

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

9 December 2015

Tracy Waters 01352 702331
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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 16TH DECEMBER, 2015** at **1.00 PM** to consider the following items.

Yours faithfully

Peter Evans
Democracy & Governance Manager

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AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

3 LATE OBSERVATIONS

4 MINUTES (Pages 5 - 16)

To confirm as a correct record the minutes of the meeting held on 18th November 2015.

5 ITEMS TO BE DEFERRED

6 REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)

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

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON
16TH DECEMBER 2015

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	054163	054163 - A - Outline Application - Residential Development at Boars Head Inn, Holywell Road, Ewloe (Pages 17 - 30)
6.2	054151	054151 - A - Full Application - Demolition of Existing Health Care Centre and Erection of 24 No. Affordable Apartments with Associated Landscaping and Parking at Buckley Health Centre, Padeswood Road North, Buckley (Pages 31 - 42)
6.3	054484	054484 - A - Full Application - Erection of 12 No. Dwellings and Associated Development Works at Custom House School, Mold Road, Connah's Quay (Pages 43 - 52)
6.4	053731	053731 - A - Full Application - Changes to the Layout of 25 No. Touring Caravan Pitches (Previously Approved Under Planning Permission Ref: 049102) and Temporary Retention of 2 No. 'Porta-Cabins' for Use as a Temporary Toilet/Amenity Block to Serve the Touring Caravan Site (Retrospective) at Misty Waters Caravan Park, Lloc (Pages 53 - 62)
6.5	054471	054471 - R - Full Application - Erection of Replacement Dwelling at Heddwch, Coast Road, Mostyn (Pages 63 - 70)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.6	053011	053011 - Appeal by Mr. David Roberts Against the Decision of Flintshire County Council to Refuse Planning Permission for Erection of Concrete Batching Plant at Bryn Thomas Crane Hire, Chester Road, Oakenholt - ALLOWED (Pages 71 - 76)
6.7	053014	053014 - Appeal by Persimmon Homes North West Against the Decision of Flintshire County Council to Refuse Planning Permission for Construction of Earthworks and Retaining Structures to Deal with Change in Levels at the Rear of Plots 52 - 56 (Scheme 1) at Field Farm Lane, Buckley - DISMISSED (Pages 77 - 82)
6.8	053329	053329 - Appeal by Mr. Mark Allen Against the Decision of Flintshire County Council to Refuse Planning Permission for the Removal of Existing Roof, Demolition of Existing Flat-Roofed Garage and Erection of New Garage, Erection of Extension to Rear of Garage, Construction of New Higher-Pitched Roof Over the Whole Structure to Create New Rooms in the Roof Space at 28 Summerdale Road, Queensferry - DISMISSED. (Pages 83 - 88)
6.9	053621	053621 - Appeal by Mr. Robert Edwards Against the Decision of Flintshire County Council to Refuse Planning Permission for Demolition of Existing Garage and Erection of Two Storey, Single Storey and First Floor Extensions at Station House, Alyn Lane, Llong - PART ALLOWED/PART DISMISSED (Pages 89 - 94)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
18 NOVEMBER 2015

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 18th November 2015

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Chris Bithell, David Cox, Carol Ellis, David Evans, Ray Hughes, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Mike Peers, Neville Phillips, Gareth Roberts, David Roney and Owen Thomas

SUBSTITUTIONS:

Councillor: Haydn Bateman for Marion Bateman, Jim Falshaw for Alison Halford and Ron Hampson for Christine Jones

ALSO PRESENT:

The following Councillors attended as local Members:-

Councillor Nigel Steele-Mortimer - agenda item 6.1

The following Councillors attended as observers:

Councillor Veronica Gay

APOLOGIES:

Councillors: Derek Butler, Ian Dunbar and Billy Mullin

IN ATTENDANCE:

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

80. DECLARATIONS OF INTEREST

Councillor Richard Lloyd declared a personal and prejudicial interest in the following application because he was a Member of Saltney Town Council:-

Agenda item 6.2 – General Matters – Proposed Amendment to Section 106 Agreement – Morrison’s Supermarket, High Street, Saltney (045999)

81. LATE OBSERVATIONS

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

Councillor Owen Thomas expressed his disappointment at the small number of Members of the Committee that had attended the site visit on Monday, 16th November 2015. Councillor David Roney indicated that he had been unable to attend but when he did miss site visits, he usually went to view the site in his own vehicle prior to the Committee meeting.

82. MINUTES

The draft minutes of the meeting of the Committee held on 14th October 2015 had been circulated to Members with the agenda.

RESOLVED:

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

83. 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.

He commented on the small number of items on the agenda and assured Members that the short agenda was not as a result of the recent amendments to the Scheme of Delegation agreed at the 20th October 2015 County Council meeting. A number of applications had been due to be submitted to this meeting but were not able to progress due to issues such as a requirement for re-consultation following amendments to an application.

The Chief Officer (Planning & Environment) advised Members that following agreement to webcast certain meetings, the 16th December 2015 meeting of the Committee would be a pilot for webcasting.

84. FULL APPLICATION – ERECTION OF TWO STOREY EXTENSION TO DWELLING AT TY CAPEL, LON CAPEL, GWAENYSGOR (054199)

The Committee considered the report of the Chief Officer (Planning & Environment) in respect of this application which had been the subject of a site visit on 16th November 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the site was located in the Conservation Area and Area of Outstanding Natural Beauty (AONB) designation. A number of objections had been received which had been noted in the comments of the AONB but they had not raised any objections following the submission of proposed amendments to the application in relation to the removal of the gable end window.

Councillor Nigel Steele-Mortimer, the Local Member, sought clarification on whether he was permitted to speak on the application. The Chairman advised that at the previous meeting, he had exercised his discretion to allow Councillor Steele-Mortimer to speak notwithstanding that notice to speak had not been submitted. The Chairman said he would exercise his discretion again on this occasion, but in future local members who were not members of the committee and who wished to speak must submit the requisite notice, or the Chairman may decide not to exercise his discretion to allow them to speak.

The Housing & Planning Solicitor confirmed that paragraph 22.2 of the Rules of Procedure of the Constitution required members who wished to speak on matters significantly affecting their ward to register 24 hours before the meeting and this was not a new rule. He reminded members that on this occasion the Chairman had exercised his discretion to allow Councillor Steele-Mortimer to speak. Councillor Bithell requested that all Members be advised of the requirement to register. Councillor Carol Ellis suggested that Members be asked on the consultation form whether they wished to speak at Committee rather than needing to register separately. The Housing & Planning Solicitor confirmed that a reminder could be sent to all Members about the requirement.

Mrs. S. Appleton spoke against the application. She was the owner of the neighbouring property at Pen y Parc and strongly objected to the proposals due to the close proximity of the extension to her property. She commented on the three different versions of the proposals and expressed concern at the officer recommendation of approval despite objections from the Local Member and Trelawnyd & Gwaenysgor Community Council. The footprint of the extension took in all available land within the site and was extremely close to the shared boundary. The report at paragraph 7.07 referred to extension being approximately 2 metres from the neighbouring property and Mrs. Appleton raised concern that the actual figure was not reported which she suggested was only 33 inches. The proposal was overbearing and would create a narrow alleyway between the properties and the extension was being built off the wall. She did not feel that this was reasonable and added that it did not comply with the Council's policy on space around dwellings. She asked the Committee to challenge the proximity of the extension to her property and to take account of the comments of the Local Member.

Councillor Gareth Roberts proposed the recommendation for approval which was duly seconded. He felt that this was a clear cut decision and that the extension would be built on land up to the boundary with the distance between the extension and the building next door including a wall. It had been suggested that there were very few properties with little space between them but Councillor Roberts did not feel that this was true and commented on terraced properties. He felt that approval of the application was the correct decision as refusal would be difficult to defend on appeal and could result in costs against the Council.

Councillor Chris Bithell apologised for not attending the site visit. He concurred that the figure reported in paragraph 7.07 should be the actual figure not an approximation but said that it was clear from the report that the extension complied with space around dwellings guidelines. There had been another extension to the property but this had been 34 years ago. The property was in a Conservation Area but there had been no objections from the AONB Joint Advisory Committee and in policy terms the application should not be refused.

The Local Member, Councillor Steele-Mortimer, thanked the Chairman for exercising his discretion to allow him to speak and those Councillors that had attended the site visit. He commented on the proposed extension which would reduce the gap between the two properties by 80% leaving a gap between the buildings of approximately 1.5 metres. He suggested that the proposal would result in a terrace effect which he did not feel should be forced upon residents. He felt that the application should be refused as it was overbearing and was too close to the neighbouring property and this would allow the applicant to submit a more appropriate application.

Councillor Mike Peers sought clarification on why the Community Council was objecting to the application and queried the percentage increase of the extensions. He agreed that the proposal seemed close to the neighbouring property. Councillor Owen Thomas raised concern about the proposal to render the building rather than building it with stone which he felt would be more appropriate in a conservation area. He suggested that the proposals would result in a very small garden area for the property and agreed that the extension would be close to the neighbouring property and that the actual figures should be provided. He felt that the proposal would not enhance the village and that the building materials should be reconsidered.

In response to the comments made, the officer advised that the distance from gable to gable was 1.5 metres. He confirmed that it was not proposed to build the extension off the wall and that the extension would be rendered to match the extension built in 1981. He commented on properties in the area that were a mix of stone and render so the proposal would not result in the extension being out of character with the area. A window that would have overlooked the neighbouring property in the original application had been moved and the bedroom window would now overlook the road. He felt that the proposal including the scale of the proposal was in character with the area and the rendered appearance was in keeping with other properties. The officer added that the Community Council had not specified their reasons for objecting.

The Planning Strategy Manager suggested that rendering the extension would allow the original building that was built of stone to be identified and would not detract from the character of the area. He advised that he did not have details of the percentage increase but reminded Members that the 50% baseline figure was used to assist planning judgement on whether it was acceptable or not but was not part of the policy.

In summing up, Councillor Roberts said that the site was in the settlement boundary and the 50% figure was not material to the Committee's consideration. He did not feel that there was a planning reason to defer or refuse the application to enable the applicant to propose an alternative as it was a clear cut decision.

RESOLVED:

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

85. GENERAL MATTERS – PROPOSED AMENDMENT TO SECTION 106 AGREEMENT – MORRISONS SUPERMARKET, HIGH STREET, SALTNEY (045999)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. Councillor Richard Lloyd, having earlier declared an interest in the application, left the meeting prior to its discussion.

The Housing & Planning Solicitor detailed the background to the report and explained that planning permission had been granted in 2009 for the erection of Morrisons Supermarket and had included a Section 106 (S106) agreement which required the transfer of land for a library and that the land be transferred back to Morrisons if the library was not built within seven years of the date of the permission. A report to Committee in December 2014 obtained a resolution for the land to be retained by the Council beyond August 2016 providing the land was to be used for some benefit to the Community. The land was currently still in the ownership of Morrisons. Following further negotiations, it was now intended that the land should be transferred by Morrisons directly to Saltney Town Council and that authority be sought to vary the S106 agreement as required.

Councillor Chris Bithell proposed the recommendation that the land be transferred directly to Saltney Town Council and the existing Section 106 agreement entered into in connection with planning permission reference 045999 be varied as required. He said that it had been hoped that a library could be erected but this was a useful alternative for the land.

In response to a query from Councillor David Roney, the Chief Officer (Planning & Environment) confirmed that the land was to the west of the supermarket access road, not the east as reported in paragraph 6.01. Councillor Richard Jones queried whether there was access and egress to the site and the Chief Officer said that pedestrian access to the site could be achieved from Chester Road.

RESOLVED:

That the land be transferred directly to Saltney Town Council and the existing Section 106 Agreement entered into in connection with planning permission reference 045999 be varied as required.

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

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

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

The officer detailed the background to the report and explained that the report was before Committee to advise them that the incorrect layout plan had been shown when the application was considered by the Committee in October 2014. The site was slightly smaller than the area shown on the plan but the correct layout plan had been consulted on.

Councillor Chris Bithell queried how this had happened and whether it could have implications for the approval of the application. He did not have any objection to the smaller site area but asked whether the Committee's original decision needed to be rescinded. He proposed the recommendation for approval which was duly seconded.

The Housing & Planning Solicitor said Members were being asked to note the discrepancy and move approval subject to the same conditions as the original resolution on 8th October 2014. He confirmed that an amended plan had been submitted by the applicant and it was that plan (the correct layout plan) which had been consulted on but the incorrect layout plan had then been accidentally displayed in the officer's presentation to the Committee. The Committee was also being asked to note the amended location plan.

Councillor Mike Peers referred to the provision of affordable housing which it was recommended would be two three bed dwellings being gifted to North East Wales Homes. He queried whether this was in agreement with the Housing Strategy Manager. In response, the Housing & Planning Solicitor advised that those provisions within the Section 106 agreement had not changed from those that were resolved to be granted in October 2014 and that this report was only to point out that the incorrect layout plan had been displayed during the presentation to the Committee. The Planning Strategy Manager said that the provision of gifted units in Northop Hall had been established for some time and was the view of the Housing Strategy Manager.

RESOLVED:

That planning permission be granted based on the amended red line boundary and planning layout Drawing AH008-01N subject to the applicants entering into a Section 106 agreement/unilateral undertaking or earlier payment for the following contributions:-

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

87. APPEAL BY MULLHILL ESTATES LLP AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR OUTLINE – DEMOLITION OF ‘SUNNYSIDE’ & 66A MOLD ROAD AND THE ERECTION OF 58 NO. HOUSES INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE AT 66A MOLD ROAD, MYNYDD ISA (048042)

The Chief Officer (Planning & Environment) detailed the background to the report and explained that the application had been refused contrary to officer recommendation and paragraph 6.01 set out the concerns raised which included lack of provision of 30% affordable housing. The applicant's had spoken of significant costs associated with the site and the unviability if affordable housing provision needed to be included. The appeal Inspector felt significant weight should be applied and this resulted in affordable housing being limited as a result. Consideration had also been given to ecology and flooding issues and because the Joint Housing Land Availability Study showed a shortfall in the five year supply of housing land required, the Inspector attached considerable weight to the consideration. He granted planning permission subject to a significant number of conditions.

Councillor Mike Peers queried why highway safety had been considered by the Inspector when the Council had already dropped this as a reason for refusal. The Chief Officer advised that the issue had been raised by a third party. Councillor Peers asked whether the 28% return figure was correct and queried the amount of affordable housing that would be achieved on site. The Chief Officer confirmed that he would clarify both of these issues following the meeting. Councillor Peers referred to the concerns by the applicant over viability issues which the Committee had argued against and also commented on the sum of £0.5m which had been spent by the developer on marketing. He felt that this was a significant amount, along with the 28% profit, particularly as the applicant had stated that they were unable to provide affordable housing on the site due to it being unviable. The Planning Strategy Manager drew Members' attention to paragraph 6.07 where the decision of the Inspector relating to affordable housing and the provision of a commuted sum were reported.

Councillor Richard Jones raised significant concern that the consideration of viability of a site would need to be undertaken by the Committee and suggested that the decision of the Inspector should be challenged.

The Planning Strategy Manager advised that since 2013, a Developer Guidance Note had been produced for all developments which provided details to developers of issues to consider and one of the criteria was to ensure that the site was viable and sustainable. He added that the developer had raised viability issues on another application which had also been appealed and had won both appeals. He spoke of the lessons that had been learned since the production of the guidance note. Councillor Peers expressed his significant disappointment in the outcome of the appeal in relation to the viability aspect.

In response to a query from Councillor Owen Thomas about the ownership of the land, the Chief Officer (Planning & Environment) said that an applicant could apply to develop land they did not own if they served the appropriate notices to the land owner.

Councillor Gareth Roberts shared the concerns on the issue of viability and suggested that had the applicant been aware of the restrictions on the site and therefore effect on costs, they could have adapted their proposal accordingly. Councillor Richard Jones said that applicants should ensure viability before purchasing a site and in expressing his concern about the Inspector's decision, suggested that a letter be sent to the Inspector on their interpretation of the policies in place.

