

7.06 Issues

The main issues to consider are the archaeological implications of the development, flood risk and highways.

7.07 Principle of development

The application site is within the settlement of Flint which is a main town (Category A settlement) within the Flintshire Unitary Development Plan. It is therefore a focus for growth and residential development. The site is brownfield land with a mixture of uses and is not fully utilised at present. The site is within a predominately residential area and is not allocated for employment use. Residential use would be more compatible with the adjoining uses and has the

potential to improve the character of the street scene subject to the agreement of the detailed design.

7.08 The site complies with the principles of Planning Policy Wales and TAN1 in terms of the presumption in favour of suitable development and the use of previously development land and would contribute towards the land supply deficit.

7.09 Flood Risk

The site lies within Zone C2 as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map. This is confirmed by Natural Resources Wales' Floodmap, which shows that the site is within the 0.1% AEP fluvial flood outline and that parts of the site lie within the 1% AEP fluvial flood outline associated with the Nant Ffwrddan. Current site levels range from 13.3m AOD in the west to 7.7m AOD on Chester Road to the east.

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

i. its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or

ii. its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

iii. it concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land (PPW fig4.3);and

iv. the potential consequence of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 (vulnerability of development) and 7 and Appendix 1 (Assessing the consequences of flooding) of the TAN are found to be acceptable.

7.11 In terms of justifying the development, the site is located within the settlement boundary of Flint in the Flintshire Unitary Development Plan. Flint is a Category A settlement as defined in the UDP strategy and is a main town within which to focus growth. It is therefore considered this development would assist in sustaining the existing settlement in accordance with criteria (i) above.

7.12 In terms of meeting with the aims of PPW, the site is brownfield land. It is considered that the site does fall within the definition of previously developed land, as the site is occupied by buildings and associated hardstanding. This therefore meets with criteria (iii).

- 7.13 In terms of (iv) the application is supported by a Flood Consequences Assessment (FCA) undertaken by Waterco, for which updated detailed flood risk modelling has been carried out for the Nant Ffwrddan, which indicates that these designations may not accurately reflect the flood risks to the site. The site is not affected by the present-day tidal flood outlines. Parts of the site are shown to be at risk of surface water flooding in Natural Resources Wales' Flood Map for Surface Water.
- 7.14 Natural Resources Wales have reviewed and are satisfied with the hydrological and modelling for this site used to inform the submitted FCA. The FCA shows that the proposed residential development will remain dry in the 1% AEP plus climate change event, including a blockage event of the culverts on the site, in compliance with A1.14 of TAN 15. NRW therefore have no objection to the proposed development.
- 7.15 The FCA shows that, while there may be some shallow flooding of the site in the 0.1% AEP event with blockage, depths and velocities are within the thresholds of A1.15 of TAN 15. A safe access and egress route to be used in the event of an emergency is available from Chester Road.
- 7.16 While there will be some displacement of floodwater in a 0.1% AEP with blockage scenario, in this instance the applicant's consultant has calculated that this volume would be 'less than 1m³' and therefore the potential effect elsewhere will be minimal. NRW therefore raise no objection subject to the imposition of a condition stating finished floor levels would be set no lower than 8.99mAOD.
- 7.17 This will involve some land raising or design solution which would be detailed as part of the reserved matters submission. The FCA indicates this is required only for properties on the eastern part of the site which would provide a 300mm freeboard above surrounding ground levels. Finished floor levels of other properties should be set at 150mm above ground levels. This can be covered by condition to be considered as part of the reserved matters.
- 7.18 Highways
There are currently two points of access to the site. One to the south of the site frontage between the former Delyn Windows building and the residential property of Ruebern and one to the north of the building associated with the garage and car sales. It is proposed to create one access point within the centre of the site frontage to serve the proposed residential development. Ruebern is set back from the road and has a parking area at the front of the property.
- 7.19 Residents have raised concerns about the level of traffic generation from the proposed residential use of the site. There is already a level of traffic generation associated with the existing businesses on site.

- 7.20 The exact number of dwellings would be determined at reserved matters stage. Highways have no objection to this subject to the imposition of conditions as set out in their response.
- 7.21 Ecology
The application site is located approximately 160m away from the boundaries of the Dee Estuary RAMSAR site, the Dee Estuary Site of Special Scientific Interest (SSSI) and Dee Estuary Special Area of Conservation (SAC). From the information provided it is considered that the proposed development will not adversely affect the protected sites listed above.
- 7.22 Although there are buildings on the site due to the location of the site in a built up area and the nature of the buildings it is considered a bat survey is not required. There are therefore no ecological implications for the proposed development.
- 7.23 Archaeology
Clwyd Powys Archaeological Trust advises that information retained within the Regional Historic Environment Record indicates that this application falls in an area of high archaeological sensitivity.
- 7.24 The plot originally contained the Pandy Mill (PRN 103998) with the place name suggesting a fulling mill that may have medieval origins. The mill was later converted into a flour mill and this is represented on the first edition OS mapping. The mill pool and dam have subsequently been landscaped on the western edge of the plot. The flour mill has been demolished, but remnant stone walls up to two metres high are thought to be incorporated into later buildings at the rear of the plot.
- 7.25 There is an unquantified potential for additional Roman period archaeology outside the scheduled area and across the rest of the development plot. The Roman road through the settlement at Croes Atti and Oakenholt is known to run past the plot on the north side and archaeology related to the nearby industrial or burial activity alongside the road may be present here at sub-surface levels. The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. CPAT advise that there is insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration they advise that this application is not determined until this resource has been properly evaluated.

- 7.26 The applicants commissioned a desk based archaeological assessment which was undertaken by CPAT which outlines the needs for further investigation as set out above. However, this is a brownfield site which has been the subject of numerous uses including a petrol filling station with associated tanks and buildings. The site is predominately covered in hardstanding. A new building was erected in 1986 and trial trenching was undertaken as part of that development. This was following a previous earlier excavation in 1934. This recorded some 'industrial activity' and has been recorded accordingly. CPAT has suggested two trench locations for the evaluation, one in the north west boundary in an L shape which is in the indicative proposed open space and one in the south west of the site.
- 7.27 It is considered due to the brownfield nature of the site, existing business operating on site and the previous excavations that it would be reasonable to condition any archaeological investigations to part of the reserved matters submission in order to inform the proposed layout. The outline application put forward for consideration does not propose a set number of dwellings and the layout is indicative therefore the principle of development could be accepted with the exact number and detail to be determined following further investigatory work.
- 7.28 Impact on Scheduled Ancient Monument
The development site lies immediately south of the scheduled monument known as Pentre Bridge Roman Site (SAM FI 131) and appears to partly include the scheduled monument within the proposed open space.
- 7.29 The monument comprises the buried but well-preserved remains of a Roman industrial and possibly also domestic settlement first excavated in the 1930s. This forms part of a more extensive complex of industry and settlement arranged along the Roman road heading west towards Flint, including a number of (undesignated) metal working furnaces and structures excavated in the fields to the north in the 1920s, the complex of official buildings to the north west excavated in 1976-81 and to the west, the remains of the roadside industrial settlement at Croes Atti, excavated with public funding in 2013 prior to their destruction. An eastward extension of this settlement continuing along the line of the Roman road was surveyed and evaluated in 2014 revealing the remains of further structures and an extensive cremation cemetery.
- 7.30 The plans indicate that a small section of the scheduled area falls within the boundary of the development, albeit away from any structures. Whilst the use of this area is not specified in any supporting documentation it would appear to be left as open space. If any landscaping, access routes, boundary creation or services fall within this area they will require scheduled monument consent from

the Welsh Government (Cadw). Given the overarching national policy in favour of the physical preservation of scheduled monuments the onus will be on the applicant to demonstrate that no practicable alternative (route or location), avoiding the monument exists and that the need to undertake the works outweighs the presumption in favour of the protection of such an important monument of national importance. This is a matter for the detailed layout and to be considered at reserved matters stage.

7.31 The proposed trench locations fall outside of the scheduled area and seems logical to the inspector of ancient monuments and archaeology, who is also in agreement with the suggested approach. The Pentre Roman Site is scheduled for its well-preserved below-ground remains and there is some potential for the evaluation trenches to identify further nationally important archaeology, which it should be possible to preserve in situ through an adjustment of design and layout. Scheduled ancient monument consent may be required at reserved matters stage.

7.32 Foul and Surface water drainage

Welsh Water object to a new connection in this location into the foul network as there is insufficient capacity in the existing network, however there are a number of business on this site which have connections into the network. Any new development would replace those flows and this can be calculated at the reserved matters stage as at this stage the number of dwellings is unknown as this will depend on the extent of the developable area following the archeologically investigations. .

7.33 Impact on residential amenity

There is an adjacent dwelling Rubern which is set back from the road. This is a dormer bungalow with parking at the front. Any detailed layout would need to take into account this dwelling to ensure that there is no detrimental impacts in terms of overlooking and to achieve a layout and design that is in scale with the adjacent property.

7.34 S106 Contributions

The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. 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.

- 7.35 Although open space is shown on the plan this would be informal in nature due to the potential archaeology issues, impact on the Scheduled Ancient Monument and stream running through the site. There is also a play area adjacent to the site and it is requested that a contribution of £1,100 per dwelling in lieu of formal on-site play provision is made towards improvements at Croes Atti Lane. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.
- 7.36 A contribution of £49,028 is required towards educational enhancements (toilets) at Croes Atti Primary School, which currently has a deficit in pupil places of 6, which equates to -2.90%. This development would exacerbate the current situation. This is in accordance with Local Planning Guidance Note 23: Education Contributions. There have not been 5 contributions towards this project to date.
- 7.37 It is considered that both of these contributions meet the Regulation 122 tests.

8.00 CONCLUSION

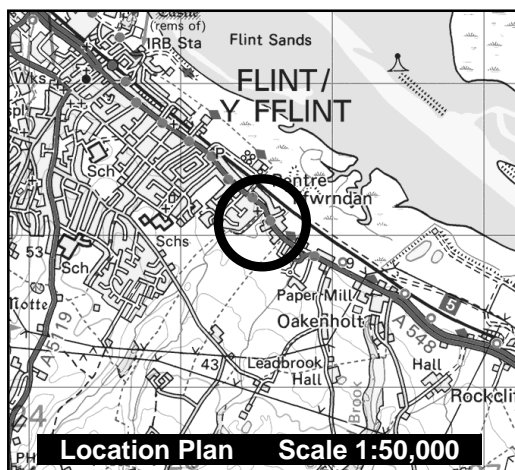
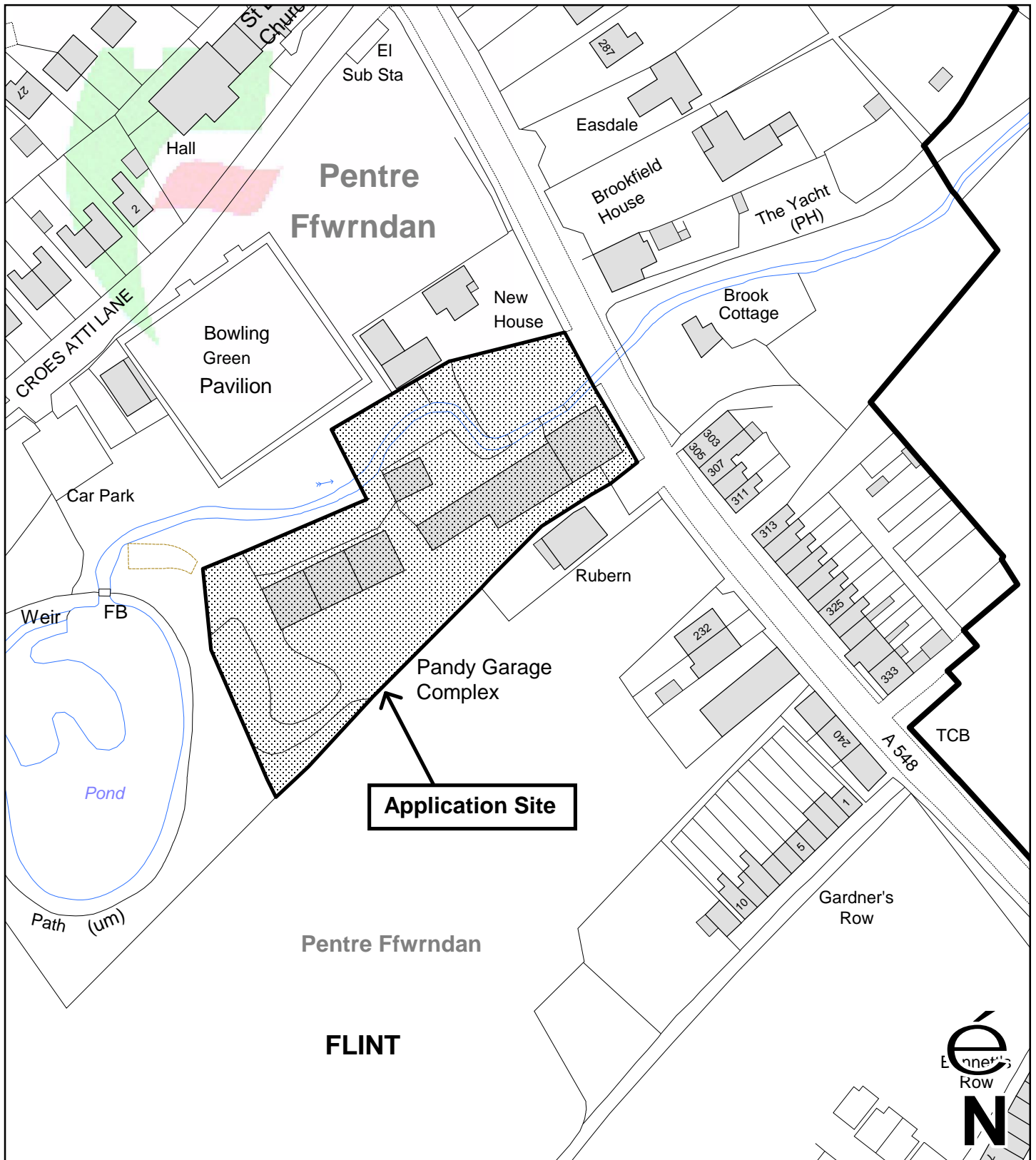
- 8.01 The principle of residential development is acceptable within a Category A Settlement and complies with the objectives of PPW. Further investigations are required with regard to the archaeology on the site in order to inform the detailed layout of the site at reserved matters stage. Matters of capacity of the foul drainage system can be dealt with by condition on this permission and considered at the reserved matters stage. Flood risk can be managed subject to finished floor levels. The detailed layout and design can mitigate any impacts on residential amenity.
- 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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

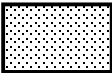

Contact Officer: Emma Hancock
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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

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

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Map Scale 1:1250

OS Map ref SJ 2572

Planning Application **54077**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **ERECTION OF 4 NO DWELLINGS RHYDDYN FARM, BRIDGE END, CAERGWRLE**

APPLICATION NUMBER: **054615**

APPLICANT: **MR & MRS GLYN GRIFFITHS**

SITE: **RHYDDYN FARM, BRIDGE END, CAERGWRLE**

APPLICATION VALID DATE: **25.11.15**

LOCAL MEMBERS: **COUNCILLOR T NEWHOUSE**

TOWN/COMMUNITY COUNCIL: **HOPE**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST AS IT IS OUTSIDE THE SETTLEMENT BOUNDARY**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection 4 three bedroom dwellings with associated parking and private gardens on a 0.3 hectare site. It is considered that although the site is outside the defined settlement boundary it is adjacent to a Category B settlement and is within a sustainable location. The presence of Wat's Dyke performs the function of a definite barrier and therefore defines the settlement boundary in this location. It is therefore considered that the proposal would make a modest contribution to housing supply.

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

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

- a) Contribution of £1,100 per dwelling in lieu of on-site open space provision to enhance toddler play at Queens Way Play area
1. Time commencement – 2 years
 2. Plans
 3. Access to the site to be in accordance with the attached standard detail relating to a single residential access
 4. The access shall be improved to a minimum width of 4.5m for a distance of 10 all to be hard paved in bitumous macadam material
 5. Positive means to prevent surface water run-off onto the highway from the site
 6. Contaminated Land Assessment
 7. Materials
 8. Landscaping and boundary treatment
 9. Details of solar panels
 10. Foul drainage
 11. Surface water drainage

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 Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member
Councillor T Newhouse

Preliminary views are that he is opposed to the application. It is outside the settlement boundary. The removal of the Hope and Caergwrle bypass from the maps will open up numerous sites for housing development inside the settlement boundary, many of which will be on Council owned land. The building of the Medical Centre outside the settlement boundary was an extraordinary one-off decision and would not lead to allowing new housing outside the settlement boundary.

