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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

13 January 2016

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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 20TH JANUARY, 2016 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 - 20)

To confirm as a correct record the minutes of the meeting held on 16 December 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
20th JANUARY 2016**

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1	053163	053163 - A - Continuation of Use of Land as Residential Gypsy Site Accommodating 9 Families on 7 Pitches, with a Total of 13 Caravans (No More Than 7 Static Caravans) and Retention of 3 No. Amenity Blocks and Erection of 1 No. Additional Amenity Block at Dollar Park, Bagillt Road, Holywell. (Pages 21 - 40)
6.2	053656	053656 - R - Outline Application for the Erection of up to 40 Residential Dwellings with Associated Access and all Other Matters Reserved at Rhos Road, Penyffordd. (Pages 41 - 66)
6.3	054589	054589 - A - Erection of a Foodstore, Associated Car Parking, Access, Servicing and Landscaping (Partly Retrospectively) at Broughton Shopping Park, Broughton (Pages 67 - 82)
6.4	054477	054477 - A - Full Application - Change of Use of Land to 42 No. Unit Holiday Lodge Park at St. Marys Caravan Camp, Mostyn Road, Prestatyn (Pages 83 - 92)
6.5	054078	054078 - A - Full Application - Conversion of Outbuildings to 1 No. Annex to Main Dwelling and Hairdresser at Llwyn Farm, Ffynnongroyw (Pages 93 - 100)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.6	052930	052930 - Appeal by Mr. D. Lawlor Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use from Paper Mill Car Park to Heavy Good Vehicle Parking Facility at 419 Chester Road, Oakenholt - ALLOWED (Pages 101 - 106)
6.7	053275	053275 - Appeal by Leason Homes Against the Decision of Flintshire County Council to Refuse Planning Permission for the Outline Application for the Erection of 1 No. Dwelling at Maes y Goron, Lixwm - ALLOWED. (Pages 107 - 114)

PLANNING AND DEVELOPMENT CONTROL COMMITTEE **16 DECEMBER 2015**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Wednesday, 16 December 2015

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Chris Bithell, Derek Butler, David Cox, Ian Dunbar, David Evans, Alison Halford, Ray Hughes, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Mike Peers, Gareth Roberts and David Roney

SUBSTITUTIONS:

Councillor: Haydn Bateman for Carol Ellis, Chris Dolphin for Neville Phillips, and Jim Falshaw for Owen Thomas

ALSO PRESENT:

The following Councillor attended as an observer:
Councillors: Veronica Gay

APOLOGIES:

Councillors: Christine Jones and Billy Mullin

IN ATTENDANCE:

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

93. DECLARATIONS OF INTEREST

Councillor Alison Halford declared a personal and prejudicial interest in the following application because she was a School Governor at Hawarden High School:-

Agenda item 6.1 – Outline application – Residential Development at Boars Head Inn, Holywell Road, Ewloe (054163)

In line with the Planning Code of Practice:-

Councillor Chris Dolphin declared that he had been contacted on more than three occasions on the following application:-

Agenda item 6.4 – 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 (053731)

94. LATE OBSERVATIONS

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

95. MINUTES

The draft minutes of the meeting of the Committee held on 18th November 2015 had been circulated to Members with the agenda.

Councillor Mike Peers referred to page 11 and the information that he had requested on whether the 28% return figure was correct and the amount of affordable housing that would be achieved on site. He indicated that he had not yet received the details and asked when these would be available. The Chief Officer (Planning and Environment) advised that he would provide the information to Councillor Peers before the Christmas break.

RESOLVED:

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

96. 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.

97. OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT AT BOARS HEAD INN, HOLYWELL ROAD, EWLOE (054163)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 14 December 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 this was an outline application with details of three points of access provided. All other matters were reserved for future consideration. The site of the former Boars Head public house was in a residential area with commercial units in the vicinity and it was proposed that the existing building be demolished. An indicative plan for 11 dwellings on the site had been provided and an ecological survey had been undertaken and submitted with the application. This was a brownfield site in the Category B settlement of Ewloe and the proposal was in accord with Planning Policy Wales and the principle of development had been accepted. Policy S11 of the Unitary Development Plan (UDP) allowed the loss of a public house where similar facilities existed in the neighbourhood and in this instance the site was opposite a social club and near the St. David's Park Hotel and Running Hare public house. The officer advised that comments had been made about the historic interest of the building. However demolition of the building had been put forward as it

was unsuitable for conversion to residential dwellings and this would be controlled by condition. The officer explained that a condition was also included for a noise assessment to be undertaken as part of the reserved matters submission. A sewer crossed the site and a condition to discuss appropriate works was also included. Paragraph 7.16 reported that the Coal Authority records indicated that there was a recorded mine entry within 20 metres of the boundary and therefore appropriate conditions relating to a scheme for shallow coal workings prior to the submission of a reserved matters application were required. A Section 106 obligation had been included as part of the granting of planning permission for educational contributions and in lieu of on-site play provision and the officer confirmed that this was Community Infrastructure Levy (CIL) compliant.

The Local Member, Councillor Alison Halford, referred to the Boars Head public house that had been in place since 1704 and a plaque that was in place on the front of the building. Councillor Halford agreed with the recommendation to approve the application but added that the public were concerned that the pub could not be saved. The developer and agent were aware of the hostility around the application but Councillor Halford reiterated earlier comments that the building was unsafe and could not be converted. However, the front of the Boars Head would be reflected in the new building. Councillor Halford, having earlier declared an interest in the application, left the meeting prior to its discussion.

Councillor Chris Bithell proposed the recommendation for approval which was duly seconded. He commented on the brownfield site in a Category B settlement and there was a presumption in favour of an application in such a location. He felt that it was a shame to see the building disappear but it had not been listed by CADW or identified by the Local Authority as a site of historic interest. The public house had been for sale for a number of years and Councillor Bithell spoke of the other public houses in the area. He said that there was no reason to refuse the application. Councillor Derek Butler said that it was sad when an old building was lost and commented on the stringent conditions in place.

Councillor Mike Peers queried the comments of the Head of Public Protection in paragraphs 3.01 and 7.14 that specific measures were “probably necessary” and felt that the comments should identify whether this was required or not. He queried how growth rates were now controlled as it was reported that the monitoring of growth rates of Category B settlements ended as of 1 April 2015 and he asked how this affected this and other applications. Paragraph 7.07 referred to the current state of the building which Councillor Peers felt was not a planning matter and he asked for clarification on the length of the marketing exercise undertaken to establish whether the proposal complied with Policy S11. He asked that it be noted that the Ewloe Social Club which was reported as being opposite the site was a Members only club and asked whether this would have an impact on the consideration of Policy S11. Paragraph 7.09 indicated that the date plaque on the front of the pub building could be retained and incorporated within the site and Councillor Peers felt that it was important to ensure that this was included in the reserved

matters application. He also sought clarification on the projects listed in paragraph 7.24 of how the educational contribution would be used.

Councillor Richard Jones commented on pubs that had been in the area in the past which no longer existed. He said that the feeling of local residents was that the pub should be protected but as this was not possible, it should still be remembered and including the plaque in the reserved matters application would enable this and would mark the site of where the Boars Head public house used to be.

In response to the comments made, the officer said that until the results of the noise survey were received, it could not be confirmed whether specific measures were necessary to protect the amenity of the future residents and this was why the comments of the Head of Public Protection included "probably". On the growth rate control, she confirmed that this formally finished on 1 April 2015 but informal monitoring was still undertaken and growth limits were no longer relevant as the Council did not have a five year housing supply. The officer advised that the application did not need to satisfy the marketing test referred to in policy S11 if there were other facilities nearby. She also confirmed that a condition could be added to the Reserved Matters application that the plaque be retained and incorporated into the scheme. The educational contributions were requested for projects which enhanced the capacity of the school which the projects shown would do.

Councillor Peers indicated that he had also asked about the Ewloe Social Club and the impact of this on policy S11.

The Planning Strategy Manager commented on the growth rates which had been monitored up to 1 April 2015 and referred to the Joint Housing Land Availability Study (JHLAS), adding that informal monitoring would continue to be undertaken. On the educational contributions element, there was a need to provide more specific projects to comply with CIL regulations about Section 106 agreements and not having five or more contributions for a school in general. He added that a further report on changes to the Supplementary Planning Guidance for educational contributions would be submitted to the Planning Strategy Group meeting in January 2016. The Planning Strategy Manager said that a full photographic survey would be carried out before the building was demolished to ensure that a historic record was retained. He added that the Historic Monument Society would also be involved.

Following a question from the Chairman, Councillors Bithell and Butler, as the proposer and seconder of the recommendation of the application, agreed to include a condition that the plaque be retained and incorporated into the Reserved Matters application.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment), the additional condition relating to the retention of the plaque in the reserved matters

application and 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

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

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

98. 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 (054151)

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

The officer detailed the background to the report and said that the main issues for consideration included the principle of the development in planning policy terms having regard to the Buckley Masterplan 2011. It was reported in paragraph 7.10 that the question as to whether a 100% residential scheme unacceptably conflicted with the Buckley Master Plan must be weighed against the existing economic position within the town centre. The officer, in his report, had concluded that this proposal was acceptable in policy terms and had considered the design impact of the application. The scheme would also be required to protect amenity and reduce noise levels and a condition had been included that a scheme of enhanced glazing be submitted and agreed. A drainage scheme was also to be submitted and agreed and a condition prohibiting the commencement of development until this matter had been satisfactorily addressed had been included. Approval of the application was recommended subject to the applicant entering into a Section 106 obligation/unilateral undertaking which was Community Infrastructure Levy (CIL) compliant.

Mr. B. Davies spoke in support of the application for the applicant Grwp Cynefin. The applicant had a stock of 4,200 properties and had been offered the vacant site by Betsi Cadwaladr University Health Board (BCUHB) for affordable housing in an area of proven local need. Extensive pre-application discussions had been held on the proposal for 24 No. affordable apartments for 18 two bed units and six one bed units. The timetable for the scheme had already been extended by BCUHB and now permission was needed for the site to progress. Concerns had been raised about the lack of commercial units in the proposal but it had not been proven that there was a lack of commercial units in Buckley. Mr. Davies said that he felt that the proposal would bring people back to the area of the town.

The Local Member, Councillor Richard, Jones proposed refusal of the application against officer recommendation, which was duly seconded. He did not feel that the application complied with the Buckley Masterplan as it did not contain any retail units.

Councillor Mike Peers recognised that the site needed to be developed but added that it should be in accordance with the Buckley Masterplan which this proposal was not. He felt that it was important to grow the retail sector and that it was not sufficient to suggest that the vacant retail units in the precinct meant that there was no need for commercial units in this scheme. The Masterplan was a plan for growth for the future and should be complied with when considering new development in Buckley. It was also important to protect the retail area that had been identified and Councillor Peers added that the residential units were welcomed but there was also a need for the inclusion of commercial units.

Councillor Derek Butler said that there were elements of both the Buckley Masterplan and the Unitary Development Plan (UDP) in the proposal. He commented on the new health centre being located out of the town and that the advantage of people living in the town was that this would increase footfall. He said that there were plans to enhance the precinct and this would need people to shop there on a daily basis to ensure its sustainability. Councillor Butler felt that the provision of all residential units on the site outweighed the proposals in the Buckley Masterplan for part commercial and part residential units on this site.

In referring to paragraph 7.03, Councillor David Evans sought clarification on the number of one and two bed units on the site as the speaker Mr. Davies had indicated differing figures to those reported. In response, the officer indicated that the proposal would provide 14 No. 2 bed units and 10 No. 1 bed units as reported in paragraph 7.03.

Councillor Chris Bithell felt that the area was not part of the current retail centre of Buckley and queried whether the provision of commercial units on this site would attract customers to the area. He agreed with the comments of Councillor Butler that the need for affordable housing was greater than the requirement for retail units. Councillor Gareth Roberts commented that the site was very close to the retail centre of Buckley and

agreed with Councillors Jones and Peers that there should be a mix of retail and residential units on the site.

The Planning Strategy Manager understood the views of Members because of the significant amount of work that had been put into the Buckley Masterplan. Regeneration colleagues had also been part of the team working on the Masterplan and for this application they had deemed the site to be outside the core retail area. The Masterplan referred specifically to food retail units on this site and the Regeneration Team did not have evidence that there was any demand for such units in this location.

Councillor Jones commented that there were no empty retail units on Brunswick Road but there were vacant outlets in the precinct. He said that the agents of the precinct were doubling the size of the units to over 4,000 metres to attract national providers. Councillor Jones felt that the area of the site would be ideal for the smaller units for local independent and start-up shops and added that 43 affordable units had already been provided in Buckley on the Redrow site. He said that it was important to have facilities in place for the people who lived in Buckley to shop locally and that this site in the Buckley Masterplan was intended to provide the required mix of commercial and residential units close to the town centre.

On being put to the vote, the application to refuse the application was LOST. As Members queried the number of votes, there was a re-count and the proposal to refuse the application was LOST.

RESOLVED:

That planning permission be granted subject to the conditions detailed in the report of the Chief Officer (Planning and Environment) and subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking 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

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

99. FULL APPLICATION – ERECTION OF 12 NO. DWELLINGS AND ASSOCIATED DEVELOPMENT WORKS AT CUSTOM HOUSE SCHOOL, MOLD ROAD, CONNAH’S QUAY (054484)

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

The officer detailed the background to the report and drew Members’ attention to the reference in the first page of the report and in paragraph 2.02 to a Section 106 agreement which was not referred to in the body of the report. It was not possible to attach a Section 106 agreement to the conditions as the site was owned by Flintshire County Council and could therefore not enter into an agreement with itself. The issues that would normally be covered by an agreement were included as conditions 17 and 18. The officer explained that the site was the first to be delivered as part of the Council’s Strategic Housing and Regeneration Programme (SHARP).

Councillor Derek Butler proposed the recommendation for approval which was duly seconded. He referred to the late observations and queried why the figure of £733 was to be sought for upgrading the nearby play area facilities rather than the £1,100 suggested by the Public Open Spaces Manager. Councillor Ian Dunbar welcomed the proposal and said that the SHARP project had been long awaited. He commented on the condition relating to the removal of the zebra crossing and he felt that the footpath had been well designed.

Councillor Chris Bithell felt that the proposal would help the Council meet its need for affordable housing in the county and enable the land to be utilised and put to good use.

In response to the query from Councillor Butler, the officer advised that the usual amount requested for contributions to public open space was £1100 per dwelling for market value but for affordable dwellings, this was reduced to £733 per dwelling.

The Planning Strategy Manager felt that the Council should be proud of the scheme and said that it was worth noting that this was the start of an exciting programme of work.

In summing up, Councillor Butler also referred to the set-up of a training academy as part of the SHARP programme.

RESOLVED:

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

100. 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 (053731)

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

The officer detailed the background to the report and explained that in 2013 the Committee had approved an application for 25 no. pitches which had conditions attached. The site had not been developed in accordance with the consent granted and the amenity building approved had not been installed resulting in the two portacabins remaining in place. This application was recommended for approval with the applicant being asked to enter into a Section 106 agreement to rescind the right to site 25 touring caravans in accordance with planning permission reference 048006. In consideration of the application, the officer had not revisited the principle of the site as he had previously considered compliance against Policy T6 and there had not been any reason to revisit it. He had focused on the changes between the permission granted and this application and the impact of the temporary siting of the portacabins.

Mrs. J. Hughes spoke against the application and expressed significant concern as she felt that it did not comply with Policy T6. Application 049102 reported an increase of 30% but she felt that this was 66% and added that the portacabins also did not comply with Policy GEN1 and should be immediately removed. The highest point of the site was 210 metres and the lowest was 194 metres at the access to the site and Mrs. Hughes also referred to a footpath which crossed the site. She also felt that the proposal did not comply with Policy L1 and said that the applicant was mindful that the grass would be churned up in the winter and commented that the pitches had originally been grass only. She spoke of two further applications that had been submitted and of the appeal that had been refused by Welsh Government on a nearby site because of the impact on the area; that site had a highest point of 194 metres.

The Local Member, Councillor Chris Dolphin, proposed refusal of the application, against officer recommendation, which was duly seconded. He felt that the proposals did not comply with Policies T6, GEN1, GEN3, D1, D2, D3 and L1 and added that the principle of development had also not been complied with. He said that the site was in a rural location in the open countryside and would have a significant impact on the area and that the

application should be refused to allow the site to be cleared. He had been opposed to the original application as he felt that it had not complied with policy and indicated that the site had been the subject of continual enforcement action and additional applications to regularise the site. He commented on the condition about no external lighting pointing out that it was currently installed on the site and had resulted in a number of complaints to Councillor Dolphin. He felt that the view in the area was blighted by caravans and there was an impact on the landscape from the Garreg. He referred to paragraph 7.04 where a further application for an additional four no. unauthorised pitches was reported and reiterated his earlier comment that this application was as a result of enforcement action. Councillor Dolphin disagreed with the comment in paragraph 7.11 that the site would have a largely green appearance during the winter months and queried the economic benefits reported in paragraph 7.14 and commented that there was not a direct footpath to the services at junction 31.

Councillor Alison Halford agreed with the comments of Councillor Dolphin that the applicant had not complied with the permission given and that this application should therefore be refused.

Councillor Chris Bithell referred to the highway impacts of the proposal and said that paragraph 7.12 suggested that there were still problems with passing traffic and that this could be addressed by condition. He queried whether a new condition was required to ensure new passing places were provided. Councillor Gareth Roberts concurred with Councillor Dolphin and in commenting on the site sustainability, he queried which public house the report was referring to as he was not aware of one that was within walking distance of the site.

In response to the comments made, the officer confirmed that the issues with the highway as part of the access to the site had been addressed. He added that the nearest public house was Tarth y Dwr on the site next door. The difference between this application and what had previously been agreed with that the 25 pitches were in a different place and the amenity block was not as had been approved but temporary permission was being sought for the two portacabins until the amenity block was erected in the correct location. However, both applications were for 25 pitches. The officer confirmed that other applications had been submitted but these had not yet been determined and he also did not yet have a view on the treatment for the hardstandings.

The Development Manager referred to the Policies mentioned by Councillor Dolphin stating that the principle of the development could not be revisited as there was an extant planning permission for the development. This application related to changes in matters of detail and members could take the view that the differences from the approved scheme were unacceptable but it was the view of officers that this did not warrant refusal of the proposal. The Planning Strategy Manager said that refusal of this application would not mean that the site would be cleared but would need to be put back to the scheme that had been approved.

Councillor Richard Lloyd queried condition 9 which required removal of the toilet portacabins within six months of the permission and whether this time should be reduced. He also asked whether the works could be undertaken in January and February when the site was closed. The officer explained that six months was deemed to be an appropriate amount of time but that a reduced time could be considered. The Planning Strategy Manager detailed the work that would need to be undertaken to provide the permanent amenity block and suggested that this would take longer than the one month shutdown of the site. Councillor Mike Peers sought clarification on condition 9 which he said did not state that the new amenity block was to be built in that time. The officer responded that as the erection of the new block formed part of the proposal, it did not need to be specifically mentioned in the condition.

Councillor Derek Butler said that it was reported that the hardstandings would be slate but the original application referred to grasscrete; he queried whether this should be conditioned. The officer said that Members could suggest alternative condition if it was appropriate but reiterated that he had received a separate application on the hardstandings which he had not yet determined.