The Chief Officer (Planning & Environment) said that the developer guidance note required developers to prove the site was deliverable and viable. He suggested that this appeal could be considered in further detail by the Planning Strategy Group.

RESOLVED:

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

88. APPEAL BY MR. D. GELDER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SITING OF 10 STATIC CARAVANS AT TARTH Y DWR, DYSERTH ROAD, LLOC (053130)

The Chief Officer (Planning & Environment) advised that the application had been refused under delegated powers and the written representation appeal had been dismissed. Objections had been raised by Natural Resources Wales which the applicant had been unable to address.

RESOLVED:

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

89. APPEAL BY MR. MYLES BERRY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND TO PROVIDE 2 NO. RESIDENTIAL GYPSY/TRAVELLER PITCHES TO INCLUDE 2 NO. STATIC CARAVANS AND 2 NO. TOURING CARAVANS WITH PARKING FOR 2 NO. VEHICLES TO EACH PITCH AT 1 OLD PAPER MILL LANE, OAKENHOLT (053290)

The Chief Officer (Planning & Environment) advised that the application had been refused under delegated powers and the appeal, which had been dealt with by way of an informal hearing, had been allowed.

The Inspector had found that the proposed development would amount to inappropriate development in the countryside and within the green barrier

but he had given significant weight to the personal circumstances of the applicant and felt that these outweighed the requirement to protect the green barrier. The Chief Officer raised concern that a temporary permission had not been granted.

Councillor Chris Bithell expressed significant concern and commented on a number of applications from residents to develop in the area which had all been refused. He referred to paragraphs 6.07 and 6.08 where it was reported that the proposal failed to comply with Policy GEN4 and therefore permission should not be granted. However, the Inspector had then considered the personal circumstances of the applicant and had granted permission. He raised significant concern that Flintshire and Wrexham had provided a large number of Gypsy and Traveller sites when other Local Authorities in North Wales had not made any provision. Councillor Gareth Roberts shared the concerns and felt that the original decision to refuse the application had been correct. Councillor Mike Peers felt that this was new site provision through the back door and suggested that it would be useful for Planning Strategy Group to consider this appeal in detail. The inspector appeared to have recognised the importance of the green barrier but, in his conclusion in paragraph 6.21, had found that the need for additional gypsy pitches within the area and the personal circumstances of the appellant had amounted to very exceptional circumstances. Councillor Peers queried whether the same conclusion would have been reached if the application had been from the general public and if not, he felt that the decision should be challenged.

Councillor Carol Ellis queried why a temporary permission had not been granted and suggested that the decision set a precedent. The Chief Officer shared the concerns of Councillor Ellis and explained that the site at Dollar Park had only been granted temporary permission so he did not understand why this was different. In referring to other applications that had been refused planning permission in the area, he said that the only difference in the applications was that the applicant was a Gypsy/Traveller. The Planning Strategy Manager spoke of the duty on all Local Authorities to provide Gypsy/Traveller pitches. He commented on work to be undertaken on a Gypsy/Traveller assessment which was a requirement for all Councils to carry out by February 2016. This would provide information on where the provision of pitches needed to be and how this was to be addressed.

RESOLVED:

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

90. **APPEAL BY MORRIS HOMES LTD TO THE HIGH COURT AGAINST THE DECISION OF THE WELSH MINISTERS TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 36 NO. AFFORDABLE DWELLINGS WITH ASSOCIATED PARKING ACCESS, HABITAT CREATION AND PUBLIC OPEN SPACE ON LAND AT LLYS BEN, NORTHOP HALL (050613)**

The Housing & Planning Solicitor explained that the applicant had appealed to the High Court against the Inspector's decision to refuse the application and a hearing date had been set for 13th November 2015. However, prior to this date, the applicant had decided not to continue with the appeal and therefore the decision to refuse stood.

Councillor Gareth Roberts asked whether the applicant had been subject to costs and whether a payment for costs had been made to the Council. The Housing & Planning Solicitor explained that the Council's costs were small given the stage that the proceedings were withdrawn but advised that in appeals against a Welsh Government (WG) it would be unusual for both WG and the Local Authority to be awarded costs.

In response to a question from Councillor Mike Peers, the Housing & Planning Solicitor advised that the appellant had not provided a reason for discontinuing their appeal.

RESOLVED:

That the decision to discontinue this appeal be noted.

91. **HIGH COURT APPEAL BY FLINTSHIRE COUNTY COUNCIL AGAINST THE WELSH MINISTERS' DECISION TO GRANT PLANNING PERMISSION FOR CHANGE OF USE OF THE SITE TO A PLANT HIRE BUSINESS AND TO ERECT A NEW WORKSHOP BUILDING ALONG THE SOUTHERN BOUNDARY OF THE SITE, AS WELL AS THE CHANGE OF USE OF THE TEA POT CAFÉ INTO ANCILLARY OFFICE SPACE FOR THE PLANT HIRE BUSINESS (052645)**

The Housing & Planning Solicitor advised that the appeal had been allowed by the Welsh Ministers but their decision had been appealed by the Local Authority to the High Court as the Inspector had not included a condition requiring the submission of a Traffic Management Plan or a condition relating to adequate vehicular turning space within the site. The Council considered that the Inspector had erred in his determination and an appeal had been submitted. The Welsh Ministers and the applicant agreed that the Inspector had made an error and the decision to allow the appeal was quashed and the matter submitted to the Welsh Ministers for re-determination.

Councillor Jim Falshaw raised concern about the level of costs and the Housing & Planning Solicitor advised that the Council had been awarded costs and that the appeal would now be considered afresh.

RESOLVED:

That the decision of the High Court to allow this appeal be noted.

92. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were two members of the public and one member of the press in attendance.

(The meeting started at 1.00 pm and ended at 2.33 pm)

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Chairman

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: 16TH DECEMBER 2015

REPORT BY: CHIEF OFFICER (PLANNING AND ENVIRONMENT)

SUBJECT: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT BOARS HEAD INN, HOLYWELL ROAD, EWLOE.

APPLICATION NUMBER: 054163

APPLICANT: MR GARY AMES

SITE: THE BOARS HEAD INN, HOLYWELL ROAD, EWLOE

APPLICATION VALID DATE: 11.08.15

LOCAL MEMBERS: COUNCILLOR ALISON HALFORD
COUNCILLOR DAVID MACKIE

TOWN/COMMUNITY COUNCIL: HAWARDEN

REASON FOR COMMITTEE: LOCAL MEMBER REQUEST DUE TO OVERDEVELOPMENT AND TRAFFIC IMPACTS

SITE VISIT: YES

1.00 SUMMARY

- 1.01 This is an outline planning application for residential development with details of access provided. All other matters are reserved for future consideration. The principle of residential development and the indicated access points are acceptable in this location within a Category B settlement. The site is crossed by a foul rising main and there is a mine entry within the vicinity of the site. These constraints can be dealt with by condition and would not prohibit the residential use of the site.

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

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

- a) Payment of monies based on the school pupil multiplier formula towards educational provision/improvements in the form of 'internal accommodation alterations/refurbishment and resources for IT provision' at Ewloe Green Primary School and towards educational provision/ improvements in the form of 'additional toilets' at Hawarden High School
- b) An off –site commuted sum of £1,100 per dwelling or £733 per unit in lieu of onsite provision to improve the quality of play provision at Circular Drive, Ewloe

2.01

1. Outline time commencement
2. Plans
3. Noise Assessment as part of reserved matters submission to inform design and mitigation
4. Siting, layout and design of means of access
5. Closure of other accesses and reinstatement
6. Access in accordance with attached residential standard detail
7. Parking facilities to be provided and retained
8. Provision of a 1.8m footway
9. Surface water and foul drainage and land drainage
10. No development shall commence unless a scheme has been agreed with the Council to ensure adequate access by the water authority to the foul rising main (3 metre easement)
11. A condition should therefore require prior to the submission of the reserved matters:
 - The submission of a scheme of intrusive site investigations for the mine entry for approval;
 - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
 - The undertaking of both of those schemes of intrusive site investigations;
 - As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
 - As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry if found on site, and the definition of suitable 'no-build' zones;
 - As part of the reserved matters application the submission of a scheme of treatment for the mine entry if found on site for approval;

- As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and a condition should also require prior to the commencement of development:
 - Implementation of those remedial works.
12. Detailed statement for demolition of building
13. Photographic Survey

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor Alison Halford

Requests Committee determination and a site visit due to overdevelopment and traffic issues. It is a departure from the public house use which has historic interest.

Councillor David Mackie

Agrees to the determination of the application under delegated powers.

Hawarden Community Council

No objection.

Highways Development Control Manager

Any permission should have the following conditions;

- Siting, layout and design of means of access
- Closure of other accesses and reinstatement
- Access in accordance with attached residential standard detail
- Parking facilities to be provided and retained
- Provision of a 1.8m footway

Clwyd Powys Archaeological Trust

Request a photographic survey of the public house.

Public Rights of Way

There are no public footpaths or rights of way affected by the development.

Education and Youth

The nearest Primary School is Ewloe Green County Primary School which has -3.72% surplus places. The nearest High School is Hawarden High School which has -0.35% surplus places. As both schools have less than 5% surplus spaces an Education contribution is required if the development has more than 5 two bedroom

properties. The indicative layout shows that the site could exceed this threshold and therefore a requirement for an education contribution should be applied to this development. This would be in the form of the payment of monies based on the school pupil multiplier formula on the final number of units towards a project for educational provision/improvements in the form of 'internal accommodation alterations/refurbishment and resources for IT provision' at Ewloe Green Primary School and towards educational provision/improvements in the form of 'additional toilets' at Hawarden High School.

Head of Public Protection

The site is adjacent to Liverpool Road and the Holywell Road junction and close to the A494/A55 Ewloe roundabout which are included in the Noise Action plan for Wales which looks at amongst other things the noise from busy roads. The calculated data for this road indicates that parts of the site will be within Noise Exposure Category (NEC) B/C during the daytime and possibly the night time under the Welsh Government Technical Advice Notes 11. This means that specific measures are probably necessary to protect the amenity of the future residents. Such measures may include the provision of enhanced glazing and acoustic barriers to be installed at affected properties. In order to establish the actual sound climate as it affects the site a noise survey should be undertaken and this should be secured by condition.

Welsh Water/Dwr Cymru

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

The proposed development is crossed by a public sewer (a foul rising main) and there should be a 3 metre easement either side of the centreline of the public sewer.

Natural Resources Wales

No objection. Advise that internal ecologist is consulted with regards to the potential impact of the proposed development on the favourable conservation status of bats.

Public Open Spaces Manager

For a development of this size in accordance with Local Planning Guidance Note 13 an off-site contribution of £1,100 per dwelling should be sought for dwellings and £733 for apartments. Within this ward there are Circular Drive Play Area, Yowley Road Play Area, Sheriden Avenue, Spenser Close and Level Lane Play Areas. The nearest facility is Circular Drive Play area and therefore any commuted sum would be to improve the quality of play provision at Circular Drive, Ewloe.

Community Safety Officer

Provides comments on designing out crime.

Welsh Government Transportation Division

The Welsh Government as Highway Authority for the A494 trunk road does not issue a direction in respect of this application.

The Coal Authority

The application site falls within the defined Development High Risk area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority records indicate that there is a recorded mine entry within 20m of the boundary with a zone of influence which extends into the application site. The Coal Authority holds no treatment detail of this recorded mine entry and it has a potential departure distance of 8m. This means the mine entry could be located on the application site.

Although not supported by a Coal Mining Risk Assessment the planning application is supported by a Structural Report which considers the condition of the existing building and identifies the site is in an area where shallow mine workings are known to exist and there is an existing mine shaft within influencing distance of the existing building. The report states that an intrusive site investigation will need to be carried out in order to investigate potential coal mine workings beneath the site and in order to try and locate the mine entry. The report notes that remediation works may be necessary including stabilising the mine entry if it is found to be on the site.

Should the mine entry be located on the site the Coal Authority would expect its location to inform the site layout in order to ensure appropriate separation between the mine entry and the new development proposals. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy.

In the event that shallow mine workings are encountered or the mine entry is located on the site, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required.

A condition should therefore require prior to the submission of the reserved matters:

- The submission of a scheme of intrusive site investigations for the mine entry for approval;
- The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- The undertaking of both of those schemes of intrusive site investigations;

- As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
- As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry if found on site, and the definition of suitable 'no-build' zones;
- As part of the reserved matters application the submission of a scheme of treatment for the mine entry if found on site for approval;
- As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and a condition should also require prior to the commencement of development:
- Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

4 letter of objection on the grounds of;

- Increase in traffic on a busy road
- Ewloe will lose its character and history
- Increase in traffic
- Schools are full
- No more new development needed
- Should retain historic pub
- Front façade should be retained and preserved as it is an ancient building and the oldest in Ewloe after the castle.

5.00 SITE HISTORY

5.01 Applications relating to the use of the Boars Head as a pub for signage and boiler room.

14/052158 Prior notification for the demolition of the Boars Head. Undetermined.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 – Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout
D2 - Design
D3 - Landscaping
WB1 - Species Protection
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
HSG3 – Housing on Unallocated Sites within settlement boundaries
HSG8 - Density of Development
SR5 - Outdoor Playing Space and New Residential Development
S11 - Retention of Local Facilities
EWP13 – Nuisance
EWP14 – Derelict and Contaminated Land
EWP15 – Development of Unstable Land
EWP16 – Water Resources

It is considered the proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application for residential development with details of access provided. All other matters are reserved for future consideration.

7.02 Site description

The application site is the former Boars Head public house and its associated car parking. It is situated on the corner of Holywell Road and Old Mold Road at a key road junction which forms its eastern and southern boundaries. The former public house building remains and is situated in the eastern corner of the site. It is a two storey white render building which has been extended and altered incrementally over the years. The land to the west of the former pub is partially hardstanding and was used as car parking with some over grown areas to the north and north east.

7.03 To the north of the site are the residential properties of Nyth Bach a bungalow and Melville a two storey property. To the west of the application site is a two storey dwelling known as Oak Royd.

7.04 Proposed development

This is an outline planning application for residential development with details of access provided. All other matters are reserved for future consideration. It is proposed to demolish the existing building on the site and redevelop the site for residential use. The indicative layout shows three points of access with two off Old Mold Road and one off Holywell Road, with two parking courts and driveway parking.

7.05 The layout illustrates the site could accommodate 11 units with 9 dwellings of two storey in nature with rear private amenity areas and 2

two bedroom apartments. An indicative street scene has also been submitted which shows traditional two storey semi-detached properties. An Ecological Survey and a Structural Survey also accompany the application.

7.06 Principle of development

The site is a brownfield site within the settlement boundary of Ewloe. Ewloe is a Category B settlement within the adopted UDP. Monitoring of the growth rates of Category B settlements ended as of 1st April 2015. Ewloe is a sustainable settlement with a range of facilities and services. The development of this previously developed site in this location would be in accordance with the principles of Planning Policy Wales. The area is predominantly residential in nature with a mixture of some commercial uses with the social club, local shops and a car auction in close proximity. The principle of residential development is therefore acceptable.

7.07 There is a building on the site which was the former Boars Head public house. The use of the building ceased some time ago and would need significant repairs to be reused for its original purpose. Policy S11 of the UDP allows the loss of a public house where similar facilities exist in the neighbourhood. In this instance the site is opposite a social club and near both St. David's Park Hotel and the Running Hare public house. The loss of this facility is therefore accepted.

7.08 The building is of local historic interest although not formally designated as a Listed Building or Building of Local Interest. While there has been some interest locally in retaining the building it has no policy protection. A Structural Survey has been submitted with the application which states that 'it would not be feasible to convert the building to provide habitable space for modern living'.

7.09 The site is a prominent location on a busy road junction and therefore needs a landmark development of architectural merit. However, this is an outline application with all matters except for access reserved for future consideration. The layout and form of the development will be dealt with at reserved matters stage. The indicative layout and street scene show a traditional form of development which has the potential to enhance the street scene and improve the character of the area. There is also the opportunity for elements of the building such as the date plaque to be retained and incorporated within the site.