Hope Community Council

6 starter homes could be accommodated on the same area that is proposed for the 4 dwellings. These would be smaller and therefore more affordable for first time buyers.

Highways Development Control

No objection subject to conditions covering;

- Access to the site to be in accordance with the attached standard detail relating to a single residential access
- The access shall be improved to a minimum width of 4.5m for a distance of 10 all to be hard paved in bitumous macadam material
- Positive means to prevent surface water run-off onto the highway from the site

Head of Public Protection

The site is close to a former landfill site it is recommended that a condition requiring a site investigation is undertaken.

Welsh Water/Dwr Cymru

A private treatment plant is proposed so no connection to the mains is sought.

CADW

The proposed development is located within the vicinity of the scheduled monument known as Wat's Dyke: Section N of Rhyddyn Farm (FL119). The proposed houses are to be located in a line running along an existing property boundary parallel with and approximately 35m from the dyke, the eastern edge of the intervening access road being less than 30m from the edge of the scheduled area.

At present this section of the dyke is one of the few extant stretches to retain its semi-rural setting within an area of pasture, although this has been encroached upon by housing to the west along the present A550 / Hawarden Road and the north. As a west facing monument key views are looking west from the dyke across the landscape or former territory that it was built to command, facing east towards dyke across the pasture field forming the development site and along the line of the surviving earthwork to the north.

The Design and Access Statement documents the reduction of this scheme in scale following advice from Clwyd Powys Archaeological Trust (CPAT) in order to reduce the impact on the adjacent monument and we agree that the proposed layout is as sensitive to the dyke as this limited plot of land allows, retaining a grassy corridor between the access road and the dyke.

In addition, views from the monument to the west have previously been compromised by housing to the rear of the development site. A sensitive fence design could reduce further the extent to which it interrupts views of the dyke. Whilst the proposed development will not have a significant adverse impact on the setting of this stretch of Wat's Dyke, it still represents the incremental infill of the surviving open ground to the west of the monument and encroachment into the

key views outlined above, either directly facing west or peripherally facing east and along its line. In this instance these impacts are local ones but the cumulative impact of such small scale encroachments to the broader integrity of Wat's Dyke and its setting should be considered and further development of this plot would not be desirable.

CPAT

The development is located approximately 25 metres west of the scheduled monument SAM FL 119 (Wats Dyke north of Rhyddyn Farm). While there are no direct impacts to the scheduled monument, or any associated sub-surface archaeology representing the former ditch to the west, there may be a slight increase in visual intrusion by the current development boundary creeping further east towards the monument.

The architect for the scheme does appear to have taken into consideration previous advice about limiting the size and orientation of the layout following pre-application comments on previous schemes with more dwellings. The view west from the monument is already heavily compromised by the existing housing off Queensway and more recently by the new Medical Centre. I think the proposed design is as minimal as it is likely to get now without compromising the viability of the scheme. Having said that it does encroach into the immediate setting of the scheduled monument and the comments from Cadw will take precedence over ours in this case.

Play Unit

Contribution of £1,100 per dwelling in lieu of on-site open space provision to enhance toddler play at Queens Way Play area.

Public Rights of Way

Public Footpath 64 runs to the north of the application site but appears unaffected by the development.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

The application was advertised as a departure from the development plan and affecting a Public Right of Way.

Two objections on the grounds of

- Impact on residential amenity
- Loss of privacy
- Parks are overcrowded
- Loss of light to garden
- Noise impacts during construction and use
- Impact on character and appearance on the area behind garden

- Concern about the proximity of the proposed houses to the surrounding properties
- Impact of the access on traffic on Hawarden Road and conflict with school traffic, need for traffic lights

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

Planning Policy Wales Edition 8 January 2016

TAN 1 Joint Housing Availability Studies 2015

The compliance of the proposal with the relevant policies is set out in the planning appraisal below.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection 4 three bedroom dwellings with associated parking and private gardens on a 0.3 hectare site.

- 7.02 Site Description
The site is located off the A550 to the north of the settlement of Hope. The site is bounded to the east by the medical centre which is under construction. To the west is the existing residential development off Queensway. To the north is agricultural land and further to the north is Wat's Dyke and a Public Right of Way which runs along it.
- 7.03 The site is accessed off the A550 via an access which runs between the medical centre to the east and past an existing residential property and the garage/parking area to the west which serves Queensway.
- 7.04 Proposed development
This is a full planning application for the erection 4 three bedroom two storey detached dwellings with associated parking and private gardens on a 0.3 hectare site. The proposed dwellings would be accessed from the A550 via a private drive between the health centre and the adjacent dwelling which currently serves the farm and agricultural land.
- 7.05 A play area was proposed on land to the east of the application site but this was removed from the application following comments from CADW and CPAT about the impact of this on views from Wat's Dyke. It was also not required from a planning point of view as an existing play area is in close proximity.
- 7.06 The dwellings are two storey and are proposed to be rendered with a seam metal roof with solar panels on the roof on the front south elevation. Each would have a private rear garden and parking to the front off a private drive with a turning head.
- 7.07 Principle of development
The site is located outside the settlement boundary for Hope, Caergwrle, Abermorddu and Cefn y Bedd in the adopted UDP. Hope, Caergwrle, Abermorddu and Cefn y Bedd is a category B settlement with a growth threshold of 15% (beyond which any additional development would have to be justified on the grounds of housing need). As at April 2015 the settlement had a growth rate of 10% over the Plan period (which is within the indicative growth band of 8-15% for a category B settlement, which informed the Plan). The monitoring of growth over a 15 year period as required by HSG3 ended on 1st April 2015.
- 7.08 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

- 7.09 Housing Land Supply
 PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The latest published Joint Housing Land Availability Study for Flintshire 2014 shows a 3.7 year land supply using the residual method with a base date of April 2014. The Council is unlikely to be able to demonstrate a 5 year land supply until the LDP is adopted. This falls below the 5 year requirement. The lack of a 5 year land supply is therefore a material consideration to be given weight.
- 7.10 It is therefore key to consider if the proposal complies with the requirements of TAN1 and PPW to consider the whether the lack of a 5 year land supply can be given significant weight in this instance.
- 7.11 National Planning Policy Planning Policy Wales
 Welsh Government Advice and National Planning Policy Planning Policy Wales Edition 8 January 2016 paragraph 4.2.2 states *“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,”* when taking decision on planning applications.”
- 7.12 Planning Policy Wales Edition 8 January 2016 paragraph 4.2.4 states *“A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;*
- *There is no adopted development plan (see 2.6) or*
 - *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
 - *Where there are no relevant policies (see 2.7)*
- there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”*
- 7.13 Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”*
- 7.14 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“There is a danger that the need to*

increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations.” It is therefore key in making the planning balance therefore to consider the sustainable development ‘key principles’ (see 4.3) and ‘key policy objectives’ (see 4.4) set out in PPW.

7.15 In the commentary on the Council’s 2014 HLA Study Report the Council sets out ways in which we would work with landowners and developers to bring forward appropriate and suitable windfall housing sites. It was stated that *“applications on sites outside of existing settlements will be assessed on their individual merits in terms of whether they represent logical and sustainable development having regard to material planning considerations and will not be approved merely because they would increase housing land supply.”* Such sites must also be capable of demonstrating that they can positively increase supply in the short term (perhaps by granting a short term permission) otherwise they would not be capable of meeting the requirements of TAN1.

7.16 Sustainable development

The site lies on the edge of a category B settlement which is a number of smaller settlements linked together which hosts a variety of facilities and services including two primary schools and a Secondary School, doctors surgeries, public houses, play areas and convenience stores. The villages are also on the Wrexham to Bidston railway line. The site itself is located on the edge of the settlement adjacent to the health centre and opposite the Willows play area. It is in close proximity to bus services, a train station, schools and other village facilities and services within walking distance. The settlement and particularly this site is well connected in terms of road links and public transport links to bus routes and the railway station which is in walking distance. It is therefore considered that this is a highly suitable location for additional residential development and accords with the requirements of PPW.

7.17 In terms of the capacity of the settlement the growth rate as of April 2015 for Hope, Caergwrle, Abermorddu and Cefn y Bedd was 10% within the UDP plan period. This development is outside the plan period and it is considered that the village and its facilities could accommodate 4 additional dwellings as proposed. A time limited 2 year permission would also ensure that the development comes forward to meet the supply situation.

7.18 Wat’s Dyke and the Impact on the open countryside

The development is located approximately 25 metres west of the scheduled monument SAM FL 119 (Wats Dyke north of Rhyddyn Farm). While there are no direct impacts to the scheduled monument, or any associated sub-surface archaeology representing the former ditch to the west, there may be a slight increase in visual intrusion by the current development boundary creeping further east towards the monument.

- 7.19 The view west from the monument is already heavily compromised by the existing housing off Queensway and more recently by the new Medical Centre as acknowledged by CADW. The proposed houses are to be located in a line running along an existing property boundary parallel with and approximately 35m from the dyke, the eastern edge of the intervening access road being less than 30m from the edge of the scheduled area. CADW and CPAT will not allow any further residential development to encroach any closer to Wat's Dyke and the number of dwellings has been arrived at following consultation with them. This therefore would provide a defensible boundary to the settlement.
- 7.20 At present this section of the dyke is one of the few extant stretches to retain its semi-rural setting within an area of pasture, although this has been encroached upon by housing to the west along the present A550/Hawarden Road and the north. From the public footpath views of the site from the Dyke would be seen in the context of the existing housing on Queensway.
- 7.21 The Design and Access Statement documents the reduction of this scheme in scale following advice from Clwyd Powys Archaeological Trust (CPAT) in order to reduce the impact on the adjacent monument and we agree that the proposed layout is as sensitive to the dyke as this limited plot of land allows, retaining a grassy corridor between the access road and the dyke. The initial application showed a play area south which has now been removed to ensure that this area remains undeveloped and to protect views of the Dyke and from the Dyke.
- 7.22 Access
Access to the site is proposed off the A550 along an existing private drive which currently accesses the agricultural land to the rear. This runs between the medical centre and an existing dwelling. It is screened to the west by an existing hedge.
- 7.23 The Highways Development Control Manager has no objection to the proposed use of the access subject to the conditions set out in the response.
- 7.24 Impact on surrounding properties
There has been issues raised by residents in relation to the impact of the development on the surrounding properties on Queensway. The proposed dwellings are approximately 40 metres away from the existing properties on Queensway. The rear gardens of the proposed dwellings are in excess of 35 metres from the rear gardens of the properties on Queensway which have the garage court separating them from the application site. Plots 3 and 4 directly abut the rear gardens of 20-26 Queensway which have long rear gardens of 25 metres in length. The proposed development therefore is in accordance with the Council's separation distances set out in Local

7.25 Planning Guidance Note 2 Space Around Dwellings. The means of boundary treatment can be secured by condition. It is proposed to retain the existing hedge along the length of the access track which bounds the site with the existing garage court. This can also be controlled by condition.

7.26 Drainage

It is proposed to deal with foul drainage by an on-site mini sewage treatment plant and soakaway. Surface water is also proposed to be dealt with by soakaway. Details of this can be dealt with by condition.

7.27 S106 contributions

The infrastructure and monetary contributions that can be required from the proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. 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 retained in scale and kind to the development.

7.28 A contribution of £1,100 per dwelling is required in lieu of on-site open space provision to enhance toddler play at Queens Way Play area. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.

8.00 CONCLUSION

8.01 It is considered that although the site is outside the defined settlement boundary it is adjacent to a Category B settlement and is within a sustainable location and complies with the principles of PPW. The presence of Wat's Dyke performs the function of a definite barrier and therefore defines the settlement boundary in this location. It is therefore considered that the proposal would make a modest contribution to housing supply and contribute toward the lack of a 5 year supply.

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

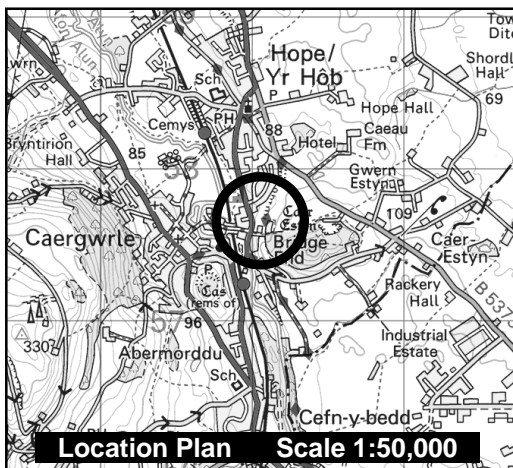
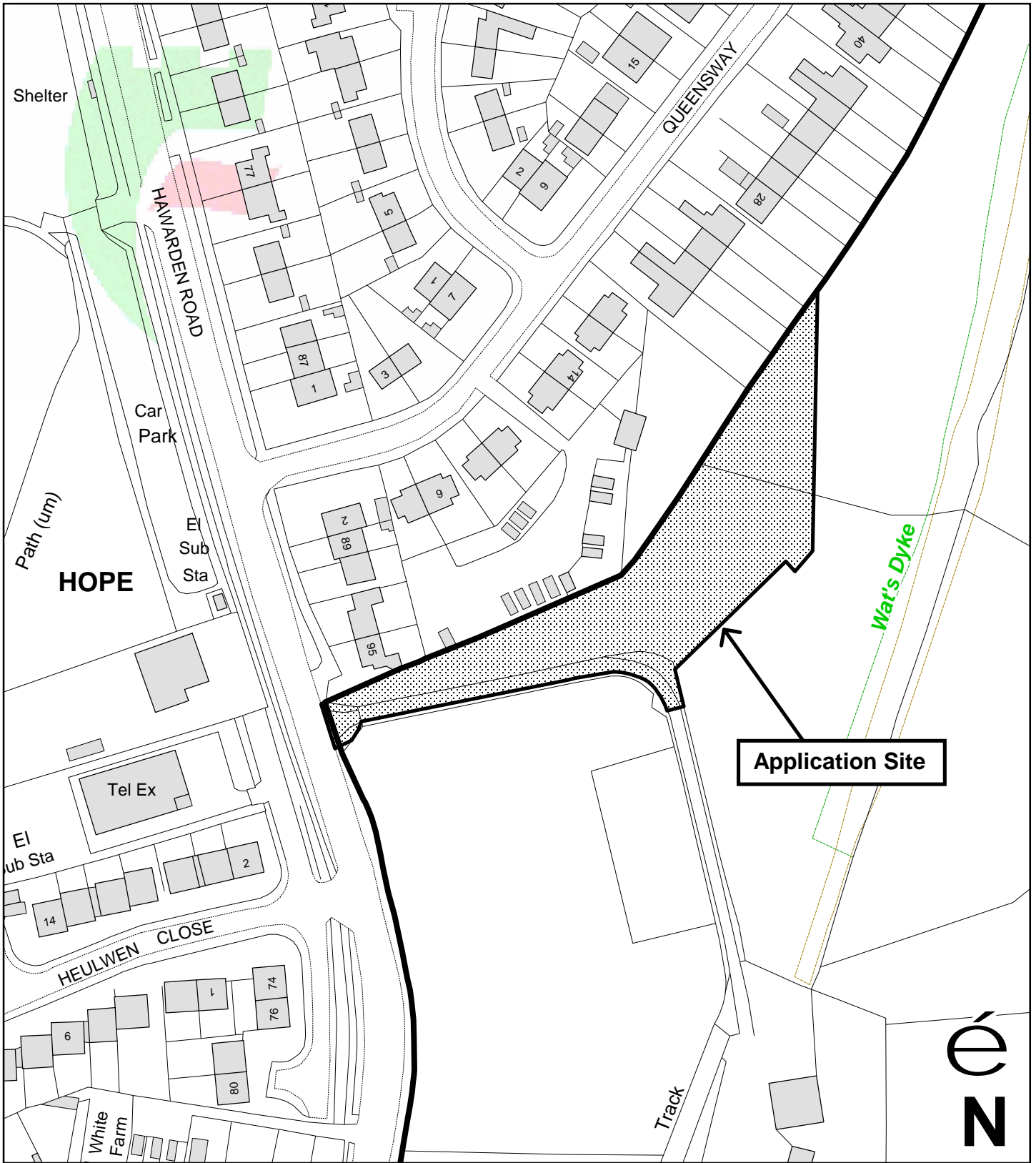
National & Local Planning Policy

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 3157

Planning Application **54615**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **CHANGE OF USE TO 16NO. APARTMENTS WITH ASSOCIATED CAR PARKING AT GROUND FLOOR LEVEL AT 1-3 PIERCE STREET, QUEENSFERRY**

APPLICATION NUMBER: **054668**

APPLICANT: **VIVIO DEVELOPMENTS LTD**

SITE: **EXECUTVE HOUSE, 1-3 PIERCE STREET, QUEENSFERRY, FLINTSHIRE**

APPLICATION VALID DATE: **15TH DECEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR D. E. WISINGER**

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

REASON FOR COMMITTEE: **SCALE OF THE PROPOSALS AND THE NATURE OF S.106 REQUIREMENTS LIE OUTSIDE THE SCOPE OF POWERS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks planning permission for the change of use of this existing vacant commercial premises to form 16No. residential apartments. The proposals also include the provision of ground level parking.

