

Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

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

17 February 2016

Tracy Waters 01352 702331
tracy.waters@flintshire.gov.uk

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, 24TH FEBRUARY, 2016** at **12.00 PM** to consider the following items.

***** PLEASE NOTE THE CHANGE OF START TIME *****

Yours faithfully

Peter Evans
Democracy & Governance Manager

WEBCASTING NOTICE

This meeting will be filmed for live broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

3 LATE OBSERVATIONS

4 MINUTES (Pages 5 - 22)

To confirm as a correct record the minutes of the meeting held on 20th January 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
24TH FEBRUARY 2016

Item No	File Reference	DESCRIPTION
Applications reported for determination (A=reported for approval, R=reported for refusal)		
6.1	054050	054050 - A - Full Application - Proposed New Vehicular Access to Parry's Quarry, Off Pinfold Lane, Alltami (Pages 23 - 32)
6.2	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 33 - 46)
6.3	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 47 - 60)
6.4	054095	054095 - A - Full Application - Proposed New Vehicular Access to Serve Plot 5 Only of Previously Consented Gypsy Site at Ewloe Barn Wood, Magazine Lane, Ewloe (Pages 61 - 68)
6.5	054096	054096 - A - 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 (Pages 69 - 76)
6.6	054485	054485 - A - 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 (Pages 77 - 94)
6.7	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 95 - 110)
6.8	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 111 - 126)
6.9	053957	053957 - A - Application to Vary Condition 4 Attached to Planning Permission Ref: 043879 Relating to Hours of Working at Unit 8a - 8b Antelope Industrial Estate, Rhydymwyn (Pages 127 - 138)
6.10	053959	053959 - A - 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 (Pages 139 - 150)
6.11	051795	051795 - A - 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. (Pages 151 - 172)
6.12	054589	054589 - A - Erection of a Foodstore, Associated Car Parking, Access, Servicing and Landscaping (Partly Retrospectively) at Broughton Shopping Park, Broughton (Pages 173 - 190)
6.13	054641	054641 - A - Full Application - Changes to and Substitution of House Types to 15 No. Plots at Old Hall Road/Greenhill Avenue, Hawarden (Pages 191 - 198)
6.14	054630	054630 - A - Full Application - Installation of 845 kw Solar Array Including Panels, Security Fencing, Control Room, Customer Cabin and Inverter Cabin at Standard Landfill Site, Standard Road, Spencer Industrial Estate, Buckley (Pages 199 - 212)
6.15	054631	054631 - A - Full Application - Installation of 400 kw Solar Array Including Panels, Security Fencing, Control Room, Customer Cabin and Inverter Cabin at Brookhill Landfill Site, Brookhill Way, Catheralls Industrial Estate, Buckley (Pages 213 - 226)

6.16	054513	054513 - A - 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 (Pages 227 - 236)
6.17	054552	054552 - R - Full Application - Proposed Replacement of Garage with New Single Storey Dwelling at Top Corner, Village Road, Northop Hall (Pages 237 - 242)
6.18	054664	054664 - R - 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, Flintshire. (Pages 243 - 248)
6.19	054219	054219 - A - Change of Use to a House of Multiple Occupation at 7 Breeze Hill, Connah's Quay. (Pages 249 - 254)
6.20	054725	054725 - A - Full Application - Formation of Dormer to Front of Dwelling at 7 Somerford Road, Broughton (Pages 255 - 260)
6.21	053163	053163 - A - 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 than 7 Static Caravans) and Retention of 3 No. Amenity Blocks and Erection of 1 No. Additional Amenity Block at Dollar Park, Bagillt Road, Holywell. (Pages 261 - 266)
6.22	053534	053534 - General Matters - Erection of a Pair of Semi-Detached Bungalows at Heatherdene, Vicarage Road, Rhydymwyn (Pages 267 - 272)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.23	052899	052899 - 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, Flintshire (Pages 273 - 280)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **20 JANUARY 2016**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 20 January 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Carol Ellis, Alison Halford, Ray Hughes, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Mike Peers, Neville Phillips, Gareth Roberts and David Roney

SUBSTITUTIONS:

Councillor: Paul Shotton for Christine Jones, Mike Reece for Billy Mullin and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The following Councillor attended as local Member:-

Councillor Cindy Hinds - agenda item 6.2.

The following Councillor attended as an observer:

Councillor: Haydn Bateman

APOLOGIES:

Councillors: Ian Dunbar and David Evans

IN ATTENDANCE:

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

107. DECLARATIONS OF INTEREST

Councillor Ray Hughes declared a personal and prejudicial interest in the following application because he was a School Governor at Castell Alun High School:-

Agenda item 6.2 – Outline application for the Erection of up to 40 residential dwellings with associated access and all other matters reserved at Rhos Road, Penyffordd (053656)

108. LATE OBSERVATIONS

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

109. MINUTES

The draft minutes of the meeting of the Committee held on 16 December 2015 had been circulated to Members with the agenda.

Councillor Mike Peers referred to page 10 and asked for some comments made by members at the last meeting to be added. He said Councillor Derek Butler had stated that there was a strong demand for affordable housing in Buckley and that Councillor Chris Bithell had referred to a blighted site that was not viable as a retail site. He asked for the comments to be included in the minutes with Councillor Butler's comments being included after the word 'footfall' in the fourth paragraph and Councillor Bithell's comments being included after the word 'Buckley' in the final paragraph on page 10.

Councillor Richard Jones said that Councillor Butler had said there were a lot of historical empty commercial properties, that the Co-op was not trading well and that he had been aware of plans to expand the precinct and requested that these comments be added to the minutes.

In response, Councillor Bithell reminded Members that the minutes were not a verbatim record of the meeting. He also said that he had not used the word 'blighted' as suggested by Councillor Peers. He said he did want the minutes to be added to as requested by Councillor Peers.

The Housing and Planning Solicitor advised that the minutes were a summary of the meeting and main areas of debate and not a verbatim record.

On being put to the vote, the proposal from Councillor Peers, which was duly seconded, to amend the minutes as suggested was lost. The additional comments proposed by Councillor Jones were duly seconded and on being put to the vote, was CARRIED.

RESOLVED:

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

Councillor Jones then referred to matters arising from the minutes which the Chairman had indicated he could come back to. However, he was advised by the Chairman, having been advised by the Housing and Planning Solicitor that this was not a matter on the agenda and could not be considered.

110. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) advised that none of the items on the agenda were recommended for deferral by officers.

111. CONTINUATION OF USE OF LAND AS RESIDENTIAL GYPSY SITE ACCOMMODATING 9 FAMILIES ON 7 PITCHES, WITH A TOTAL OF 13 CARAVANS (NO MORE THAN 7 STATIC CARAVANS) AND RETENTION OF HARDSTANDING, (INCLUDING BLOCK PAVING), GATES, WALLS, LIGHTING COLUMNS AND FENCES AND 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 which had been the subject of a site visit on 18 January 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 for a change of use to accommodate nine families on seven pitches on the site which was 0.5 hectares. She spoke of the planning history which was detailed in the report and explained that it was a former coal yard but since 2007 had been occupied by a number of Gypsy families. A planning application on the site was refused in 2008 and an enforcement notice was issued by the Council for unauthorised use but following an appeal on a subsequently submitted application, a temporary permission of five years was granted which was due to expire on 4 February 2016. This application had been submitted to continue the use and to include one extra pitch. The officer referred to a number of late observations and explained that she was proposing that a temporary permission for a further five years be granted for named families with the additional pitch being on the site for the former play area. A key issue in determining this application was the Inspector's previous conclusions which were reported in paragraphs 7.25 to 7.30 and included the impact on the rural character of the area and the impact on the listed building Glyn Abbot. The Inspector also considered the impact on the landscape and the open countryside and it was reported that prior to the occupation of the site, there were no buildings on the site and the natural regeneration of the site meant that it had a greenfield appearance and blended in with the open countryside location. The inspector also noted that, in consideration of his determination of the appeal that the development would have a harmful effect upon the rural character of the locality and it was considered that this harm still existed in terms of this current application. The impact on the setting of the Listed Building was reported in paragraphs 7.38 to 7.46 and concluded that this application which included an increased number of caravans would only add to the harm the location of the site caused to the setting of the Listed Building.

Concerns had been raised about the number of vehicles accessing the site but Highways had no objections to the proposed development in terms of the increase in the number of pitches or the number of site occupants. On the issue of need, the officer explained that a Gypsy & Traveller Accommodation Assessment had been published in 2012 and endorsed by Council in 2013 but only covered the period to 2016. This identified that the need arising for Flintshire was for an additional 43 pitches in the study period. The table at

paragraph 7.55 showed that consents for 18 pitches had been granted during the study period for a total of 29 caravans and the table at paragraph 7.51 demonstrated that all the pitches, with the exception of the site in Sandycroft, were occupied. The Council had commissioned a Gypsy and Traveller Accommodation needs assessment beyond 2016 but it was evident that some level of quantitative need still existed in Flintshire. The officer explained that the ages of the children and medical conditions of those on the site were reported in the late observations and it was therefore considered that the personal circumstances to grant a temporary permission in line with the decision of the appeal Inspector still existed. There was currently no alternative site for the families to be directed to and therefore the officer was recommending a temporary permission for a further five years as it was realistic that the Local Development Plan (LDP) would have advanced and would have allowed time for other sites to come forward.

Mr. A. Jayes spoke against the application. In referring to the planning history of the site, he said that previous determinations of the site had indicated that a permanent permission was an inappropriate use of the site. He commented on previous applications that had been refused on appeal and highlighted the specific issue of the suitability of the site which had been addressed by the Inspector in consideration of the appeal. The Inspector had felt that it would create significant harm to the character of the area and to the setting of the nearby listed building Glyn Abbot and gave rise to the degree of harm to the living conditions of nearby properties. The Inspector had concluded that the proposal for the use of the site on a permanent basis would cause significant harm and was therefore inappropriate and did not consider temporary permission. Approval for five years had only been recommended because of the need for Gypsy and Traveller Sites but Mr. Jayes said that there was no indication of why the temporary permission should be for five years.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He thanked the officer for her comprehensive report but expressed caution at the recommendation of approval as the Inspector had indicated that a permanent use of the site was unsuitable. Five years had initially been suggested by the Inspector as it had been anticipated that the LDP would have been adopted by 2015. He felt that the LDP would progress to adoption within the further five year period of temporary permission recommended by the officer and could allow other sites to come forward during that time. He said that he was not happy to make the recommendation but in expressing his frustration, he felt that in the circumstances this was a realistic approach.

In querying who was responsible for policing the site to ensure that those named in the application were living on the site, Councillor Derek Butler also sought clarification on reviewing the temporary nature of the site. Councillor Chris Bithell referred to the comprehensive report and quoted in detail from the report of the Inspector on previous appeal decisions. He felt that the proposal did not comply with local or national policy but had been triggered by Human Rights legislation for Gypsies and Travellers, which he suggested was unequal for other applicants who had been refused permission on developments in the

open countryside. He expressed significant concern that the application was not a renewal of an application or the same as the application that had been permitted by the Inspector on appeal as the number of pitches had increased. The original permission had been for five years and he felt that if this application was also permitted for five years, totalling ten years, then it could result in a permanent site in the open countryside which he felt would grow naturally. Councillor Bithell also raised concerns about how Gypsy and Traveller applications were treated and added that Flintshire had provided a large number of sites compared to other authorities but was still being required to provide more. He felt that if the application was refused, then the applicant would appeal the decision.

In referring to the application, Councillor Richard Jones queried whether the fact that a further five years temporary permission was being recommended meant that the site was more probable to become permanent. He queried whether allowing a further five years, giving a total of ten years, would set a precedent. The Housing and Planning Solicitor advised that the application was requesting permanent permission but a condition was being recommended for a five year temporary permission. He added that there was no legal basis for a temporary permission for a further five years to set a precedent for a permanent permission.

Councillor Mike Peers noticed the reluctance to support approval of the application because of the policies in place and said that if a decision was appealed it may end in the same result as five years ago with the Inspector giving consideration to when the LDP may be adopted. He referred to the growth of the site and suggested that if it was supported, then it could be conditioned that any further growth on the site could not take place and that if the named individuals left, then the pitches were not re-occupied.

Councillor Carol Ellis referred to the request for a permanent permission in place of the temporary permission granted by the Inspector and the condition to permit it for a further five years which would then mean that the site had been in place for ten years. She added that the site was also being extended during the period of permission and felt that the site could grow further. Councillor Ellis said that the decision went against policy as stated by the Inspector and that there were no sites in Denbighshire or other areas. She suggested that the application should be refused to allow the applicant to appeal and for Inspectors to make the decision.

Councillor Paul Shotton commented on paragraph 7.63 which referred to the justified use of temporary permissions for short term buildings or uses because it was expected that the planning circumstances would change in a particular way at the end of that period. He agreed that setting a temporary permission would allow development of the LDP for alternative sites to come forward and be identified. He also noted the Inspector's comments in paragraph 7.29 that cessation of the current use would result in the present occupants returning to a transient roadside or similar existence.

In response to the comments made, on the issue of the policing of the site, the officer said that the Inspector had indicated that the applicant and their resident dependents could live on the site. She said that it was not feasible to take a register of who was on the site each day but assurance was given that those living on the site would be those named in the application. She added that it was difficult to contain household growth but added that if residents moved off the site and others wanted to move onto the site, then a variation of condition to change the names would need to be submitted and consideration would need to be given as to whether they were resident dependents. The applicant had always asked for a permanent permission on the site but the Inspector had felt that a temporary permission was appropriate because of the impact on the character of the area and the listed building. This application was a request to change some of the families on the site and increase the number of pitches, but the proposals were still within the same site area and were using the vacant play area as an additional plot. The request was for a permanent permission but it was being recommended that a temporary permission for five years was more appropriate.

Councillor Bithell asked whether it was possible to include as part of the condition that if alternative sites became available during the five year period, that the permission would then cease and the families would move onto the designated site. He felt that once the LDP was adopted, the need for temporary sites would be eradicated. This proposal was duly seconded. The Development Manager confirmed that, together with the Housing and Planning Solicitor, he would look at the possibility of wording the condition as suggested by Councillor Bithell but added that the suggestion by Councillor Peers to condition no further growth on the site could not be included. However, he added that any further growth on the site would require submission of another planning application.

In response the Housing and Planning Solicitor provided clarification on the planning tests that needed to be considered when attaching conditions to planning permission but raised concern over the certainty of the condition proposed. . Councillor Bithell commented on the expectation that the residents would move to a site allocated in the LDP when it was available, but said that if the LDP did not move forward within the five year period, then the proposal could stand for the temporary five year period. He suggested that officers could provide wording for consideration by the Committee at its next meeting.

Councillor Jones queried whether Council Tax was levied on temporary permissions and who would pay for the removal of the hardcore once the residents left the site. He was advised by the Chairman that the issue of Council Tax was not a planning consideration. The Development Manager said that on a temporary permission, there was a standard condition that the site should be restored to its original state at the end of the permission and that this would be at the expense of the applicant.

Councillor Marion Bateman sought clarification on whether the applications would be able to stay on the site for longer if the LDP was not ratified within the next five years.

In summing up, Councillor Roberts said that if the application was refused, then he was certain that the applicant would appeal the decision and case history suggested that the Inspector could decide to grant permanent permission. He felt that two issues had to be fulfilled which were that the LDP had to be in place within five years and that there were sufficient authorised pitches available. He felt that approval of a temporary permission was appropriate.

The Chairman reminded the Committee that the proposal was for the officer recommendation of approval with the amendment proposed by Councillor Bithell and that the suggested wording of the condition be submitted to the next meeting of the Committee for consideration.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and the additional condition requested in the late observations and subject to the Committee considering the wording for the amendment to condition 1 at the next meeting of the Committee.

112. OUTLINE APPLICATION FOR THE ERECTION OF UP TO 40 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS AND ALL OTHER MATTERS RESERVED AT RHOS ROAD, PENYFFORDD (053656)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 18 January 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. Councillor Ray Hughes, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and explained that the site was 1.4 hectares in size and was outside the settlement boundary for Penyffordd and Penymynydd. Details of access had been provided but all other matters were reserved. The officer referred to paragraph 7.05 where the comments of the Unitary Development Plan (UDP) Inspector were reported and she explained that the site had been considered by the Inspector as part of the UDP Inquiry as an 'omission site'. However, the Inspector had not allocated this site due to the visual impact and also as no further land was needed at that time to meet the growth of the settlement in terms of the UDP strategy. Paragraph 7.09 provided details of an appeal for a previous application on the adjacent Rhos y Brwyner Farm which included the provision of a new access off Rhos Road. The appeal was dismissed as the Inspector felt that the creation of a new access route could set a precedent for further development.

There had been a number of objections to the application and these were detailed in the report. The officer explained that the settlement had an indicative

growth band of 8 to 15% for a Category B settlement but it was reported that as at April 2015 the settlement had a growth rate of 27.1% over the plan period. This figure took account of the commitments for developments in the area but the growth rate for completions was 21%. Consideration had been given to Policy GEN3 in the determination of this application and also to Technical Advice Note 1, which required each local planning authority to maintain a five year supply of housing land. As the Council was currently unable to demonstrate a five year land supply, consideration of TAN1 should be given considerable weight in the determination of the application. Due to the current land supply situation and the timeframe for the UDP housing strategy, the Council had produced a developer guidance note in order to provide some clarity which had been endorsed in June 2015.

The officer explained that an agricultural land classification survey had confirmed that the site was subgrade 3b and not 'best and most versatile' agricultural land. A Transport Statement had accompanied the application and Highways had raised no objection to the proposed development subject to standard highways conditions covering the details of the access and detailed design of estate roads. A Landscape and Visual Impact Assessment (LVIA) had also accompanied the application and this had been assessed by the Council's consultant. Concern had been expressed about the removal of approximately 35m of hedgerow but it was felt that this could be mitigated by strategic landscaping. The officer referred to the issue of foul drainage and advised that there was no capacity in the existing network to accommodate the foul drainage. The applicants had commissioned Welsh Water to under a Hydraulic Modelling exercise to determine the nature of the improvement works required. The site was being advanced on the basis of specific circumstances in respect of housing land supply and it needed to demonstrate that the site was capable of being implemented to address this. The officer explained that as a timescale for the deliverability was not currently known due to the extent and costing of any works required, it could not be considered as sustainable as there was no capacity in the existing sewerage network to cater for the site. Therefore the application was recommended for refusal as it did not comply with TAN1 and was contrary to policies STR1, GEN3, HSG4 and EWP16 and GEN1 as reported in the late observations.

Councillor Chris Bithell proposed the recommendation for refusal which was duly seconded. He felt that this application was an attempt to pre-empt the Local Development Plan procedure before the Planning Authority had had the opportunity to look at any candidate sites in the area and determine which was the best site. He referred to the issue of the inability of the sewerage network to cope and there were currently no solutions in place to deal with the problem and enhance the network in the area. Councillor David Roney spoke of the comprehensive report and concurred with the reason for refusal reported in paragraph 2.01.

The local Member, Councillor Cindy Hinds, spoke against the application. She suggested that the growth rate for the settlement was 34% and not 27% as reported. Residents had raised significant concern about the proposals and Councillor Hinds also felt that it was a premature application due

to the problems with the drainage network and referred to a recent issue in the village where raw sewage could be seen in a flooded area. She indicated that Castell Alun High School did not have any surplus places and the village did not have a doctor's surgery and the new health clinic in Buckley was difficult for residents to access by public transport. Councillor Hinds felt that the infrastructure could not sustain any additional development and she added that previous applications had been refused due to the need to remove some of the hedgerow.

Councillor Derek Butler suggested that developers were submitting applications on any sites because of the Council's non-compliance with Welsh Government legislation to have a five year housing land supply. He felt that account had not been taken of front end delivery of permissions or of the many sites that had been granted permission but had not been progressed. He added that in his ward, the growth rate had reached 21% because of permissions that had been granted by Inspectors in the past even though the growth threshold for the settlement was 8 to 15%.

Councillor Gareth Roberts suggested that developers should be required to complete developments within two years of permissions being granted and said that he did not feel that this application could be achieved within this timescale and would therefore not impact on the lack of housing supply. He said that it was not the responsibility of Welsh Water to make provision for the works required on this unallocated site and queried how long the necessary works would take to complete. He added that the applicants were not house builders and referred to the issue of landbanking. Councillor Paul Shotton felt that the concerns of Welsh Water on capacity issues in the area should be considered and the application refused.

The Interim Team Leader Policy spoke of the concerns raised about the residual method of calculating land supply used by Welsh Government which resulted in the Council not having a five year housing land supply. Considerable weight was given to this in the determination of decisions by appeal Inspectors and it was a material planning consideration but there was a need to consider whether the site was sustainable or not given that it had been submitted as an application that could assist in meeting the housing land supply. The officer's report demonstrated that in most aspects, it was sustainable but there were issues about the capacity of foul drainage on the network which was not sustainable. Until the outcome of the assessment of the cost of works needed to be undertaken and how quickly this could be achieved, it was not possible to bring this site forward for development. He referred to comments about the prematurity of the application but reminded Members that the application had to be considered now and added that advice in Planning Policy Wales indicated that prematurity could not be sustained as a reason for refusal in the early stages of the Local Development Plan.

RESOLVED:

That planning permission be refused for the amended reasons detailed on the late observations sheet.

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

113. 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 which had been the subject of a site visit on 18 January 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 explaining that planning permission had been granted in March 2015 by Committee against the officer recommendation. During the development of the site, it had become apparent that there were some issues with the location of the store in relation to the surrounding residential properties and the extent of the works that would need to be undertaken on the existing vegetation and bund. This retrospective application had been submitted to regularise the proposal and to reflect the proposed changes which included the removal of the housing element of the application, instead proposing a commuted sum, an extension to the car parking and also the erection of a substation. The officer explained that a number of objections to the proposals had been received and these were set out in the late observations. The main issues in this application were whether the landscaping in this scheme provided adequate screening, whether the extension to opening and delivery hours was acceptable and also the acceptability of a commuted sum in place of the five affordable houses on the site and for public art.

The principle of the site had been established but there was a need to consider the differences between what had been approved and what was built on the site. The previous application stated that the existing landscaping bund, which was on site as part of its former use as the compound for the construction of the retail park, would remain. The bund was covered in unmanaged vegetation and it was proposed that the mature trees would remain with some removal of low level vegetation as required. However following the marking out of the store on site and the commencement of the construction process, it became evident that the works required to the bund were more substantial than initially envisaged. The stores location was plotted using GPS with the retail park spine road used as the starting point. The site boundaries with Simonstone Road and Chester Road had not been surveyed due to the vegetation on the site. The submitted plans therefore relied upon Ordnance Survey data which in this instance was inaccurate with what was actually built on the ground. The main discrepancies relating to the position of the boundaries and siting of 24 and 26 Simonstone Road with these properties being located closer to the site boundary than indicated on the Ordnance Survey plan. The officer explained that it had therefore been necessary to remove some of the existing bund during the construction process and support

it with stone filled gabion baskets with a fence on top. This led to the removal of trees and substantial vegetation on the bund but it was proposed that this be replanted and a comprehensive planting scheme had been submitted. The scheme was a mixture of deciduous and evergreen trees but the mix of planting had been questioned by an adjoining resident. However, officers recommended that what had been proposed was acceptable but a management condition was included in the recommendation to control growth in the future.

The issue of noise from the trolley bay and security on the site had been raised by an adjacent resident. The officer explained that there was a significant boundary in the area referred to and a security gate had also been included which was locked and not used as a staff entrance but was for access for maintenance. A noise report had been submitted with the application and Public Protection officers were satisfied with the outcomes from the report. The opening and delivery times on this application were slightly longer than had been agreed in March 2015 and a noise report had also been submitted for this aspect of the proposal. Public Protection did not have any objection to the proposed opening hours on amenity grounds and therefore it was not considered that shorter hours could reasonably be imposed. As it was not proposed to build the houses on the site, this had increased the number of car parking spaces available; there were no objections from Highways and there was also no requirement for any conditions in relation to parking or access. It was previously proposed that five affordable dwellings be included on the site but this application included a proposal for a commuted sum of £210,000 by way of Section 106 agreement in lieu of the on-site provision; the officer explained how this had been calculated and this was also detailed in paragraph 7.34. It was also felt that a commuted sum of £15,000 to provide public art to be spent on community art projects was more appropriate than the provision of a scheme of public art on the site. This would also be achieved by a Section 106 agreement and paragraph 7.36 to 7.40 detailed how these proposals were compliant with the Community Infrastructure Levy (CIL).

The Chief Officer (Planning and Environment) advised that he would read out a statement prepared by Mrs. J. Richards, as she did not want to appear on the webcast, (summarised as follows): When Aldi started developing the site, they became aware that the residential boundaries had been incorrectly shown on the Ordnance Survey maps and they knew that the measurement taken from the road would mean almost completely removing the bund to the rear and side of the store. Aldi had continued with the development and the Council had been unable to take enforcement action because they had incorrectly worded the planning consent relating to the bund. Photographs had been displayed that showed the development from Aldi's perspective but Mrs. Richards felt that the view from the residential properties was significantly different and she asked the Committee to reject the application in its current form. Approved plans had included a 10m bund which would have meant the store was hardly visible from residential properties but this was not the case as the bund had been reduced to less than 5m and the retrospective plan did not restore the high level trees and dense shrubbery previously in place nor did it enhance the planting.

Mrs. Richards felt that the plant machinery was sited much closer to the housing than had been originally proposed. This could be relocated to a different area at the rear of the store which was a significant distance from residents and where the bund remained intact. It was also suggested that the plant machinery could be completely encased by acoustic screening. Mrs. Richards was able to view the trolley bay and bike racks from her property as the bund and planting in this area had been reduced significantly and the constant noise of trolleys was causing a significant disturbance every day. She felt that the area could be enclosed or a taller acoustic fence installed and linked to the garden fences to prevent any form of public access onto the bund. She also suggested that the proposed planting to the rear of the store be enhanced. The reduced opening hours had been granted due to the proximity of the store to the residential properties but as the store was now situated more closely to the existing dwellings and the extensive planted bund no longer existed, Mrs. Richards felt that the application to extend the opening hours should be refused.

Ms. J. Gabrilatou, the agent for the applicant, spoke in support of the application. She welcomed the officer recommendation to approve the application but explained that the retrospective application was an unusual step for Aldi but due to complexities with the development meant that amendments were necessary. As recommended on the previous application, it was not anticipated that any major works to the bund at the rear of the site would be necessary but due to constraints on site, this was necessary and Council officers had been informed immediately. Aldi maintained that the bund and landscaping would be replaced and this had been achieved and agreed with officers. It became clear during the development that two properties were located nearer to the store and at this point a GPS survey took place which showed that Mrs. Richards' property was located 0.7 metres closer to the store than was shown on the Ordnance Survey plan. Ms. Gabrilatou advised that the store was in the exact location shown on the submitted drawings and showed that it did not harm the amenity of residents. The Landscaping Officer was satisfied with the proposed landscaping which would provide a screen on the bund between the store and the neighbouring properties. The noise assessment had been updated and showed no change in impact and no concerns had been raised by the Pollution Officer. The houses on Chester Road were closer to the store entrance, car park and trolley bay which were the busiest areas of the site but none of these residents had made any complaints. The area where Mrs. Richards lived, which was to the rear of the store, was the least active part of the site. It was also felt that the site was secure and did not propose any risk to Mrs. Richards' property and the reinstated bund and fencing provided more security than when the site was vacant. During the development of the store, it became clear that providing the five affordable homes, which would require access through the car park of the store, would not provide a suitable place to live and it was therefore proposed that a commuted sum of £210,000 be provided instead. It was not Aldi's intention to circumvent the planning process and no other adjoining residents had objected to the proposals and Aldi was therefore seeking approval of the application in line with the officer's recommendation.

Councillor Derek Butler proposed refusal of the application, against officer recommendation, which was duly seconded. He felt that the application should be refused as it did not comply with planning legislation. He referred to the decision of the Welsh Government Inspector to change the designation of the site to housing and the residents were unhappy with this as it was felt that it should have remained as landscaping but with housing being more preferable to any other designation. He commented on the applications referred to in Section 5 of the report on the planning history. Councillor Butler indicated that when the previous application had been considered he had requested that the bund and the landscaping be retained. He suggested that the store had moved twice and an early survey which took place on the bund before development commenced on site resulting in work being stopped following enforcement action as too much vegetation was being removed.

In referring to the comments in Mrs. Richards' statement, Councillor Butler felt that if an anomaly in the measurements that had been taken had been identified, then checks should have been made with officers and residents prior to continuing work on the site to destroy one of the elements of the conditions imposed on the site by the Committee. He spoke of barristers' opinions and disagreement between the Council's barrister and Aldi's which delayed the process whilst development was still taking place on the site. He felt that CCTV could be installed at the rear of the store that would assist with the issue of security that had been raised by Mrs. Richards and he added that other residents had also submitted objections to the proposals. Councillor Butler referred to the element of the affordable housing and the statement in the late observations that the Council proposed a commuted sum of £240,000. Aldi had undertaken their own assessment of final values and had proposed £174,000 but Housing Strategy colleagues considered this assessment to be too low and the figure was recalculated at £210,000. Councillor Butler felt that Aldi should provide the £240,000 requested by the Council.

Councillor Alison Halford felt that there had been a hard fought battle over the site and said that 50 house places had been given up because the site had been used for commercial development. She commented on the issues of noise and lights which were referred to during consideration of the previous application but the Committee had been assured that the issues would be overcome. She expressed significant concern that the five affordable dwellings had been removed from the proposal and suggested that the application should not be allowed to proceed. She felt that a solution to the noise of the trollies, which was not referred to in the report, should be identified.

Councillor Mike Peers said that the previous application had been approved for the store and five affordable homes on the site. In section 7 of the November 2014 report, it was reported that 'the houses were a ploy to get the application through'. He queried how the situation had occurred or how it had ended up that a car park was included on the site where five affordable houses should have been situated and queried whether officers were aware that the car park was being created. He quoted from the report on the approved application which included details of the affordable dwellings that would be run

by a Registered Social Landlord and the dwellings would not be out of keeping with the area. The officer had indicated at that meeting that the retail store would result in the loss of a site allocated for housing but it had been agreed that five affordable dwellings on the site was appropriate. In referring to this application, Councillor Peers said that the dwellings that had the benefit of planning permission were no longer included. At the meeting in November 2014, Ms. Gabrilatou had spoken in support of the application which would allow the development of five affordable dwellings and she had also referred to the growth of Broughton. However, at this meeting, she had indicated that the houses were not suitable to access through the car park of the retail store and that the Council would benefit from the receipt of the commuted sum. Councillor Peers agreed that the sum should be £240,000 and not the £210,000 suggested by Aldi and proposed that either paragraph 2.01 be amended to reflect this or that the five dwellings agreed in November 2014 be provided.

The Housing and Planning Solicitor reminded Members that the fact that the application was retrospective was not a material consideration but the previous decision of the Local Planning Authority to grant permission for a foodstore on this site was a material consideration.

Councillor Paul Shotton said that the Aldi store was welcomed but the impact of the development on the neighbouring residents should be considered, particularly as it was felt that the visible and acoustic provisions were inadequate. Therefore he felt that high screening was required and that the plant machinery should be repositioned away from the residential properties. He also concurred that £240,000 for the commuted sum for affordable housing was more appropriate.

Councillor Richard Jones had considered the changes from the previous application to this proposal which included the store being located closer to homes. He added that the bund was now inadequate and commented that the five affordable houses were no longer included in the proposal. The hours of operation and delivery were also being changed in this application. The original opening hours were conditioned on the previous application to reduce the impact on the neighbouring residents and there was a certain amount of bunding which would reduce the impact of noise. He felt that the affordable housing should be included on the site and the issue of access to the dwellings through the retail car park had not been raised when planning permission was granted in November 2014. He felt that the issues of noise, bunding and acoustic fencing should be as the original application to reduce the impact on residents.

Councillor Bithell said that the siting of this store did not comply with the previously approved application and had eroded the bund and landscaping aspect. He felt that the commuted sum of £210,000 and the newly proposed opening hours were unacceptable and that the Committee had a duty to ensure the applicant provided what was being requested by the residents on the issue of opening hours and the acoustic problems. He referred to paragraph 7.19 where it was reported that the site was in an urban area with residential properties adjacent to a foodstore but Councillor Bithell said that when the occupiers had purchased their properties, the site was designated for housing.

He added that the officer recommendation on the November 2014 was of refusal on those grounds. He raised concern at the maps used and suggested that the proposed £15,000 for public art in the community was inadequate. He felt that the application should be refused.

Councillor Gareth Roberts felt that refusal of the application would be difficult to defend on appeal and expressed significant concern at the situation that the Committee now found itself in because of the decision to vote in favour of the previous application against officer recommendation. Councillor Mike Lowe agreed that consultation should have been undertaken when the developers started to build into the bund as one of the main considerations was that the bund should remain in place. He also raised concern at the issue of security between the back of the store and the neighbouring properties which he felt had not been addressed. Councillor Richard Lloyd said that he had supported approval of the previous application with the inclusion of the five houses and the conditions relating to the bund, landscaping and the noise issues. He was disappointed with Aldi for ignoring these conditions but added that the majority of the Committee had voted in favour of the application at the time. Councillor Carol Ellis said that what had been approved was not what was before the Committee today and that approval had been granted including the proposal for the five houses, the bund and the landscaping measures.

The Chief Officer (Planning and Environment) concurred that this application was not what had been approved in November 2014. Officers had been transparent in the calculation for the commuted sum in lieu of affordable housing and the Aldi representatives had heard the concerns raised by the Committee on that issue and the impact on residential amenity. The Chief Officer felt that the impact on the residents could be mitigated if all of the aspects conditioned were included and reminded the Committee that reasons for refusal would need to be stated if the application was to be refused, against officer recommendation. Councillor Shotton had also raised the issue of site security but officers were comfortable that the measures in place were appropriate. The Chief Officer felt that the recommendation before the Committee was sustainable but he said that Members had the option to defer the application to ask officers to further discuss the concerns raised by members during the debate with Aldi. He sensed the frustrations of Members but he did not feel that there was sufficient evidence to refuse the application.

Councillor Derek Butler proposed deferment for further discussions to take place with Aldi but reiterated his concerns that WG had allowed the site to be removed from the housing designation which had made an impact on the Council's five year housing land supply. He suggested that the application would not have been granted planning permission if the five affordable dwellings had not been included and he felt that the store should be knocked down and the retailer located within the neighbouring retail park. Deferment of the application was duly seconded.

The Development Manager suggested that if the application was deferred, a report would be submitted to the next meeting of the Committee with additional information on the impact on amenity and the five affordable

dwellings or commuted sum. Councillor Peers sought clarification that the issues that had been raised at this meeting would be considered when the report was submitted to the next Committee meeting. The Development Manager indicated that Councillor Peers had stated that he had looked at the report from November 2014 and had asked why officers had allowed the car park, that officers had agreed five houses that had been promoted by Aldi and that if the application was approved, the commuted sum be for £240,000; a response to these issues along with those raised by other Members would form part of the report to the next meeting.

RESOLVED:

That the application be deferred with a report being submitted to the next meeting of the Committee with additional information on the issues raised.

114. CHANGE OF USE OF LAND TO 42 NO. UNIT HOLIDAY LODGE PARK AT ST. MARYS CARAVAN CAMP, MOSTYN ROAD, PRESTATYN (054477)

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 advised that the late observations included an amendment to the report at paragraph 2.03 and also comments from Economic Regeneration. Paragraph 6.01 referred to Policy T4 but the officer advised that this should read T5. The main issues in relation to this application were the principle of development in this location having regard to the requirements of policy T5 of the Flintshire Unitary Development Plan and the impact of the proposals upon the highway; the report provided details of both issues considered in the determination of the application. The officer advised that the proposal was acceptable to Highways subject to the imposition of a condition requiring the completion of parking and turning facilities in accordance with details to be submitted and agreed.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He commented on the comprehensive report and said that the proposals which would improve the site overall were worthy of support.

RESOLVED:

That planning permission be granted subject to the applicant entering into a Section 106 Agreement or offering a unilateral undertaking to rescind the existing extant consents relating to the site, and subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

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

115. FULL APPLICATION – CONVERSION OF OUTBUILDINGS TO 1 NO. ANNEX TO MAIN DWELLING AND HAIRDRESSER AT LLWYN FARM, FFYNNONGROYW (054078)

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 Development Manager detailed the background to the report and explained that the site was outside the settlement boundary and was in the open countryside. The proposal was compliant with policies HSG7 and HSG13 and the Development Manager referred Members to the late observations where it was reported that the proposed development had also been assessed against, and was compliant with, Policy RE4 on Small Scale Rural Enterprises. The proposal would make use of a redundant building and was ancillary to the dwelling itself. It was suggested in the late observations that an additional condition be included that the hairdressing business (or any subsequent business) should be operated only by persons resident at Llwyn Farm and/or the annex and their employees.

Councillor David Roney proposed the recommendation for approval which was duly seconded. He referred to the comprehensive report and welcomed the proposals for the former agricultural building next to the main farmhouse. Councillor Derek Butler felt that the small scale business was in keeping with the area. Councillor Richard Jones asked whether permitted development rights should be removed to allow more control of the site. In response, the Development Manager indicated that it was not appropriate on this application as there would not be any permitted development rights for the hairdressing business. The Housing & Planning Solicitor advised that in light of the comments from the Development Manager there would be no planning purpose for such a condition and advised against imposing the proposed condition.

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 in the late observations.

116. APPEAL BY MR. D. LAWLOR AGAINST THE DECISION OF FLINTSHIRE COUNTY COUCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE FROM PAPER MILL CAR PARK TO HEAVY GOOD VEHICLE PARKING FACILITY AT 419 CHESTER ROAD, OAKENHOLT (052930)

The Chief Officer (Planning and Environment) queried the interpretation of policy by the Inspector and suggested that this and the next appeal decision on the agenda be considered in detail by the Planning Strategy Group.

RESOLVED:

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

117. APPEAL BY MR. BARRY FRYER (LEASON HOMES) AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. DWELLING AT MAES Y GORON, LIXWM (053275)

The Chief Officer (Planning and Environment) said that it had been expected that if the appeal was allowed, it would be restricted to local housing need but this had not been suggested by the Inspector. He again queried the interpretation of policy by the Inspector.

RESOLVED:

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

118. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 12 members of the public and 2 members of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.43 pm)

.....
Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24/02/2016**

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

SUBJECT: **PROPOSED NEW VEHICULAR ACCESS TO PARRY'S QUARRY, OFF PINFOLD LANE, ALLTAMI**

APPLICATION NUMBER: **054050**

APPLICANT: **MOLD INVESTMENTS LTD**

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

APPLICATION VALID DATE: **27/07/2016**

LOCAL MEMBERS: **CAROL ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY MOUNTAIN**

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 Planning permission was granted on appeal for the construction and operation of a solid waste landfill, local authority reference number 042468 and appeal reference APP/A6835/A08/2068136. The Applicant proposes to create a new access to the site further to the north than the existing access. The use of the site would remain unchanged as a result of this planning application, as would other aspects of the development such as the type and volume of waste to be managed at the site.
- 1.02 The proposed access would be located approximately 290m to the north of the A494/Pinfold Lane junction and has been constructed in

part already. The revised access would have no greater impact than the existing in terms of local amenity and would actually cause less disruption to the operation of the junction. The creation of the access has necessitated the removal of a number of trees which provide an important visual screen between the site and users of Pinfold Lane and it is therefore important that appropriate landscaping is secured to minimise the visual impact of the new access.

- 1.03 This application has been submitted alongside a Section 73 application to enable the proposed access to be used to serve the site for the access and egress of HGVs, reference number 054135. In the event that application 054135 is refused, this application should be refused.

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) Scheme detailing highway improvement works on Pinfold Lane.
- 6) Secure highway improvements prior to the receipt of waste.
- 7) Scheme for the turning of vehicles.
- 8) Scheme for the prevention of run-off of surface water onto the highway.
- 9) Condition to secure implementation of the surface water scheme.
- 10) Condition preventing drainage from the site connecting to the highway.
- 11) Scheme for the provision of wheel wash facilities.
- 12) Retention of adequate visibility splays.
- 13) Details of gates
- 14) Requiring the submission of a landscaping scheme.
- 15) The submission of a scheme to secure mitigation for protected species.

3.00 CONSULTATIONS

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

Town/Community Council: The original planning permission was for a landfill site. The applications (054050 and 054135) appear to be

moving away from that original planning application. Believe that the traffic light junction with the A494 still requires to be changed and upgraded due increases in traffic flows. Request 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.

Hawarden Community Council: No objection

Head of Assets and Transportation: The proposed position, being sited away from the Pinfold Lane /A494 trunk road junction, is likely to cause less disruption to the operation of the junction and is considered to be in a better location than the existing access. The drawing submitted with the application shows visibility splays of 2.4x188m to the north and 2.4x215m to the south; visibility to this extent is not available without removing several trees and existing hedgerows. Hedges along the site frontage have recently been trimmed and maximum available visibilities of 2.4x135m (north) and 77m (south) have been measured. Due to the alignment of the road on the approach from the south, it is unlikely that vehicles will be overtaking in this location and relaxation of visibility to the centre-line could be considered. Visibility of 2.4x102m is available to the centre-line but on-coming traffic is visible over a distance of 215m.

The speed of traffic approaching from the south was assessed to be in the order of 30mph whilst that from the north in the order of 40mph. The available visibility splays of 2.4x135m and 2.4x77m are therefore considered appropriate.

Recommend the inclusion of conditions to secure the above visibility splays, ensure gates are suitably located and to secure the provision of wheel wash facilities.

Environmental Health Officer: No objection. There are no residential properties adjacent to the access point, which is located further away from the nearest residential properties than the existing access. There are controls in place which would ensure that the activity within this part of the site would not cause a nuisance.

County Ecologist: No objection subject to the inclusion of a condition to secure Reasonable Avoidance Measures and mitigation for great crested newts.

Forestry Officer: No objection subject to the inclusion of a condition to secure a landscaping scheme.

Natural Resources Wales: No objection subject to the inclusion of a condition to secure an amphibian avoidance, mitigation and compensation scheme

Drainage: No observations

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.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

2 objections received regarding:

- Suitability of Pinfold Lane for HGVs
- Ability of two lorries to pass each other
- Lorry movements closer to sensitive receptors
- Past performance of the operator with respect to hours of operation and noise
- Total vehicle movements will not change so improvements on the Pinfold Lane /A494 junction still required

5.00 SITE HISTORY

5.01 The proposal site was previously worked under a mineral permission which is subject to an undetermined ROMP.

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 7
Technical Advice Note 5: Nature Conservation and Planning (2009)
Technical Advice Note 18: Transport
Technical Advice Note 21: Waste

7.00 PLANNING APPRAISAL

7.01 Principle

The proposed access is a minor change and would not result in a change in the use of the site. The principle of a landfill in this location has already been established through the grant of planning permission 042468. 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 conditions identified above the principle of the development in this location is considered acceptable.