7.10 Ecology

An ecological survey of the site was undertaken by Clwydian Ecology to assess for the potential for breeding birds and bats. This was undertaken in October and not at an optimal time of year. There was no visible evidence of bats from the survey of the building however all of the pitched roof voids were not accessible as the ceilings are sealed. Externally there is a large hole in the roof where the lead has

been removed, various tiles have slipped leaving gaps and small cavities. The eaves have direct and open access to the wall plate and potentially into the sealed roof voids. There are various gaps under the ridge tiles which may also be used by certain species of bats.

7.11 While the form of the building is potentially suitable for bats it is located within an urban location with adjacent street lighting and lighting from other properties which impact upon its potential. There is little other natural habitat within 200 metres of the site.

7.12 To assess the use of the building the applicant's ecologist recommends an emergence survey when bats are most active – May-early September. However in light of the above the Council's Ecologist considers a more detailed physical inspection of the building and the lofts could be undertaken to confirm if bats are present. In any event this would be covered by undertaking the demolition of the building in accordance with good practice for the demolition of the buildings as advised in the accompanying Ecological report. As this is an outline application this can be dealt with by condition to control the demolition of the building.

7.13 Noise

The site is adjacent to Liverpool Road and the Holywell Road junction and close to the A494/A55 Ewloe roundabout which are included in the Noise Action Plan for Wales which looks at amongst other things the noise from busy roads. The calculated data for this road indicates that parts of the site will be within Noise Exposure Category (NEC) B/C during the daytime and possibly the night time under the Welsh Government Technical Advice Notes 11.

7.14 This means that specific measures are probably necessary to protect the amenity of the future residents. Such measures may include the provision of enhanced glazing and acoustic barriers to be installed at affected properties. In order to establish the actual sound climate as it affects the site a noise survey should be undertaken and this should be secured by condition. It is considered that this should be submitted as part of any reserved matter submission so that the findings of the survey can inform the final layout and orientation of the dwellings.

7.15 Welsh Water Sewer

There is a 150mm foul rising main crossing the site. The applicant can apply to divert this rising main. The indicative site layout shows that it is positioned near to or under some of the proposed houses. Until a diversion is applied for a condition requiring the easement should still be applied to any consent. This would not prohibit the development of the site for residential use but would restrict the layout to accommodate the required easements, if a diversion is not undertaken.

7.16 Mining history

The application site falls within the Coal Authority's defined Development High Risk area. This means that within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority records indicate that there is a recorded mine entry within 20m of the boundary with a zone of influence which extends into the application site. This means the mine entry could be located on the application site.

- 7.17 Although not supported by a Coal Mining Risk Assessment the planning application is supported by a Structural Report which considers the condition of the existing building and identifies the site is in an area where shallow mine workings are known to exist and there is an existing mine shaft within influencing distance of the existing building. The report states that an intrusive site investigation will need to be carried out in order to investigate potential coal mine workings beneath the site and in order to try and locate the mine entry. The report notes that remediation works may be necessary including stabilising the mine entry if it is found to be on the site.
- 7.18 Should the mine entry be located on the site this should inform the site layout in order to ensure appropriate separation between the mine entry and the new development proposals. In the event that shallow mine workings are encountered or the mine entry is located on the site, due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required. A condition should therefore require prior to the submission of the reserved matters to deal with the potential for a mine entry to be located on the site and the appropriate remediation measures required.
- 7.19 S106 contributions and CILG compliance
The application requires commuted sums for off-site open space improvements and improvements to education provision.
- 7.20 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'.
- 7.21 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.

- 7.22 Local Planning Guidance Note No.13 Open Space Requirements (LPGN13) and Policy SR5 Play Areas and New Housing Development of the Adopted Flintshire Development Plan sets out the Council's requirements in terms of new residential development and the provision of recreational open space. For a development of this size in accordance with LPGN13 an off-site contribution of £1,100 per dwelling should be sought for dwellings and £733 for apartments. This development is in outline and could accommodate a mixture of housing types. Within this ward there are Circular Drive Play Area, Yowley Road Play Area, Sheriden Avenue, Spenser Close and Level Lane Play Areas. The nearest facility is Circular Drive Play area. It is therefore considered that a commuted sum should be sought to improve the quality of play provision at Circular Drive, Ewloe. It is considered that this meets the Regulation 122 tests.
- 7.23 The Council has adopted Supplementary Planning Guidance Note No.23 Developer Contributions to Education on 17th July 2012. The nearest Primary School is Ewloe Green County Primary School which has -3.72% surplus places. The nearest High School is Hawarden High School which has -0.35% surplus places. As both schools have less than 5% surplus spaces an Education contribution is required in line with the SPG if the development has more than 5 units which have two bedrooms. The indicative layout shows that the site could exceed this threshold and therefore a requirement for an education contribution should be applied to this development through a S106 agreement. As the exact number of dwellings is unknown in this instance the S106 agreement would refer to the relevant primary and secondary formula multipliers applicable at that time.
- 7.24 For Ewloe Green Primary School this contribution would be towards a project for 'internal accommodation alterations/refurbishment and resources for IT provision' and would be towards a project to provide 'additional toilets' at Hawarden High School. It is considered that both of these contributions meet the Regulation 122 tests.

8.00 CONCLUSION

- 8.01 The principle of residential development and the indicated access points are acceptable in this location within a Category B settlement. The site is crossed by a foul rising main and a mine entry could be located on the site. A noise survey is also required due to the location of the site in proximity to noise surveys. These constraints can be dealt with by condition and would not prohibit the residential use of 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.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

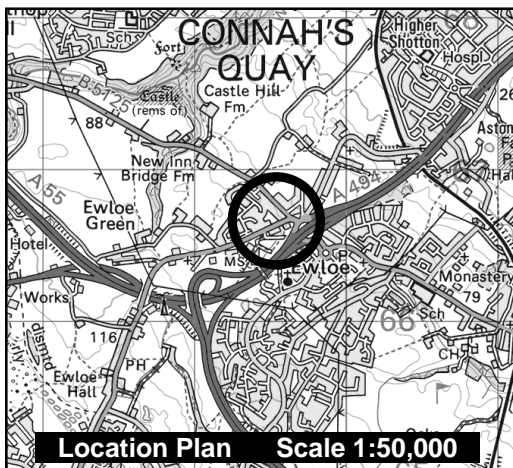
Responses to Publicity

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



Application Site

EWLOE

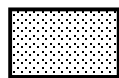


Location Plan Scale 1:50,000



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2966

Planning Application **54163**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF EXISTING HEALTH CARE CENTRE AND ERECTION OF 24 NO. AFFORDABLE APARTMENTS WITH ASSOCIATED LANDSCAPING AND PARKING AT BUCKLEY HEALTH CENTRE, PADESWOOD ROAD NORTH, BUCKLEY.**

APPLICATION NUMBER: **054151**

APPLICANT: **GRWP CYNEFIN**

SITE: **FORMER BUCKLEY HEALTH CENTRE, PADESWOOD ROAD NORTH, BUCKLEY.**

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

LOCAL MEMBERS: **COUNCILLOR A. WOOLLEY**
COUNCILLOR R. JONES

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

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full planning application seeks permission for the demolition of the existing former (now closed) health centre building and development of the site via the erection of a 2 storey apartment building. The building is intended to provide 24No. apartments, vehicular access and parking and pedestrian access.

1.02 The issues for consideration are the principle of development, design considerations, impact on residential amenities, highways considerations and drainage.

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:-

- a) Ensure the payment of a contribution of £17,592 to the Council in lieu of on site play and recreation provision. Such sum to be paid to the Council prior to the occupation of any dwelling hereby approved and to be used to upgrade existing facilities within the community at Lyme Grove Play Area;
- b) The precise methods of Social Rental via which the units are to be made affordable and provisions for their continued affordability thereafter;
- c) The payment of £4000 as a contribution to the cost of amendments to existing on road parking restrictions and the provision of related signage and road markings via a new Traffic Regulation Order on Padeswood Road.

2.02 Conditions:

1. Time limit on commencement
2. In accordance with approved plans
3. All external materials to be submitted and approved
4. Boundary details to be submitted and approved
5. Landscaping scheme to be submitted and approved
6. Implementation of landscaping scheme.
7. Drainage scheme to be submitted and agreed.
8. Specified windows to be obscure glazed and non opening.
11. No development until Construction Traffic management Plan submitted and agreed.
12. Travel Plan and Implementation Strategy prior to first use.
13. Scheme of enhanced glazing to be submitted and agreed.

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

3.00 CONSULTATIONS

3.01 Local Member

Councillor A. Wooley

In view of concerns in respect of highways and parking sufficiency concerns, considers the proposals is likely to be viewed as highly significant in the community and therefore requests a committee determination.

Councillor R.Jones

No response at time of writing.

Buckley Town Council

Objects on the following grounds:

- The proposals do not accord with the Buckley Master Plan; and
- There is a shortage of infrastructure within the town centre to support a further growth of population.

Highways DC

No Objections. Considers adequate justification for parking level has been provided. Advises of need for S.106 agreement and conditions.

Pollution Control Officer

No objection. Advises of the need for a condition to secure enhanced glazing to provide acoustic protection to bed and living rooms.

Public Open Spaces Manager

Advises that on site play, recreation or open space facilities are not required. Consider that a commuted sum of £733 per apartment (£17,592) should be sought to be utilised in the improvement of the Lyme Grove recreation facility, it being the nearest to the site.

Welsh Water/Dwr Cymru

No adverse comments. Requests the imposition of conditions requiring the submissions and agreement of the proposed drainage system.

Natural Resources Wales

No adverse comments.

Wales & West Utilities

No adverse comments. Notes presence of apparatus and requests the applicant is advised to contact them prior to works commencing.

Airbus

No adverse comments.

Coal Authority

No adverse comments.

4.00 PUBLICITY

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

4.02 At the time of writing, 6No. letters of objection upon the following grounds have been received:

- Insufficient infrastructure;
- Adverse impacts upon adjacent residential amenity;
- Increased traffic and inadequacy of road network;
- Proposals do not accord with the Buckley Master Plan; and
- Proposals will diminish the retail and commercial offer of Buckley Town Centre.

4.03 1No. letter offering broad support has been received.

5.00 SITE HISTORY

5.01 **1361/5**
Erection of a clinic
Permitted.

73/288
Extension to clinic
Permitted.

4/0/14089
Extensions & alterations
Permitted.

4/0/13035
Extensions
Withdrawn 27.9.1985

4/0/21239
Extension
Permitted 3.3.1992

02/0/00557
Demolition and erection of a new medical centre
Permitted 24.7.2002

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 - New Development
Policy STR2 - Transport and Communications
Policy STR4 - Housing

- 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 D5 - Crime prevention
- Policy AC1 - Facilities for the disabled
- Policy AC2 - Pedestrian Provision & Public Rights of Way
- Policy AC3 - Cycling Provision
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision and New Development
- Policy HSG3 - Housing on unallocated sites inside settlements
- Policy HSG8 - Density of Development
- Policy HSG10 - Affordable Housing within Settlement Boundaries
- Policy SR5 - Outdoor playing space & new residential dev't
- Policy CF1 - Retention of existing facilities.

Planning Policy Wales

TAN11 - Noise

TAN12 - Design

Local Planning Guidance Notes

9 - Affordable Housing

11 - Parking standards

12 - Access for All

The proposal is considered to be in accordance with the above national and local planning policies and guidance.

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

This 0.27 hectare site occupies a prominent corner position on Padeswood Road North within Buckley town centre. It is presently occupied by the former health centre building which comprises a sizeable single storey brick building with flat roofs. Building is now vacant and is proposed to be demolished under this scheme. The building occupies an elevated position in respect of the land to the east of the site but is otherwise flat and commensurate with the levels of existing development to the north, south and west.

7.02 The site is bounded to the North by Padeswod Road North, with Buckley Cross Methodist Chapel opposite; to the south by existing 2 storey residential dwellings and their associated curtilage areas; To the east by to road again with Buckley Library and the Precinct and town centre shopping areas beyond and to the west by the road with Westwood Primary School and other 2 storey dwellings located opposite.

7.03 The Proposed Development

The proposed scheme provides for the demolition of the existing building and the re-development of the site with the erection of a 2 storey apartment building. This building will provide 14No. 2 bed units and 10No. 1 bed units.

7.04 Vehicular access to the site would be derived via the existing turning head at the end of Padeswood Road North with 24No. car parking spaces to the rear of the building with principal pedestrian access to the building being derived from the car park. There are a number of pedestrian gated entrances to the site from the north and east of the site which are provided as a pedestrian link between the site and the town centre to the north.

7.05 The Main Issues

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

- the principle of the development in planning policy terms, including having regard to the Buckley Master Plan 2011;
- design considerations;
- the impact upon adjacent residential amenity;
- highway impacts; &
- drainage.

7.06 Principle of Development

Within the UDP, Buckley is classified as a Category A settlement where most housing growth is expected to occur. The site is sustainably located with access to local public transport, the town centre and the other local services and infrastructure this affords.

7.07 The site is identified within the Buckley Master Plan 2011 as an opportunity site. The master plan identifies the potential for this site to be re-developed to provide mixed use of commercial (retail food) and residential units.

7.08 The submitted scheme does not present any commercial/retail units and would therefore not fully comply with the Master Plan.

7.09 Balanced against this the addition of more commercial/retail floor space into the town centre where there are a number of empty or underused units may simply add to an existing problem, to the detriment of the vitality of the existing main retail area as a whole. This is clearly a material consideration to weigh into the balance between the vision of the Master Plan for this site and the current proposal.

7.10 The question as to whether a 100% residential scheme unacceptably conflicts with the Buckley Master Plan must be weighed against the existing economic position within the town centre. It is based upon the information set out above, and in exercising my planning judgement,

that I conclude that this proposal is acceptable in policy terms.

7.11 Design

The proposed building seeks to create a new frontage to the three arms of Padeswood Road North which wrap around the site. The design of the building seeks to introduce residential form which creates street frontages and makes a clear distinction between the public and private realm.

7.12 The building is 2 storey in height and this height is maintained throughout the building on all elevations. Rather than introduce further vertical emphasis at the junction opposite the status building (Buckley Cross Chapel) as a means of creating a gateway feature, it is considered that the contemporary design, coupled with the angled way in which the building 'turns' the corner, serves to create a distinctive focal point on the approached from Brunswick Road. The proposals to serve the site in vehicular terms from the rear ensures that the design enables the street presence of the building to be softened by incorporating tree planting as part of the overall street scene creation.

7.13 The application was accompanied by a design statement and detailed discussions have taken place with the applicant to arrive at the current design. Whilst the building is 2 storeys in height whereas the building it is replacing was single storey, this must be viewed in the context of the surrounding development which, in a residential context, is predominantly 2 storey.

7.14 A palette of materials has been suggested for the external finishes of the building to enhance the visual impact of the building and to complement the character of the area. These include details such as a brick, render panels, and a metal cladding system for part of the roof in addition to more traditional slate or tile. Windows are proposed to be powder coated metal. The exact specification and finish colours are as yet determined and therefore I propose to condition the submission and agreement of all materials prior to their use.

7.15 The proposed scheme would redevelop a key site within Buckley town centre in accordance with development plan policies (S3 & S7 of the FUDP). The proposed apartment building would not be out of character with the site and its surroundings and is of a modern design using quality materials which would enhance the overall appearance of the area.

7.16 Impacts upon Residential Amenity

The scheme has been designed having regard to the separation standards set out in LPGN 2. In terms of relationships between principal elevations, distances in excess of the required 22 metres are achieved. I have had particular regard to the relation of 2 storey elements of the proposed building to adjacent private amenity areas

and where a degree of overlooking opportunity exists, I am to condition windows to be obscure glazed and non-opening. I am satisfied that the proposals to site the garden space adjacent to garden of Haulfryn is an appropriate way in which to ensure a separation from the building and this garden.