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

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation or Unilateral Undertaking, or making advance payment of to secure the following :-

- a. Ensure the payment of a contribution of £11,728 in lieu of on site recreation provision, the sum to be used to enhance the children's play area at Deeside Leisure Centre. The contribution shall be paid upon 50% occupation or sale of the apartments hereby approved.
- b. Ensure the payment of a contribution of £3,000 towards the cost of amending existing Traffic Regulation Order to amended existing street parking bays and provide 'H markings' across the site access. Such sum to be paid prior to the commencement of the development hereby approved.

2.02 Conditions

1. 5 year time limit
2. In accordance with approved plans
3. Approval of all external materials prior to first use.
4. Provision of parking facilities prior to first occupation of units.
5. Surplus footways to be reinstated in accord with scheme to be submitted and agreed.
6. Construction traffic management scheme to be agreed. To include facility for wheel wash and measures to keep road free from debris and mud arising from development site.
7. Full Travel Plan to be submitted and agreed within 3 months of the date of permission
8. Scheme for hours of working to be agreed.
9. Windows shown coloured red upon Drawing No. L(91)001 Rev.P4 to be permanently obscure glazed in and permanently non opening in accordance with details to be submitted and agreed prior to the commencement of any development.

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

3.00 **CONSULTATIONS**

- 3.01 Local Member
Councillor D. E. Wisinger
 No response at time of writing.

Queensferry Community Council
 No response at time of writing.

Highways Manager (DC)
 No objection subject to the imposition of conditions and the applicant entering into a S.106 agreement in relation to the need for a Traffic Regulation Order.

Pollution Control Officer
No adverse comments.

Public Open Spaces Manager
Requests the payment of a sum equivalent to £733 per unit in lieu of on-site play and recreation space. Such sum to be used within the locality to enhance the children's play area at Deeside Leisure Centre.

Capital Projects and Planning Unit (CPPU)
No contributions are sought towards educational infrastructure as the proposals provide for one bed apartments only, which are excluded within SPG 23.

Natural Resources Wales
No adverse comments. Following consideration of the submitted Flood Consequences Assessment advises that notes should be imposed upon any grant of planning permission.

Airbus
No response at time of writing.

4.00 PUBLICITY

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

4.02 At the time of writing this report, the publicity exercise has resulted in the submission of 1No. letter of objection from third parties in respect of the proposals. This representations raises objections upon the following grounds;

- The proposals will unacceptably overlook existing residential dwellings to the detriment of amenity;
- The proposals result in an overly dense form of development; and
- The proposals do not make adequate provision for car parking.

5.00 SITE HISTORY

5.01 **4/15398**
Advertisement hoarding
Permitted 7.10.1986.

02/508
Erection of telecommunications antennae, microwave dishes and equipment cabin on roof
Permitted 5.7.2002.

035570
Change of use of part of building to A1 retail
Permitted 28.8.2003.

038551

Change of use of existing building to 19 flats
Withdrawn 7.10.2005

039654

Erection of a six storey flats development providing 36 no. new units
and basement parking for 53 vehicles
Refused 13.9.2005. Appeal dismissed 17.1.2006

052122

Change of use to 16No. apartments and ground floor parking
Refused 26.8.2015

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New development

Policy STR4 – Housing

Policy GEN1 - General requirements for development

Policy D1 – Design quality, location and layout

Policy D2 – Design

Policy AC13 - Access and traffic impact

Policy AC18 - Parking provision and new development

Policy HSG3 - Housing on unallocated sites

Policy SR5 – Outdoor playing space and new residential
development.

7.00 PLANNING APPRAISAL

7.01 The Site and its Surroundings

The site lies on the southern side of Pierce Street, to the rear of the High Street, which is an area predominantly commercial in nature. Pierce Street has a mix of residential properties together with a doctor's surgery, dental surgery and a public car park in addition to which there is on street parking.

7.02 Buildings in the area are predominantly two storeys with the exception of the application site. This consists of a large brick 4 storey commercial building which building dominates the street scene and, due to its height, is seen from a number of viewpoints in the area.

7.03 The Proposals

The scheme proposes the change of use of this 4 storey vacant commercial premises through the conversion to create 16No. residential apartments. The proposals provides for;

1. the creation of a car parking area at ground floor level to provide 5No. parking spaces;
2. 15No. 1 bed apartments; and
3. 1No. 2 bed apartment

7.04 The Main Issues

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

1. Impacts upon highway as a consequence of car parking;
2. The risks associated with flooding;
3. Design and amenity considerations; and
4. S.106 requirements in relation to Public Open Space

7.05 The Principle of Development

The site is a brownfield site within the settlement boundary of Queensferry, a Category A settlement within the Flintshire Unitary Development Plan. The site is not allocated for specific development but its location within the settlement boundary affords a presumption in favour of development, subject to the detailed consideration of all material considerations. Policy HSG3 identifies the criteria against which the development of unallocated sites within settlement boundaries for residential purposes will be considered.

7.06 As the proposals represent a form of development which, in policy terms is best located within settlement boundaries and seeks to utilize a presently derelict town centre site for residential development, I consider that the principle of such a development is acceptable in policy terms.

7.07 Highway Impact and Parking

The proposals do not involve the creation of any new vehicular points of access into the building. A new pedestrian access to Pierce Street at ground floor level is created to facilitate access to the internal access stairwell, lift and car parking area. As discussed previously, the proposals provide parking spaces at ground floor level within the building for 5 cars and 16 bicycles.

7.08 Whilst the application of the Authority's maximum car parking standards would suggest that 24No. car parking spaces should be provide, I would remind Members that consideration of this aspect of the proposals, given the location of the site, should take account of the following;

1. The site is located within walking distance of a town centre;
2. The site has excellent access to public transport services in the form of bus stops (80 metres from the site) and a nearby train station at Shotton (less than 1 mile away);
3. There is a public car park available directly adjacent to No. 7 Pierce Street; and
4. On street parking facilities are available on Pierce Street.

- 7.09 The proposal has been assessed by the Highways Manager (DC) who, in taking into account the parking standards requirements and the above mitigating factors, has raised no objection to the scheme subject to the imposition of conditions.
- 7.10 Concerns have been raised in relation to the potential for the proposals to give rise to increased parking pressure in the area, to the detriment of highway safety. I am advised that existing and proposed parking arrangements within the area are considered acceptable to accommodate the proposed development.
- 7.11 I am advised by the Highways Manager (DC) that an existing Traffic Regulation Order (TRO) in respect of on street parking in Pierce Street will be required to be amended as a consequence of the proposals to enable the provision of restrictive 'H' markings across the access of the building and amendments to the extent of on street parking in the same area. The applicant has indicated a willingness to enter into an agreement to provide the sum of £3000 towards the required amendment of the TRO.
- 7.12 Accordingly, I do not consider that the proposals are unacceptable in highway impact terms.
- 7.13 Flood Risk
The site is located within Zone C1 as defined within TAN15: Development and Flood Risk. Its present lawful planning use as a commercial premises is defined as a less vulnerable use within the flood plain of the River Dee. The proposals would introduce residential occupation to the building which in flood risk terms is defined as a highly vulnerable use.
- 7.14 Accordingly, the applicant has undertaken a Flood Consequence Assessment (FCA) to assess the risk that the proposals would encounter in the event of a flood. The FCA indicates that the defences at the River Dee would be overtopped in a 1 in 200 year flooding event. Natural Resources Wales have accepted in response to consultation that the proposed level of living accommodation (at first floor level and above) places people above the anticipated levels of flood waters.
- 7.15 Whilst in the strict interpretation of TAN15 guidance, people should not be directed to live in areas the subject of such risk, it should be noted that the site is a brownfield site in an area surrounded by residential properties. In accord with advice offered by the Welsh Government to Chief Officer (Jan 2014), the Local Planning Authority should base its determinations of such application upon the basis of the NRW advice and advice from Local Emergency Response Planners (LERP).

- 7.16 It is advocated that the developer should take measures to ensure that residents are aware of the NRW flood warning service and should also produce a flood plan.
- 7.17 Subject to the above matters being imposed as advisory notes upon any subsequent permission and on the understanding that the ground floor will remain vehicle parking only, neither NRW nor LERP raise objection to the proposals.
- 7.18 Design, Appearance & Amenity Considerations
The scheme does not propose the erection of new buildings on the site, merely the conversion of the existing structure. Concerns have been raised that the scale of the buildings will adversely affect the amenity of nearby residents. However, It must be remembered that the mass of the building is already existing and whilst the building is dominant in the street scene, the proposals seek to mitigate against the potential impacts upon existing adjacent amenity in a number of ways.
- 7.19 There are presently a number of windows within the western elevation of the building which look out onto and over existing adjacent residential dwellings. The proposals seek to enclose these windows by erecting a wall in the western elevation to create the internal access stairwell and lift shaft. This reduces the windows looking out in this direction to a total of 6No. In discussions with the applicant's agent, I have secured agreement that these windows will be permanently obscure glazed and fixed so as to be non-opening. This will ensure that there is no opportunity for overlooking of adjacent dwellings and, together with the enclosing of all other windows in this elevation, actually reduces the impression of overlooking and overbearing impact in this direction.
- 7.20 The internal arrangement of the apartments arranges windows to habitable rooms within the majority of the proposed apartments to look out over the rear service areas of properties upon the high street. Whilst 5 of the units would have windows facing north, it should be noted that this elevation overlooks an existing open space utilised for car parking and therefore there is no adverse overlooking opportunity afforded. The one unit with windows facing south overlooks the rear service yard of commercial premises on Chester Road West.
- 7.21 I have also had regard to the rear amenity areas of the dwellings at No's 5 and 7 Pierce Street and the potential for the building to impact upon the enjoyment of the same by their occupants. However, these areas are hard surfaced and provide off street parking opportunity for the occupants which can be accessed off Pierce Street via the rear alleyways around the premises.
- 7.22 Accordingly, I am satisfied that there is no adverse impact upon the amenities of existing adjacent residents.

7.23 Public Open Space

I am advised by the Public Open Spaces Manager that it is appropriate to apply the requirements of Local Planning Guidance Note 13 : Open Space Requirements in connection with this proposal. Accordingly, I requested to seek a contribution towards the off-site provision of public open space and recreation facilities. The sum sought is £733 per unit. This sum equates to £11,728 which will be required, via legal agreement, to be paid upon 50% sale or occupation of the approved apartments.

7.24 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'.

7.25 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.

7.26 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.

7.27 The consultation has established that the sum requested should be used in connection with a project to upgrade facilities at the nearby Deeside leisure Centre play Area. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

7.28 I am satisfied, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such a contribution would satisfy these requirements. I am also satisfied that the sum is sought for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

8.00 CONCLUSION

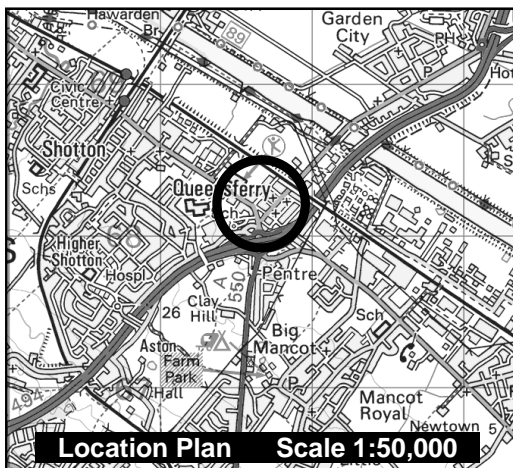
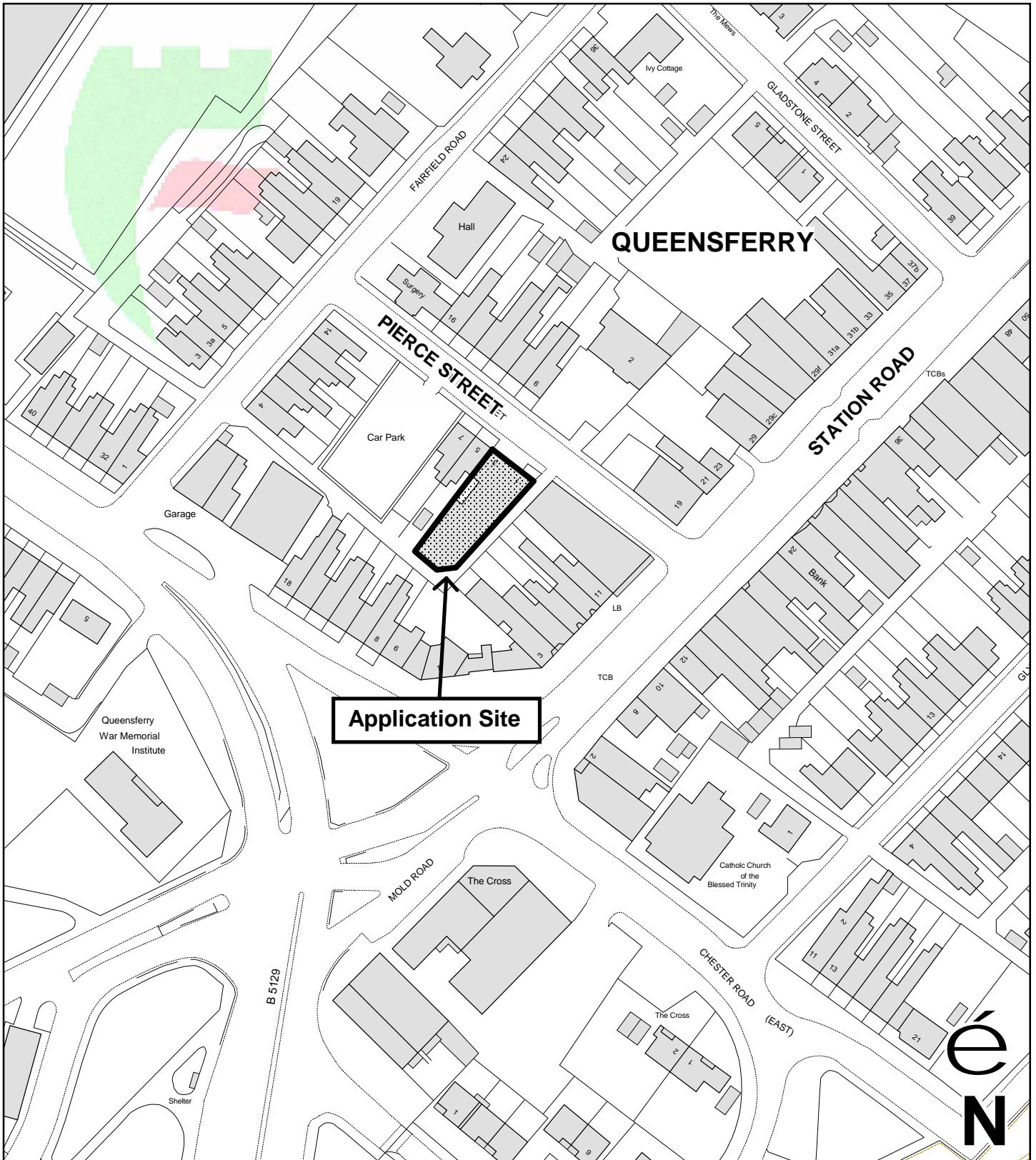
- 8.01 Having regard to the proposals and the above consideration of all relevant matters, I consider that these proposals represent a scheme which is acceptable in principle and detail. I recommend that permission be granted subject to approximately worded planning conditions and the suggested legal agreement.
- 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, and has had due regard to its public sector equality duty under the Equality Act 2010.