7.02 Highways

Pinfold Lane is an unclassified road with a 60mph speed limit. The road connects with the A494 Trunk Road, approximately 290m south of the proposed new access. Parry's Quarry has planning permission to operate a landfill which is in the process of being constructed utilising the existing quarry access for all vehicles. The new access would be for the access and egress of Heavy Goods Vehicles (HGVs) whilst the existing quarry access would be retained for light vans and cars. The new access would help reduce any conflict between the operation of the junction and the access.

7.03 The drawings submitted with the application show visibility splays of 2.4m x 188m to the north and 2.4x215m to the south, however, visibility to this extent is not available without removing several trees and existing hedgerows. Hedges and trees along the western boundary have been removed and/or cut back giving a measured visibility splay of 2.4x135m to the north and 77m to the south. Due to the alignment of the road on the approach from the south, it is unlikely that vehicles will be overtaking in this location and a relaxation of visibility to the centre line could be considered. Visibility of 2.4mx102m is available to the centre line but on-coming traffic is visible over a distance of 215m. The speed of traffic approaching from the south was assessed to be in the order of 30mph whilst that from the north in the order of 40mph. The available visibility splays of 2.4mx135m and

2.4mx77m are therefore considered appropriate in this instance.

- 7.04 In response to the publicity on the application some concern has been raised by members of the public regarding the suitability of Pinfold Lane to serve Heavy Goods Vehicles (HGVs) given its width. The Applicant has submitted swept path analyses for the proposed access which shows that whilst two HGVs can pass there is limited spare width along Pinfold Lane. The Highways Officer has advised that the road is already used by HGVs and two HGVs are able to pass, however, such vehicles would need to modify their speed in order to pass safely. If an HGV wanted to exit the proposal site whilst an HGV was travelling north along Pinfold Lane, due to the width of the road the vehicle exiting the site would need to wait for the travelling HGV to pass before exiting. The highways officer has not objected to the proposal subject to the inclusion of conditions to secure the visibility splays identified above, to ensure the gates are appropriately designed and operated, and to secure wheel washing facilities.
- 7.05 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 washing facilities, adequate provision for vehicles to turn around and prevention of drainage from the site being discharged to the trunk road.
- 7.06 Subject to the inclusion of conditions to address the points raised above, the proposal is considered acceptable in highway terms, in accordance with policy AC13 of the adopted Flintshire Unitary Development Plan.
- 7.07 **Landscape**
The proposed 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. There is a landscape scheme for the landfill permission which has been approved under reference 051472. The planting along the western side of the site provides an important visual screen, some of which has been removed to facilitate the creation of the new access and some of which has been thinned, reducing the density of the screening. The creation of an access at this point opens up views into the site, making the site clearly visible to the users of Pinfold Lane. 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. Nevertheless, in order to minimise the visual impact of the new access it is recommended that a condition is included to secure additional landscaping.
- 7.08 The landscape and tree officer did not object to the proposal but made a number of detailed observations regarding the current state of the landscaping as a result of the creation of the new access and due to the removal of trees and vegetation along the perimeter fence.

Additional planting and management of the vegetation on the western periphery is considered necessary to help mitigate the impact of the new entrance. Whilst the Section 73 application, 054135 could be used to secure additional landscaping for the entire site, it is considered more appropriate to require further detail in relation to this application to ensure that the landscaping relates specifically to the entrance and to enable implementation to be linked specifically to the creation of the entrance and its use rather than the entire site.

7.09 Subject to the inclusion of conditions to address the matters identified above, the proposal is considered acceptable with respect to landscape, in accordance with policy GEN 1 of the adopted Flintshire Unitary Development Plan.

7.10 **Amenity**

Concern has been raised by members of the public regarding the impact of allowing a new access to be used as this will change where activity within the site will occur. The new access would be located at least 350m from the closest residential properties, Parry's Cottages and is considered to have no further impact on amenity than the existing access which is just under 300m from Parry's Cottages. The Environmental Health Officer has not raised concern regarding the proposal subject to the retention of the original noise conditions, which is secured under the main landfill consent.

7.11 **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.

7.12 **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.

7.13 The creation of a new access into the site is not considered to trigger the need for EIA in this instance. Any impacts are localised and can

be addressed through condition.

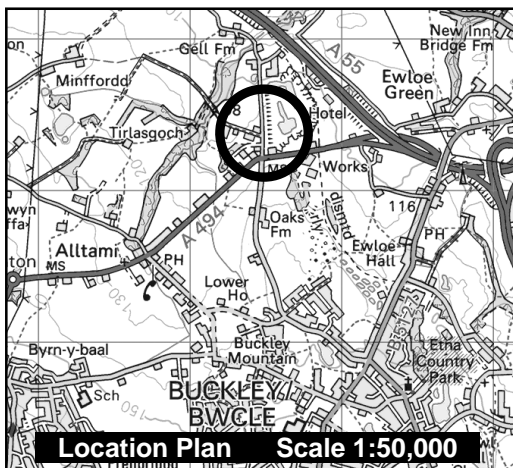
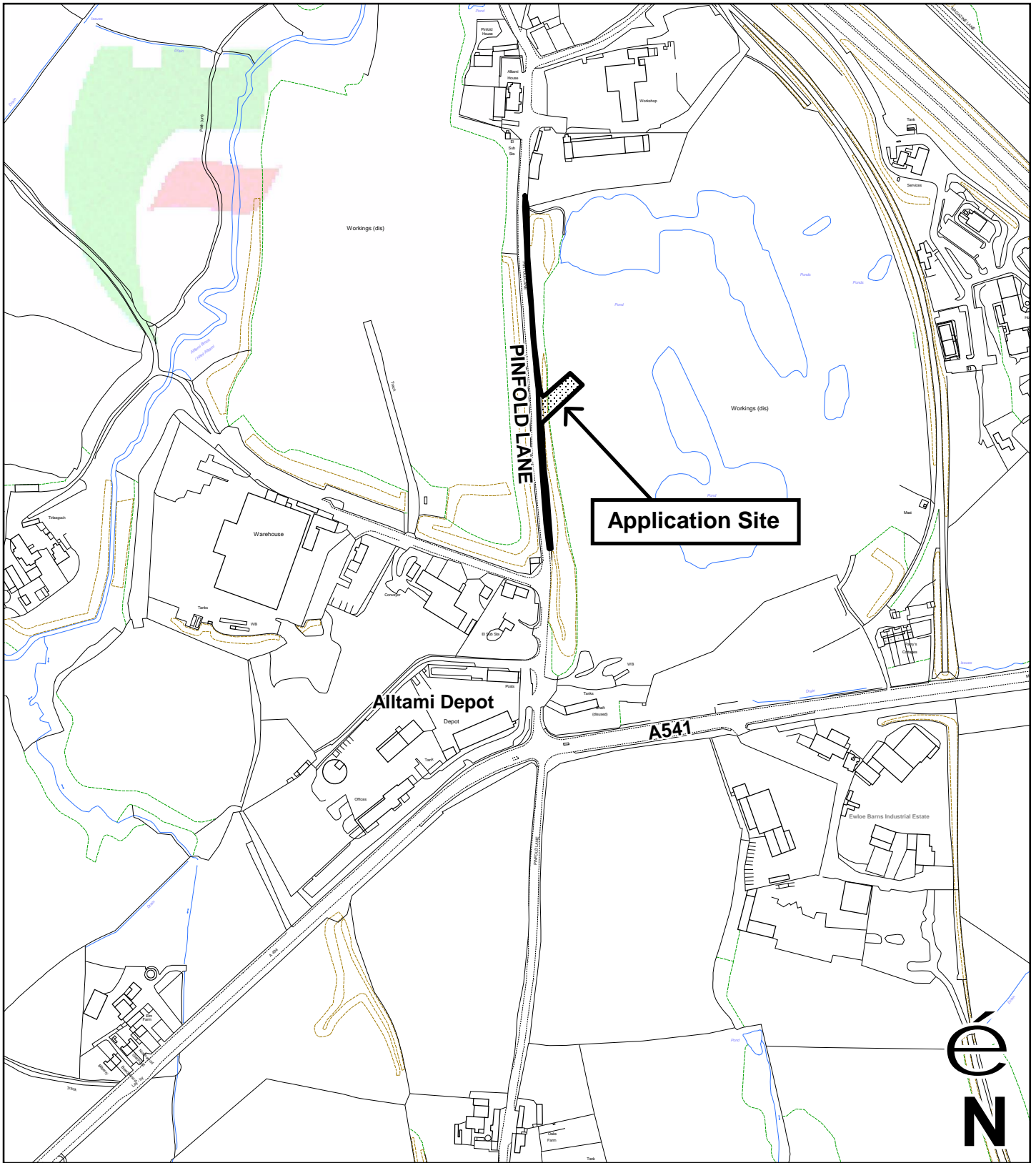
8.00 CONCLUSION

- 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 would 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. The proposal would have a visual impact on the local area which could be mitigated through the use of additional landscaping.
- 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: 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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:5000

OS Map ref SJ 2766

Planning Application **54050**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24/02/2016**

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**

1.00 SUMMARY

- 1.01 This proposal 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.
- 1.02 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 and which shall be for cars and light vans only.

- *at the point shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July 2015 and which shall be for Heavy Goods Vehicles only."*

1.03 The amendment of condition 14 should only be approved in the event that planning application 054050 is found to be acceptable.

1.04 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."

1.05 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.

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 (amended)
- (2) Development to be carried out in accordance with approved plans (amended)
- (3): Approved plans and documents to be kept at site office. As the existing condition imposed on the existing landfill planning permission, reference 042468
- (4) Detailed working programme to be submitted and agreed

(amended)

(5) Reviews of the development to be submitted and agreed
(amended)

(6) A landscaping scheme to be submitted and agreed (amended)

(7) Topographical surveys to be submitted and agreed. As the existing condition imposed on the existing landfill planning permission, reference 042468

(8) A scheme to secure mitigation and compensation for great crested newts to be submitted and agreed (amended).

(9) Hours of operation. As the existing condition imposed on the existing landfill planning permission, reference 042468

(10) Development to be carried out in accordance with approved noise scheme (amended).

(11) Noise limits at nearby sensitive properties. As the existing condition imposed on the existing landfill planning permission, reference 042468

(12) Development to be carried out in accordance with approved dust scheme (amended).

(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 (amended).

(14) 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 and which shall be for cars and light vans only.
- at the point shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July 2015 and which shall be for Heavy Goods Vehicles only. (amended)

(15) A scheme to prevent the deposition of mud, dust, debris and litter onto the public highway to be submitted and agreed (amended).

(16) Sheeting of vehicles. As the existing condition imposed on the existing landfill planning permission, reference 042468

(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 (additional condition).

(18) 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 (amended).

(19) Implementation of odour neutralisation around site periphery. As the existing condition imposed on the existing landfill planning permission, reference 042468

(20) External lighting. As the existing condition imposed on the existing landfill planning permission, reference 042468

(21) Development to be carried out in accordance with approved scheme for the control of litter (amended). (22) Location of the storage of plant, skips or any other item. As the existing condition imposed on the existing landfill planning permission, reference 042468

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

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

(25) Storage of oils, fuels and liquid chemicals. As the existing condition imposed on the existing landfill planning permission, reference 042468

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

(27) Restriction of levels within the site. As the existing condition imposed on the existing landfill planning permission, reference 042468

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

(29) An aftercare scheme to be submitted and agreed (amended). (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 (amended to identify notified date of commencement).

(31) Implementation of approved liaison committee scheme

(amended).

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 and which shall be for cars and light vans only.*
- *at the point shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July 2015 and which shall be for Heavy Goods Vehicles only."*

7.05 The amendment of condition 14 should only be approved in the event that planning application 054050, proposed new vehicular access to Parry's Quarry, is found to be acceptable.

7.06 **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.

- 7.07 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.
- 7.08 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.
- 7.09 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.
- 7.10 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.
- 7.11 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.”

7.12 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.

7.13 **Landscape**

The proposed 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 will 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.

7.14 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.

7.15 **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.

7.16 **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.

7.17 **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.

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

7.19 **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.

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

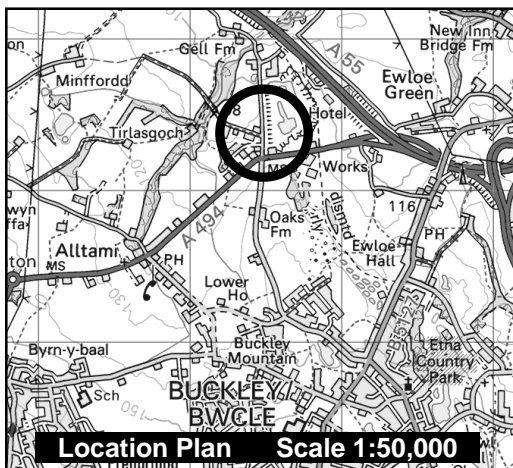
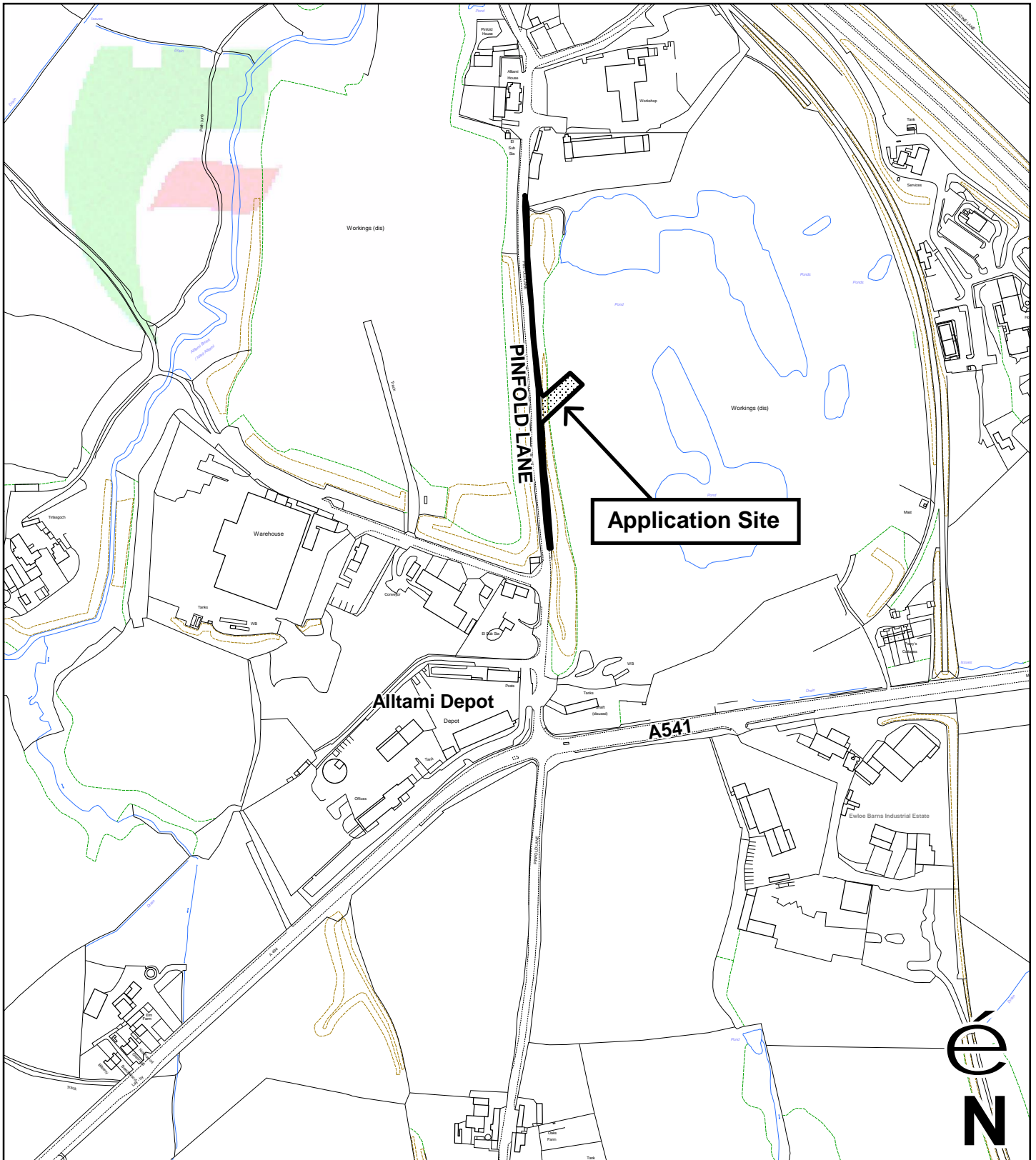
Responses to Consultation

Responses to Publicity

Contact Officer: Martha Savage



Telephone: 01352 703298

Email: Martha_savage@flintshire.gov.uk



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale	1:5000
OS Map ref	SJ 2766
Planning Application	54135

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24/02/2016**

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**

1.00 SUMMARY

- 1.01 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.
- 1.02 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.

- 1.03 There are two other applications which have been submitted alongside this application, and which have a bearing on the acceptability of this application. All three applications are therefore being reported to Planning Committee at the same time.

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.

- 1.04 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. In the event that the new access is not approved, the application would need to be amended to revise the location of certain elements of the proposal, so as to provide an appropriate area for handling incoming deliveries, in the interest of highway safety. It is considered that this is not a matter which can be dealt with under condition and in the event that applications 054050 and 054135 are deferred or refused it is recommended that this application is deferred.

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 queing 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

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

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 and which are being reported to Planning Committee at the same time. 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. The new access is the subject of a separate planning application, reference 054050. The acceptability of the proposed haul road and weighbridge and weighbridge office location is dependent upon securing the new access.
- 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 vehicular access and egress shall be via the access constructed under application reference 054050.
- 7.16 Subject to the approval of applications 054050, 054135 and 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 newt 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, and subject to the approval of applications 054050 and 054135, the proposal is considered acceptable, in line with the policies of the adopted Flintshire Unitary Development Plan.

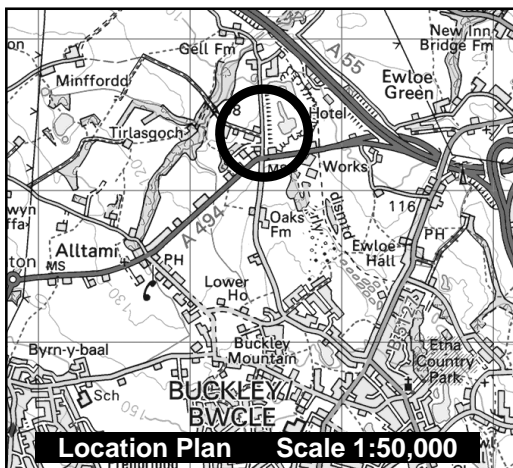
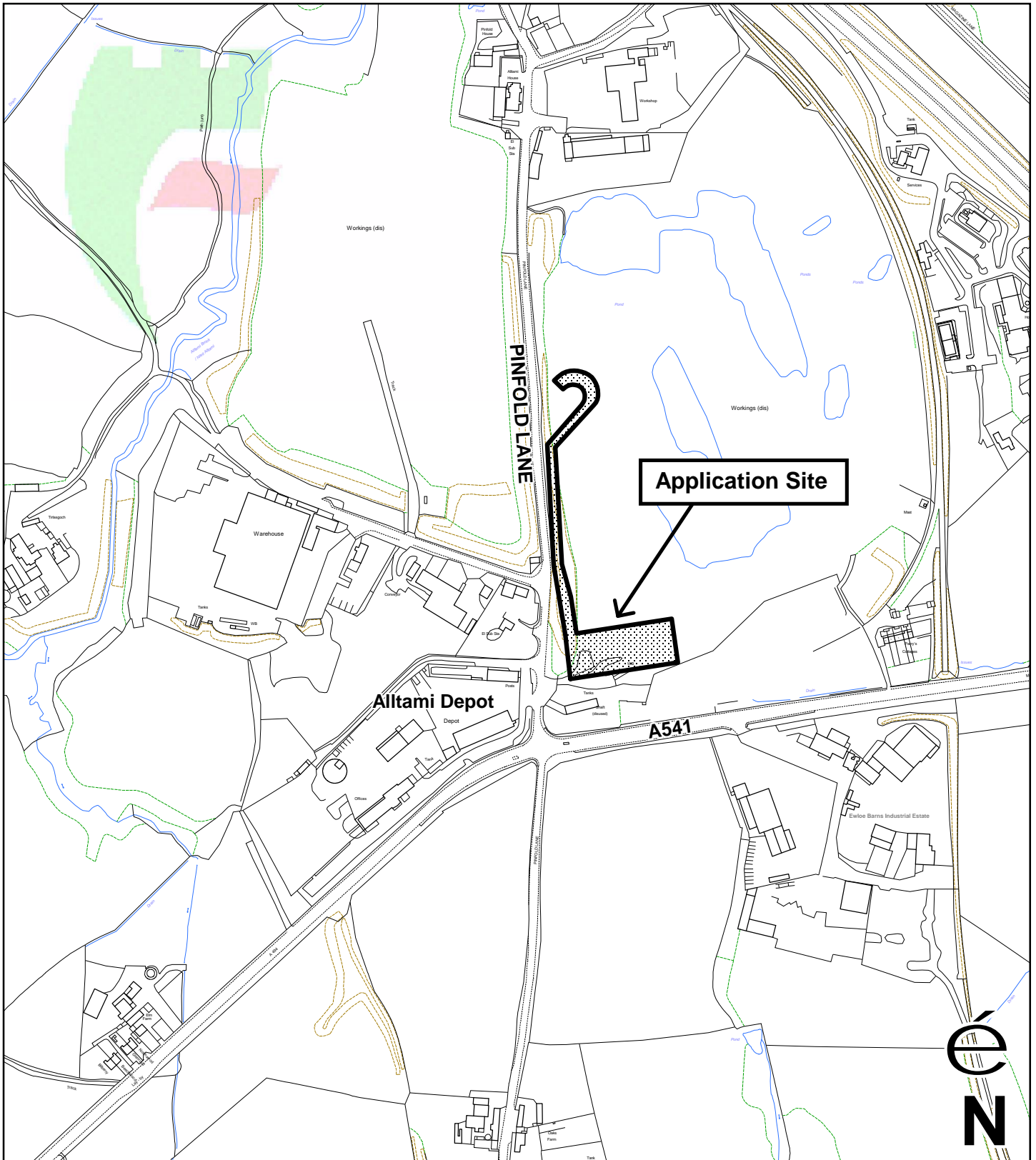
- 8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard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



Contact Officer: Martha Savage
Telephone: 01352 703298
Email: Martha_savage@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

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

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **FULL APPLICATION – PROPOSED NEW VEHICULAR ACCESS TO SERVE PLOT ONLY OF PREVIOUSLY CONSENTED GYPSY SITE AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE.**

APPLICATION NUMBER: **054095**

APPLICANT: **MR M ROONEY**

SITE: **LAND ADJACENT TO EWLOE BARN WOOD, MAGAZINE LANE, EWLOE**

APPLICATION VALID DATE: **30.07.15**

LOCAL MEMBERS: **COUNCILLOR D MACKIE**
COUNCILLOR A HALFORD

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO LOCAL CONCERNS**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for a new vehicular access and gates to serve Plot 5 only of the consented gypsy/traveller site for 5 pitches. The creation of the access would require the removal of a section of hedge, however as the site has a wide roadside verge, the amount of hedge required to be removed would only be 4.5 metres. No further hedgerow would need to be removed to provide the required visibility splays.

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

- 2.01
1. Time Commencement
 2. Plans
 3. Gates shall open inwards and positioned clear of the adopted highway
 4. Details of gates as approved unless otherwise agreed in writing
 5. The gates opening inwards and positioned clear of the adopted highway network
 6. Forming and construction of the means of site access shall not commence unless and until the detailed design for the culverting of the existing ditch over which the access will be formed is submitted and approved by the LPA
 7. Access will have a visibility splay of 2.4m x 40m in both directions with no obstruction in excess of 0.6m
 8. Landscaping to enhance roadside hedge

3.00 CONSULTATIONS

3.01 Local Member
Councillor Mackie

Agrees to the determination of the application under delegated powers as the changes are minor.

Councillor Halford

Requests Committee determination due to concerns from local residents that the development has already been carried out and general concerns about any developments on the site and to show transparency.

Hawarden Community Council

Object to the development of this site and as such objects to all proposals relating to its intended use.

Highways Development Control Manager

No objections subject to;

- The gates opening inwards and positioned clear of the adopted highway network
- Forming and construction of the means of site access shall not commence unless and until the detailed design for the culverting of the existing ditch over which the access will be formed
- Access will have a visibility splay of 2.4m x 40m in both directions with no obstruction in excess of 0.6m

Public Protection Manager

No adverse comments to make.

Council for the Protection of Rural Wales
No observations.

4.00 PUBLICITY

- 4.01 10 objections on the grounds of;
- Why is another entrance required
 - Hedgerow removal has already taken place
 - Will turn it into a transit site leading to more traffic
 - The lane is too narrow for lorries
 - Restriction of natural water drainage
 - Removal of hedgerow
 - Would remove screening of the site
 - The hedge is thinner than it was prior to the appeal
 - It's in the green barrier and a new access will cause more harm
 - Sound barriers have not been erected
 - Would set a precedent for more access points

5.00 SITE HISTORY

- 5.01 047896 - Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retention of existing stables. Refused 12.01.12.

049152 - Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use and retention of existing stables. Refused. Dismissed on appeal 08.10.12.

050463 - Use of land for the stationing of caravans for the residential purpose for 5No. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retaining existing stables. Refused. Allowed on appeal 10.04.14.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN1 - General Requirements for Development
GEN3 – Development in the Open Countryside
GEN4 – Green barrier
AC13 – Access and Traffic Impact
AC18 – Parking Provision and New Development
HSG14 – Gypsy Sites

The proposal accords with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for a new vehicular access to serve Plot 5 only of the consented gypsy/traveller site for 5 pitches.

7.02 Site description

The application site is located to the south west of Magazine Lane, with Ewloe barn wood to the west and the A55 to the south. There is agricultural land to the east. The site has consent for a gypsy traveller site of 5 pitches. Plot 5 is the western most plot. The planning permission 050463 has been partially implemented in that the landscaping bund is in place and the power cables have been relocated. Hard core has also been laid across the site.

7.03 Proposed development

The consent for a gypsy traveller site 050463 made provision for a shared single point of access off Magazine Lane, with an internal access road within the site serving each plot.

7.04 It is proposed to create a separate access to serve Plot 5 off Magazine lane with wooden close boarded gates. The configuration of the plot has been amended with a separate application of the resiting and increase in size of the day room. The location of the static caravan has also been amended as is permitted by condition 5 of permission 050463. The red line area has been amended to exclude the internal road and turning area which is part of the consented layout.

7.05 Green barrier and impact on the character of the countryside

The consented gypsy site will have an impact on the green barrier and an urbanising effect on the open countryside as recognised by the appeal Inspector, however the need for more gypsy and traveller sites outweighed that harm.

7.06 The creation of the access would require the removal of a section of hedge, however as the site has a wide roadside verge, the amount of hedge required to be removed would only be 4.5 metres. No further hedgerow would need to be removed to provide the required visibility splays.

7.07 Residents have referred to 'thinning' of the hedge and removal of vegetation. There is an existing drainage ditch running in front of the hedge and vegetation has been removed to clear this ditch in order for it to function as a ditch.

7.08 A close boarded fence will be erected behind the existing roadside hedgerow within the site as boundary treatment. The proposed gates are close boarded timber panels 1.8 metres in height, which would

match the internal fence. Highways have requested that the gates open inwards to prevent any obstruction on the highway and its verge if they were to be left open.

7.09 The visual impact of the creation of the access would be the removal of 4.5 metres of hedge and the insertion of wooden gates. As the principle of development is accepted it is not considered that the proposed development would have an unacceptable impact on the green barrier or the open countryside location. A condition can be imposed to ensure that the remaining hedge is enhanced to screen the boundary fencing.

7.10 Highways

Highways have no objection to the proposed access subject to conditions as set out in their response. The access would not lead to any increase in traffic as it is to serve the consented site.

7.11 Other matters

Residents have raised the issue that this might set a precedent for other access points to the other plots. Each application needs to be considered on its own merits and there are no planning reasons why this application should be refused. The red line area has been amended to exclude the internal road and turning area which is part of the consented layout. The proposed development would therefore not preclude the remainder of the site to come forward as per the original consent.

8.00 CONCLUSION

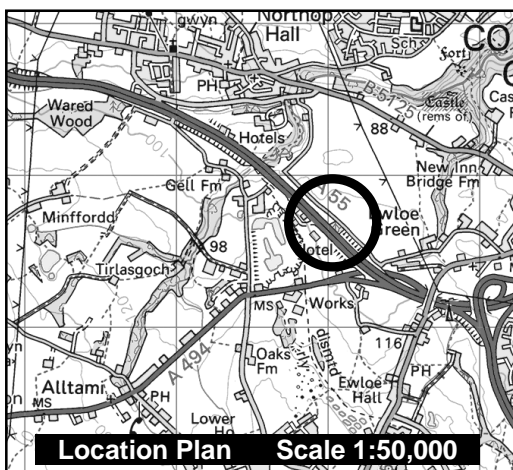
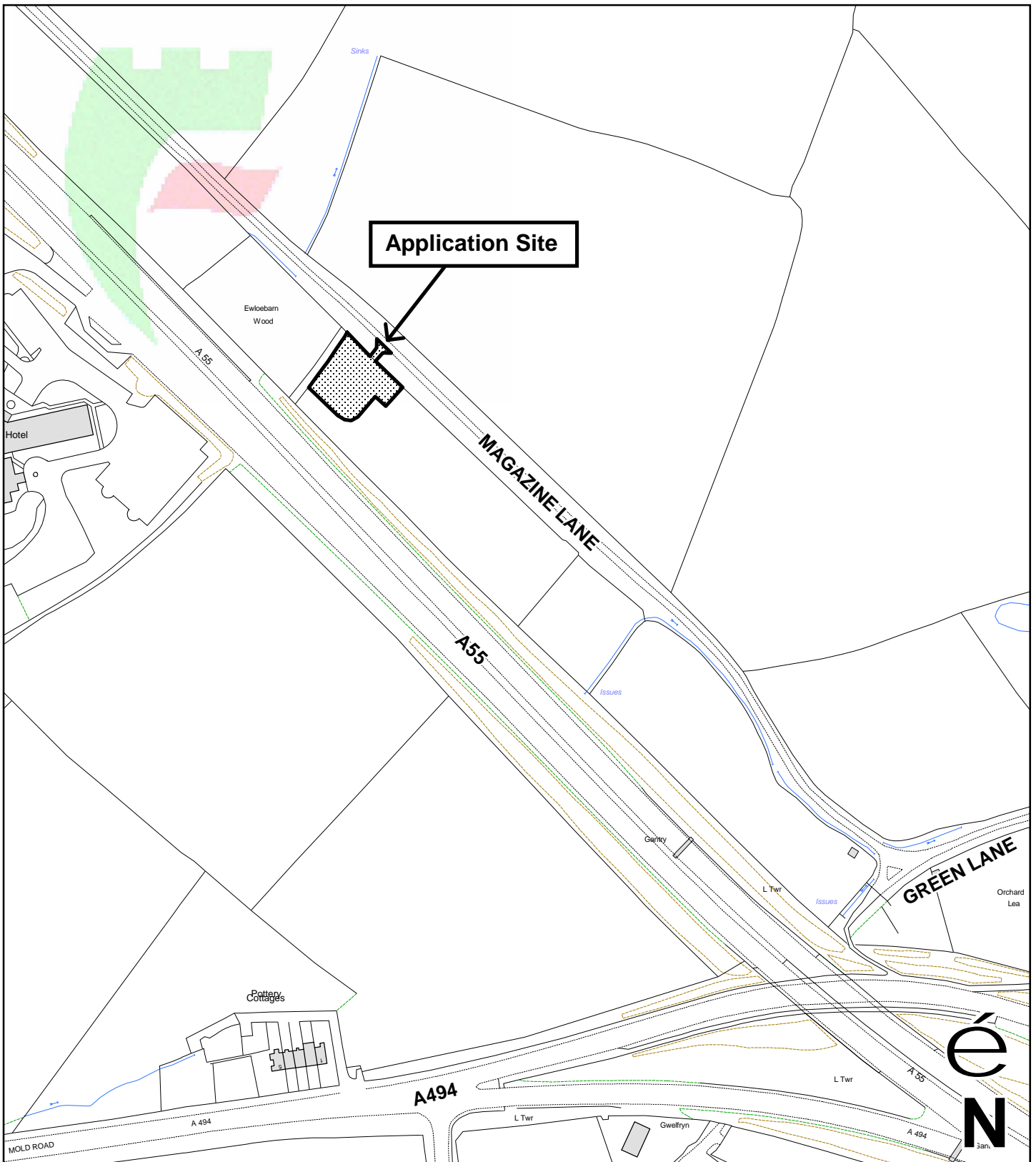
8.01 The proposed additional access is not considered to have any significant additional harm to the green barrier and there are no highways objections to its siting.

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

Page 67

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Licence number: 100023386.
Flintshire County Council, 2015.

Map Scale 1:2500

OS Map ref SJ 2866

Planning Application **54095**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF A DAY ROOM/AMENITY BUILDING ON PLOT 5 IN LIEU OF PREVIOUSLY APPROVED DAYROOM AS APPROVED BY PERMISSION 050463 AT EWLOE BARN WOOD, MAGAZINE LANE, EWLOE.**

APPLICATION NUMBER: **054096**

APPLICANT: **MR M ROONEY**

SITE: **LAND ADJACENT TO EWLOE BARN WOOD, MAGAZINE LANE, EWLOE**

APPLICATION VALID DATE: **30.07.15**

LOCAL MEMBERS: **COUNCILLOR D MACKIE**
COUNCILLOR A HALFORD

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO LOCAL CONCERNS & S106 AGREEMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the erection of a day room/amenity building to replace the previously consented amenity building/dayroom and to relocate it within the plot. This relates to Plot 5 only of the consented gypsy/traveller site for 5 pitches.
- 1.02 The consented buildings were 5m x 8m and were located within the centre of each pitch. It is proposed to resite and amend the size of the amenity building on plot 5 to 6m x 9m and to locate it adjacent to the road side hedge in the north eastern corner of plot 5.

1.03 The proposed increase in size of the day room/amenity building is not considered to have any significant additional harm to the green barrier and its re-siting adjacent to the hedge and fence would reduce the impact of the built development on the site.

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

2.01 The applicant entering into a S106 agreement to agree that this building is constructed in lieu of the previously consented dayroom/amenity building on 050463.

1. Time limit on commencement
2. In accordance with plans
3. Materials to be agreed

3.00 CONSULTATIONS

3.01 Local Member
Councillor Mackie

Agrees to the determination of the application under delegated powers as the changes are minor.

Councillor Halford

Requests Committee determination due to concerns from local residents about any developments on the site and to show transparency.

Hawarden Community Council

Object to the development of this site and as such objects to all proposals relating to its intended use.

Council for the Protection of Rural Wales

No objection to the design, form, scale and materials. Should have adequate connection to a sewerage system and a mains water supply.

4.00 PUBLICITY

4.01 2 Objections on the grounds of;

- There is no requirement of a bigger building, the consented ones are sufficient
- It would be overdevelopment of the small site and affect the wildlife in the surrounding area especially bats, with lighting and noise
- Would lead to more creeping development on the site
- There is no need for this site

5.00 SITE HISTORY

5.01 **047896** - Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retention of existing stables. Refused 12.01.12.

049152 - Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use and retention of existing stables. Refused. Dismissed on appeal 08.10.12.

050463 - Use of land for the stationing of caravans for the residential purpose for 5No. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retaining existing stables. Refused. Allowed on appeal 10.04.14.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
GEN1 - General Requirements for Development
GEN3 – Development in the Open Countryside
GEN4 – Green barriers
D1 – Design Quality, Location and Layout
D2 – Design
HSG14 – Gypsy Sites

The proposal accords with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction
This is a full planning application for the erection of a day room/amenity building to replace the previously consented amenity building/dayroom and to relocate it within the plot. This relates to Plot 5 only of the consented gypsy/traveller site for 5 pitches.

7.02 Site description
The application site is located to the south west of Magazine Lane, with Ewloe barn wood to the west and the A55 to the south. There is agricultural land to the east. The site has consent for a gypsy traveller site of 5 pitches. Plot 5 is the western most plot. The planning permission 050463 has been partially implemented in that the landscaping bund is in place and the power cables have been relocated. Hardcore has also been laid across the site.

7.03 Proposed development

The consent for a gypsy traveller site 050463 made provision for an amenity building/day room with washing and toilet facilities on each pitch. These took the form of brick buildings with pitched slate roofs. The consented buildings were 5m x 8m and were located within the centre of each pitch.

7.04 It is proposed to resite and amend the size of the amenity building on plot 5 to 6m x 9m and to locate it adjacent to the road side hedge in the north eastern corner of plot 5. The materials, design and height of the building would remain the same. The building would accommodate a shower room with toilet facilities and a laundry room with a separate room with washing facilities for dishes and food preparation.

7.05 Green barrier and impact on the character of the countryside

The consented gypsy site will have an impact on the green barrier and an urbanising effect on the open countryside as recognised by the appeal Inspector, however the need for more gypsy and traveller sites outweighed that harm.

7.06 The proposed increase in size of the day room/amenity building is not considered to have any significant additional harm to the green barrier and its re-siting adjacent to the hedge would reduce the impact of the built development on the site, particularly when viewed from the A55, where views of the site are most prominent. Also when viewed from Magazine lane only the roof of the building will generally be visible.

8.00 CONCLUSION

8.01 The proposed increase in size of the day room/amenity building is not considered to have any significant additional harm to the green barrier and its re-siting adjacent to the hedge and fence would reduce the impact of the built development on the site.

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

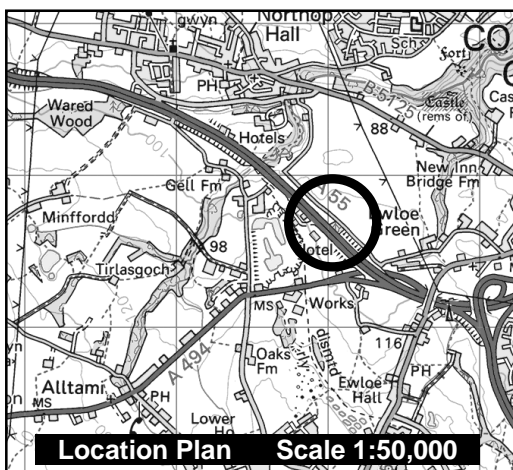
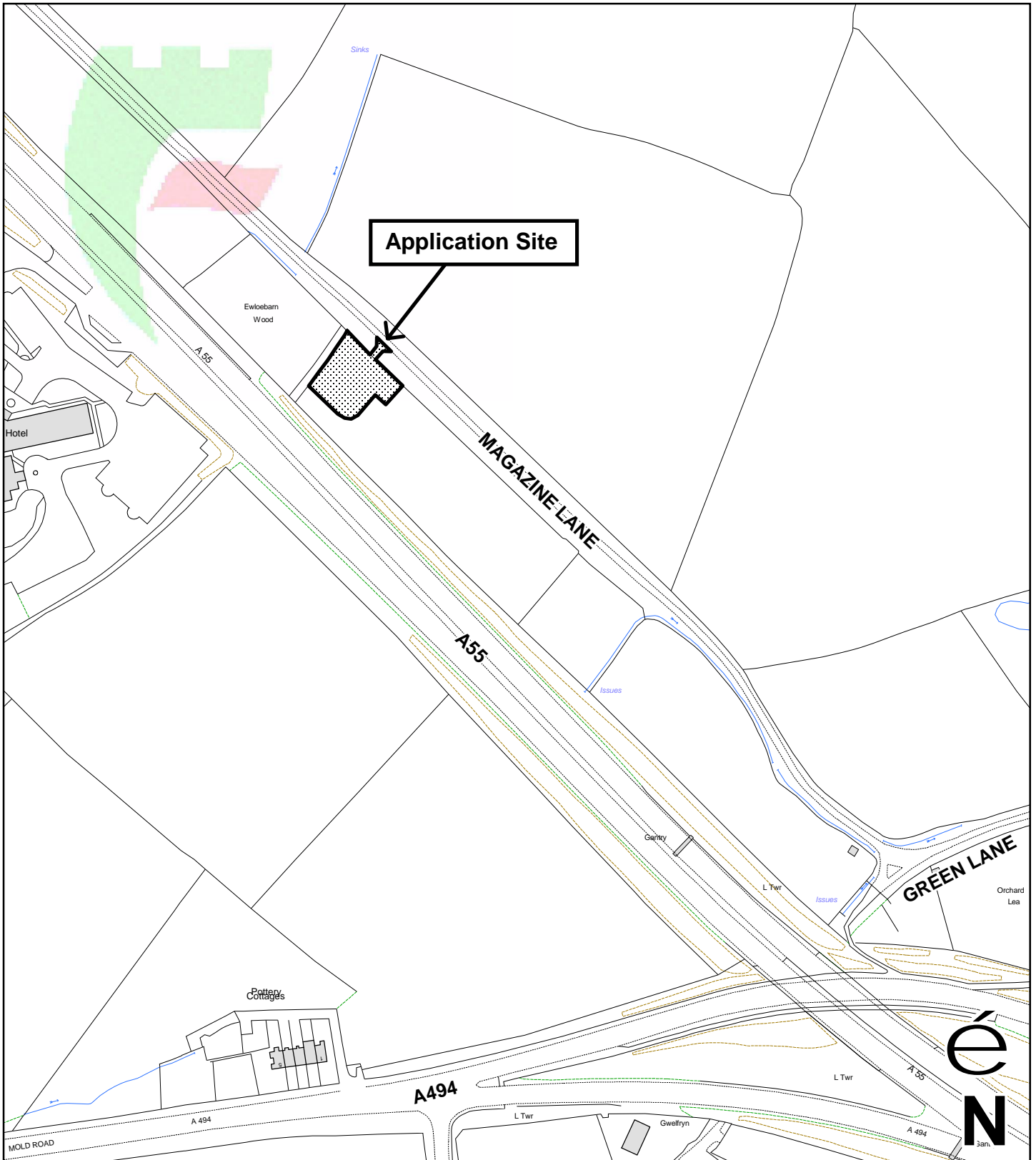
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Licence number: 100023386.
Flintshire County Council, 2015.

Map Scale 1:2500

OS Map ref SJ 2866

Planning Application **54096**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **ERECTION OF 92NO. DWELLINGS (62NO. HOUSES AND 30NO. APARTMENTS) TOGETHER WITH ALL ASSOCIATED DEVELOPMENT WORKS AT THE WALKS, DUKE STREET, FLINT**

APPLICATION NUMBER: **054485**

APPLICANT: **WATES LIVING SPACE**

SITE: **THE WALKS, DUKE STREET, FLINT, FLINTSHIRE**

APPLICATION VALID DATE: **12TH NOVEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR I. B. ROBERTS**

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

REASON FOR COMMITTEE: **SCALE OF THE PROPOSALS ARE SUCH THAT IT IS OUTSIDE THE SCOPE OF POWERS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the re-development of the site of the former maisonettes at The Walks, Flint comprising 62No. houses and 30No. apartments, together with the creation of vehicular and pedestrian access routes, provision of open space, car parking spaces and all other associated works.
- 1.02 The issues for consideration are the principle of development, design considerations, impact on residential amenities, highways considerations, impact upon archaeology and drainage.
- 1.03 Members are advised that this proposal relates to the second site to be brought forward via the Council's Strategic Housing and Regeneration Programme (SHARP).