- 7.17 The scheme has been amended from its original submission to address an issue in terms of the relationship of the building with a bedroom window in the side elevation of Haulfryn. The scheme has been amended to draw the first floor element of the building further away from the elevation and to ensure that there are no windows in the gable elevation. Whilst the 12 metres of separation desired in LPGN2 are not achieved, I consider the separation of 8.33 metres, coupled with the absence of overlooking potential is sufficient in combination to ensure that amenity in this case is not unacceptably harmed.
- 7.18 The site is located directly adjacent to Brunswick Road car park and will, at times, be subject to elevated noise levels from traffic using the car park and approach road. Having regard to TAN 11 – Noise, the scheme will be required to provide measures to protect amenity and reduce noise levels within the proposed dwellings to accordance with BS 8233:2014 Guidance on Sound Insulation and Noise Reduction in Buildings.
- 7.19 This standard manifests itself in the requirement for the proposed dwellings being required to be installed with enhanced glazing systems to achieve a minimum of 34dB(A) sound reduction. This glazing will be required to be installed in all living rooms and bedrooms. In addition, passive acoustic ventilation will be required. I propose to make this requirement the subject of a condition.
- 7.20 Highway Impacts
The proposals, being a form of housing, fall within Use Class C3. Local Planning Guidance Note 11 – Parking, requires that proposals of this ilk make provision for 1 car parking space per units in addition to 1 space per 2 units for visitors. This equates to 36No. car parking spaces. As stated, the proposals make provision for 24No. spaces. Whilst this is below the standard set out in Policy AC18, it should however be noted that the site is located within a town centre and is within 50 metres of existing public car parks. The proposed site is also in walking distance of local bus links, leisure and education facilities and the town retail centres. Accordingly the site is considered to be sustainably located in highway terms.
- 7.21 The proposals have been the subject of consultation with the Highway Authority 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 matters being secured via S.106 agreement and the imposition of conditions. In coming to this view, regard has been

had to the traffic generation associated with the site when the health centre was in operation.

7.22 Site Drainage

Queries have been raised in respect of the proposed drainage regime to serve the developed site. The application particulars indicate the surface water was proposed to be disposed of via a soakaway system. However, the experience of drainage systems within Buckley, given the localised high clay content within the soils, is that soakaways tend not to represent a suitable solution to this issue.

7.23 Whilst Dwr Cymru/Welsh water have not expressly objected to the proposals, it is their usual practice not to accept surface water into the adopted system unless it is proven that other methods of surface water drainage have been demonstrated to not be suitable for use.

7.24 Accordingly, and in the interests of securing a suitable drainage system to serve the development, I propose the addition of a condition prohibiting the commencement of development until this matter is satisfactorily addressed through the submission and agreement of a drainage scheme for the site.

7.25 Other matters

No public open space is proposed as part of the development. Due to the type and size of the proposed development the Authority would not be seeking on site recreation provision. However, a sum in lieu of on-site recreation facilities is sought of £17,592. This sum will be used to upgrade to upgrade existing facilities at Lyme Grove Play Area. Therefore I propose to make provision within the suggested S106 agreement for this contribution.

7.26 In respect of affordable housing policies the scheme should operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. In this case the applicant is a Registered Social Landlord and is proposing a scheme of 100% affordable housing via various social rental options. Nonetheless, safeguards should still properly be sought to ensure the retention of the same in the future.

7.27 Therefore I propose to make provision within the suggested S106 agreement for affordability criteria to be set out within that document which details the methods via which the affordability of these units will be secured in perpetuity.

8.00 CONCLUSION

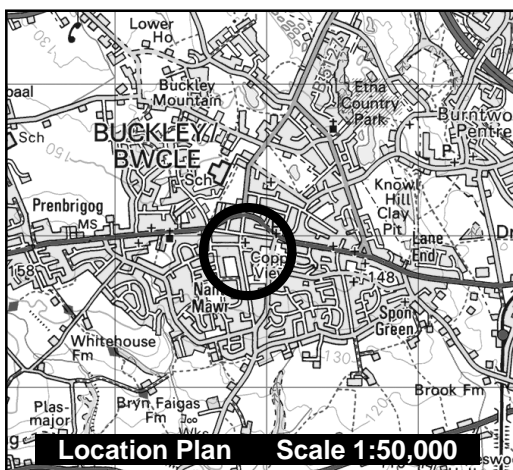
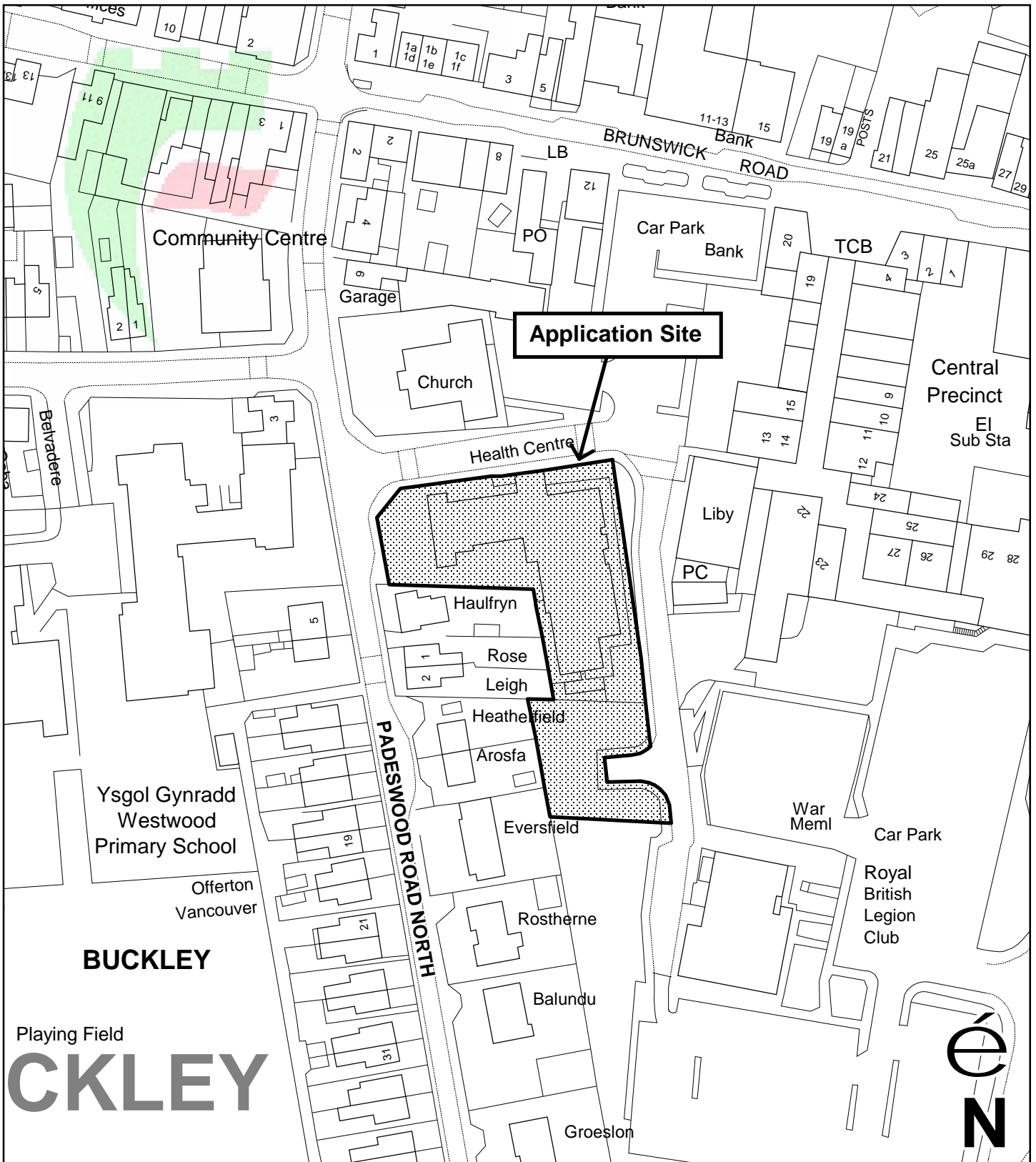
8.01 I consider that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend accordingly.

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

LIST OF BACKGROUND DOCUMENTS

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

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



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

Legend

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

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Planning Application	54151

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 12 NO. DWELLINGS AND ASSOCIATED DEVELOPMENT WORKS AT CUSTOM HOUSE SCHOOL, MOLD ROAD, CONNAH’S QUAY.**

APPLICATION NUMBER: **054484**

APPLICANT: **WATES LIVING SPACE**

SITE: **CUSTOM HOUSE SCHOOL, MOLD ROAD, CONNAH’S QUAY.**

APPLICATION VALID DATE: **2ND NOVEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR B. DUNN**

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

REASON FOR COMMITTEE: **A S.106 AGREEMENT IS REQUIRED IN CONNECTION WITH MATTERS FOR WHICH POWERS ARE NOT DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the redevelopment of part of the former Custom House School site for the purposes of residential development. The proposals provide for the erection of 12No. affordable dwellings and the creation of a new point of vehicular access.
- 1.02 Members are advised that this site is the first to be delivered as part of the Council’s Strategic Housing and Regeneration Programme (SHARP).

1.03 The issues for consideration are the principle of development, design considerations, impact on residential amenities, highways considerations and drainage.

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. All external materials to be submitted and approved
4. Implementation of landscaping (inc. boundary treatments).
5. Drainage scheme to be submitted and agreed.
6. Surface water discharge not to exceed 5l/s
7. Scheme of enhanced double/secondary glazing to be submitted and agreed.
8. Land contamination investigation and remediation (as required) to be submitted and agreed.
9. Construction Traffic Management Plan to be submitted and agreed.
10. Scheme for the removal of the existing zebra crossing and construction of the site entrance road to be submitted and agreed.
11. No works other site works until access works have been completed to satisfaction of Local Planning Authority.
12. Visibility splay of 2.4m x 43m in both directions with no obstruction to visibility in excess of 0.6m in height.
13. Visibility splays to be made available and unobstructed the duration of site works.
14. Layout, design, means of traffic calming and signing, surface water drainage (inc. positive means of preventing surface water run onto the highway), street lighting and construction of the internal estate roads shall be submitted to and approved before any site works.
15. The gradient of the access for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter.
16. A 1.8m wide footway shall be provided along the site frontage.
17. 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.
18. 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.
19. Removal of Permitted Development rights for new openings.

20. Removal of Permitted Development rights for alterations to the roof and extensions.

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

3.00 CONSULTATIONS

3.01 Local Member
Councillor B, Dunn
No response at time of writing.

Connah's Quay Town Council
No response at time of writing.

Highways DC
No objection subject to the imposition of conditions and notes.

Pollution Control Officer
Notes the site is located upon a busy road. Advises that the submitted noise report suggests that specific noise attenuation measures will be required and therefore requests that a condition requiring the submission, agreement and subsequent implementation of these measures is imposed.

In addition, given the historical industrial legacy of the area, there is the possibility that the site may contain contaminants. Accordingly I am requested to impose a condition requiring the submissions of a land contamination assessment and any remediation measures as may be identified therein.

Public Open Spaces Manager
No response at time of writing.

Education and Youth
Advises that the nearest applicable schools, Ysgol Caer Nant Primary School and Connah's Quay High School both have surplus spaces above 5% and the proposals would not give rise to pupils numbers to reduce capacity below 5%.

Accordingly, no contributions under SPG 23 are sought.

Welsh Water/Dwr Cymru
No adverse comments. Requests the imposition of conditions requiring the submissions and agreement of the proposed drainage system.

4.00 PUBLICITY

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

4.02 At the time of writing, no representations have been received.

5.00 SITE HISTORY

5.01 047415

Demolition of existing school and erection of a new primary school and associated infrastructure.

Permitted 6.8.2010

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 D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy D5 - Crime prevention

Policy AC13 - Access and Traffic Impact

Policy AC18 - Parking Provision and New Development

Policy HSG3 - Housing on unallocated sites inside settlements

Policy HSG8 - Density of Development

Policy HSG10 - Affordable Housing within Settlement Boundaries

Policy SR5 - Outdoor playing space & new residential dev't.

Planning Policy Wales

TAN12 - Design

Local Planning Guidance Notes

9 - Affordable Housing

11 - Parking standards

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises a 0.2 hectare area of previously developed land within the settlement boundary of Connah's Quay. The site was lastly occupied by Custom House Lane Junior School, before this was demolished and the adjacent site developed to provide a combined junior and infant school building.

7.02 The site slopes downhill from south west to north with an approximate 2.5 metre fall across the site. The site is situated within an area of

residential development. The site is bounded on all sides by a mixture of brick walls, fences and combinations of the two. The site shares boundaries with existing residential development to the north east, south east and north west (albeit across Mold Road). The new school premises abuts the site to south west.

7.03 The Proposed Development

The proposals provide for the redevelopment of this vacant site to provide 12No. 2 storey dwellings, comprising 8No. 2 bed units and 4 No. 3 bed units. The dwellings are provided as 3No. pairs of semi detached dwellings and 2No. terraces, each of 3 dwellings. A new point of vehicular and pedestrian access onto Mold Road is proposed.

7.04 The Main Issues

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

- the principle of the development in planning policy terms,
- design considerations;
- the impact upon adjacent residential amenity;
- highway impacts; &
- drainage.

7.05 Principle of Development

Within the UDP, Connah's Quay is classified as a Category A settlement where most housing growth is expected to occur. The site is sustainably located with access to bus services, the nearby town centre, together with other local services and infrastructure.

7.06 Accordingly, the principle of the development of this site is established via the policy presumption in favour of development of this type in this location.

7.07 Design

The proposals seek to create a street presence along the frontage with Mold Road and create a scheme which relates well in visual terms to the forms of dwelling upon the roads opposite the site. Notwithstanding that the site provides for a central access way into the site, the recessed terrace has been positioned that views of the site from the public realm on Mold Road present both the frontage units and the rear central units as a continuous street scene in visual terms. The proposals to mark the edge of the public and private realm with a dwarf brick wall topped with wrought iron railings reflects the origins of the building originally upon this site and sits well within the street scene.

7.08 The application is accompanied by a design statement and detailed discussions have taken place with the applicant to arrive at the current design. Whilst the scheme is high in terms of density, at 60 dwellings per hectare, this is reflective of both national and local planning

guidance which seeks to make the best and most sustainable use of land.

- 7.09 A palette of materials has been suggested for the external finishes of the scheme to enhance the visual impact of the buildings and to complement the character of the area. These include details such as a contrasting brick detail to a main facing brick, natural stone heads and cills, slim profile roofing tile and windows finished in an anthracite colour. The scheme allows provides for the re-use of the date stone of the now demolished school within the elevation of one of the units fronting the road. The scheme also provides full details of the materials to be used in the formulation of the landscape within which the dwellings sit. I propose to condition the submission and agreement of samples of the same prior to their use.
- 7.10 The proposed scheme would redevelop a vacant site within the centre of Connah's Quay in accordance with development plan policies. The proposals would not be out of character with the site and its surroundings and is of a design, utilising quality materials which would enhance the overall appearance of the area.
- 7.11 Impacts upon Residential Amenity
The scheme provides for dwellings with adequate separation distances not only to those dwellings facing the site frontage across Mold Road but also within the site itself. Particular regard has been had to the relationship of proposed dwellings along the north western boundary edge with those dwellings and their respective rear gardens beyond. Accordingly, the dwellings providing a side elevation to these dwellings have no windows within the side elevation. I propose to add a condition removing the Permitted Development Rights to insert any further windows without first obtaining planning permission.
- 7.12 Whilst the proposed dwellings do not achieve 11 metres of garden depth, all provide an area of private amenity space in accordance with LPGN 2 – Space around Dwellings. I am therefore satisfied that future occupiers of these units will have an adequate degree of amenity space. In order to ensure that this is not compromised in the future, I also propose to remove rights to alter roofs and make extensions to the dwellings, thereby placing such alterations within the control of the Local Planning Authority in the interests of the safeguarding of future amenity.
- 7.13 Highway Impacts
The proposals provide for a new point of access to the site to be created. This provides access to an adoptable turning head, with pedestrian access upon the northern edge of the new road. A lesser width service margin is proposed to the south. Access to the remaining dwellings within the scheme is then proposed via 2 private drive arrangements off the turning head.