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 3168
Planning Application	54668

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE FROM A GUEST HOUSE TO A SMALL GROUP RESIDENTIAL CHILDREN’S HOME AT GERDDI BEUNO, WHITFORD STREET, HOLYWELL**

APPLICATION NUMBER: **054594**

APPLICANT: **MR. JAMES O’LEARY**

SITE: **GERDDI BEUNO,
WHITFORD STREET, HOLYWELL**

APPLICATION VALID DATE: **16TH NOVEMBER 2015**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for change of use from a guest house to a small group residential childrens home at Gerddi Beuno, Whitford Street, Holywell. The main issues to be considered are the principle of the development, highway implications effects upon the amenities of adjoining residents and the effects upon existing health facilities in the area.
- 1.02 As the site is located within the settlement limit of Holywell as defined by the adopted Flintshire Unitary Development Plan, it is acceptable in principle in planning policy terms. Given the use of the existing

vehicular access to the site and existing provision of off road parking within the site, it is considered that there will be no detrimental impact upon highway safety. In relation to the effects upon the amenities of adjoining residents, it is considered that there will be no significant detrimental impact given existing and proposed screening, level of supervision of the young adults and no additional windows upon the building proposed in terms of noise disturbance and overlooking. In terms of health facilities they will not be used in the area.

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

2.01 Conditions

1. 5 year time limit on commencement of the development.
2. In accordance with approved plans.
3. Prior to commencement of development, fence to be erected along part of the northern boundary. Details of location, type and height to be submitted and approved. Approved details to be implemented in full thereafter.

3.00 CONSULTATIONS

3.01 Local Member

Councillor P.J. Curtis

No response received to date.

Adjacent Local Member

Councillor G. Roberts

Preliminary view is that this application would result in a negative effect on Ysgol Gwenffrwyd and that perception is a material consideration in this case. It not only adjoins Ysgol Gwenffrwyd which is a primary school, but adjoins the 'smaller childrens play yard'.

Therefore request that the matter be referred to the Planning Committee for determination and for a site visit to take place so that the actual location can be appreciated.

Holywell Town Council

Supported, subject to the proposal being in accordance with national guidelines, incorporating safeguards for the welfare of residents and that any identified highway/traffic management issues relating to the proposed change of use are satisfactorily resolved.

Head of Highways (Development Control)

No observations to make.

Head of Public Protection

No adverse comments to make regarding this proposal.

Children's & Workforce Services

Own understanding is that the proposal is specifically to accommodate girls who have been sexually exploited. Already a small unit in Flint providing this service. Contend that there is no local need for additional service provision. Do not support the application.

Also be an impact for BCUHB (Health) as local therapeutic interventions would be needed with potential implications for CAMHS (Community Adolescent Mental Health Services).

As application does not set out intended provision for the care home it is difficult to comment on the location of the Home and its impact.

Further discussions with the applicant are due to take place and these will be reported as late observations at the committee meeting.

Welsh Water/Dwr Cymru

Requests that if minded to grant planning consent that the suggested advisory notes are placed upon any planning permission granted.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

Five letters of objection received. The grounds of objection are summarised as below:-

- Not been contacted and had to seek information about the application for themselves.
- Children could display extreme behaviour patterns and concerned about impact on nearby residents and school children.
- Noise and hours of use of the property.

5.00 SITE HISTORY

5.01 **97/0525**

Change of use to religious guest house – Granted 5th September 1997.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

GEN1 – General Requirements for Development.

GEN2 – Development Inside Settlement Boundaries.

EWP13 – Nuisance.

The site lies within the settlement boundary for Holywell as defined by the adopted Flintshire Unitary Development Plan. As such the principle of the use is considered acceptable in planning policy terms. What needs to be considered are the detailed aspects of the proposal.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of the former religious guest house of Gerddi Bueno, Whitford Street, Holywell. It is a large detached building with a garden to the rear which slopes downwards towards Ysgol Gwenffrwd. At the front is the access, double single storey garage, parking and manoeuvring space to serve the property. The building is located in between the property of Affallon and a footpath leading to Ysgol Gwenffrwd. Beyond the footpath lies the property of Bryn Bueno. It is located in a residential area with two schools to the rear. Immediately to the rear lies a playground belonging to Ysgol Gwenffrwd. There is screen cover upon the boundaries to the rear of hedgerows.

7.02 The proposal is for change of use from a guest house to a residential children's home. It is the intention that up to 5 young people and up to 5 staff would reside at the property. It will accommodate girls aged from 10 to 17 years. These young people that will be residing at the home may have experienced some trauma and/or neglect and are unable to live within their family homes. They will require a safe, nurturing environment to enable them to recover from any trauma they may have experienced and encourage them to engage with health and education services. All the young people will be attending school. They will be supported to be active members of the community, and will be encouraged to access community based activities and groups to make a contribution to the community. Staff support levels for community interaction would be continually assessed on an individual basis. The home will be staffed at a minimum level of 1:1 to allow support for such supervision and support.

7.03 No works are proposed to the interior or exterior of the building.

7.04 Issues

The main issues to be considered within the determination of this planning application are the principle of the development, the highway implications together with the effects upon the amenities of the adjoining residents.

7.05 Principle of Development

The site is located within the settlement limit of Holywell as defined by the Adopted Flintshire Unitary Development Plan.

- 7.06 As such the principle of the development is acceptable in planning policy terms. The need for the development is not a requirement in this case. What needs to be considered are the detailed issues of highways, effects upon the amenities of adjoining residents and the strain upon health resources in the area.
- 7.07 Highway Implications
The existing vehicular access and off road parking within the site for 7 vehicles will be utilised as part of the development.
- 7.08 Given the above, the Head of Highways has no observations to make upon the application upon highway safety grounds.
- 7.09 Amenities of Adjoining Residents
Up to 5 young people together with up to 5 staff would be residing at the property. The young people may have experienced some trauma and/or neglect and are unable to live within their family homes. The home will be staffed at a minimum level of 1:1 to allow for supervision and support.
- 7.10 The site is located within a residential area with two schools to the rear. Immediately to the rear is a playground. Upon all boundaries at the rear there are high and thick hedgerows. There is however a small gap in the hedgerow upon the northern boundary which overlooks the playground. The Applicant proposes to erect a fence within this small gap to prevent any overlooking from the rear garden of the property. The requirement for this to be undertaken prior to occupation has been placed upon the recommendation to grant planning permission.
- 7.11 Given the level of supervision of the young people, the amount of existing and proposed screening of the rear garden area immediately adjacent to the school playground, it is considered that there will not be a significant increased detrimental impact upon the amenities of adjoining residents compared to its previously uses in terms of noise, overlooking etc.
- 7.12 I have considered the concerns of neighbouring residents about the potential impact of the behaviour of the residents of the home on neighbouring land, including children and staff at the schools (Gwenffrwd Primary School and St. Winefrides Primary School) and those concerns are also referred to by Councillor Roberts in his response during the consultation period. However, given the level of supervision that will be afforded to the children and existing and proposed screening of the site it is considered that they will not have a significant detrimental impact in this respect. As a result this has been afforded limited weight in my consideration of the application.

7.13 Health Resources

The consultation response from the Senior Manager: Children & Workforce mentions that there will be an impact for BCUHB (Health) as local therapeutic interventions would be needed with potential implications for CAMHS (Community Adolescent Mental Health Services).

7.14 The applicant, however, states that the proposal may not be necessarily used by females who have been subject to CSE. If however it was, they would not be using any therapeutic input from either CAHMS or BCUHB as they do not provide the level of specialist input. As in homes elsewhere, they would buy in external specialist therapeutic services which would be funded directly by the placing authority.

8.00 CONCLUSION

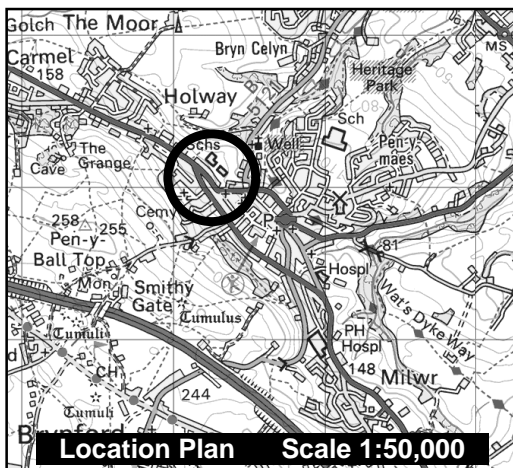
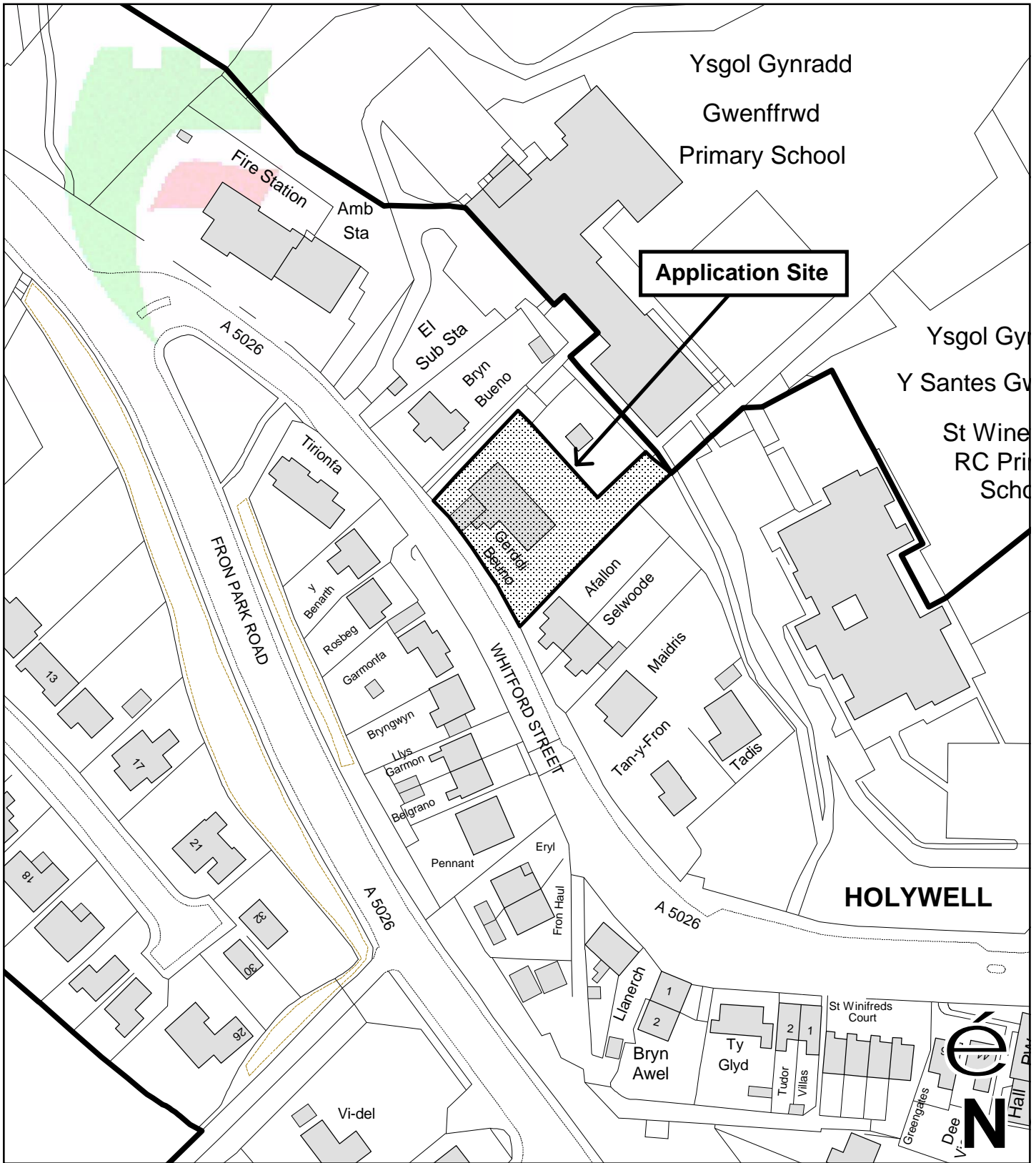
8.01 For the above reasons, the proposal is considered acceptable in planning terms.

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

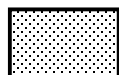
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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Email: alan.wells@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application 54594

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 23 MARCH 2016**

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

SUBJECT: **FULL APPLICATION - CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL AND SITING OF PARK HOME AT BRYN HEDYDD FARM, LLYN HELYG, LLOC**

APPLICATION NUMBER: **054686**

APPLICANT: **MR. DILWYN JONES**

SITE: **BRYN HEDYDD FARM, LLYN HELYG, LLOC, HOLYWELL**

APPLICATION VALID DATE: **4TH DECEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR C.J. DOLPHIN**

TOWN/COMMUNITY COUNCIL: **WHITFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for the siting of a park home to be used as residential accommodation for both the livery and agricultural enterprises at Bryn Hedydd Farm, Llyn Helyg, Lloc. The main issues to be considered within the determination of this application are the principle of the development in planning policy terms and the effects upon the landscape.
- 1.02 It is argued that the existing farmhouse on site can be used to house a family member running the businesses and that there is therefore no requirement for the static caravan to be sited on the farm. Therefore

the principle of the development is not acceptable in planning policy terms. This unjustified development within the open countryside would urbanise the area to its visual detriment.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 If allowed, the proposed development would be located in the open countryside in an area where there is a general presumption against non-justified development of this nature. As such the proposal would be contrary to Policies STR1, GEN3 and HSG4 of the Adopted Flintshire Unitary Development Plan. The result of this would adversely affect the appearance and character of this area and thereby contrary to Policies GEN1 and L1 of the Adopted Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C.J. Dolphin

Requests site visit and committee determination. Considers proposal acceptable and conforms to Planning Policy HSG4 and TAN6. The long standing successful livery business has a need for a functional full time worker. Planning conditions to an approved application can be applied and enforced.

Whitford Community Council

No response received to date.

Head of Highways Development Control

Recommends that any permission to include a suggested condition.

Head of Public Protection

No adverse comments to make regarding the proposal.

Welsh Water/Dwr Cymru

As the applicant intends utilising a septic tank facility, advise the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

No responses received to date.

5.00 SITE HISTORY

5.01 033564

Change of use of barn to a livery stable and provision of a menage – Granted 21st August 2002.

030059

Continuation of use of land as a motor cross track – Granted 18th September 2001.

86/0034

Additional use of farmyard – Granted 17th March 1986.

75/0662

Outline – Erection of a farmworkers cottage – Refused 24th February 1976.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR4 – Housing.

STR7 – Natural Environment.

GEN1 – General Requirements for Development.

GEN3 – Development in Open Countryside.

D1 – Design Quality Location & Layout.

D2 – Design.

L1 – Landscape Character.

AC13 – Access & Traffic Impact.

HSG4 – New Dwellings Outside Settlement Boundaries.

EWP12 – Pollution.

EWP13 – Nuisance.

National Planning Policy

Planning Policy Wales (PPW) (Edition 8, January 2016)

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

The site is located within open countryside as defined by the adopted Flintshire Unitary Development Plan. Due to the nature of the development and its location, both national and local planning policies require new dwellings on rural enterprises to be justified. As the existing farmhouse can be utilised to house a worker for the farming and equine enterprises it is argued that the caravan cannot be justified and this is contrary to both national and local planning policies referred to above.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of 0765 ha of part of a piece of pasture land forming Bryn Hedydd Farm, Llyn Helyg, Lloc. It adjoins an existing single storey agricultural building and an open horse menage area.