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

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

Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Samples of external materials to be submitted and approved
4. Boundary scheme to be implemented as submitted.
5. Landscaping scheme to be submitted and approved
6. Implementation of landscaping scheme.
7. Drainage scheme to be implemented.
8. No development until scheme for works on Sydney Street and Duke Street submitted & agreed.
9. Scheme for layout and design of site access to be submitted and agreed.
10. Forming and construction of the access not to commence until design agreed.
11. Access to be kerbed and completed to base course layer up to internal tangent point of entrance radii prior to any other site works.
12. Visibility splays of 2.4m 43m in both directions to be secured without obstruction and retained.
13. Detailed layout, design, traffic calming, means of signage, highway drainage, lighting and footways to be submitted and agreed.
14. 1.8m wide footway to be provided across site frontages.
15. Scheme for surface water interception between site and highway to be submitted and agreed.
16. No development until Construction Traffic Management Plan submitted and agreed.
17. Travel Plan to be submitted and agreed.
18. No development until archaeological investigation scheme submitted and agreed. Development to accord strictly with agreed scheme thereafter.
19. Archaeological Investigation Report to be submitted prior to the occupation of any units hereby approved.
20. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to the retention of affordable housing.
21. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to public open space and recreation.
22. Scheme for enhanced double glazing to be submitted and agreed.

23. Scheme for acoustic fencing to affected rear gardens identified within noise report.
24. Scheme for parking restriction road markings to be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member

Councillor I. B. Roberts

Fully supports the proposals.

Adjoining Ward Members

Councillor. A. Aldridge

No response at time of writing.

Councillor D. Cox

No response at time of writing.

Councillor Ms. R. Johnson

No response at time of writing.

Councillor P. Cunningham

No objections.

Councillor V. Perfect

No response at time of writing.

Flint Town Council

No response at time of writing.

Highways (DC)

No objection subject to the imposition of conditions.

Pollution Control Officer

No objection subject to the imposition of conditions.

Public Open Spaces Manager

Advises that on site play provision for children aged 8 and below should be secured and a contribution be provided to enhance off site recreation facilities for older children.

Capital Projects and Planning Unit (CPPU)

No contributions are sought towards educational infrastructure as the nearest affected schools (Ysgol Gwynedd C.P School and Flint High School) both have surplus capacity in excess of 5%.

Dwr Cymru/Welsh Water

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

Natural Resources Wales

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

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

CPAT

Has assessed an archaeological investigation report and requests the imposition of a condition to secure an archaeological investigation and mitigation scheme.

Wales & West Utilities

No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters. At the time of writing, no letters have been received in response to the above consultation.

5.00 SITE HISTORY

5.01 053372

Prior Approval – Demolition of flats
Prior approval not required 22.4.2015

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development
Policy STR4 - Housing
Policy STR8 - Built Environment
Policy GEN1 - General Requirements for Development
Policy GEN2 - Development inside Settlement Boundaries
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design
Policy D3 - Landscaping
Policy D4 - Outdoor Lighting
Policy HSG3 - Housing on Unallocated Sites in Settlement Boundaries
Policy HSG8 - Density of Development
Policy HSG9 - Housing Mix and Type
Policy HSG10 - Affordable Housing within Settlement Boundaries
Policy AC13 - Access and Traffic Impacts
Policy AC18 - Parking Provision and New Development
Policy HE8 - Recording of Historic Features
Policy SR5 – Outdoor Play Space & New Residential Development.

Planning Policy Wales
TAN12 - Design
TAN15 - Flood Risk
TAN18 - Transport

Local Planning Guidance Notes:

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

Flint Strategy and Master Plan 2021
Flint Town Centre Development Brief

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

This 1.7 hectare site occupies a prominent position on land between Duke Street and Sydney Street within Flint town centre. It is presently vacant land but was latterly occupied by a range of maisonettes and associated circulation and parking space.

7.02 The site is bounded to the west by the tower block, Castle Heights. The northern and eastern edges of the site abut the town centre and associated Conservation Area. Duke Street and Chapel Street forms the southerly edges of the site, with established areas of residential development beyond.

7.03 The Proposals

The proposals provide for the re-development of this site to provide a scheme of residential development comprising 62No/ house and 30No. apartments. The housing provision equates to the provision of:

41No. 2 bed houses;
21No. 3 bed houses;
10No. 1 bed apartments; and
20No. 2 bed apartments.

7.04 The scale and form of development comprises 2 storey dwellings; a 2 storey building providing some of the apartments and a 3 storey apartment block with 4 storey central feature.

7.05 Vehicular access to the site would be derived via 3 new proposed access points derived from Chapel Street, Duke Street and Sydney Street. A solely pedestrian access is facilitated via a proposed pedestrian link between Sydney Street and the new internal estate roads opposite the proposed Duke Street access which serves to enhance the pedestrian linkages between the site and Church Street and the retails and leisure facilities to the north and northwest of the site.

- 7.06 The proposals provide facilities for vehicle parking amounting to some 141 car parking spaces. This includes 19No. spaces to serve existing residents of Castle Heights and a further 25No. spaces to serve the future occupants of the 3 storey apartment building.
- 7.07 Site landscaping is also proposed including street frontage planting and the creation of an amenity space a small children's play area.
- 7.08 **The Principle of Development**
Within the UDP, Flint is classified as a Category A settlement where most development is expected to occur. There is a general presumption in favour of the principle of development within defined settlement boundaries subject to other policy and material planning considerations. The proposals comply with the policy context in respect of the principle of development and with regard to the location of new residential development within settlement boundaries. The site is sustainably located with access to bus services and other local services and infrastructure.
- 7.09 In addition, the site is identified within both the Flint Strategy and Master Plan 2021 and Flint Town Centre Development Brief. These documents provide an overview for the re-development of parts of the town centre as a consequence of the removal of older and unsuitable forms of accommodation within the town. The application site forms part of the Spatial Framework of the Master plan and is identified amongst the listed Short Term Projects within the plan.
- 7.10 Accordingly, the principle of the development of this site is established not only through a policy presumption in favour of development of this type in this location, but also via the Master plan and development brief specific to the town centre overall and the site in particular.
- 7.11 **Main Planning Issues**
It is considered that the main planning issues can be summarised as follows:-
- a) Design
 - b) Archaeological Issues
 - c) Highway Issues
- 7.12 **Design**
The proposed design and layout of this scheme has been the subject of negotiation and discussion over the course of the consideration of the application and has been amended in line with comments arising from the consultation process. The proposals were also presented for Design Review to the Design Commission for Wales (DCW). This review was held on the 2nd December 2015 and the comments arising from this review have, in part, been responded to in the proposed design. A copy of the Design Review Report is appended.

- 7.13 The proposals have drawn upon the guidance set out in the Flint Town Centre Design Brief insofar as it relates to this site and the surroundings. The proposals seek to re-introduce something of the original street plan of Flint which was lost with the development of the maisonettes in the 1960's. A new frontage to Duke Street seeks to create a built 'edge' reflective the original fortified boundary of the town. New street frontages are also created to Sydney Street and, in part, Chapel Street. The apartment building at the junction of Chapel street and Duke Street serves as a visual feature to mark the approach to the original town boundary.
- 7.14 The design of the dwellings building reflects the discussions at pre-application stage to introduce a range of dwellings types and sizes. The application was accompanied by a design statement and detailed discussions have taken place with the applicant to arrive at the current design.
- 7.15 The comments of the Design Commission arising from the Design Review were largely positive. The rationale behind the scheme and the interpretation of the design brief in this scheme were clearly understood. No issues were raised in respect of the scale or form of development as whole. Comments in relation to the simplification of the exterior composition of the dwellings has been addressed to create elevations which are visually less cluttered but also much more maintenance friendly. The impact of the car on the street scene proposed to the northeast of the site, via frontage parking spaces, is proposed to be addressed via the introduction of street tree planting to create a tree lined avenue. Windows have been introduced in the flank walls of the proposed 3 storey apartment building to ensure that the building sits comfortably within the scheme and do not appear as solid 'book end' markers within the vista.
- 7.16 Extensive consideration of the proposed amenity space within the centre of the scheme has established that, in order for there to be an ownership of the space and proper use, it should have an identified function. It was considered that simply having a non-descript green space would not engender this ownership and therefore it was likely to become a negative focus within the scheme. Accordingly, it was felt that the use of this space to provide a small children's play space would be the most appropriate use for the area. This in turn has led to re-design of the units abutting the area to ensure that the elevation facing the play area provides degree of natural surveillance. I propose to add a condition requiring the submission and agreement of scheme to secure this on site provision but also to provide for recreation and play facilities for older age groups off site.
- 7.17 The areas around the apartment building were considered to present something of a problem in terms of landscaping due to tight 'pinch points' between the building and the back edge of footway. This has

been addressed by a revision to the position of the building to pull it back from the street edge, allowing more breathing space for the landscaped areas. In addition, the railings along this part of the site have been revised to reduce them in height to 1.1m which serves to allow a better integration between the site and the adjacent public realm.

7.18 The external appearances of the buildings utilise high quality detailing and materials in its composition. The use of render, brick, glazing, aluminium window detailing and slate effect roofing all combine to soften the scale of the buildings and provide interest to the external elevations. I am satisfied that these proposal represents a bold, modern but sympathetic design response to the historic vernacular but also to the future needs of residents.

7.19 The proposed scheme would redevelop a key site within Flint town centre in accordance with development plan policies. The proposals would not be out of character with the site and its surroundings and would enhance the overall appearance of the area.

7.20 **Archaeology**

The site occupies a position which corresponds to the position of the original medieval town boundary at edge of Duke Street. Given the fact that proposals involve a large scale clearance of built form in this location, it is considered that there would be a need for the site to be the subject of a scheme of archaeological investigation.

7.21 This issue is considered best addressed via the imposition of a condition requiring the implementation of suitable scheme of archaeological investigation prior to works commencement upon the site. These investigations will informed by the recent archaeological works undertaken at the Coleshill Street/Earl Street Sites and it is considered will help to illustrate the position in respect of the Edwardian Town defences in this area.

7.22 Accordingly, I propose to add 2 conditions. Firstly a condition to secure the required investigation works be undertaken prior to development works being undertaken and second, a condition requiring the submission of a reports upon these investigations prior to the occupation of any units of accommodation.

7.23 **Highway impact**

The proposals have been to subject of consultation with Highways (DC) who have assessed the proposals in terms of impact upon highway safety and have advised that there is no objection to the proposals, subject to the imposition of conditions. I am advised that whilst the level of car parking provision is below that required by Local Planning Guidance Note 11 – Parking, the site is sustainably located within the town centre and is within walking distance of local bus and rail links. Accordingly the site is considered to be sustainably located

in highway terms. The apparent shortfall in parking is best addressed via a conditional requirement for a travel plan. I propose to condition accordingly.

7.24 Other matters

The proposals have been considered in terms of drainage and flood impact. Neither is a concern and a drainage strategy has been submitted which formed the basis of consultation. Subject to the implementation of the same, no objection is raised on drainage grounds.

7.25 I am advised following consultation with Pollution Control that a condition will be required requiring the submission and agreement of a scheme of enhanced glazing to provide acoustic protection from the noise associated with traffic from nearby roads. In addition, acoustic fencing will also be required to certain gardens. I propose to condition accordingly.

8.00 CONCLUSION

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

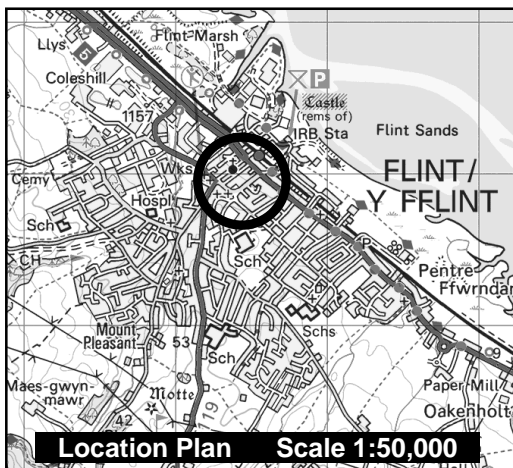
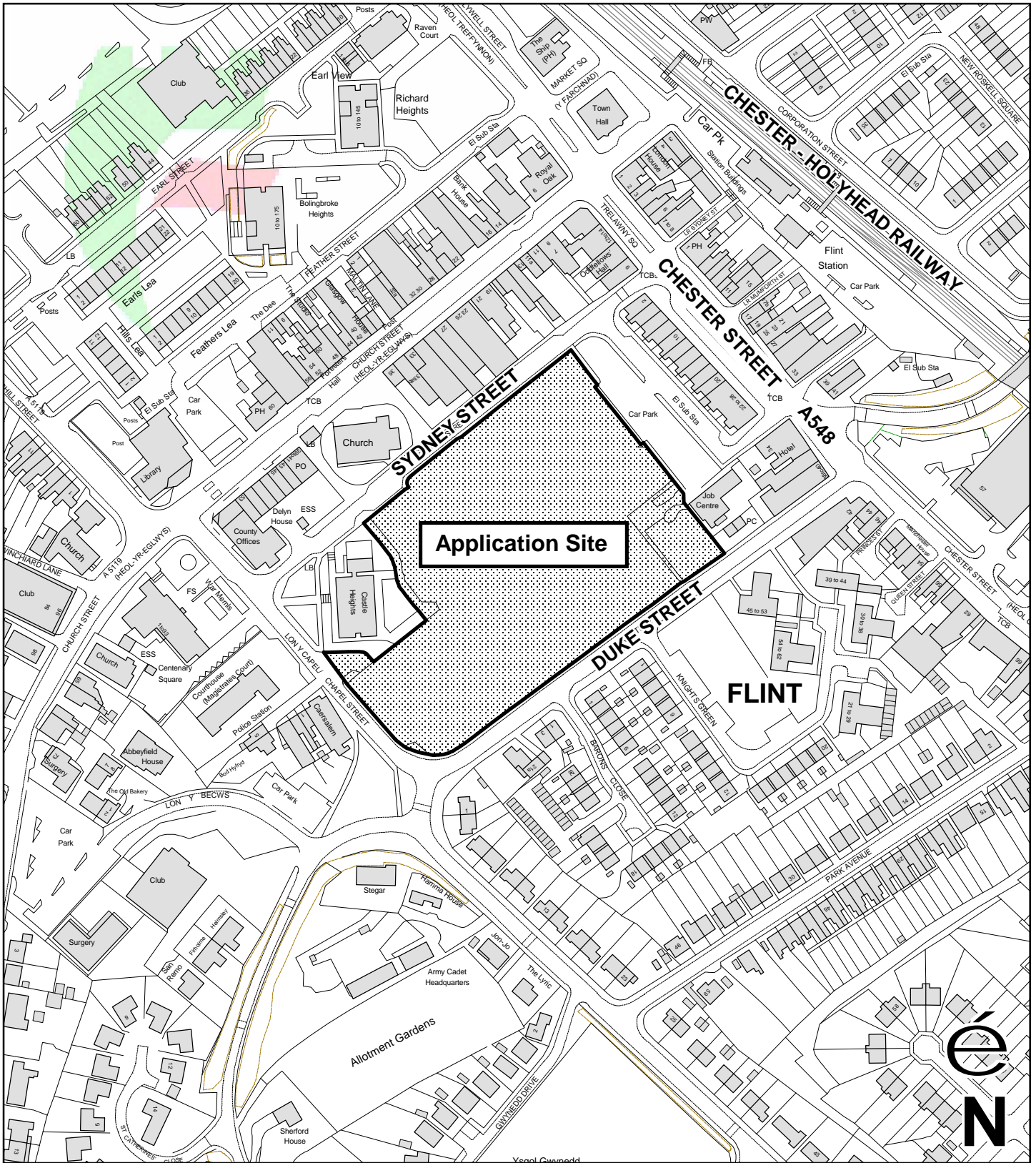
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard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

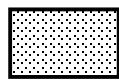

Contact Officer: David Glyn Jones
Telephone: 01352 703281
Email: david.glyn.jones@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Licence number: 100023386.
 Flintshire County Council, 2015.

Map Scale	1:2500
OS Map ref	SJ 2472
Planning Application	54485

This page is intentionally left blank

Design Review Report

The Walks, Flint

DCFW Ref: 94

Meeting of 2nd December 2015



Declarations of Interest

Panel members, observers and other relevant parties are required to declare ***in advance*** any interests they may have in relation to the Design Review Agenda items. Any such declarations are recorded here and in DCFW's central records.

Review Status

NOT CONFIDENTIAL

Meeting date	2 nd December 2015
Issue date	10 th December 2015
Scheme location	Flint, Flintshire
Scheme description	Residential Development
Scheme reference number	94
Planning status	Planning application validated

Declarations of Interest

None.

Consultations to Date

This was the first opportunity that the Design Commission for Wales had to review this scheme.

Public consultation has been undertaken by the local authority and their development/design team.

The Proposals

Following the demolition of circa 150 maisonettes dating from the 1970s, a key site in the centre of Flint is to be redeveloped for residential use. The site will accommodate 92 dwellings with a mix of terraced houses and apartments. All units will be affordable with a mix of social rent and affordable rent.

A planning application has been submitted to the local planning authority.

Main Points

The importance of consulting the Design Commission much earlier in the process was acknowledged by all. Consultation at an early, concept stage and subsequently as the proposals develop will enable constructive discussion with the potential to have a positive impact on the design, adding value for the local authority and developer alike. As the planning application for this development has already been validated the opportunities for change are limited but the comments made on the proposals could be

informative for future development sites that come forward as part of the local authority's programme of regeneration and development.

This is an important development in the centre of the town that could help to change perceptions of the town and create a positive residential environment close to the town centre. The context provided in the regeneration strategy was helpful and identified how the development of the site fits with wider improvements and developments around the town. The following key points were raised in the review meeting and are relevant to this proposal but should also be considered for future phases of development. Many of the main points have management and maintenance implications and should be considered in light of ongoing costs.

Layout

The proposed layout creates a positive restoration of an historic cruciform street pattern in this location and is appropriate for the urban nature of the site. Although we recognise that some practical changes needed to be made, it is unfortunate that some of the clarity and sense of place that is evident in the 2013 development brief layout has been lost in the proposed layout through subtle changes, some of which are expanded upon below.

It would be beneficial to provide and/or present the urban design analysis of the site at a conceptual level, including analysis of the site's constraints/opportunities/character and analysis of the movement framework (pedestrians/cars/cycles) surrounding the site to help explain the rationale for the design.

Natural Surveillance

The majority of the 'Mews Court' through the centre of the layout and one side of the north eastern 'Estate Road' is fronted only by the side of units. This creates a poor sense of enclosure and limited active frontages and opportunities for natural surveillance which is an important aspect of creating a safe environment. In order to provide adequate natural surveillance the streets and pedestrian footpaths need to be overlooked by windows from active rooms within the properties and, ideally, have entrances to provide activity. Therefore, the side elevations of the units must have windows as indicated in the later scheme images. A corner unit would have better addressed the street and could be something that is developed for future sites.

Parking

The parking arrangement is not as refined as it could be which is eroding the quality of the streets and spaces. The amount of on-plot parking in front of houses creates a more car dominated appearance and reduces the sense of active frontage and enclosure provided by the properties, thus reducing the urban character and sense of place. The appearance of on-plot parking can be improved through the integration of landscape features such as low hedges and trees between plots. This landscape approach is outlined in the development brief but does not appear to carry through to the proposed layout.

The proposed parking courts are located on the edges of the blocks rather than to the rear which will make them less secure and more visually dominant. Smaller parking courts (shared by 5 properties or fewer) are easier to manage and should be a consideration for future schemes. A wider mix of some on-plot, on street and small

parking courts could produce a more refined parking approach where the car is less dominant.

Consideration needs to be given to how the parking that is shared between Castle Heights and the new apartment building will be managed to ensure that this parking court works properly. Ideally, the parking spaces for each scheme should be distinct from each other to reduce confusion and management issues which can often arise in relation to parking spaces.

Public Space

The proposed public space needs to be much better integrated into the overall layout, and could provide greater value for the development. The nature and purpose of the space needs to be defined so that it can be designed accordingly. The proposed location of the public space is very poorly overlooked by neighbouring properties and therefore has the potential to feel unsafe, with a risk of under-use and occurrences of anti-social behaviour. If the purpose, quality and surveillance of the space are not established it could also become a maintenance liability in the future.

The location of the public space, combined with the parking court opposite, reduces the enclosure of this important central junction and the space instead bleeds out. Greater enclosure by dwelling frontages would help to reduce vehicle speed and create a stronger sense of place. Further analysis and design consideration of these important incidental spaces would help to refine future layouts.

Corner Apartment Building

Setting out the urban design analysis and more detailed site analysis would help to explain the design rationale for this building including pedestrian desire lines, the most important views to the building and how the site relates to the archaeology of the historic walls.

The building sits somewhat uncomfortably on the site with awkward left over green spaces that will have limited amenity value and could create maintenance issues particularly between the building and the perimeter railings. It needs to be clear who these spaces are for and how they will be used. For example, will the space between the apartment block and the houses on Duke Street be an accessible amenity space for residents?

The need for some separation between bedroom windows and the pavement is acknowledged but this could be achieved more subtly, such as through landscaping, than with the 2 metre high perimeter railings proposed. This would help the building to better address the street. Alternatively, lower railings such as those illustrated in the 2013 development brief would also be an improvement.

The side elevations of this building are prominent from Duke Street and Chapel Street and therefore need to be well articulated and considered in the context of the view along the street. The detail of the building as a whole will be important to ensure that there is sufficient relief to the elevations and the use of the minimal palette of materials is well articulated.

Housing Unit Design

The development of a terraced house type is positive for this town centre location. The design of the houses, together with the layout and landscape strategy, should all combine to provide a sense of place and identity. The proposed material palette and unit design has the potential to produce an elegant and high quality form but would benefit from further refinement and simplification to achieve this. The addition of non-structural, decorative features such as the exposed steel trusses are could create a maintenance burden in the future. If money was to be saved on these features it could instead be invested in the quality of materials and design details, such as fascias, eaves and ridges to ensure the simple and elegant form.

Landscape Strategy

A landscape strategy should be developed alongside the proposed layout to support the quality, amenity, sustainability and identity of the development. This should include hard and soft landscaping and the input of a landscape architect, and would add value to the development. The strong line of trees along the edge and through the centre of the site as shown in the development brief has been lost in the current proposals.

Future Engagement

The Design Commission welcomed the opportunity to meet the developer and design team and begin discussions with the local authority on the programme of future developments. As discussed, this consultation will be more constructive and of greater value to the local authority, developer and design team if it is undertaken at an early stage.

Future design reviews would benefit from the inclusion of the following:

- Urban design and site analysis
- Sustainability approach and how this has influenced the proposals
- Landscape strategy

The Design Commission will be in contact to establish dates for future meetings.

Comisiwn Dylunio Cymru Design Commission for Wales is the trading name of DCFW LIMITED, a Private Limited Company established under the Companies Act 1985 and 2006, Company No: 04391072 incorporated in England and Wales as a wholly controlled subsidiary of the Welsh Government. Registered office: 4th Floor, Cambrian Buildings, Mount Stuart Square, Cardiff CF10 5FL T: 029 2045 1964 E connect@dcfw.org. The comment recorded in this report, arising from formal Design Review through our Design Review Service, is provided in the public interest for the consideration of local planning authorities as a material consideration, and other users of the Design Review Service. It is not and should not be considered 'advice' and no third party is bound or required to act upon it. The Design Review Service is delivered in line with DCFW's published protocols, code of conduct and complaints procedure, which should be read and considered by users of the service.

A Welsh language copy of this report is available upon request.

Attendees

Developer: Ian Sharrocks, Principle Design Manager, Wates
Designers: David Halliday, Director, Halliday Clark Architects

Local Authority: David Glyn Jones, Senior Planner
Mel Evans, Senior Manager Housing Programmes
Andy Roberts, Planning Strategy Manager

Design Review Panel:
Chair Jen Heal, Design Advisor, DCFW
Panel Jamie Brewster
Elfed Roberts
Amanda Spence, Design Advisor, DCFW

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 24TH FEBRUARY 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: NO

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 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 The applicants have referred to a relatively recent planning permission granted for a 49 MW 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 the 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 7.36 – 7.37 below) there is no such arrangement in this case and consequently, no overriding requirement to locate this development upon this particular tract of land.
- 7.25 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.

- 7.26 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.
- 7.27 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.
- 7.28 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. In addressing this issue, it would have been expected that the applicant would have provided details of an alternative site search assessment to demonstrate the essential location of the proposals upon this site. The applicant has not provided any details of alternative sites considered in conjunction with this proposal nor the reason(s) why such sites were discounted. Accordingly, I cannot conclude that this proposal is located thus due to an absence of other alternative sites within the area.
- 7.29 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.
- 7.30 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.
- 7.31 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.

- 7.32 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.
- 7.33 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.
- 7.34 Given the flat and open nature of the landscape I conclude that development would be particularly visible on this site, particularly 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.
- 7.35 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.

7.36 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. In addition, a letter of interest 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.

7.37 I have considered these submissions and consider that the substance of the interest is, at best, speculative. I conclude in each case, that there is nothing of sufficient certainty contained within either document to amount to a consideration to which I would attribute sufficient weight to outweigh the policy concerns identified above.

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

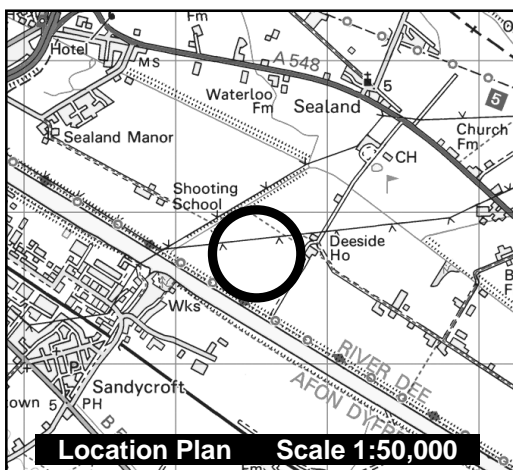
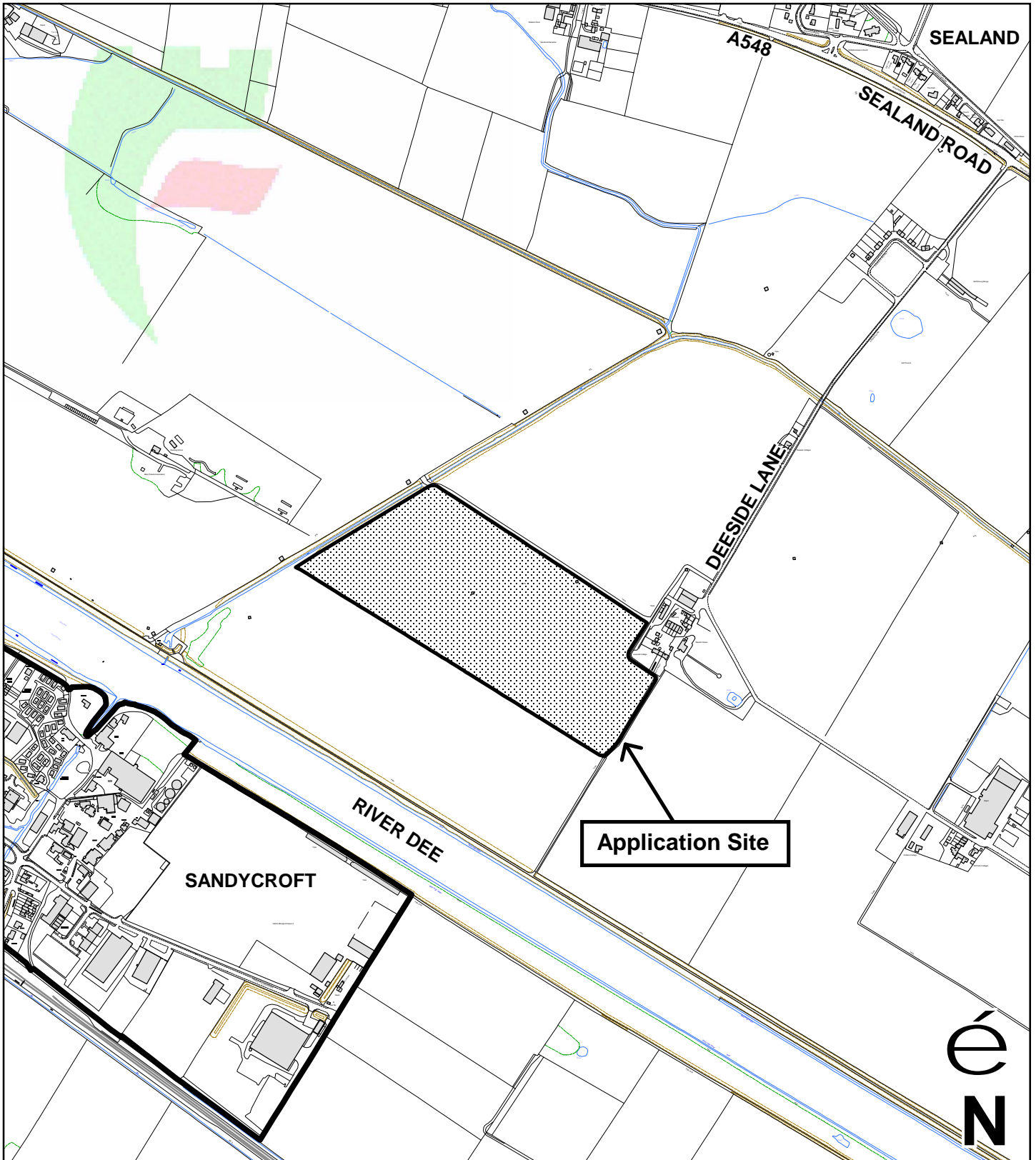
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:10,000

OS Map ref SJ 3467

Planning Application **53686**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 24TH FEBRUARY 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: **NO**

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
- 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 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 The applicants have referred to a relatively recent planning permission granted for a 49 MW 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 the 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 7.36 – 7.37 below) there is no such arrangement in this case and consequently, no overriding requirement to locate this development upon this particular tract of land.
- 7.25 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.

- 7.26 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.
- 7.27 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.
- 7.28 In broad terms Policies GEN3 & 4 refer use of land in open countryside/green barrier only where it is appropriate and essential with other brownfield sites being preferential. In addressing this issue, it would have been expected that the applicant would have provided details of an alternative site search assessment to demonstrate the essential location of the proposals upon this site. The applicant has not provided any details of alternative sites considered in conjunction with this proposal nor the reason(s) why such sites were discounted. Accordingly, I cannot conclude that this proposal is located thus due to an absence of other alternative sites within the area.
- 7.29 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.
- 7.30 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.
- 7.31 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.

- 7.32 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.
- 7.33 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.
- 7.34 Given the flat and open nature of the landscape I conclude that development would be particularly visible on this, particularly 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.
- 7.35 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.

7.36 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. In addition, a letter of interest 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.

7.37 I have considered these submissions and consider that the substance of the interest is, at best, speculative. I conclude in each case, that there is nothing of sufficient certainty contained within either document to amount to a consideration to which I would attribute sufficient weight to outweigh the policy concerns identified above.

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

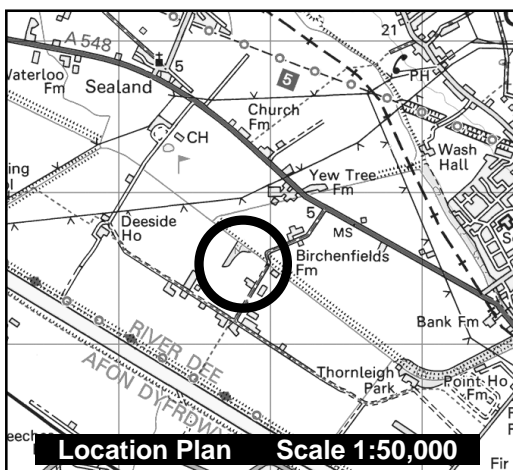
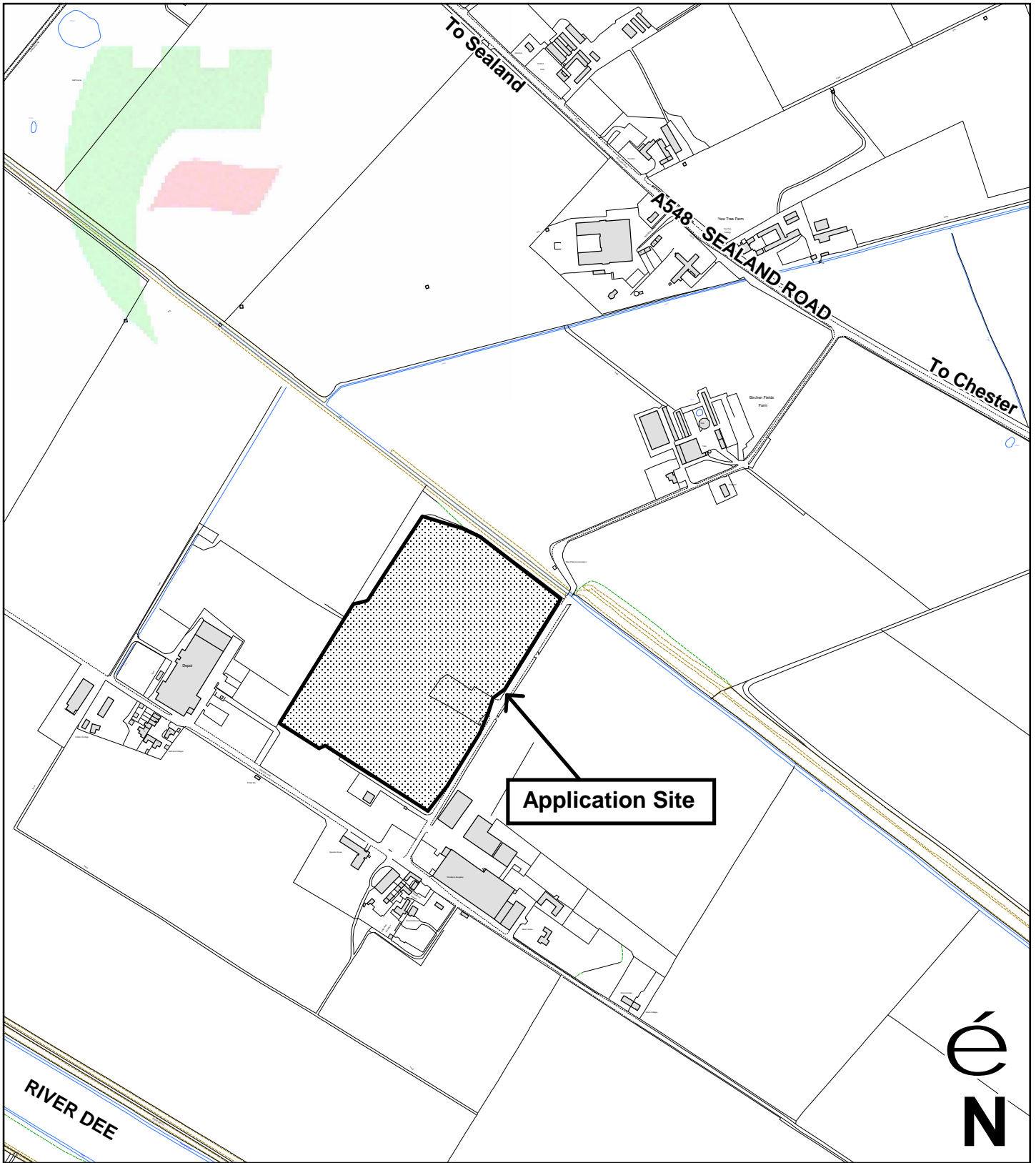
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:7500

OS Map ref SJ 3567

Planning Application **53687**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **APPLICATION TO VARY CONDITION 4 ATTACHED TO PLANNING PERMISSION REF: 043879 RELATING TO HOURS OF WORKING AT UNIT 8A – 8B, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN**

APPLICATION NUMBER: **053957**

APPLICANT: **DISPLAY RECYCLING LTD.**

SITE: **UNIT 8A – 8B, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN**

APPLICATION VALID DATE: **31/07/15**

LOCAL MEMBERS: **COUNCILLOR OWEN THOMAS**

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

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER**

SITE VISIT: **YES: AS REQUESTED BY LOCAL MEMBER**

1.00 SUMMARY

- 1.01 In December, 2007 planning permission was granted for the processing of cathode ray tube glass from TV's and monitors; storage of raw materials and finished product at Unit 8a-8b, Antelope Industrial Estate in Rhydymwyn near Mold under planning reference 043879. This planning application is to vary a condition on the permission that was granted in 2007 due to operational changes in the business that proposes to increase both the hours for deliveries to and from the the site and the hours under which external working is allowed.

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

- 2.01
1. Commencement of development.
 2. Development in accordance with the application forms, documents and plans.
 3. Materials to be used to be agreed in writing by the Local Planning Authority.
 4. Hours of working.
 5. Noise control measures scheme.
 6. Dust mitigation.
 7. Open-air storage for materials scheme.
 8. External lighting mitigation.
 9. Facilities for the storage of oils, fuels or chemicals.
 10. Heavy goods vehicles in forward gear entering and leaving the site.
 11. Facilities to be provided and maintained within the yard area behind the building for the loading, unloading, parking and turning of goods vehicles.
 12. Ground contamination survey on cessation of the use and operations.

3.00 CONSULTATIONS

3.01 Local Member for Cilcain
Councillor Owen Thomas

Would like the application to go to planning committee with a site visit due to the number of complaints and the outstanding enforcement.

Cilcain Community Council

The consultation response from the first consultation was that the Community Council is impressed with the recent improved management of the site. However, the Council has to object to the proposed extension of hours, especially the Sunday extension. Granting an extension of hours at this stage may harm the recent improved relationship between the operating Company and the village community. The consultation response from the re-consultation was

that the Community Council strongly objects to extending the operating hours. The existing operation is resulting in dust and noise pollution for the village community. Extending the hours will merely increase the hours of pollution per day.

Head of Public Protection

Have considered the application, the amendments and the detailed noise reports supplied. In the past Environmental Health have carried out numerous noise monitoring investigations of the former operator of this factory. Most of these were carried out with colleagues from the Environment Agency (now Natural Resources Wales). Initially at the start of operations there were serious problems caused by noise. These were over a period of months addressed by the company and were eventually resolved. The last period of monitoring that was undertaken was over many days and showed that the factory was not causing a nuisance or affecting amenity.

The conclusion of these latest noise reports undertaken by consultants on behalf of the current operators is that the noise emissions from the factory, including those in the rear processing area, are inaudible at nearby noise sensitive receptors.

In light of this Environmental Health would not object to this minor alteration to the conditions.

Head of Assets and Transportation

No observations.

Natural Resources Wales

No specific comments other than the application to extend the hours may increase the volume of complaints that Natural Resources Wales receive about the site. The site has historically attracted attention from a small number of local residents and extending the operational hours might increase this. In response to the additional consultation Natural Resources Wales offer no objection to the proposed development.

4.00 PUBLICITY

4.01 Publicity: Press Notice, 2 Site Notices and extensive neighbour notification letters.

Neighbours: One objection in relation to the constant noise of breaking glass and heavy machinery during the existing agreed working hours. By increasing the operating hours there will be an impact on residents within the neighbourhood.

Two objections in relation to the existing noisy activities at all hours of the day and night as the proposed changes would be totally unacceptable as they would increase the adverse effects on health, wellbeing and residential amenity. A number of comments have been made which are not relevant to this planning application.

Internal and external consultees and neighbours were also re-consulted on an amended application form and planning statement that were submitted in December, 2015.

5.00 SITE HISTORY

5.01 The following planning permissions have been granted over the years:

MR/569/75: The outline planning permission for the development of the industrial estate granted in December, 1975.

3/MR/500/81: The erection of the factory and offices within the current application site was granted in June, 1981.

043879: The processing of cathode ray tube glass from TV's and monitors; storage of raw materials and finished product was approved at Planning Committee on 14th November, 2007.

050377: Erection of a steel open fronted building.

6.00 PLANNING POLICIES

6.01 Local –Flintshire Unitary Development Plan (2011)

Policy STR1 - New Development

Policy STR2 - Transport and Communications

Policy STR3 - Employment

Policy STR10 - Resources

Policy GEN1 - General Requirements for Development

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D4 - Outdoor Lighting

Policy AC2 - Pedestrian Provision and Public Rights of Way

Policy AC3 - Cycling Provision

Policy AC8 - Buses

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy EM1 - General Employment Land Allocations

Policy EM3 - Development Zones and Principle Employment Areas

Policy EM4 - Location of Other Employment Development

Policy EM5 - Expansion of Existing Concerns

Policy EM7 - Bad Neighbour Industry

Policy EWP6 - Areas of Search for New Waste Management Facilities

Policy EWP7 - Managing Waste Sustainability
Policy EWP8 - Control of Waste and Operations
Policy EWP9 - New Development and Waste Management Facilities
Policy EWP12- Pollution
Policy EWP13- Nuisance
Policy EWP16- Water Resources
Policy EWP17- Flood Risk

Waste development is also guided by Regional and National guidance, including: Towards Zero Waste (2010); Planning Policy Wales (2016); Technical Advice Note (Wales) 11: Noise (1997); Technical Advice Note (Wales) 21: Waste (2014); Technical Advice Note (Wales) 23: Economic Development (2014).

The proposal **would** comply with the above policies.

7.00 PLANNING APPRAISAL

Site Location:

- 7.01 The site is located in the Antelope Industrial Estate which is to the south east of the village of Rhydymwyn. Units 8a and 8b are situated in the southern part of the industrial estate. The industrial estate is in a predominantly rural location, however, there is a substantial disused defence works that is located to the west of the industrial estate, now a nature reserve. The application site is an existing waste management site and is located to the south of the applicant's adjacent site at Unit 6.