Councillor Halford felt that the views of Mrs. Hughes, the third party speaker, should be considered. Councillor Matthews said that the applicant had had three years to comply with the approval granted on the previous application. The officer confirmed that the application had been approved in March 2013 and there had been a period of discussion with enforcement and this application had been submitted some time ago. The application was before the Committee as officers did not have the delegated authority for the section 106 obligation.

In summing up, Councillor Dolphin said that this application had been submitted to try and regularise and formalise the site after years of negotiation and should therefore be refused.

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

RESOLVED:

That planning permission be refused as the application did not comply with relevant criteria of policies, GEN1, D1, D2, D3 and L1 of the UDP

101. FULL APPLICATION – ERECTION OF REPLACEMENT DWELLING AT HEDDWCH, COAST ROAD, MOSTYN (054471)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit on 14 December 2015. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report and explained that the application was for a replacement dwelling on the site which was in a countryside setting. The main issues for consideration were the effect of the proposal upon the character and appearance of the area. It was felt that the massing of the development would have an increased detrimental impact and therefore the recommendation was for refusal of the application. The total floorspace was 140 square metres including the extensions and the proposal was for 354 square metres excluding the attached garage and three storey element of the proposal. This would result in an increase of 153% over the original dwelling. Application 051526 for the demolition of rear areas of the existing dwelling and erection of a new two storey extension to the side and rear had been granted in March 2014 which amounted to a 121% increase. An application for the erection of a replacement dwelling had been refused in June 2015. The officer felt that this application would be out of scale with existing properties in the area and there were no other dwellings of the scale and massing of this proposal.

The officer explained that the Local Member, Councillor David Roney, in his consultation response had indicated that the new dwelling was to meet the needs of a disabled person but there had been no mention in the application of a medical need for a design of this scale. It was felt that there was scope to adapt the property without the scale of development proposed.

Mr. R. Gratton, the agent for the applicant, spoke in support of the application. He said that the proposal would meet the needs of the applicant and the demolition of the dwelling and erection of a new property had been discussed with the planning officer who had indicated that refusal of the application was proposed because it was out of scale and character with the area. The design was redrafted and following lengthy negotiations, it was felt that the application was deemed to be acceptable. Mr. Gratton referred to Policy HSG6 and commented that existing permitted development rights had not been removed. The floor space for the proposed dwelling was very similar to that of the existing property but was a better design for the applicant.

The Local Member, Councillor David Roney, proposed approval of the application, against officer recommendation, which was duly seconded. Following advice from the Housing & Planning Solicitor Councillor Roney and Councillor Mike Peers, as proposer and seconder respectively, agreed to add that delegated powers be granted to the Chief Officer (Planning and Environment) to include appropriate conditions and a Section 106 obligation, if such an obligation was appropriate..

Councillor Roney said that all of the properties in the area were of different designs and this dwelling had been granted planning permission to extend the rear area and erect a new two storey extension which would result in a property the same size as this proposal. The application had been unanimously accepted by Mostyn Community Council and the new house would provide bigger rooms and wider doorways which would meet the needs of the applicant. The officer had referred to the massing of the development and the impact on the area but Councillor Roney said that the area was

industrial in nature and had the railway line running behind the house. The family had been unable to find an alternative suitable family home and therefore wanted to build a home more suited to their needs. There had been mention of a snooker room with the property but this was an area where a lift would be located to allow the applicant to access the rest of the house when he was no longer able to walk. Councillor Roney felt that as there had been no objections to the application, that it should be approved.

Councillor Mike Peers disagreed with the comments that the massing of the property would cause a significant detrimental impact on the area and said that the plans for this application was very similar to the existing dwelling. He felt that it was a matter of opinion as to whether the dwelling would be out of scale and character with the area. The site was a large plot and would allow the applicant the opportunity to have a property that was fit for purpose and have large enough rooms for an improved quality of life.

In referring to the comments of the Head of Public Protection, Councillor Richard Lloyd queried what the suggested condition would be. The officer indicated that it would be in connection with replacing most of the windows because of the noise from the traffic on the road. It was not included as a condition in the report as the application was recommended for refusal.

Councillor Chris Bithell referred to the site visit where Members had been able to see that all of the houses in the area were individual and unique. He referred to policy which indicated that a guideline increase of 50% was allowable in a rural setting but this was an increase of 153% which was contrary to policy. The harm in permitting this application was the precedent that it would set for future applications. Councillor Bithell referred to the site history and queried the reason for the refusal of application 053514 in June 2015 and whether the proposal was the same as for this application. Councillor Derek Butler said that approval had already been given to increase the footprint to 121% and added that Councillor Bithell had put forward a balanced argument. He concurred that there was a mix of housing in the area but spoke of the importance of planning principle and setting a precedent.

Councillor Gareth Roberts said that this was a building in the open countryside and that the extending the footprint by nearly 400% in relation to the original dwelling was unacceptable. He concurred with the earlier comments about setting a precedent if this application was approved. He referred to an application at the previous meeting for a two storey extension which had been permitted but was within the settlement boundary so the increase in size was not considered; it could therefore not be compared to this application. Councillor Richard Jones felt that the mistakes had already been made in permitting the increases of 121% and therefore the further extension by 32% was considered to be finely balanced and could not be considered to have a significant detrimental impact. Councillor Roberts indicated that policy guidelines related to increases compared to the original dwelling, not the original plus extensions so on that basis the increase on this proposal was nearly 400% not 150%.

In response to Councillor Bithell's query about the refusal of application 053514, the officer confirmed that it was not for the same scheme as this proposal and that the application had been dealt with by delegated powers. The application was for a replacement dwelling with a footprint of 200% more than the original and was refused because of its significant impact on the area.

The Planning Strategy Manager referred to the extensions already permitted but explained that as these were mainly to the rear of the property, they did not have a detrimental impact on the overall character of the area. He added that the applicant could also top up these extensions with permitted development rights. The harm that allowing the proposal would bring was the precedent it would set for future applications. The Planning Strategy Manager advised Members that a four bed detached property was usually about 150 square metres so this proposal would produce a dwelling that was more than two times the size of a four bed house. He added that he had not heard any reasons to suggest why the original property could not be adapted to make it suitable for the family's needs.

In summing up, Councillor Roney said that the extensions were not solely to the rear as some were to the side of the property and the original 1930s dwelling was difficult to alter. This application had been submitted to make the house fit for purpose for a disabled person and Councillor Roney felt that as extensions totalling 121% had already been granted by officers, this application for an additional increase of 32% should be permitted.

On being put to the vote, the proposal to approve the application with delegated authority to the Chief Officer (Planning and Environment) to set up the required conditions and Section 106 agreement if appropriate was CARRIED.

Councillor Lloyd queried whether the condition referred to by the Head of Public Protection would be included. The Chief Officer (Planning and Environment) said that as the setting of conditions had been delegated to him, he would take this request into account.

RESOLVED:

That planning permission be granted with delegated authority be given to the Chief Officer (Planning and Environment) to set the required conditions and Section 106 agreement if appropriate.

102. 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 (053011)

The Chief Officer (Planning and Environment) explained that the application had been refused by Committee and the appeal had been allowed as the Inspector concluded that the proposals would not harm highway safety.

The appeal had been held by written representations so there had not been any application for costs.

RESOLVED:

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

103. 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 (053014)

In response to a query from Councillor David Evans, the Development Manager explained that this appeal related to the original application which officers felt was unacceptable. Two other schemes had been submitted, both of which had been granted and following this appeal decision, the applicant had now started to implement one of the two approved schemes which had less impact on other properties.

RESOLVED:

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

104. 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 (053329)

RESOLVED:

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

105. 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 (053621)

The Chief Officer (Planning and Environment) advised that the Inspector had made a split decision on this appeal, with part being allowed and part being dismissed. The proposed two storey extension had been dismissed as it conflicted with the relevant policies of Flintshire's Unitary Development Plan (UDP). However the appeal on the demolition of the garage and the proposed first floor extensions was allowed. A Judicial Review was an option available to the Council but it had been decided that

this was not appropriate. The Chief Officer added that the Inspector could make a split decision but the Committee could not.

Councillor Chris Bithell indicated that he had discussed this issue with the Planning Inspector as Members were always advised to deal with the application before them. He spoke of the constraints of the UDP and said that the comments of the Inspector was their opinion and interpretation. He hoped that the comments would be challenged. Councillor Gareth Roberts raised concern at the ability of the Inspector to be able to make a split decision on an appeal.

RESOLVED:

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

106. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 10 members of the public and one member of the press in attendance.

(The meeting started at 1.00 pm and ended at 3.18 pm)

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Chairman

FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH JANUARY 2016**

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

SUBJECT: **CONTINUATION OF USE OF LAND AS RESIDENTIAL GYPSY SITE ACCOMMODATING 9 FAMILIES ON 7 PITCHES, WITH A TOTAL OF 13 CARAVANS (NO MORE THAN 7 STATIC CARAVANS) AND RETENTION OF HARDSTANDING, (INCLUDING BLOCK PAVING), GATES, WALLS, LIGHTING COLUMNS AND FENCES AND 3 NO. AMENITY BLOCKS AND ERECTION OF 1 NO. ADDITIONAL AMENITY BLOCK AT DOLLAR PARK, BAGILLT ROAD, HOLYWELL**

APPLICATION NUMBER: **053163**

APPLICANT: **MR. L. HAMILTON**

SITE: **DOLLAR PARK, BAGILLT ROAD, HOLYWELL**

APPLICATION VALID DATE: **02.11.15**

LOCAL MEMBERS: **COUNCILLOR J JOHNSON**

TOWN/COMMUNITY COUNCIL: **HOLYWELL**

REASON FOR COMMITTEE: **DEPARTURE FROM THE DEVELOPMENT PLAN**

SITE VISIT: **YES AT CHAIRMAN'S REQUEST TO SEE THE CURRENT SITE AND ISSUES RASIED BY THIRD PARTIES**

1.00 SUMMARY

- 1.01 This is an application to continue the use of the site as a residential gypsy site accommodating 9 families on 7 pitches with a total of 13 caravans (no more than 7 static caravans) and retention of hardstanding, (including block paving), gates, walls, lighting columns and fences and 3 no amenity clocks and erection of 1 no additional amenity block at Dollar Park, Bagillt Road, Holywell.
- 1.02 It is considered that the harm to the character of the area and the Listed Building are still factors which weigh against granting planning permission on a permanent basis having weighed that harm against all the other material planning considerations set out above in the planning balance. However there is still a need for sites and to refuse to grant permission on a temporary basis would make the families and their children homeless and put them on the roadside with no base to access health care and education.
- 1.03 It is therefore considered that it would be appropriate to grant a further temporary permission for 5 years. This would allow the LDP to progress to adoption and would also give sufficient time for planning permission to be submitted and granted on alternative sites as allocated in the plan or found independently.

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

- 2.01
1. Temporary permission 5 years at the end of this period, or when the land ceases to be occupied (whichever is sooner) the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use shall be removed from the site within 28 days of that date. Within 3 months of that date all hardcore, tarmac, block pavings, scalplings, shingle and other hard surfacing brought onto the site for the purposes of the caravan site shall be broken up and completely removed and the area they occupied shall be levelled, top soiled and seeded with grass or turfed.
 2. In accordance with plans
 3. No more than 7 pitches and a maximum of 13 caravans, up to 7 of which can be statics with only 1 static on each pitch
 4. Siting of any statics to be agree prior to them being brought onto the site
 5. The site shall be occupied by the following and their resident dependants ;
 - Plot 1 - Leonard and Kathleen Hamilton
 - Plot 2 - Tony, Joe and John Gaskin
 - Plot 3 - John and Jane Hamilton
 - Plot 4 - Edward and Tracy Hamilton
 - Plot 4a – Lavinia Hamilton
 - Plot 5 – Acer and Leanne Hamilton
 - Plot 6 - Henry and Debbie Price, Henry and Tina Price and Luke and Mary Price
 6. Materials for amenity buildings
 7. Landscaping along site frontage to be planted and maintained
 8. No commercial activities including the storage of materials
 9. No commercial vehicles shall be kept on the land other than those for use by

the occupiers of the caravans hereby permitted. No commercial vehicle kept on the land shall exceed 3.5 tonnes net weight.

10. Flood proof measures to be installed as appropriate

11. Parking facilities to be provided on the site and retained.

3.00 CONSULTATIONS

3.01

Local Member

Councillor J Johnson

No response received at time of writing.

Holywell Town Council

The Town Council, whilst acknowledging the current planning status of the site following the outcome of an earlier appeal, expresses its concerns regarding the adverse impact of the proposal:

- on highway safety arising from increased site occupancy;
- on the nearby Listed Building, Glyn Abbot;
- on the area originally proposed for children's play which should, if the application is approved, be retained and developed accordingly.

Highways Development Control Manager

No objection subject to a condition relating to the provision and retention of parking facilities on the site clear of the highway.

Public Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

No connections to the mains proposed. No comments to make.

Natural Resources Wales

No objection.

Flood Risk

The application site lies partially within zone C2 as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004). Given the scale of the proposed development, and in the absence of a flood consequence assessment, we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

Protected Species

Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). We advise that you should consult your internal ecologist with regards to the potential impact of the proposed development on the favourable conservation status of populations of bats.

4.00 PUBLICITY

4.01 Press Notice, Site Notice & Neighbour Notification

The application was advertised as a departure from the development plan and affects the setting of a Listed Building.

1 objection on behalf of 2 local residents on the grounds of;

- no evidence has been provided to demonstrate that the applicants have made attempts to find an alternative site
- no information on whether local children attend schools or the health reasons to remain on site or the benefits of living as an extended family together on one site
- no reference to retention of hardstanding
- some of the named families on the 2011 permission no longer reside on the site so must have found alternative accommodation
- the request for up to 7 static caravans represents a scheme greater in scale than that previously considered at the time of the previous appeal
- The use of the application site continues to have a significant visual impact on the rural landscape and setting for the Grade II Listed Glyn Abbot contrary to policies GEN1, L1, HE2, HSG14.
- The site continues to present a highway safety risk due to the regular number of vehicles which access the site daily, the size of the vehicles which access the site regularly and the form and configuration of Bagillt Road
- Evidence is provided to show that the average vehicle movements in and out of the access per day are 61 which is significantly greater than the 40 movements which the appellants advanced at the 2009 appeal.
- The access is also used as a layby by vehicles using the road when answering mobile phones, sometimes blocking the access
- No justification for issuing a temporary permission

5.00 SITE HISTORY

5.01 050346 - Application for removal or variation of a condition following grant of planning permission ref: 046832 in relation to the named site occupants. Undetermined.

046832 - Change of use to residential caravan site for 6no. Gypsy families, each with 2no. Caravans and erection of 6no. amenity buildings, laying of hardstanding and construction of improved access (partly in retrospect) Refused 19.03.10. Allowed on appeal 5 year temporary permission 04.02.11.

043412 - Change of use (partly in retrospect) to caravan site (10 pitches) for residential occupation (not transit) by Gypsy-Travellers families, with alterations to site access, additional hardstanding, septic tank, utility buildings, erection of fencing to site boundary and between pitches and communal building. Refused 11.02.08. Dismissed on appeal 23.02.09

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

HSG14 – Gypsy Sites

GEN1 – General Requirements of all Development

GEN3 – Development in the open countryside

D1 – Design Quality, Location and Layout

D4 – Landscaping

TWH1 – Development Affecting Trees and Woodland

TWH2 – Protecting Trees and Woodland

WB1 – Species Protection

WB4 – Local Wildlife Sites and Sites of Geological Importance

WB5 – Undesignated Wildlife Habitats

L1 – Landscape character

AC13 – Access and Traffic Impact

HE2 – Development Affecting Listed Buildings and their Settings

National Policy

Circular 30/2007 'Planning for Gypsy and Traveller Sites'

Welsh Assembly Government Circular 61/96 Planning and the Historic Environment – Historic Buildings and Conservation

Planning Policy Wales Edition 8 January 2016.

Housing Act 2014

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an application to continue the use of the site as a residential gypsy site accommodating 9 families on 7 pitches with a total of 13 caravans (no more than 7 static caravans) and retention of hardstanding, (including block paving), gates, walls, lighting columns and fences and 3 no amenity clocks and erection of 1 no additional amenity block at Dollar Park, Bagillt Road, Holywell.

7.02 Site Description

The application site lies to the east of Holywell on the south side of the A5026 Bagillt Road which runs between Holywell and Greenfield. The total site area is approximately 0.5 hectares.

7.03 The site was a former coal yard, following this use there was some limited use of the site for forestry purposes in association with the management of the surrounding woodland. The previous owner of the woodland obtained a Felling Licence and Woodland Grant Scheme from the Forestry Commission to carry out selective felling in the woodland. Prior to the site's occupation by gypsies and travellers it had regenerated naturally as grassland and scrub with a plateau of land inside the entrance gate. From its former use there was an existing access to the site which was gated with an area of hardstanding.

- 7.04 Opposite the site is the access serving three residential properties, 2 of which (the lodge and the coach house) are situated directly adjacent to Bagillt Road. Glyn Abbot a Grade II Listed Building, is set back approximately 70 metres from the road in an elevated position. There is a watercourse which runs south of the application site within the wooded area included in the applicant's ownership.
- 7.05 Since 2007 the site has been occupied by a number of gypsy families and has developed into a residential site with associated hardstandings, including block paving, fencing, walls, gates and lighting, along with brick built amenity buildings and wooden sheds. Foul drainage is dealt with by a septic tank which was installed on site by the current residents.
- 7.06 A temporary permission for 5 years was granted on 4th February 2011 (046832) (Appeal Decision APP/A6835/A/10/2132061) for "Change of use to residential caravan site for 6no. Gypsy families, each with 2no. Caravans and erection of 6no. amenity buildings, laying of hardstanding and construction of improved access (partly in retrospect)". This application included the provision of a new access point following highway safety concerns over the original site access which was a reason for the dismissed appeal on application 043412.
- 7.07 The current temporary permission 046832 allows for the stationing of a static caravan and a touring caravan each pitch and the erection of respective amenity buildings. Some plots have brick built amenity buildings housing washing and toilet facilities whilst plot 6 has two wooden sheds. The temporary permission expires on 4th February 2016.
- 7.08 The former access has been closed with a close boarded fence and the hedge was continued along the site boundary and planted with native species as part of the implementation of this permission. However the landscaping that was planted has not thrived.
- 7.09 Site history
The land was first occupied by gypsies in March 2007. A planning application made in May 2007 for use of the land as a residential caravan site by 10 gypsy families, including various elements of ancillary operational development, was refused by the Council in February 2008. In May 2008 the Council issued an enforcement notice in respect of the unauthorised use and operational development.
- 7.10 An appeal was lodged against the refusal of planning permission and the breach of planning control notice. These appeals were heard at a joint Inquiry which sat for 4 days on 20 – 23 January 2009. The appeal under Section 78 of the Town and Country Planning Act against the refusal of planning permission was dismissed on the grounds that;
- the harm to highway safety
 - the impact on the rural character and appearance of the area
 - the impact on the setting of the listed building
- were so substantial as to outweigh the deficiencies in respect of suitable alternative accommodation and the harm to the site occupants of being unable to live permanently on the site.