- 7.02 The land adjoins other pasture land, buildings, yard areas and temporary structures in connection with these enterprises at Bryn Hedydd. These being a farm, a commercial livery business and a road haulage operation specialising in quarry haulage and muck shifting. The existing farmhouse is located within this existing complex.
- 7.03 The proposal involves the siting of a park home to provide additional residential accommodation, so that the businesses operated from Bryn Hedydd can be reassigned within the immediate family. The proposed accommodation is deemed necessary as it is considered unpractical and unreasonable to expect the family members to all share the existing dwelling. It is considered that the presence of a large number of horses, together with those agricultural animals on the holding require a competent person to be in attendance daily and on the spot when possible at all times. The farm is located outside of any recognised settlement and a considerable distance from any suitable and affordable housing. Bryn Hedydd is not tied by an agricultural occupancy restriction of any kind.
- 7.04 Issues
The main issues to be considered within the determination of this planning application are the principle of the development in planning policy terms and the effects upon the character and appearance of the landscape.
- 7.05 Principle of Development
The site lies within open countryside as defined by the Adopted Flintshire Unitary Development Plan. Due to its location and nature, the proposal needs to comply with Policy HSG4 of the Flintshire Unitary Development Plan and the Policies within PPW and TAN6. These policies state that applicants will have to pass a strict functional and financial test to establish that the enterprise is genuine and that a person on the enterprise is required to live at or very close to the place of work.
- 7.06 The applicant's agent has submitted financial reports that there is sufficient justification that the equine business and smallholding requires a worker to live on site to be close to their work. A planning appraisal has been submitted to justify that these enterprises together with the haulage business requires a worker to live on site.
- 7.07 Financial reports have been submitted for both the livery and farming enterprises on site for 2014 – 2018 which indicate that both businesses are/will be profitable.
- 7.08 The applicant's daughter runs the equine enterprise with her three daughters all involved in the industry. The applicant's son operates the haulage business which has been based at Bryn Hedydd Farm for

thirty years. It is the intention of the applicant that in splitting the business, the ownership of the land holding will become a joint ownership held by their two children. This will enable their son to contribute to the farm operation whenever he is required. Additionally, his two eldest boys work on the farm, one being an agricultural apprentice. The applicant wishes to leave the farm and for the larger family to occupy the existing farmhouse. The applicant's son and his sons will contribute to the agricultural element of the business and assist where required elsewhere on the holding.

- 7.09 The applicant's agent argues that whilst the son's prime activity will be operating the haulage business, neither the equine or agricultural sides could function without his input. Additionally, his eldest sons already work on the farm and continue to do so. The haulage business has been part of this rural enterprise for 30 years and employs local people on a full time basis and is expanding. The investment in this enterprise is considerable and requires security. This can only be reasonably achieved by someone living on the spot.
- 7.10 The location of the proposed dwelling would allow the close monitoring of the equine element, particularly of those animals that require 24 hour care due to injury or sickness.
- 7.11 The planning appraisal submitted by the applicant's agent argues that the haulage business has been part of the rural enterprise for 30 years and requires security with this only be reasonably being achieved by someone living at the site. However, this is not a qualifying rural enterprise. In paragraph 4.3.2 of TAN6, it is clear that 'for the purpose of this technical advice note, qualifying rural enterprises comprise land related businesses, including agriculture, forestry and other activities that obtain their primary inputs from the site, such as processing of agricultural, forestry and mineral products together with land management activities and support service (including agricultural, contacting) tourism and leisure enterprises'. The elements of this application which fall within the remit of TAN6 are the equine business and smallholding whereby both are activities that rely on the land. The haulage business cannot be used to support the functional case for an enterprise workers dwelling.
- 7.12 The appraisal also argues that 'neither the equine or agricultural sites could function without his input'. This being the son. Therefore, this being the case and with him and his two sons (who work on the farming enterprise) occupying the existing farmhouse, it will enable the close monitoring of the equine and agricultural businesses, particularly those that require 24 hour care due to injury or care. Therefore there would be no functional need for the caravan to house the daughter and her family for her to run the equine and agricultural businesses.

- 7.13 Alternatively, the applicant's daughter and her family could occupy the farmhouse.
- 7.14 Given the above, it is considered that in principle in planning policy terms the proposal is contrary to Policies STR1, GEN3 & HSG4 of the Adopted Flintshire Unitary Development Plan and those contained in PPW and TAN6.
- 7.15 Character & Appearance of Landscape
If allowed, the proposal would further urbanise this area of open countryside to its visual detriment.

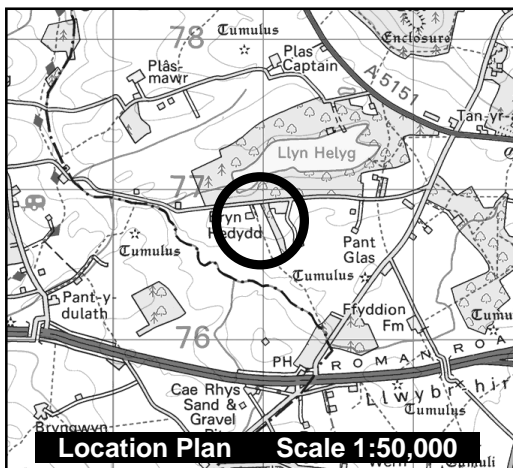
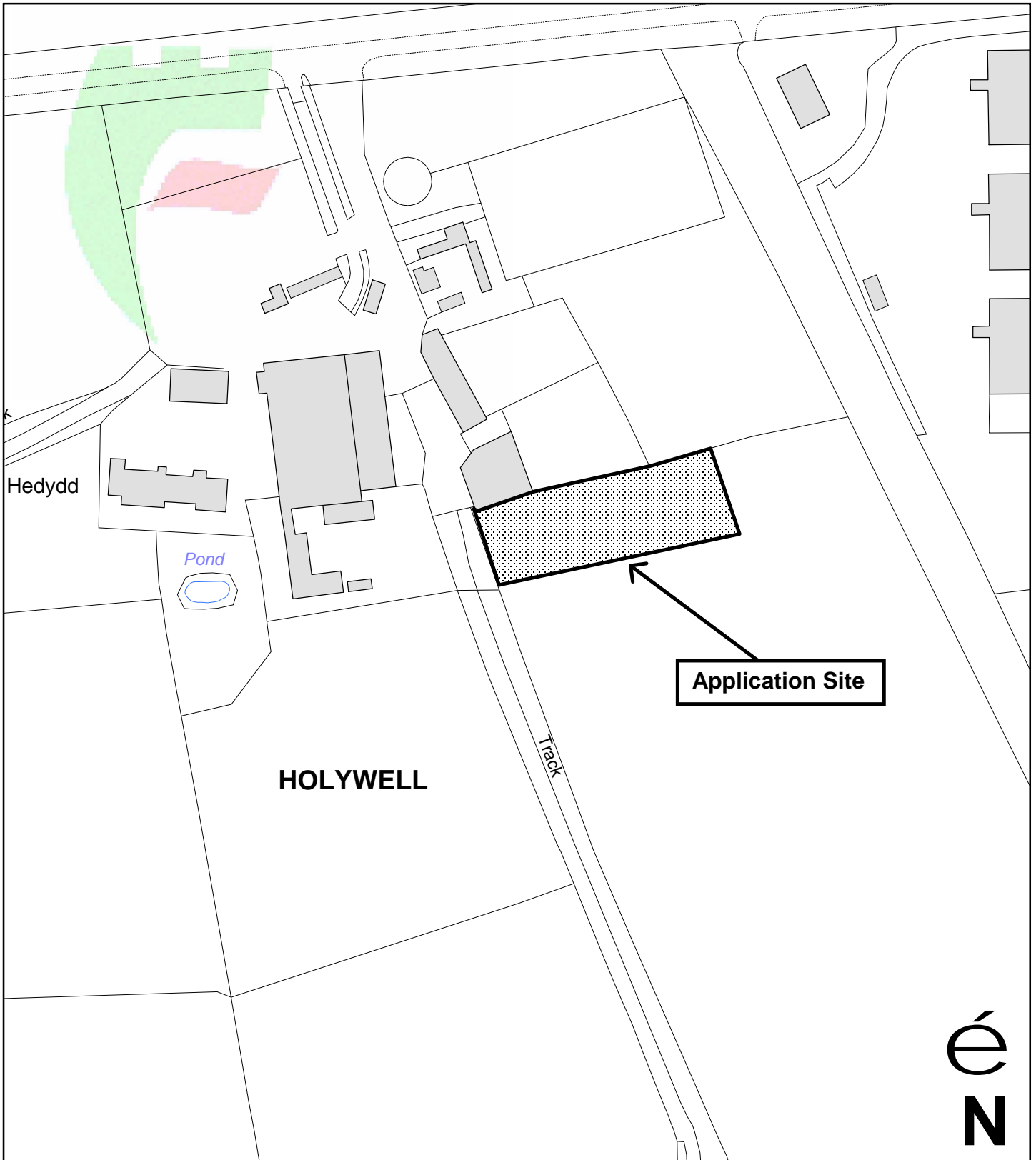
8.00 CONCLUSION

- 8.01 The proposal cannot be justified as the existing farmhouse on site can be utilised to house a worker for the running of the livery and agricultural enterprises. If allowed, the development would urbanise this part of open countryside to its visual detriment.
- 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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1076

Planning Application **54686**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 14 NO. SEMI-DETACHED HOUSES, 2 NO. SEMI-DETACHED BUNGALOWS 6 TERRACED PROPERTIES AND 1 NO. SPECIAL NEEDS BUNGALOW TOGETHER WITH ACCESS ROAD AND PARKING AT LAND OFF COED ONN ROAD, FLINT.**

APPLICATION NUMBER: **053662**

APPLICANT: **ANWYL CONSTRUCTION CO LTD**

SITE: **LAND OFF COED ONN ROAD, FLINT.**

APPLICATION VALID DATE: **2ND JUNE 2015**

LOCAL MEMBERS: **COUNCILLOR V PERFECT**
COUNCILLOR P CUNNINGHAM

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

REASON FOR COMMITTEE: **THE SIZE OF THE PROPOSED DEVELOPMENT REQUIRES COMMITTEE DETERMINATION**

SITE VISIT: **NOT REQUESTED**

1.00 SUMMARY

- 1.01 This full application relates to the erection of 14 number semi detached houses 2 semi-detached bungalows and one special needs bungalow and 6 terraced properties, together with the access road and parking on land off Coed Onn Road, Flint Flintshire.

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

2.01 That conditional permission be granted subject to the applicant entering into a section 106 Agreement, providing a unilateral undertaking or the making of an advanced payment which provides for the following:-

Ensure the payment of a contribution of £733 per dwelling (£16859) in lieu of on-site play and recreation facilities, to upgrade the existing children's play at Oakenholt

Conditions

1. Time limit on commencement.
2. In accord with approved plans.
3. No works to commence until scheme for re-alignment of Coed Onn Road/Croes Atti Link Road has been submitted and approved.
4. No works associated with development to commence unless works identified in condition 3 have been completed.
5. Siting, layout and design of access to be submitted and agreed prior to commencement.
6. Formation of access not commence unless detailed design has been approved.
7. Access shall be Kerbed and completed to base layer prior to any other site building works.
8. Proposed access onto Coed Onn Road, shall have visibility splays of 2.4mx 43m
9. Visibility splays to be maintained during construction works.
10. Plot access to be in accordance with standard details.
11. Traffic calming and signage to be submitted and agreed.
12. Parking to be provided and maintained.
13. Gradient to access shall be 1 in 24 for 10 m and maximum 1 in 15 thereafter.
14. Positive means to prevent run-off of surface water to be agreed.
15. Construction management plan to be submitted and agreed.
16. Traffic management Plan
17. Materials to be agreed.
18. Landscaping to be submitted and agreed to include a less formal management around stream and SSSI buffer.
19. Landscaping to be undertaken.
20. Reasonable avoidance measures
21. Protective fencing around retained trees and hedges.
22. Arboricultural Method Statement to safeguard trees and hedges.

23. Details of stepped timber retaining structure to be submitted and agreed.
24. Biosecurity Risk Assessment to the satisfaction of Local Planning Authority.

3.00 CONSULTATIONS

3.01 Local Member
Councillor V. Perfect
No response at time of writing.

Councillor P. Cunningham
No objection.

Adjoining Ward Member
Councillor R. Johnson

As adjoining ward member objects to the proposal on grounds of being against policy. Applicant had permission for a mixed development, not to pass land on to Housing Association, which is not needed due to all the new building going to take place on the former maisonette site. Once a permission is given it should be adhered to not changed to suit the developer. Affordable housing was to be pepper potted around the site not lumped together.

Flint Town Council
No objections to make regarding the planning application.

Head of Assets and Transportation
No objections requests the imposition of conditions and notes upon any subsequent permission. The conditions requested relate to details being provided and agreed for the improvement of the Coed Onn Road/Croes Atti Link Road being submitted and undertaken including access into the site. The conditions relate to:-

- Access to be completed to base course layer up to internal tangent
- Visibility splay onto Coed Onn Road shall be provided and retained.
- Access to plots in accordance with standard details.
- Facilities to be provided and maintained for parking on each plot
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of estate roads to be submitted and approved.

- Access gradient.
- Positive means to prevent surface water runoff.
- No works to commence until traffic management plan submitted and approved.

An amended plan has recently been submitted, now showing the access onto Coed Onn Road and the Croes Atti link being included within the application site. The Highway Engineer has been reconsulted has no additional comments other than those previously made.

Pollution Control Manager

Confirms that has no objection to the proposal and does not wish to make any additional recommendations.

Wales and West Utilities

Has no objection to the proposal however apparatus may be at risk during construction works and should the application be approved then the applicant should contact Wales and West to discuss their requirements.

Natural Resources Wales

Based on the information provided to date NRW does not object to the proposed development. We have the following comments regarding protected sites and protected species:-Ecology Protected Species
We note the updated ecology report (Ecological Design Consultants, October 2015). NRW consider the assessment in respect of protected species to be satisfactory.

NRW recommend that the recommendations within report are conditioned as part of any permission granted. The implementation of Reasonable Avoidance Measures (RAMS) is recommended to ensure the favourable conservation status of the species is maintained.

Protected Sites

We note that the protected Mynydd y Fflint SSSI site borders the proposed development for approximately 70m along a stream. From the information provided the tree and hedges that border the site are to remain intact in order to maintain a buffer between the proposed development site and the SSSI boundary. This boundary should be retained and not impinged upon by the proposed development.

The recommendations within the report should be conditioned as part of any permission granted in order that the hydrology of the site is not impacted on by the proposed development.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the Local Planning Authority.

The Coal Authority

Objected to the proposal in its original form until such time that the applicant can demonstrate that no significant risk to the development is posed by the recorded mine entry and that it can be demonstrated that the application site is, or can be made, safe and stable for the proposed development.

The applicant has recently submitted a mineshaft investigation report on 26th November and this has been sent to the Coal Authority for comments. Further information has now been submitted and The Coal Authority is satisfied with the conclusions of the Mineshaft Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority **withdraws its objection** to the proposed development.

Liverpool Bay Operations

No comments to make on the proposal.

Public Open Space Manager

Advises that a sum of £733 per dwelling be sought in lieu of on-site play provision. (£16,859 total). The infrastructure and monetary contributions that can be required from 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'.

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.

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.

The consultation has established that the sum requested should be used in connection with a project to upgrade facilities at the nearby Albert Avenue, play Area. In accordance with the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, this sum, when pooled would not exceed 5 contributions towards a single project.

I am satisfied, on the application of the tests set out in S.122 of the CIL Regulations and as detailed above, that such a contribution would satisfy these requirements. I am also satisfied that the sum is sought for a specific identified project and as such, would not be caught by the S.123 prohibition with the CIL Regulations.

Drainage Section

Requires further information on the drainage design. Information has now been submitted and passed to the relevant section and is presently under consideration. Additional information has now been submitted and the information is now considered acceptable.

4.00 PUBLICITY

4.01 The proposed development has been the subject of a wide level of consultation. The application has been publicised by means of site notices, press notices and neighbour notification letters.

4.02 At the time of writing six letters of objection has been received the objections refer to:-

- Retain ecology of area existing hedgerow to path affords a good screen and habitat.
- Highway implications/road safety.
- If built will lead onto Anwyls site at Croes Atti
- Design brief expects affordable properties should be spread out through the whole of the development and not concentrated in one area.
- Development brief for Croes Atti set parameters with 10% affordable housing expected to be pepper potted throughout the whole site, not in one area.
- Creates an enclave of 23 dwellings of one type resident thus serious departure from approved principles for estate.
- Estate presented as one to enable families to enter the house owning market this application fails to achieve this objective
- Site great distance from public transport links.

- Entrances onto Coed Onn Road are debatable, proximity to bend and junction.
- Design Access Statement just cut paste exercise, and EIA is old.
- Croes Atti site was never intended for such housing
- This application should be re assessed as new application should provide the requisite 30% affordable housing.
- Development does not follow the Poundsbury principle which expects integration to be spread out throughout whole site such separation fails to meet this criteria
- Past reports often note tenants will probably not own cars, site located away from bus route and over mile from another.
- Highway danger
- EIA outdated
- Change in ground levels could potentially affect the hydrology of the site.
- No mention on plans regarding junction into the field opposite to indicate the estates link road to A548. Phase 3 section 106 required remainder of the estate link road to/from Coed Onn Road/A548 Object to this omission to not implementing an important element of phase 3 approval.
- EIA is dated 2003 other documents are dated.
- Croes Atti estate portrayed as of exemplary design, no links with Cwn Eithin and existing estates estate will become socially separated. 23 social housing units flies in face of design brief will create social enclave

5.00 SITE HISTORY

5.01 98/17/1308

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

035575

Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement -the agreement was signed and the permission issued on 11th July 2006.