Description of and the Need for the Development:

- 7.02 Condition 4 of the planning permission is the condition that is proposed to be amended. The current condition reads:

Except with the prior written agreement of the Local Planning Authority:

- (i) no heavy goods vehicles shall enter the site before 0800 hours or leave the site between 1800 hours and 0800 hours Mondays to Saturdays inclusive, or at any time on Sundays or Public Holidays;*
- (ii) no unloading of imported waste materials or loading of product, or other materials for recycling or residual waste materials shall take place between 1800 hours and 0800 hours Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays;*
- (iii) no powered plant or equipment shall be operated outside the building between 1800 hours and 0800 hours Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays except as provided for in paragraph (iv) below;*

- (iv) *powered plant and equipment for the transfer of imported waste from the receiving pad into the building and the transfer of bagged product from the building to storage may be used at any time and on any day, subject to the provisions of Condition 5 below;*
- (v) *maintenance and repair work outside the building in connection with the operations hereby permitted shall take place between 07.00 hours and 21.00 hours on any day, subject to the provisions of Condition 5 below.*

7.03 It has become necessary to increase the operational hours at the site due to the changing operational requirements of the site operator. It is therefore proposed to substitute the current limits that are stipulated in Condition 4 to read as follows:

Except with the prior written agreement of the Local Planning Authority:

- (i) *no heavy goods vehicles shall enter the site before 0700 hours or leave the site between 1900 hours and 0700 hours Mondays to Saturdays inclusive, or at any time on Sundays or Public Holidays;*
- (ii) *no unloading of imported waste materials or loading of product, or other materials for recycling or residual waste materials shall take place between 1900 hours and 0700 hours Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays;*
- (iii) *no powered plant or equipment shall be operated outside the building between 1900 hours and 0700 hours Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays except as provided for in paragraph (iv) below;*
- (iv) *powered plant and equipment for the transfer of imported waste from the receiving pad into the building and the transfer of bagged product from the building to storage may be used at any time and on any day, subject to the provisions of Condition 5 below;*
- (v) *maintenance and repair work outside the building in connection with the operations hereby permitted shall take place between 07.00 hours and 21.00 hours on any day, subject to the provisions of Condition 5 below.*

7.04 The proposal is to increase the times that the site is able to accept incoming and outgoing deliveries and operate outside by 1 hour in the morning (from 0800 to 0700 hrs) and by 1 hour in the evening (from 1800 to 1900 hrs, Monday to Saturday. This will reduce a problem with late deliveries and consequently the drivers having to park up to await loading and unloading the following day, and will increase the throughput capacity which will enable the site operator to grow the

business and secure and create further local jobs. It would mean continuing to managing this specialise waste higher up the Waste Hierarchy.

- 7.05 Originally, the applicant applied to include Sundays and Public Holidays as part of the increase in operational hours but withdrew this request by way of submitting an amended application form and amended planning statement in response to consultation responses.

Existing and Surrounding Uses

- 7.06 The proposed development is in an existing well established industrial estate and is in keeping with the range of uses and activities that are already permitted on other units within the industrial estate.

Environmental Assessment

- 7.07 The proposal is not an Environmental Impact Assessment development. There is no additional off-site impact on water resources or wildlife conservation as a result of this development.

Pollution Control

- 7.08 The closest residential property is located approximately 300 metres to the east of the site and other properties are located a similar distance away to the north-west of the site. In terms of dust emissions the applicant is aware that prevention of the escape of dust is paramount. In terms of the control of dust emissions the site is connected to a mains water supply which is readily available should there be a need to damp down dusty surfaces and stockpiles of product. A series of additional dust mitigation measures would be used and implemented on site to ensure that dust emissions are controlled as far as practicably possible. These measures include sheeting of vehicles delivering waste to site if it is necessary; sheeting of vehicles transporting potentially dusty loads off site; employing a mobile bowser on site to damp down vehicle running surfaces, vehicle loads and areas on and around machinery which may give rise to dust, especially during dry and windy conditions and the cleaning of any spillages using wet cleaning methods. Operatives at the site continuously monitor dust emissions during operations at the site and report any emissions to the site supervisor. The site supervisor makes a formal visual inspection of dust emissions daily.

- 7.09 The deposit of material on the access road or public highway is treated as an emergency and cleaned immediately using a brush and shovel or the road sweeper/vacuum tanker if necessary. A permanent water supply is available at the site to ensure that the dust suppression systems can function effectively. Any external water pipes are to be lagged to prevent frost during the winter months to ensure that the water supply is available in all climatic conditions.

- 7.10 The daily operational and environmental controls will be via an existing Environmental Permit issued by Natural Resources Wales.

Access

- 7.11 The access to the industrial estate is directly off the A541 Denbigh Road. The access to the site is then from the private industrial estate road. There are no public rights of way affected by the site as the proposed development is situated on a private industrial estate.
- 7.12 The materials may be delivered to the application site in a variety of ways but mainly by HGV payloads of between 20 and 25 tonnes. Staff, maintenance vehicles and visitors also generate smaller vehicle movements.

Policy Context

- 7.13 The proposed development is compliant with the relevant national and local development plan policies.

Amenity and Nuisances:

- 7.14 The development has the potential to generate both noise and dust, which are subject to existing planning and Environmental Permit controls and has been the subject of past complaint relating to dust and noise. The level of noise at sensitive locations is compliant with the existing noise condition for day time operations (daytime being defined as 0700 to 2300 hours). However this proposal only seeks the variation of condition to allow an additional hour for deliveries to be made in the morning and the evening, together with associated outside working, and does not require the introduction of new plant and machinery or methods of working. The existing permitted operations are unaffected.
- 7.15 The proposed change to the times that deliveries of cathode ray tube glass can be made, and bagged product and process wastes can be removed, will not cause an increase to the permitted noise levels, but it will extend the time that noise from these sources can be generated. Noise associated with the extended delivery and outside working hours includes HGV manoeuvring, loose tip unloading in to a defined covered receiving pad, loading of bulk bagged glass sand product and bagged waste by fork lift truck, and the removal of process wastes such as steel bands, and will include movement of material between Unit 8 and Unit 6 which is adjacent and in the same ownership.
- 7.16 Outside working can also include the operation of a front loading shovel used to move loose material and feed it into the building. A stockpile of leaded glass washings currently located along the rear of the site in the process of being removed for re-washing in a recently upgraded washing plant which became operational in January 2016, and once removed, the need to operate the loading shovel outside will generally be confined to the existing permitted glass receiving pad and the rear entrance to Unit 8. The transfer of glass from the receiving pad into the Unit 8 is also changing to the use of a conveyor, which will further limit the need to operate heavy plant outside. The glass

processing operations take place within the main building and are permitted for 24 hours, 7 days a week, and are unaffected by the proposed changes. A noise assessment has been undertaken by the applicant to assess the potential impact of the change and has concluded that the operations will not result in an increase in noise levels that will exceed the permitted noise levels set at noise sensitive premises.

- 7.17 The site has been the subject of a number of dust complaints. These relate to being able to see dust rising up from the site and do not relate to off-site dust affecting sensitive properties. Dust from this site is in the form of fugitive dust, which is from spillages during loading, or from the running surface, and is controlled by sprays and general housekeeping. Other dust is generated as loose tipped glass is unloaded, and the dry phosphorescent coating and house dust attached to the rear of the tubes is released, and is intermittent. This dust is controlled by a misting system. Whilst there is always a risk of unintended dust releases, the site is not causing dust problems off-site, and are subject to other controls imposed by both planning conditions and an Environmental Permit regulated by Natural Resources Wales. The immediate area around the site is clean and there is no evidence of dust accumulations from this site. The proposed changes will not affect the risk of dust generation and its control measures.

Setting and Context

- 7.18 The existing development is unaltered and is a compatible use and operation with the surrounding small industrial estate located at the edge of the settlement, and which has a mix of B1,B2 and sui generis land uses.

8.00 CONCLUSION

- 8.01 Extending the time that the site can accept deliveries and outside working will give benefits to the operations of the applicant. The activities that would arise as result of the change are capable of being carried out without causing nuisance to nearby businesses and residents, and will continue to be controlled by conditions and under the terms of an Environmental Permit regulated by Natural Resources Wales.
- 8.02 The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan. It is recommended therefore that permission be granted for the development.

- 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.

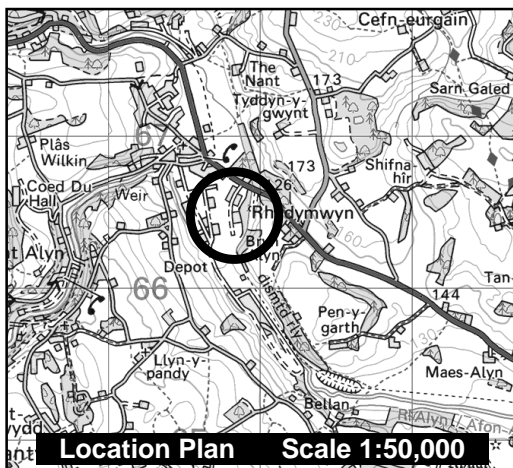
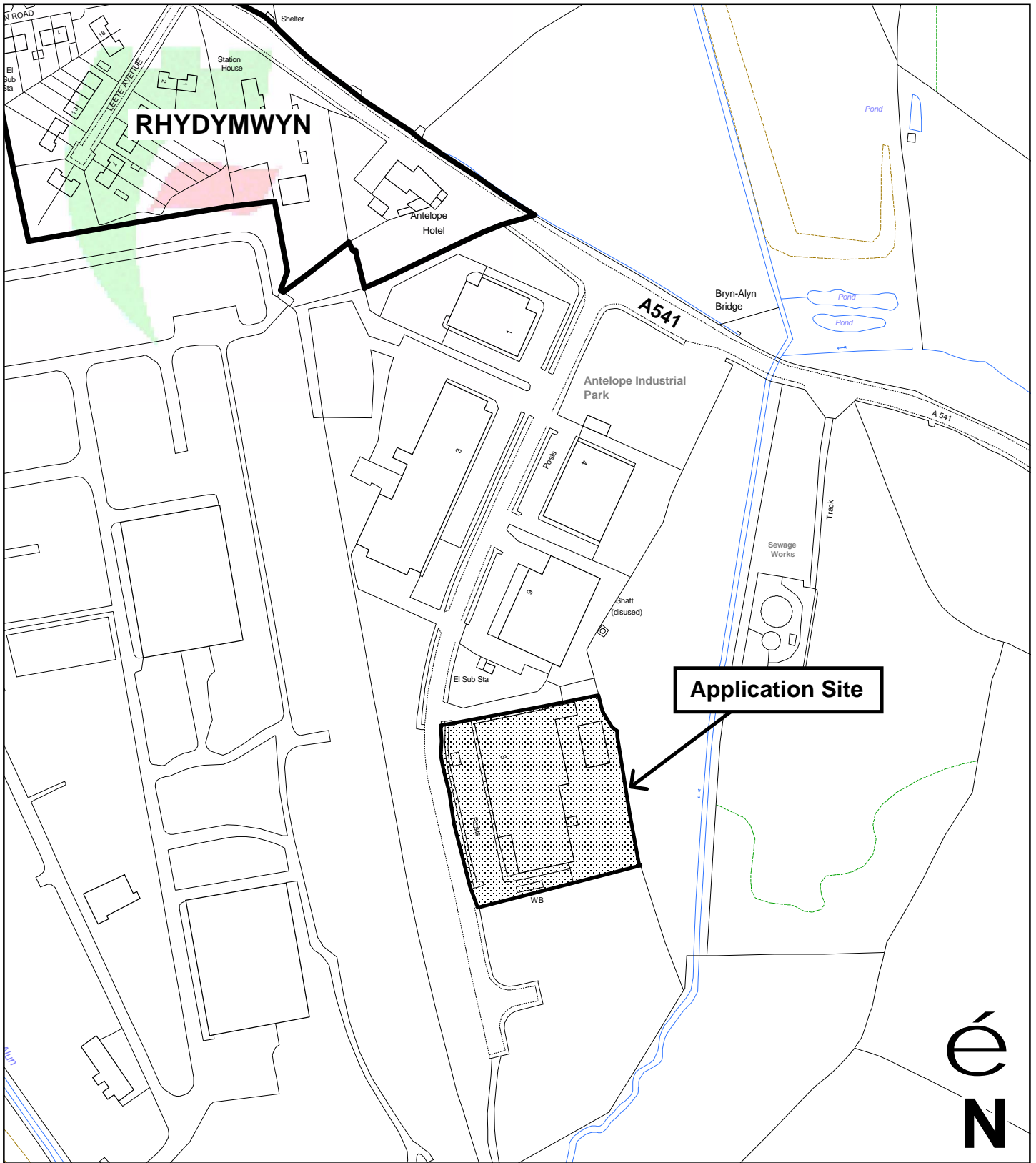
LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

- i. Application Form received by Flintshire County Council on 9 July, 2015.
- ii. Plan 1 "Site Location Plan" received by Flintshire County Council on 9 July, 2015.
- iii. Investigation of reports of a Low Frequency noise dated 19th November, 2011.
- iv. AB acoustics Environmental Noise Survey dated June, 2015.
- v. AB acoustics Environmental Noise Survey No. 2 dated June, 2015.
- vi. Planning Statement received by Flintshire County Council on 9 July, 2015.
- vii. Design and Access Statement received by Flintshire County Council on 9 July, 2015.
- viii. Amended Application Form received by Flintshire County Council on 3 December, 2015.
- ix. Amended Planning Statement received by Flintshire County Council on 3 December, 2015.

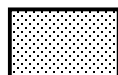
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Neil .A. Parry.
Telephone: (01352) 703293.
Email: Neil.A.Parry@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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:2500

OS Map ref SJ 2066

Planning Application **53957**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **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**

APPLICATION NUMBER: **053959**

APPLICANT: **DISPLAY RECYCLING LTD.**

SITE: **UNIT 6, ANTELOPE INDUSTRIAL ESTATE, RHYDYMWYN**

APPLICATION VALID DATE: **31/07/15**

LOCAL MEMBERS: **COUNCILLOR OWEN THOMAS**

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

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER**

SITE VISIT: **YES: AS REQUESTED BY LOCAL MEMBER**

1.00 SUMMARY

- 1.01 In November, 2011 planning permission was granted for the change of use of redundant warehouse (Use Class B2) into Recycling Plant (Use Class Sui-Generis) at Unit 6, Antelope Industrial Estate in Rhydymwyn near Mold under planning reference 048179. This planning application is to vary the permission that was granted in 2011 due to operational changes in the business that would involve increasing the hours during which deliveries and movements of HGVs and LGVs to and from the site are permitted and also extending the hours under which external working is allowed.

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

- 2.01
1. Commencement of Development.
 2. Development carried out in accordance with the plans and specifications.
 3. Hours of working.
 4. Hours for deliveries and movements of HGVs and LGVs entering and leaving the site.
 5. Exterior lighting mitigation.
 6. Noise mitigation and monitoring.
 7. Flooding controls.
 8. Limitations to the activities of the development.
 9. No outdoor working.
 10. Details of the location and construction and use of the weighbridge to be submitted in writing for the written approval of the local planning authority.

3.00 CONSULTATIONS

3.01 Local Member for Cilcain
Councillor Owen Thomas

Would like the application to go to planning committee with a site visit due to the number of complaints and the outstanding enforcement.

Cilcain Community Council

The consultation response from the first consultation was that the Community Council is impressed with the recent improved management of the site. However, the Council has to object to the proposed extension of hours, especially the Sunday extension. Granting an extension of hours at this stage may harm the recent improved relationship between the operating Company and the village community. The consultation response from the re-consultation was that the Community Council strongly objects to extending the operating hours. The existing operation is resulting in dust and noise pollution for the village community. Extending the hours will merely increase the hours of pollution per day.

Head of Public Protection

Have considered the application, the amendments and the detailed noise reports supplied. In the past Environmental Health have carried out numerous noise monitoring investigations of the former operator of this factory. Most of these were carried out with colleagues from the Environment Agency (now Natural Resources Wales). Initially at the start of operations there were serious problems caused by noise. These were over a period of months addressed by the company and were eventually resolved. The last period of monitoring that was undertaken was over many days and showed that the factory was not causing a nuisance or affecting amenity.

The conclusion of these latest noise reports undertaken by consultants on behalf of the current operators is that the noise emissions from the factory, including those in the rear processing area, are inaudible at nearby noise sensitive receptors.

In light of this Environmental Health would not object to this minor alteration to the conditions.

Head of Assets and Transportation

No observations.

Natural Resources Wales

No specific comments other than the application to extend the hours may increase the volume of complaints that Natural Resources Wales receive about the site. The site has historically attracted attention from a small number of local residents and extending the operational hours might increase this. In response to the additional consultation Natural Resources Wales do not object to the proposed change of the condition.

4.00 PUBLICITY

4.01 Publicity: Press Notice, 2 Site Notices and extensive neighbour notification letters.

Neighbours: One objection in relation to the constant noise of breaking glass and heavy machinery during the existing agreed working hours. By increasing the operating hours there will be an impact on residents within the neighbourhood.

Two objections in relation to the existing noisy activities at all hours of the day and night as the proposed changes would be totally unacceptable as they would increase the adverse affects on health, wellbeing and residential amenity. A number of comments have been made which are not relevant to this planning application.

Internal and external consultees and neighbours were also consulted on an amended application form and planning statement that were submitted in December, 2015.

5.00 SITE HISTORY

5.01 The following planning permissions have been granted over the years:

048179: The change of use of redundant warehouse (Use Class B2) into Recycling Plant (Use Class Sui-Generis) was approved at Planning Committee on 1st November, 2011.

6.00 PLANNING POLICIES

6.01 Local –Flintshire Unitary Development Plan (2011)

Policy STR1 - New Development
Policy STR2 - Transport and Communications
Policy STR3 - Employment
Policy STR10 - Resources
Policy GEN1 - General Requirements for Development
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design
Policy D4 - Outdoor Lighting
Policy AC2 - Pedestrian Provision and Public Rights of Way
Policy AC3 - Cycling Provision
Policy AC8 - Buses
Policy AC13 - Access and Traffic Impact
Policy AC18 - Parking Provision and New Development
Policy EM1 - General Employment Land Allocations
Policy EM3 - Development Zones and Principle Employment Areas
Policy EM4 - Location of Other Employment Development
Policy EM5 - Expansion of Existing Concerns
Policy EM7 - Bad Neighbour Industry
Policy EWP6 - Areas of Search for New Waste Management Facilities
Policy EWP7 - Managing Waste Sustainability
Policy EWP8 - Control of Waste and Operations
Policy EWP9 - New Development and Waste Management Facilities
Policy EWP12 - Pollution
Policy EWP13 - Nuisance
Policy EWP16 - Water Resources
Policy EWP17 - Flood Risk

Waste development is also guided by Regional and National guidance, including: Towards Zero Waste (2010); Planning Policy Wales (2014); Technical Advice Note (Wales) 11: Noise (1997); Technical Advice Note (Wales) 21: Waste (2014); Technical Advice Note (Wales) 23: Economic Development (2014).

The proposal **would** comply with the above policies.

7.00 PLANNING APPRAISAL

Site Location:

- 7.01 Unit 6 is located in the Antelope Industrial Estate which is to the south east of the village of Rhydymwyn. The industrial estate is in a predominantly rural location, however, there is a substantial disused works that is located to the west of the industrial estate. The application site is an existing waste management site and is located to the north of the applicant's adjacent site at Units 8a and 8b.

Description of and the Need for the Development:

- 7.02 Conditions 3 and 4 of the planning permission are the condition that are proposed to be amended. The current conditions read:

Condition 3:

The hours of working for the development shall be limited to:

- *Indoors 24 hours Monday to Sunday.*
- *Outdoors 08:00 to 18:00 hours Monday to Saturday. No outdoors working permitted on Sunday, Bank and Public Holidays*
- *Essential repairs outside of the building are to be limited to the hours of 07.00 and 21.00 Monday to Sunday.*

Condition 4:

The hours for deliveries and movements of HGVs and LGVs entering and leaving the site shall be limited to 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hrs Saturdays. Excepting for essential repairs and emergencies there shall be no deliveries and movements of HGVs and LGVs to and from the site on Sundays, Bank and Public Holidays.

The proposal is to vary the conditions as follows:

Condition 3:

The hours of working for the development shall be limited to:

- *Indoors 24 hours Monday to Sunday.*
- *Outdoors 07:00 to 19:00 hours Monday to Saturday. No outdoor working permitted on Sunday, Bank and Public Holidays*
- *Essential repairs outside of the building are to be limited to the hours of 07.00 and 21.00 Monday to Sunday.*

Condition 4:

The hours for deliveries and movements of HGVs and LGVs entering and leaving the site shall be limited to 07:00 to 19:00 hours Monday to Saturday. Excepting for essential repairs and emergencies there shall be no deliveries and movements of HGVs and LGVs to and from the site on Sundays, Bank and Public Holidays.

7.03 The proposal is to increase the times that the site is able to accept incoming and outgoing deliveries and outside working by 1 hour in the morning (from 0800 to 0700 hrs) and by 1 hour in the evening (from 1800 to 1900 hrs, Monday to Saturday. This will reduce a problem with late deliveries and consequently the drivers having to park up to await loading and unloading the following day, and will enable the site operator to grow the business and secure and create further local jobs. It would mean continuing to managing waste higher up the Waste Hierarchy.

7.04 Originally, the applicant applied to include Sundays, Bank and Public Holidays as part of the increase in operational hours but withdrew this request by way of submitting an amended application form and amended planning statement in response to consultation responses.

Existing and Surrounding Uses

7.05 The proposed development is in an existing well established industrial estate and is in keeping with the range of uses and activities that are already permitted on other units within the industrial estate. The proposal does not alter the existing built development.

Environmental Assessment:

7.06 The proposal is not an Environmental Impact Assessment development. There is no additional off-site impact on water resources or wildlife conservation as a result of this development.

7.07 Pollution Control:

The closest residential property is located approximately 300 metres to the east of the site and other properties are located a similar distance away to the north-west of the site. In terms of dust emissions the applicant is aware that prevention of the escape of dust is paramount. In terms of the control of dust emissions the site is connected to a mains water supply which is readily available should there be a need to damp down dusty surfaces and stockpiles of product. A series of additional dust mitigation measures would be used and implemented on site to ensure that dust emissions are controlled as far as practicably possible. These measures include sheeting of vehicles delivering waste to site if it is necessary; sheeting of vehicles transporting potentially dusty loads off site; employing a mobile bowser on site to damp down vehicle running surfaces, vehicle loads and areas on and around machinery which may give rise to dust, especially during dry and windy conditions and the cleaning of any spillages using wet cleaning methods. Operatives at the site continuously monitor dust emissions during operations at the site and report any emissions to the site supervisor. The site supervisor makes a formal visual inspection of dust emissions daily.

7.08 The deposit of material on the access road or public highway is to be treated as an emergency and cleaned immediately using a brush and shovel or the road sweeper/vacuum tanker if necessary. A permanent water supply is available at the site to ensure that the dust suppression systems can function effectively. Any external water pipes are to be lagged to prevent frost during the winter months to ensure that the water supply is available in all climatic conditions.

7.09 The daily operational and environmental controls will be via an existing Environmental Permit issued by Natural Resources Wales.

Access:

7.10 The access to the industrial estate is directly off the A541 Denbigh Road. The access to the site is then from the industrial estate road. There are no public rights of way affected by the site as the proposed development is situated on a private industrial estate.

7.11 The materials may be delivered to the application site in a variety of ways but mainly by HGV payloads of between 20 and 25 tonnes. Staff, maintenance vehicles and visitors also generate smaller vehicle movements.

Policy Context:

7.12 The proposed development is compliant with the relevant national and local development plan policies.

Amenity and Nuisances:

- 7.13 There would be no significant impacts on the amenity of local businesses and residents as a result of increasing the duration of times for accepting deliveries to and from the site and associated outside working. Any impacts are limited to incidental noise and dust. The delivery and movement of containerised end of life electrical equipment is not inherently dust generating, and the risk of dust generation is considered to be confined to accidental spillages. The area surrounding unit 6, which has been operational for over a year, is clean and there is no evidence that dust is a problem, or that it is affecting nearby businesses.
- 7.14 There would be a modest increase in the duration of time that HGVs and fork lift trucks carry out manoeuvres, but this is not predicted to give rise to an increase in the overall levels of noise generated and the levels at sensitive receptors are predicted to remain within acceptable levels. The site is currently permitted to operate 24 hours per day, 7 days a week, and this is unchanged. The variation of the two conditions does not require the introduction of new plant and machinery and neither does it alter the permitted activities which take place at the site.
- 7.15 Noise assessments were undertaken to assess the potential of the change to the times of deliveries and outside working. Deliveries of end of life electrical equipment, mainly cathode ray tube televisions, are made by reversing HGVs into a loading bay, but some deliveries can include side loading, and the outside working comprises the use of a fork lift truck, or similar, to move pallets and containers about the site, and between the adjacent unit 8 where the cathode ray tube glass is processed. All electrical dismantling operations take place inside unit 6 and are unaffected by this proposal. The impact of noise is therefore confined to that associated with the manoeuvring of HGVs and loading/unloading operations, which are intermittent. There is no loose tipping of delivered materials.

Setting and Context:

- 7.16 The proposed development is compatible with the surrounding land uses in terms of setting and context, which is a small industrial estate with a mix of B1,B2 and sui generis uses located at the edge of the settlement. There is no new built development and the existing uses are unaltered.

8.00 CONCLUSION

- 8.01 The proposed changes will provide operational benefits to the applicant and the potential for significant amenity impacts is considered to be low, and can be controlled by conditions.

- 8.02 The development is in accordance with the objectives and policies set out in the Flintshire Unitary Development Plan. It is recommended therefore that permission be granted for the development.
- 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

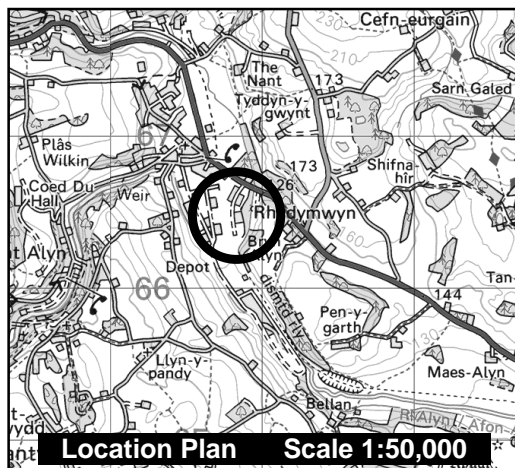
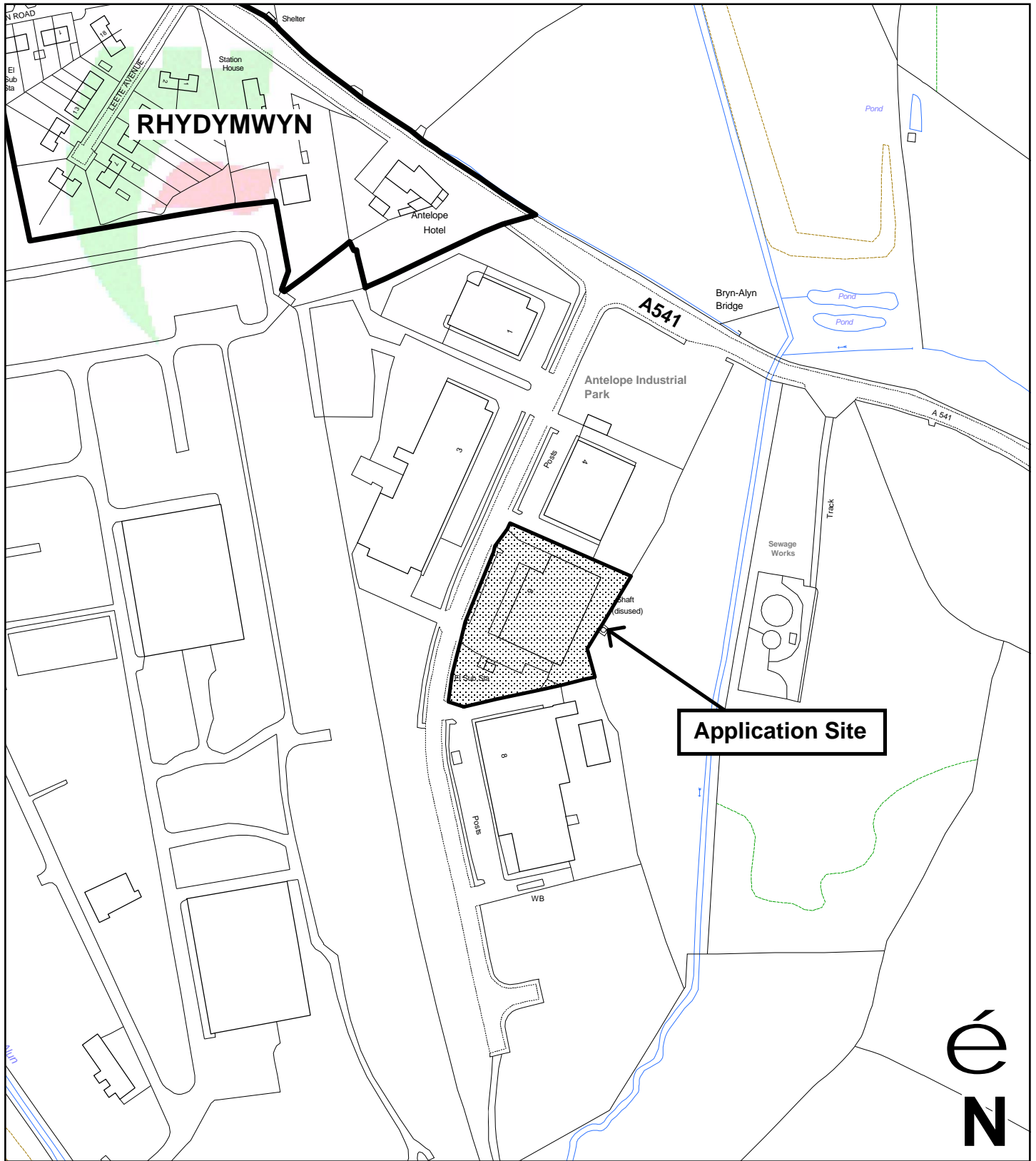
Planning Application & Supporting Documents

- i. Application Form received by Flintshire County Council on 9 July, 2015.
- ii. Plan 1 "Site Location Plan" received by Flintshire County Council on 9 July, 2015.
- iii. Investigation of reports of a Low Frequency noise dated 19th November, 2011.
- iv. AB acoustics Environmental Noise Survey dated June, 2015.
- v. AB acoustics Environmental Noise Survey No. 2 dated June, 2015.
- vi. Planning Statement received by Flintshire County Council on 9 July, 2015.
- vii. Design and Access Statement received by Flintshire County Council on 9 July, 2015.
- viii. Amended Application Form received by Flintshire County Council on 2 December, 2015.
- ix. Amended Planning Statement received by Flintshire County Council on 2 December, 2015.

National & Local Planning Policy
Responses to Consultation
Responses to Publicity

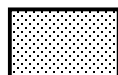
Contact Officer: NEIL A. PARRY
Telephone: (01352) 703293
Email: Neil.A.Parry@Flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:2500

OS Map ref SJ 2066

Planning Application **53959**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **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 1NO. CARAVAN FOR SECURITY AT DELYLN METALS LIMITED, POINT OF AYR, FFYNNONGROYW**

APPLICATION NUMBER: **051795**

APPLICANT: **DELYN METALS LIMITED**

SITE: **LAND AT FORMER COLLIERY SITE, DELYN METALS LIMITED, POINT OF AYR, FFYNNONGROYW, FLINTSHIRE**

APPLICATION VALID DATE: **2 APRIL 2014**

LOCAL MEMBERS: **COUNCILLOR G BANKS**

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

REASON FOR COMMITTEE: **SITE AREA IS GREATER THAN 2 HECTARES LOCAL MEMBER REQUESTED**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This planning application seeks consent to change the use of land to use as a recycling and recovery centre for end-of-life vehicles, ferrous and non-ferrous metals, redundant/scrap caravans, the receipt and storage of other salvaged inert materials, including

salvaged buildings supplies and the siting of one caravan for security purposes.

- 1.02 This application seeks to address the reasons for refusal of planning application 045069 which was for a similar application and was refused in January 2013 as the applicant failed to enter into necessary legal agreements. Also, this application seeks a time limited planning permission to 2033.

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

- 2.01
1. Time limit on commencement of development.
 2. Temporary permission: Operations and use to cease in 2033.
 3. In accordance with submitted plans to define the development.
 4. Scrap metal & caravan dismantling only, no processing or handling of other materials or wastes.
 5. Highway cleanliness: No debris or mud to exit the site.
 6. Locking of gates & signposting for site security and advice on routing.
 7. Fencing: Security and litter control.
 8. Traffic management scheme (traffic routing, larger HGVs to use Station Road, local rules, speed limit).
 9. Maintenance of internal access roads.
 10. Drainage: Surface water, contaminated water and foul sewer.
 11. Limits on storage of waste and products. Max 50 % of area, Max storage height 5 m, maximum tonnage 25,000t.
 12. Zone/operational working plan/fire management.
 13. Storage of oils, fuels and liquids.
 14. Lighting: No glare and duration.
 15. Contamination: Standard investigation and remediation scheme.
 16. Noise.
 17. Litter & debris.

18. Hours of operation.
19. Construction management plan.
20. Wildlife mitigation.
21. Access management plan.
22. Flood management plan.
23. Clearance and restoration of the site upon cessation of use.
24. Restoration plan.

S106 agreement or Unilateral undertaking for a commuted sum with respect to highways works for signposting and cycle path.

3.00 CONSULTATIONS

- 3.01 *Local Member* – Councillor Glyn Banks has requested that the application be referred to Planning Committee for determination as he considers the access to be dangerous, and also crosses the cycle path which crosses the site, he considers the site to be unsuitable for this activity in the long term and the location is in close proximity to nature conservation interests.

Town/Community Council – Llanasa Community Council have been consulted however no response was received.

Head of Assets and Transportation – No Objection, subject to conditions for an operational management plan to limit the use of the access on to Station Road for commercial use, and for the provision and maintenance of loading, parking and turning clear of the highway prior to the proposed development being brought into use. A S106 or unilateral undertaking for a commuted sum to the value of £1500 is required for the provision of advance warning signage on the A548 of the row railway bridge on the private Point of Ayr access road, and for give way markings on the approach to the private road from either direction of the cyclepath together with tactile paving.

Head of Public Protection – have no adverse comments to make regarding this proposal. Suggested a standard contaminated land condition be imposed.

Public Rights of Way – Public footpaths 27 and 28 cross the site and Public Footpath 26 abuts the site but appear unaffected by the development; therefore I have no observations to make.

Regional Emergency Planning Manager – Requested more information regarding numbers of employees and public access.

Welsh Water/Dŵr Cymru – have requested that if the Council is minded to grant Planning permission that a number of conditions and advisory notes in relation to drainage and the sewer system are included within the consent to ensure that there would be no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets.

Natural Resources Wales –

Have no principle objections to the proposed development subject to the inclusion of conditions in relation to; contaminated land and remediation, protection of the Dee Estuary SPA, SAC, Ramsar and SSSI by conditioning recommendations set out in the Environmental Statement, the erection of a boundary fence/structure to ensure that windblown litter from the site is contained within the site and does not encroach on the surrounding nature conservation sites, mitigation measures as detailed within the Environmental Statement in relation to the protection of the designated sites to ensure that the disturbance of birds is minimised, materials entering the site are reduced and to ensure the protection of Natterjack Toads, and restoration and aftercare.

NRW also recommended that the LPA consult the FCC Emergency Planning Team in relation to flood risk on access/egress routes.

Network Rail – Object to the proposal as they have concerns in relation to large vehicles using the former colliery access route and potential damage to the low Railway Bridge. Whilst Network Rail is supportive of development promoting employment however have to consider each proposal on its potential to impact on Network Rail infrastructure. Recent evidence shows that HGV activity continues on this route proposed only for staff vehicles and there is evidence that containers are being dragged under the bridge to avoid the height restrictions which continues to damage and degrade the surface of the road under the bridge.

Therefore due to continued use of the route by HGVs Network Rail is not satisfied that the proposal would not have a detrimental effect on the railway. For the objection to be withdrawn, there would need to be an agreement that HGVs would not use the route under the railway bridge, that any conditions could be enforced with punitive measures in place for any breach.

The Coal Authority – The application site does not fall within the defined Development High Risk Area and is located within the defined Development Low Risk Area. The Coal Authority therefore recommends that if the proposal is granted planning permission, it would be necessary to include the Coal Authority's Standing Advice within the Decision Notice as an Informative note to the applicant in the interests of public health and safety.

Health and Safety Executive - does not advise, on safety grounds, against the granting of planning permission in this case.

Sustrans – No comments received.

4.00 PUBLICITY

4.01 This application was advertised by way of press notice, site notices and neighbour notification letters were dispatched to nearest residential receptors. The application was advertised in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 on 4 April 2014.

4.02 Two letters of objection has been received from the immediate neighbour; the owners of the Point of Ayr gas terminal, Eni Liverpool Bay Operating Company Limited (Eni). Eni also own and control the land that takes the route of the proposed HGV access track which would use Eni Land from Station Road. The grounds for objection relate to proposed accesses to the site, site security and safety, impacts on public rights of way, suitability of the site, air and water quality, noise and impacts on ecology and proposed mitigation and the applicant's lack of ability to provide any off-site mitigation that may required as Eni have confirmed that they are unwilling to enter into any legal agreements to facilitate off-site mitigation works.

5.00 SITE HISTORY

5.01 The site is a part of the former Point of Ayr colliery which, was used for depositing colliery spoil and over time the site had been over tipped allowing its reclamation as an industrial site and in 1980, was given permission for the development of an experimental pilot coal liquefaction plant (reference 3/LL/200/80 granted 28.02.1980). This development was carried out and continued to operate until the late 1980's/early 1990's under a number of planning consents extending the time of the operations (references 3/LL/360/84 granted 20.09.1984 and 3/290/91 granted 23.07.1991 time limited until 18.05.2001).

- 5.02 In anticipation of the closure of the colliery, the site was purchased by Evergreen Environmental Services and a temporary planning permission was granted to convert the existing plant to a facility for the reprocessing of waste oil. Planning permission was granted under references 96/23/0061 and 96/23/0140 on 09.07.1996 and also 98/23/0238 on 05.05.1998 which were all time limited until 18.05.2001. These planning permissions were subsequently varied on 30 October 2003 to allow the use to continue until 18.05.2016 (references 032563 and 032567). The waste oil processing ceased in December 2003, and between 2000 and 2006 some of the plant from the former uses were removed although the site was not completely restored and much of the infrastructure remains some of which would be used by this development such as the hard standing, bunded bays and surface water drainage system and interceptors.
- 5.03 The site was acquired by the applicant in May 2004 with the intention of utilising the site for metal recycling and recovery. A retrospective planning application was submitted in 2008 (reference 045069) which sought to regularise that use to recycle ferrous and non-ferrous metals, end of life vehicles, redundant and scrap caravans and roof/wall panels.
- 5.04 In 2009, the Planning and Development Control Committee resolved to grant planning permission subject to the applicant entering into a legal agreement under the terms of the Wildlife & Countryside Act 1981 (as amended) Section 39 and a legal agreement under the terms of the Town & Country Planning Act 1990 (as amended) Section 106.
- 5.05 By January 2013, the applicant had failed to enter into these required legal agreements, and therefore planning permission could not be granted and planning permission was refused. The applicant has been operating the site with the benefit of an Environmental Permit but with no planning permission. This application seeks to address the reasons for refusal.
- 5.06 Later in 2013 an enforcement notice were served on the applicant. The notice stated that there had been a material change of use from oil reprocessing facility (including the ancillary processing and transfer of automotive service trade waste) and white oil production to a mixed use comprising: the storage of materials, plant and machinery; and the siting of caravans for residential purposes. These enforcement notices were not appealed as the applicant wished to submit a revised planning application to address the issues of the refused application reference 045069 and to regularise the unauthorised activite being undertaken on site. This planning application is as a result of the enforcement action taken.

- 5.07 Should this application be refused, the enforcement notice would take effect and the Council could prosecute the applicant for unauthorised development.
- 5.08 Flintshire County Council made an application for the construction of a cycle path which crosses the application site, reference 051828 which was approved on 24.04.2014. The route of the cycle path coincides with part of the proposed staff access route and the HGV access route would cross over the cycle path in one location.

6.00 PLANNING POLICIES

6.01 LOCAL PLANNING POLICY

Flintshire Unitary Development Plan (Adopted September 2011)

- Policy STR1 - New Development
- Policy STR7 - Natural Environment
- Policy STR10 - Resources
- Policy STR11 – Sport, Leisure and Recreation
- Policy GEN1 - General Requirements for Development
- Policy GEN 3 - Development outside Settlement Boundaries.
- Policy GEN 5 -Environmental Assessment.
- Policy D4 - Outdoor Lighting
- Policy L1 - Landscape Character
- Policy L6 - The Coast
- Policy SR8 - The Dee Estuary Corridor
- Policy WB1 - Species Protection
- Policy WB2 - Site of International Importance.
- Policy WB3 - Statutory Sites of National Importance
- Policy AC2 - Public Rights of Way
- Policy AC13 - Access and Traffic Impact
- Policy EM7 - Bad Neighbour Industry
- Policy EWP6 - Areas of Search for Waste Management Facilities
- Policy EWP7 - Managing Waste Sustainability
- Policy EWP8 - Control of Waste and Operations
- Policy EWP12 - Pollution
- Policy EWP13 - Nuisance
- Policy EWP 14 - Derelict and Contaminated Land.
- Policy EWP16 - Water Resources
- Policy EWP17 - Flood Risk

6.02 GOVERNMENT GUIDANCE

Planning Policy and Guidance

- Planning Policy Wales (Edition 8 2016)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)

- 6.03 Waste Strategy Policy and Guidance
Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010
Collections, Infrastructure and Markets Sector Plan, 2012
Construction and Demolition Sector Plan, 2012

7.00 PLANNING APPRAISAL

7.01 Introduction

The details of the proposed development will be outlined below along with a description of the site and location, site constraints and the issues that will be assessed within the main planning appraisal.

Details of Proposed Development

- 7.02 The proposed application comprises the change of use of land for predominantly a metal recycling and recovery plant which would undertake four main operations namely;

- Receipt, de-polluting, dismantling, segregation and storage of end of life vehicles and associated wastes prior to further treatment on site or removal off site;
- Receipt, segregation and bulking of ferrous and non-ferrous metals for treatment/processing on site, or for dispatching;
- Dismantling of redundant and scrap caravans and sorting into recyclable and non-recyclable material;
- Recycling and sorting of salvaged inert materials, including salvaged building supplies such as roof and wall panels, into recyclable and non-recyclable materials.

- 7.03 The term treatment and processing in the context of this application includes shredding/crushing/cutting/stripping/dismantling/sorting. The facility would predominantly utilise existing site infrastructure with some limited alternations. Site preparation and construction activities would be required in advance of site operations but would be restricted to the removal of the existing tanks from the former oil processing operations and the provision of a new one way access road within the site. It is proposed to use existing infrastructure on site such as office and other buildings, concrete hardstanding, contained bays, drainage systems and oil interceptors. There would be no new built development apart from the construction the new internal access road. Construction, operations and decommissioning works would only be undertaken within the boundary of the main site area owned by the applicant and not on the proposed external access routes. Existing tanks located on site would be removed and decommissioned and landscaping would be provided.