- 7.11 The enforcement notice was upheld and varied only in relation to the areas of land to be reinstated and the time within which it is required to comply with the requirements of the notice. The occupants of the site therefore had 12 months to comply with the requirements of the notice and vacate the site. This notice expired on 26th February 2010.
- 7.12 In May 2009 the Council sought an injunction in the courts to stop work in the woodland in the area where the occupants proposed an alternative access point. This included unauthorised felling of TPO trees in the woodland. This injunction was successful and was in force until planning permission was granted on appeal in February 2011 (46832) Appeal Decision APP/A6835/A/10/2132061.
- 7.13 The occupants remained on the site and subsequently submitted planning application 046832 for "Change of use to residential caravan site for 6 gypsy families each with 2 no caravans and erection of 6 no amenity buildings, laying of hardstanding and construction of improved access (partly in retrospect) on 1st December 2009.
- 7.14 This was refused by Planning Committee on 7th April 2010 on the grounds of;
1. Notwithstanding the lack of information to adequately assess the proposed access, it is considered the principle of an access in this location is unacceptable on the grounds of highway safety. The Council considers the proposal would lead to a material increase in the volume of traffic entering the publicly maintained highway through an access which would not provide adequate visibility from and of emerging vehicles to the detriment of highway safety.
 2. Notwithstanding the lack of information, the proposed access and any improvement to the visibility sightlines for the creation of an access in this location would lead to a unacceptable loss of hedgerow, TPO trees and boundary treatment and would have an adverse effect on any remaining woodland which in turn would have a detrimental impact on the wooded landscape and character and appearance of the area. The continued use of the site has the potential to adversely affect the character and amenity of the surrounding area.
 3. The location of the application site, the proposed siting of caravans and associated infrastructure within the site would have an adverse effect on the setting of a Listed Building.
 4. The proposed access has the potential to impact upon trees which may support species of bird or mammal protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the EC Habitat and Species Directive (as implemented by the Conservation (Natural Habitats & c) Regulations 1994. No information has been put forward to assess this potential.
- 7.15 An appeal against the refusal of planning permission was heard by a Public Inquiry on 23rd and 24th November 2010 and 17th January 2011.

- 7.16 The appeal was allowed and a temporary permission was granted for a period of 5 years for the change of use to a residential caravan site for 6 Gypsy families, each with 2 caravans, erection of 6 amenity buildings, laying of hardstanding and construction of improved access. This 5 year temporary permission expires on 4th February 2016. This was a personal permission to named site occupants.
- 7.17 The temporary permission granted in 2009 (46832) Appeal Decision APP/A6835/A/10/2132061 was personal to the families living on the site at the time of the appeal and their 'resident dependants'. These were
- Leonard and Kathleen Hamilton
 - Edward and Tracy Hamilton
 - William and Kelly Hamilton
 - Henry and Debbie Price
 - Roman and Lydia Gaskin
 - Tony Gaskin
- 7.18 While the monitoring of the movements of families on and off the site is problematic, (as they can on occasion be families visiting for short periods), in general the site residents have remained the same since the temporary permission was granted. An application was submitted in 2012 to allow for flexibility in the site occupants but this remained undetermined as circumstances then changed.
- 7.19 Proposed development
This is an application to continue the use of the site as a gypsy and traveller site for use by 9 gypsy family units Hamiltons, Gaskin and Price on 7 pitches in 13 caravans. The initial temporary permission was for 6 pitches with a total of 12 caravans, however during the summer of 2015 an additional family member and his household have moved onto the site creating an extra pitch in the formerly proposed 'play area'. The proposed development is therefore retrospective in this respect.
- 7.20 No enforcement action has been taken by the authority in light of the building operations to create this pitch as an application to continue the use of the site was due to be submitted and therefore the occupants were advised to submit a new application accounting for the amended pitch numbers. The pitch was also unoccupied during the Council's investigations.
- 7.21 Also since the occupation of the site in 2007 Mr. Price's children (plot 6) have matured and have married residing separately in their own caravans but sharing the same pitch and amenity building. There has therefore been 3 caravans on plot 6 for some time, however as there has been no more than 12 caravans on the site for any prolonged period of time it was not deemed expedient to take any formal enforcement action. The current/proposed occupants are;
- Plot 1 - Leonard and Kathleen Hamilton
 - Plot 2 - Tony, Joe and John Gaskin
 - Plot 3 - John and Jane Hamilton
 - Plot 4 - Edward and Tracy Hamilton

- Plot 4a – Lavinia Hamilton
- Plot 5 – Acer and Leanne Hamilton
- Plot 6 - Henry and Debbie Price, Henry and Tina Price and Luke and Mary Price

- 7.22 Plots 1, 2, 4 and 6 are occupied as at the time of the 2011 appeal but with the addition of named children who have become adults on plots 2 and 6. Plot 4A is now occupied by Edward Hamilton's sister, Lavinia Hamilton Hamilton. Plot 3 is occupied by one of Leonard Hamilton's sons John Hamilton and Plot 5 is occupied by Leonard Hamilton's grandson Acer Hamilton. The site is therefore still occupied by the same extended families.
- 7.23 It is proposed that the site will accommodate a total of 13 caravans with no more than 7 statics on the site. (one on each pitch) At present there are 3 static caravans on site on plots 1, 4 and 5. The area previously shown to be a play area has been made into a plot during the summer of 2015 recently occupied by Mr. Len Hamilton's grandson Acer Hamilton. The play area was not developed in this way and remained a vacant piece of land. The loss of the play area is justified in the context that the pitches are all large enough for the children to play within their own plots and the play area was never utilised as such as families prefer to supervise children within the plots.
- 7.24 There are brick built amenity buildings on plot 1, plot 3 and plot 4a. These are proposed to be retained as built. The other plots have wooden sheds as amenity building housing the washing facilities. It is the intention to build a brick amenity building on plot 6 to replace these in the future if permission is granted. Details of such have been submitted.
- 7.25 Inspectors previous conclusions
The decision of the Inspector and the conclusions he made in respect of the relevant issues in consideration of (046832 appeal ref: APP/A6835/A/10/2132061) is key in determining this application.
- 7.26 The Inspector concluded that *“the harm that would be caused to the character and appearance of the area and to the setting of the listed building Glyn Abbot are matters which weigh decisively against a grant of permission for the development proposed on a permanent basis. In my judgement the need in the public interest to safeguard the environment, including its heritage assets, from long term damage, which is part of the wider aim of pursuing the economic wellbeing of the country, is such that the resulting interference with human rights would be necessary and proportionate. In arriving at this view the weight I give to the prospect of their having to return to reliance on roadside or similar unauthorised sites, and the interference with their human rights that this would represent, is tempered by the occupants' lack of active response to the dismissal of the appeals almost two years ago and the upholding of the enforcement notice at that time.”*
- 7.27 He went on to state that
“However, I am also required, if permission on a permanent basis is not justified, to consider the possibility of a grant of permission for a temporary period. Paragraph 110 of Circular WO 35/95 “The Use of Conditions in Planning Permissions” advises

that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the temporary period. WAGC 30/2007 advises that in cases where there is unmet need; no available alternative Gypsy and Traveller site provision in an area; and a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, then consideration should be given to granting a temporary permission where there are no overriding objections on other grounds. WAGC 30/2007 cites a situation where a local planning authority is preparing its site allocations as part of the LDP as an example of where such circumstances might apply.”

- 7.28 The Inspector considered that *“The above circumstances apply in this case. The Council proposes to meet the present acknowledged unmet need by making Gypsy and Traveller site allocations in its LDP. The Council does not expect its LDP to be adopted until 2015; and, following adoption, there will be a period needed for new allocated sites to be made available. In the circumstances I consider that to be of practical effect any temporary permission would need to be granted for a period of 5 years. Balancing the harm that would arise from the proposal against the consequences of the unmet need for sites in this case, I attribute reduced weight to the harm that would be caused in the terms I have identified above, because the harm would endure for a 5 year period only. The Appellant confirmed at the inquiry that he considers that all of the conditions discussed concerning measures to mitigate the effects of the development would be reasonable in the context of a temporary permission of this duration. I am conscious that for those living in the immediate vicinity of the site and most directly affected by the harm, who have already tolerated the effects of the site’s use since 2007, this will be unwelcome.”*
- 7.29 The Inspector justified this approach on the basis that *“the consequences of the current unmet need for Gypsy and Traveller sites is that refusing permission and requiring cessation of the current, albeit unauthorised, use would be to return the present occupants to a transient roadside or similar existence, with all of the dislocation to their present family, healthcare and educational arrangements that would come with this. In my judgement these adverse consequences are such as to outweigh the harm arising from permitting the proposed development for a temporary 5 year period. I conclude that there are no overriding objections to the grant of a temporary permission in this case. However, my decision should not be regarded as setting a precedent in any way for the determination of any future applications for full permission for use of the land as a caravan site.”*
- 7.30 The main issues to consider in respect of this application are; the impact on the rural character and appearance of the area and the impact on the setting of the listed building and whether these site specific issues still outweigh other material considerations such as the best interests of the children on the site, the need for gypsy and traveller sites, the provision of alternative sites and the personal circumstances of the site occupants.

- 7.31 Impact on the landscape and the open countryside
The site is situated within the open countryside. Prior to the occupation of the site, there were no buildings on the site, and the natural regeneration of the site meant it had a greenfield appearance and blended in with the open countryside location.
- 7.32 The character of the landscape has been altered significantly since the site has been occupied by the nature of the earthworks and the scale of the development. Each pitch is demarcated with domestic fencing and the majority of the pitches are block paved. Each pitch has a static and or touring caravan and an amenity building in the form of a brick building or wooden shed. It is considered that this has significantly impacts on the rural landscape due to the presence of the caravans, boundary treatments and other domestic paraphernalia. The current application adds an additional plot on the southern side of the site and increases the number of caravans by 1. This therefore adds to the urbanising impact of the site.
- 7.33 The Inspector in consideration of the previous application stated in paragraph 15 of his report (Appeal Decision APP/A6835/A/10/2132061) that “Despite the wooded environs, its presence would be clearly apparent, particularly during the periods when the surrounding trees and hedgerows are not in full leaf...the development would remain a comparatively large-scale visual and physical intrusion that would be starkly at odds with its verdant woodland setting. He also noted in paragraph 16 of his decision that lighting would “*further detract from the rural character of the locality.*”
- 7.34 He concluded in paragraph 17 “*that the proposal would cause clear and significant harm to the character and appearance of the area. The adverse visual impact of the proposal would be apparent not only to passers-by along Bagillt Road but also to occupants of The Coach House and Glyn Abbot, both of which have main aspects looking directly down onto the site from the other side of Bagillt Road.*”
- 7.35 The Inspector concluded on this issue by stating (paragraph 22) that “*I have had regard to the guidance in WAGC 30/2007 concerning the consideration of Gypsy and Traveller sites in rural locations. This emphasises that sites on the outskirts of built-up areas may be appropriate; that sites may also be found in rural or semi-rural settings; and that rural settings, where not subject to specific planning or other constraints, are acceptable in principle. From this it is clear that the mere fact of a site’s location in a rural area or setting is not a reason to reject it as a suitable location for a Gypsy and Traveller site. Moreover, I fully recognise the underlying implication of this guidance that it would be unreasonable to expect that Gypsy and Traveller sites in rural locations and settings should not have some visual impact upon their surroundings. Equally, however, WAGC 30/2007 does not state that proposed sites in rural locations and settings should be permitted in all cases.*”
- 7.36 He goes on to state “*In this case I have concluded that the proposed development, because of its physical scale and resulting visual impact, would have a significantly harmful effect upon the rural character of the locality, as experienced both by passers-by on Bagillt Road and by residents who look down on the site at close quarters. As such, the proposal is contrary to emerging UDP policies GEN1, HSG14 and L1. In my judgement this weighs significantly against the appropriateness of the site for the development proposed, notwithstanding the*

guidance in WAGC 30/2007 concerning the principle of sites in rural settings.”

- 7.37 The presence of a gypsy and traveller site in the open countryside will always have some harm as noted by the Inspector. It is considered that this harm still exists in terms of the current application and is increased by the intensification of the use.
- 7.38 Impact on the Setting of the Listed Building
To the north of the site is the Grade II Listed Building known as Glyn Abbot which was listed in 1991 as a fine example of a classical small country house. The main residence of Glyn Abbot itself, built in the early nineteenth century, is in an elevated position set back from the road. It has been historically sited and designed to face the south to obtain important views from the principal rooms towards the sloping land within the grounds and the attractive wooded landscape beyond. It therefore overlooks the application site and, being elevated above it, views into it from Glyn Abbott are not broken by the existing boundary hedges on the A5026.
- 7.39 Glyn Abbott had two lodges and driveways. The principal approach to the main house was via the south from the A5026, where a stone lodge of classically derived architecture was located. The drive to the north connecting with Pen-y-Maes Road, although also having a lodge, was apparently a subsidiary access, probably used for servicing the building and tradesmen. It is therefore important to note that the lodge and entrance drive from the A5026 was designed to afford impressive views when approaching the grounds of Glyn Abbott. The approach up the drive to the front terrace of the house was also designed and laid out to impress higher status visitors. The road side lodge is not Listed.
- 7.40 The development is of a relatively large scale and by its very nature presents a cluttered appearance when viewed in the landscape. The development occupies land that is directly in line with the principal vista of Glyn Abbott and its terrace. The site can be seen, even with the trees in full leaf, from the terrace in front of the listed building, and from the windows of the principal ground and first floor rooms of the house. It can also be seen from its approach along the highway, its main lodge and entrance to the grounds. During the late autumn, winter and early spring months, when the trees are not in leaf, the development will be more visually prominent. By its nature and appearance the caravans and associated structures are alien in the wooded valley setting in which they are located.
- 7.41 PPW states that where a development proposal affects a listed building or its setting, a material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest it possesses.
- 7.42 At the last Inquiry there was some debate on what constitutes the ‘setting of a Listed Building’ and its distinction from the curtilage of the building. In his decision (Appeal Decision APP/A6835/A/10/2132061) the Inspector states “*In relation to this I note the recent guidance on setting provided in the English government guidance PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010). Amongst other things, this confirms that setting is the surroundings in which an asset is experienced; that views of or from an asset will play an important part; and that setting will generally be more extensive than*

curtilage. The guidance further states that the contribution that setting makes to the significance of an asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and circumstance. Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.”

- 7.43 *The Inspector goes on to state (paragraph 26) “The proposed development, notwithstanding the reduction from the current number of caravans on the site and the lower density of development that would result, would continue to produce a wide swathe of caravans, vehicles, buildings and other structures and hard surfacing in the middle of the rural vista from the principal rooms and front terrace of Glyn Abbot which is a primary feature of the property’s design as a Classical country house. I consider that the adverse visual effect of this on the setting of Glyn Abbot, even taking into account the potential for additional planting within the appeal site and on its boundary, would be serious at those times of the year when trees are not in full leaf, and significant even during summer months when trees are in full leaf. Although in the present circumstances the vista from Glyn Abbot is not publicly accessible, it is in my view fundamental to the heritage value of Glyn Abbot as a fine local example of a Classical small country house. Given the scale of the change to this rural vista that the proposal represents I find that the proposal would cause significant harm to the setting of the listed building in this respect.”*
- 7.44 *In paragraph 27 the Inspector goes onto state “I accept that seen from Bagillt Road the effect of the appeal proposal on the setting of Glyn Abbot is more peripheral, owing to its position on the other side of the road. Nonetheless, I consider that harm would be caused to the setting of the listed building in this respect also. The imposition upon an essentially greenfield site within a rural wooded context of development of the scale and character associated with a 6 pitch residential caravan site immediately across the road from the entrance to Glyn Abbot would plainly have an adverse effect on the setting of the latter, given that the house itself is seen from Bagillt Road at the head of the uphill driveway. From this location the presence of the residential caravan site would intrude upon the setting of Glyn Abbot. I do not consider that additional planting or regulation of the detailed layout of the site would eliminate such harm.”*
- 7.45 *The Inspector concludes on this matter in paragraph 29 that “In the light of the foregoing I conclude that the proposed development would significantly harm the setting of the listed building Glyn Abbot. As such, the proposal is contrary to development plan policies CSP policy G7 and DLP policy CP6, and to emerging UDP policies GEN1 and HE2. I consider that the relationship of the site to Glyn Abbot and the statutory requirement to have special regard to the desirability of preserving its setting represents a planning constraint to be taken into account in applying guidance in WAGC 30/2007 concerning the consideration of sites for Gypsy/Traveller accommodation.”*
- 7.46 *It is considered that these matters have not changed since the Inspector’s consideration of the application except that the current application which includes and increased number of caravans will only add to the harm the location of the site causes to the setting of the Listed Building.*

7.47 Highways

An objector to the site refers to his estimated average vehicle number using the site and the nature of the vehicles using the access which he considers is more and differs from what the appeal Inspector was led to believe would use the site.

7.48 Highways have no objections to the proposed development in terms of the increase in the number of pitches or the number of site occupants. The existing site access now meets highways standards in terms of the visibility requirements for the classification of the road and therefore any increase in its use is not a cause for concern.

7.49 Need

The Council engaged with its North Wales neighbours in a collaborative Gypsy & Traveller Accommodation Assessment (GTAA). This is in line with Welsh Government (WG) guidance which urges "local authorities to work in a regional capacity and share the legal, moral, financial and political responsibility to address the accommodation inequality experienced by the Gypsy and Traveller community in Wales". This was published in 2012 and was endorsed by Flintshire County Council in early 2013. However it only covers the period to 2016.

7.50 Flintshire has the largest number of authorised caravan pitches to accommodate gypsies and travellers of any local authority in North Wales. As the methodology of The North Wales Gypsy & Traveller Accommodation Assessment is based on the level of existing provision within authority areas, the need arising from Flintshire is a need of an additional 43 pitches for the study period.

7.51 The table below shows current site provision as of the July 2015 Caravan Count which is submitted bi-annually to Welsh Government.

Site	Number of pitches	Number of caravans permitted	Number of Caravans in July Caravan Count 2015
Riverside, Queensferry (Local Authority site)	20	20	37
Corbetts/Lyons Yard, Sandycroft,	22		11
Mitford Caravan Site, Mounds, Gwespyr,	20		19
Dollar Park, Bagillt Road, Holywell Temporary to 2016	6	12	10
Gwern Lane, Hope	2	4	4
Bridge Yard, Factory Yard, Sandycroft, CH5 2QJ Tolerated on gypsy owner land (Application 051208)			4

- 7.52 The difficulty with the information provided from the caravan counts is that it records the number of caravans and not the number of pitches occupied and it is usual for there to be more than one caravan on each pitch which distorts the figures and makes it difficult to assess the number of vacant pitches.
- 7.53 The Welsh Government has stated *“The picture of where Gypsies and Travellers live and want to live may have become distorted by different approaches to provision and enforcement adopted by different local authorities over the years. Where this is the case the local authority responsible for the area where the need is currently found will need to work closely with other local authorities in the region to find a shared solution. In some cases, local authorities who currently show a low level of need may need to accept that they will have to play a greater part in meeting regional need”*.
- 7.54 To reflect this advice it was considered that it would be appropriate for Flintshire to meet half of the identified need arising from the County, however we have now reached the end of the period this assessment covered.
- 7.55 In terms of meeting the need required the following consents have been granted during the study period of the North Wales Need Assessment.