044033

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

044035

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

046562

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

046595

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

049154

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – appeal submitted for non-determination, this was considered by way of a public inquiry on 21st/22nd August 2012 –the appeal was allowed and the planning permission was varied to allow 7 years for the submission of reserved matters.

049312

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 – granted on 5th April 2012.

049426

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – resolved to grant planning permission at Committee on 25th July, 2012 subject to completion of S.106 Obligation.

050258

Proposed house type substitutions and amendments to plots 62, 62a, 63, 65-70, 72-74, 74a, 75-93, 95-103, 106-108, 110-112, 112a, 113, 116-118 and one additional plot to that approved at Croes Atti, Chester Road, Oakenholt. – still under consideration.

050300

Reserved matter application for the erection of 306 dwellings new dwellings open space- granted April 2013

Applications relating to the revision to house types on various parts of the site have been submitted following the last of the above applications.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development.
Policy GEN1 – General Requirements for Development.
Policy GEN2 – Development inside Settlement Boundaries.
Policy HSG3 – Housing upon Unallocated Sites within Settlement Boundaries.
Policy HSG2 – Housing at Croes Atti, Flint.
Policy HSG8 – Density of Development.
Policy HSG9 – Housing Type and Mix.
Policy D1 – Design Quality, Location and Layout.
Policy D2 – Design.
Policy AC13 – Access and Traffic Impacts.
Policy AC18 – Parking Provision and New Development.
Policy SR5 – Outdoor Playing Space and New Residential development

7.00 PLANNING APPRAISAL

- 7.01 Principle of Development
This full planning application proposes the erection of 7 pairs semidetached dwellings, 2 no semidetached bungalows and 1 no special needs bungalow and two terraces of three, together with access road and parking areas on land off Coed Onn Road, Flint. The current site measures 0.92 hectare and is an area of land that originally formed part of the third reserved matters application to be submitted following the granting of the outline planning permission for the whole site in 1996, as amended by an appeal into non determination of planning permission.
- 7.02 The proposal itself forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities.
- 7.03 The present full planning application has been submitted following on from the granting of the last reserved matters application for the larger site under reference 050300. Given this the principle of residential development on this part of the site has therefore been established under the previous outline and reserved matters permission.

- 7.04 As noted this area of land originally formed part of a much larger development which was granted under planning permission reference 050300. The original permission showed the provision of 23 dwelling consisting of 10 pairs semidetached dwelling and 2 apartments and one bungalow giving a total of 23 dwellings on the site. The present application proposes the erection of 14 semidetached dwellings, 2 no semidetached bungalows and 1 no special needs bungalow and two terraces of three giving a total of 23 dwellings. The proposal though now forming a full planning application results in the same number of dwellings, hence the principle and the number of dwellings have already been accepted
- 7.05 Impact on Residential Amenity
The proposed development is bordered by existing residential development to the north west boundary of the site and the previously approved area off residential development approved, with open countryside forming part of the overall site to the southern boundary. The layout shown and the house types proposed allow for space about dwellings which are considered not to be detrimental to amenities of the existing dwellings by way of overlooking or physical proximity.
- 7.06 The proposed development is considered to provide adequate private amenity space in addition to space about dwellings, whilst at the same time benefiting from formal and informal public open spaces which forms part of this phase of the development and that previously approved.
- 7.07 Design and Appearance
The proposed scheme is designed to link into the proposed new distributor road which is to serve the overall site. The density and character of proposed properties within the site vary in design from two storey terraces, semi-detached and detached dwellings. The proposed dwellings as amended are considered sympathetic to existing development.
- 7.08 Provision of Public Open Space
The overall site will benefit from a previously approved formally laid out "village green" which includes a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi-Use Games Area (MUGA) which forms part of the wider open space allocation for the overall site. The original submission on the site showed a door step play area which no longer forms part of the present proposal, hence a sum of £733 per dwelling is sought in lieu of on-site play provision. The recommendation is therefore subject to a S106 Agreement or payment of a sum of £16,859.

7.09 Affordable Housing

The original outline planning permission for the overall site Croes Atti site required that a minimum of 10% of dwellings on the site should be social/affordable and this was secured via a Section 106 legal agreement. The exact location of affordable units within the overall development has yet to be determined, although on phases 1 and part of phase 2 these are being pepper potted across the site, however, the final figure will have to be in accordance with the terms of the Section 106 legal agreement. The present site is being built on behalf of a social landlord hence the final figure will be 100% social. An objection has been received regarding this aspect and the provision of additional affordable/social housing, however the minimum was 10% the provision of an additional 20 units above those originally proposed is an improvement on the original submission.

7.10 Drainage Issues

NRW and the drainage section have been consulted and have not objected to the proposal. At the time of writing works have been undertaken to off-site sewer works which include improvements to a pumping station which caters for the Croes Atti development overall in addition to improving drainage in the area.

7.11 Highways Issues

The highway engineer has been consulted on the application and raises no objections subject to the imposition of condition which are outlined above. Part of the original permission granted for the larger site which this forms was for the junction of Coed Onn Road and the Croes Atti junction be built/improved before phase 3 of the development starts. Given this part of the site originally formed part of phase three the conditions imposed reflect this need to improve this junction prior to works commencing on site.

8.00 CONCLUSION

8.01 The proposed development in broad terms would allow for the replacement of existing dwellings approved on the land with amended house styles and is therefore acceptable in principle and in design terms

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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

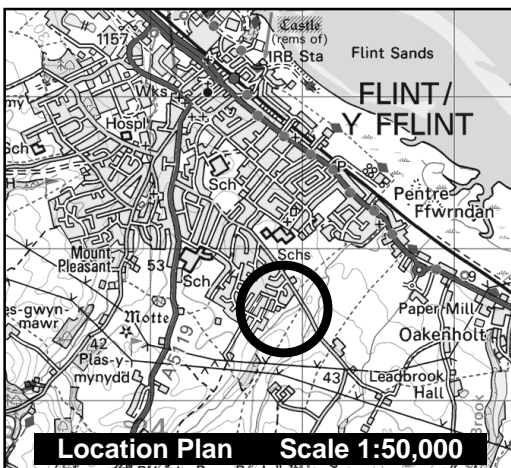
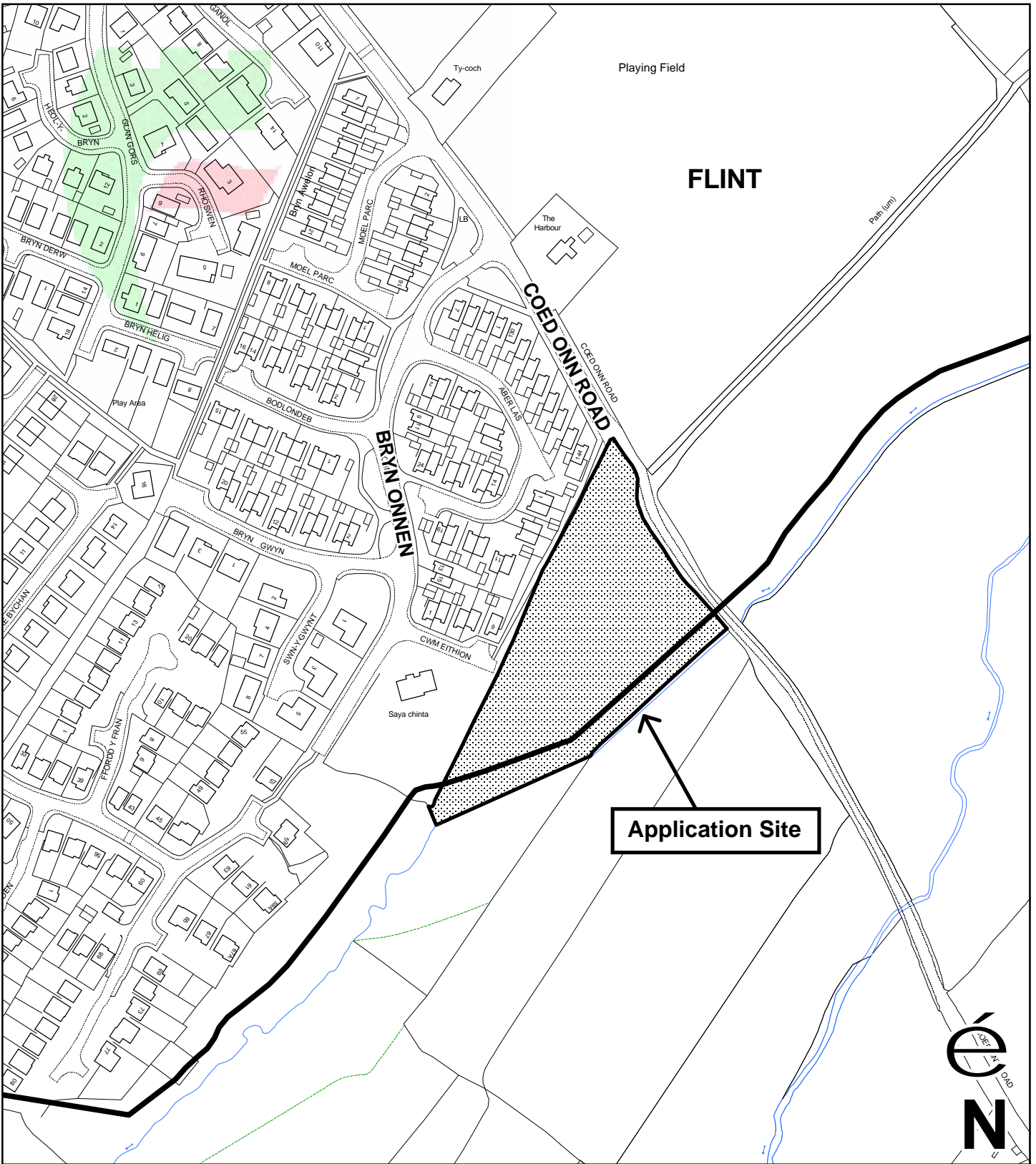
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

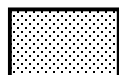
Responses to Publicity

Contact Officer: Karl Slater
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Email: karl.slater@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2471

Planning Application **53662**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 23 MARCH 2016**

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

SUBJECT: **CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE AND ERECTION OF FENCE AT WHITE HOUSE, SEALAND ROAD, SEALAND**

APPLICATION NUMBER: **054753**

APPLICANT: **MR RICHARD GRACE**

SITE: **WHITE HOUSE,
SEALAND ROAD, SEALAND**

APPLICATION VALID DATE: **21st DECEMBER 2015**

LOCAL MEMBERS: **CLLR CHRISTINE JONES**

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

REASON FOR COMMITTEE: **FOR MEMBERS TO VIEW THE SITE AND SURROUNDING AREA**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This full application seeks planning permission for the change of use of land to residential garden area with erection of boundary fencing and conifer screening at White House, Sealand Road, Sealand.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 In the opinion of the case officer, the change of use and in particular the erection of close boarded boundary fencing with conifer screening, would be visually harmful to the openness of the designated green

barrier and open countryside and be detrimental to its character. As such, the proposal is contrary to Policy GEN1, GEN3 and GEN4 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member
Request Committee Determination

Town/Community Council
No Objection

Head of Public Protection
No Objection

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification.
No responses were received at the time of writing.

5.00 SITE HISTORY

5.01 050339 – Erection of triple garage with store room above and conversion of existing garage to games room – Approved 13.5.13

054110 - Change of use of waste land to garden area associated with the dwelling known as White House and erection of fence – Refused 30.07.15

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan (UDP)

GEN1 – General Requirements for Development
GEN3 – Development in the Open Countryside
GEN4 – Green Barriers

7.00 PLANNING APPRAISAL

7.01 This application seeks planning permission for the change of use of and to residential garden area with erection of boundary fencing and conifer screening at White House, Sealand Road, Sealand. On-site inspection it is evident that the fencing is already in situ and therefore retrospective. The application site is located in an area of open countryside designated as green barrier in the UDP. From a policy point of view, the main issue to be considered would be the principle of development in this location having regards to the effect on the

appearance and character of the area and green barrier.

- 7.02 UDP policy GEN1 sets out the general policy requirements to be met by new development. In this particular instance relevant Policies are GEN3 and GEN4 which deal with development in the open countryside and green barrier respectively. They are criterion based policies which outline the circumstances in which development in these locations will be permitted. Furthermore the reasons and explanation accompanying Policy GEN3 states that development in this respect includes extensions of residential gardens into the countryside which will not normally be permitted. Enlarging residential curtilages by changing plot boundaries and introducing domestic uses to land previously not used for that purpose can have a significant visual detrimental impact from associated urban paraphernalia such as sheds or other structures.
- 7.03 The area of land subject of this application is a long narrow strip which is bounded by roads along the entire northern and southern flanks. It is my view the change of use to garden land is unlikely to significantly impact upon the character of the open countryside/green barrier if it was bounded by appropriate treatment, i.e. hedgerow. It is clear from site inspection, that the additional expanse of close boarded fencing introduces a visually harmful feature which does have a significantly detrimental impact on the openness and character of the green barrier. The proposed use of conifer trees to screen the fencing would also introduce a visually harmful feature.
- 7.04 The applicant has been provided with details of an amended scheme which would be considered acceptable but no amendment has been made. It is considered that the proposed change of use would be acceptable if existing fence was reduced in height and moved back from the highway to allow for a tradition hedge mix to be planted as per the Councils Hedge Planting Guidance Note.

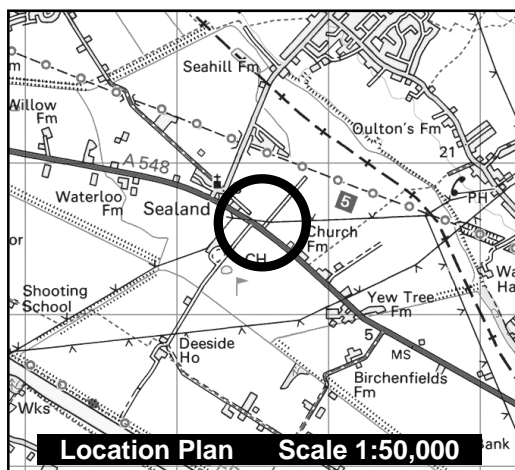
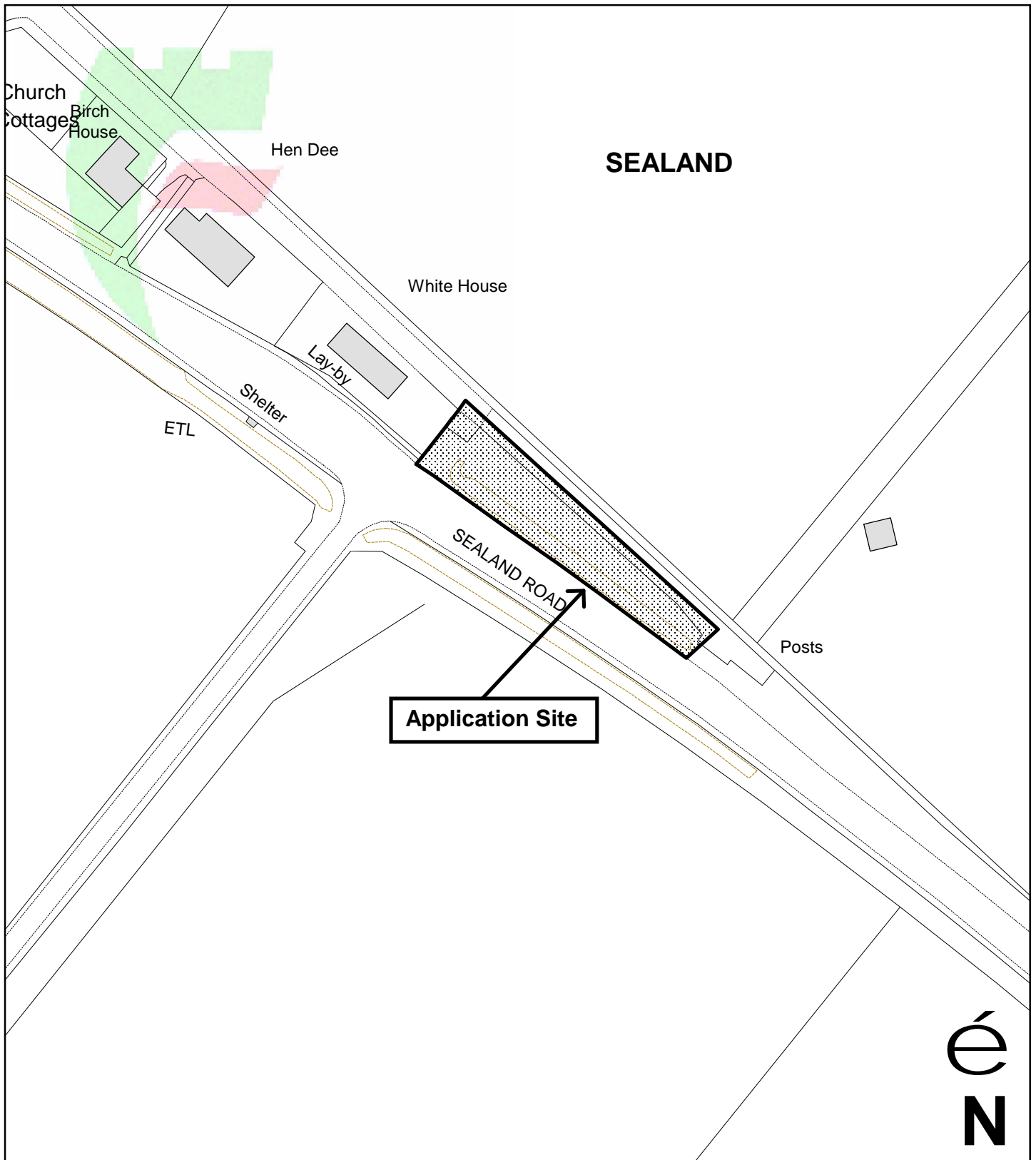
8.00 CONCLUSION