- 7.04 The applicant has stated that they will store materials at manageable heights. Given the low lying and flat nature of the immediate surroundings, high and bulky stockpiles would be inappropriate from a visual and landscape perspective and also increase the risk of off-site disturbance from noise, dust and litter from the influence of wind. It is proposed to limit the height, extent and maximum tonnage held in storage by condition. This will also limit the risk of site clearance liabilities in the event of abandonment which could affect future uses of the site, and will also reduce the potential for metal leaching, where metals become mobile in water due to degradation, which can become a source of contamination. Whilst an environmental permit issued by Natural Resources Wales will have a tonnage limit, these limits can be amended, which is potentially harmful to the amenity of the area, and the current 25,000 tonnes is considered to be an acceptable upper limit from an amenity perspective.
- 7.05 A single caravan used for the occupation of a security guard is proposed for 24 hour surveillance. The siting of the caravan would be ancillary to the proposed use of the land and would be used by a security guard as shelter and accommodation linked to the proposed use and not for residential purposes. Concerns have been raised about antisocial behaviour, fly-tipping, theft and fires. Since the presence of a permanent security presence on the site, these issues have ceased, and the risk is considered to be manageable. The overwhelming majority of the materials proposed to be handled and stored at the site are non-flammable, nevertheless, the site will be zoned, and materials that are potentially flammable will be stored in discrete areas and a fire management plan can be applied.
- 7.06 Hours of operation would be Monday to Saturday 0800-1800 Monday to Saturday in Summer months and 0800-1600 Monday – Saturday during Winter months.
- 7.07 Access to the site would be provided by existing access routes to the south and west of the site. The former colliery access road, which is an unadopted road accessed from the A548 at Tanlan, to the south of the development site would be used by staff and light vehicles only. This access road coincides with part of public footpath 26 and a cycle path granted by planning permission reference 051828, and travels under a low railway bridge. Commercial vehicles up to 44 tonnes would access the site from the west via Station Road which is located 1km to the west of the site and would cross land owned by ENI and use existing hardstanding. Parts of the HGV route coincide with public footpath 28 and crosses a cycle path granted also by planning permission reference 051828. The applicant claims that a right of access over ENI land from station road to the application site, the route which would be used by HGV traffic.

Site Description and Location

- 7.08 The site is a 4.6 hectare site which is made of reclaimed land, lies to the south east of the Point of Ayr gas terminal is located on the site of the former Point of Ayr Colliery and to the north of the settlement of Tanlan which lies between the settlements of Talacre, Gwespyr and Ffynnongryw adjacent to the Dee Estuary. It is a reclaimed brownfield site which, as described above, has a history of industrial temporary uses and lies 600 metres to the north of the A548 and adjacent to the North Wales main railway line which is located 50 metres to the south of the site.
- 7.09 Coastal grassland of varying quality surrounds the site on three boundaries; the north east, south east and north west, with sparse regenerating goat willow and ponds for natterjack toads also located to the south east. To the south west is a wooded bund which separates the site from the railway line and agricultural fields beyond.
- 7.10 The residential areas of Tanlan and the A548 are located to the south of the site beyond the railway line, with the closest residential property in excess of 450m from the site boundary. The residential areas of Glasdir, Peny-y-Ffordd and Ffynnongroyw are located further to the south east of the site. A waste water treatment works is also located to the south west of the site which is accessed from the unadopted access road proposed for the staff access from the A548.
- 7.11 The Eni gas terminal complex is located to the north west of the application site, with the residential area of Talacre and the Talacre caravan park located further to the north west.

Relevant Planning Constraints/Considerations

- 7.12 The Dee Estuary Site of Special Scientific Interest, Ramsar Site, Special Area of Conservation and Special Protection Area is located 200 metres to the north of the site and the Gronant Dunes and Talacre Warren SSSI are located to the north west. There are no habitats, plants, species or nature conservation interest within the development site. However, it is possible that individuals of a population of natterjack toads, which have been introduced to the habitat lying to the south east of the site could take cover within the development site.
- 7.13 The Eni gas terminal is located immediately to the west of the site and has planning permission until 11 November 2033.
- 7.14 Part of the proposed staff access route coincides with part of public rights of way Llanasa 26 and part of the HGV access route coincides with part of public right of way Llanasa 28. Both these rights of way form part of the All Wales Coastal Path. As stated above, the route of the cycle path approved by planning permission reference 051828 coincides with part of the proposed staff access route and the HGV access route would cross over the cycle path in one location.

- 7.15 Both access routes are also located within Flood risk Zone C1 with parts in Zone C2.

Issues

- 7.16 The main land use planning issues associated with the determination of this planning application are considered to be:
- Need for the development;
 - Principle of the Development and suitability of the location;
 - Need for the management of waste metal;
 - Ecology, Habitats Regulations and impact on designated sites;
 - Landscape and Visual Impact;
 - Noise;
 - Air quality
 - Highways, Traffic, Transportation and Access;
 - Impact on Public Rights of Way
 - Impact on the Railway
 - Protection of Water Resources and Drainage;
 - Flood Risk;
 - Contaminated Land
 - Community and Employment, Socioeconomic impacts.

Need for the development

- 7.17 The proposed facility would provide accommodation for the re-location of an existing Delyn Metals facility located at Ffynnongroyw. It would also receive some of the existing metal materials from the site in Gwespyr as this site is heavily constrained by the confines of the site and conditions restricting stockpile heights.

- 7.18 The proposed facility would serve a range of existing large industrial clients located in the north east Wales region and a number of local private trade companies.

Principle of the Development and suitability of the location;

- 7.19 The site is not within the settlement boundary and is an unallocated site within the Flintshire Unitary Development Plan. Whilst the site has had a history of industrial uses, this site is surrounded by nature conservation designations and former industrial sites surrounding the site have been restored. Also, Talacre which is located approximately 1 Km to the north west of the site is a popular tourist designation with a large caravan park located at the bottom of Station Road. The future of this part of the Flintshire Coast is uncertain and a permanent consent for waste metal recycling at this site would conflict with the Council's ultimate aim for the site which is to ensure that the site is restored to open coastal land in the future.

- 7.20 The Council has consistently sought to avoid any long term developments in this area and has limited previous planning permissions on this site to temporary periods. All the previous planning permissions granted on this site were temporary consents; most recently references 032563 and 032567 which were granted until 18 May 2016. The temporary nature of these permissions aimed to avoid dereliction of the site and to facilitate its future development or restoration in accordance with the Council's long term aim of seeing the whole former colliery site and the adjacent Eni Gas Terminal site restored to open coastal land.
- 7.21 The gas terminal has planning permission until 2033 and therefore, should planning permission be granted, it would be recommended that a condition be attached to the permission to ensure that the permission would be time limited until 2033.
- 7.22 The site is within the Dee Estuary Corridor. The Flintshire UDP recognises this coastal strip as a vital feature of the County not only for its historical, archaeological, nature conservation and landscape value, but also for the range of recreation opportunities it provides. Should planning permission be granted, it would be essential to continue to be able to control and monitor the appropriateness of the use of the land by granting a temporary permission to allow the Dee Estuary Corridor to be preserved and enhanced for future uses and enjoyment. This would ensure that the land could contribute to the multifaceted value of the Dee Estuary Corridor for future generations in accordance with Policy SR8 of the Flintshire UDP and the Dee Estuary Strategy to safeguard the future of the Dee Estuary.
- Restoration and aftercare**
- 7.23 It has been recommended by NRW to restore and manage the site in accordance with an approved scheme once the operation ceases.
- Need for the management of waste metal;***
- 7.24 The applicant has provided a waste planning assessment. This focuses on national planning policy and strategy, but confirms the following. Timescale temporary to 2033, hours of working, quantity and types of waste to be managed, design, layout, buildings and plant, amenity and nuisance, air pollution and energy efficiency.
- Ecology, Habitats Regulations and impact on designated sites;***
- 7.25 The site is adjacent to the Dee Estuary Site of Special Scientific Interest, Ramsar Site, Special Area of Conservation and Special Protection Area and Gronant Dunes and Talacre Warren SSSI which are located to the north west of site.
- 7.26 The Dee Estuary supports extensive areas of intertidal sandflats, mudflats and saltmarsh. During the winter, the intertidal flats and saltmarsh provide feeding and roosting sites for large populations of ducks and waders. The site is also important in the summer for

breeding terns and is also important during migration periods, particularly for wader populations moving along the west coast of Britain.

7.27 It is considered that the proposals do have the potential to impact upon these protected sites. The most likely impact pathway is of disturbance to winter roosting / feeding birds adjacent to the site and access roads. However it is considered that providing certain measures outlined within the Environmental Statement (ES) are implemented, the proposals are unlikely to have a significant impact upon these sites. A habitats risk assessment has considered that the proposed development is unlikely to have a significant impact on the European designated sites and features of interest. The site will not take additional wildlife designated land, as the proposal is for a change of use on previously developed.

7.28 The results presented in the ES demonstrate that a number of different species of wintering bird utilise areas adjacent to the site including mud flats, salt marsh, grassy fields and creeks.

7.29 The potential ecological effects that have been assessed within the ES comprise:

- Visual and noise disturbance associated with the proposed development on wintering birds species present within the Dee Estuary;
- Potential contamination of saltmarsh and mudflats within the Dee Estuary;
- Habitat loss due to damaging vehicular movement around the site;
- Potential for killing or injury of natterjack toads which have been introduced to the adjacent sites.

7.30 A number of mitigation measure shave been identified for the development which include limiting the speed limit of vehicles on the access road, ensuring that vehicles accessing the site do not stop on the access road, preventing people entering the habitats outside the site, unless to pick up windblown debris, taking measures to prevent spillage on site and establishing a fence to prevent natterjack toad entering the site.

Disturbance of birds

7.31 NRW welcomes the proposed landscaping detailed within Figure 2.1 and considered that the creation of the earth bund and tree planting (species composition should be agreed with the Local Authority) will reduce the potential disturbance of wintering birds utilising adjacent areas. These bunds should be created as early as is practical prior to other works proceeding onsite. The measures outlined within table 5.3 and section 5.10.2 should also be adhered to, so as to reduce potential impacts on features of these protected sites.

7.32 It is stated in the ES that “If particularly noisy operations are required they should be scheduled to take place outside the months of October to February... if this not possible then should take place outside of the high tide period”. NRW would welcome such measures, however, it is recognised that at this stage, ‘particularly noisy’ operations are difficult to define.

Materials entering the sites

7.33 Appropriate fencing / netting should be erected to minimise litter / materials blowing into the adjacent protected sites (see Natterjack Toad section below for further required features). NRW would also welcome plans to remove any blown litter from the site by litter picks. The timetable and methodology for these should be drawn up with the Local Authority to ensure no additional disturbance is caused to features of the protected sites (e.g. only litter picking at low tide).

Natterjack Toad

7.34 Given the proximity of breeding pools to the site, there is potential for natterjack toads to utilise waste storage areas / piles for shelter. Whilst measures have been outlined within the ES, NRW consider that the following would be more appropriate to ensure the protection of this species and require less regular maintenance:

- A suitable barrier to reptiles should be incorporated into the boundary fence of the development (the most suitable material would be metal). This permanent feature would ensure no reptiles would enter the site and require little maintenance.
- At any entrance to the site a suitable grid should be inserted (with appropriate escape routes) to ensure that natter jack toads do not enter at these points
- Once the features above have been erected, the site should be checked for natterjack toads and if found, they should be placed outside the site. Once this is complete, it can be considered that natterjack toads are not present onsite. This should be undertaken by a suitably qualified and licensed ecologist.

7.35 Minor impacts may also arise due to materials blowing off the current application site. NRW recommend that the authority condition the erection of a suitable structure /fence to prevent materials blowing off the site onto adjacent land.

7.36 Whilst some time has lapsed since the preparation of the Environmental Statement, there has been no significant change to the development which was assessed, or to the designated habitat and species surrounding the site. The conclusions of the Environmental Statement are that the proposed development has a low impact on wildlife conservation and it is considered that these remain valid.

7.37 Contaminated land conditions from NRW would be imposed to ensure previous contamination does not harm the Dee Estuary designations. Recommendations are set out in the Environmental Statement

7.38 It is proposed to impose a condition addressing wildlife mitigation to minimise the risk of disturbance to wildlife. The site is previously developed and no habitats are at risk of harm, however wildlife is capable of being disturbed, and controls will include speed limits, defined and controlled access routes, and maintenance of fencing, gates and security to minimise the risk of unauthorised access which could increase the number of vehicles and persons visiting the area in a manner that could disturb wildlife, and to prevent wildlife from entering the development site.

Landscape and Visual Impact;

7.39 An existing belt of mature trees to the south of the site effectively screens the site from the south. Given the open and exposed aspect of the site and lack of land outside of the development, there is limited opportunity to provide screening. The site is not generally visible at low level and direct views over the site are only possible from higher land located over a kilometre inland of the site to the south. Immediate views will be possible as visitors travel past the site who use public rights of way and the cycle path, however, the impact is localised to the immediate surroundings.

Noise.

7.40 Noise assessments would be undertaken on an annual basis. Mitigation measures identified within the noise assessment of the ES include staff training to emphasise the importance of noise control, restricting noisy activities to the hours of 0900 – 1600, turning off plant and machinery when not in use to reduce the noise from idling engines and selecting low noise plant where practicable.

7.41 Mitigation measures are proposed in the ES noise assessment and a construction environmental management plan will include noise mitigation measures and management.

Air Quality and Dust.

7.42 Processing could give rise to localised dust and dust control mitigation measures are proposed in the air quality assessment.

Highways, Traffic, Transportation and Access.

7.43 The applicant has provided a transport statement. Historically, a significant volume of traffic used the transport routes when the Point of Ayr Colliery was operational. More recently, in connection with a waste oil reprocessing operation, this was 6 HGV visits (6 in, 6 out) and 4 staff visit per day.

- 7.44 The current proposal estimates an input or output of 50 tonnes per day carried by 6 HGVs per day (12 movements) using the western (green) commercial route, together with 4 staff vehicles – 8 movements. The HGVs in the range 7.5 to 44 tonnes would be routed. There is no proposal for this site to be open to general public use, and is for the use of vehicles controlled by Delyn metals only.
- 7.45 Access to the site would be provided by existing access routes to the south and west of the site. The southern route would be used by staff vehicles using an unmetalled unclassified and unadopted road from the A548 at Tan Lan which was the former colliery access road into the site and travels under a low railway bridge. Commercial vehicles up to 44 tonnes would access the site from Station Road which is located 1km to the west of the site across land owned by Eni along existing hard standing, parts of the route coincide with public footpath 28 and crosses a cycle path granted by planning permission reference 051828. The applicant has a right of access over the former colliery site to the west.
- 7.46 The proposal to restrict access by HGVs to use the western route only would reduce the risk of any potential strikes to the low railway bridge and damage to the highway wearing course, and therefore removes the need for the applicant to install any signage and protective barriers which were a requirement of the application made under reference 045069 and would remove the requirement for the applicant to enter into a section 106 legal agreement, which the land owner would not agree to.
- 7.47 An access management plan can be secured by condition and would include staff training, information to ensure that the speed of vehicles on site would not exceed 15mph to protect amenity, minimise potential risk of collision with pedestrians and cyclists using the rights of way and to ensure that disturbance of birds and other species in the adjacent nature conservation areas. The Western access is secured by a number of locked gates, and an attendant would accompany all visiting HGVs to unlock and relock these gates to ensure that site security is maintained and prevent unauthorised access. The southerly route is also secured by a locked gate.

Impact on Public Rights of Way

- 7.48 Concerns have been raised in relation to the potential conflict with vehicles and pedestrians using the public rights of way which are present throughout the site. Public right of way Llanasa 28 coincides with the commercial vehicle route located to the west of the site, and public right of way Llanasa 26 coincides with the staff vehicle route to the site located to the south of the site. However, the Flintshire County Council's right of way department have been consulted on the proposal and have not objected to the proposal. The commercial vehicle route is open with no pedestrian protection or segregation. However, the site is very open and it is considered that as vehicles

would be travelling at slow speeds, pedestrians and drivers would have plenty of time to respond to ensure that any collision would be avoided. There is sufficient visibility along the route within the site.

- 7.49 Part of public right of way 28 coincides with an existing vehicular route as does public right of way 26 and to date there have been no known conflicts. The proposed frequency of HGV movements is low, and visibility is good for users of the paths and for HGV drivers, and so the incidence of potential conflict is low and the presence of a series of gates which have to be locked and unlocked with each passing vehicle will further limit the potential for any HGV to breach the intended speed limit. Furthermore, the western route would have the effect of removing commercial vehicles from the southern route. It is proposed that a Section 106 or unilateral agreement is entered for the applicant to commit to provide a commuted sum for the provision of warning signs, ground markings and necessary signage.

Impact on the low Railway Bridge

- 7.50 The proposal to route HGVs via Station Road means that no such vehicles need to use the low railway bridge on the private road leading from Tan Lan. This in turn should address the concerns raised by network rail about damage to both the bridge and to the road under the bridge where the practice of unloading containers and dragging them under the low bridge was taking place. A condition can be imposed to require that no HGVs use the staff access/former colliery road and ensure that the low railway bridge and road is not damaged. The Tan Lan route will only be used for light traffic.

Protection of Water Resources and Drainage;

- 7.51 The existing site has hard standings with interceptor traps and an existing drainage system, which should enable foul, surface water and contaminated water to be segregated and managed. Surface water quality is addressed within section of the Environmental Statement. Conditions will be imposed dealing with water management to ensure that water is managed and does not constitute a risk of contaminated water to the River Dee Estuary.

Flood Risk

- 7.52 With regards to flood risk, the application site for the processing works/buildings etc. is previously developed land, and is considered to be suitably elevated above extreme flood levels which include sea level rises associated with climate change. This has been checked and verified by Natural Resources Wales using their Lidar Data.
- 7.53 However, the two access routes proposed (Heavy Goods Vehicle and Staff access route) are at risk of flooding during extreme events as they are located within Zone C1 and parts located within Zone C2. Natural Resources Wales therefore recommended consultation with the Flintshire County Council Emergency Planning team to ensure that the flood risk associated with the access/egress routes is

acceptable. Flood depths on the access route(s) could be up to 1.8m during the extreme event if the flood defences protecting the area were to breach/fail.

Contaminated Land

7.54 The site is previously developed land and has hosted potential former contaminative uses. Little new development is proposed as it is the use of the site that is the proposal under consideration. Much of the land has existing concrete hardstandings and water containment systems in place. The proposed use is also capable of contributing to contamination, albeit is a low risk with the exception of the de-pollution of vehicles. Should planning permission be granted, a condition in relation to contaminated land and mitigation/remediation shall be included to any decision notice.

7.55 Mitigation measures are set out in the Environmental Statement in para 6.7.1 including wheel cleaning facilities. In addition a construction environmental management plan will be required prior to the construction phase of any internal access roads or other works within the site.

Community and Employment, Socioeconomic impacts

7.56 The site will provide a valuable outlet for metal recovery and will generate and sustain a modest number of jobs. The site is remote from residential development and also from the main tourist and holiday destinations at and to the west of Talacre, and the level of usage is proposed to be modest. Given the proximity with the Eni gas landing terminal, it is not considered that there is a significant negative impact on either residential wellbeing, tourism or other businesses that may operate in the area.

8.00 CONCLUSION

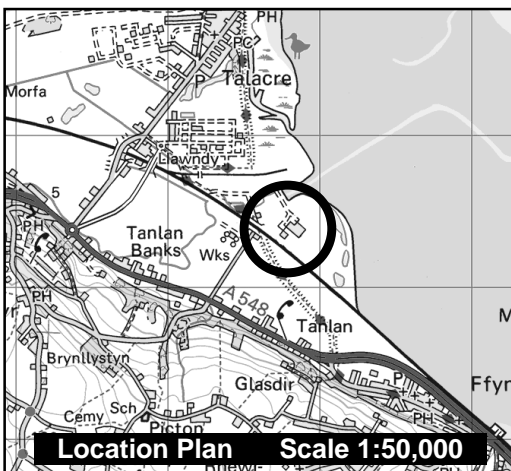
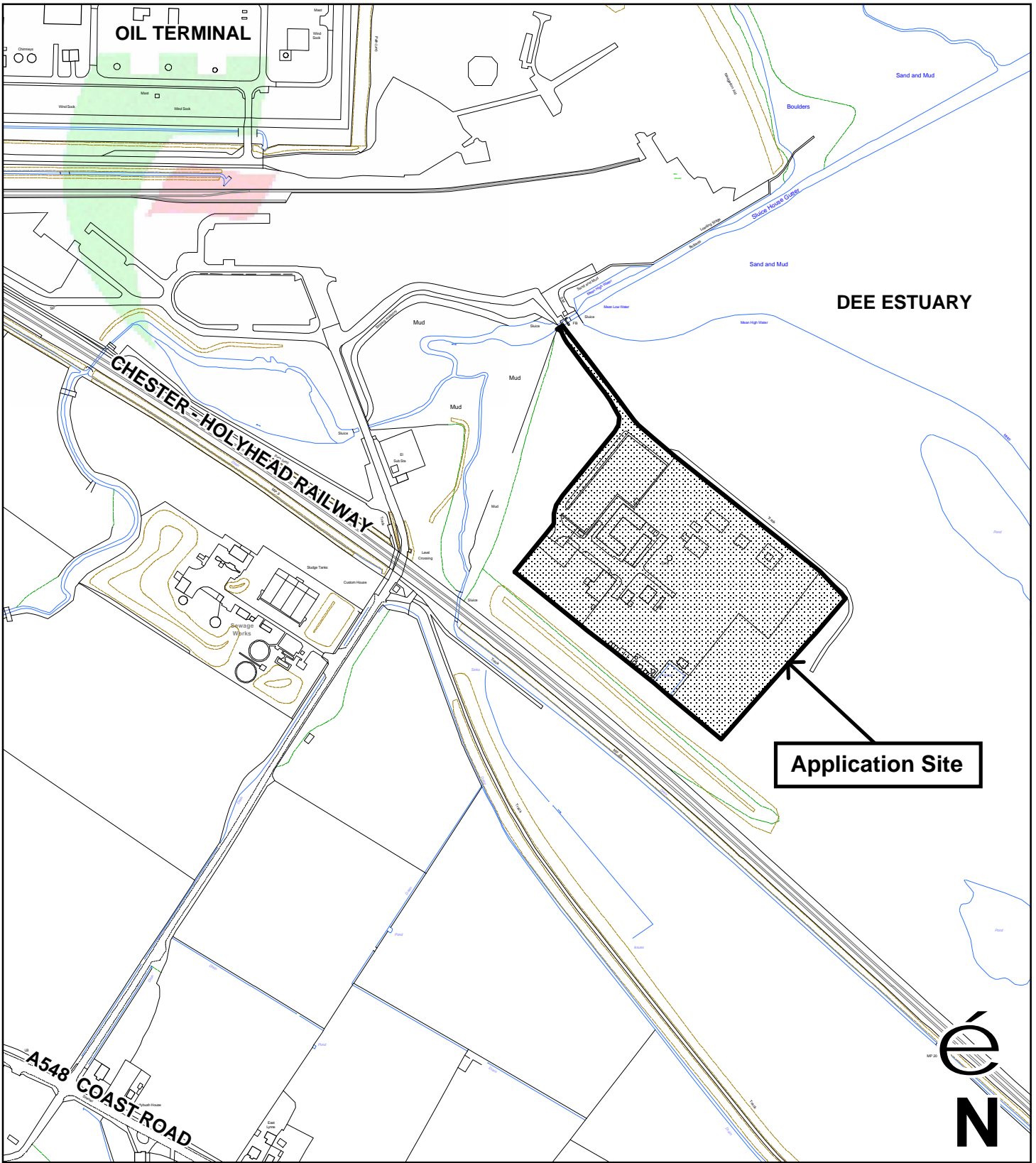
8.01 In considering this application the Council has taken into account all the environmental information and matters that are material to the determination of this application, as set out in the Application, Supporting Statements and Environmental Statement. The environmental statement has considered and assessed the impacts on ecology, nature conservation and adjacent designated sites/protected species, and concludes that the potential for impacts on the designated features is low, and can be managed. All other impacts are short term, and reversible. The site and proposed use is temporary and the site will be cleared upon cessation of operations.

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.

8.03 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted subject to conditions.

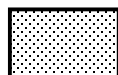
Contact Officer: Gary Nancarrow
Telephone: 01352 703275
Email: gary_nancarrow@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale	1:5000
OS Map ref	SJ 1283
Planning Application	51795

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **ERECTION OF A FOODSTORE, ASSOCIATED CAR PARKING, ACCESS, SERVICING AND LANDSCAPING (PARTLY RETROSPECTIVELY) AT BROUGHTON SHOPPING PARK, BROUGHTON**

APPLICATION NUMBER: **054589**

APPLICANT: **ALDI STORES LTD**

SITE: **BROUGHTON SHOPPING PARK, BROUGHTON**

APPLICATION VALID DATE: **12.11.15**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST TO CONSIDER THE CHANGES FROM THE ORIGINAL CONSENT AND CONDITIONS**

SITE VISIT: **NO**

This application was deferred from consideration at Planning and Development Control Committee on 20th January 2016 in order for Members concerns to be addressed relating to;

- Site security and the impact of security of the neighbouring properties
- Impact of the site on the amenity of the adjacent residents
- The loss of the affordable housing on site and the adequacy of the commuted sum proposed.

The report has been updated below to address these concerns following further discussions with Aldi and housing officers. These are summarised as follows;

Site Security

- The store has CCTV which monitors the perimeter of the store. A sign has now been erected to advertise this fact at the start of the gabion wall. An additional camera at the rear of the store has also been erected.
- The store has been designed to follow the principles of Secure by Design. No incidents of anti-social behaviour have been recorded.
- In terms of accessing 26 Simonstone Road, any person would have to climb the gabions which are 1.6m in height with the 1.2m lattice fence on top (2.8metres in total), then scale up and down the bund with vegetation which although has gaps at the moment will grow. There is then the heras fencing and garden fence of 26 Simonstone Road. It is therefore not easy to access the rear garden from the store. It is not considered any additional security measures are required.

Amenity and landscaping

- The proposed planting is in excess of what is required to be there in an ordinary landscaping scheme. Any additional planting would not leave sufficient room for the proposed scheme to grow and establish. The lattice fence was put in place to provide instant screening while the low level planting establishes itself. The laurel hedge has now been planted at the base of the bund.
- Officers consider that from a planning point of view no additional planting or fencing is required in the interest of residential amenity.
- The trolley bay has been relocated to the front of the store.
- The cycle hoops have been relocated away from the boundary and closer to the store frontage.
- Public Protection have been to 26 Simonstone Road with noise monitoring equipment and the refrigeration unit was not audible at the property. The occupier has complained about “a revving up noise” and equipment has been left with the occupier in an attempt to record this noise. Following this statement at Committee, Aldi have undertaken their own noise readings of the plant equipment for two weeks from 27th January to 10th February. The results show that noise levels from the plant are lower than the pre-existing background noise levels during the day time and night time periods. This concluded that are no issues with the plant equipment and it is within the agreed levels as predicted in the noise assessment which accompanied the planning application. A complaint was made in regard to two noise events during Wednesday 10th February. One of these occurred during the time Aldi’s noise equipment was located on the site. The site is in an area with a range of activities which generate noise, including the Airbus site. Aldi’s noise consultants confirmed that this event coincided with the scheduled landing of the Airbus Beluga Supertransporter. This has been confirmed by checking the flight data.

- The increased opening hours would not have any impact on residential amenity. The potential noise source from the trolley bays has now been relocated to minimise any potential impacts.
- The increased delivery times would not have any impact on residential amenity as these take place in an enclosed bay and reversing beepers are switched off outside store opening hours.
- No complaints have been received while the store has been operational in respect of any issues related to the opening hours or delivery times.

Affordable Housing

- There are 13 people on the Affordable Housing Register for NEW Homes for Broughton. 2 requiring one bed accommodation, 7 requiring two bed accommodation and 4 requiring three bed accommodation. There is 1 household requiring one bed accommodation, 4 requiring two bed accommodation and 1 requiring three bed accommodation on the Gwrp Cynefin Register putting Broughton as their preferred location. The households on the NEW homes register could also be the same people on the Gwrp Cynefin register.
- The calculation of the commuted sum is based on the value of the discount a developer has to offer on the open market sales value of the property to make it affordable. Based on advice from Housing Strategy colleagues this value is equivalent to a 30% discount on the full asking price for a property.
- Based on the discount applied on actual sales of affordable homes on the nearby large development south of the Retail park (30% discount on a 3 bed mews or £48,000) as part of the negotiations on the application the Council therefore proposed an initial commuted sum of £240,000 (£48k x 5) to Aldi.
- Aldi had prepared their own assessment of final values of the properties on their site, if built, but chose to value these and the resultant discount based on a rental tenure rather than final sales value. Based on this they proposed a commuted sum payment of £174,000 or £34,800 per property. They also argued that the properties on their site, if built, would not be as market attractive as those on the nearby development, which officers accepted to a point.
- Having discussed the respective valuations with Housing Strategy colleagues, officers considered that Aldi's assessment of rental yield was too high, producing in return a lower expected value for each of the 5 properties. Using Aldi's approach officers applied a more realistic rental yield for the Broughton area which then produced a higher value per property. The cumulative result of applying a 30% discount to this value resulted in a sum close to £210,000 (£42,000 per property). Aldi accepted this hence the recommendation in the committee report.
- The affordable housing commuted sum could be spent on a range of options to assist people in accessing housing which is currently not available to them. The exact way the money would

be spent would be agreed by Housing Officers through the following;

- Acquiring land through purchase within Broughton and Bretton and housing being built through the SHARP program and let through NEW Homes subject to the identification of a suitable site
- Mortgage/deposit assistance to help people access market housing
- The purchase of properties within Broughton to be let by NEW Homes

During the debate at Committee on 20th January 2016 the legal officer advised that the fact that the application was retrospective was not a material planning consideration. However, the fact that there has been planning permission granted for a food store on the site is a material consideration. This is still a valid matter in the consideration of this application.

1.00 SUMMARY

1.01 This is a retrospective planning application for the erection of a 1,843m² foodstore with a net sales area of 1,254m² with 132 car parking spaces, access, servicing and landscaping.

1.02 It is considered that the proposed landscaping and boundary treatment in the amended scheme does provides adequate screening between the store and the existing residential properties along Simonstone Road and Chester Road. It is considered that a condition to control the maintenance and management is required to ensure that the landscaping does not become overbearing and it retains its function. The proposed opening hours and delivery times are acceptable. The issues of public art and affordable housing can be dealt with by commuted sums through a S106 agreement.

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

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

- Payment in the sum of £210,000 towards the 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

Conditions

1. Time commencement
2. Plans

3. Landscape maintenance and management programme
4. Landscape implementation
5. Opening hours - Monday to Saturdays 0800 – 22.00, Sundays a six hour period between 10.00 and 18.00.
6. Delivery hours – Monday to Saturdays from 06.00 – 23.00 including bank holidays and Sundays 07.00 – 23.00 hours
7. Retention of 2.5m high fence around condenser unit for lifetime of operation of store and the incorporation of a 10dB (A) inline silencer in the extraction system

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within three 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 W Mullin

Requests Committee determination to consider the changes from the original consent and conditions. Requests a Committee Site visit for a better understanding of the store and also the landscaping issues.

Broughton Community Council

Objects on the grounds of;

- The landscaping is insufficient to provide proper screening of the store from the properties adjacent to the site
- The bund has been reduced in depth and many trees removed
- The proposed landscaping scheme does not remedy this situation
- The conifers planted should extend along the rear of the store and more deciduous trees should be planted adjacent to the residential properties
- The acoustic fencing should be increased in height by a metre and extended to screen the vents in the rear of the buildings
- The fencing should be extended for security reasons
- While the Council does not object to the removal of the affordable houses it asks that the 'compensatory finance' is ring-fenced for the benefit of the residents of Broughton and Bretton

Highways Development Control Manager

No objection. As the store is completed in accordance with the previously submitted details there are no conditions required.

Public Protection Manager

No objections subject to the retention of 2.5m high fence around condenser unit and the incorporation of a 10dB (A) inline silencer in the extraction system.

Welsh Water/Dwr Cymru

No objections subject to a condition requiring a grease trap.

Natural Resources Wales

No objections but comments on;

Flood Risk

The site lies partially within Zone A and partially within Zone C1 as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map (DAM). The submitted Flood Consequences Assessment (FCA) correctly identifies that the site lies outside Natural Resources Wales' present-day modelled tidal and fluvial flood outlines, and that the area to the north of the site is included in Flood Zone 2 and hence DAM Zone C because it was affected by fluvial flooding from Broughton Brook in 1964.

The FCA states that there will be no new building developments within the area affected in 1964, which will be part of the proposed car parking area. While the FCA does not comment specifically on the expected flood levels on site during the 0.5% AEP plus climate change event, paragraphs 7.1 and 7.2 indicate that site levels are no lower than 7.9mAOD which is higher than the expected tidal Dee defended in-channel level, with uncertainty and with 75 years' climate change in 2090, of 7.21mAOD. The development would therefore comply with A1.14 of TAN 15, and we have no objection to the proposals.

The FCA comments on all four criteria in A1.15 of TAN 15. Again, the FCA does not comment specifically on the expected tidal flood levels on the site during the 0.1% AEP plus 75 years' climate change event, but site levels would appear to be higher than the modelled tidal Dee defended in-channel level for this event (7.23mAOD). Given that the development is outside the modelled 0.1% AEP fluvial flood outline, and towards the edge of the recorded fluvial flood outline, we would accept the assessment in paragraph 7.8 that flood depths and velocities are likely to be low.

We note that for a previous application on this site (your Authority reference 052369), the consultant Peter Mason Associates obtained confirmation from DCWW that the culverted watercourse beneath the site is not a public sewer. Therefore, given that the FCA states that infiltration is not feasible, surface water runoff from the site may be discharged to the culvert.

Airbus

No aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

The application was advertised as a departure from the development plan.

3 letters of objection on the grounds of;

- The scheme no longer includes housing and the commuted sums are not equivalent to the costs of building the houses
- Impacts on residential amenity from the store due to the removal of the previous existing landscape bund and high level planting
- The revised plans have not accounted for the impact on neighbouring properties
- Store is closer to the boundary by 0.67 metres
- The landscaping bund and vegetation was removed without planning permission
- No significant visual barrier between the store and the existing houses
- Aldi have altered the landscaping to suit their own purposes
- The rear of the store, vents and lights and the 'plant' are all clearly visible to the immediate residents
- Residents were assured that the bund would be retained in full and enhanced this is not the case
- Acoustic provisions are inadequate
- Residents request additional fencing along the boundary
- There is no security gate to the side of the store and this is a security issue. The public can access the walkway around the building. The installed security gates are too low.
- Request two 25ft high deciduous trees are planted in place of the ones removed
- Continue the line of evergreen trees across the whole of the bund to provide a visual screen
- Replace the render with brickwork so it would blend better with the surroundings
- The plant should be repositioned to the other end of the store where it will not impact on residents
- Use of rear garden is compromised by noise from trolleys and cycle racks and this area should be enclosed
- Opening hours should be restricted to 9am to 8pm and deliveries from 8am to 9pm.

1 letter of support

Comments from the Community Safety Officer that the development should look to achieve the 'Secured by Design Accreditation for commercial developments'.

5.00 SITE HISTORY

- 5.01 052369 - Full planning application for a foodstore (Use Class A1) and 5 three bedroom affordable houses (Use Class C3) with associated car parking, access, servicing and landscaping. Approved 19.03.15.

Application site

048764 Construction of a 1473sqm supermarket and 464.5sqm non-food retail unit. Refused. 20.02.12

046818 Erection of a 1347 m2 supermarket and a 467.2 m2 non-food retail unit (Gross internal area) together with car parking and associated works. Withdrawn 17.12.09

046564 Outline - erection of a budget hotel of up to 70 rooms and a separate restaurant/public house together with car parking, landscaping and other associated works. Withdrawn 11.01.10

Adjacent site

049488 Outline - Erection of up to 24no. dwellings together with means of access from shopping park link road and removal of part of existing earth bund and change of use of land to domestic gardens. Approved 13.05.13

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 - New Development
STR4 – Housing
STR5 – Shopping Centres and Commercial Development
STR10 - Resources
GEN1 - General Requirements for Development
GEN2 - Development Inside Settlement Boundaries
D1 - Design Quality, Location and Layout
D2 - Design
D3 – Landscaping
D6 – Public Art
WB1 - Species Protection
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
S6 – Large Shopping Development

HSG1 – New Housing Development Proposals
HSG8 – Density of Development
HSG10 – Affordable Housing within Settlement Boundaries
SR5 – Outdoor Playing Space and New Residential Development
EWP3 – Renewable energy in New Development
EWP14 – Derelict and Contaminated Land
EWP17 – Flood Risk
Supplementary Planning Guidance Note 25: Development Brief for Housing at the Compound Site, West of Broughton Retail Park.
Planning Policy Wales Edition 7 (July 2014)
Technical Advice Note 1: Joint Housing Land Availability Studies
Technical Advice Note 4: Retailing and Town Centres
Technical Advice Note 11: Noise
Technical Advice Note 12: Design
Technical Advice Note 15: Development and Flood Risk

The application is in accordance with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a retrospective planning application for the erection of a 1,843m² foodstore with a net sales area of 1,254m² with 132 car parking spaces, access, servicing and landscaping.

7.02 Planning history

Planning permission was granted for application (052369) “Full planning application for a foodstore (Use Class A1) and 5 three bedroom affordable houses (Use Class C3) with associated car parking, access, servicing and landscaping.” in March 2015 following a resolution by Planning and Development Control Committee. This was contrary to officer recommendation as the site is a housing allocation with the Flintshire Unitary Development plan.

7.03 During the implementation of this permission it became apparent that there were some issues with the location of the store and its siting in relation to the surrounding residential properties and the extent of the works that therefore needed to be undertaken to the existing landscaping bund and vegetation.

7.04 Following discussion with Aldi and its agents this application has been submitted in order to regularise the development on site and to reflect some proposed changes to the scheme. This includes the removal of the housing element of the scheme and therefore an extension of the car parking and landscaping, along with some minor changes to the store building and the erection of a substation in the car park.

- 7.05 Site Description
The site is located within the settlement boundary of Broughton to the east of the settlement. To the west of the site is existing residential development and to the east is Broughton Retail Park which is outside the defined settlement boundary. The site is bounded by the Broughton shopping park link road to the east and to part of the northern boundary is Chester Road and further residential development. The Airbus factory is located to the north east of the site. The current application relates to the northern part of the site.
- 7.06 The site was known as the 'compound site' as it was formally used as the construction compound for the retail park in the 1990's. The southern part of the site' has outline planning permission 049488 for 24 houses approved on 13.05.13. A reserved matters application has recently been submitted for 24 dwellings on this part of the site and is currently under consideration. (054728)
- 7.07 The foodstore which is the subject of this application has now been completed and is operational in accordance with the submitted details and opening/delivery hours.
- 7.08 Proposed development
This current application therefore regularises the works carried out on site which are not in accordance with the previously approved scheme (052369).
- 7.09 The application was submitted with a suite of documents to satisfy the previous requirements of planning conditions imposed. These include;
- Planning Statement including retail assessment by JLL
 - Plans and ownership Certificate
 - Design and Access Statement
 - Transport Assessment
 - Noise Assessment
 - Flood Consequences Assessment
 - Statement of Community Involvement
 - Construction Traffic Management Plan
 - Lighting /CCTV details
 - Drainage details
 - Bird nesting check details
- 7.10 The current application proposes a S106 agreement to provide a commuted sum in lieu of the previously proposed 5 affordable dwellings. The area previously shown to be housing is proposed to be additional car parking spaces (132) for the foodstore and landscaping.
- 7.11 It is also now proposed to provide a unilateral undertaking with a commuted sum of £15,000 towards public art in the community in lieu

of providing public art within the site (as previously secured by condition).

7.12 There are also some minor physical changes to the foodstore building namely; the alignment of the loading bay. It is also proposed to extend the opening hours and delivery hours from those approved to those which were previously requested as part of 052369.

7.13 The main issues to consider are;

- whether the proposed landscaping and boundary treatment in the amended scheme provides adequate screening between the store and the existing residential properties along Simonstone Road and Chester Road
- the suitability of the proposed opening hours and delivery times
- the acceptability of a commuted sum in lieu of the 5 affordable houses

7.14 Principle of development

The principle of the retail use of the site has already been established by planning permission 052369 for “Full planning application for a foodstore (Use Class A1) and 5 three bedroom affordable houses (Use Class C3) with associated car parking, access, servicing and landscaping.” This application therefore is to regularise the differences between what was approved and what is as built on the ground.

7.15 Landscaping

The previous application 052369 stated that the existing landscaping bund which was on site as part of its former use as the compound for the construction of the retail park would remain. The bund was covered in unmanaged vegetation and it was proposed that the mature trees would remain with some removal of low level vegetation as required. However following the marking out of the store on site and the commencement of the construction process it became evident that the works required to the bund were more substantial than initially envisaged. The stores location was plotted using GPS with the retail park spine road as the starting point. The site boundaries with Simonstone Road and Chester Road has not been surveyed on site due to the vegetation that was on the bund. The submitted plans had therefore relied upon Ordnance survey data which in this instance was inaccurate with what was actually built on the ground.

7.16 The main discrepancies related to the position of the boundaries and siting of 24 and 26 Simonstone Road. These properties were in fact closer to the site boundary than indicated on the Ordnance Survey plan. The adjacent properties on Simonstone Road to the west of the foodstore and on Chester Road to the east were in fact located approximately 0.7-1 metre closer to the foodstore than shown on the

plans. Furthermore, one of the neighbouring properties (26 Simonstone Road) is also closer to the boundary than shown on the plans.

- 7.17 It was necessary to remove part of the existing bund during the construction process along the western and northern boundaries and then reinstate it and support it with stone filled gabion baskets and a 1.2 metre high fence. This led to the removal of the trees and vegetation which were established on the bund. This is proposed to be and has been replanted with a comprehensive landscaping scheme. This is being implemented on site. The proposed scheme is a mixture of deciduous and evergreen trees, hedge and shrub planting. An adjacent resident on Simonstone Road has questioned the nature of the planting and fencing proposed and has requested an alternative mix of planting and additional fencing.
- 7.18 It is considered that the landscaping shown on the latest drawing provides a mixture of evergreen and deciduous vegetation at varying heights which together with the bund and fencing provide a reasonable screen for the store from the adjacent properties. The concern is that the level of planting proposed may become overbearing on the adjacent properties in the medium term and proactive management is therefore required. It is therefore recommended that a condition is imposed to secure the long term management and maintenance of the landscaping.
- 7.19 In terms of the impact on the site on residential amenity whilst it is acknowledged that the rear of the store building is visible from Simonstone Road and the rear gardens of properties on Simonstone Road it has to be considered what is the impact that this causes and what is the planning harm. This is an urban area with residential properties adjacent to a food store. Landscaping mitigation has been proposed and partially implemented to mitigate any potential impacts. The rear of the store is not a public area and there is no staff access. The only access to this area is for maintenance to the plant equipment. The doors on this elevation are fire doors for emergency access only.
- 7.20 The side of the store is partially visible from properties on Chester Road. Along this corridor there is activity associated with the trolley bays and cycle stands which are under a canopy. The active frontage of the store is set back underneath the canopy. There is the landscaping bund with gabion baskets and planting between the canopy and the rear gardens of the dwellings on Chester Road. It is therefore considered that any impact on amenity is adequately mitigated.