- 7.14 Car parking spaces are provided at a level in accordance with Policy AC18. This is considered to be particularly important in this case, notwithstanding the central position of the site within the town, to minimise levels of on street parking upon Mold Road, it being the principal route into Connah's Quay from the south.
- 7.15 The proposals have been the subject of consideration by the Highway Authority who do not raise any objection to the proposals, subject to the conditions outlined in Paragraph 2.01 of this report.
- 7.16 Site Drainage
The site is proposed to be drained, for both surface and foul water, via existing minas sewers in the vicinity of the site. This proposals has been considered by Dwr Cymru/Welsh Water in consultation and I am advised that there is no objection to this proposal. I am advised however that a detailed drainage scheme will be required to be submitted and agreed via condition. Furthermore, such scheme must be designed in such a fashion as to restrict the surface water run of rate to that equivalent to greenfield run rate. Accordingly, surface water flows must be restricted to a rate of no more than 5 litres per second.
- 7.17 Other matters
No public open space is proposed as part of the development. Due to the type and size of the proposed development the Authority would not be seeking on site recreation provision. However, the scheme will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for the public open and recreation need of future occupiers.
- 7.18 As the Council own the application site, I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address the public open space and recreation issue is submitted and agreed.
- 7.19 In respect of affordable housing policies, although the site is owned by the Council and is proposed to be developed on behalf of the Council as an affordable housing scheme, it must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing and therefore safeguards should still properly be sought to ensure the retention of the same in the future.
- 7.20 Therefore I propose to condition that no development is permitted to commence until a scheme detailing the methods via which the affordability of these units will be secured in perpetuity is submitted to and agreed in writing with the Local Planning Authority.
- 7.21 Consultations with Pollution Control Officers have revealed that, due to the proximity of the scheme to a busy road, glazing schemes which

provide acoustic attenuation will be required to be submitted and agreed prior to installation. I am also advised that due to the historical industrial legacy of the area, there is the potential for the site to be contaminated. Accordingly, a condition is sought requiring a land contamination investigation, and such remediation as may be identified to be required, undertaken prior to the commencement of development. In each case, I propose to condition accordingly.

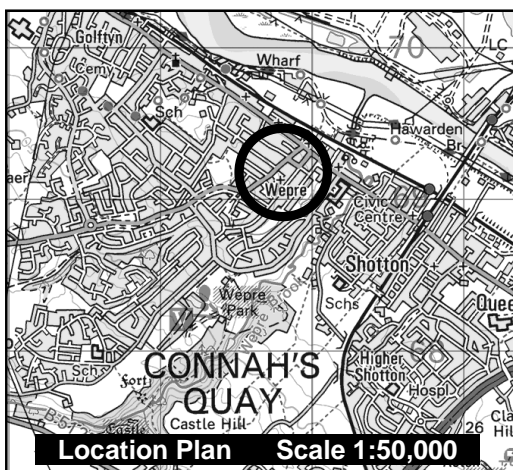
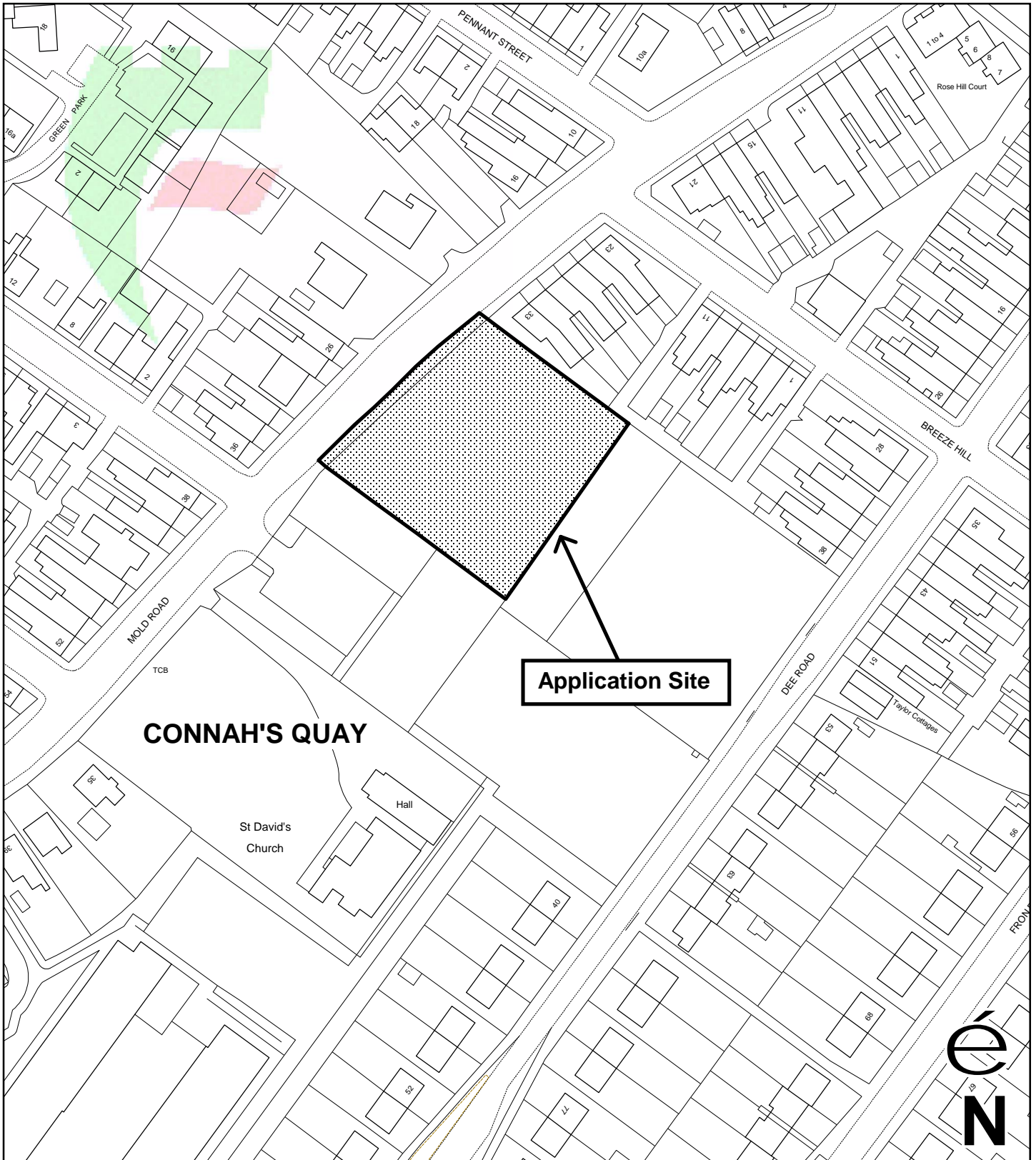
8.00 CONCLUSION

- 8.01 I consider that the proposal is acceptable in principle and the development proposed would be acceptable at this location meeting the Council's requirements. I therefore recommend accordingly.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS



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

Contact Officer: Glyn D. Jones
Telephone: (01352) 703281
Email: glyn.d.jones@flintshire.gov.uk



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

Legend

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

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Map Scale 1:1250

OS Map ref SJ 2969

Planning Application **54484**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

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

SUBJECT: **RETROSPECTIVE - CHANGES TO THE LAYOUT OF 25 NO. TOURING CARAVAN PITCHES (PREVIOUSLY APPROVED UNDER PLANNING PERMISSION REF: 049102) AND TEMPORARY RETENTION OF 2NO. 'PORTA CABINS' FOR USE AS A TEMPORARY TOILET/AMENITY BLOCK TO SERVE THE TOURING CARAVAN SITE (RETROSPECTIVE) AT MISTY WATERS CARAVAN PARK, LLOC**

APPLICATION NUMBER: **053731**

APPLICANT: **PHB (NW) LTD**

SITE: **MISTY WATERS CARAVAN PARK
LLOC
HOLYWELL
FLINTSHIRE
CH8 8RG**

APPLICATION VALID DATE: **19TH MAY 2015**

LOCAL MEMBERS: **COUNCILLOR C. DOLPHIN**

TOWN/COMMUNITY COUNCIL: **WHITFORD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **THE MATTERS TO WHICH THE PROPOSED S.106 AGREEMENT DIRECTS ITSELF ARE NOT ENCOMPASSED WITHIN POWERS DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a retrospective application which seeks permission for variations between the development on site and those approved

under planning permission reference 049102. The proposals relate to the use of the site as a touring caravan site for 25 pitches.

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

2.01 Subject to the applicant entering into a Section 106 Agreement or offering a unilateral undertaking to rescind the right to site 25 touring caravans in accordance with planning permission ref: 048006, Conditional Permission be granted;

2.02 Conditions:

1. Development in accordance with approved plans.
2. Caravan used only for holiday purposes and occupancy restrictions to the period from 14th February to the 14th January in the following calendar year.
3. There shall be no storage of caravans upon the site when not in occupation and there shall be no winter storage of any caravans.
4. Implementation of landscaping/supplementary planting.
5. This permission relates to the use of the site for 25 touring caravans/motor homes and associated vehicles for holiday purposes only.
6. No external lighting installed upon the site.
7. Removal of Permitted development rights under Classes A and B of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent order revoking and re-enacting that order with or without modification)
8. Within 6 weeks of the date of the approval of the development hereby approved, a scheme indicating the proposed methods of disposal of surface waters from the site to be submitted.
9. Removal of toilet porta cabins within 6 months of this permission.

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

3.00 CONSULTATIONS

3.01 Councillor C. Dolphin:
Verbally, no objection to delegated determination

Whitford Community Council:
No adverse comments. Requests controls re: hardstandings and storage of caravans.

Pollution Control Officer:
No adverse comments.

Highways (DC):
No objections. Footpath 16 abuts the site but is unaffected.

Natural Resources Wales:
No adverse comments.

4.00 PUBLICITY

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

4.02 At the time of writing this report, 2no. letters of objection have been received from third parties in response to the consultation exercise in respect of the proposals. These responses raise objection upon the following grounds;

1. Inadequate local highway infrastructure;
2. Pollution by way of noise, litter and light;
3. Year round occupation of units; and
4. Not compliant with UDP policies.

5.00 SITE HISTORY

5.01 **595/92**

Creation of touring caravan park
Permitted 14.10.1992

02/00062

Alteration and upgrade of access to Whitford Road and provision of parking places.
Permitted 19.3.2002

034217

Alteration and upgrade of access and provision of passing place.
Withdrawn 21.7.2005

038070

Amendments to existing site including layout, reception/office building and access
Permitted 30.6.2005

048006

Amendments to existing site to provide 3 Static pitches and 25 touring pitches
Permitted 13.5.2011

049102

Change of use of land to form 25no. pitch extension to existing caravan park and ancillary works
Permitted 14.3.2013.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 - General Requirements for Development
Policy GEN3 - Development in the Open Countryside
Policy T6 - Touring Caravan Sites
Policy AC13 - Access and Traffic Impact
Policy D1 - Design Quality, Location and Layout
Policy D2 - Design
Policy D3 - Landscaping
Policy L1 - Landscape Character

National Policy

Technical Advisory Note 13: Tourism

7.00 PLANNING APPRAISAL

7.01 Site Description

The site comprises a field parcel located to the east of the existing caravan park. The site is accessed via an existing opening in the western field boundary. The field is bounded by existing hedgerows on all boundaries with other agricultural fields to the north, south and east. The existing caravan park lies upon land to the west. The site slopes upwards from south to north and in this respect is reflective of the surrounding topography. It is comparatively flat across its east west axis. The site lies in close proximity to the hamlet of Lloc. Access is proposed to be derived via the existing access from the existing caravan site onto Whitford Road.

7.02 Proposed Development

The applicant operates the adjacent Misty Waters Caravan Park under the terms of a previous planning permission (48006). Under application 049102 the applicant was granted planning permission to use the application site for the purposes of a touring caravan site for up to 25 pitches. Whilst permission Ref: 048006 permits 25 pitches for touring caravans upon the area of the site predominantly occupied by static caravans, the applicant voluntarily rescinded this element of their permission in preference for the current proposals via S.106 agreement.

- 7.03 The originally proposed shower and toilet facilities in the north easternmost corner of the site have not been installed as there have been delays in procuring the approved building. The proposal at this stage is to retain the porta cabins which presently serve this purpose, albeit on a temporary basis. The proposals also seek retrospective

approval of the variations to the layout of the pitches as provided.

7.04 It should be noted that 29No. pitches are provided on site. This application seeks to regularise the position in respect of 25No. (reflective of 049102). The additional 4No. unauthorised pitches are considered under a separate application (053202) and I do not propose to pre-determine that application via this appraisal.

7.05 Main Issues

The main issue in relation to this application is the impact of the differences between this proposal and those approved under 049102.

7.06 Members will recall that the principle of the development in respect of planning policy and specifically Policy T6 of the Flintshire Unitary Development Plan (FUDP) was considered as part of the decision to grant planning permission under that reference. I do not propose to revisit that question here in depth other than to state that I remain of the view that the proposals accord with Policy T6.

7.07 Impact of the changes between 049102 and this application

The differences between this retrospective application and the scheme approved under 049102 essentially comprise 3 elements:

7.08 1. The difference in size, shape and appearance between the proposed toilet block and the currently sited porta-cabins.

The originally approved building was single storey and timber clad in appearance. The porta-cabin provision comprises 2 cabins which, by virtue of their form, are slightly higher in elevation above the ground than the originally proposed building. I would not be satisfied that such provision would represent a 'long term' solution to this issue. However, I am mindful of the applicant's suggested condition requiring the removal of the cabins and reinstatement of the land in accordance with details to be agreed. I am satisfied that this will ensure no long term adverse impact and propose to condition accordingly.

7.09 2. The impact of the variations to the position of the pitches from those approved to those provided.

It was originally intended that the pitches themselves should be grass only with no hardstandings. I am also mindful that given the sloping nature of the site, use over the season is likely to see the field churned up to a degree where this in itself would be detrimental to the immediate appearance of the site and the localised area. The proposed hardstandings are small and the access roads only those which are required to facilitate access. I am equally mindful of the argument advanced by the applicant in relation to the disability access issues associated with use of the toilet blocks were there not to be a suitable surface to

facilitate the same.

Taking the above and the nature of the surface material, crushed slate, into account, I am satisfied that the hardstandings are not impermeable and therefore are likely to naturally weather and green over time.

The pitch position amendments are small and in combination would not lead me to conclude that there is any impact above that already considered in connection with this proposal.

- 7.10 3. Ensuring those matters requiring address via conditions on 049102, where applicable, are addressed as part of the submissions under this application.

I am satisfied that the on-site provisions of drainage and landscaping, when coupled with the details submitted in connection with this application, have satisfied the original intent of the condition of 49102. That said however, conditions will be required to ensure the implementation of the same.

7.11 Landscape Impact

The scale and layout of the proposal has been designed to minimise the impact on residential amenity and the impact on the landscape. Any visual impacts of the development would therefore be limited to within the operating season and the site would have a largely 'green' appearance during the winter months save for the pitch standings and access road. The site is elevated in nature but the porta cabins and pitches are sited so as to maximise the screening benefit of the existing site boundaries in order that the impacts of the proposals upon any views of the site would be minimised. The site layout seeks to mitigate the impact on the landscape and to enhance the natural hedgerow features of the site.

7.12 Highway Impacts

Concerns have been raised by third parties in respect of the adequacy of the existing local highway infrastructure to accommodate the traffic arising from the proposals. I am mindful that a condition was imposed upon planning permission reference 02/00062 (which addresses access to the wider site as a whole) which requires the provisions of passing places and improved access to Whitford Road. I am aware that works have been undertaken to satisfy this condition. If there are concerns in relation to the adequacy of those works, I consider there is ample provision to address that via this condition.

- 7.13 It should be remembered that the proposals would not give rise to any additional traffic as there is no increase in the number of pitches from that considered and approved under application reference 48006.