Location	Number of pitches proposed/ permitted	Number of proposed/ permitted caravans	Status
Gwern Lane, Caer Estyn, Hope	4	4	Consent granted 11.05.11 Completed and occupied
Ewloe Barn Wood, Magazine Lane, Ewloe	5	10	Consent granted 10.04.14 Under construction
Huntley Yard, Chester Road	6	12	Consent granted 23.04.14 Occupied
Papermill Lane, Oakenholt	2	4	Granted on appeal October 2015 Occupied
8 Ratcliffe Row, Pentre	1	2	Granted on appeal December 2015 Occupied
Total	18	29	

- 7.56 It can be seen that private sites are coming forward and the Authority has met almost half of its need requirement. All of the above applications were granted permission on appeal apart from Huntley’s Yard. Inspector’s in consideration of

other applications on appeal place considerable weight on the lack of site provision and the need for more sites in assessing the planning balance. The table below shows application currently under consideration.

Planning Ref	Site	Number of pitches	Status
051208	Dundas Sidings, Factory Road, Sandycroft,	6	Under consideration Site occupied with 6 caravans Tolerated
054442	Sisters Yard, Station Road Sandycroft	3	Under consideration Not occupied
054329	Bron Eifion", Ffynnongroyw, Tanlan, Holywell	3	Under consideration 1 caravan on site

- 7.57 The Council has commissioned a Gypsy and Traveller Accommodation needs assessment to comply with the requirements of the Housing (Wales) Act 2014 and as part of the evidence base to the LDP. This is due to be completed for submission to Welsh Government on 26th February 2016. An early indication of results should be available to the Council in January 2016. However in light of the fact there is no obvious alternative to direct these families to it is evident that some level of quantitative need still exists.
- 7.58 The best interests of the child, Personal circumstances and Human Rights
No details of the applicants or the site's resident's specific personal circumstances have been put forward other than that they have a need for lawful accommodation in this area where they can continue to live together as an extended family group and where they can obtain adequate health care and regular schooling for children. There are children living on the site, however the exact numbers and ages have not been provided by the applicants.
- 7.59 The Inspector in his consideration of Appeal Decision APP/A6835/A/10/2132061 paragraph 39 states "*The proposal would deliver clear benefits in terms of enabling a stable and secure environment for the site's occupants in a location with accessibility to facilities and services. In particular, it would provide the present occupants with continuing access to established local arrangements for healthcare and education. Such matters are not to be discounted lightly. In addition, refusal of permission, so that the current occupants were required to vacate the site, would plainly be an interference with their rights to respect for family and private life and to the peaceful enjoyment of possessions, as identified in Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights.*"

- 7.60 It is acknowledged that children would live on the site and the Local Authority has a statutory duty under the Childrens Act 2004 to safeguard and promote the welfare and well-being of the children.
- 7.61 There is also a national and international obligation contained in article 3(1) of the United Nations Convention on the Rights of the Child (“**UNCRC**”):
“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”
- 7.62 These considerations are material considerations in making a decision as to the impact any decision would have on the children residing on the site. If permission is refused then the impact of not having a settled base would need to be considered and weighed in the planning balance as a primary consideration.
- 7.63 Temporary Permission
Welsh Government Circular 016/2014 ‘The Use of Planning Conditions for Development management’ paragraph 5.26 refers to the use of temporary permissions for short terms buildings or uses “because it is expected that the planning circumstances will change in a particular way at the end of that period, then a temporary permission may be justified”.
- 7.64 Refer to WAGC 30/2007: Planning for Gypsy and Traveller Caravan Circular 30/2007 states in cases where;
- there is an unmet need
 - no alternative available Gypsy and Traveller site provision in an area and;
 - a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need;
- local planning authorities should give consideration to granting a temporary permission where there are no overriding objections on other grounds.
- 7.65 The Inspector in his consideration of the last appeal into this site considered that although the site was unacceptable due to the harm on the character of the area and the impact on the setting of the Listed Building that a temporary permission should be granted for 5 years as there was no alternative site for the residents to go to. At that time it seemed realistic that the LDP would have advanced sufficiently to secure alternative provision within that 5 year period.
- 7.66 As referred to above, the Council has a commissioned a needs assessment which will provide an updated picture of need which will then be used as part of the LDP evidence base for gypsy and traveller site allocations. The current LDP timetable indicates adoption in 2019, however this will be revised later this year.
- 7.67 It is therefore considered that it would be appropriate to grant a further temporary permission for 5 years. This would allow the LDP to progress to adoption and would allow for any slippage and also give sufficient time for planning permission to be submitted and granted.

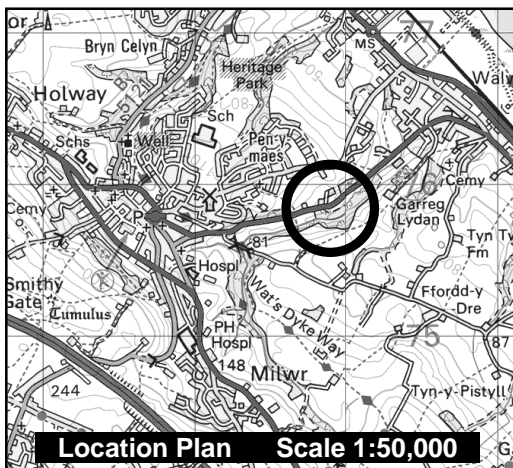
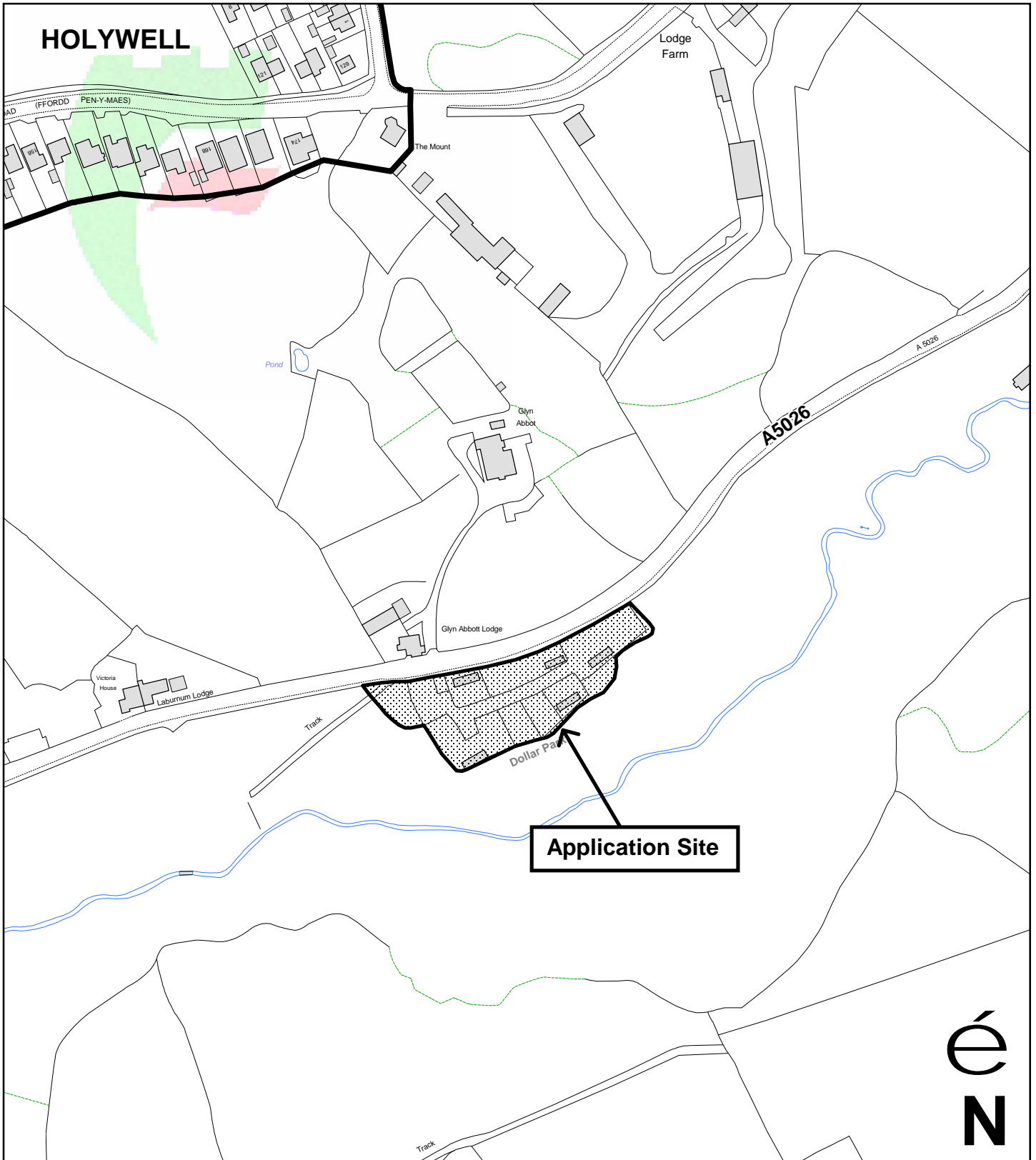
8.00 CONCLUSION

- 8.01 It is considered that the harm to the character of the area and the Listed Building are still factors which weigh against granting planning permission on a permanent basis having weighed that harm against all the other material planning considerations set out above in the planning balance. However there is still a need for sites and to refuse to grant permission on a temporary basis would make the families and their children homeless and put them on the roadside with no base to access health care and education. It is therefore considered that it would be appropriate to grant a further temporary permission for 5 years. This would allow the LDP to progress to adoption and would also give sufficient time for planning permission to be submitted and granted on alternative sites as allocated in the plan or found independently.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS



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

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

Legend

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

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Map Scale	1:2500
OS Map ref	SJ 1975
Planning Application	53163

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 20 JANUARY 2016**

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

SUBJECT: **OUTLINE APPLICATION FOR THE ERECTION OF UP TO 40 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS AND ALL OTHER MATTERS RESERVED AT RHOS ROAD, PENYFFORDD.**

APPLICATION NUMBER: **053656**

APPLICANT: **WHITE ACRE ESTATES**

SITE: **RHOS ROAD, PENYFFORDD.**

APPLICATION VALID DATE: **06.05.15**

LOCAL MEMBERS: **COUNCILLOR D WILLIAMS**
COUNCILLOR C HINDS

TOWN/COMMUNITY COUNCIL: **PENYFFORDD**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT, DEPARTURE FROM DEVELOPMENT PLAN AND LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is an outline planning application for up to 40 dwellings with details of the access provided, on land at Rhos Road, Penyffordd. All other matters are reserved for future consideration.
- 1.02 Due to the capacity issues in the existing foul drainage network and the lack of a solution to address this issue there is uncertainty in the deliverability of the site in the short term. The site is being promoted on the basis of the current shortfall in housing land supply but it has not been adequately demonstrated that it can come forward in the short term to address that need.

1.03 The sustainability of the site has therefore not been sufficiently justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies. The application is for residential development on a site located in the open countryside outside a defined settlement boundary and is therefore contrary to Policies STR1, GEN3 and HSG4.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 There is no capacity in the existing foul drainage network to accommodate flows from the development and a solution to this lack of capacity has not been identified. The site is being promoted on the basis of the current shortfall in housing land supply but it has not been adequately demonstrated that it can come forward in the short term to address that need. There is therefore uncertainty in the deliverability of the site and the sustainability of the site has not been adequately justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies. The application is for residential development on a site located in the open countryside outside a defined settlement boundary and is therefore contrary to Policies STR1, GEN3 and HSG4.

3.00 CONSULTATIONS

3.01 Local Member
Councillor D. Williams

Objects to the proposal on the grounds that the land is outside the settlement boundaries and the application is premature with the LDP in its infancy. The ward has supported excessive growth and this is an attempt to add to what is already an overdeveloped area. The development cannot be sustained or be supported by existing infrastructure and amenities including junior and senior schools. No suitable access arrangements are possible that can guarantee the safety of road users and pedestrians to the current level and an increase in the risks for road safety are inevitable. A development in this location would not be conducive to the street scene and have a negative impact on the environment. The development would necessitate the destruction of a valuable nature setting affecting ecological sustainability. Other sites nearby are awaiting the LDP decision and to allow this one could unfairly jeopardise others which are going through the LDP process. Requests a site visit to see the site in the context of the village.

Councillor C Hinds

Requests site visit and committee determination. Development has already been turned down before due to entrance and exit being very dangerous and too near another one. Hedgerows that have been there for years cannot be taken down. There are far too many houses in the village for the site to be sustainable.

Penyffordd Community Council

The Council strongly object to this planning application. This piece of land was discussed at our recent LDP Candidate Site Meeting under Ref: PEN039 with a proposed use of site as 'housing'. It was resolved at that meeting with a majority vote that the Council wish to object. This development would potentially create huge and dangerous problems with the additional traffic coming out onto the Rhos Road so close to the roundabout, there is no infrastructure, medical facilities and the area currently has a severe shortage of school places.

Highways Development Control Manger

The development is directly off Rhos Road a distributor road that is subject to a 30mph speed restriction. The required visibility splays are 2.4m x 43m which appear to be achievable. In order to meet the requirements of Active Travel a 3 metre footway/cycle way is required along the site frontage, which will require setting back the site boundary.

No objection subject to conditions covering;

- Siting, layout and design of the access
- Construction of access to carriageway base course layer prior to the commencement of any other site operations
- Visibility splay of 2.4m x 43m in both directions with no obstruction in excess of 0.6m
- Parking facilities to be provided and retained within the site
- The front of the garages shall be set back a minimum distance of 5.5m behind the back of the footway or 7.3m from the edge of the carriageway
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate road
- Gradient of the access from the edge of the existing carriageway and for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
- Positive means to prevent surface water run-off on to the highway
- Construction Traffic management Plan
- Full Travel Plan

Public Protection Manager

No objection in principle to the application however, the site is adjacent to the Penyffordd by-pass and roundabout these are included in the Noise Action Plan for Wales which looks at, amongst other things, 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 night under the Welsh Guidance Technical Advice Notes 11. This means that specific measures are likely to be 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.

Therefore, in order to establish the actual sound climate as it affects this site it is recommended that a condition is attached for the applicant to investigate and consider any potential noise issues for this site, especially for those properties and gardens.

The applicant should appoint a suitably qualified professional to carry out a survey of current noise levels in accordance with the criteria specified in Annex A of the TAN II Planning Guidance and the applicant should provide a scheme of noise attenuation (if appropriate) for the prior approval of the L.P.A.

Welsh Water/Dwr Cymru

The proposed development would overload the sewerage network. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. WW/DC consider any development prior to improvements being made to be premature and therefore **OBJECT** to the development. It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisition a new sewer under Sections 98 - 101 of the Water Industry Act 1991. In order to progress this development and overcome the objection, it will be necessary for a Hydraulic Modelling Assessment to be undertaken at the developer's expense. The conclusion of this study will determine capacity and/or any improvement works required.

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

Natural Resources Wales

Bats

NRW note that there is an existing hedgerow on the boundary of the proposed development site. Bats utilise trees with certain features for roosting/resting sites as well as using linear features such as hedgerows and forests for foraging and migrating.

NRW recommend that the hedgerow is retained in order to maintain linear features that could be used by bats. All trees that need to be felled should be checked for features that may be used by bats (i.e. cavities, cracks, holes & ivy cover). Where impacts on bats are considered likely, then those trees should be subject to emergence surveys at an appropriate time of year. Should bats be found to be using the trees as roosting sites expect that appropriate mitigation and/or compensation schemes are proposed and delivered, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

Great Crested Newts

Note that no Great Crested Newts were recorded during the survey. Although no water bodies are present on the proposed development site, there are water bodies present within 500m of the site. Note that the A550 separates the proposed development site from the features that could be used by Great Crested Newts, therefore it is not considered that these proposals will have a significant impact upon the favourable conservation status of newts in the area.

The applicant should be advised that should great crested newts be discovered at any time, that works must stop immediately and NRW contacted for further advice.

Flood Risk

The site lies entirely within Zone A of Welsh Government's Development Advice Map referred to under TAN15: Development & Flood Risk. Flood Map information confirms that the site lies outside of the extreme flood risk outline from rivers and the sea. Given the scale of the proposed development, welcome the commitment of the Applicant/Developer to produce a Flood Consequences Assessment and Drainage Strategy to support and inform development proposals at this site.

In line with paragraph 13.4.2 of Planning Policy Wales and Section 8.5 of the Welsh Government's Technical Advice Note 15: Development & Flood Risk (TAN15), surface water run-off should be managed through the use of Sustainable Drainage Systems (SuDS).

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown

to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Should ground conditions not be conducive to soakaway drainage, and referring to Ordnance Survey Maps, it does not appear that there are any obvious watercourses in vicinity of the site that could be suitable for receiving a direct surface water runoff discharge from the development. In such circumstances, other options will need to be explored to ensure that an appropriate drainage scheme can be delivered at the site. Should there be a need to direct surface water runoff to the public sewer network or a Highway Drain evidence of an agreement in principle with the relevant Authority will need to be submitted as part of any planning application submission.

Airbus

No aerodrome safeguarding objections.

Head of Lifelong Learning

The nearest Primary School to the application site is Penyffordd CP School which has 236 children on role and a capacity of 259. There is therefore currently 23 surplus places which is 8.8% surplus places.

The nearest Secondary School to the development is Castell Alun High School which has 1359 children on role and a capacity of 124. This school is therefore oversubscribed by 119 children which is 9% over its capacity.

This is an outline application therefore the potential impacts on school provision are based on the indicated numbers of 40 dwellings. 40 dwellings would give rise to 13 Primary School which would reduce the capacity to 5% but not below the trigger for a contribution to be requested.

Based on the information provided therefore only a contribution to the Secondary School is required. This would be based on the formula of £18,469 per pupil generated.

Play Unit

The development of 40 dwellings would normally give rise to an onsite public open space requirement of 2240m² however given the proximity of the existing equipped children's play area to the northern boundary of the site it is considered that there is an opportunity to extend this existing play area. This should be equipped and enclosed in accordance with the Council's requirements and the payment of the relevant maintenance sums. It is also considered that a commuted sum of £1,100 per dwelling should also be sought towards the delivery of a project to provide a wheeled sports facility at Mill Stone recreation ground which is approximately 500 metres from the site.

Welsh Government Land Use Planning Unit

The submitted Agricultural Land Classification study has been completed to a high standard and is considered to provide an accurate indication of agricultural land quality. The Agricultural Land Classification for the site is Subgrade 3b and not Best and Most Versatile Agricultural Land.