- 8.01 It is therefore considered that the proposal, if allowed, would be harmful to the character and openness of the designated green barrier and open countryside location. The proposal is therefore contrary to the policies stated above.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Dan McVey
Telephone: 01352 703266
Email: Daniel.McVey@Flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3569

Planning Application **54753**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 23 MARCH 2016**

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

SUBJECT: **GENERAL MATTERS - TO AGREE THE WORDING OF REFUSAL FOR PLANNING APPLICATION 053957 - DISPLAY RECYCLING LTD AT UNIT 8A – 8B, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN**

1.00 APPLICATION NUMBER

1.01 053957

2.00 APPLICANT

2.01 DISPLAY RECYCLING LIMITED

3.00 SITE

3.01 UNIT 8A-8B,
ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN

4.00 APPLICATION VALID DATE

4.01 31/07/2015

5.00 PURPOSE OF REPORT

5.01 To agree the reason for refusal of planning application 053957 following a resolution for refusal of planning permission at the Planning and Development Control Committee meeting on 24th February 2016.

6.00 REPORT

6.01 A resolution was made to refuse application 053957, Unit 8a-8b, which sought to vary condition 4 of planning permission 043879 to extend the hours that deliveries can be made to the premises from 08:00-18:00 hrs to 07:00-19:00 hours and associated outdoors working.

- 6.02 Concern was expressed by the Committee that the extra time being requested would mean that more feedstock would be brought into the site without any evidence that it would be processed and removed, and therefore risks adding more material to the existing mounds of processed and unprocessed glass and steel currently occupying the rear of the premises.
- 6.03 The operator is currently in breach of a planning condition governing the height of the storage mound, and the consequence of this is that the lack of space is having knock on effects to the operations, causing further non-compliance, such as unloading HGVs at the front of the premises due to a lack of space at the rear of the premises, which is giving rise to noise being experienced at distant properties at a level more noticeable than would otherwise be the case compared with unloading at the rear of the premises.
- 6.04 Glass is being spilled on the private access road and any dust generated as a result of loading and unloading activities at the front of the premises is not subject to dust suppression sprays, and material held at the front and side of the premises is detracting from the visual amenity. Other concerns were raised regarding contamination arising from the stored materials and liabilities for removal and clean up in the event that the operator cease trading.
- 6.05 It is proposed that the following wording be used on the decision notices for applications 053957.

Reason for Refusal of 053957 Unit 8:

- 6.06 The proposed increase in delivery hours and outside working has the potential to increase the duration of delivery handling practices and an increase in materials put into open air storage which are causing poor operating practices in breach of existing planning controls. This risks giving rise to a detrimental impact on the local environment and amenity, and the potential for increased noise disturbance, and is therefore contrary to Flintshire Unitary Development Plan Policies GEN1 General Requirements for Development, EWP8 Control of Waste Development and Operations, and EWP 13 Nuisance.

7.00 RECOMMENDATIONS

- 7.01 That the Planning and Development Control Committee approves the reasons for refusal given above for application 053957.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

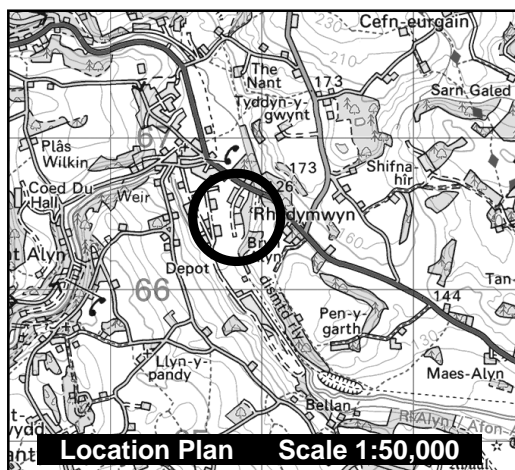
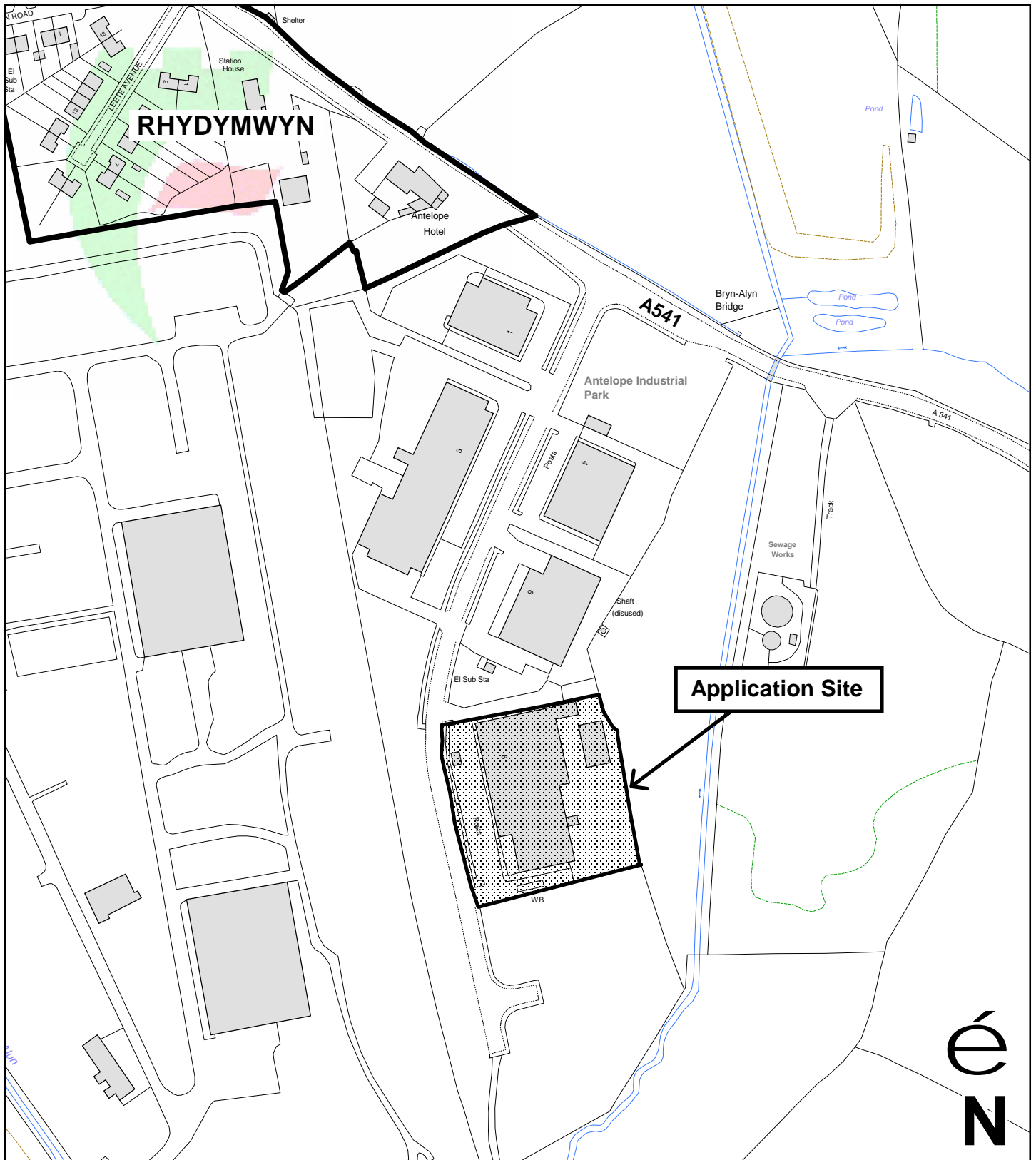
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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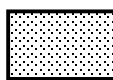


Location Plan Scale 1:50,000



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

Legend

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

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Map Scale	1:2500
OS Map ref	SJ 2066
Planning Application	53957



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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 23 MARCH 2016**

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

SUBJECT: **GENERAL MATTERS - TO AGREE THE WORDING OF REFUSAL FOR PLANNING APPLICATION 053959 - DISPLAY RECYCLING LTD AT UNIT 6, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN**

1.00 APPLICATION NUMBER

1.01 053959

2.00 APPLICANT

2.01 DISPLAY RECYCLING LIMITED

3.00 SITE

3.01 UNIT 6, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN

4.00 APPLICATION VALID DATE

4.01 31/07/2015

5.00 PURPOSE OF REPORT

5.01 To agree the reasons for refusal of planning application 053959 following resolution for refusal of planning permission at the Planning and Development Control Committee meeting on 24th February 2016.

6.00 REPORT

6.01 A resolution was made to refuse application 053959, Unit 6, which sought to vary conditions 3 and 4 of planning permission 048179 to extend the hours that deliveries can be made to the premises from 08:00-18:00 hrs to 07:00-19:00 hours and associated outdoors working. This is a sister premises to unit 8a-8b which is located to the immediate south, which is operated by the same organisation. Unit 6 is a waste electrical and electronic equipment recycling centre, and any glass TV and monitor screens recovered are sent to Unit 8a-8b as a feedstock for glass recycling.

6.02 Concerns were expressed that an increase in the output of glass from Unit 6 would increase the quantity of feedstock to neighbouring Unit 8a-8b, and would in turn add to the material held in storage and exacerbate environmental, noise and amenity impacts arising from non-compliances at Unit 8a-8b. Concern was also expressed about loading and unloading taking place outside of the designated areas, and if done during the proposed extended period could give rise to adverse amenity impacts, such as noise.

6.03 It is proposed that the following wording be used on the decision notice for application 053959.

Reason for Refusal of 053959 Unit 6:

6.04 The proposed increase in delivery hours and outside working has the potential to increase the duration of delivery handling practices at the premises and an increase in materials put into open air storage at the adjacent Unit 8a-8b which are causing poor operating practices in breach of existing planning controls. This risks giving rise to a detrimental impact on the local environment and amenity, and the potential for increased noise, and is therefore contrary to Flintshire Unitary Development Plan Policies GEN1 General Requirements for Development, EWP8 Control of Waste Development and Operations, and EWP 13 Nuisance.

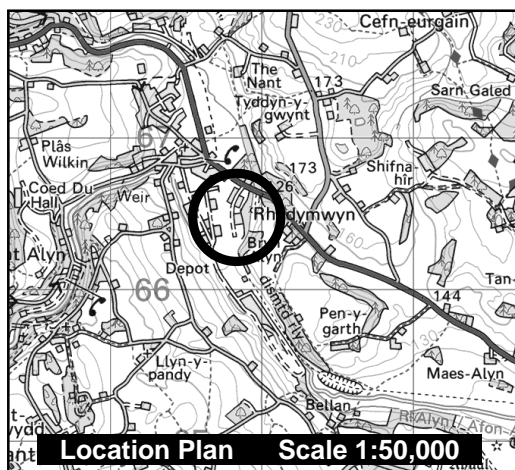
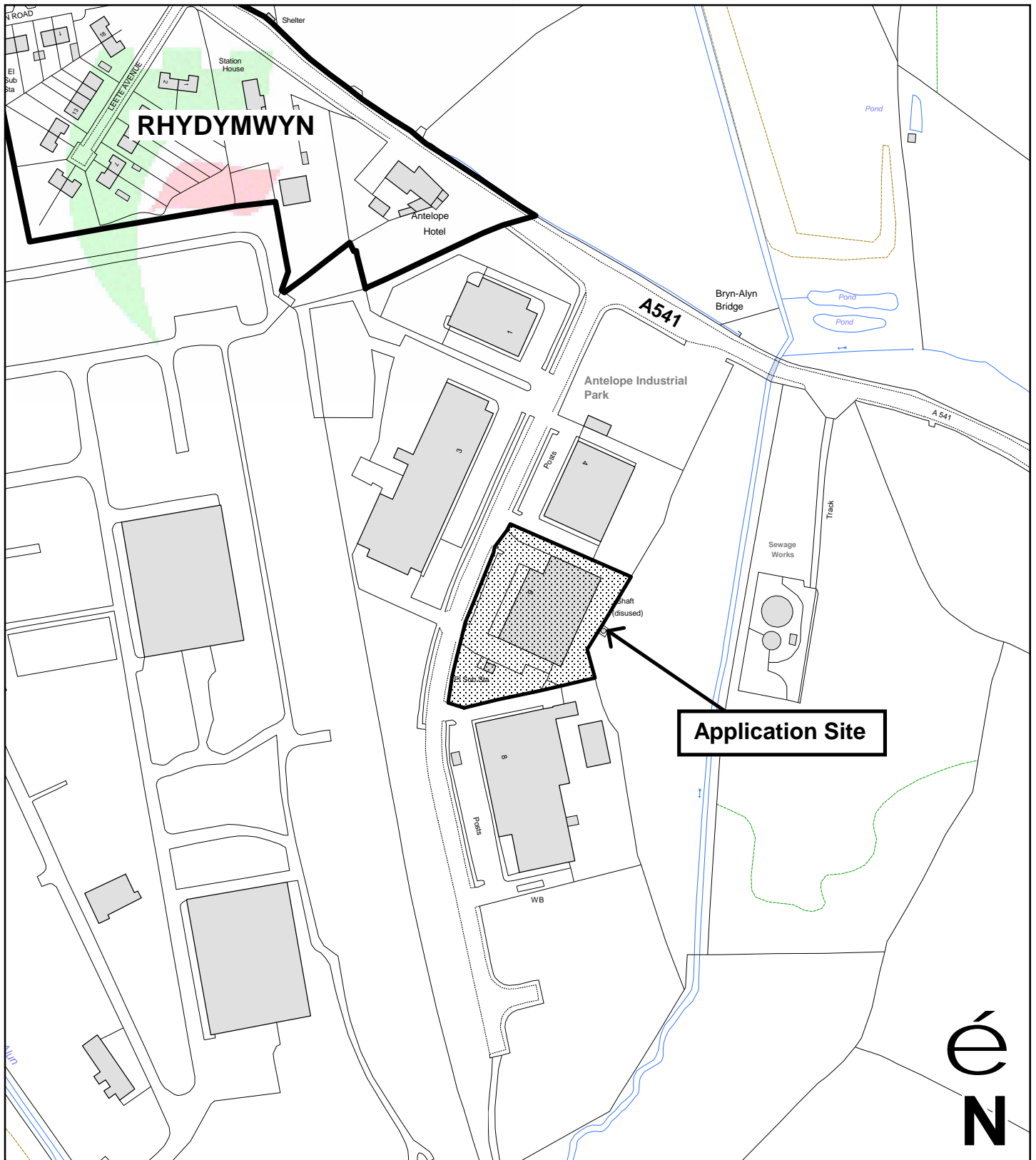
7.00 RECOMMENDATIONS

7.01 That the Planning and Development Control Committee approves the reason for refusal given above for application 053959.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Gary Nancarrow
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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 **53959**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23 MARCH 2016**

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

SUBJECT: **APPEAL BY MR A BAXTER UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT AGAINST THE REFUSAL OF PLANNING PERMISSION FOR CHANGE OF USE OF OFFICE TO DWELLING AT GLASMOR BACH, PEN Y CEFN ROAD, CAERWYS**

1.00 APPLICATION NUMBER

1.01 053884

2.00 APPLICANT

2.01 Mr A. Baxter

3.00 SITE

3.01 Glasmor Bach, Pen y Cefn Road, Caerwys

4.00 APPLICATION VALID DATE

4.01 17.06.15

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in respect of the refusal to grant planning permission for change of use from office to a dwelling at Glasmor Bach, Pen y Cefn Road, Caerwys .The application was refused under officer delegated powers and the appeal determined by way of a written representations appeal which was DISMISSED.