- 7.21 An adjacent resident of 26 Simonstone Road has also raised concerns about concerns over security to the property due to the location and height of the rear security gate and public access around the trolley bay and cycle stands down the side of the store. Prior to the development of the site as a retail unit, the land was open with no security fencing at all. The site now has an active use and there is an appropriate security gate each side of the store to prevent public access to the rear. It is not considered from a planning point of view that any additional gate or fencing is required.
- 7.22 Noise
A Noise report by Spectrum Acoustics was submitted with the planning application. This sets out the sources of noise from the development and assesses them against current background levels. This concludes that subject to the retention of 2.5m high fence around the plant condenser unit and the incorporation of a 10dB (A) inline silencer in the extraction system the mechanical plant would meet noise limit objectives and would have a low noise impact. Public Protection have no objection with the submitted noise assessment subject to the mitigation measures being implemented.
- 7.23 The adjacent resident has raised the issue of trolley noise and requested a fence to act as an acoustic barrier and screen the air conditioning vents on the rear of the building. There are no planning grounds to request this.
- 7.24 Delivery times and opening hours
It is proposed that deliveries take place Monday to Saturdays from 06.00 – 23.00 including bank holidays and Sundays 07.00 – 23.00 hours. All deliveries take place within the enclosed bay so the only potential noise associated with deliveries is the arrival of the vehicle and the manoeuvring associated with reversing into the bay. Once in the bay deliveries are made into a hatch direct from the lorry into the store. The hours imposed on 052369 were Monday to Saturday 0700 - 2100 hours with no deliveries on Sundays or Bank Holidays.
- 7.25 A noise report has been submitted with the planning application which was undertaken with Spectrum Acoustics which considers that deliveries could be undertaken within the proposed hours without any impact on residential amenity. Public Protection raise no objection to the delivery hours proposed.
- 7.26 The proposed store operating hours are Monday to Saturdays 0800 – 22.00 and on Sundays a six hour period between 10.00 and 18.00. These hours are those which were previously requested by Aldi as part of 052369, however earlier closing times were previously imposed due to the objections from neighbouring properties. The

opening hours imposed on 052369 are Mondays to Saturdays 0800 - 2000 hours and Sundays 1000 - 1800 hours.

- 7.27 A noise report has been submitted with the planning application which was undertaken by Spectrum Acoustics. Public Protection have no objections to the proposed opening hours on amenity grounds therefore it is not considered that shorter hours could reasonably be imposed.
- 7.28 Differences with the previous permission
There is a small difference in the total floor area of the foodstore as the alignment of the delivery bay has been amended slightly from 1805m² to 1,843m². This does not have any other implications.
- 7.29 There are other minor amendments namely the erection of a substation in the car park and a bin store.
- 7.30 Access and parking
The vehicular access to the site is in the south east corner and the previous access to the site has been closed off and the footway reinstated. There are also 3 pedestrian access routes into the store grounds, one off Chester Road and two off the spine road form the retail park.
- 7.31 The previous application 053269 proposed 101 parking spaces, however the removal of the houses from the scheme provides more external space for parking and landscaping. There are now 132 spaces including 9 parent with child and 6 disabled bays.
- 7.32 Highways have no objections to this proposal as the highways requirements have already been met so no conditions are required.
- 7.33 Affordable Housing
The application site is a housing allocation and the previous permission showed the provision of five affordable houses. It is now proposed to provide a commuted sum of £210,000 to the council by way of S106 agreement in lieu of this on-site provision.
- 7.34 The location of the houses within a retail environmental access via the car park and fronting a busy road did not make an attractive residential environment. The commuted sum is based on if the 5 dwellings were to be sold at 70% of their market value, the residual 30% difference between the market value and the discounted price. Valuations have been undertaken by Aldi and verified by the Council. The proposed figure of £210,000 is therefore deemed to be acceptable.

- 7.35 Public Art
It was previously proposed to provide a scheme of public art on site to comply with Policy D6 of the UDP. However instead of providing a piece of art on site, it was felt it would be of more public benefit for a commuted sum of £15,000 to be provided to the community to be spent on community art projects for public realm. This will be secured through a S106 agreement. The same approach also been taken at the Buckley store.
- 7.36 S106 contributions and CIL compliance
The application requires commuted sums for off-site public art and affordable housing provision. 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'.
- 7.37 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.
- 7.38 Policy D6 of the Flintshire Unitary Development Plan requires the incorporation of public art in all major, publicly accessible developments. It is considered in this instance that there would be more public benefit from a commuted sum to be spent by the Community Council on public art projects within the locality than a piece of art within the car park which would have limited benefits. In other schemes in the County £15,000 has been the sum which has been spent on such on site projects. It is therefore considered a reasonable amount to require. The same approach has also been taken on the Aldi store in Buckley, with the same amount requested. However no other monies for public art in Broughton have been required within the relevant CIL period.
- 7.39 The site is a housing allocation under Policy HSG1 (19) of the Flintshire Unitary Development Plan. The previous permission showed the provision of 5 dwellings which were proposed to be affordable. Members granted approval for the foodstore and a retail use on the site on that basis. It is now considered that the siting of the houses within the car park of and accessed through a supermarket car park and adjacent to a busy road junction is not a desirable location for affordable housing providers. It is therefore proposed to provide a commuted sum to the amount of £210,000. The commuted sum is based on if the 5 dwellings were to be sold at 70% of their

market value, the residual 30% difference between the market value and the discounted price. No other commuted sums have been required in the community within the relevant CIL period.

7.40 It is considered that both of these contributions meet the Regulation 122 tests.

8.00 CONCLUSION

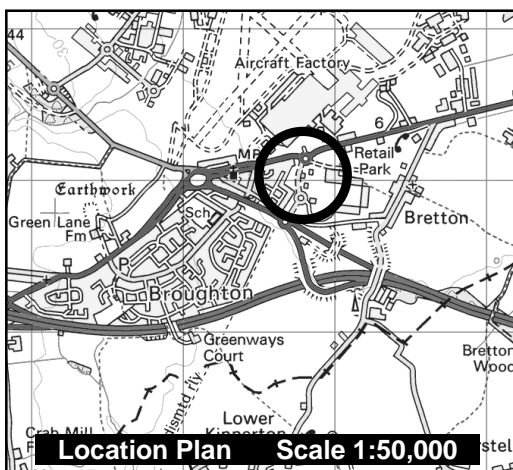
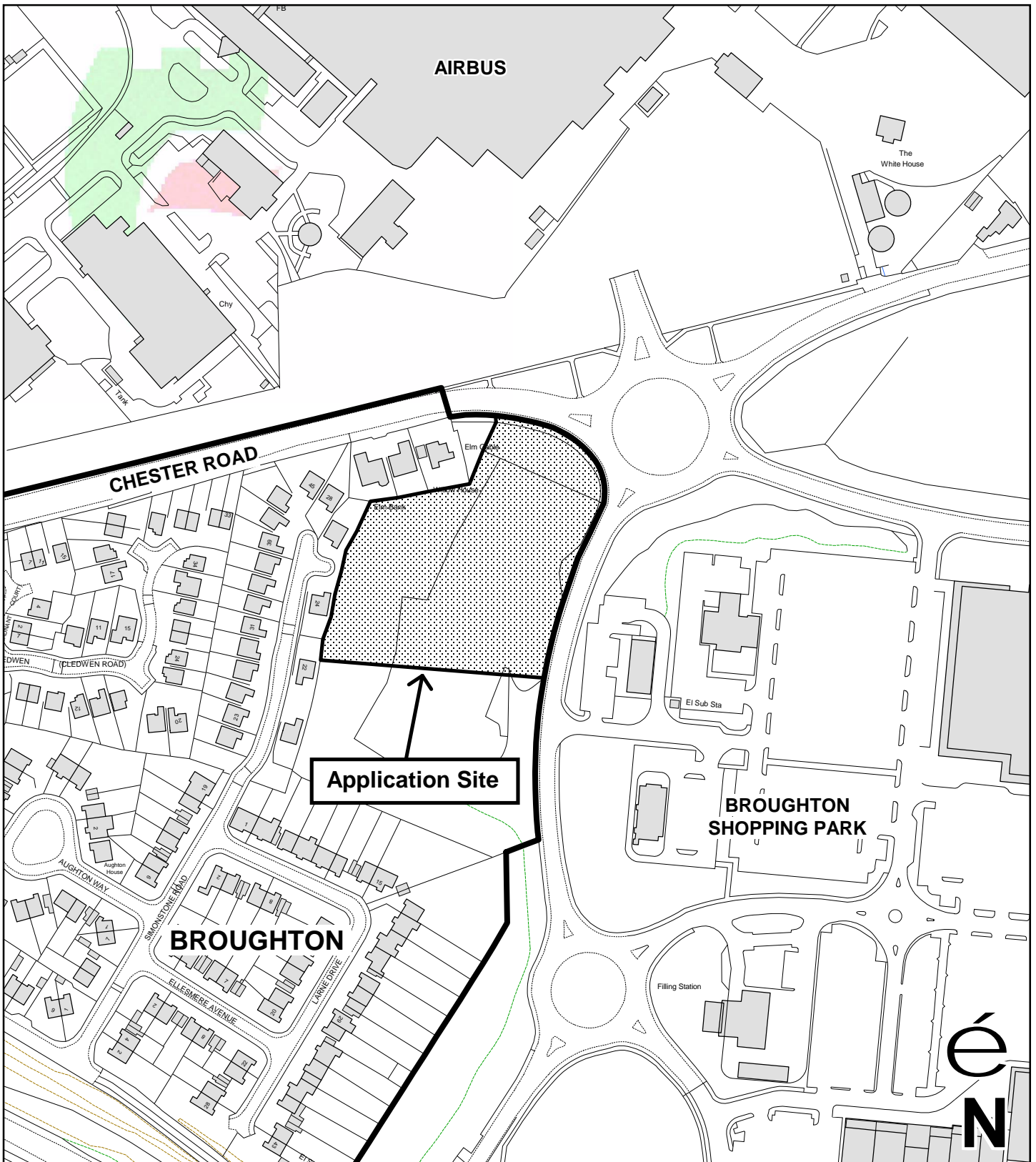
8.01 It is considered that the proposed landscaping and boundary treatment in the amended scheme does provides adequate screening between the store and the existing residential properties along Simonstone Road and Chester Road. It is considered that a condition to control the maintenance and management is required to ensure that the landscaping does not become overbearing and it retains its function. The proposed opening hours and delivery times are acceptable. The issues of public art and affordable housing can be dealt with by commuted sums through a S106 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

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:2500

OS Map ref SJ 3464

Planning Application **54589**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24th FEBRUARY 2016**

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

SUBJECT: **FULL APPLICATION – CHANGES TO AND SUBSTITUTIONS OF HOUSETYPES ON 15 NO PLOTS AT LAND OFF OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN**

APPLICATION NUMBER: **054641**

APPLICANT: **ANWYL CONSTRUCTION COMPANY LTD**

SITE: **LAND OFF OLD HALL ROAD/GREENHILL AVENUE, HAWARDEN**

APPLICATION VALID DATE: **10.12.15**

LOCAL MEMBERS: **COUNCILLOR ALISON HALFORD**
COUNCILLOR DAVID MACKIE

TOWN/COMMUNITY COUNCIL: **HAWARDEN**

REASON FOR COMMITTEE: **SUPPLEMENTARY S106 AGREEMENT REQUIRED**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an application to amend 15 plots on permission 051613 for erection of 41no. dwellings, open space and access works at land off old hall road/Greenhill avenue, Hawarden, which was allowed on appeal. The proposed changes are acceptable and would be in accordance with Local Planning Guidance Note 2. Space Around Dwellings.

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

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

1. Time commencement
2. In accordance with plans
3. Other conditions relevant on 051613

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor Alison Halford
No response received at time of writing.

Councillor David Mackie
No response received at time of writing.

Hawarden Community Council
No objection.

Highways Development Control Manager
No objection. Conditions relating to 051613 still apply.

Public Protection Manager
No adverse comments to make.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification
None.

5.00 SITE HISTORY

5.01 051613 - Erection of 41 no dwellings, open space and access works. Refused 12.06.14. Allowed on appeal 09.03.16

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

SR5 - Outdoor Play Space and New Residential Development

Local Planning Guidance Note 2 : Space Around Dwellings

Local Planning Guidance Note 11: Parking spaces

Local Planning Guidance Note 13: Open Space

Local Planning Guidance Note 23 : Education Contributions

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an application to amend 15 plots on permission 051613 for erection of 41no. dwellings, open space and access works at land off old hall road/Greenhill avenue, Hawarden, which was allowed on appeal.

7.02 Site description

The application site is 1.9 hectares of agricultural land situated to the south of an existing residential estate made up of Old Hall Road, Kearsley Avenue, Greenhill Avenue and Sandy Way accessed from Wood Lane. To the south west is further residential development on Marlborough Avenue and Springdale which are accessed a separate access from Wood Lane. The site is situated to the south east of Ewloe and to the west of Hawarden.

7.03 The site is agricultural land, bounded to the north, east and west by existing residential development and to the south by agricultural land. The surrounding residential development is a mixture of two storey properties to the west and predominately single storey and dormer bungalow properties to the north dating from circa 1960/1970. The application site is relatively flat but is slightly elevated above the existing residential estate. The site is bounded by an existing hedgerow along parts of its north western and north eastern boundary with the existing residential development. There are a small number of hedgerow trees along this boundary.

7.04 Proposed development

The reason of the changes are to reflect and adapt to market conditions and to reflect and adapt to changing customer requirements and preferences. The changes are;

- Substitution of house type on plot 10 and 11 from a Penarth to a Kimmel and moved to the north and to the east back from the road (plot 10) moved east from the POS (plot 11)
- Substitution of house type on plot 12 from an Alwyn to an Abersoch and rotated to the north and moved east from the POS
- Plots 9, 24, 25, 28, 29, 30, 31, 32, 33, 35, 36 and 38 are all the same house types but are re-sited

7.05 Issues

Planning permission was granted on appeal for 41 dwellings on land at Greenhill Avenue/Old Hall Road (051613) 9th March 2015.

7.06 The changes are relatively minor and relate to the re-siting of dwellings or house type substitutions. Plots 28-32 abut existing properties on Marlborough Avenue. The proposed changes to plots 28-31 move these dwellings approximately 1 metre to the west reducing the garden length from 15 metres to 14 metres. The extra space is at the frontage of the properties for the parking and turning areas. Similarly for Plot 32 but the garden depth remains the same. In terms of the separation distances from habitable rooms of existing and proposed properties these are still in excess of 22 metres and the proposed garden areas also are in accordance with Local Planning Guidance Note 2. Space Around Dwellings.

7.07 Plots 33, 35 and 36 are adjacent to 12 and 15 Springdale and the turning head at the end of this road. Plot 36 has been rotated slightly to the east and the double garage has been moved away from the boundary with 15 Springdale. It was previously 2 metres from the boundary and is now 5 metres away from the boundary of 15 Springdale. The re-siting of this dwelling and the relocation of the garage does not have any detrimental impacts on residential amenity.

7.08 Plot 33 has been rotated slightly to the west moving it slightly away from the boundary of the property and its driveway. Similarly Plot 35 has been rotated slightly to the east. There are no impacts on residential amenity from these changes in terms of the existing or proposed dwellings.

7.09 The other plot changes are internal to the site and only affect proposed dwellings. The dwelling on Plot 38 has been slightly west by 1m closer to the internal access road and away from its boundary with plot 39. This makes the garden and parking area 1 metre longer. Both dwellings on plots 24 and 25 have been moved by 0.5 metre to the north within the plots very slightly to the north. The dwelling on

plot 9 has been moved 1 metre to the north away from the boundary with the adjacent field. Plots 10, 11 and 12 are house type's substitutions. On plots 10 and 11 the consented Penarth house types are changed to a Kimmel, moved to the north and to the east back from the road (plot 10) moved east from the POS (plot 11). Plot 12 is changed from an Alwyn to an Abersoch, rotated to the north and moved east from the POS. The proposed changes are in accordance with Local Planning Guidance Note 2. Space Around Dwellings.

7.10 S106 agreement

A Unilateral undertaking was submitted at the Inquiry into application 051613. This covers the payment of an education contribution of £129,283 towards Hawarden High School and £122,570 to Ysgol Penarlag, Ewloe, and the provision of 4 gifted units to NEW Homes and secures the provision of and the maintenance of the public open space. The application has come before committee as a supplementary S106 agreement is required to tie this application to the triggers and requirements of the original agreement.

8.00 CONCLUSION

8.01 The proposed changes are acceptable and would be in accordance with Local Planning Guidance Note 2. Space Around Dwellings.

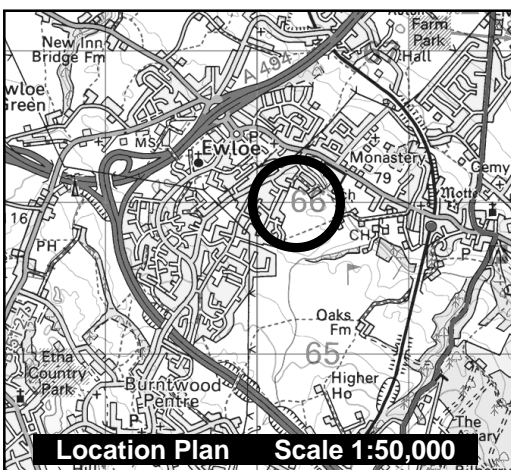
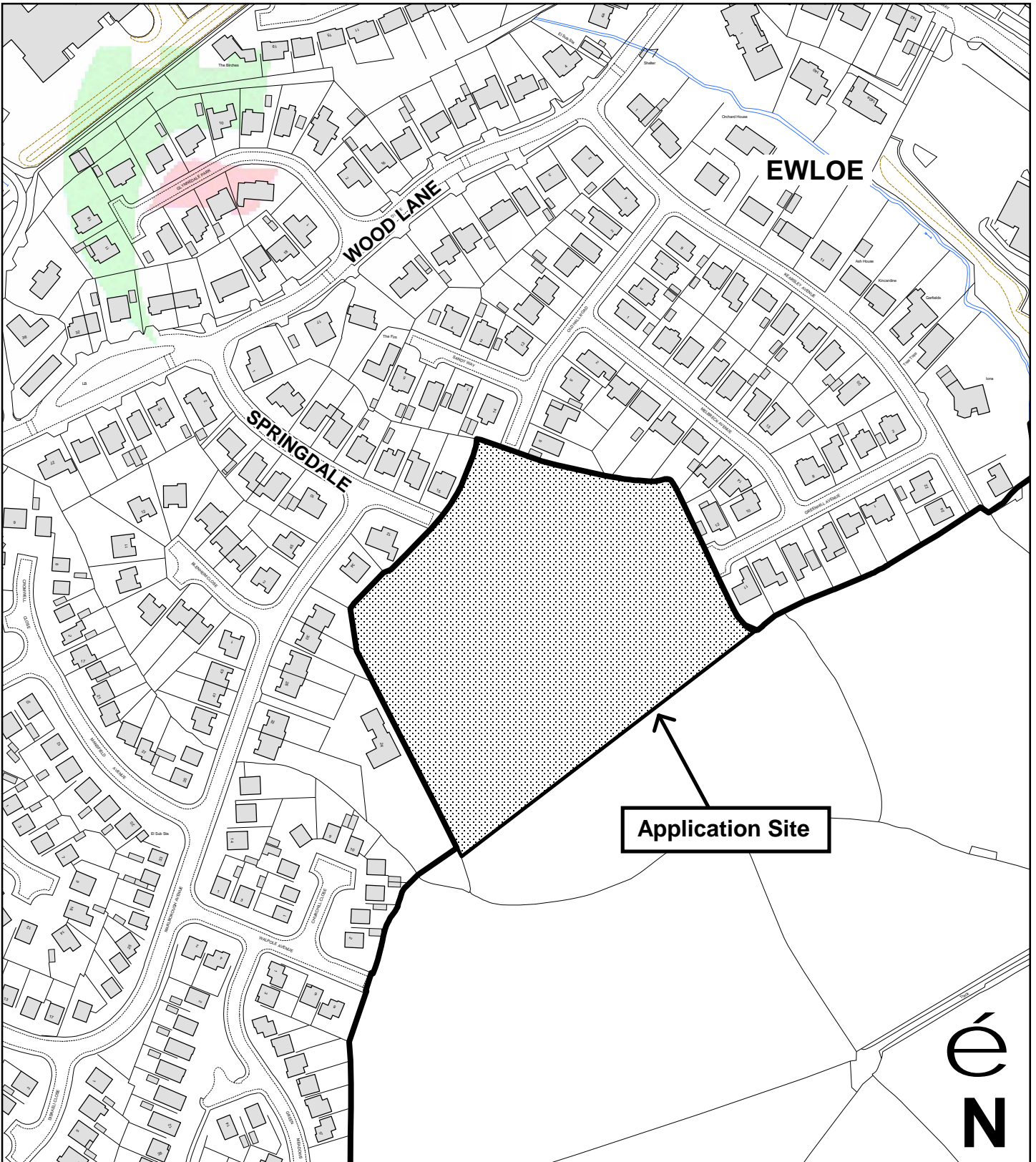
In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

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



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

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale	1:2500
OS Map ref	SJ 3066
Planning Application	54641

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 24TH FEBRUARY 2016

REPORT BY: CHIEF OFFICER (PLANNING AND ENVIRONMENT)

SUBJECT: INSTALLATION OF 845KW SOLAR ARRAY INCLUDING PANELS, SECURITY FENCING, CONTROL ROOM, CUSTOMER CABIN AND INVERTOR CABIN AT STANDARD LANDFILL SITE, STANDARD ROAD, SPENCER INDUSTRIAL ESTATE, BUCKLEY

APPLICATION NUMBER: 054630

APPLICANT: FLINTSHIRE COUNTY COUNCIL

SITE: LAND AT STANDARD LANDFILL SITE, STANDARD ROAD, SPENCER INDUSTRIAL ESTATE, BUCKLEY, FLINTSHIRE

APPLICATION VALID DATE: 7TH DECEMBER 2015

LOCAL MEMBERS: COUNCILLOR D. HUTCHINSON
COUNCILLOR M. J. PEERS

TOWN/COMMUNITY COUNCIL: BUCKLEY TOWN 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: NO

1.00 SUMMARY

- 1.01 The proposal is a full planning application for a photovoltaic solar farm and ancillary works on agricultural land at Standard Landfill Site, Buckley. The site extends to approximately 1.68 hectares. The issues for consideration are the principle of development, impacts on the character and appearance of the landscape, impacts upon aerodrome safeguarding, highways and ecology.

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

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

Conditions

1. Commencement of development within 2 years
2. Carried out in accordance with the submitted details
3. No generation of electricity hereby permitted shall take place after 25 years from the date on which electricity is first transmitted from the site, nor after electricity ceases to be generated for a continuous period of 6 months, whichever is the earlier.
4. No generation of electricity hereby permitted shall take place unless a monthly record is kept by the site operator of the amount of electricity generated that month; and that record shall be made available for inspection by the local planning authority
5. When electricity ceases as per the requirements of any of the circumstances in condition 3, within 12 months all plant/machinery/development to be removed and land restored to its pre-development condition in accordance with a scheme to be submitted to be agreed in writing with the Local Planning Authority prior to such works being undertaken.
6. No land drainage run-off into the public sewerage system
7. No surface water to connect to the public sewerage system
8. Foul and surface water drainage drained separately from site
9. No part of the solar panel or associated structure shall be higher than 2.41 metres above existing ground level
10. Full details of the insulation to substation (s) and other equipment cabinets to be submitted to and approved by the Local Planning Authority prior to commencement of development.
11. Full details of both hard and soft landscaping works to be submitted to and approved by the Local Planning Authority.
12. Prior to commencement of development, a scheme providing a detailed GCN method statement, which includes a scheme for reasonable avoidance measures for great crested newts, mitigation and compensation including a bio-security risk assessment and an ecological compliance audit. The agreed details shall also be used to support an application for a Regulation 53 ((1) e) derogation licence by NRW which demonstrates how the Great Crested Newt population will be protected and any impact properly mitigated, 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.

3.00 CONSULTATIONS

3.01 Local Member

Councillor D. Hutchinson

No responses at time of writing.

Councillor M. J. Peers

No responses at time of writing.

Buckley Town Council

No objections.

Highways DC

No objection.

Pollution Control Officer

No adverse comments.

National Air Traffic Services

No safeguarding objection to the proposals.

Airbus

No aerodrome safeguarding objection.

Dwr Cymru/Welsh Water

No responses at time of writing.

Natural Resources Wales

No objections subject to conditions to safeguard features of the SSSI and SAC.

Council for the protection of Rural Wales

Supports the proposal.

Wales & West Utilities

No objections.

SP Energy Networks

No adverse comments.

4.00 PUBLICITY

- 4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters. At the time of writing 1No. letter has been received which raises objection on the grounds that the definitive route of Footpath 8 is protected.

5.00 SITE HISTORY

- 5.01 Various historical applications in relation to use as a landfill site 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 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 EWP11 – Development on or adjacent to Landfill Sites

Planning Policy Wales (2016);

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

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

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises an area of some 1.68 hectares of land on the site of the former Standard landfill site. The site has a domed appearance and is largely grassed in nature. The site is bounded by a belt of mature deciduous woodland to the north, east and west. Residential properties at Woodcroft Close and Burntwood Road are located beyond the tree belt to the east. Areas of open countryside lie to north (with the A55 and properties in Ewloe beyond) and north west. Land to the south is occupied by Spencer Industrial estate. The land to the west comprises the local football ground and Etna Country park.

- 7.02 Access to the site is from the south via the existing entrance at the junction of Globe way and Standard Road. Public Footpaths 8 and 10 cross the site on a north – south alignment and the whole of the grassed site is an open access area.

7.03 The Proposals

The proposals seek permission for the installation of an 845Kw solar array to consist of solar panels, security fencing, a control room, customer cabin and inverter cabin.

7.04 The solar panels will be mounted posts which are proposed to be secured using a non-invasive concrete ballast foundation. The panels will be a maximum of 2.41m above ground level at their highest point (rear of the panel) and 0.83m at the front edge. Each panel will be 6m in depth from front to rear and will be arranged in rows of varying layouts between 12m to 96m in length. The panels are treated in a non-reflective coating and have a dark surface appearance. A fenced control compound of 16m x 22m is proposed to be located upon an existing hardstanding area within an existing gap between existing industrial buildings within the Spencer Industrial Estate. This compound will contain the proposed control room, customer cabin, inverter cabin and the existing electricity substation which serves this site. Connections to the national grid are proposed via this substation. The whole complex is proposed to be enclosed by 2 metre security fencing. Access to the site will be derived via the existing industrial estate at pints to the south east and north west, in each case, connecting with Standard Road.

7.05 The proposal seeks permission for the use to be temporary for a period of 25 years with the land reverting back to its current state after this period unless a further grant of permission is made.

7.06 The application is accompanied by the following information in support of the proposal:

- Planning Statement
- Energy Statement
- Ecological Appraisal (incorporating an extended Phase 1 survey)
- Landscape and Visual Impact Assessment
- Transport Statement
- Flood Consequence Assessment
- Historic Environment Assessment
- Phase 1 Geo-Environmental Assessment Report
- Solar Photovoltaic Glint and Glare study

7.07 The Main Issues

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

1. The principle of development having regard to national policy and local planning policy;
2. Ecological impacts;
3. Impacts upon the visual character and appearance of the landscape;

4. Impacts upon Aerodrome Safeguarding; and
5. Highway impacts;

7.08 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 per annum of renewable energy production by 2010 and 7 Twh by 2020.

7.09 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.

7.10 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”.

7.11 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).

7.12 The above paragraphs therefore set out the national planning policy framework associated with renewable energy proposals.

7.13 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.

7.14 Local Planning Policy

There are a number of strategic and general policies within the UDP which are applicable to this proposal and I consider each in turn below:

7.15 STR1 New Development - Advises that development should generally be located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location. Whilst located outwith the settlement boundary of Buckley, the site constitutes brownfield land by virtue of its former function as landfill site. Accordingly I consider that the proposal satisfies criterion a. of STR1.

7.16 STR7 Natural Environment – One of the stated aims of this policy is to safeguard Flintshire’s natural environment by protecting and enhancing the character, appearance and features of the open countryside. The site is within an area of open countryside but abuts the settlements and adjoins areas of industrial and commercial development.

7.17 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. The brownfield nature of the site satisfies this requirement. It should also be noted that whilst the site abuts the SSSI and SAC designations to the north, east and west, it is excluded from the designation. Provided the proposals do not adversely affect features of the SAC, then I am satisfied that the proposal is policy compliant. I am also satisfied that proposal accords with criterion e of STR10 in that it clearly utilizes clean, renewable and sustainable energy generation.

7.18 Policy GEN1 requires that proposed development should harmonise with the site and surroundings and, amongst other matters, the development should not have a significant adverse impact on recognised wildlife species and habitats. The appraisal below illustrates that the proposals accord with these general policy aims.

7.19 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. I have stated earlier that I consider the site to constitute a brownfield site. Accordingly, whilst the proposal is not of such a size where an open countryside location is essential, the site itself is unsuitable for most other forms of built development by virtue

of it lastly being used as a landfill site and in principle, proposals of this form can be accommodated on brownfield sites.

- 7.20 Taking all of the above into account, I am comfortable that the proposals satisfy the requirements of national and local policy as a matter of principle.
- 7.21 Ecological impacts
The site abuts the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sties Special Area of Conservation (SAC). These sites support a nationally important population of great crested newts and, in the case of the SSSI, a variety of more widespread amphibian species and semi-natural grassland.
- 7.22 Under Regulation 48 of the Conservation (Natural Habitats) Regulations 1994, the Council must consider whether a development proposal in combination with other plans for projects is likely to have a significant effect on the Deeside and Buckley Newt SAC.
- 7.23 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated: "It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development....would not impact adversely on any European protected species....."
- 7.24 The effect of the proximity of these designations and the above referenced legislation is such that the need to ensure no adverse impacts upon SAC and SSSI features arising from development proposals is a material planning consideration. Accordingly, it is essential that this matter is properly addressed in the consideration of this application.
- 7.25 The development would not lead to a direct loss of habitat within the SAC or SSSI. However, in this case it is considered that mitigation proposals are required to address indirect impacts on the SAC that may be caused by construction of the development proposal.
- 7.26 The applicant has submitted an extended Phase 1 Habitat Survey and, at the time of writing, a Method Statement which includes Reasonable Avoidance Measures to mitigate against the potential impacts upon the Deeside and Buckley SAC, is under preparation.
- 7.27 The proposals have been the subject of examination by both the County Ecologist as the Natural Resources Wales (NRW), both of whom consider them to be acceptable subject to the imposition of appropriate conditions. With regards to Great Crested Newts, NRW do not consider that the loss of the restored landfill sites to solar arrays will not have a long term adverse effect providing:

- a) There are reasonable avoidance measures in place to prevent harm during construction,
- b) The land around the “concrete plinths” is restored to grassland to maintain the maximum area available as terrestrial habitat,
- c) The habitats within the SAC are managed to enhance the conservation features of the SAC in the short term and long term, and
- d) The long term management will be guaranteed by the delivery of a Management Plan agreed with NRW which covers both ecological and recreational issues. Long term equates to the duration of the proposal (25 years).

7.28 Consequently, the proposal represents a material mechanism for ensuring appropriate and additional management of GCN habitats over the next 25 years at minimum and in this way the favourable conservation status of the SAC can be maintained in the long term. The above would be implemented by mitigation and reasonable avoidance measures, pond creation and enhancement within 1km of each site and long term habitat and recreational management. I propose to condition the above requirements to be satisfied prior to any site work commencing.

7.29 Impacts upon the visual character and appearance of the landscape
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.

7.30 The vantage points from which the visual impact assessment (VIA) has been undertaken at points ranging between 200m to 1km from the site. Taking into account the landform, the fact that the arrays are proposed to be located upon the south facing slope of the landform, and the existing natural screening in the form of the perimeter woodlands, the VIA concludes that the impact from these viewpoint is negligible to slight.

7.31 Regard has also been had to receptors in the form of the occupants of nearby dwellings on Woodcroft Close, Burntwood Road, Mount Pleasant Road, Drury lane and more distant properties within Ewloe abutting the A55 corridor. In each case, the effects are considered to be slight or very low. Potential for partial views from Woodcroft Close would result in a more moderate impact but this is only as a consequence of the visual interrelationships between the upper floor windows of these properties and the site.

7.32 In terms of impacts upon Historic Assets, the reports illustrate that there are actually no 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.

7.33 Therefore it is considered, bearing in mind the above in regards to Policies GEN3 & L1 that the proposed development would comply with the policies i.e. in sequential terms the site is acceptable, being brownfield. Whilst it will have some degree of impact on open countryside it would not be to the extent that it is unacceptable given the temporary nature of development and that the landscape can be relatively simply returned to its original condition.

7.34 The UDP recognizes that the use of renewable energy, as opposed to conventional sources of power will help offset the use of finite resources and will assist in limiting the release of greenhouse gases into the atmosphere thereby contributing to addressing climate change. As such the Plan strongly encourages the generation of energy from renewable sources where its location and operation is environmentally acceptable. Policy EWP1 therefore presumes in favour of renewable energy schemes subject to them meeting the other relevant requirements of the Plan and more detailed criteria are contained in EWP5 – Other Forms of Renewable Energy. The proposed development is considered to accord with these policies.

7.35 Impacts upon Aerodrome Safeguarding

The site lies within 5km of Hawarden Airport. In recognisance of the importance of considering the impacts of solar reflection (Glint & Glare) from solar panels and their impact upon aircraft approaching, and leaving Hawarden and the control tower itself an assessment report accompanies the application.

7.36 The report has assessed risk having regard to:

1. The Air Traffic Control Tower (ACT) and its ability to see the site directly;
2. Runway 04 and its' approach; and
3. Runway 22 and its' approach.

7.37 Using the Solar Glare Hazard Analysis Tool, it was predicted that a very marginal glare might be expected towards the ATC tower. This glare would be predicted to have a low potential for creating a temporary 'after image'. However, the interpretation of the findings of this model, based upon a review of aerial photography and other photographic sources, it is considered that a controller within the ATC would not be able to see the site.

- 7.38 2 models were used to assess impact upon runway 04. Both predict a low potential glare towards the approach to runway 04 from its threshold to a distance of 1.25 miles. However, this level is considered acceptable based upon FAA guidance and therefore no significant impact is expected.
- 7.39 No solar reflection is geometrically possible towards the approach to runway 22.
- 7.40 Both AIRBUS and National Air Traffic Services have been consulted upon these reports and their findings. Neither raise any objection from an aerodrome safeguarding perspective.
- 7.41 Highway Impacts
The application was accompanied by a Transport statement which has been the subject of consideration by the Local Highway Authority. I am advised that due to the positioning of the site away from the public highway network, with access being derived via a private road (Standard Road) the operation of the site is unlikely to give rise to any significant impact upon the highway network. Furthermore, the submitted Transport Statement indicates that the volume of traffic anticipated to be required during the construction stage is relatively low and is therefore also not anticipated to impact negatively upon the local highway network. Accordingly no objections are raised on highway grounds.

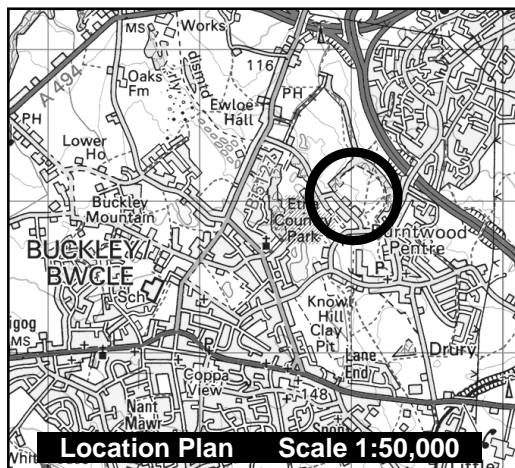
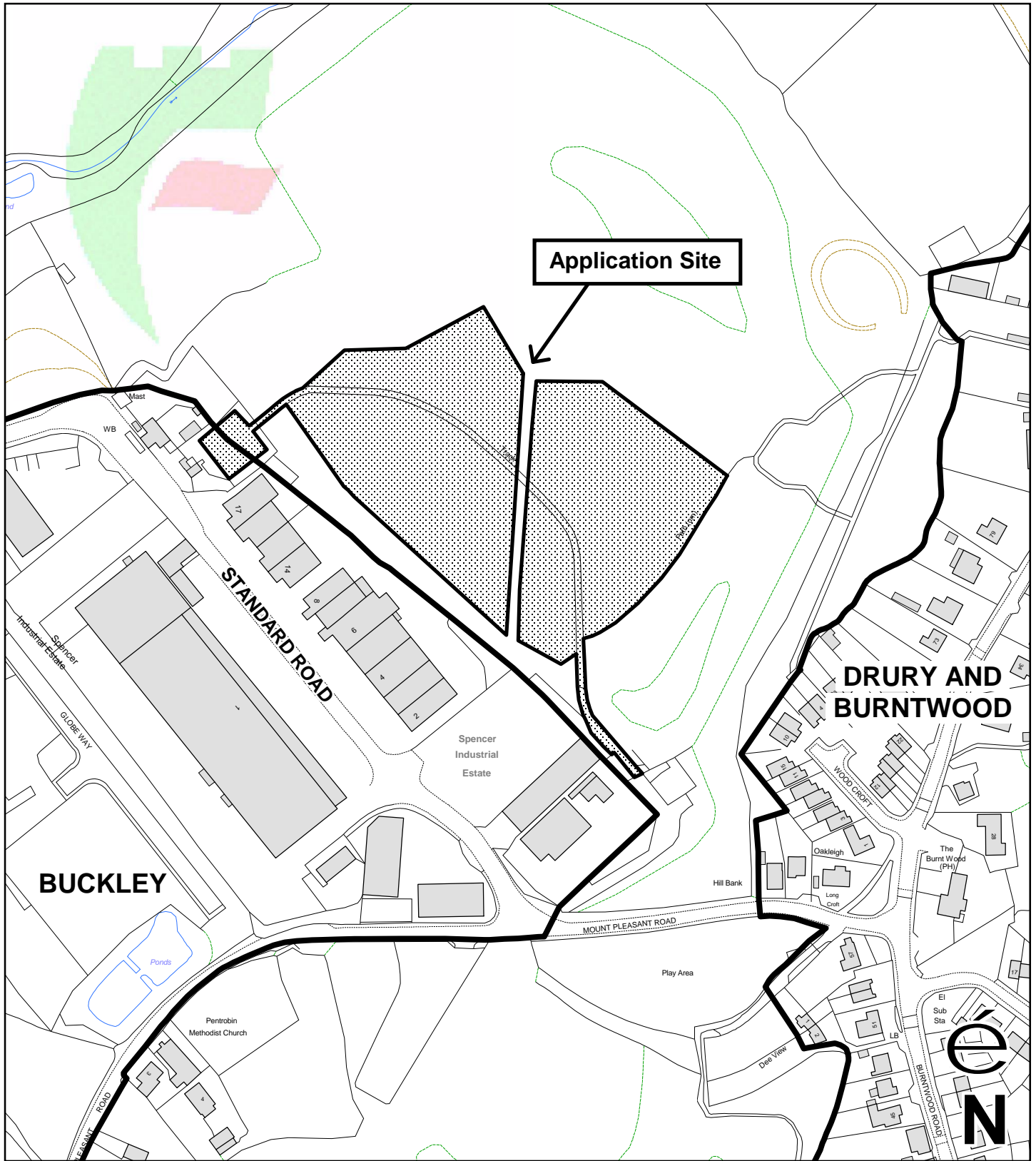
8.00 CONCLUSION

- 8.01 The proposed development is therefore considered acceptable in principle and detail subject to conditions of the form outlined in paragraphs 2.01 above.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, 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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Licence number: 100023386.
 Flintshire County Council, 2015.

Map Scale 1:2500

OS Map ref SJ 2965

Planning Application **54630**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **INSTALLATION OF 400KW SOLAR ARRAY INCLUDING PANELS, SECURITY FENCING, CONTROL ROOM, CUSTOMER CABIN AND INVERTOR CABIN AT BROOKHILL LANDFILL SITE, BROOKHILL WAY, CATHERALLS INDUSTRIAL ESTATE, BUCKLEY**

APPLICATION NUMBER: **054631**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **LAND AT BROOKHILL LANDFILL SITE, BROOKHILL WAY, CATHERALLS INDUSTRIAL ESTATE, BUCKLEY, FLINTSHIRE**

APPLICATION VALID DATE: **26TH NOVEMBER 2015**

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

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

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER FOR THE SAKE OF TRANSPARENCY IN DECISION MAKING WITH REGARD TO THE COUNCIL'S OWN APPLICATIONS.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The proposal is a full planning application for a photovoltaic solar farm and ancillary works on agricultural land at Brookhill Landfill Site, Buckley. The site extends to approximately 1.17 hectares. The issues for consideration are the principle of development, impacts on the character and appearance of the landscape, impacts upon aerodrome safeguarding, highways and ecology.

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

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

Conditions

1. Commencement of development within 2 years
2. Carried out in accordance with the submitted details
3. No generation of electricity hereby permitted shall take place after 25 years from the date on which electricity is first transmitted from the site, nor after electricity ceases to be generated for a continuous period of 6 months, whichever is the earlier.
4. No generation of electricity hereby permitted shall take place unless a monthly record is kept by the site operator of the amount of electricity generated that month; and that record shall be made available for inspection by the local planning authority
5. When electricity ceases as per the requirements of any of the circumstances in condition 3, within 12 months all plant/machinery/development to be removed and land restored to its pre-development condition in accordance with a scheme to be submitted to be agreed in writing with the Local Planning Authority prior to such works being undertaken.
6. No land drainage run-off into the public sewerage system
7. No surface water to connect to the public sewerage system
8. Foul and surface water drainage drained separately from site
9. No part of the solar panel or associated structure shall be higher than 2.41 metres above existing ground level
10. Full details of the insulation to substation (s) and other equipment cabinets to be submitted to and approved by the Local Planning Authority prior to commencement of development.
11. Full details of both hard and soft landscaping works to be submitted to and approved by the Local Planning Authority.
12. Prior to commencement of development, a scheme providing a detailed GCN method statement, which includes a scheme for reasonable avoidance measures for great crested newts, mitigation and compensation including a bio-security risk assessment and an ecological compliance audit. The agreed details shall also be used to support an application for a Regulation 53 ((1) e) derogation licence by NRW which demonstrates how the Great Crested Newt population will be protected and any impact properly mitigated, 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.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs. C. A. Ellis

In view of the fact that the applicant is the Council, requests that the application is considered by Committee in order that the decision making process is transparent.

Buckley Town Council

No objections.

Highways DC

No objection.

Pollution Control Officer

No adverse comments.

National Air Traffic Services

No safeguarding objection to the proposals.