Housing Strategy Manager

Suggested that given the other developments in this area that the delivery of affordable housing be through the provision of 3 gifted units and a commuted sum of £66,000. This is worked out based on the value of 30 % provision across the site provided at 70% discount market value.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

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

6 letters of objection in relation to;

- The recent development in the village allocated within the UDP have highlighted the lack of infrastructure to support any additional development
- Surface water problems
- Lack of school places
- Siting of access has not changed from previous appeal decision
- Premature in advance of the UDP and should not pre-empt decisions in advance of the LDP
- Other sites in the settlement have been put forward as part of the Candidate site process and this may prejudice them coming forward
- Landscape and visual impact of developing the open countryside
- The site is a greenfield site outside the settlement boundary
- Would lead to additional traffic on Rhos Road
- Would lead to congestion due to proximity to the A5550 roundabout which has a history of accidents
- Impact on the sewage system, water supply and other services
- Impact on dentists and doctors
- Noise impacts from the development and to the development from the bypass
- Potential drainage impacts from surface water on the properties on Ffordd Derwyn
- There has been no comprehensive community consultation as stated in the application
- There has been sufficient recent developments in the village almost 35%

- Impact on the hedgerow and nesting birds
- Pedestrian safety is poor with links to the railway station
- This site is a green buffer entrance to the village and separates the built area from the bypass

5.00 SITE HISTORY

5.01 052163 - Amendments and alterations to planning approval 048243 for the erection of replacement dwelling and conversion, alterations and extension of 2no. detached barns to dwellings and associated works Approved 29.07.14

048243 - Erection of replacement dwelling and conversion, alterations and extension of 2no. detached barns to dwellings 16.06.11

044178 – Outline – Erection of 3 dwellings. Approved 12.02.08

042021 Outline – Erection of five residential units and creation of a new access. Refused 23.01.07. Dismissed on appeal. 23.01.07

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR4 - Housing

STR8 - Built Environment

STR10 - Resources

GEN1 - General Requirements for New Development

GEN3 - Development Outside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

TWH1 - Development Affecting Trees and Woodlands

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG4 – New Dwellings Outside Settlement Boundaries

HSG8 - Density of Development

HSG9 - Housing Mix and Type

HSG10 - Affordable Housing within Settlement Boundaries

SR5 - Outdoor Play Space and New Residential Development

EWP3 - Renewable Energy in New Development

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

RE1 - Protection of Agricultural Land

Planning Policy Wales Edition 8 January 2016

TAN 1 Joint Housing Availability Studies 2015

The accordance of the proposal with the relevant policies is set out in

the planning appraisal below.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is an outline planning application for up to 40 dwellings with details of the access provided, on land at Rhos Road, Penyffordd. All other matters are reserved for future consideration.

7.02 Site Description

The application site is 1.4 hectares and is located on the edge of the village of Penyffordd. It is bounded immediately to the west by the A550 which links to the A55 with a mature hedgerow. To the north east and east is the existing residential development in Penyffordd on Ffordd Derwen and the existing dwellings at Rhos y Brunner Farm which are served by an existing access off Rhos Road. To the south of the site it is bounded by Rhos Road. To the north east adjacent to the corner of the development site is an existing equipped children's play area. Opposite the application site to the south is a further area of undeveloped land.

7.03 Proposed Development

This is an outline planning application for up to 40 dwellings with associated access. All other matters are reserved for future consideration. The application was accompanied by;

- Planning Statement by NJL
- Design and Access Statement by DGL Associates Limited
- Illustrative Masterplan
- Ecological Appraisal by Envirotech
- Topographical Survey
- Transport Assessment by SCP
- Landscape and Visual Impact Assessment by TPM Landscape Ltd
- Tree Survey Report by TPM Landscape
- Agricultural Land Classification and Soil Resources Report by Reading Agricultural Consultants Ltd
- Preliminary Services Report by KDL
- Drainage Statement

7.04 It is proposed that the site would be accessed via a new access off Rhos Road. This will involve removal of a hedgerow to achieve the required visibility splays.

7.05 Planning history and the UDP

The site was considered by the UDP Inspector as part of the UDP Inquiry as an 'omission site' therefore promoted by a third party and not the Council.

7.06 It was one of several sites considered by the Inspector alongside the two allocated sites put forward by the Council. The Inspector

commented '5987 – The farm house, outbuildings and former coal yard are within the settlement boundary. I note that planning permission for 3 dwellings (044178) was granted in February 2008. The presence of brownfield land does not necessarily mean that it will be suitable for development. I do not consider possible difficulties in gaining satisfactory access to that area justifies allocating a much more extensive greenfield site or a substantial amendment to the settlement boundary. The undeveloped land is rural in character and forms part of the attractive setting of this part of the settlement along Corwen Road. Its development would significantly harm the character of this area'. The Inspector continues 'The proximity of the site to the railway station is a matter of fact. However, that is not the only consideration in establishing the acceptability or sustainability of a site. The submission argues that this site is a more preferable option than HSG1(51). However, for the reasons given in HSG1(51) I support that allocation. I have considered this site on its planning merits and I do not consider the arguments put forward justify its allocation either in addition to, or as a replacement for, the allocations made in the plan'.

- 7.07 It is clear that the Inspector was concerned about built development, on the setting of this part of the settlement, significantly harming the character of the area. Further explanation of these concerns is given in the Inspector's comments on an omission site on the south side of Rhos Road which is located opposite the application site. She stated 'The proximity of this site to the railway station is a matter fact and is in favour of the site. However, other considerations are also relevant. As I have already indicated the plan makes provision for growth of 23% together with another 2% at the Meadowslea Hospital site. There is no need for a further site which would result in additional unnecessary growth. The site forms part of the attractive open landscape at the entrance to the settlement along Corwen Road and its development would significantly harm the open character of the area. I find there is a well-defined edge to the built up area in this part of the settlement and to allocate this land would unacceptably weaken that edge. Its location between the village and the bypass is also a fact, but I place little emphasis on this factor and it does not justify allocating this land. Having considered all the submissions made I do not support this objection'.
- 7.08 The Inspector therefore did not allocated either of the sites on Rhos Road for the visual impact reasons and also as no further land was needed at that time to meet the growth of the settlement in terms of the UDP strategy.
- 7.09 Appeal decision 042021
There was a previous application 042021 which was for the outline erection of 5 dwellings on the adjacent Rhos y Brwyner Farm, however this included the provision of a new access off Rhos Road. The access road to serve these 5 dwellings was in a similar position to

the current outline application under consideration at this time and therefore the conclusions of the Inspector are relevant in this regard.

- 7.10 This application was refused on the basis that the new access would have led to the significant loss of hedgerow required for the visibility splays which would have had an adverse effect on the character and appearance of the local area. While the farm house and associated building lie within the settlement boundary the access and associated road were outside.
- 7.11 The Inspector was also concerned that the creation of a new access to serve 5 dwellings would result in a significant break in the existing hedgerow and would have the appearance of urban development extending outside the settlement and into the rural setting of Penyffordd. The Inspector considered that this would be harmful to the village setting. He also had concerns that such an access route could set a precedent for further development of the paddock land between the access and the dwellings on Ffordd Derwyn. The appeal was dismissed for these reasons.
- 7.12 This appeal decision was in July 2007 prior to the publication of the UDP Inspector's report and therefore he felt that this application could prejudice the development of the application site which forms part of this application for 40 dwellings and was premature until the sites had been formally considered through the UDP process.
- 7.13 We are now however in a different policy situation with regard to the lack of a 5 year land supply which is now a material consideration to be given significant weight in terms of the impact of the access. This application also related to the development of the land directly adjacent to the access rather than the land at Rhos y Bwyner Farm which was more remotely related to the access.
- 7.14 Principle of development
The site is located outside the settlement boundary for Penyffordd and Penymynydd in the adopted UDP. Penyffordd and Penymynydd is a category B settlement with a growth threshold of 15% (beyond which any additional development would have to be justified on the grounds of housing need). As at April 2015 the settlement had a growth rate of 27.1% over the Plan period (which is above the indicative growth band of 8-15% for a category B settlement, which informed the Plan). The monitoring of growth over a 15 year period as required by HSG3 ended on 1st April 2015.
- 7.15 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for

affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type.

7.16 Given that the proposal is for an anticipated 40 dwellings and does not fall within the scope of above policy framework, then the proposal is contrary to these policies in the adopted UDP and is a departure from the development plan and has been advertised as such.

7.17 The applicant seeks to justify the development in terms of a broader policy context, having regard to the following points:

- Contribution towards new homes which are needed in Flintshire
- Provision of affordable housing for those who are unable to buy or rent on the open market
- Contribution towards public open space for existing future residents
- Contribution towards a healthy and vibrant economy
- Boost for the local economy, creating construction jobs and also attracting new skilled workers as residents
- Introduction of more working families in Penyffordd supporting vital local services
- Enhancement of biodiversity through new planting

7.18 Housing Land Supply
PPW and TAN1 requires each local planning authority to maintain a 5 year supply of housing land. The latest published Joint Housing Land Availability Study for Flintshire 2014 shows a 3.7 year land supply using the residual method with a base date of April 2014. The Council is unlikely to be able to demonstrate a 5 year land supply until the LDP is adopted. This falls below the 5 year requirement.

7.19 The Council has previously argued in its submissions to PINS and Welsh Government that the residual method of calculation does not give a true picture of the actual amount of land available in the County and that the past completions method of calculation provides a more accurate measurement of land supply as it is measured against what the house building industry is actually delivering on the ground, rather than merely against what the Plan originally set out to provide.

7.20 The publication of the revised TAN1, which completely removes the use of the past completions method of calculation means the Council can no longer reasonably argue that it does not have a housing land shortfall. Furthermore, given that the TAN1 prevents the Council from undertaking a formal JHLAS once the UDP has expired, we will be unable to demonstrate a 5 year supply until such time as the LDP is adopted. In this context it is not possible to challenge the proposal in terms of housing land supply as the Authority did try in its defence of the refusal of planning permission for (051613) Old Hall Road/Greenhill Avenue, Ewloe application.

7.21 The Inspector in his appeal consideration of

APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“The Welsh Government’s letter to Chief Planning Officers of 19 January 2015 states that the residual methodology based on the housing requirements in an adopted LDP (or adopted UDP) will be the only methodology allowed for calculating housing land supply and the use of the past build rates methodology, which was based on the past performance of the building industry, will not be accepted. As a result, I give no weight to the Council’s initial arguments in respect of past completions.”*

- 7.22 Welsh Government Technical Advice Note 1 states that *“The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”*
- 7.23 In these circumstance, advice contained in para 6.2 of TAN1 is that *‘The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies’.*
- 7.24 Further guidance is contained in para 9.2.3 of PPW that *‘Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan’.* This paragraph then goes on to explain what constitutes *‘genuinely available’* and this is defined as *‘...sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live’.*
- 7.25 It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments *‘presumption in favour of sustainable development’.*

- 7.26 Welsh Government Advice and National Planning Policy
 Planning Policy Wales Edition 8 January 2015 paragraph 4.2.2 states
“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,”
 when taking decision on planning applications.”
- 7.27 Planning Policy Wales Edition 8 January 2015 paragraph 4.2.4 states
“A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;
- *There is no adopted development plan (see 2.6) or*
 - *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
 - *Where there are no relevant policies (see 2.7)*
- there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”*
- 7.28 Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”*
- 7.29 The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“There is a danger that the need to increase supply and lack of a 5-year housing land supply could be used to justify development in inappropriate locations.”*
- 7.30 It is therefore key in making the planning balance therefore to consider the sustainable development ‘key principles’ (see 4.3) and ‘key policy objectives’ (see 4.4) set out in PPW.
- 7.31 Developer Guidance Note
 Due to the current land supply situation and the timeframe for the UDP housing strategy, in order to provide some clarity the Council has produced a Developer Guidance Note which was endorsed by the Council’s Planning Strategy Group and Cabinet in June 2015. This

application was submitted prior to the publication of this guidance, however evidence was requested from the applicants to demonstrate how this application meets with the Councils information requirements. In brief it is set out below how the application has attempted to address these requirements.

- 7.32 1. Need for the development proposals
This application has been submitted in the context of the lack of a 5 year land supply.
- 7.33 The applicants state *“that there is no policy requirement for a sequential site assessment to be undertaken for a planning application of this nature and the Council must determine the application on its own merits. Fundamentally, this is a modest proposal in a sustainable location which can be developed quickly to assist in meeting the existing housing shortage, and should therefore be granted planning permission. The fact that we have demonstrated that the site is the most sustainable within the settlement should not have been necessary in these circumstances, however this exercise has been undertaken to further highlight the suitability of the site for housing development. Whether or not other sites are available within other settlements is not relevant to the consideration of this planning application.”*
- 7.34 The applicants have undertaken an analysis of the candidate sites on the register for the settlement of Penyffordd and Penymynydd in terms of their sustainability against standard criteria. The applicants consider that this table demonstrates that the application site at Rhos Road, Site PEN014, scores the highest. The site is located in close proximity to a range of services and transport nodes, is visually and physically contained due to existing hedgerows and roads, and is capable of accommodating a safe new access point. It is contended by the applicants that development of the site for housing would constitute a sustainable extension to the settlement of Penyffordd, adjoining roads at two of its boundaries which restricts any encroachment onto open countryside, and existing housing development at the third. The planning application should be considered in this context.
- 7.35 2. Full application
The application is in outline and has been submitted by White Acre Estates who are not a house builder. Justification has been submitted with the aim to demonstrate that an outline application does not affect the deliverability of the site following issues raised by officers. A Gant chart has been submitted showing the time lines of the consideration and implementation of a full and outline permission to justify this approach.
- 7.36 The applicants argue that this gives the house builder who takes the site on full flexibility allowing the detail of the scheme to reflect the

preferred style of housing and layout. In terms of developer interest, they have submitted letters of interest from a number of house builders to FCC on a confidential basis. They are fully confident that there is sufficient market demand for housing within this location and that the site can be disposed of to a house builder as soon as possible following the granting of planning permission.

7.37 They state that an outline planning application provides confidence to developers who are then able to invest in undertaking detailed design and investigative work at the same time as the reserved matters applications are worked up. Conversely, as detailed applications require a higher initial investment which is at risk, the additional detailed design and intrusive work is unlikely to be undertaken until detailed planning permission has been secured. There are also no physical or ownership constraints and we are confident that all 40 dwellings will be delivered within a 5 year period if the planning application is approved.

7.38 3. Sustainability Appraisal

A Candidate Sites Comparison Table was also assembled which compared the application site to the other sites within Penyffordd/Penymynydd on FCC's Candidate Site Register against a standard set of sustainability criteria. The table shows that the Rhos Road site is the most sustainable and thus suitable for housing development. Further arguments in relation to the sustainability of the site were advanced in the Planning Statement in terms of its proximity to the train station, bus stops and distance to other settlements within cycling distance.

7.39 4. Viability Assessment

A confidential viability appraisal was prepared by White Acre Estates which shows that, with the inclusion of the s106 contributions that were initially requested the development is viable. White Acre Estates has significant experience in delivering housing schemes and is therefore in a strong position to accurately prepare development appraisals. There is no dispute over the requested S106 contributions which are;

7.40 Affordable housing - Provision of 3 x 3 bedroom gifted units to North East Wales Homes (council owned company), which would be used for the intermediate rental market and £66K commuted sum.

7.41 Open Space - An extension to the existing play area located adjacent to the site, alongside a contribution of £1,100 per plot to fund a wheeled sports area at Mill Stone recreation ground.

7.42 Education - £129,283 for Castell Alun High School.

7.43 5. Housing Delivery Statement

White Acre Estates has significant experience in delivering housing

schemes and has the ability should it wish to do so to either develop the site itself using a mixture of equity and external funding or it may choose to involve a partner. There are also no physical or ownership constraints and we are confident that all 40 dwellings will be delivered within a 5 year period if the planning application is approved.

7.44 Agricultural Land Classification

An Agricultural Land Classification Survey was requested following the submission of the planning application as from the data available it was not clear if the development site was subgrade Grade 3a or subgrade Grade 3b agricultural land. Subgrade 3a land is classed as Best and Most Versatile agricultural land and is protected by planning policy. Although surveys had been done for adjacent agricultural land for the bypass in 1989 by ADAS, the application site had not been included.

7.45 This was undertaken by Ascalon Properties in August 2015. This conformed that the site was Subgrade 3b. Welsh Government's Land Use Planning Unit have clarified that the submitted Agricultural Land Classification study has been completed to a high standard and is considered to provide an accurate indication of agricultural land quality. The Agricultural Land Classification for the site is Subgrade 3b and not Best and Most Versatile Agricultural Land.

7.46 Highways

The proposed vehicular access into the site is from a proposed new access off Rhos Road. The principle of this and the loss of hedgerow was previously considered in respect of application 042021. However, this was in association with the proposed erection of 5 houses at Rhos y Brwyner Farm and not the current application site. The proposed impact of the access in visual terms needs to be considered in terms of the overall impact of the development of the site and the land directly adjacent to the road. There are no highways objections to the position of the access.

7.47 Highways issues such as the increase in traffic and proximity to the roundabout have been raised by objectors to the scheme. The application was supported by a Transport Statement undertaken by SCP. This report demonstrates that safe vehicular access to the proposed development can be made from Rhos Road. It also assessed the impacts of the additional traffic on the operation of the junctions within the vicinity of the site and demonstrated that they had sufficient capacity to deal with the additional flows.

7.48 Highways have no objection to the proposed development subject to standard highways conditions covering the details of the access and detailed design of estate roads etc. They also would require a Construction Traffic Management Plan and a full residential travel plan. It is also requested that to meet the requirements of Active Travel Wales a 3 metre footway and cycle way is provided along the

site frontage set back within the site boundary. This would require the removal of all the roadside hedgerow and not just that required to provide the visibility splay. This has visual impact implications and would also not link with any existing footway nor would have the potential to do so due to third party land. It therefore not considered on the balance of the impact and the benefit of it a planning requirement in this instance.

7.49 Landscape and Visual Impacts

In light of the UDP Inspector's comments on the site the application was accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by TPM Landscape in April 2015. THE LVIA has considered the baseline landscape and visual environment through a desk top review of published documents and reports supplemented and verified by field work. This included the identification of a range of landscape receptors and visual receptors at fixed locations within the study area to create a series of viewpoints.

7.50 In summary the LVIA concludes that public receptors and people travelling along local roads will experience low visual impacts due to existing flat topography, built form and vegetation screening limiting views. The greatest visual effects will be experienced by a small number of properties with existing views over or towards the site whose location is generally either immediately adjacent to or very close to the boundaries. The change, although noticeable following mitigation is anticipated to become a neutral element in the view as the proposals become assimilated into the existing urban form of the village over time.

7.51 The proposed site forms only a small part of a wider local and regional character area. No landscape receptors were assessed as experiencing significant effects post mitigation. In most part trees and hedgerows of merit will be retained and enhanced as part of the landscape planting proposals which will also help to soften the built form and assimilate the development into the wider landscape context.

7.52 The proposed development will sit between the existing settlement, the road and the A550 and will be an infill development that will have only very limited landscape and visual effects over a small area of influence. The impacts that remain following, mitigation will remain local in nature and become neutral in tone as the proposal assimilates into the existing settlement form.

7.53 The submitted LVIA has been reviewed for the Council by an independent Landscape Architect who considered that the approach taken is acceptable and follows current guidance. An immediate study area of 1km was assessed in detail which is considered adequate for this particular site due to the fairly flat topography in the immediate vicinity and screening by vegetation, particularly along the

A550. A range of viewpoints were identified from publically accessible locations and the views from residential properties, roads and footpaths were also considered. Potential longer distant views were also taken into account. The LVIA was carried out in Spring 2015 when the hedgerows were partly in leaf and trimmed with the trees without any leaves and therefore represents almost the worst case.