6.00 REPORT

6.01 Introduction

The appeal considered the change of use of an existing office building to a dwelling at Glasmor Bach, Pen y Cefn Road, Caerwys. The site is located within the open countryside, outside any recognised Settlement Boundary.

6.02 Main Issues

The Inspector considered the main issues in this appeal to be the change of use would have on the Policies of the Unitary Development Plan, that impose strict control over development in the countryside (in order to protect the character and appearance of the surrounding area) and the effect of the proposed development on the living conditions of neighbouring and future occupants.

6.03 The Inspector noted that the site lies outside any settlement boundary, in the open countryside, whilst Policy HSG7 does allow specific development exemptions, this application does not meet the criteria stipulated under this Policy. The development would not ensure that the development or its future occupants would qualify for affordable housing and if allowed that the dwelling would remain as an affordable unit in the long term. In the Inspector's opinion it does not represent affordable housing for local need or that it would accord with the guidance set out in Technical Advice Note No2 (TAN 2) Planning and Affordable Housing.

6.04 The Inspector noted that the primary use of the building and its associated curtilage would be residential and would not be consistent with policy that gives preference to the conversion of rural buildings to employment related rather than residential uses, as she did not consider that the proposal would represent a rural enterprise dwelling.

6.05 In the consideration of this appeal the Inspector did not consider that the proposal was compliant with Policy HSG7, in that the existing building is not of traditional agricultural or rural character or has intrinsic architectural value. She did not consider its reuse for residential purposes in order to protect its historic or architectural merit would be desirable on these grounds.

6.06 In the assessment the Inspector considered the living conditions of the occupants and surrounding properties, but did not consider that its use as a dwelling would have any greater overbearing, overshadowing or overlooking impact, than the existing office use and would be sufficient for purposes such as siting out, hanging washing or storage in connection with the residential use.

6.07 Other Matters

The Inspector considered the Council's lack of 5 year housing land supply and TAN1 Joint Housing Land Availability Studies, whilst it was noted that the proposal would make a modest contribution to housing delivery, she did not find that such a contribution would outweigh the harm to the character and appearance of the area that a change of use to residential would have.

7.00 **CONCLUSION**

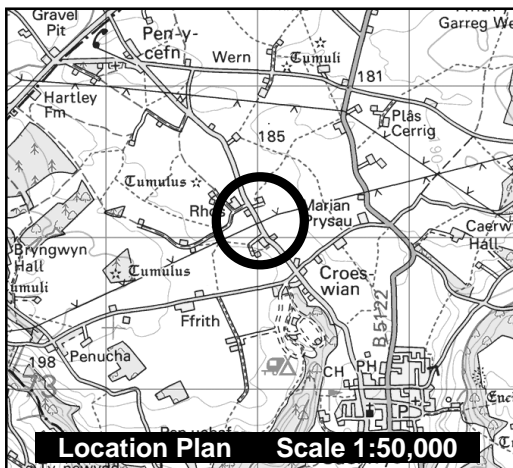
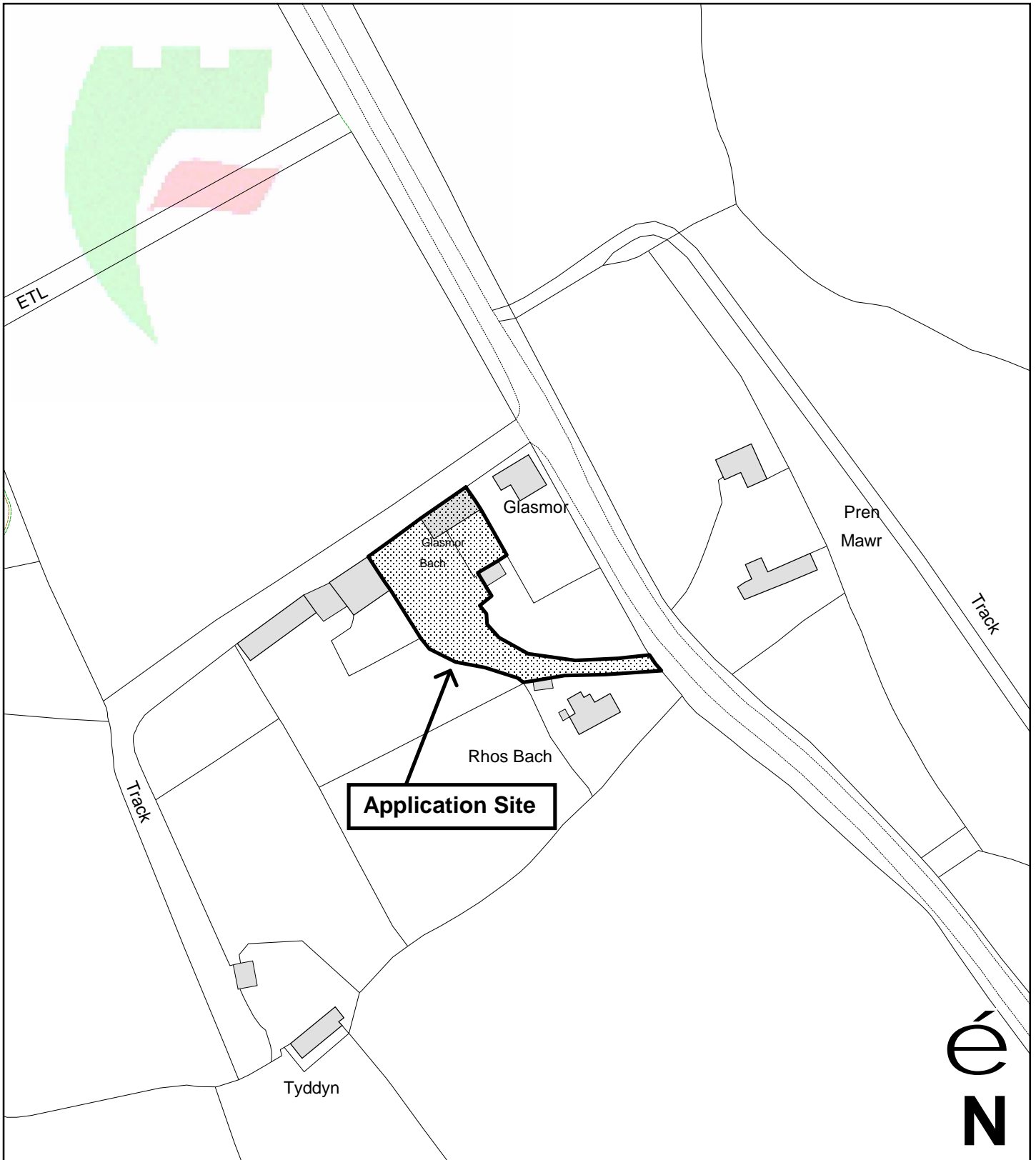
7.01 For the reasons cited above, the Inspector **DISMISSED** the appeal.

LIST OF BACKGROUND DOCUMENTS

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

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Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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OS Map ref SJ 1273

Planning Application **53884**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH 2016**

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

SUBJECT: **APPEAL BY MISS J. HOOD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 1 NO. DWELLING AT 24 BOROUGH GROVE, FLINT – DISMISSED**

1.00 APPLICATION NUMBER

1.01 052761

2.00 APPLICANT

2.01 Miss J. Hood

3.00 SITE

3.01 24 Borough Grove, Flint,
Flintshire. CH6 5DR

4.00 APPLICATION VALID DATE

4.01 3rd October 2014

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal to grant outline planning permission for the erection of a dwelling at 24 Borough Grove, Flint, Flintshire. The application was refused under delegated powers with the appeal dealt with by way of an informal hearing and was **DISMISSED**.

6.00 REPORT

6.01 Background

Members may recall that this application was refused under delegated powers on 23rd December 2014 on the grounds that the proposal was considered to have a detrimental impact upon the character and appearance of the area and the amenities of the existing and proposed occupiers.

6.02 Issues

The Inspector considered that the main issues in this case were the effects of the proposal on the character and appearance of the area and the effects of the proposal on the living conditions of future occupants of the dwelling in relation to privacy.

6.03 Character & Appearance

Borough Grove is characterised by two storey dwellings arranged around a cul-de-sac in the form of a half-circular configuration with rear gardens spanning out from its respective uniform and regular building layout. The opposite side of Borough Grove is a linear arrangement of buildings with generous size rear gardens. Behind the appeal site are terrace two storey dwellings with deep gardens at Park Avenue. The appeal site is a triangular piece at the side and to the rear of No. 24 which has a frontage onto the cul-de-sac road of Borough Grove and a rear aspect towards the unmade track and the rear gardens of Park Avenue.

6.04 Development of the garden area would the Inspector considered disrupt the characterised uniformity and layout of buildings and spaces that surround them and would be at odds with this harmonious arrangement. It would the Inspector argued introduce a new residential dwelling at the back of houses which is not a common feature of the area and would disrupt the pattern, form and regular spacing of properties with generous gardens, which is a characteristic of this residential area. Secondly, the Inspector considered the proposed single storey dwelling would be an unusual and incongruous feature in an area characterised by two-storey dwellings.

6.05 Despite the fact that there has been development built at the back of other houses in the general area, having assessed these carefully the Inspector considered they are distinguishable from the character of the immediate area of the appeal site which has been set out above. 2 Windsor Avenue, Connah's Quay has a different layout arrangement of buildings to the appeal site, and so does the development at No. 1 Bryn Hilyn, Mold. None of these examples are similar or representative of the layout of the appeal site, and in any event, the Inspector treated this appeal on its individual merits.

6.06 Living Conditions

The proposed development is single storey with an approximate area of 346 m² of garden. This would leave some 29 m² of area for No. 24 and a small rear yard area. The rear yard is some 3 m in depth allowing an angled view from this property into the proposed garden of the appeal property. The Inspector considered the relationship is unsatisfactory and would give rise to an overlooking and privacy problem for the future occupiers of the proposed dwelling. The Inspector recognised that there is a degree of mutual overlooking of gardens of surrounding properties in the area but none as close as the relationship between No. 24 and the proposed private garden area of the appeal dwelling.

6.07 The Inspector concluded that the proposal would harm the living conditions of future occupants of the dwelling in relation to privacy.

6.08 The Inspector considered the amenity of the existing occupants of the dwelling in relation to privacy, amenity space and disturbance, but concluded that these factors are not determinative to the outcome of this appeal. The Inspector noted the concern about the pre-application process and the attempts to overcome the preceding appeal on this site, but none outweighed his conclusions on the main issues.

6.09 The UDP is outside its plan period and as a result cannot demonstrate a 5 year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply. As a result, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.

6.10 In this case the development did not comply with the development plan in force and therefore less weight would be attributed to the contribution this development would make to housing land supply.

7.00 CONCLUSION

7.01 The Inspector concluded that the planning balance is against allowing this appeal and was subsequently **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

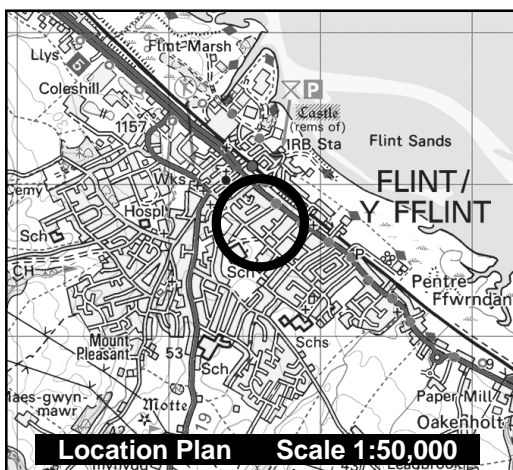
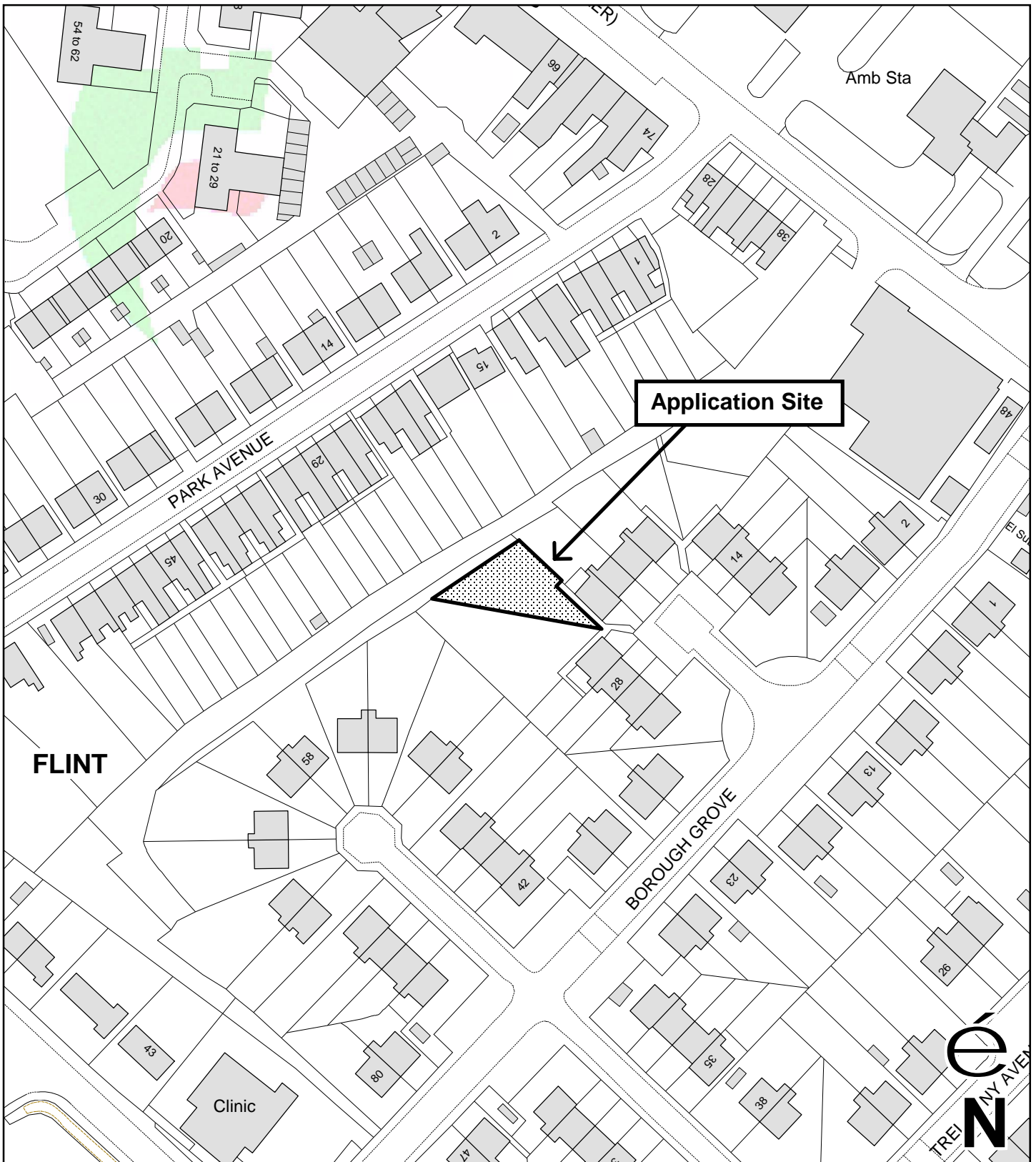
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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 Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
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 Settlement Boundary

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Planning Application **52761**

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