Airbus

No aerodrome safeguarding objection.

Dwr Cymru/Welsh Water

No responses at time of writing.

Natural Resources Wales

No objections subject to conditions to safeguard features of the SSSI and SAC.

Council for the protection of Rural Wales

Supports the proposal.

Wales & West Utilities

No objections.

SP Energy Networks

No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters. At the time of writing, no letters have been received in response to the above consultation.

5.00 SITE HISTORY

5.01 Various historical applications in relation to use as a landfill site 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 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 EWP11 – Development on or adjacent to Landfill Sites

Planning Policy Wales (2016);

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

Technical Advice Note 8: Renewable Energy (July 2005)

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises an area of some 1.17 hectares of land on the site of the former Brookhill landfill site. The site has been capped and restored to grassland since its last use for landfill purposes. A number of large concrete rings in the region of 1m in height mark and protect gas wells within the site. The southern side of the site includes an area of hardstanding, leachate tanks, gas generator and other infrastructure associated with the ongoing requirements of managing a former landfill site. The site has a domed appearance in relation to its immediate surroundings. The site is bounded by hedgerows interspersed with trees of varying maturity. The belt to the north west being of the greatest maturity and screening value.

- 7.02 Residential properties along Pinfold Lane to the east are the closest to the site, with properties along Liverpool Rad having more distant views of the site from the west. Areas of open countryside lie to north (with the Ewloe Barn Industrial Estate and A494 beyond. Land to the south is occupied by Catheralls Industrial estate. The land to the east comprises an area specifically set aside for Great Crested Newt Breeding Ponds.

- 7.03 Access to the site is from the south via the existing entrance at Brookhill Way. The site also serves as a location for materials recycling.
- 7.04 The Proposals
The proposals seek permission for the installation of an 400Kw solar array to consist of solar panels, security fencing, a control room, customer cabin and inverter cabin.
- 7.05 The solar panels will be mounted posts which are proposed to be secured using a non-invasive concrete ballast foundation. The panels will be a maximum of 2.41m above ground level at their highest point (rear of the panel) and 0.83m at the front edge. Each panel will be 6m in depth from front to rear and will be arranged in rows of varying layouts between 12m to 96m in length. The panels are treated in a non-reflective coating and have a dark surface appearance. A fenced control compound of 16m x 22m is proposed within the site. This compound will contain the proposed control room, customer cabin, inverter cabin and the existing electricity sub-station which serves this site. Connections to the national grid are proposed via this sub-station. The whole complex is proposed to be enclosed by 2 metre security fencing. Access to the site will be derived via the existing access from the adjacent industrial estate.
- 7.06 The proposal seeks permission for the use to be temporary for a period of 25 years with the land reverting back to its current state after this period unless a further grant of permission is made.
- 7.07 The application is accompanied by the following information in support of the proposal:
- Planning Statement
 - Energy Statement
 - Ecological Appraisal (incorporating an extended Phase 1 survey)
 - Landscape and Visual Impact Assessment
 - Transport Statement
 - Flood Consequence Assessment
 - Historic Environment Assessment
 - Phase 1 Geo-Environmental Assessment Report
 - Solar Photovoltaic Glint and Glare study
- 7.08 The Main Issues
I consider the main issues for consideration in connection with this application are:
1. The principle of development having regard to national policy and local planning policy;
 2. Ecological impacts;

3. Impacts upon the visual character and appearance of the landscape;
4. Impacts upon Aerodrome Safeguarding; and
5. Highway impacts;

7.09 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 per annum of renewable energy production by 2010 and 7 Twh by 2020.

7.10 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.

7.11 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”.

7.12 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).

7.13 The above paragraphs therefore set out the national planning policy framework associated with renewable energy proposals.

7.14 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.

7.15 **Local Planning Policy**

There are a number of strategic and general policies within the UDP which are applicable to this proposal and I consider each in turn below:

STR1 New Development - Advises that development should generally located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location. Whilst located outwith the settlement boundary of Buckley, the site constitutes brownfield land by virtue of its former function as landfill site. Accordingly I consider that the proposal satisfies criterion a. of STR1.

STR7 Natural Environment – One of the stated aims of this policy is to safeguard Flintshire's natural environment by protecting and enhancing the character, appearance and features of the open countryside. The site is within an area of open countryside but abuts the settlements and adjoins areas of industrial and commercial development.

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. The brownfield nature of the site satisfies this requirement. It should also be noted that whilst the site abuts the SSSI and SAC designations to the north, east and west, it is excluded from the designation. Provided the proposals do not adversely affect features of the SAC, then I am satisfied that the proposal is policy compliant. I am also satisfied that proposal accords with criterion e of STR10 in that it clearly utilizes clean, renewable and sustainable energy generation.

Policy GEN1 requires that proposed development should harmonise with the site and surroundings and, amongst other matters, the development should not have a significant adverse impact on recognised wildlife species and habitats. The appraisal below illustrates that the proposals accord with these general policy aims.

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. I have stated earlier that I consider the site to constitute a brownfield site. Accordingly, whilst the proposals is not of

such a size where an open countryside location is essential, the site itself is unsuitable for most other forms of built development by virtue of it lastly being used as a landfill site and in principle, proposals of this form can be accommodated on brownfield sites.

Taking all of the above into account, I am comfortable that the proposals satisfy the requirements of national and local policy as a matter of principle.

7.16 Ecological impacts

The site abuts the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sties Special Area of Conservation (SAC). These sites support a nationally important population of great crested newts and, in the case of the SSSI, a variety of more widespread amphibian species and semi-natural grassland.

7.17 Under Regulation 48 of the Conservation (Natural Habitats) Regulations 1994, the Council must consider whether a development proposal in combination with other plans for projects is likely to have a significant effect on the Deeside and Buckley Newt SAC.

7.18 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated: "It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development....would not impact adversely on any European protected species....."

7.19 The effect of the proximity of these designations and the above referenced legislation is such that the need to ensure no adverse impacts upon SAC and SSSI features arising from development proposals is a material planning consideration. Accordingly, it is essential that this matter is properly addressed in the consideration of this application.

7.20 The development would not lead to a direct loss of habitat within the SAC or SSSI. However, in this case it is considered that mitigation proposals are required to address indirect impacts on the SAC that may be caused by construction of the development proposal.

7.21 The applicant has submitted an extended Phase 1 Habitat Survey and, at the time of writing, a Method Statement which includes Reasonable Avoidance Measures to mitigate against the potential impacts upon the Deeside and Buckley SAC, is under preparation.

7.22 The proposals have been the subject of examination by both the County Ecologist as the Natural Resources Wales (NRW), both of whom consider them to be acceptable subject to the imposition of appropriate conditions. With regards to Great Crested Newts, NRW do

not consider that the loss of the restored landfill sites to solar arrays will not have a long term adverse effect providing:

- a) There are reasonable avoidance measures in place to prevent harm during construction,
- b) The land around the “concrete plinths” is restored to grassland to maintain the maximum area available as terrestrial habitat,
- c) The habitats within the SAC are managed to enhance the conservation features of the SAC in the short term and long term, and
- d) The long term management will be guaranteed by the delivery of a Management Plan agreed with NRW which covers both ecological and recreational issues. Long term equates to the duration of the proposal (25 years).

7.23 Consequently, the proposal represents a material mechanism for ensuring appropriate and additional management of GCN habitats over the next 25 years at minimum and in this way the favourable conservation status of the SAC can be maintained in the long term. The above would be implemented by mitigation and reasonable avoidance measures, pond creation and enhancement within 1km of each site and long term habitat and recreational management.

7.24 I propose to condition the above requirements to be satisfied prior to any site work commencing.

7.25 Impacts upon the visual character and appearance of the landscape
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.

7.26 The vantage points from which the visual impact assessment (VIA) has been undertaken at points ranging between 300m to 1.4km from the site. Taking into account the existing infrastructure associated with the ongoing monitoring of the landfill site (concrete gas well rings, leachate tanks etc) the impact of the proposed arrays within the landscape, taking accounting of landform and orientation in a southerly direction of the panels, the VIA concludes that the impact from these viewpoint is negligible to slight.

7.27 Regard has also been had to receptors in the form of the occupants of nearby dwellings at Ewloe Heath, Ewloe Place, Rhuddlan Road, Liverpool Road, Pinfold Lane and more distant properties in Northop Hall. In each case, the effects are considered to be slight or negligible.

- 7.28 In terms of impacts upon Historic Assets, the reports illustrate that there are actually no 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.
- 7.29 Therefore it is considered, bearing in mind the above in regards to Policies GEN3 & L1 that the proposed development would comply with the policies i.e. in sequential terms the site is acceptable, being brownfield. Whilst it will have some degree of impact on open countryside it would not be to the extent that it is unacceptable given the temporary nature of development and that the landscape can be relatively simply returned to its original condition.
- 7.30 The UDP recognizes that the use of renewable energy, as opposed to conventional sources of power will help offset the use of finite resources and will assist in limiting the release of greenhouse gases into the atmosphere thereby contributing to addressing climate change. As such the Plan strongly encourages the generation of energy from renewable sources where its location and operation is environmentally acceptable. Policy EWP1 therefore presumes in favour of renewable energy schemes subject to them meeting the other relevant requirements of the Plan and more detailed criteria are contained in EWP5 – Other Forms of Renewable Energy. The proposed development is considered to accord with these policies.
- 7.31 Impacts upon Aerodrome Safeguarding
The site lies within 5km of Hawarden Airport. In recognisance of the importance of considering the impacts of solar reflection (Glint & Glare) from solar panels and their impact upon aircraft approaching, and leaving Hawarden and the control tower itself an assessment report accompanies the application.
- 7.32 The report has assessed risk having regard to:
1. The Air Traffic Control Tower (ACT) and its ability to see the site directly;
 2. Runway 04 and its' approach; and
 3. Runway 22 and its' approach.
- 7.33 Using both the Solar Glare Hazard Analysis Tool (SGHAT) and the Pager Power model, it was predicted that a very marginal glare might be expected towards the ATC tower. This glare would be predicted to have a low potential for creating a temporary 'after image'. However, the interpretation of the findings of this model, based upon a review of aerial photography and other photographic sources, it is considered that a controller within the ATC would not be able to see the site.
- 7.34 Both models were used to assess impact upon runway 04. Both predict a low potential glare towards the approach to runway 04 from

its threshold to a distance of 1.25 miles. However, this level is considered acceptable based upon FAA guidance and therefore no significant impact is expected.

7.35 The SGHAT model has a very marginal predicted glare from the solar panels towards runway 22 from its threshold to a distance of 0.25 miles. However, this level is considered acceptable based upon FAA guidance and therefore no significant impact is expected.

7.36 Both AIRBUS and National Air Traffic Services have been consulted upon these reports and their findings. Neither raise any objection from an aerodrome safeguarding perspective.

7.37 Highway Impacts

The application was accompanied by a Transport statement which has been the subject of consideration by the Local Highway Authority. The submitted Transport Statement indicates that the volume of traffic anticipated to be required during the construction stage is relatively low and will not impact upon the operation of the highway. The operation of the solar plant and the continued use of the site for materials recycling would, in combination, be unlikely to impact negatively upon the local highway network. Accordingly no objections are raised on highway grounds.

8.00 CONCLUSION

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

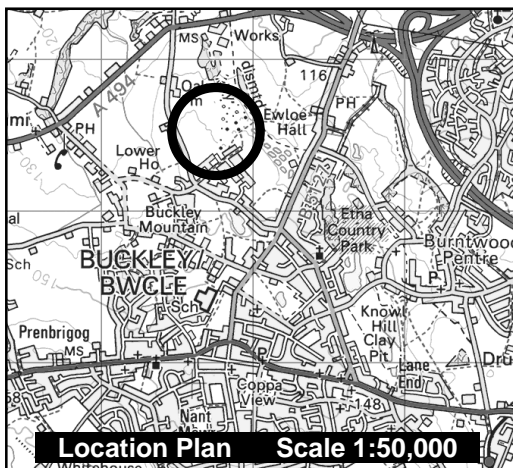
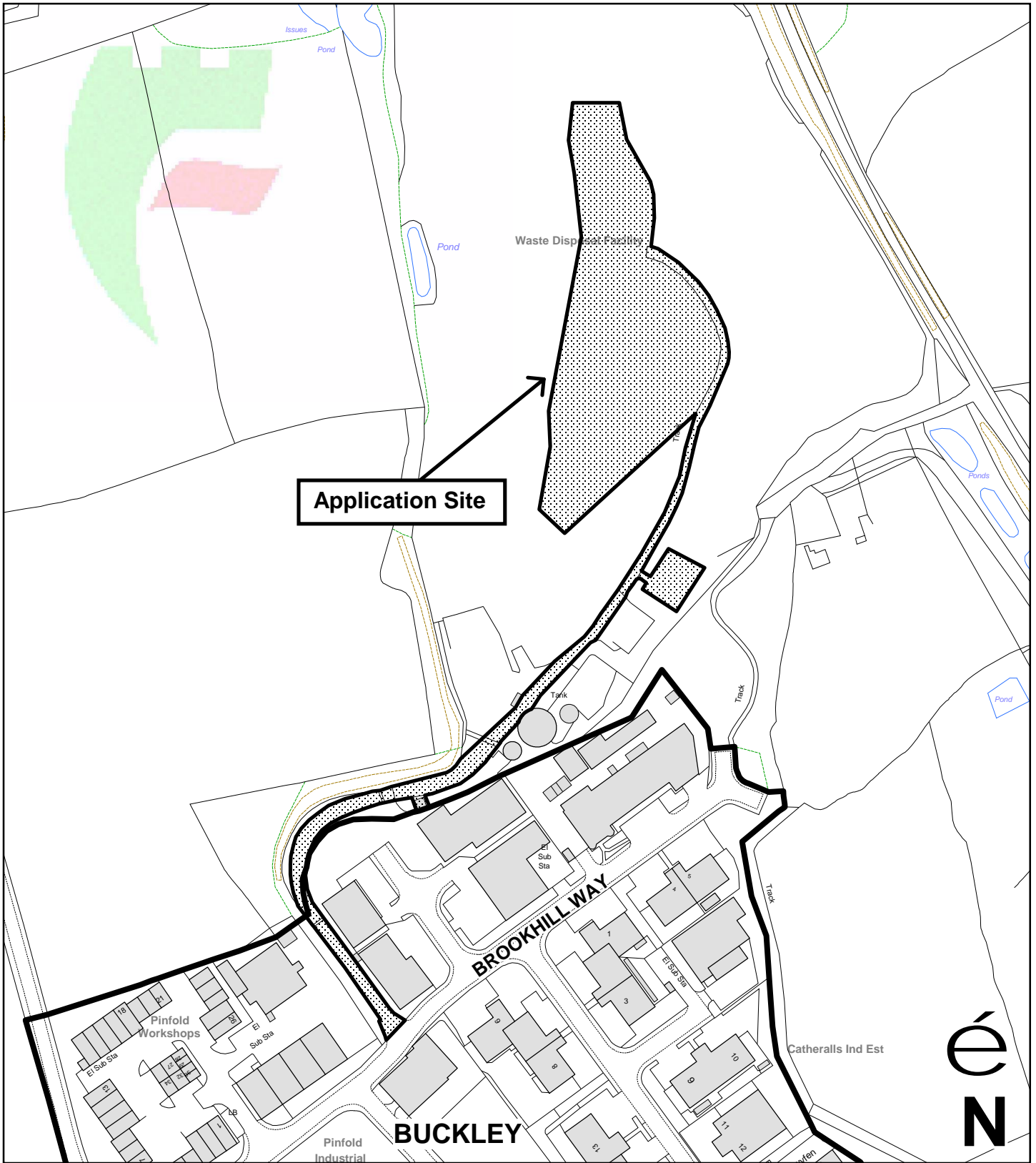
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard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

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:2500

OS Map ref SJ 2765

Planning Application **54631**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **ERECTION OF A 3 STOREY APARTMENT BUILDING TO PROVIDE 21NO. APARTMENTS AND CREATION OF A NEW VEHICULAR ACCESS AND CAR PARKING AT LAND ADJACENT GATEWAY TO WALES HOTEL, WELSH ROAD, GARDEN CITY**

APPLICATION NUMBER: **054513**

APPLICANT: **PENNAF HOUSING GROUP**

SITE: **LAND ADJACENT TO GATEWAY TO WALES HOTEL, WELSH ROAD, GARDEN CITY, FLINTSHIRE.**

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

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

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

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The application seeks full planning permission for the erection of a 3 storey apartment building together with associated parking facilities. Access to the site is proposed to be derived from Welsh Road via a new point of access.
- 1.02 The apartment building provides 21No. apartments comprising a mix of 6No. 1 bed apartments and 15No. 2 bed apartments. Each apartment provides a combined living, dining and kitchen space, a bathroom and bedroom accommodation.

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

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

2.02 Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Foul and surface water drainage details to be submitted and agreed
4. Access to be laid out as approved
5. Closure of surplus access points
6. Parking and turning facilities to be provided
7. Flood escape routes to be identified
8. Landscaping scheme to be submitted and agreed
9. Timescale for implementation of landscaping
10. Contaminated land investigation
11. Noise attenuation measures
12. Materials to be approved
13. No pedestrian access to Trunk Road
14. Scheme for flood egress to be submitted and agreed.
15. Scheme for Bus Stop relocation.
16. No site works until Bus Stop scheme carried out.
17. Full highway access details agreed prior to works commencement.
18. No formation of access until works agreed.
19. Access constructed to base course prior to any other site works.
20. Scheme for prevention of water run-off from site to highway
21. Finished Floor Level of 5.58m AOD.
22. Visibility Splays of 2.4m x 43m in both directions. No obstructions.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms. C. M. Jones

Requests Committee determination due to the location of the site.

Sealand Community Council

No objection.

Highways DC

No objections subject the imposition of conditions.

Pollution Control Officer

No adverse comments. Requests conditions.

Public Open Spaces Manager

Advises that the requirements of Policy and Local Planning Policy Guidance in relation to open space and recreation are best addressed via contribution in lieu of on-site provision of the same. A contribution via S.106 agreement of £733 per apartment is sought (total of £15,393) with such sum to be utilised in upgrading facilities at Welsh Road Recreation Ground, Garden City.

Capital Projects and Planning Unit (CPPU)

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

Welsh Government – Transport

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

Dwr Cymru/Welsh Water

No objection subject to the imposition of conditions.

Natural Resources Wales

No objection. Requests the imposition of conditions.

Airbus

No objection on the basis of aerodrome safeguarding. Notes the need for permits if cranes are to be used during construction. This matter will be addressed via the imposition of the relevant note to the applicant.

4.00 PUBLICITY

- 4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters. At the time of writing this report 1No. letter has been received. This letter seeks to ensure that adjoining residential amenity is safeguarded through the proposal.

5.00 SITE HISTORY

5.01 **043434**

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

046298

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

051555

Erection of 21no. apartments
Withdrawn 14.2.2014

051951

Variation of a conditions 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 17, & 19 on
Ref: 046298
Withdrawn 14.2.2014

053012

Erection of 21No. apartments.
Withdrawn 21.7.2015

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New development
Policy STR4 - Housing
Policy GEN1 - General requirements for development
Policy GEN2 - Development inside settlement boundaries
Policy D12 - Design quality, location & layout
Policy D2 - Design
Policy D4 - Landscaping
Policy AC13 - Access & traffic impact
Policy AC18 - Parking provision and new development
Policy HSG3 - Housing on unallocated sites in settlement boundaries
Policy HSG8 - Density of development
Policy HSG9 - Housing mix and type
Policy HSG10 - Affordable housing within settlement boundaries
Policy SR5 - Play areas and new housing development
Policy EWP17 - Flood Risk

Planning Policy Wales (Ed.7 2014)

TAN11: Noise (1997)

TAN 15: Development and Flood Risk (2004)

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

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

7.02 The surrounding area is difficult to characterise and consists of buildings of single, 2 and 3 storey forms. The site is bounded immediately to the east by the 2 storey Hotel. To the South west the

site abuts a site of 2 and 3 storey apartment buildings and a mixture of single and 2 storey dwellings fronting Welsh Road. External finishes to these buildings vary but brick is the predominant material with slate and tile roofs. The proposed finishes to the apartments generally accord with the locality.

7.03 The Proposed Development

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

7.04 Main Issues

The main issues for consideration are:

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

7.05 The Principle of Development

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

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

7.07 Flood Risk

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

7.08 In response to the submitted Flood Consequence Assessment, Natural Resources Wales (NRW) have advised that they do not raise

objection to the conclusion and proposed finished floor level of 5.58m above ordnance datum (AOD). This finished floor level includes a 300mm freeboard to the expected flood level of 5.28m AOD (which includes climate change) and therefore accords with the advice within A1.14 of TAN15.

7.09 Concern has been raised in relation to access and egress to and from the site in the event of a flood. The submitted FCA does not demonstrate that a safe access or egress route in the event of flood is achievable. However, I am mindful that the site occupies a position within an area of long established residential occupation, with this application site centrally located within the area. I am satisfied that the imposition of a condition requiring the submissions and agreement of flood egress routes/plans will serve to address this matter.

7.10 Highway and Access Considerations

Vehicular access to the site is proposed a new point of access within the site frontage, the existing access being closed off. Concerns have been raised in relation to the proximity of an existing bus stop and its restriction to visibility at the point of via access. Consultation with Highways DC has established that the bus stop can be moved to maximise visibility. It is considered that the scheme provides adequate levels of car parking for both elements of the proposals.

7.11 Design and Amenity Impacts

The mass of built form is set well back into the site, bounding the A494 and reflects the scale of development which already exists in this location. In terms of scale the proposed apartment block is reflective of the apartment blocks previously considered acceptable upon this site and accords with the existing apartment buildings to the west of the site. I am satisfied that the mass of the proposed apartment block in this location, having regard to the form of built development in the locality, would not appear incongruous upon this site.

7.12 I am satisfied that the degree of separation between the elevation of the rearmost building and the dwellings on Welsh Road (49 metres) is such that, when coupled with the significant landscaping screening which exists along this boundary, there is no significant overlooking opportunity afforded.

7.13 I am equally satisfied however that the arrangement of rooms within the buildings, together with the appropriate use of conditions in respect of obscure glazing, would mitigate any adverse impacts which may be voiced in respect of amenity. The proposals accord with the Council requirements in terms of space around dwellings.

7.14 The applicant has provided an acoustic report in support of the application which assess the impact of the noise generated from the A494 to the east of the site upon the residential amenity of future

occupiers of the apartments. The report has had regard to the guidance set out in TAN 11, BS8233:1999 and World Health Organisation Guidelines.

7.15 The above guidelines indicate that within habitable rooms during daytime hours (0700 – 2300 hours), noise levels of 35dB(A) or below should be achieved. During night time hours (2300 – 0700 hours) levels of noise in bedroom should be below 30dB(A).

7.16 The survey undertaken to inform the recommendations of the report indicates that in the installation of high performance acoustic double glazing would achieve reductions in noise levels to accord with the above. Accordingly, I propose to condition the submission, agreement and implementation of a scheme of such glazing.

7.17 Affordable Housing & S.106 Matters

The proposals in themselves are not of a quantum whereby the requirements of Policy HSG10 apply. However, given that the applicant is a Housing Association, I am advised that all of the proposed apartments would be available for affordable housing purposes via affordable rental methods.

7.18 Contributions towards education infrastructure at the nearest schools would not be required in this instance as the closest schools (Sealand C.P. School and John Summers High School) both have sufficient capacity to accommodate any pupils anticipated to be created.

7.19 Contributions in lieu of on-site play and recreation provisions would normally be sought, with such monies to be used to enhance existing facilities within Garden City. However, Members will recall that a sum was secured via S.106 Agreement via planning permission Ref: 046298. I am advised that notwithstanding the fact that this permission was not implemented in respect of this application, the requirements for play and recreation contributions was triggered by the commencement of development upon the site at Sealand Avenue, Garden City and payment has been received by the Council.

7.20 Accordingly, notwithstanding the comments of the Public Open Spaces Manager, I am not proposing to seek a further contribution in this regard as payment for the same purpose has already been received in connection with this application site.

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

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

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 24 FEBRUARY 2016**

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

SUBJECT: **FULL APPLICATION - PROPOSED REPLACEMENT OF GARAGE WITH NEW SINGLE STOREY DWELLING AT TOP CORNER, VILLAGE ROAD, NORTHOP HALL**

APPLICATION NUMBER: **054552**

APPLICANT: **MRS RACHEL HUGHES**

SITE: **TOP CORNER, VILLAGE ROAD, NORTHOP HALL**

APPLICATION VALID DATE: **6/11/2015**

LOCAL MEMBERS: **COUNCILLOR L A SHARPS**

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

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER AS HE DISAGREES WITH THE OFFICER RECOMMENDATION GIVEN THAT THE SITE ALREADY HAS CONSENT FOR 80% OF THE WORKS WITH THE PREVIOUS ANNEXE CONSENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 Planning permission is sought for the replacement of an existing garage with a single storey dwelling at Top Corner, Village Road, Northop Hall. The main issue for consideration is the principle of development given that the application site falls outside of any recognised settlement boundary and is, therefore, considered unacceptable in any planning policy context.

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

2.01 If allowed, the proposed dwelling would be located in the open countryside in an area where there is a general presumption against development of this nature that is not intended or required to meet the essential housing needs of farm or forestry workers. The proposal represents unjustified non-essential development in the open countryside, which will be detrimental to the character and appearance of the locality. As such, the proposal would be contrary to Policies STR1, GEN3 and HSG4 of the Flintshire Unitary Development Plan. Furthermore, the existing garage building does not comply with the criteria contained within Policy HSG7 of the Flintshire Unitary Development Plan in order for this to be considered as an acceptable building for a change of use to residential outside a settlement boundary.

3.00 CONSULTATIONS

3.01 Local Member
Councillor L A Sharps
Requested Planning Committee determination with a site visit.

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

Highways
No response received at time of writing.

Head of Public Protection
No adverse comments.

Clwyd-Powys Archaeological Trust
There are no archaeological implications for the proposed development at this location.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notifications
No responses received at time of writing.

5.00 SITE HISTORY

5.01 052750 - Proposed replacement of garage with ancillary accommodation – Approved 2/12/2014

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy GEN3 – Development in the Open Countryside

Policy HSG4 – New Dwellings Outside Settlement Boundaries

Policy HSG7 – Change of Use to Residential Outside Settlement Boundaries

Policy AC18 – Parking Provision and New Development

7.00 PLANNING APPRAISAL

7.01 Introduction

Planning permission is sought for the erection of a single storey dwelling, in place of an existing garage. The application site is located outside of the settlement boundary of Northop Hall as defined by the adopted Flintshire Unitary Development Plan, in an area of open countryside.

7.02 Main Issues

The main issue is the principle of development, given that the proposal conflicts with the planning policies as listed above. The application falls outside of any recognised settlement boundary where policies allow for new dwellings in exceptional circumstances only, such as a rural enterprise dwelling, a replacement dwelling or a conversion of a rural building.

7.03 Planning consent was granted in December 2014 for a replacement of the existing garage with a single storey outbuilding to provide ancillary accommodation comprising garage/workshop, store and home office. This consent has not been implemented. Nevertheless, neither the existing garage, nor the single storey outbuilding would constitute a rural building suitable for conversion in terms of Policy HSG7 of the Flintshire Unitary Development Plan. The current proposal seeks to, in effect, implement the building in the above permission, but for it to be a separate dwelling. The previous application for the replacement building identified that the existing building is a modern utilitarian building and is not a traditional rural building with features of architectural or historic merit, worthy of retention, as required by this policy. It, therefore, cannot be considered that the conversion of this simple building would qualify for a residential conversion as it could be repeated too often i.e. simple modern outbuildings etc. being converted to new dwellings. Hence, this application cannot be considered favourably in any policy context as it is not a conversion and it is not a replacement.

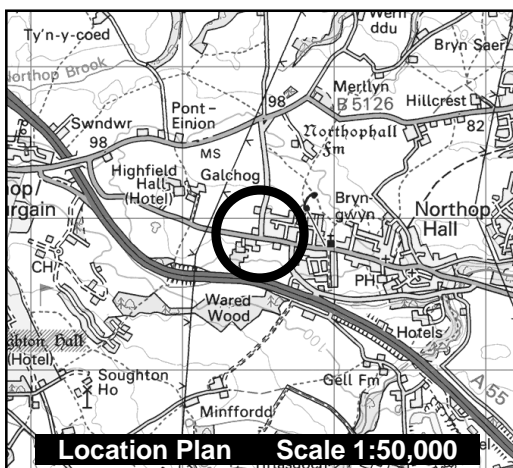
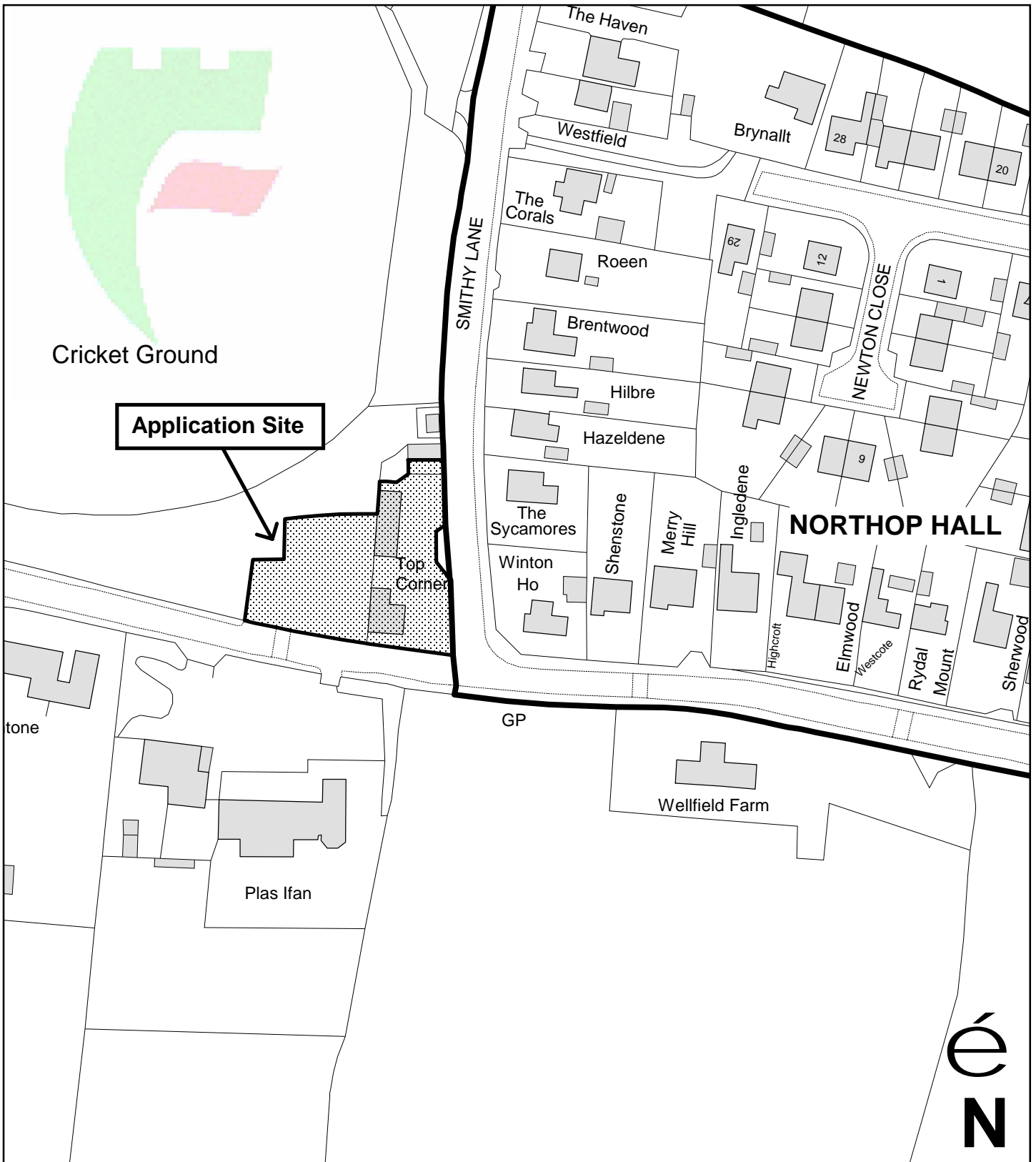
8.00 CONCLUSION

- 8.01 The proposal represents unjustified non-essential development in the open countryside that cannot be supported in planning policy terms. Neither does the proposal satisfy policies for a conversion to residential outside of the settlement boundary. In conclusion, the proposal is not considered to be acceptable in principle as it is contrary to planning policies contained within the adopted Flintshire Unitary Development Plan.
- 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: Lauren Eaton-Jones
Telephone: 01352 703299
Email: Lauren_Eaton-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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale 1:1250

OS Map ref SJ 2667

Planning Application **054552**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 24 FEBRUARY 2016**

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

SUBJECT: **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, FLINTSHIRE**

APPLICATION NUMBER: **054664**

APPLICANT: **MR & MRS JONES**

SITE: **COPPER VIEW, PENTRE ROAD, PENTRE HALKYN, HOLYWELL**

APPLICATION VALID DATE: **30.11.15**

LOCAL MEMBERS: **CLLR M G WRIGHT**
REQUESTS COMMITTEE DETERMINATION

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This householder application seeks consent for the lifting of the existing ridge line, to facilitate the use of the existing roof space for domestic accommodation, the installation of roof lights and dormers to serve this space and the addition of a two storey side extension, to the existing detached two storey property.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 The proposal development is considered contrary to Policies GEN1 and HSG12 of the Flintshire UDP as the scheme does not harmonise with the site and surroundings in terms of scale, design, external appearance. In addition the proposal is not subsidiary in scale and form to the existing dwelling, neither is it considered to respect the design and character of the existing dwelling or the streetscene in general, contrary to the provisions of policies GEN1 and HSG12.

3.00 CONSULTATIONS

3.01 Local Member
Councillor M.G. Wright
Requests committee determination. Believes that the application is for a relatively modest residential conversion/extension in a row of houses of varying styles and heights

Halkyn Community Council
Providing it complies with relevant planning policies, then no objections to the proposal.

Pollution Control Manager
Confirms no adverse comments to make regarding this proposal.

4.00 PUBLICITY

4.01 Neighbour Notification
No response received at time of writing as a result of this publicity.

5.00 SITE HISTORY

5.01 054037 First floor extension to side, raising of roof height, formation of three dormer windows and erection of porch
Refused 13.10.15.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
GEN1 - General Requirements for Development
HSG12 - House Extensions and Alterations

7.00 PLANNING APPRAISAL

7.01 Site Description and Proposal

The application site is within the settlement boundary of Pentre Halkyn, and set within a street scene of varying designs and roof heights of properties. The neighbouring properties consist of a single storey bungalow on the southern side and to the north a two storey semi-detached property.

7.02 The application involves the lifting of the existing roof ridge line by approximately 0.4m above the existing roof line height of 7.5m, to 7.9m. to allow the introduction of living space at second floor level, in the form of a master bedroom, en-suite and stair/landing area. This will be served by the installation of two roof lights to the front of the property and two dormer windows to the rear. The roof lights may be acceptable additions in principle, but in this context they are not considered to be of a design which is reflective of the existing property's character and with the other alterations have a detrimental impact on the character of the wider street scene.

7.03 The use of the two dormers to serve to the master bedroom and the en suite, to the rear of the property, whilst not prominent in the street scene to the frontage, they are considered to alter the existing simple linear roof form of the present roof scape, and introduce a visual bulk and massing, when viewed from the side elevations and rear elevation, which is considered to be out of character with the existing property.

7.04 In addition to the above works, the application also proposes the addition of a second floor, to create a bedroom, above the existing single storey t.v room. The roof ridge line of this is proposed to be set approx. 0.7m below the proposed roof line ridge of 7.9m, and as such is read as a subsidiary addition to the main building.

7.05 It will be noted that there are a variety of house types along this street frontage but it is considered that by introducing a third floor in the roof scape, in the manner proposed and the addition of the other features changes the scale, massing and character of the existing property, particularly when viewed in relation to the existing single storey property adjacent.

7.06 It is considered that these elements would be out of character with the current property and the properties around it. The overall scheme introduces an incongruous and alien roof height and form, on the application site and the wider surrounding form of development in the immediate street scene.

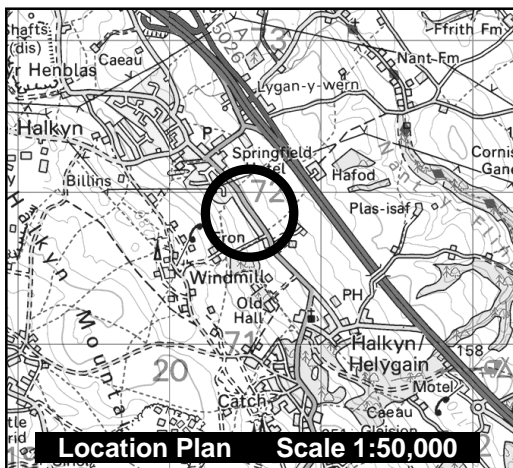
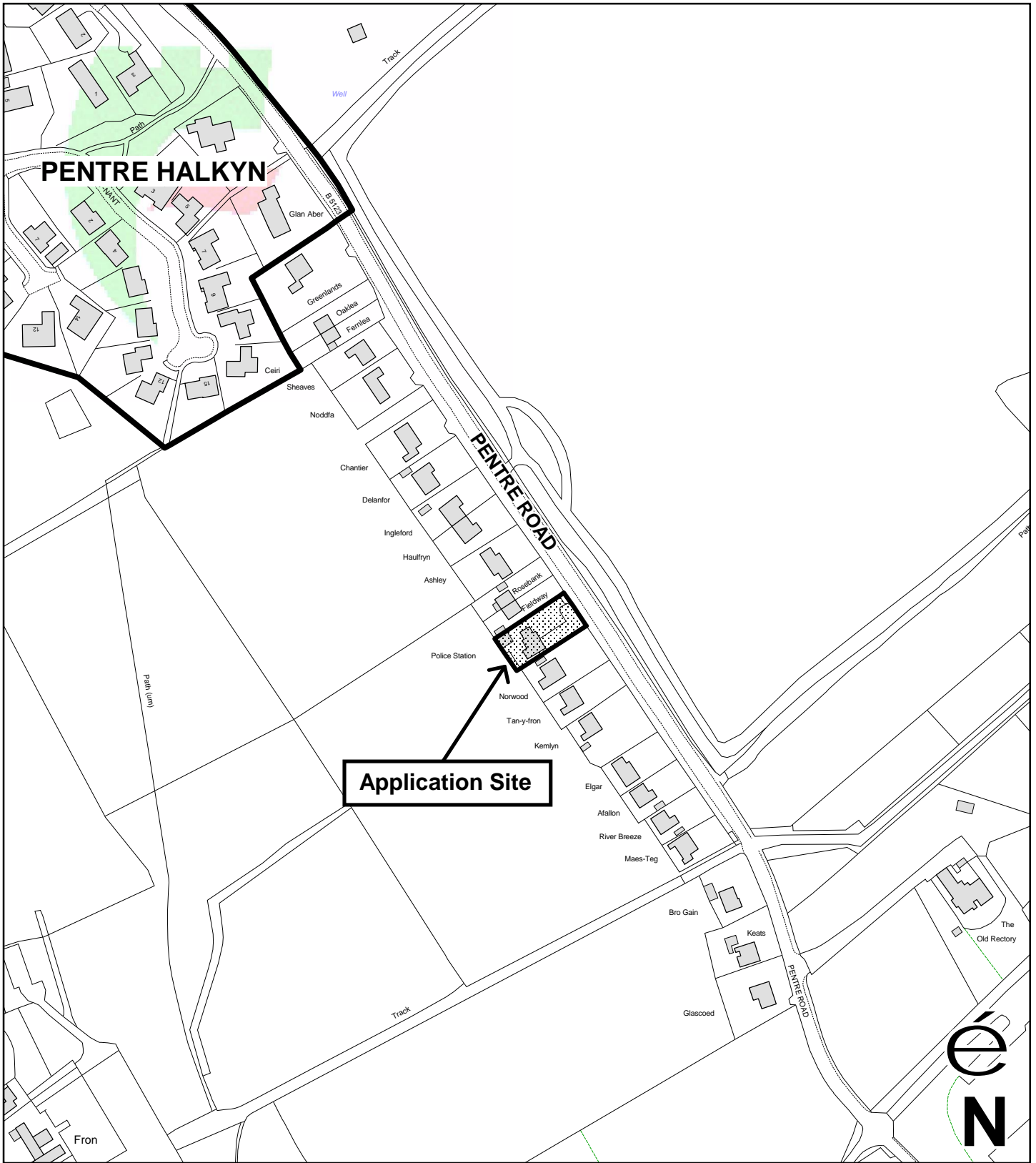
8.00 CONCLUSION

- 8.01 The proposal is considered contrary to Policies GEN1 and HSG12 as the scheme does not harmonise with the site and surroundings in terms of scale, design, external appearance. In addition the proposal is not subsidiary in scale and form to the existing dwelling, neither is it considered to respect the design of the existing dwelling or the surrounding area, contrary to the provisions of policies GEN1 and HSG12.
- 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: Barbara Kinnear
Telephone: 01352 703260
Email: Barbara.kinnear@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale 1:2500

OS Map ref SJ 2071

Planning Application **54664**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24th FEBRUARY 2016**

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

SUBJECT: **FULL APPLICATION FOR CHANGE OF USE TO A HOUSE OF MULTIPLE OCCUPATION AT 7 BREEZE HILL, CONNAH'S QUAY, DEESIDE**

APPLICATION NUMBER: **054219**

APPLICANT: **MR DARRAN HULLEY**

SITE: **7 BREEZE HILL, CONNAH'S QUAY, DEESIDE**

APPLICATION VALID DATE: **26/10/2015**

LOCAL MEMBERS: **COUNCILLOR B DUNN**

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

REASON FOR COMMITTEE: **REQUESTED BY LOCAL MEMBER**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for change of use to a House of Multiple Occupation at 7 Breeze Hill, Connah's Quay, Deeside.

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

2.01 Conditions

1. In accordance with plans and particulars.

3.00 CONSULTATIONS

3.01 Local Member

Councillor B Dunn

Requested that the application be determined by Planning Committee due to fire safety issues, inappropriate car parking and potential noise and disturbance to neighbours.

Connah's Quay Town Council

Object to the application on the grounds of fire safety issues, inappropriate parking and potential noise and disturbance to neighbours.

Highways

No objection.

Head of Public Protection

No objections to this being granted permission to be a House in Multiple Occupation but once in operation the following will need to be done:

- This property will be required to be licensed under Mandatory Licensing through the Housing Act 2004 and the owner will need to apply for a Licence.
- This property will need to be registered with Rent Smart Wales under the Housing (Wales) Act 2014.(As of 23rd November 2015)
- The person managing this property will need to have a Licence to do so via Rent Smart Wales under the Housing (Wales) Act 2014.(As of 23rd November 2015)
- This property will need to comply with the Standards for Houses in Multiple Occupation from Flintshire County Council, The Management of Houses in Multiple Occupation Regulations 2006 and the Housing Health and Safety Rating System.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notifications

No responses received at time of writing.