7.54 The Council's consultant was broadly in agreement with the assessment and conclusions of the LVIA. Although mitigation measures are proposed residual harm would still result to the character of the site and Rhos Road due to the proposed access and the removal of approximately 35m of hedgerow. There was also a concern about the hedgerow along the A550 and the susceptibility of this over time from being trimmed if included as part of garden areas. It is considered that the residual visual effects from Rhos Road and the properties overlooking the site at Ffordd Derwyn are likely to remain as moderate adverse rather than neutral as concluded by the LVIA.

7.55 In response to this it is proposed that the A550 boundary would remain as strategic landscaping with a fence and then further additional boundary planting. This would be dealt with in the landscaping scheme submitted as part of any detailed scheme. Further landscaping can also be considered along the Rhos Road boundary as part of the details of the scheme. While the development of the site will have some impact on the approach to the settlement it is not considered that this harm is so great that it would weigh against granting planting permission.

7.56 Trees

The application was accompanied by a Tree Survey Report undertaken by TPM Landscape in April 2015. The majority of the trees on the site are within the boundary hedgerows apart from an oak in the centre of the site. The majority of the trees can therefore be retained within the scheme. The oak in the centre of the site was deemed to be in a poor condition. There are therefore no tree constraints on the site.

7.57 Foul Drainage

Planning Policy Wales Edition 8 January 2016 in section 12.4 'Development management and water' deals with water supply and sewage infrastructure. Paragraph 12.4.1 states that the adequacy of sewage infrastructure is material in considering planning applications. Paragraph 12.4.2 states that "*Development proposals in sewered areas must connect to the main sewer, and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest mains sewer.*"

7.58 A private treatment plant was suggested at one stage during the application process but this is not considered acceptable in light of the

above guidance as the site is within a sewered area. It is therefore proposed to connect to the mains sewerage system. A Drainage Statement has been submitted by the applicants setting out their position prepared by White Acre Estates and their drainage engineers Lees Roxburgh Drainage. They argue that the increase in flows on the network is not of a magnitude that would justify major infrastructure projects such as new treatment plants or other large scale improvements which might take timescales into uncertainty.

- 7.59 Welsh Water object to the development as the development would overload the sewerage network. No improvements are planned within Dwr Cymru's Welsh Water's Capital Investment Programme as this is not an allocated site which has been planned for. Therefore they consider that allowing any new development prior to improvements being made is premature and therefore object to the development.
- 7.60 The applicants have referred to other examples of development where *"it was recognised that a proposed development with planning permission has the right to connect into the existing sewerage system, but that the use of planning conditions is appropriate to control the timing of the connection to ensure that any necessary improvements or upgrades to the network are put in place in advance of this"*.
- 7.61 They have suggested the use of a prior to commencement condition to require a scheme for the "comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage to be agreed". It is considered by the Council that the imposition of such a condition is only appropriate when the nature of the infrastructure improvement is known, evidenced and an agreed timeline and costing is in place i.e. that there is certainty that it can and will happen. In this case the applicants have commissioned Welsh Water to undertake the Hydraulic Modelling exercise to determine the nature of the improvement works required but this has not yet been completed. The applicants do not wish to wait for the results of this exercise which would be expected in March 2016 and wish to proceed with a decision on the application.
- 7.62 This is a site being advanced on the basis of specific circumstances in respect of housing land supply and it needs to be demonstrated that the site is capable of being implemented to address this. The present position in respect of waste water could affect the site's deliverability as the extent of the works are not known, no costings are available and no timescale can be provided. It is therefore considered that the site cannot be considered as sustainable given there is no capacity in the existing sewerage network to cater for the site.

7.63 Surface Water

It is proposed to dispose of surface water to the existing Welsh Water drain located adjacent to the northern site boundary. The 150mm diameter public drain outfalls to the tributary watercourse 200m northwest of the site. Proposed surface water flows would be limited to greenfield run off rates. This would require on-site storage in order to control flow rates. Details of this can be secured by condition.

7.64 Affordable Housing

Following discussions with Housing Strategy and the type of affordable housing required in the area given the other recent development it is proposed that based on the provision of 40 dwellings the site would provide three 3 bedroom gifted units to North East Wales Homes which would be used for the intermediate rental market and £66K commuted sum. The applicants are willing to provide this.

7.65 Open Space

There is an existing equipped children play area adjacent to the north east corner of the application site. Following discussions with leisure services it is proposed that the provision should be in the form of an extension to the existing play area and associated equipment together with a contribution of £1,100 per plot to fund a wheeled sports area at Mill Stone recreation ground. The applicants are willing to provide this.

Ecology

7.66 An Ecological Appraisal of the site was submitted with the application undertaken by Envirotech dated May 2014. The site has no built structures to offer roosting potential for bats and foraging potential is also low. There is an existing hedgerow on the boundary of the development site which could be utilised by bats. It is proposed to retain and enhance the hedgerow boundaries.

7.67 Although no water bodies are present on the proposed development site, there are water bodies present within 500m of the site. The A550 separates the proposed development site from the features that could be used by Great Crested Newts, therefore it is not considered that these proposals will have a significant impact upon the favourable conservation status of newts in the area. No great crested newts were recorded during the site survey.

7.68 Site appraisal settlement capacity

The Inspector in his appeal consideration of APP/A6835/A/14/2220730 land off Old Hall Road/Greenhill Avenue, Ewloe in March 2015 stated that *“The Council suggest that sequentially preferable sites should have been considered first, but housing provision in Flintshire is largely dependent on greenfield sustainable urban extensions and I see no evidence that this will change beyond 2015. Even if additional sites could be made available*

adjacent to Category A settlements or on poorer quality land adjacent to category B settlements, the reality of the situation is that they would be unlikely to come forward for some time or be included in the next JHLAS. Furthermore, the extent of the deficit is so great that even if 3i sites in Category A settlements, such as the appellants' development at Croes Atti, could be accelerated, by themselves they would not be sufficient to address the problem'.

7.69 The site lies on the edge of one of the largest category B settlements. Although the growth rate is well in excess of the 15% upper limit for a category B settlement, the Inspector considered this was acceptable on account of its size, facilities and services and accessibility to nearby settlements. The growth rate as of April 2015 for Penyffordd/ and Penymynydd was 27.1%. The site is located on the edge of the settlement, in close proximity to bus services, a train station and other village facilities and services. Although the Inspector did not consider the need for further (even modest) allocations over the Plan period, she did not go so far as to say that they would be unsustainable. Provided that the capacity existed in local schools (or that spare capacity can be provided) then it would be difficult to argue that an additional 40 dwellings is unsustainable or harmful to the character and function of the settlement.

7.70 In her consideration of the level of growth that the settlement could take and the proposed allocations the inspector stated that *"Penyffordd and Penymynydd is a Category B settlement with an indicative growth rate of 8-15%. It is one of the larger settlements in this category and it is appropriate that it makes provision for a portion of the housing needs. In my view it would not be reasonable to ignore migration with other authorities given Flintshire's attractive border location and relative economic prosperity. Completions, commitments and the allocations result in growth of some 23%. Planning permission has been granted on appeal for housing development at the former Meadowlea Hospital site. This development would increase growth to 25%. Whilst it is above the indicative growth band bearing in mind the location and accessibility to facilities and services in the settlement and nearby, I do not consider this level is unreasonable. Some objections assert that the village facilities are inadequate to serve the additional population. However, during my visit I saw a reasonable range of shops and community facilities. Whilst I have no doubt many would like to see more facilities and services in towns and villages I do not find the settlement is poorly provided with facilities in the Flintshire context.*

7.71 It is considered that the village and its facilities could accommodate another 40 dwellings. The settlement and particularly this site is well connected in terms of road links and public transport links to bus routes and the railway station which is in walking distance.

7.72 Deliverability

The next consideration is whether the site is deliverable in terms of viability and certainty. The fact that the application is submitted in outline with all matters reserved for subsequent approval except for access does not give confidence despite the applicants assertions that the site will be deliverable within 5 years or that they would be able to commence within a short time constrained permission i.e. 12 months to submit the reserved matters and 2 years to commence development on site.

7.73 It is also noted that the applicant is a land acquisition and development company and the application is not submitted with any identified house builder, other than reference to a pro-active approach of liaising with various house builders and receiving expressions of interest from a number of major active operators who are already delivering houses in the area.

7.74 Penyffordd / Penymynydd has seen and is seeing substantial growth with the development of two allocated sites, amounting to 350 units, as well as other development in and around the settlement. The White Lion site is being developed by Redrow and Elan and the Wood Lane site by Taylor Wimpey, with the latter still progressing on site. In this context, it needs to be considered whether there is 'room' in the market for another house builder to commence a development in the near future. However this is a desirable location with good transport links close to the A55.

8.00 CONCLUSION

8.01 In summary due to the capacity issues in the existing foul drainage network and the lack of a solution to address this issue there is uncertainty in the deliverability of the site in the short term. The site is being promoted on the basis of the current shortfall in housing land supply but it has not been adequately demonstrated that it can come forward in the short term to address that need.

8.02 The sustainability of the site has therefore not been sufficiently justified to comply with Planning Policy Wales Edition 8 paragraph 4.2.2. It is therefore considered that the site is contrary to paragraph 6.2 of TAN1 as the application would not comply with the development plan and other national planning policies. The application is for residential development on a site located in the open countryside outside a defined settlement boundary and is therefore contrary to Policies STR1, GEN3 and HSG4.

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

LIST OF BACKGROUND DOCUMENTS

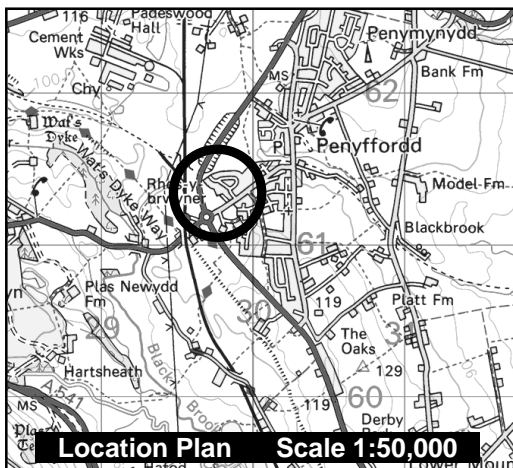
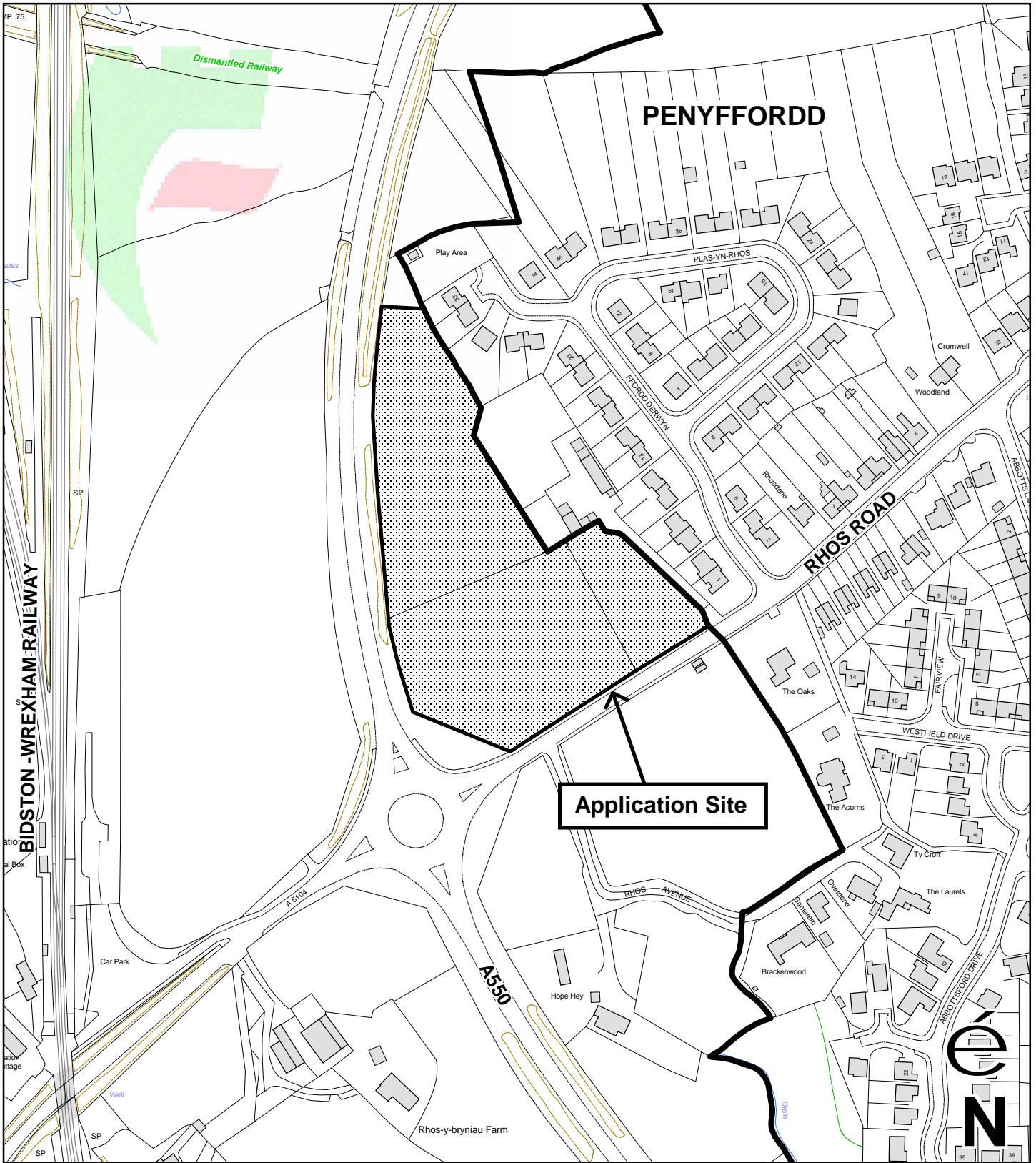
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

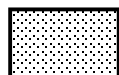
Contact Officer: Emma Hancock
Telephone: 01352 703254
Email: emma.hancock@flintshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 2961

Planning Application **53656**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH JANUARY 2016**

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

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

APPLICATION NUMBER: **054589**

APPLICANT: **ALDI STORES LTD**

SITE: **BROUGHTON SHOPPING PARK, BROUGHTON**

APPLICATION VALID DATE: **12.11.15**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON**

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a retrospective planning application for the erection of a 1,843m² foodstore with a net sales area of 1,254m² with 132 car parking spaces, access, servicing and landscaping.
- 1.02 It is considered that the proposed landscaping and boundary treatment in the amended scheme does provides adequate screening between the store and the existing residential properties along Simonstone Road and Chester Road. It is considered that a

condition to control the maintenance and management is required to ensure that the landscaping does not become overbearing and it retains its function. The proposed opening hours and delivery times are acceptable. The issues of public art and affordable housing can be dealt with by commuted sums through a S106 agreement.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following;-
- Payment in the sum of £210,000 towards the provision of, or to facilitate access to, affordable housing in the community
 - Payment in the sum of £15,000 towards a community art project or projects for the public realm

Conditions

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

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

3.00 CONSULTATIONS

3.01 Local Member Councillor W Mullin

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

Broughton Community Council

Objects on the grounds of;

- The landscaping is insufficient to provide proper screening of the store from the properties adjacent to the site
- The bund has been reduced in depth and many trees removed

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

Highways Development Control Manager

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

Public Protection Manager

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

Welsh Water/Dwr Cymru

No objections subject to a condition requiring a grease trap.

Natural Resources Wales

No objections but comments on;

Flood Risk

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

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

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

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

Airbus

No aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

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

3 letters of objection on the grounds of;

- The scheme no longer includes housing and the commuted sums are not equivalent to the costs of building the houses
- Impacts on residential amenity from the store due to the removal of the previous existing landscape bund and high level planting
- The revised plans have not accounted for the impact on neighbouring properties
- Store is closer to the boundary by 0.67 metres
- The landscaping bund and vegetation was removed without planning permission
- No significant visual barrier between the store and the existing houses
- Aldi have altered the landscaping to suit their own purposes
- The rear of the store, vents and lights and the 'plant' are all clearly visible to the immediate residents
- Residents were assured that the bund would be retained in full and enhanced this is not the case
- Acoustic provisions are inadequate
- Residents request additional fencing along the boundary
- There is no security gate to the side of the store and this is a

security issue. The public can access the walkway around the building. The installed security gates are too low.

- Request two 25ft high deciduous trees are planted in place of the ones removed
- Continue the line of evergreen trees across the whole of the bund to provide a visual screen
- Replace the render with brickwork so it would blend better with the surroundings
- The plant should be repositioned to the other end of the store where it will not impact on residents
- Use of rear garden is compromised by noise from trolleys and cycle racks and this area should be enclosed
- Opening hours should be restricted to 9am to 8pm and deliveries from 8am to 9pm.

1 letter of support

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

5.00 SITE HISTORY

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

Application site

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

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

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

Adjacent site

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

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 STR1 - New Development
 STR4 – Housing
 STR5 – Shopping Centres and Commercial Development
 STR10 - Resources
 GEN1 - General Requirements for Development
 GEN2 - Development Inside Settlement Boundaries
 D1 - Design Quality, Location and Layout
 D2 - Design
 D3 – Landscaping
 D6 – Public Art
 WB1 - Species Protection
 AC13 - Access and Traffic Impact
 AC18 - Parking Provision and New Development
 S6 – Large Shopping Development
 HSG1 – New Housing Development Proposals
 HSG8 – Density of Development
 HSG10 – Affordable Housing within Settlement Boundaries
 SR5 – Outdoor Playing Space and New Residential Development
 EWP3 – Renewable energy in New Development
 EWP14 – Derelict and Contaminated Lane
 EWP17 – Flood Risk
 Supplementary Planning Guidance Note 25: Development Brief for Housing at the Compound Site, West of Broughton Retail Park.
 Planning Policy Wales Edition 7 (July 2014)
 Technical Advice Note 1: Joint Housing Land Availability Studies
 Technical Advice Note 4: Retailing and Town Centres
 Technical Advice Note 11: Noise
 Technical Advice Note 12: Design
 Technical Advice Note 15: Development and Flood Risk

The application is in accordance with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

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

7.02 Planning history

Planning permission was granted for application (052369) “Full planning application for a foodstore (Use Class A1) and 5 three bedroom affordable houses (Use Class C3) with associated car parking, access, servicing and landscaping.” in March 2015 following a resolution by Planning and Development Control Committee. This

was contrary to officer recommendation as the site is a housing allocation with the Flintshire Unitary Development plan.

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

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

7.05 Site Description

The site is located within the settlement boundary of Broughton to the east of the settlement. To the west of the site is existing residential development and to the east is Broughton Retail Park which is outside the defined settlement boundary. The site is bounded by the Broughton shopping park link road to the east and to part of the northern boundary is Chester Road and further residential development. The Airbus factory is located to the north east of the site. The current application relates to the northern part of the site.