7.14 Site Sustainability

Although not a policy criteria, due to the site's proximity to the hamlet of Lloc, local businesses such as the public house, shop and garage would be within walking distance to visitors to the site and would have economic benefits also. The wider site is crossed by a public footpath and therefore the scope exists to explore the local walks available

8.00 CONCLUSION

8.01 It is considered, given all of the matters set out above, that the proposed development is acceptable.

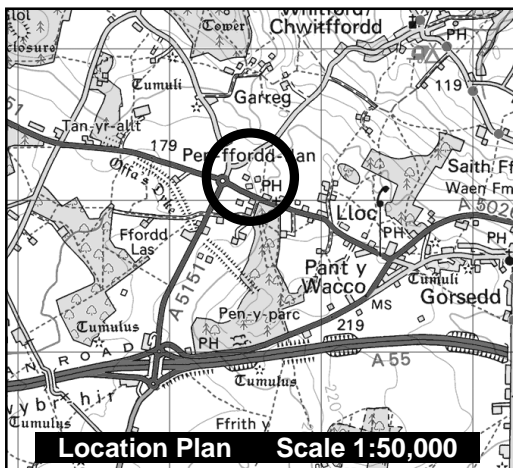
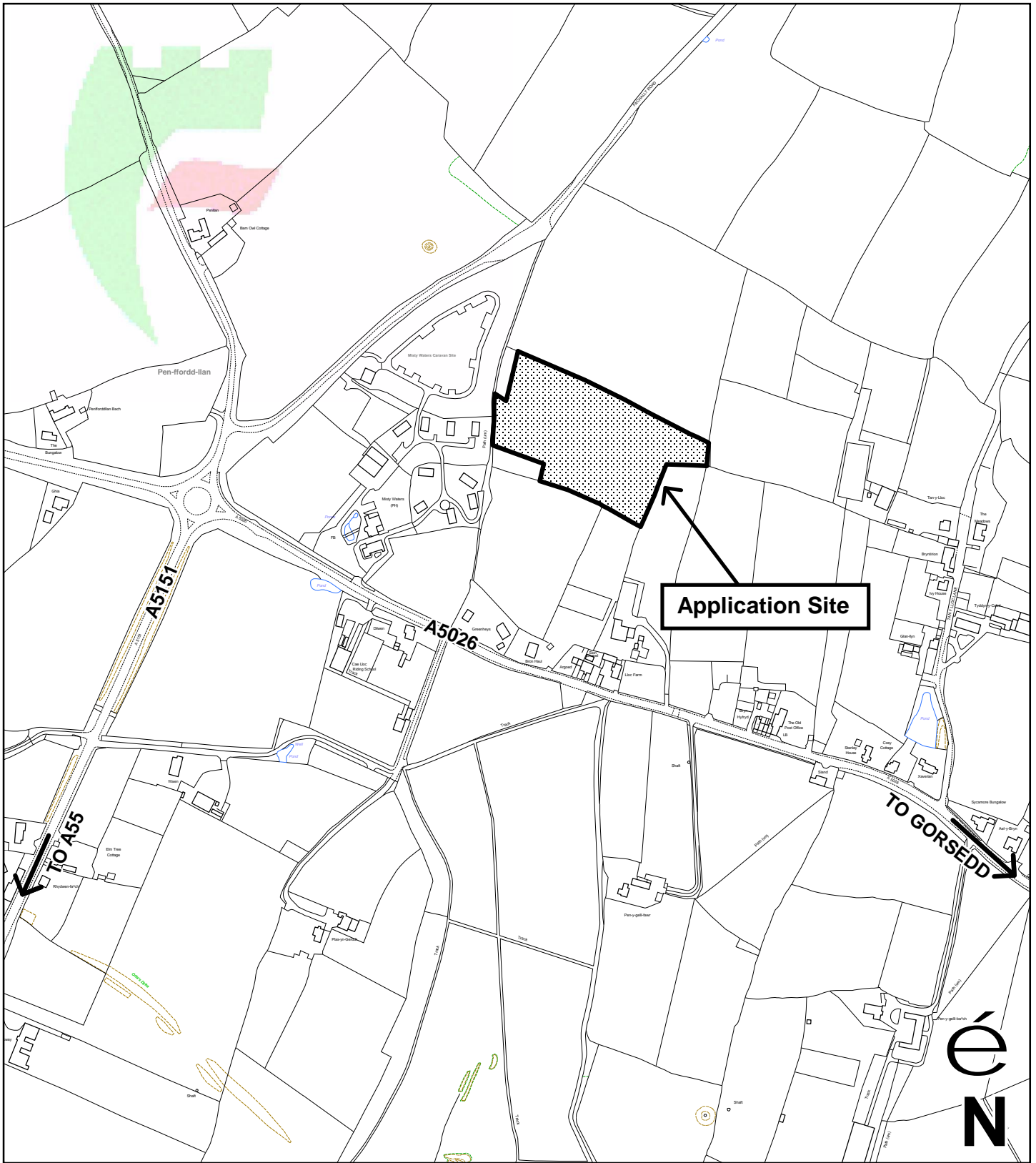
8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
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Responses to Publicity

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:5000

OS Map ref SJ 1377

Planning Application **53731**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 16 DECEMBER 2015**

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

SUBJECT: **FULL APPLICATION - ERECTION OF REPLACEMENT DWELLING AT HEDDWCH, COAST ROAD, MOSTYN.**

APPLICATION NUMBER: **054471**

APPLICANT: **MR. STEVE HEWITT**

SITE: **HEDDWCH, COAST ROAD, MOSTYN.**

APPLICATION VALID DATE: **13TH OCTOBER 2015**

LOCAL MEMBERS: **COUNCILLOR DAVID RONEY**

TOWN/COMMUNITY COUNCIL: **MOSTYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application seeks permission for the erection of a replacement dwelling at Heddwch, Coast Road, Mostyn.
- 1.02 The main issue to be considered within the determination of this application is the effect of the proposal upon the character and appearance of the area.
- 1.03 It is considered that the proposal will have a significant increased detrimental impact upon the character and appearance of the area due to the massing of the proposed dwelling. Hence the application is recommended for refusal.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 The proposed replacement dwelling is considered to be out of scale and character with the existing dwelling and as a result would have a detrimental impact on the character and appearance of the area, contrary to Policies GEN1, GEN3 and HSG6 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor David Roney

Requests Planning Committee determination and a site visit. He considers the application acceptable. Coast Road has a mix of small and large houses to one side and industrial developments to the coast side. In such a diverse area, it is believed this application is acceptable, with the information at present. One of the Applicants is wheelchair dependant and have shown previous applications for large extensions which were approved. The application will not be any larger than they would have been with those extensions. It was unanimously approved by the Community Council and not aware of any objections from the neighbourhood. At the last planning committee, a very large extension was passed in a Conservation Area with the local member and the neighbour both speaking against it.

Mostyn Community Council

No adverse comments to make on this application.

Head of Public Protection

Objection subject to the imposition of a suggested condition placed upon any grant of planning permission.

Natural Resources Wales

Standard advice applies.

SP Energy Networks

Have plant and apparatus within the area. Applicant be advised of this prior to starting any works.

Wales & West Utilities

Have plant and apparatus within the area. Applicant be advised of this prior to starting any works.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

No responses received to date.

5.00 SITE HISTORY

5.01 053514

Erection of replacement dwelling – Refused 1st June 2015.

051526

Demolition of rear areas of existing dwelling and erection of a new two storey extension to side and rear – Granted 12th March 2014.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

GEN1 – General Requirements for Development.

GEN3 – Development in the Open Countryside.

D2 – Design.

HSG6 – Replacement Dwellings Outside Settlement Boundaries.

The site is located outside of any recognised settlement boundaries and within open countryside as defined by the Adopted Flintshire Unitary Development Plan.

Policy HSG6 relates to replacement dwellings in the open countryside. This policy allows replacement dwellings in the open countryside so long as a number of criteria are met. Criterion D being of particular note – ‘d the new dwelling is of a similar scale to that which it is intended to replace, and should reflect the character and traditional building style of the locality in terms of its siting, design, form and the materials used’. It is considered that the proposal does not satisfy Criterion d.

7.00 PLANNING APPRAISAL

7.01 Site Descriptions & Proposals

The site comprises of an existing detached two storey double fronted red brick dwelling with a slate roof built in the early to mid-20th century, set within a large amenity space. It has been previously extended. The property is one of a number of other properties in the locality, which vary in scale and design, with both single and two storey properties.

7.02 It is located on the southern side of the A548 Coast Road in between the existing properties of Tan y Coed and Glenhaven, Mostyn.

7.03 The proposals involve the demolition of the existing dwelling and erection of a new two storey dwelling and attached single storey garage. It will measure approximately 14.5 m x 12.5 m x 8 m (height to ridge). It will be constructed within facing brick walls and a concrete tiled roof.

- 7.04 Issues
The main issues to be considered within the determination of this planning application are the principle of the development in Planning Policy terms, the effects upon the character and appearance of the area and the effects upon the amenities of the adjoining residents.
- 7.05 Principle of Development
The site lies outside of the recognised settlement boundary of Mostyn and within open countryside as defined by the adopted Flintshire Unitary Development Plan. As such Policy HSG6 of the plan applies.
- 7.06 In principle, Policy HSG6 allows for the replacement of dwellings within open countryside subject to the following criteria:-
- a. "The existing building has lawful use rights as a dwelling;
 - b. The existing dwelling is habitable or capable of being made habitable without works which are tantamount to the construction of a new dwelling;
 - c. The existing dwelling does not have significant local historical or architectural interest;
 - d. The new dwelling is of a similar scale to that which it is intended to replace, and should reflect the character and traditional building style of the locality in terms of its siting, design, form and the materials used; and
 - e. The replacement dwelling should be located on the site of the existing dwelling. Exceptionally, an alternative location will be considered, where this is within the existing curtilage or if impractical due to physical conditions or environmental constraints on site, nearby, subject to bringing about an overall environmental improvement to both the existing and proposed site."
- 7.07 There is no dispute that the existing dwelling has lawful use rights as a dwelling and it is clearly habitable. Furthermore, the dwelling does not have any particular local historical or architectural interest. In terms of the proposed new dwelling, it will be sited on the footprint of the existing dwelling, albeit given its larger footprint it will envelope the existing footprint. Therefore, the proposal satisfies criteria a, b, c and e.
- 7.08 What needs to be considered is criterion d in relation to the size and scale of the proposed dwelling and its effect upon the character and appearance of the area.

7.09 Character & Appearance

Notwithstanding the above, the existing dwelling has a total floor area of 140.14 m² including the extensions to the rear. The proposed dwelling will have a floor area of approximately 354 m² (excluding the attached garage). This amounts to a 153% increase over the existing floor area. Although the explanatory text allows a 50% increase of the original dwelling's floor space, the proposal clearly far exceeds this.

7.10 Members may be aware that there is a current consent for extensions to the property (051526) which allow for a 121% increase. However, these extensions are to be largely on the rear of the existing dwelling and are considered not to significantly alter the overall massing of the dwelling.

7.11 Given the above, it is considered that the overall massing of the proposed dwelling will be out of scale with the existing dwelling. Although the other properties within the locality vary in terms of their scale and design, there are no others that are of the scale and massing of that proposed. As such, the proposal fails to comply with Criterion d. It is considered that the increase in the massing of the proposal will have a significant detrimental impact upon the character and appearance of the area.

7.12 Amenities of Adjoining Residents

It is considered that due to the position of the new dwelling and its windows and the position of the existing dwellings either side and the level of existing screening upon the boundaries, there will be no significant increased detrimental impact upon the amenities of the existing and proposed occupiers in terms of loss of light, privacy and obtrusiveness etc.

7.13 Other Matters

The local member has referred to the fact that the dwelling is designed to meet the needs of a disabled person and indeed elements of the scheme, such as the stair lift, would support this. However, there is no supporting submission with regard to any specific medical or similar need for a dwelling of this design and of this scale. It will also be noted that other elements of the scheme, e.g., the proposed snooker room, add to the scale of the dwelling without there being any obvious contribution to any special needs. In this respect we contend that there is scope for adapting a new dwelling to any special needs of the occupiers without it being of the scale proposed.

8.00 CONCLUSION

8.01 It is considered that due to the massing of the proposal it will have a significant increased detrimental impact upon the character and appearance of the area.

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

LIST OF BACKGROUND DOCUMENTS

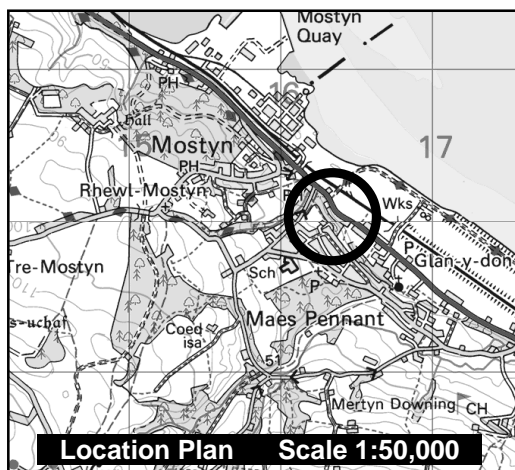
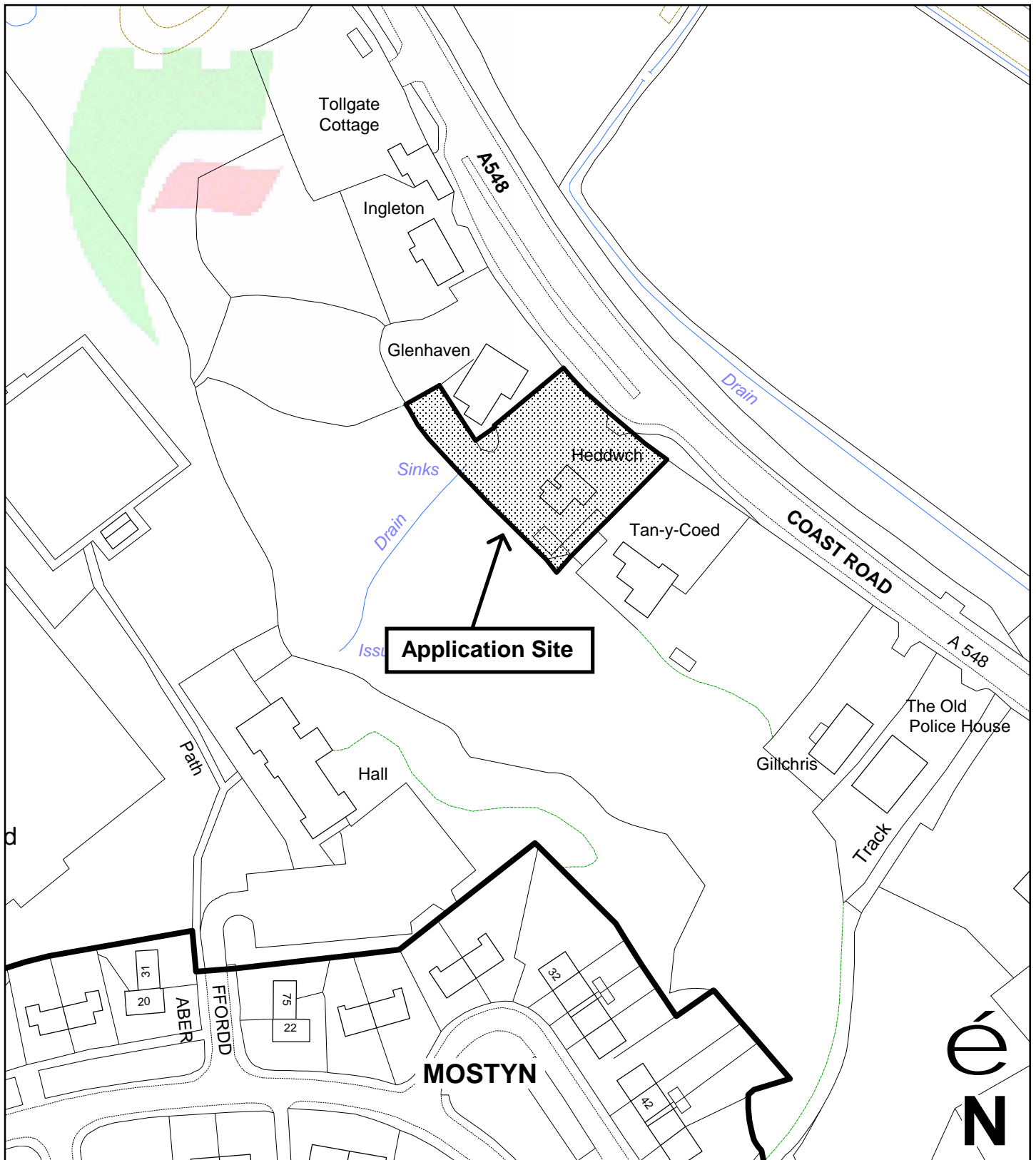
Planning Application & Supporting Documents

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Responses to Consultation



Responses to Publicity

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Legend

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

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

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

SUBJECT: **APPEAL BY MR. DAVID ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR ERECTION OF CONCRETE BATCHING PLANT AT BRYN THOMAS CRANE HIRE, CHESTER ROAD, OAKENHOLT – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 053011

2.00 APPLICANT

2.01 MR. DAVID ROBERTS

3.00 SITE

3.01 BRYN THOMAS CRANE HIRE,
CHESTER ROAD,
OAKENHOLT.

4.00 APPLICATION VALID DATE

4.01 11TH DECEMBER 2014

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspectors decision in relation to an appeal into the decision at Planning Committee to refuse to grant planning permission for the proposed erection of a concrete batching plant at Bryn Thomas Crane Hire, Chester Road, Oakenholt. The appeal was held by way of an exchange of written representations and was ALLOWED subject to conditions.