5.00 SITE HISTORY

5.01 No planning history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan:

Policy GEN1 – General Requirements for Development

7.00 PLANNING APPRAISAL

7.01 Introduction

This a full application to change the use of the dwelling into a House of Multiple Occupation. The plans show that the dwelling is reconfigured to provide kitchen, utility room and bathroom at ground floor, three bedrooms at first floor and a bedroom within the attic space at second floor. The planning application is enforcement generated and the submitted application forms indicate that these works took place in 2014.

7.02 Main Issues

The dwelling concerned is a terraced property, centrally located in a row of six dwellings. Externally there are no changes to the property with a reconfiguration of the internal accommodation only. To all intents and purposes, the property remains as a residential unit with no alteration to its appearance or use.

7.03 The main issues to consider with a planning application of this nature are parking standards and any environmental health issues. With regards to parking, Highways have raised no objection to the proposal. This site is considered to be in a sustainable location with good public transport links and within walking distance of the town centre. The site has also been assessed in relation to the level of available on-road parking at this location by Highways Engineers.

7.04 Though the Local Member and Town Council have raised concerns about potential noise and disturbance to neighbours, Public Protection have no concerns about this planning application. However, there is separate House of Multiple Occupation legislation that Public Protection consider and draw the applicants attention to with regards to it being registered and licenced appropriately. The fire safety issues raised by the Local Member and the Town Council fall under the aforementioned legislation.

7.05 There have been no objections received from any local residents in relation to this proposal.

8.00 CONCLUSION

8.01 The proposal is considered acceptable in principle and detail subject to appropriate conditions and advisory notes.

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

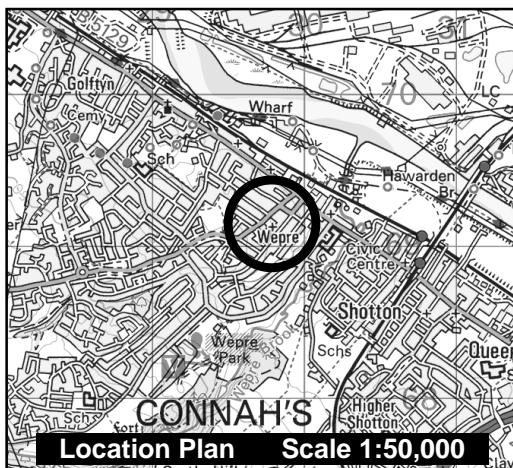
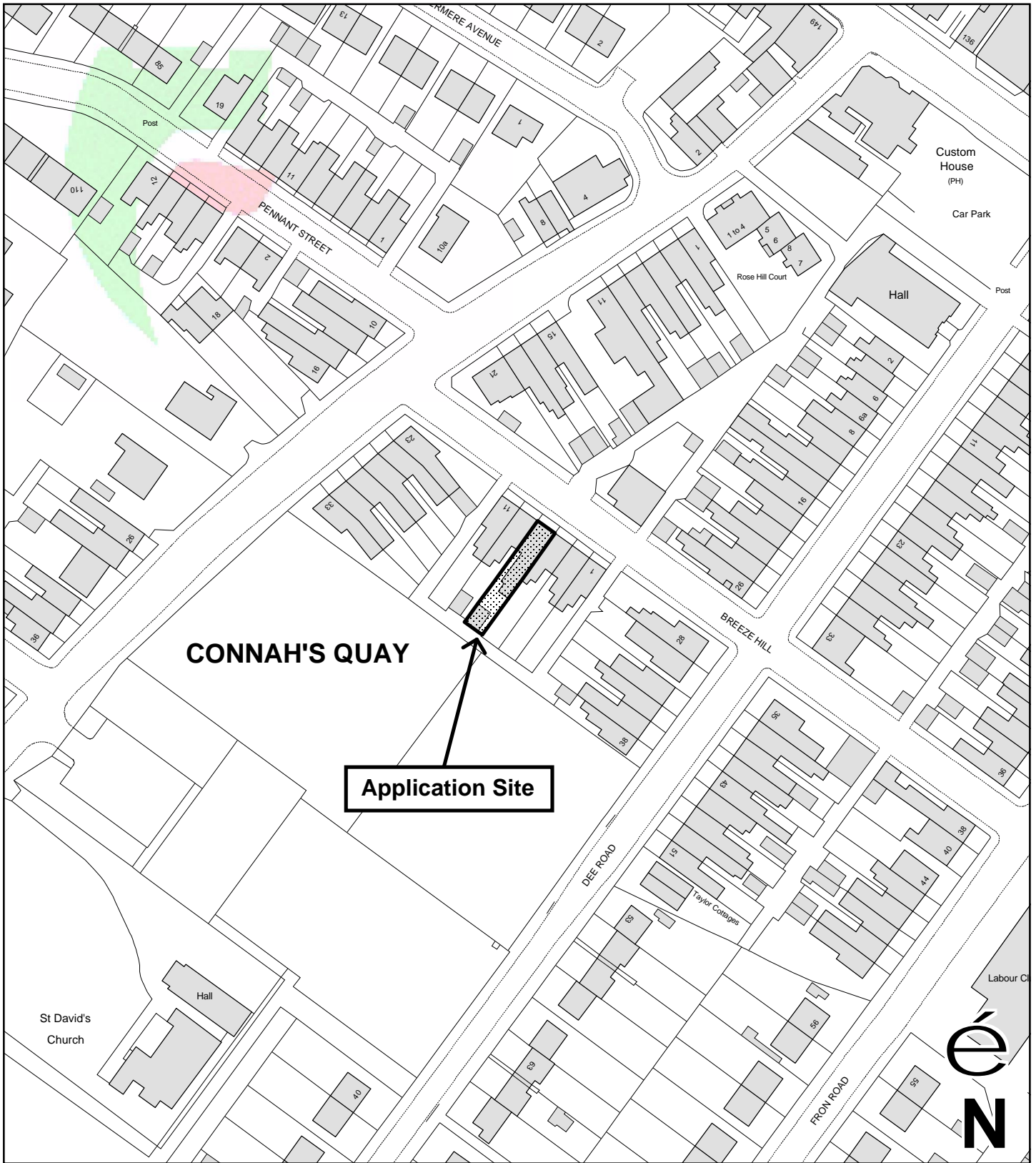
Responses to Consultation

Responses to Publicity

Contact Officer: Lauren Eaton-Jones

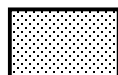
Telephone: 01352 703299

Email: Lauren_Eaton-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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale 1:1250

OS Map ref SJ 2969

Planning Application **54219**



This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **FULL APPLICATION – FORMATION OF DORMER TO FRONT OF DWELLING AT 7 SOMERFORD ROAD, BROUGHTON**

APPLICATION NUMBER: **054725**

APPLICANT: **DEREK BUTLER**

SITE: **7 SOMERFORD ROAD, BROUGHTON**

APPLICATION VALID DATE: **15/12/2015**

LOCAL MEMBERS: **COUNCILLOR D BUTLER AND COUNCILLOR M LOWE**

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

REASON FOR COMMITTEE: **APPLICANT IS COUNCILLOR**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The proposal is a full application which seeks permission for an alteration to the roof in the form of a flat roof dormer window to the front of the dwelling.

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

2.01 Approval subject to the following conditions:

1. Time Limitations.
2. As per the approved plans.

3.00 CONSULTATIONS

3.01 Local Members
No response at time of writing.

Broughton & Bretton Community Council
No objection.

Pollution Control
No objection.

Airbus
No objection.

4.00 PUBLICITY

4.01 Neighbour Notification
No response at time of writing.

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
GEN1 - General Requirements for development
HSG12 - House extensions and alterations
D2 - Design

7.00 PLANNING APPRAISAL

7.01 The site comprises of a single storey semi-detached bungalow of brick construction under a concrete tile roof. There is currently parking for two vehicles off road with access to a garden to the rear of the property.

7.02 The proposal consists of a flat roof dormer which runs the length of the existing dwelling and rising from the existing wall plate by approximately 2.2m. The dormer window will have two windows facing the highway and be clad in white upvc weather boarding.

7.03 The main issues are considered to be the impact of the development on visual amenity and on the residential amenity of the adjoining occupiers. The extension is subsidiary in scale and form to the existing dwelling and does not represent an overdevelopment of the site. The design is in keeping with the existing dwelling and the surrounding area where the majority of similar house types have matching dormer extensions. The dormer window will also match the approved dormer window on the adjoining property which is yet to be built

8.00 CONCLUSION

8.01 Considering the scale and design of the dormer window I am satisfied that it meets the relevant policy criteria and the application is recommended for approval.

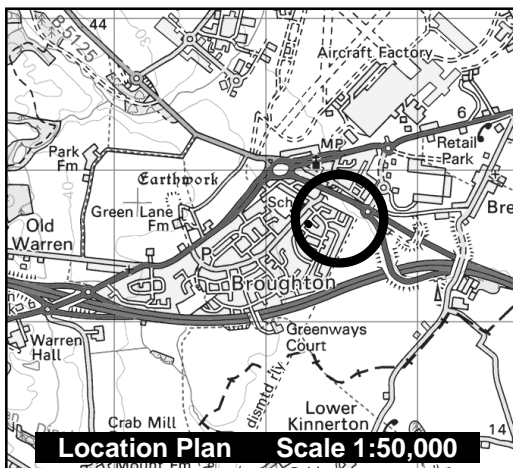
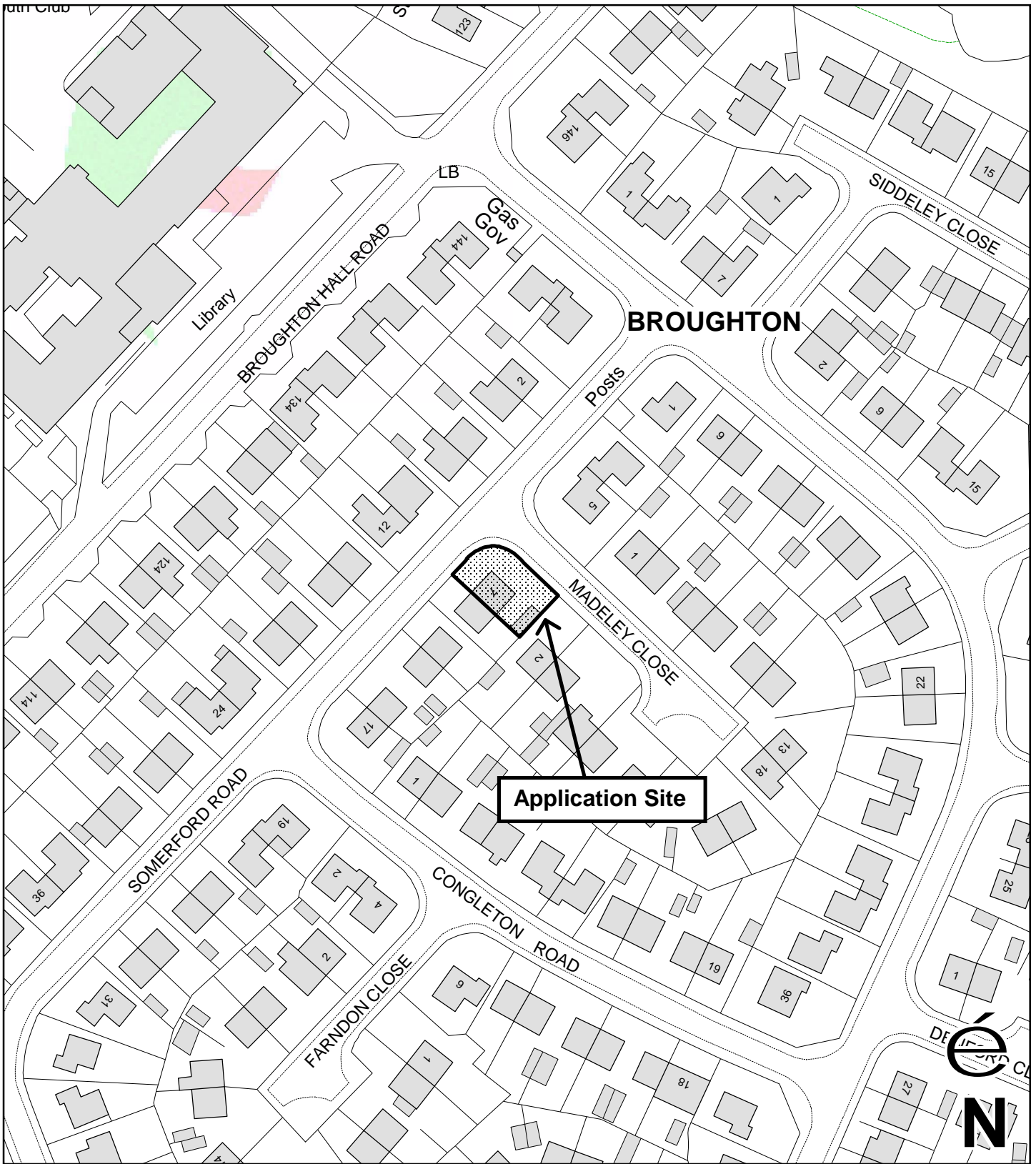
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard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

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Licence number: 100023386.
 Flintshire County Council, 2016.

Map Scale 1:1250

OS Map ref SJ 3463

Planning Application **054725**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 24 FEBRUARY 2016**

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

SUBJECT: **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 THAN 7 STATIC CARAVANS) AND RETENTION OF 3 NO. AMENITY BLOCKS AND ERECTION OF 1 NO. ADDITIONAL AMENITY AT DOLLAR PARK, BAGILLT ROAD, HOLYWELL**

1.00 APPLICATION NUMBER

1.01 053163

2.00 APPLICANT

2.01 Mr. L Hamilton

3.00 SITE

3.01 Dollar Park, Bagillt Lane, Holywell

4.00 APPLICATION VALID DATE

4.01 02.11.15

5.00 PURPOSE OF REPORT

5.01 To make recommendations to the Planning and Development Control Committee ("the committee") about the committee's proposed additional condition resolved to be added to the Officer's recommendation and condition contained in the late observations at the meeting on the 20th January 2016.

6.00 REPORT

- 6.01 At the meeting of the committee on the 20th of January 2016 the committee resolved to grant planning permission for a 5 year period in accordance with the Officer recommendation and additional condition in the late observations, but subject to an additional or amended condition to the effect that planning permission should cease within the 5-year period upon identification of an alternative site. The drafting of such a condition was resolved to be brought back to this committee for consideration. The legal officer was asked whether this type of condition would be lawful and expressed some concern about the condition and particularly in terms of applying a sufficiently certain condition.
- 6.02 In seeking to draft an appropriate condition the legal officer has been unable to find a precedent elsewhere in relation to this type of development, which seeks to end planning permission for the development on the outcome of a particular event as opposed to at the end of a specified period. Further, there is nothing in any of the relevant guidance that advises this approach.
- 6.03 In the circumstances it is considered that the safest resolution would be to grant planning permission subject to the officer recommendation and additional condition in the late observations made to the committee at the meeting on the 20th January 2016 but without the further additional condition seeking to end permission on identification of an alternative site. However, with it in mind that the particular concern of the legal officer is the certainty of the proposed condition, should members be minded to proceed on the basis resolved at the meeting on the 20th of January 2016, two alternative recommendations have been set out at paragraph 7 below. The first is the recommendation referred to in this paragraph and the second is to approve a condition that the legal officer has drafted on the basis that it overcomes any concerns about certainty.

7.00 RECOMMENDATIONS

- 7.01 To grant planning permission in accordance with the recommendation set out in the officer's report considered by the committee on the 20th January 2016 and subject to the additional condition set out in the late observation provided to that committee.
- 7.02 To grant planning permission in accordance with the recommendation set out in the officer's report considered by the committee on the 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 5 years from the date of this decision. If within the 5-year period of the permission the Council confirms in writing by way of notice served at

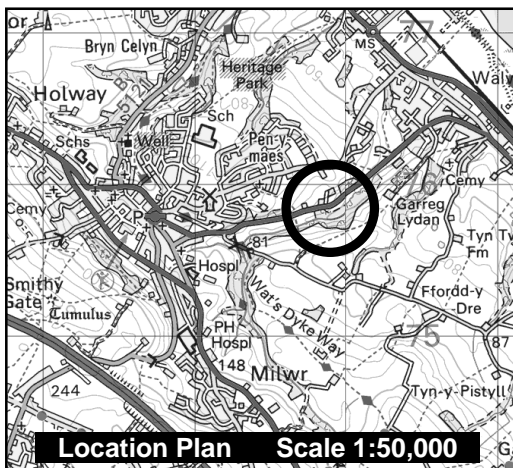
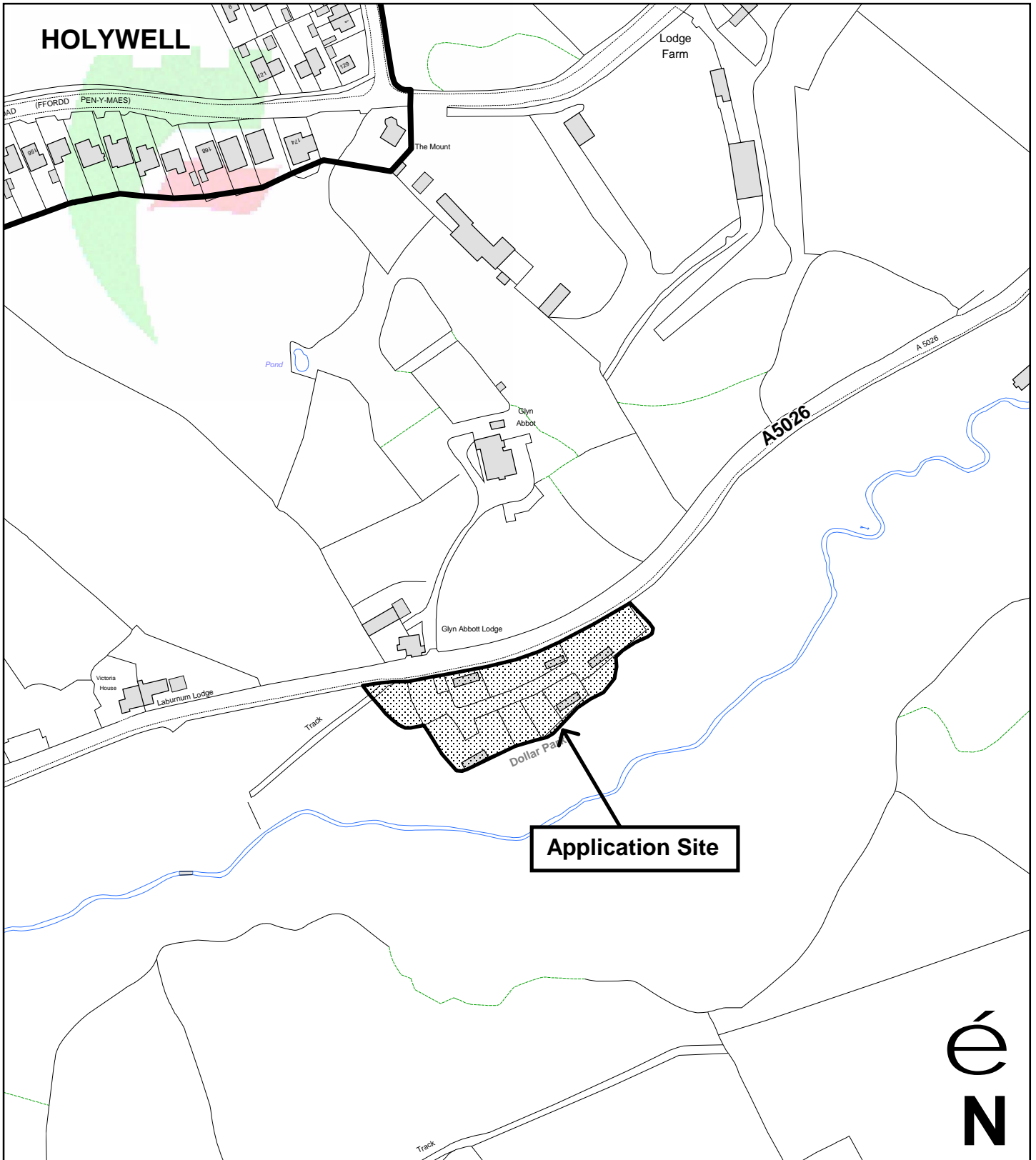
the site, that in its opinion there is a suitable alternative site then planning permission shall cease within 6 months of the date of that written notice”.

LIST OF BACKGROUND DOCUMENTS

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



Contact Officer: Emma Hancock/Matthew Georgiou
Telephone: 01352 703254/2330
Email: emma.hancock@flintshire.gov.uk
Matthew.georgiou@flintshire.gov.uk

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale	1:2500
OS Map ref	SJ 1975
Planning Application	53163

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 24 FEBRUARY 2016**

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

SUBJECT: **GENERAL MATTERS - ERECTION OF A PAIR OF SEMI-DETACHED BUNGALOWS AT HEATHERDENE, VICARAGE ROAD, RHYDYMWYN**

1.00 APPLICATION NUMBER

1.01 053534

2.00 APPLICANT

2.01 MR. R DRILSSMA

3.00 SITE

3.01 LAND ADJ TO HEATHERDENE,
VICARAGE ROAD, RHYDYMWYN.

4.00 APPLICATION VALID DATE

4.01 13.04.15

5.00 PURPOSE OF REPORT

5.01 To inform Members that the applicant considers that it is not viable to construct and sell the dwellings at 70% market value and wishes to reduce the discount market value to 90%

6.00 REPORT

6.01 Members resolved to grant planning permission at Planning and Development Control Committee on 14th October 2015 for the erection of two semi-detached bungalows on land adjacent to Heatherdene, Vicarage Road, Rhydymwyn. This was subject to a S106 agreement to ensure that the dwellings are made affordable either by selling at 70% market value or that the properties are let at an affordable rent at the Local Housing Allowance rate for the area.

- 6.02 Following the resolution to grant planning permission the applicant has undertaken detailed costings for the build of the dwellings. He is now questioning the viability of selling the properties at 70% of the market value following an assessment of the detailed costings of the scheme. This scheme is being pursued by a private individual and not a house builder or housing association.
- 6.03 The applicant wants to achieve some small level of profit in order to make the development of the site worthwhile. During the application process the applicant incurred additional costs to gain approval in terms of providing an updated Flood Consequence Assessment to meet the requirements of Natural Resources Wales.
- 6.04 In light of the above the applicant is proposing the dwellings are sold at 90% market value which would ensure that the build costs are met and he has a marginal profit for building the scheme.
- 6.05 The Council has verified the expected build costs submitted by the applicant with in house surveyors who have advised that these appear to be realistic. The applicant has spoken to a local estate agent who advised that the likely market value for a two bedroom semi-detached bungalow is £135,000 which confirmed his initial estimated value. He also provided evidence of other similar properties on the market in the Mold area (although not new build) which achieve similar or lesser values for a two/three bedroom detached/semi-detached bungalow.
- 6.06 The Council considers that there could be more value in the scheme than suggested in terms of the final market value of the properties as Rhydymwyn is a desirable rural area with little new housing stock. This therefore makes it difficult to make a comparison with any recent sales within the local area. The intention of the application is to provide a types of accommodation which is lacking in the area in the form of small semi-detached bungalows for people wanting to downsize or get on the housing ladder in the village.
- 6.07 From the evidence provided and given the lack of evidence for the village locality it is considered that the dwellings could be sold at 90% discount market value but the S106 agreement should include a clause that ensures that should the properties be valued at in excess of the estimation of £135,000 then the market discount should be increased incrementally from 10% to a maximum of 30%. This will allow for any market fluctuations between now and when the houses are built and ready for sale. The views of the Housing Strategy Manager have been sought and they are in agreement that this approach is acceptable.

7.00 RECOMMENDATIONS

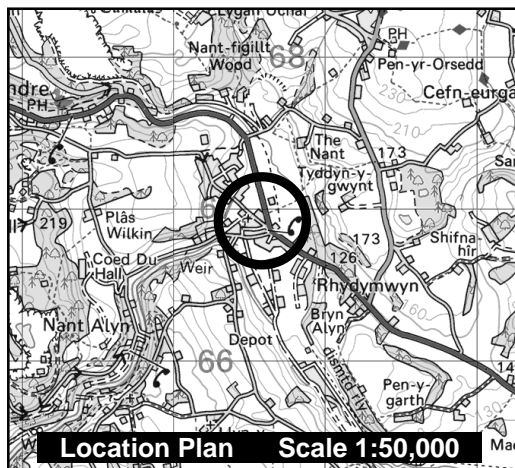
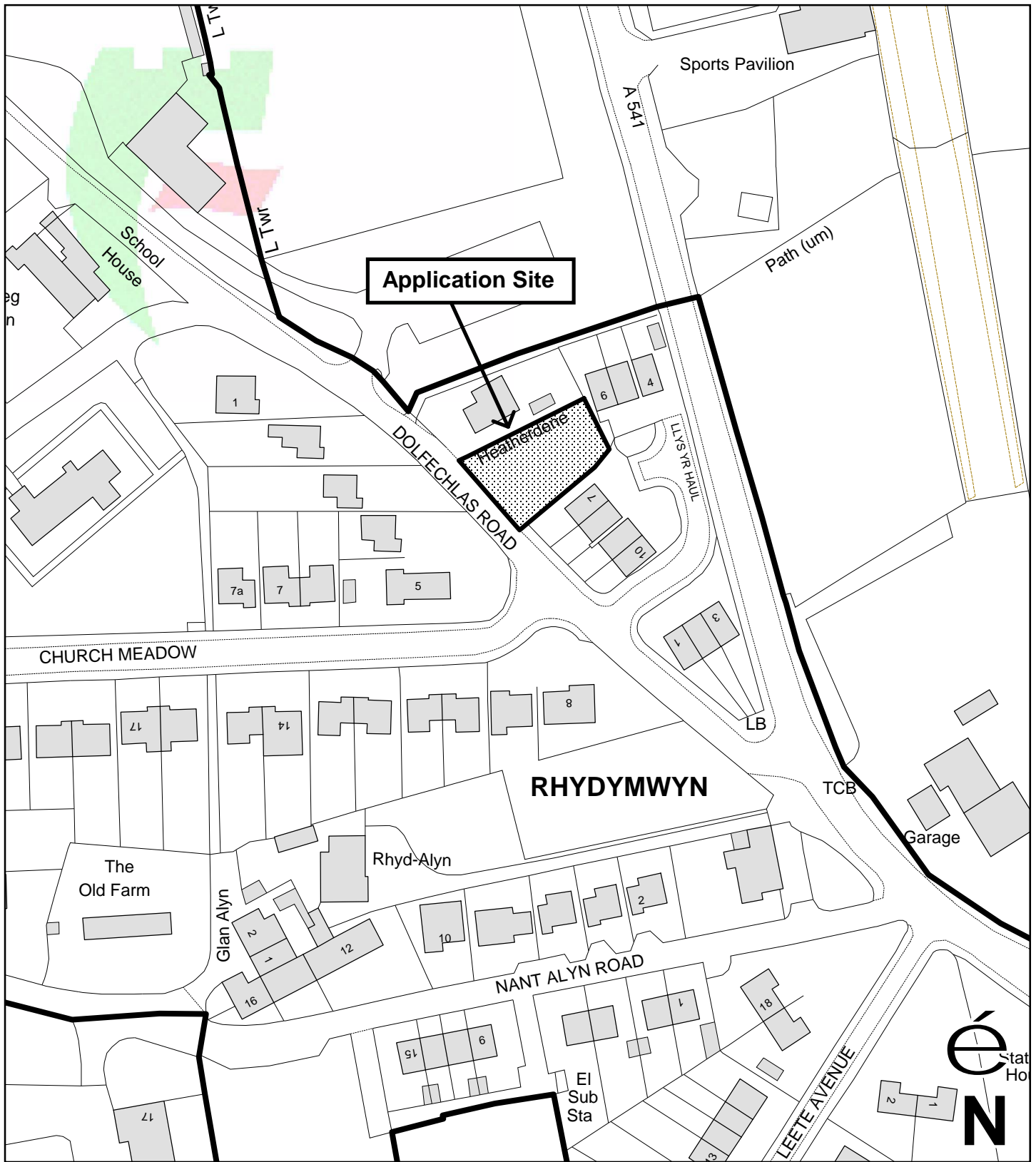
- 7.01 That planning be granted subject to the applicant entering into a S106 agreement/unilateral undertaking or earlier payment for the following contributions;
- £733 per unit for recreation enhancements in lieu of on-site provision towards teenager play provision at 'Donkey field' Rhydymwyn; and
 - 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 be applied; or
 - The properties are rented at an affordable rent at the Local Housing Allowance (LHA) rate for the area

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

This page is intentionally left blank



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2015.

Map Scale 1:1250

OS Map ref SJ 2066

Planning Application **53534**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

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

DATE: **24TH FEBRUARY 2016**

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

SUBJECT: **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**

1.00 APPLICATION NUMBER

1.01 052899

2.00 APPLICANT

2.01 MR. B. EVANS

3.00 SITE

3.01 8 RATCLIFFE ROW,
CHESTER ROAD, PENTRE.

4.00 APPLICATION VALID DATE

4.01 10TH NOVEMBER 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 planning permission for change of 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 Road, Chester Road, Pentre, Deeside, CH5 2DY. The application was refused under delegated powers with the appeal dealt with by way of an informal hearing and was **ALLOWED**.

5.02 An application for full costs was made against the Council and a full award was given in relation to the costs of the appeal proceedings.

6.00 REPORT

6.01 Background

Members may recall that this application was refused under delegated powers on 30th April 2015 on the grounds that due to the close proximity of the access road and the noise generated by its use and the resultant lack of privacy, the proposed gypsy would have unacceptable impact on the amenities of the occupants of No. 8 Ratcliffe Row.

6.02 Issues

The Inspector considered that the main issues were the effects of the proposal on the living conditions of neighbouring residents, particularly any effect on the occupiers of No. 8 in terms of loss of privacy or noise disturbance and whether there were any material considerations, in particular relating to the shortage of suitable alternative local gypsy pitches and the personal circumstances of the appellant's family, sufficient to outweigh any harm identified in relation to the living conditions of No. 8.

6.03 Living Conditions

Access to the site is proposed via an existing driveway which serves No. 8 and runs alongside the side elevation of the house and opens up to a wider area, surfaced in loose stone chippings, which extends from the rear elevation of the house to a yard area within which it is proposed to site the caravans and the utility/dayroom. To the rear of this area there is a small stable block and enclosed manege which is separated by a gate and fence from the rear of the appeal site. The side boundaries of the site and its boundary with the rear garden of a neighbouring property, McGlen, are demarcated by a high close boarded timber fence, supported by concrete posts.

6.04 No. 8 is a narrow-fronted, semi-detached house. It is a two-bedroom property owned by the appellant and rented out on a commercial basis. National policy identifies the potential problems that may arise from tandem development, including disturbance and lack of privacy to the house in the front. Along the side elevation of the dwelling there are several window openings which serve the first floor bedrooms and a living room and kitchen at ground floor. The proximity of the access means that those attracted to the appeal site would be able to look directly into the living room of the dwelling and from appreciably closer quarters than from the adjacent highway.

6.05 The accessibility of the site to local facilities, including shops and a school means that it is reasonable to anticipate regular pedestrian movements associated with the proposed use. This would be more intrusive than the overlooking associated with vehicular traffic. Whilst

the appellant suggested that such overlooking can arise from those visiting the stable block at the rear, the permission is subject to a condition that ties the use to occupiers of No. 8. The Inspector considered that such a use is not likely to involve pedestrian movements to the same degree as the proposal.

- 6.06 In terms of noise disturbance, the property fronts a busy road, which includes high volumes of heavy goods vehicles to the various industrial and other commercial uses nearby. This is likely to cause some disturbance within the living room and front bedroom which have windows facing the road. The proximity of the driveway access to side windows of the house the Inspector considered that it is likely that passing traffic would be readily noticeable for occupants, especially within the rear rooms of the house. The Council referred to the potential disturbance from car headlights shining into the rooms. The Inspector accepted that this may occur but would be short lived, occurring as vehicles turn into the site from the east. Thereafter the light beam would be directed along the lane rather than towards the windows.
- 6.07 The Council expressed concerns regarding the impact on the rear garden of No. 8. However, the site visit revealed that the property had no demarcated outdoor amenity space. The whole of the outdoor area was hard surfaced in coarse stone. Within this area the Inspector observed a children's trampoline, toys and bicycles stored immediately to the rear of the house. It was agreed that the provision of a dedicated private outdoor amenity area at the rear of the dwelling would benefit the living conditions of its occupants. This could be secured by planning condition.
- 6.08 The present occupiers of the house did not object to the scheme. The Inspector was mindful that were the appeal allowed, future occupiers of No. 8 would take up residence in the knowledge of the proximity of the shared driveway and the implications of this to living conditions. The Inspector also considered that the harmful effects that were identified in terms of disturbance within the home would be partly compensated by the provision of an outdoor amenity space. On balance the Inspector considered that the disturbance caused to the occupiers of No. 8 would not be particularly intrusive, nonetheless it was considered that it would be of some significance.
- 6.09 The Inspector noted concerns raised by local residents that the use would give rise to noise nuisance, and that this was partly informed by their experience when the unauthorised pitch was in operation on the site. As the use seeks permission only for residential use, and the scope to control this through the imposition of standard conditions, there was no reason to anticipate that such a use would unacceptably impact on other nearby residences.

- 6.10 Accommodation Needs & Personal Circumstances
The Council accepted that there is an under provision of gypsy pitches within the County. The latest GTANA which is for the period 2011-16 identifies a shortage of 36 pitches. The Council points to schemes in the pipeline that would reduce the shortfall to 23. As it was agreed that this lower figure represented a significant shortfall it is not necessary for the Inspector to consider whether the appellant is correct to assert that the level of demand is seriously underestimated by the GTANA. The Council has commissioned consultants to provide a new assessment, but no alternative figures are available.
- 6.11 The Council is at a fairly early stage in the preparation of its LDP. There has been significant slippage in the delivery timetable which now anticipates that Plan adoption will be in 2021 or thereabouts. In the meantime, the Council could not demonstrate that it was taking adequate alternative steps to address the shortage of pitches.
- 6.12 At an anecdotal level the appellant referred to the experience of several family members who had been unsuccessful in securing pitches in the area. Against this context, the scheme offers the opportunity of one pitch in a location within settlement limits and close to a range of local services and facilities. The parties agreed that such benefits rarely arise in relation to new gypsy and traveller pitches. In this context the level of harm the Inspector identified to the living conditions of occupiers of No. 8 is clearly outweighed by the scheme's contribution to the local supply of gypsy and traveller pitches and the benefits of providing settled accommodation to future occupiers.
- 6.13 Mr. Evans explained that he and his wife had experience of living in a house for a few months some 8 to 9 years ago. They had found the experience to be objectionable and as a result reverted to living in a caravan. They have been unable to secure a permanent pitch during this time and so have been forced to move frequently. They have been mainly doubling-up in cramped conditions on existing pitches occupied by family members, and having to move on to avoid overstaying their hosts' welcome. Both Mr. Evans and his two sons have health problems. Not having a permanent address caused problems with hospital appointments and so on. The two boys are of primary school age and have enjoyed and benefitted from their extended periods of school attendance. The longest of these was when the family took up unauthorised residence on the appeal site for some 8 months. Their education was hampered by the breaks in their schooling and the move from one school to another.
- 6.14 The lack of adequate provision of gypsy pitches in the area was a weighty consideration as WAG Circular 30/2007 makes clear. In this case it attracts greater weight given that there is no reasonable prospect of the situation being addressed in the short term. The appeal site is located within settlement limits, is accessible to a range

of local services and facilities and, in this respect, performs well in terms of sustainability principles.

- 6.15 The extent of the harm that the Inspector described in terms of the effect on living conditions of the occupiers of No. 8 was outweighed in this case by the absence of a sufficient local supply of suitable gypsy pitches. It was therefore considered that the scheme would not give rise to an unacceptable impact on the amenity or character of the surrounding area.
- 6.16 The personal circumstances of the appellant's family weighed in favour of granting permission. However, as considered that the more general considerations relating to the shortage of supply of pitches was sufficient to clearly outweigh the harm that identified in relation to the first main issue, these personal circumstances were not determinative. Accordingly, it was not reasonable to limit the permission to a personal one.
- 6.17 Costs Application
The appellant made an application for a full award of costs against the Council in respect that the Council acted unreasonably in that a balancing exercise of the considerations in favour of the scheme was not undertaken and whether planning conditions could be imposed to address the harm.
- 6.18 The Council in its officer delegated report made no reference to the lack of caravan pitches in the County and identified the presumption in favour of the development because of its location within a settlement boundary. It also identified the potential to mitigate the appearance of the development. However, there was no indication, the Inspector considered that the identified harm was balanced against the factors that weighed in favour of the scheme.
- 6.19 The thrust of the conclusions drawn in both the report and the appeal statement was that the scheme represented backland development that would adversely affect the amenities of the occupiers of the house. The Inspector considered that there was no comment on the severity of such harm in the circumstances of the case. Having noted the materiality of the considerations relating to need and lack of pitches, such considerations were not weighed against the identified harm. The Inspector considered that the Council ought to have known of the significance of such considerations which led to several recent appeals in its area being allowed on the basis that they outweighed harmful impacts. The evidence led the Inspector to find that the application was not properly considered in the light of the material considerations.

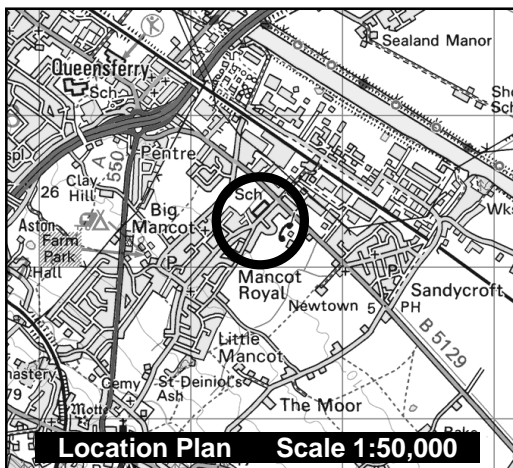
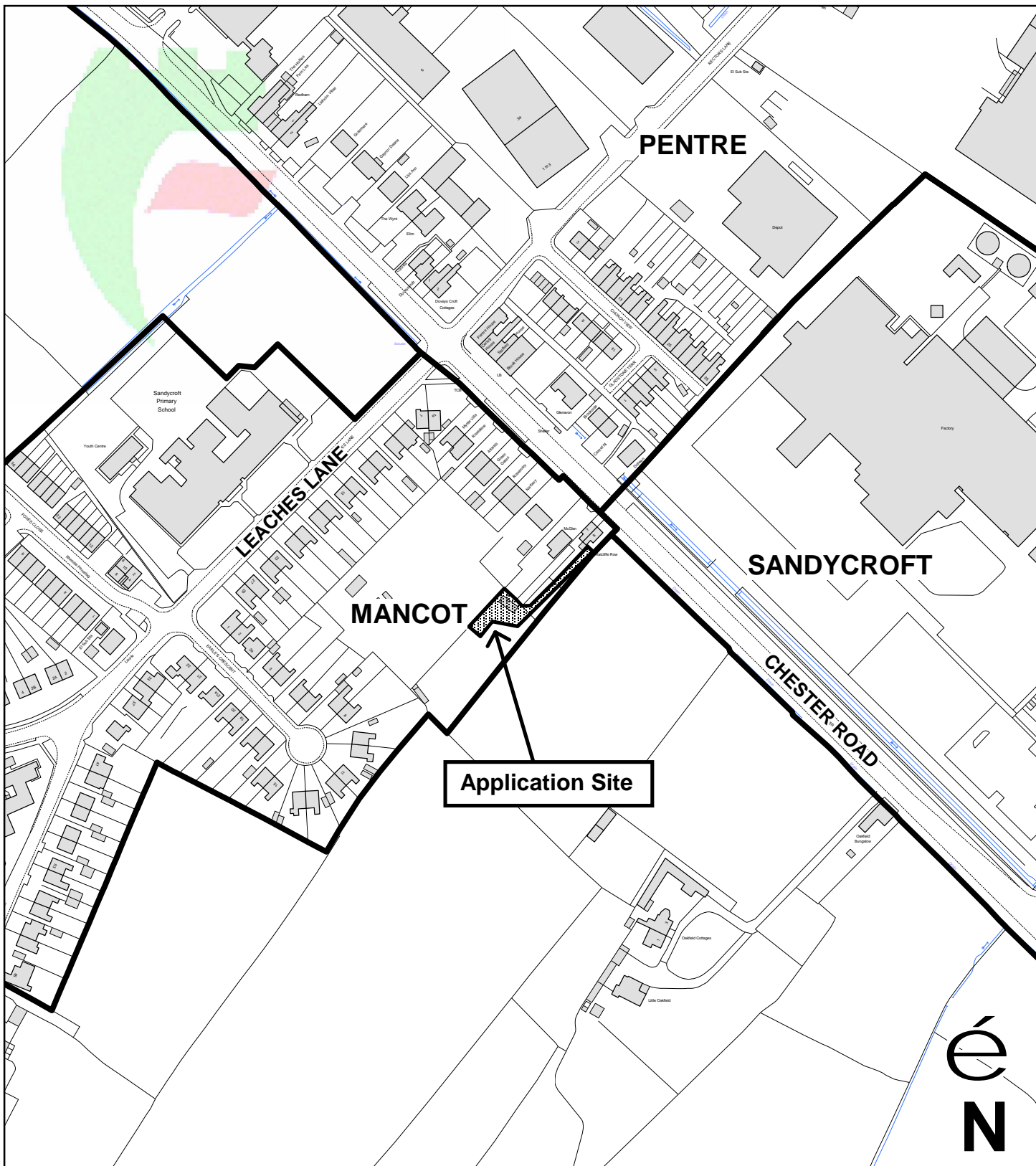
7.00 CONCLUSION

- 7.01 The Inspector considered that the scheme would give rise to harm to the living conditions of the occupiers of No. 8. It would create a situation that should be avoided but in the reasons set out on the first issue, the impact would not be particularly harmful. It was certainly not such as to make the living conditions unacceptable. No other harm was identified. The site's location within a settlement means that the scheme performs well in terms of sustainability and the avoidance of development in countryside. The scheme accords with Policy HSG14, which deals specifically with gypsy sites, therefore it accords with the development plan. Therefore, the Inspector **ALLOWED** the appeal.
- 7.02 In addition, the Inspector considered that the failure by the Council to carry out an appropriate balancing exercise constituted unreasonable behaviour. The failure to consider whether the grant of a temporary permission might mitigate the harm such as to make it acceptable is inextricably linked to the failure to carry out a proper balancing exercise. There the Inspector awarded full costs of the appeal proceedings against the Council.

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2016.

Map Scale	1:2500
OS Map ref	SJ 3267
Planning Application	52899

This page is intentionally left blank