7.06 The site was known as the 'compound site' as it was formally used as the construction compound for the retail park in the 1990's. The southern part of the site has outline planning permission 049488 for 24 houses approved on 13.05.13. A reserved matters application has recently been submitted for 24 dwellings on this part of the site and is currently under consideration. (054728)

7.07 The foodstore which is the subject of this application has now been completed and is operational in accordance with the submitted details and opening/delivery hours.

7.08 Proposed development

This current application therefore regularises the works carried out on site which are not in accordance with the previously approved scheme (052369).

7.09 The application was submitted with a suite of documents to satisfy the previous requirements of planning conditions imposed. These include;

- Planning Statement including retail assessment by JLL
- Plans and ownership Certificate
- Design and Access Statement

- Transport Assessment
- Noise Assessment
- Flood Consequences Assessment
- Statement of Community Involvement
- Construction Traffic Management Plan
- Lighting /CCTV details
- Drainage details
- Bird nesting check details

7.10 The current application proposes a S106 agreement to provide a commuted sum in lieu of the previously proposed 5 affordable dwellings. The area previously shown to be housing is proposed to be additional car parking spaces (132) for the foodstore and landscaping.

7.11 It is also now proposed to provide a unilateral undertaking with a commuted sum of £15,000 towards public art in the community in lieu of providing public art within the site (as previously secured by condition).

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

7.13 The main issues to consider are;

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

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

7.15 Landscaping
The previous application 052369 stated that the existing landscaping bund which was on site as part of its former use as the compound for the construction of the retail park would remain. The bund was covered in unmanaged vegetation and it was proposed that the

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

- 7.16 The main discrepancies related to the position of the boundaries and siting of 24 and 26 Simonstone Road. These properties were in fact closer to the site boundary than indicated on the Ordnance Survey plan. The adjacent properties on Simonstone Road to the west of the foodstore and on Chester Road to the east were in fact located approximately 0.7-1 metre closer to the foodstore than shown on the plans. Furthermore, one of the neighbouring properties (26 Simonstone Road) is also closer to the boundary than shown on the plans.
- 7.17 It was necessary to remove part of the existing bund during the construction process along the western and northern boundaries and then reinstate it and support it with stone filled gabion baskets and a 1.2 metre high fence. This led to the removal of the trees and vegetation which were established on the bund. This is proposed to be and has been replanted with a comprehensive landscaping scheme. This is being implemented on site. The proposed scheme is a mixture of deciduous and evergreen trees, hedge and shrub planting. An adjacent resident on Simonstone Road has questioned the nature of the planting and fencing proposed and has requested an alternative mix of planting and additional fencing.
- 7.18 It is considered that the landscaping shown on the latest drawing provides a mixture of evergreen and deciduous vegetation at varying heights which together with the bund and fencing provide a reasonable screen for the store from the adjacent properties. The concern is that the level of planting proposed may become overbearing on the adjacent properties in the medium term and proactive management is therefore required. It is therefore recommended that a condition is imposed to secure the long term management and maintenance of the landscaping.
- 7.19 In terms of the impact on the site on residential amenity whilst it is acknowledged that the rear of the store building is visible from Simonstone Road and the rear gardens of properties on Simonstone Road it has to be considered what is the impact that this causes and what is the planning harm. This is an urban area with residential

properties adjacent to a food store. Landscaping mitigation has been proposed and partially implemented to mitigate any potential impacts. The rear of the store is not a public area and there is no staff access. The only access to this area is for maintenance to the plant equipment. The doors on this elevation are fire doors for emergency access only.

7.20 The side of the store is partially visible from properties on Chester Road. Along this corridor there is activity associated with the trolley bays and cycle stands which are under a canopy. The active frontage of the store is set back underneath the canopy. There is the landscaping bund with gabion baskets and planting between the canopy and the rear gardens of the dwellings on Chester Road. It is therefore considered that any impact on amenity is adequately mitigated.

7.21 An adjacent resident of 26 Simonstone Road has also raised concerns about concerns over security to the property due to the location and height of the rear security gate and public access around the trolley bay and cycle stands down the side of the store. Prior to the development of the site as a retail unit, the land was open with no security fencing at all. The site now has an active use and there is an appropriate security gate each side of the store to prevent public access to the rear. It is not considered from a planning point of view that any additional gate or fencing is required.

7.22 Noise

A Noise report by Spectrum Acoustics was submitted with the planning application. This sets out the sources of noise from the development and assesses them against current background levels. This concludes that subject to the retention of 2.5m high fence around the plant condenser unit and the incorporation of a 10dB (A) inline silencer in the extraction system the mechanical plant would meet noise limit objectives and would have a low noise impact. Public Protection have no objection with the submitted noise assessment subject to the mitigation measures being implemented.

7.23 The adjacent resident has raised the issue of trolley noise and requested a fence to act as an acoustic barrier and screen the air conditioning vents on the rear of the building. There are no planning grounds to request this.

7.24 Delivery times and opening hours

It is proposed that deliveries take place Monday to Saturdays from 06.00 – 23.00 including bank holidays and Sundays 07.00 – 23.00 hours. All deliveries take place within the enclosed bay so the only potential noise associated with deliveries is the arrival of the vehicle and the manoeuvring associated with reversing into the bay. Once in

the bay deliveries are made into a hatch direct from the lorry into the store. The hours imposed on 052369 were Monday to Saturday 0700 - 2100 hours with no deliveries on Sundays or Bank Holidays.

- 7.25 A noise report has been submitted with the planning application which was undertaken with Spectrum Acoustics which considers that deliveries could be undertaken within the proposed hours without any impact on residential amenity. Public Protection raise no objection to the delivery hours proposed.
- 7.26 The proposed store operating hours are Monday to Saturdays 0800 – 22.00 and on Sundays a six hour period between 10.00 and 18.00. These hours are those which were previously requested by Aldi as part of 052369, however earlier closing times were previously imposed due to the objections from neighbouring properties. The opening hours imposed on 052369 are Mondays to Saturdays 0800 - 2000 hours and Sundays 1000 - 1800 hours.
- 7.27 A noise report has been submitted with the planning application which was undertaken by Spectrum Acoustics. Public Protection have no objections to the proposed opening hours on amenity grounds therefore it is not considered that shorter hours could reasonably be imposed.
- 7.28 Differences with the previous permission
There is a small difference in the total floor area of the foodstore as the alignment of the delivery bay has been amended slightly from 1805m² to 1,843m². This does not have any other implications.
- 7.29 There are other minor amendments namely the erection of a substation in the car park and a bin store.
- 7.30 Access and parking
The vehicular access to the site is in the south east corner and the previous access to the site has been closed off and the footway reinstated. There are also 3 pedestrian access routes into the store grounds, one off Chester Road and two off the spine road form the retail park.
- 7.31 The previous application 053269 proposed 101 parking spaces, however the removal of the houses from the scheme provides more external space for parking and landscaping. There are now 132 spaces including 9 parent with child and 6 disabled bays.
- 7.32 Highways have no objections to this proposal as the highways requirements have already been met so no conditions are required.

- 7.33 Affordable Housing
The application site is a housing allocation and the previous permission showed the provision of five affordable houses. It is now proposed to provide a commuted sum of £210,000 to the council by way of S106 agreement in lieu of this on-site provision.
- 7.34 The location of the houses within a retail environmental access via the car park and fronting a busy road did not make an attractive residential environment. The commuted sum is based on if the 5 dwellings were to be sold at 70% of their market value, the residual 30% difference between the market value and the discounted price. Valuations have been undertaken by Aldi and verified by the Council. The proposed figure of £210,000 is therefore deemed to be acceptable
- 7.35 Public Art
It was previously proposed to provide a scheme of public art on site to comply with Policy D6 of the UDP. However instead of providing a piece of art on site, it was felt it would be of more public benefit for a commuted sum of £15,000 to be provided to the community to be spent on community art projects for public realm. This will be secured through a S106 agreement. The same approach also been taken at the Buckley store.
- 7.36 S106 contributions and CIL compliance
The application requires commuted sums for off-site public art and affordable housing provision. The infrastructure and monetary contributions that can be required from the Proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.37 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:
 1. be necessary to make the development acceptable in planning terms;
 2. be directly related to the development; and
 3. be fairly and reasonably related in scale and kind to the development.
- 7.38 Policy D6 of the Flintshire Unitary Development Plan requires the incorporation of public art in all major, publicly accessible developments. It is considered in this instance that there would be more public benefit from a commuted sum to be spent by the Community Council on public art projects within the locality than a piece of art within the car park which would have limited benefits. In other schemes in the County £15,000 has been the sum which has

been spent on such on site projects. It is therefore considered a reasonable amount to require. The same approach has also been taken on the Aldi store in Buckley, with the same amount requested. However no other monies for public art in Broughton have been required within the relevant CIL period.

7.39 The site is a housing allocation under Policy HSG1 (19) of the Flintshire Unitary Development Plan. The previous permission showed the provision of 5 dwellings which were proposed to be affordable. Members granted approval for the foodstore and a retail use on the site on that basis. It is now considered that the siting of the houses within the car park of and accessed through a supermarket car park and adjacent to a busy road junction is not a desirable location for affordable housing providers. It is therefore proposed to provide a commuted sum to the amount of £210,000. The commuted sum is based on if the 5 dwellings were to be sold at 70% of their market value, the residual 30% difference between the market value and the discounted price. No other commuted sums have been required in the community within the relevant CIL period.

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

8.00 CONCLUSION

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

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

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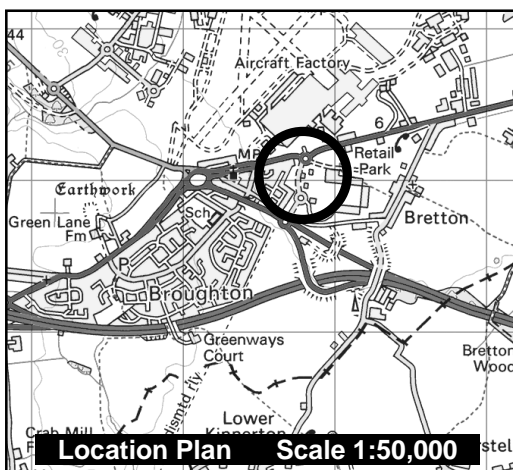
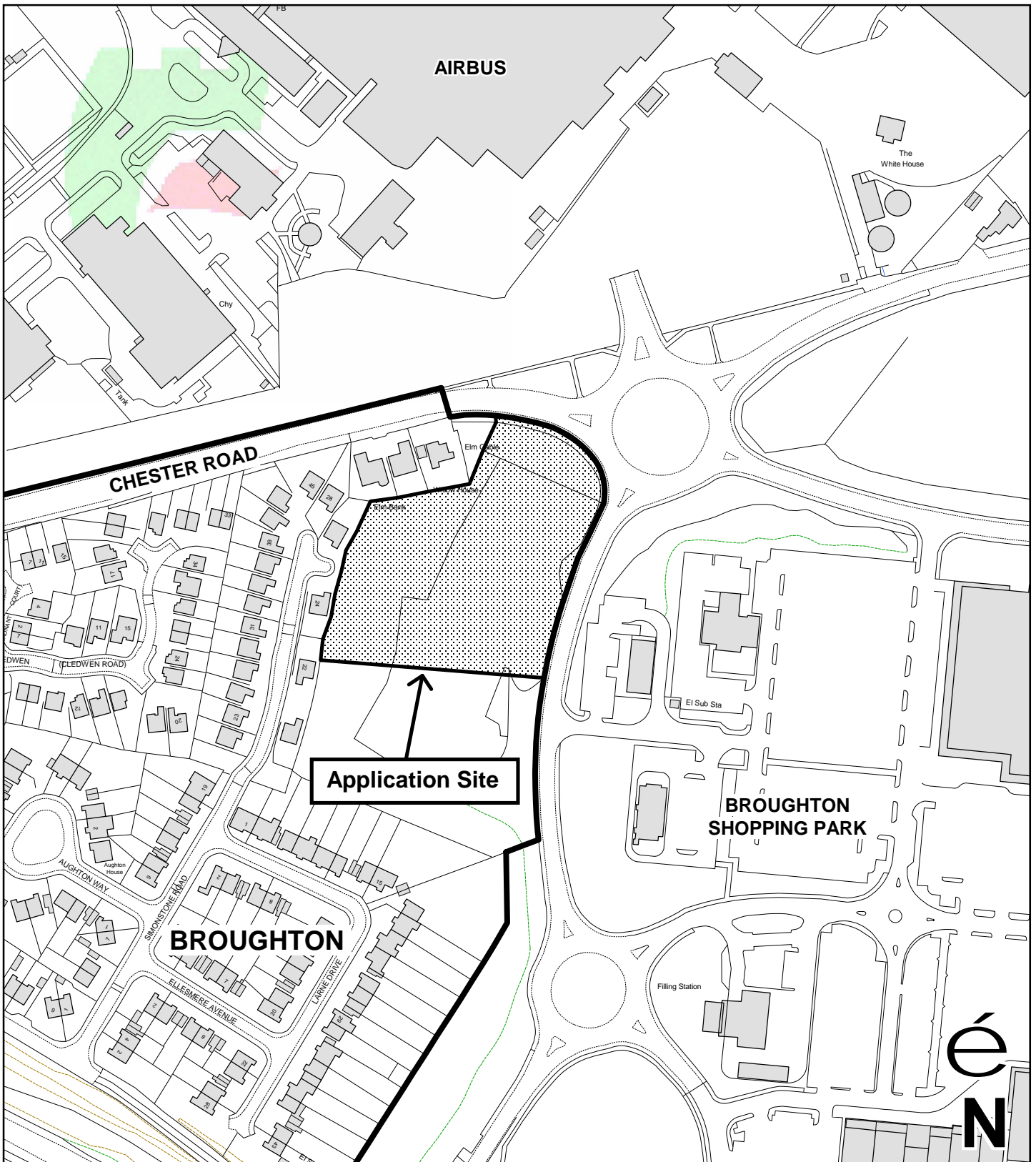
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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Email: emma.hancock@flintshire.gov.uk



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3464

Planning Application **54589**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH JANUARY 2016**

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

SUBJECT: **CHANGE OF USE OF LAND TO 42NO. UNIT HOLIDAY LODGE PARK AT ST. MARYS CARAVAN CAMP, MOSTYN ROAD, PRESTATYN**

APPLICATION NUMBER: **054477**

APPLICANT: **LYONS HOLIDAY PARKS LTD**

SITE: **ST. MARY'S CARAVAN PARK, MOSTYN ROAD, GRONANT, FLINTSHIRE**

APPLICATION VALID DATE: **14TH OCTOBER 2015**

LOCAL MEMBERS: **COUNCILLOR S. WILLIAMS**

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

REASON FOR COMMITTEE: **THE SITE AREA EXCEEDS THAT FOR WHICH POWERS TO DETERMINE ARE DELEGATED TO THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 The application is for the change of use of an existing touring and static caravan site to a site for the siting of 42No. holiday lodges. The proposals include landscaping works and additional planting.

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 existing extant consents relating to this site, Conditional Permission be granted;

2.02 Conditions:

1. Time limit on commencement.
2. In accordance with plans.
3. Surface water drainage scheme to be submitted and agreed.
4. Implementation of landscaping schemes.
Maintenance for minimum 5 years.
5. Approval of proposed finish colours, prior to any other development.
6. External lighting to be submitted and agreed prior to installation.
7. Lodges only for holiday purposes and not dwellings.
8. Register of occupants to be kept.
9. Parking and turning scheme to be submitted and agreed.
10. Season 1st March in one year to 14th January in the subsequent year.
11. Details of retaining structures prior to commencement.

3.00 **CONSULTATIONS**

3.01 Local Member
Councillor S. Williams
No response at time of writing.

Llanasa Community Council
No response at time of writing.

Highways DC
No objection subject to a condition requiring a scheme of parking and turning to be agreed. Byway 48 abuts the site but is not affected by the proposals.

Pollution Control Officer
No adverse comments.

Natural Resources Wales
No response at time of writing.

Clwyd Powys Archaeological Trust
Notes the site lies in close proximity to archaeological and heritage features but advises that the proposals would not give rise to any new visual impacts beyond the current impact of the caravan site and therefore does not object to the proposals.

4.00 **PUBLICITY**

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

5.00 SITE HISTORY

5.01 257/95

Lawful Development Certificate – Siting of tents, trailers, motorised caravans and touring caravans.

Granted 17.11.1995

98/00907

Extended season

Permitted 7.6.1999

98/1251

Improvements to access

Permitted 12.8.1999

99/01315

Outline – demolition of existing chalets and development of existing chalets and development of 9No. detached chalets.

Permitted 18.2.2000

034161

Change of use of adjoining land to recreational land and landscaping.

Permitted 12.2.2003

035283

Reserved Matters – Erection of 9No. chalets.

Approved 11.2.2004.

036296

Siting of 19 No. static holiday caravans in lieu of 9 No. traditional build holiday chalets together with a warden's caravan/site office adjacent to existing site entrance and retrospective engineering works.

Withdrawn 7.1. 2004

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General Requirements for Development

Policy GEN3 - Development in the Open Countryside

Policy T4 - New Static Caravans & Chalets Holiday Sites

Policy AC13 - Access and Traffic Impact

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy L1 - Landscape Character

Policy HE5 - Protection of registered landscapes, parks & gardens

Planning Policy Wales (Ed.8 2016)

Technical Advisory Note 13: Tourism

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The site comprises a 2.2 hectare field parcel located to the south of the A548 mid-way between Gronant and Ty'n-y-Morfa. The site has been used for caravan and camping purposes historically although the site has not been in use for a number of years. However, there has been no intervening use during that time. The site is accessed via an existing vehicular access in the northern site boundary. The field is bounded by existing hedgerows on all boundaries with other agricultural fields to the south and west. To the east is a Byway which grants access from the A548 to Abbey Drive in Gronant to the south. The land across the A548 to the north comprises a variety of agricultural and camping/caravan uses.

7.02 The site topography is such that whilst it generally slopes uphill towards the southern boundary, the site is terraced and starts from a position adjacent to the northern boundary which is actually lower than the adjacent A548. It is comparatively flat across its east west axis. The site lies in close proximity to the village of Gronant.

7.03 The land to the south east of the site comprises the Talacre Abbey Conservation Area which in itself contains part of the historic park and garden to the former Talacre Hall (Talacre Abbey).

7.04 Proposed Development

The applicants operate the adjacent camping and caravan site to the north of the site. The proposal seeks approval for the siting of 42No. holiday lodges upon the site; the refurbishment of the existing amenity building; creation of refuse and recycling compound and landscaping of the site.

7.05 The Main Issues

The main issues in relation to this application are the principle of development in this location having regard to the requirements of policy T5 of the Flintshire Unitary Development Plan (FUDP) and the impact of proposals upon the highway.

7.06 Principle of Development

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

7.07 a) any increase in the number of standings or units is marginal.

The application seeks to provide 42No. lodges. This in terms of intensity of use would represent a reduction upon that which the Lawful Development Certificate permits. Notwithstanding this, I consider Whilst the proposals are also seeking permission for a siting of units upon a more permanent basis. I am mindful of the

permissions which are extant in respect of this site and what, in combination has been permitted previously. I am however mindful that a further grant of permission, if only part implemented, could potentially result in a situation whereby there is a variety of camping and holiday uses undertaken synonymously with each other. This would be unacceptable in visual impact terms.