6.00 REPORT

6.01 The Inspector considered there to be a single main issue for examination in the determination of this appeal, this being the effects of the proposals upon highway safety.

6.02 He considered the issue of highway safety in 3 parts:

1. Existing lawful access arrangements;
2. The need for an acceleration lane; &
3. Traffic routes and number of vehicular movements.

In respect of each the Inspector concluded as set out below;

6.03 Existing Access

He noted that the point of access to the site is already lawfully in existence. He noted that traffic approaches the site via the adjacent A548 which is a dual carriageway at this point. Traffic from the west can access the site with the flow of traffic whereas vehicles approaching from the east have to turn cross the carriageway and central reservation in area of the highway where speeds are permitted at 70.mp.h.

6.04 He noted that proposals to improve this highway safety situation, notwithstanding the fact that the access arrangements are lawful, would be a weighty mitigating factor in the appeal.

6.05 Acceleration lane

The Inspector noted that concerns had been expressed by the Council, in refusing to grant planning permission, that slow moving vehicles emerging from the site into the flow of traffic on the A548 at a point of derestricted traffic speed.

6.06 The Inspector noted that the access arrangements could be adequately addressed via the imposition of a condition to improve the access radius. He also noted that there was no technical requirement for a separate acceleration lane and was satisfied that the flow of traffic and road conditions were appropriate.

6.07 He concluded that there was adequate visibility at the access of on-coming traffic to enable lorry drivers to judge the appropriate time to exit the site. He also concluded there was adequate forward visibility for traffic travelling in an easterly direction to allow for a vehicle to slow down or choose to overtake a lorry entering the carriageway. He noted that the appellant proposes to block off the existing gaps in the central reservation to prevent right turn movements into the site. This would ensure that lorries travelling from the east proceed to the roundabout further to the west and turn to approach the site from the west.

- 6.08 Traffic Routes and vehicular movements
The Inspector noted that concerns had been raised in respect of the level of vehicular movements associated with the proposed use and the route of traffic approaching the site. Specifically, concern has been raised that lorries will take a route through Flint, with consequent impacts upon traffic congestion.
- 6.09 The Inspector noted that the movements associated with the proposals would not exceed 40 per day or 5 per hour. He noted that there is no technical objection from the Highway Authority in respect of the design capacity of the road to accommodate this traffic. He also noted that the road would historically have carried more traffic than is proposed when the road was the principal transport route into North Wales before the opening of the A55.
- 6.10 He considered that 5 lorry movements per hour was insignificant in terms of movement generation and concluded there was no persuasive argument which indicated the road could not accommodate such a small increase in movements.
- 6.11 In respect of the routing concerns, the Inspector concluded that assumptions in respect of vehicle routing based upon raw material sources were not well founded. He noted that other heavy industry and employment uses exist in the area gave rise to the use of large vehicles utilising the A548/A5119. He again conclude that no persuasive evidence indicated that this increase would result in highway congestion or safety problems.

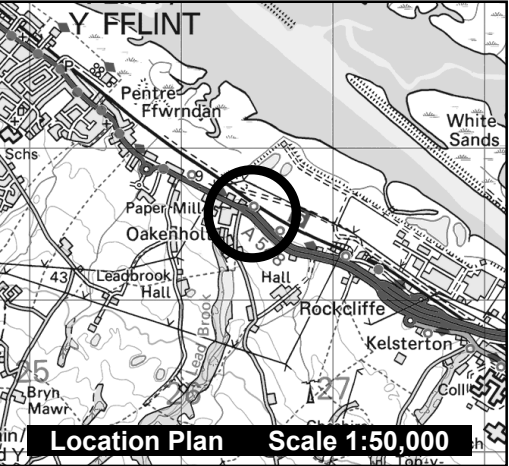
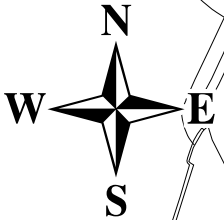
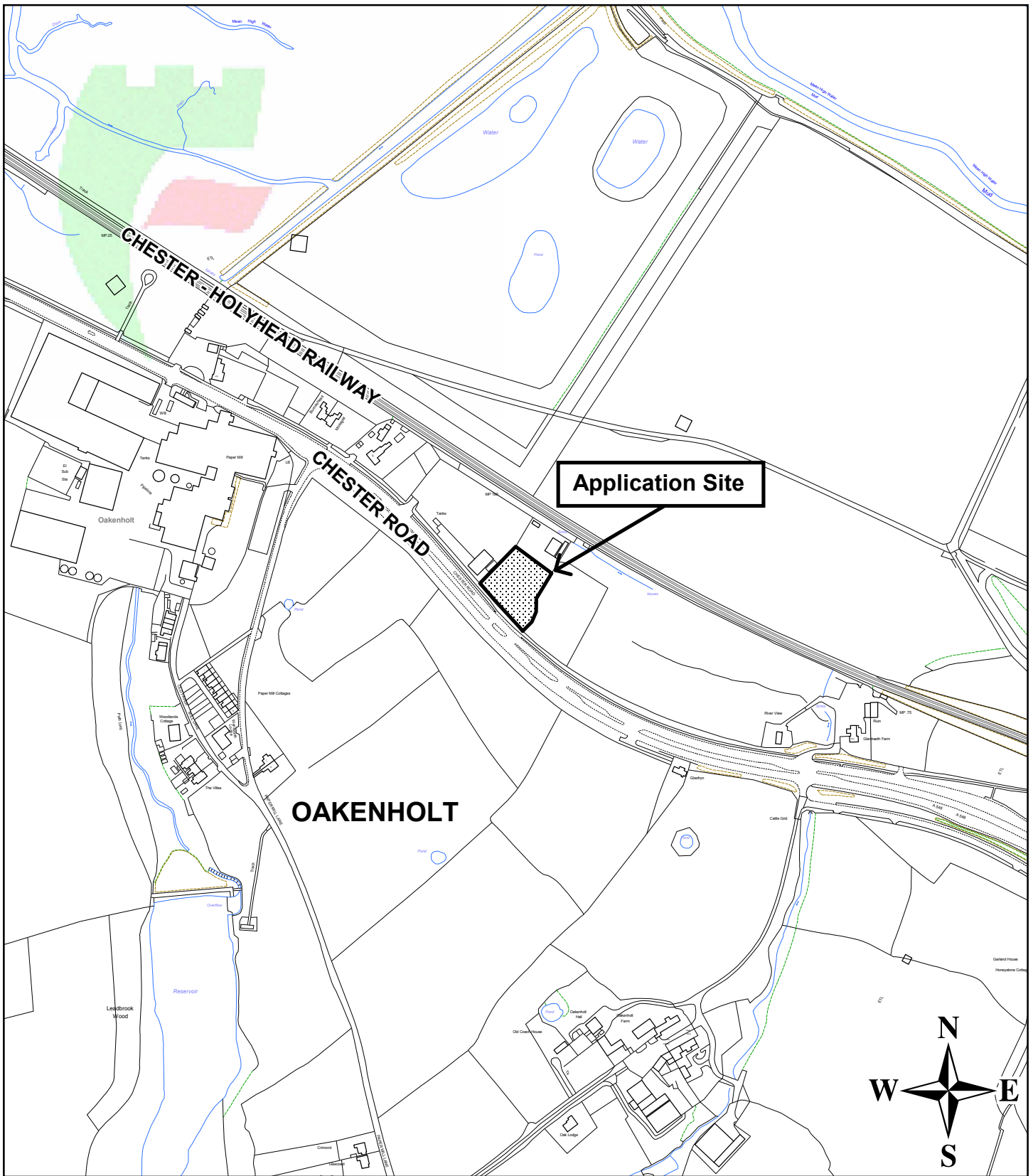
7.00 CONCLUSION

- 7.01 Taking all of the above matters into account the Inspector concluded that the proposals would not harm highway safety.
- 7.02 Accordingly he granted the deemed application for planning permission, subject to conditions requiring (amongst other matters) the submission and agreement of landscaping measures; access radius improvements; a scheme for the closure of the central reservation gaps; drainage proposals; and agreement of maximum materials storage heights.

LIST OF BACKGROUND DOCUMENTS

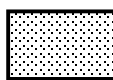

Planning Application & Supporting Documents
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Responses to Consultation
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Legend

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

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OS Map ref SJ 2671

Planning Application **53011**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

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

SUBJECT: **APPEAL BY PERSIMMON HOMES NORTH WEST AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF EARTHWORKS AND RETAINING STRUCTURES TO DEAL WITH CHANGE IN LEVELS AT THE REAR OF PLOTS 52 – 56 (SCHEME 1) AT FIELD FARM LANE, BUCKLEY – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 053014

2.00 APPLICANT

2.01 Persimmon Homes North West

3.00 SITE

3.01 Plots 52 – 56
Field Farm Lane,
Buckley. CH7 3PD

4.00 APPLICATION VALID DATE

4.01 8th December 2014

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision against a refusal of planning permission for the construction of earthworks and retaining structures to deal with a change in levels at the rear of plots 52 – 56 (Scheme 1) on land at Field Farm Lane, Buckley, CH7 3PD. The application was refused following consideration at the Planning & Development Control Committee on 25th February 2015.

The appeal was determined by way of the written representations

5.02 procedure and a site visit by the Inspector. The appeal was **DISMISSED**.

6.00 REPORT

6.01 The Inspector noted that the scheme (1) the subject of the appeal would principally entail:-

- A level platform to the rear of plots 55 – 56 projecting some 6.9 m.
- A second lower tier (some 1.5 m below the platform) projecting some 6.7 m.
- Proposed steps located centrally in the garden protruding into the lower tier garden.

6.02 In considering the appeal the Inspector considered the main issue to be “The effect of the proposal on the living conditions of nearby residents in relation to privacy and outlook”.

6.03 The Inspector noted that the intended platform/means of enclosure would facilitate a situation whereby overlooking and loss of outlook may occur for existing nearby residents which would be contrary to Policy GEN1 (d) of the Flintshire Unitary Development Plan in relation to the impact on amenity.

6.04 The Inspector viewed the development and its impact from the constructed platform, confirming that there would be a clear view from it to the rear of 16 Aberllanerch Drive and its conservatory.

6.05 In terms of the impact on an existing property Field Farm the Inspector concluded that the platform would have a greater projection and height than previous schemes which would allow a clear view into a conservatory which is not mitigated by the screen to plot 56.

6.06 The Inspector acknowledged that two schemes have previously been approved, facilitating the construction of an acceptable earthworks and retaining structures whereby those schemes would not result in the overlooking of the properties.

6.07 The Inspector did not consider this to be a determining issue however, and noted the suggestion to raise the boundary fence by adding a trellis on top. It was also noted by the Inspector that a further panel of equivalent height to the platform fence would be needed on the lower tier of plot 56 but this is not proposed. The changes required to modify the scheme for it to be acceptable were considered to be significant, which without further consultation would be prejudicial to the interests of affected properties.

7.00 CONCLUSION

- 7.01 Whilst the fall back positions of existing permissions were acknowledged, they do not alter the Inspector's conclusions in relation to the appeal scheme which is materially different. For this reason the appeal was **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

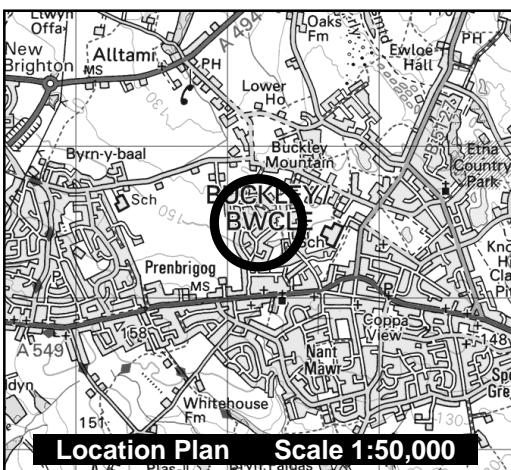
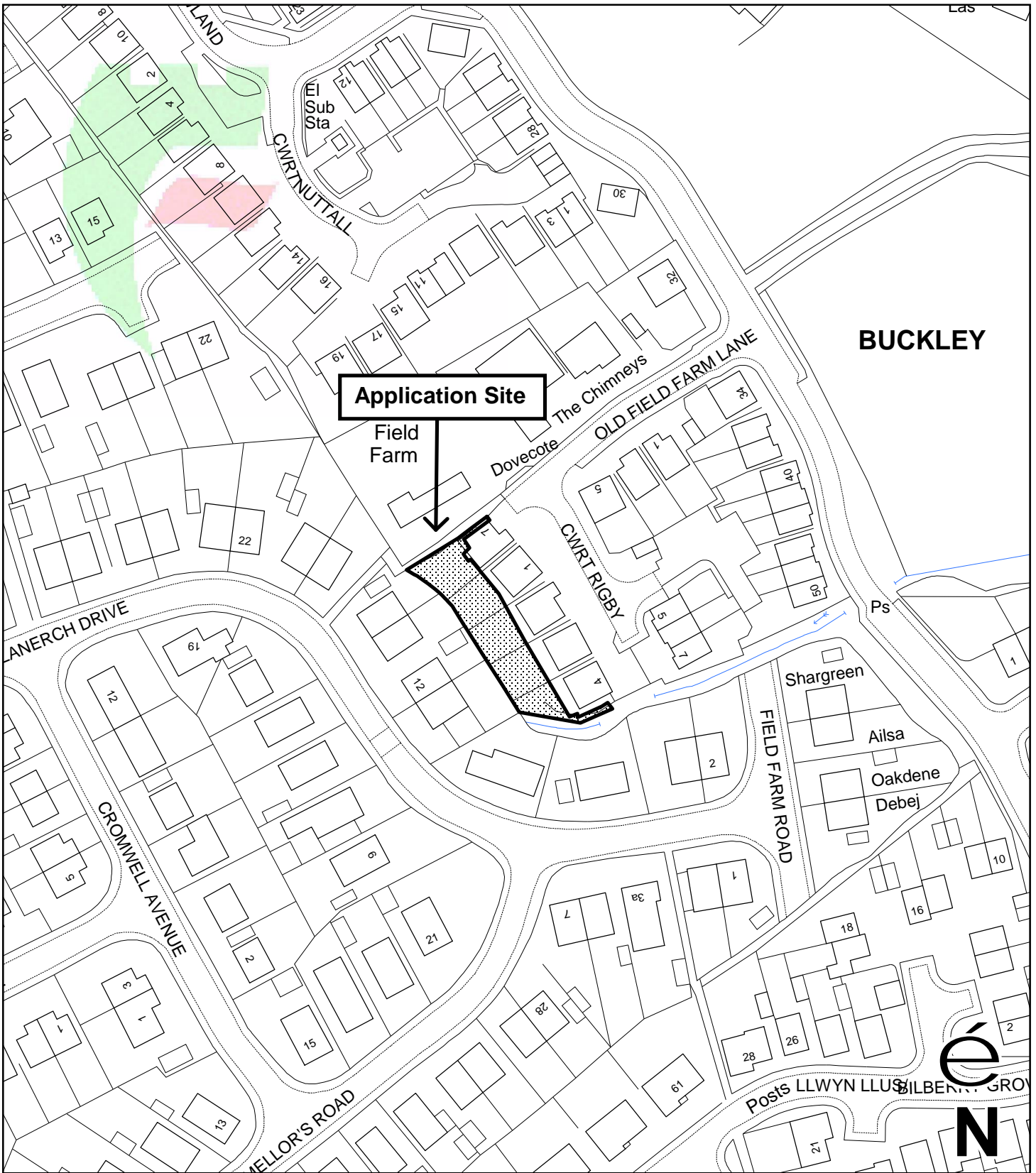
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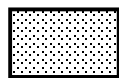
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Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **53014**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

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

SUBJECT: **APPEAL BY MR. MARK ALLEN AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE REMOVAL OF EXISTING ROOF, DEMOLITION OF EXISTING FLAT-ROOFED GARAGE AND ERECTION OF NEW GARAGE, ERECTION OF EXTENSION TO REAR OF GARAGE, CONSTRUCTION OF NEW HIGHER-PITCHED ROOF OVER THE WHOLE STRUCTURE TO CREATE NEW ROOMS IN THE ROOF SPACE AT 28 SUMMERDALE ROAD, QUEENSFERRY - DISMISSED**

1.00 APPLICATION NUMBER

1.01 053329

2.00 APPLICANT

2.01 MR. MARK ALLEN

3.00 SITE

3.01 28 SUMMERDALE ROAD,
QUEENSFERRY.

4.00 APPLICATION VALID DATE

4.01 24/ 2/2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision made in the appeal against the refusal by the Planning Committee of planning permission for the removal of existing roof, demolition of existing flat-roofed garage and erection of new garage, erection of extension to rear of garage construction of new higher pitched roof over the whole structure to create new rooms in the roof space at Summerdale Road, Queensferry. The appeal was considered by written representations and was DISMISSED.

6.00 REPORT

- 6.01 The application was refused at planning committee on 24th June 2015 for the following reason:-

In the opinion of the Local Planning Authority, the proposal, due to its scale and massing, and increase in roof height would introduce a discordant note into the streetscene which would be visually harmful to its character and appearance. As such the proposal conflicts with Policy GEN 1 (a) and Policy HSG 12 of the Flintshire Unitary Development Plan.

- 6.02 In determining the appeal, the Inspector considered that the main issue in this case was the effect of the development on the character and appearance of the streetscene. The Inspector noted that the site is located within an estate comprising bungalows, some of which have gables facing the road whilst others have ridges parallel to the road and others have hipped roofs presenting a varied roofscape. Although some have had various alterations and extensions the general roof height of dwellings is consistent.

- 6.03 It was noted upon the site visit that no. 25 Summerdale Road had had its roof raised in height but the span had not been significantly increased.

- 6.04 The Inspector found that the proposal would result in the scale, mass and height of the property being at odds with other properties in the street, and the combined effect of raising the roof and increasing the span to incorporate the new extension would result in a scale, mass and height that would be a prominent and discordant feature within the street scene, harmful to the character and appearance of the area. The proposal was concluded therefore to be contrary to Policies GEN and HSG 12.

- 6.05 The Inspector has also given regard to the previous appeal decision relating to a similar proposal on this site, and acknowledges that the current proposal has attempted to overcome the initial concerns. Nonetheless, the proposals would provide a roof that would be higher and wider than others in the street resulting in a scale and mass which would be harmful for the reason identified above.

7.00 CONCLUSION

- 7.01 For the reasons given above the Inspector concluded the appeal should be dismissed.

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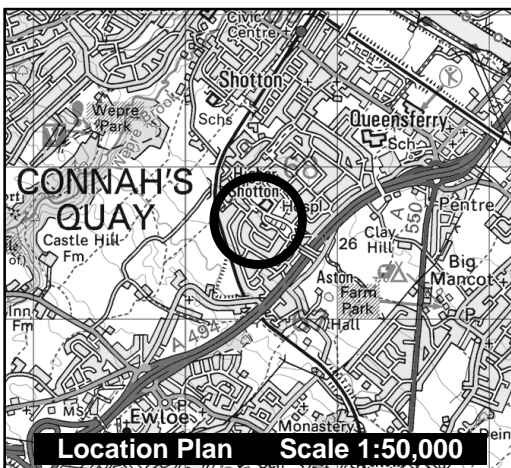
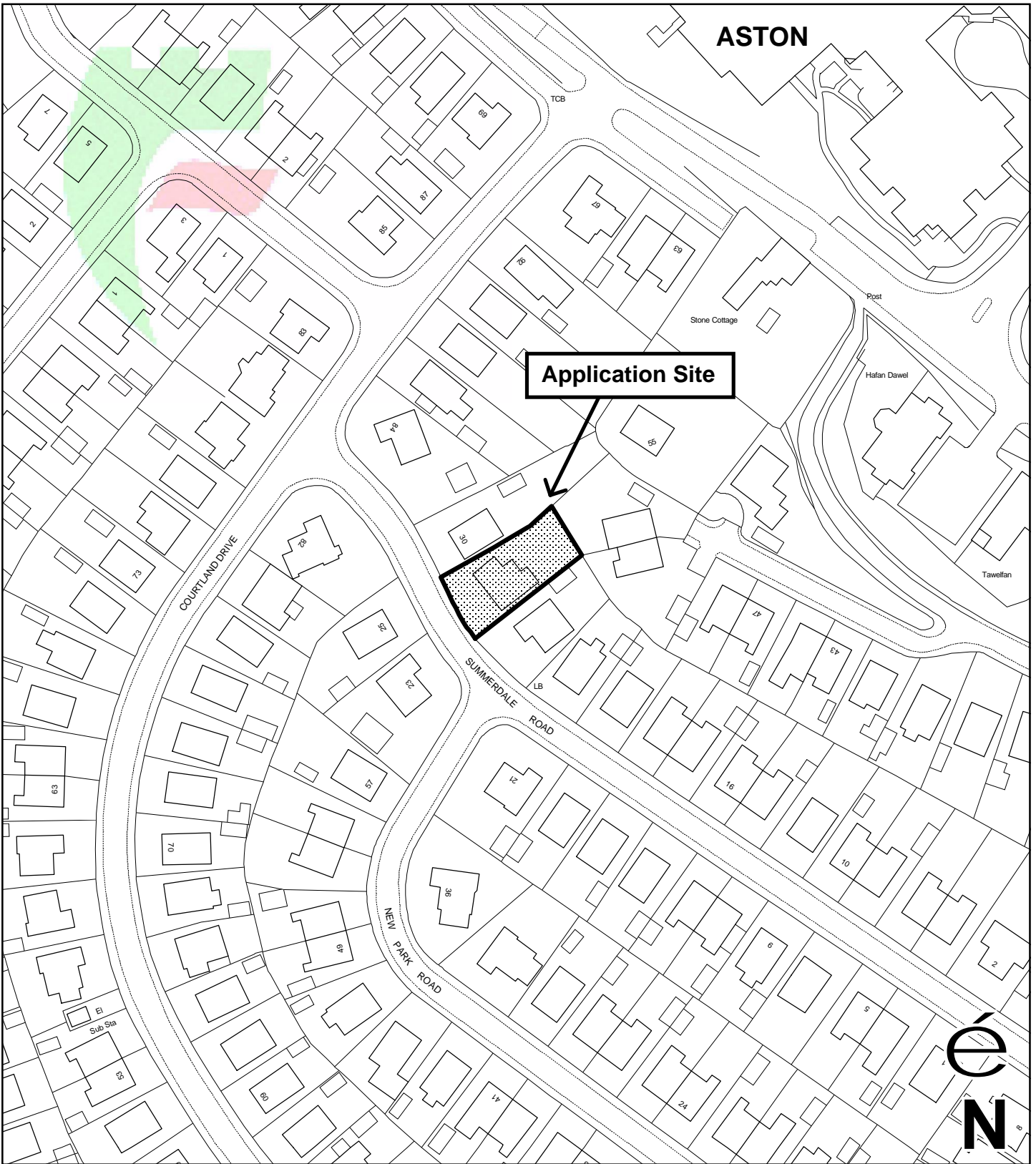
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Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **53329**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **16TH DECEMBER 2015**

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

SUBJECT: **APPEAL BY MR PAUL MITCHELL & MS HELEN BURTON AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR DEMOLITION OF EXISTING GARAGE AND ERECTION OF TWO STOREY, SINGLE STOREY AND FIRST FLOOR EXTENSIONS AT STATION HOUSE, ALYN LANE, LLONG – PART ALLOWED/PART DISMISSED.**

1.00 APPLICATION NUMBER

1.01 053621

2.00 APPLICANT

2.01 Mr P Mitchell & Ms H Burton

3.00 SITE

3.01 Station House, Alyn Lane, Llong, Mold, CH7 4JR

4.00 APPLICATION VALID DATE

4.01 21/4/2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to the delegated decision of the Local Planning Authority to refuse to grant planning permission at Station House, Alyn Lane, Llong. The appeal was dealt with by way of an exchange of written representations and was PART DISMISSED AND PART ALLOWED.

6.00 REPORT

- 6.01 The Inspector considers the main issue to be the effect of the development on the character and appearance of the existing dwelling and the surrounding area.
- 6.02 The Inspector discusses the setting of the site within the open countryside and describes the building and its surroundings. She goes on to acknowledge that the Council is considering its eligibility as a building of local interest and recognises that the building is in need of renovation. The Inspector considers the Station House to be a highly attractive and locally distinctive building retaining a strong sense of identity with its former use and making a significant contribution to the character and appearance of the area.
- 6.03 In respect of the two storey extension, the Inspector discusses the size, design and materials proposed before concluding that the proposed arrangement would destroy the symmetry and rhythm of the building, particularly its linear design associated with the former railway line. She, therefore, states that the proposed two storey extension would be in conflict with the relevant policies of the Flintshire Unitary Development Plan and dismisses the appeal in respect of this.
- 6.04 The Inspector notes that the existing detached double garage of modern design would not be harmful to the character of the area if removed and would, in fact, re-establish the relationship of the property with its setting to the former railway line.
- 6.05 The Inspector then describes the proposed first floor extensions in the rear elevation and acknowledges the Council's concerns about these additions creating a very plain elevation, resulting in loss of character, but she feels that they would retain the symmetrical character of the building. She considers the demolition of the garage and the first floor extensions would comply with the relevant policies of the Flintshire Unitary Development Plan and allows the appeal in respect of these works.

7.00 CONCLUSION

- 7.01 The Inspector commented that those elements of the proposed development that she found to be unacceptable are severable from the remainder of the proposal. The Inspector, therefore, concluded that the appeal should fail in relation to the two storey extension and succeed in relation to the demolition of the garage and the proposed first floor extensions.

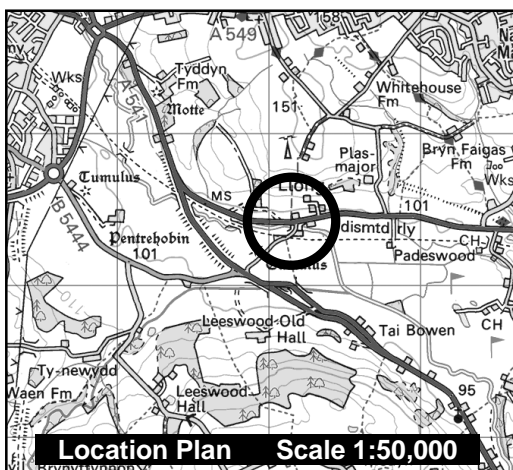
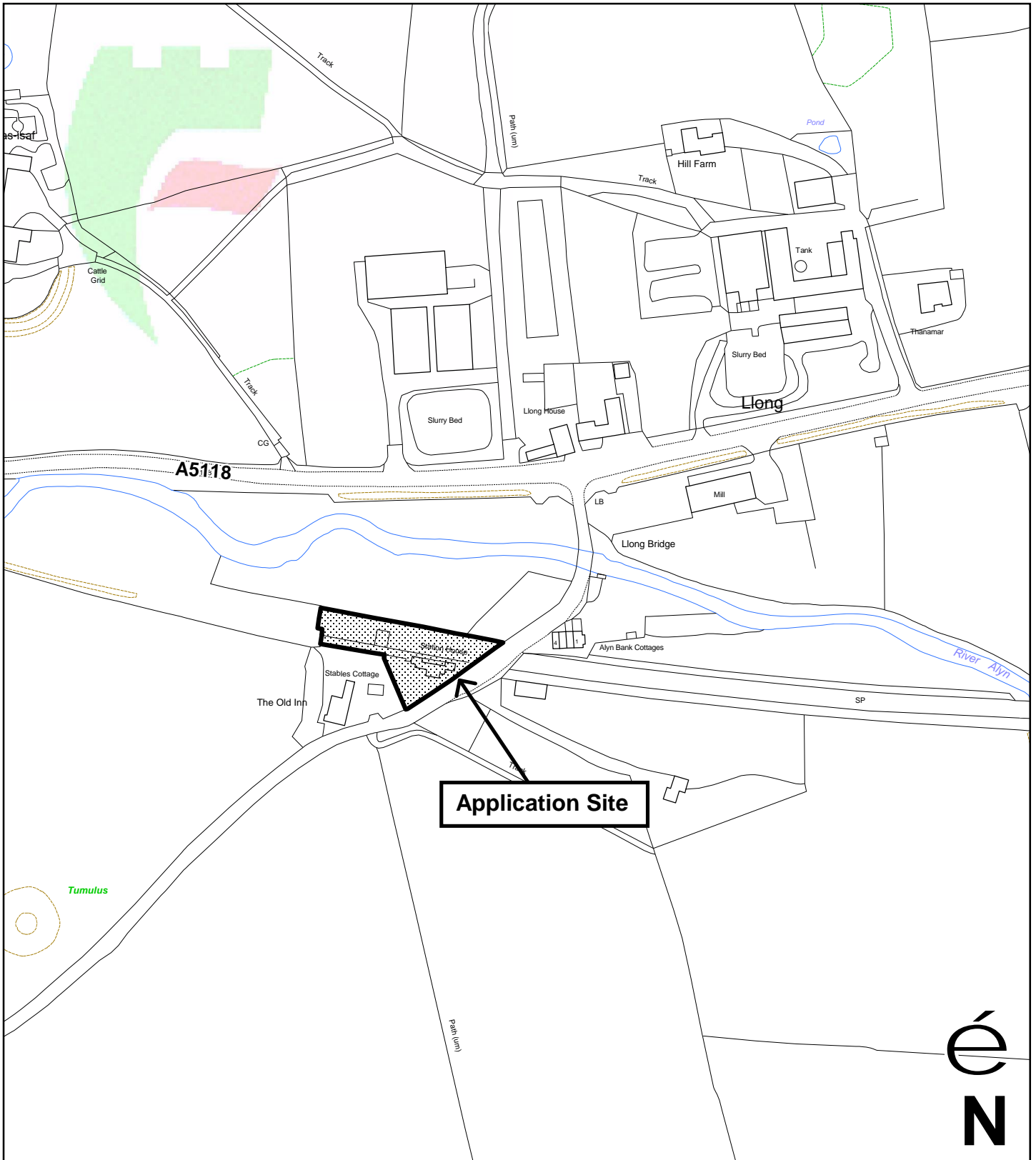
7.02 For the reasons above, the Inspector concluded that the appeal should be DISMISSED in relation to the two storey extension but is ALLOWED in respect of the demolition of the garage and erection of the first floor extensions.

LIST OF BACKGROUND DOCUMENTS

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

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