7.08 I am however satisfied that if the applicant entered into a S.106 Agreement to voluntarily rescind the historical permissions upon commencement of this application, this situation would be safeguarded against. I am therefore minded to recommend consent subject to such a S.106 Agreement.

7.09 b) any physical extension of the site is modest.

The proposals do not include any physical extension of the site.

7.10 c) the scheme incorporates substantial internal and structural landscaping; demonstrates a significant improvement to the site and reduces impact upon the landscape.

7.11 The site has established hedgerow boundaries to all boundaries and sits against a wooded backdrop to the east. The scheme includes proposals for additional planting and site wide landscaping to mitigate against adverse visual impacts. I am mindful that the proposals introduce units upon the higher terrace of the site but equally I am mindful that this position was previously approved and part commenced (as evidenced by the in situ presence of the bases of those previously approved lodges). I consider that the proposals, subject to the implementation and maintenance of the proposed landscaping scheme would sufficiently address any visual concerns.

7.12 The site is presently vacant, unmanaged and the existing amenity building is falling into disrepair. The absence of management upon the site has resulted in the stability of the established terraces becoming questionable in the long term, with consequent implications for land outside of the site to the south. I consider that this proposals will ensure the site is properly managed and maintained which will in turn improve the appearance of the site in the landscape.

7.13 The site lies in close proximity to historic interest features such as the Conservation Area and historic park. In response to consultation, the Clwyd Powys Archaeological Trust has advised that the site in its present form and taking account of the previously approved situation, has an impact upon these features./ However, these impacts are lawful by virtue of previous permissions. It is considered the proposals would not result in any impact greater than that which may lawfully be undertaken upon this site and

therefore no objection on this basis is raised.

- 7.14 d) the proposal involves improved on site facilities. The proposals will facilitate the restoration of the existing amenity block upon the site.
- 7.15 e) the proposals would not have a significant adverse impact upon existing residential amenity, other users of nearby land or the community in general.
- 7.16 The proposals relate to the siting of lodges upon an existing camping and caravan site. The site lies in excess of 100m from the nearest dwelling to the east of the site. I consider that the nature of the proposals, the non-permanent nature of the occupation and the proposed limited extent of the season are such that any impacts upon amenity arising from the nature of the use can be controlled such that they do not amount to an impact of an adverse nature.

7.17 **Highway Impacts**

I am advised by Highways DC that, subject to the imposition of a condition requiring the completion of parking and turning facilities within the site in accordance with details to be submitted and agreed, the proposal is acceptable. It should be remembered that the proposals would potentially give rise to less vehicle movements than may be associated with the approved use of the site. Furthermore, the nature of the vehicles presently permitted to access the site (touring caravans, camper vans, trailer tents) is such that the proposals represent an improvement to the vehicular movements in and out of the site.

8.00 CONCLUSION

- 8.01 The proposed development is considered to be sustainably located upon a site with the benefit of extant planning permissions for a variety of tourism developments. This proposal will serve to consolidate this fragmented arrangement of permissions. The proposed landscaping would reduce the impact on the landscape. The proposal complies with development plan policy for this type of development.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

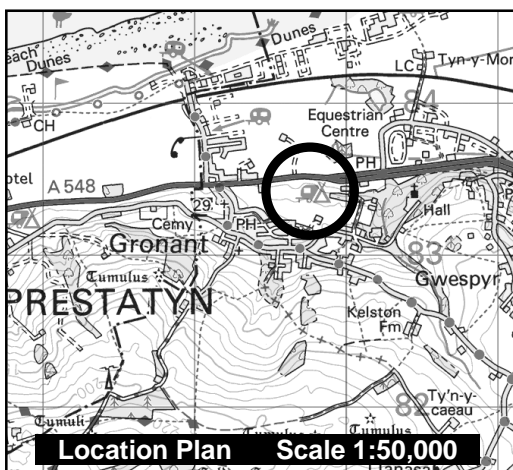
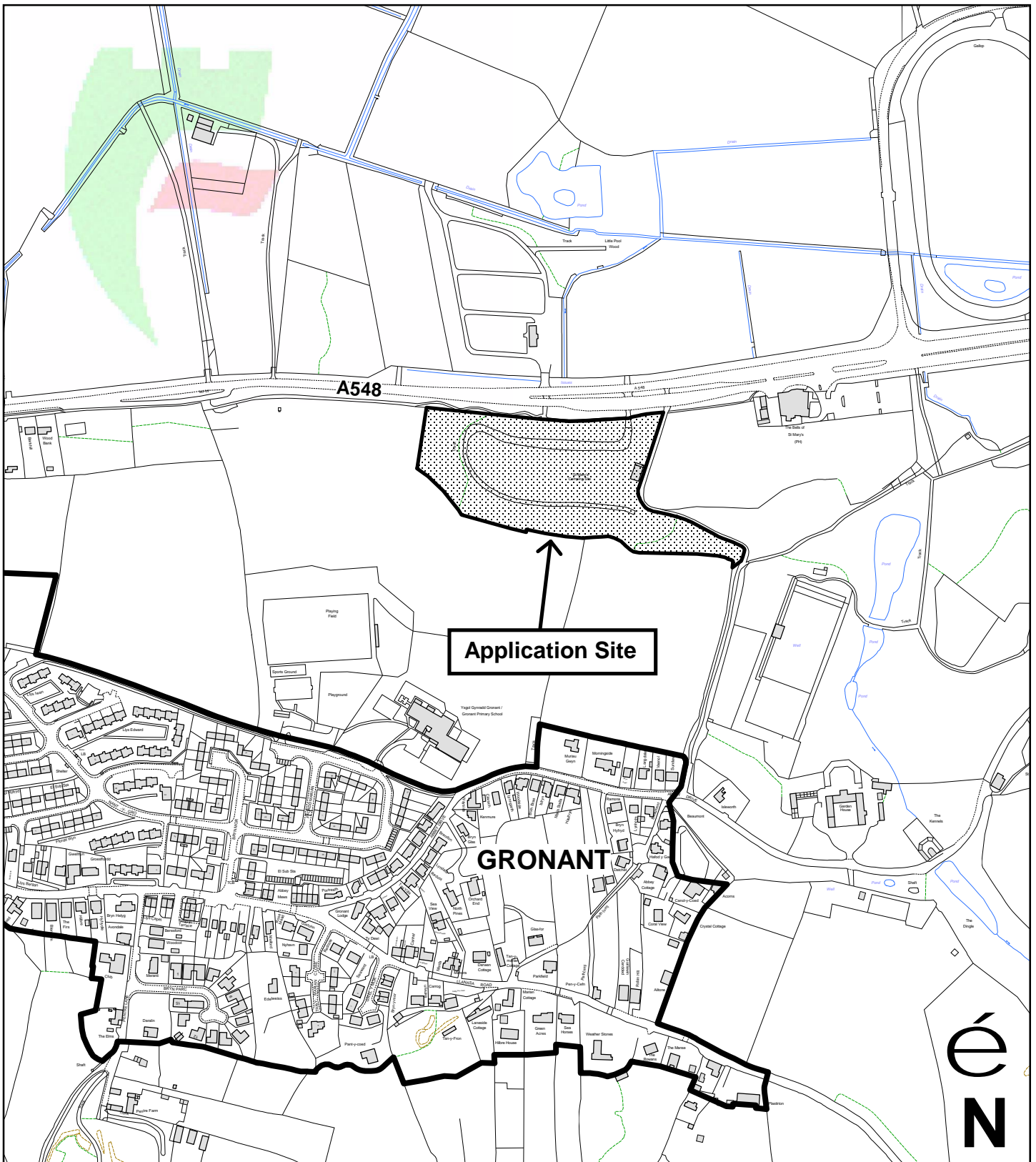
National & Local Planning Policy

Responses to Consultation

Responses to Publicity



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

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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 0983
Planning Application	54477

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20 JANUARY 2016**

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

SUBJECT: **FULL APPLICATION – CONVERSION OF OUTBUILDINGS TO 1 NO. ANNEX TO MAIN DWELLING AND HAIRDRESSER AT LLWYN FARM, FFYNNONGROYW**

APPLICATION NUMBER: **054078**

APPLICANT: **MR G BANKS**

SITE: **LLWYN FARM, FFYNNONGROYW**

APPLICATION VALID DATE: **23 JULY 2015**

LOCAL MEMBERS: **COUNCILLOR G. BANKS**
(AS HE IS THE APPLICANT IN THIS INSTANCE HE HAS NOMINATED CLLR D RONEY AS PROXY CLLR)

COUNCILLOR D. RONEY
NO RESPONSE RECEIVED AT TIME OF WRITING

LLANASA COMMUNITY COUNCIL: **NO RESPONSE RECEIVED AT TIME OF WRITING**

REASON FOR COMMITTEE: **APPLICANT IS THE LOCAL MEMBER FOR THE AREA**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application seeks consent for the change of use and conversion of the existing former farm outbuildings to annex accommodation and a hairdressers unit (A1 use).

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

- 2.01
1. Time limit on commencement.
 2. In accordance with approved plans.
 3. No surface water to drain in to public sewerage system.
 4. Annex to remain ancillary to main dwelling.

Note to Applicant with regard to bats and breeding birds in compliance with Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981, as amended and the Countryside and Rights of Way Act 2000.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor D. Roney
No response received at time of writing.

Llanasa Community Council
No response received at time of writing.

Welsh Water/Dwr Cymru
If minded to grant consent request condition regarding no drainage of surface water in to public sewerage system, in order to ensure no detriment to the existing residents or the environment or to Dwr Cymru Welsh Water's assets.

Natural Resources Wales
Advise that bats and birds are protected under the Conservation of Habitats and Species Regulations and the Wildlife and Countryside Act 1981, as amended and recommend that the ecologist be consulted with regard to the potential impact of the proposed development on the favourable conservation status on the population of bats. Request Guidance Note for Developers be issued with any consent.

Rights of Way
Public Footpath 18 abuts the site but is unaffected by development. The path must be protected and free from interference from construction.

4.00 PUBLICITY

- 4.01 Site Notice Posted
No response received at time of writing as a result of this publicity.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
GEN1 - General Requirements for Development.
GEN 3 - Development in the Open Countryside.
HSG7 - Change of use to Residential Outside Settlement Boundaries.
HSG13 - Annex Accommodation.
EWP17 - Flood Risk.

7.00 PLANNING APPRAISAL

7.01 Proposal
This full application seeks consent for the conversion and change of use of an existing former agricultural outbuilding to provide one annex residential accommodation unit and one Class A1 hairdressers unit

7.02 Site
The application site is outside the settlement boundary of Ffyonngrowy, in open countryside as defined by the Flintshire Unitary Development Plan. Both national and local plan policy seeks to control new development in the open countryside to that restricted to essential workers, infill and conversion or reuse of existing buildings, as in this case, as such the proposal is considered to be compliant with the provisions of the relevant policies.

7.03 Policy HSG7 allows for change of use of non-residential buildings in the open countryside for residential conversion if it forms a subordinate part of a business re use, as in this case. In this instance the application seeks a change of use and conversion of the existing former agricultural building for part annex residential accommodation and part business use (hair dressers). Under this policy other criteria stipulate that the building is structurally sound, capable of conversion and the building has traditional architectural and historic features.

7.04 The application was originally submitted without a structural report, to enable assessment and compliance with policy HSG13, which led to a delay in the consideration and subsequent referral of the application to Committee. This Structural report has subsequently been submitted and confirms that in general terms the building is capable of taking the scheme of conversion and reuse as proposed.

- 7.05 A small area of the fabric of the building will require demolition and the whole of the building will require an insulated screed over the existing concrete slab, a damp proof course and to make good to existing window openings and roof. The amount of work envisaged is considered to retain the character and design of the building and allows a suitable reuse for annex accommodation under policy HSG13 and a business premises, compliant with policy HSG7.
- 7.06 The former agricultural outbuilding is set in a courtyard arrangement opposite to the former farm house. The site has a commercial yard to the rear of the proposed unit, separated by a wire fence. The site is close to the village of Ffynnongroyw and this development would form a sustainable development in terms of its proximity to the village and add to the facilities of the village.
- 7.07 The existing buildings are single storey of low linear form, constructed of brick and have a predominantly slate roof. The scheme proposes to utilise the main fabric of the existing building, but does involve a small amount of extension of the roof line above the existing very low former pig sty area. It also proposes to use the existing openings for the proposed doors and windows to serve both units and make good where appropriate, with matching materials.
- 7.08 The existing vehicular access is proposed to serve the existing property, the annex accommodation and the hair dressers. There are no highways objections to the scheme and the parking provision shown by the applicant is acceptable.
- 7.09 As the proposal involves the change of use and conversion of buildings which have the potential to host protected species such as bats and birds I have consulted with Natural Resources Wales and the County Ecologist to ensure that these species and their habitat are appropriately safeguarded. The ecologist has considered the application and has confirmed that due to the nature of the existing building being single storey, open (therefore drafty) it has low potential for bats, despite the adjacent woodland habitat, it is suggested that a note to applicant with regard protected species is attached to any consent granted.
- 7.10 Natural Resources Wales have also been consulted as the site lies within a flood risk area, but they have raised no issues. Dwr Cymru/ Welsh Water have responded that any surface water from any increase in the roof area of the building or impermeable surface within the curtilage shall not drain to the public sewerage system.
- 7.11 A Public Footpath 18 abuts the site, but is unaffected by the development. The path must be protected and kept free from interference from the construction.

8.00 CONCLUSION

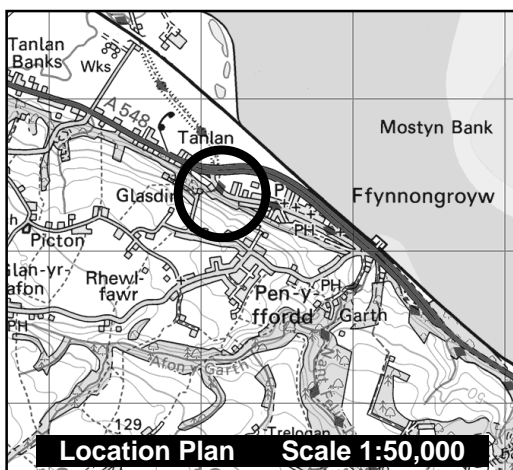
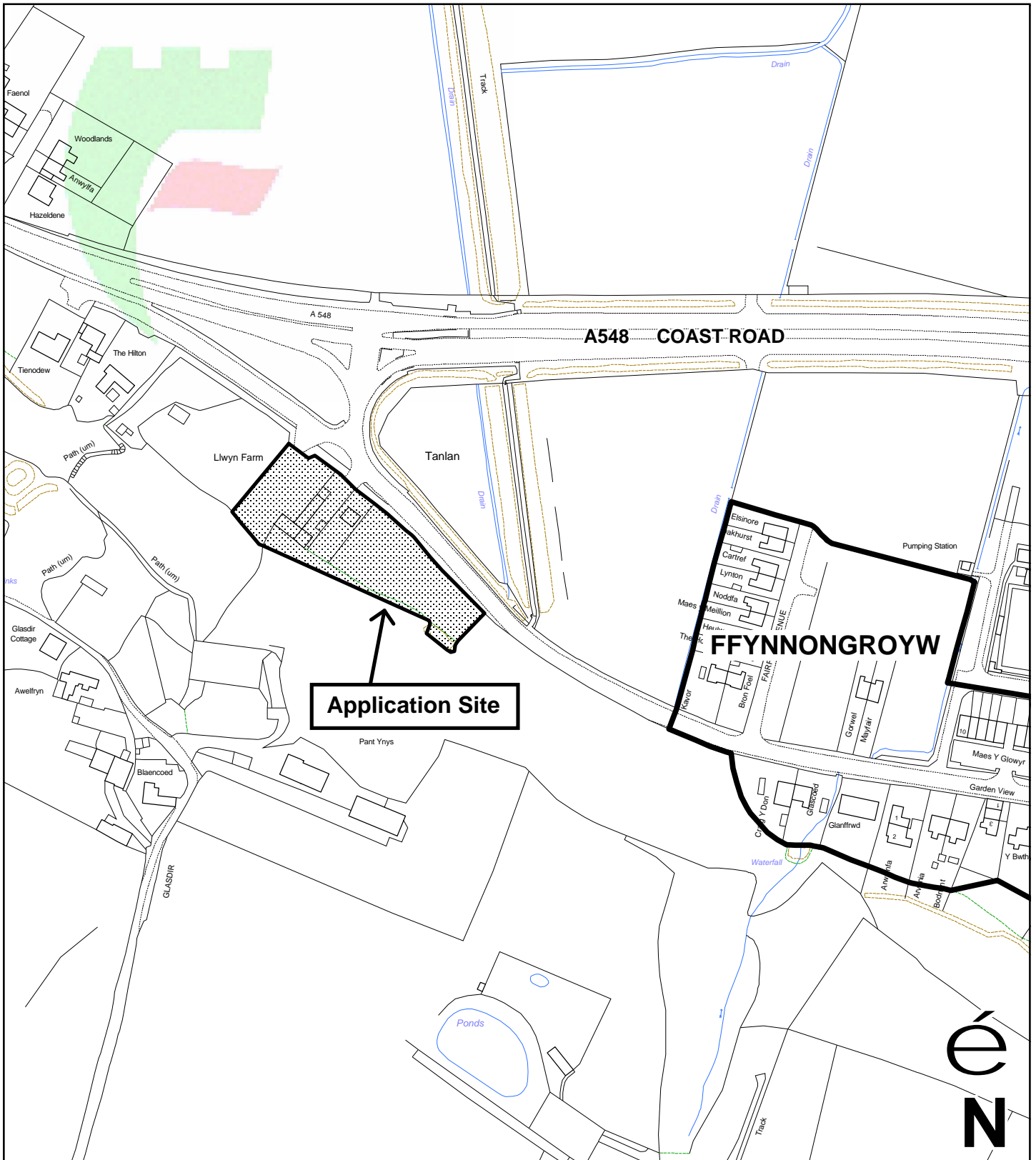
- 8.01 It is considered that the proposed change of use and conversion of the existing former agricultural buildings to enable the formation of annex accommodation, to enable the applicant's daughter to reside in the buildings to be converted and creation of a hairdressers business is compliant with the relevant policies. The re-use of these buildings enables a sustainable development in close proximity to the settlement boundary of Ffynnonngroyw and adds to the facilities already offered in the immediate area adding to the viability and sustainability of the adjacent village.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Barbara Kinnear
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Location Plan Scale 1:50,000



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

Legend

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

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OS Map ref	SJ 1382
Planning Application	54078

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH JANUARY 2016**

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

SUBJECT: **APPEAL BY MR. D. LAWLOR AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE FROM PAPER MILL CAR PARK TO HEAVY GOOD VEHICLE PARKING FACILITY AT 419 CHESTER ROAD, OAKENHOLT – ALLOWED**

1.00 APPLICATION NUMBER

1.01 052930

2.00 APPLICANT

2.01 Mr. D. Lawlor

3.00 SITE

3.01 419 Chester Road,
Oakenholt, Flint,
Flintshire. CH6 5SF

4.00 APPLICATION VALID DATE

4.01 18th November 2014

5.00 PURPOSE OF REPORT

5.01 To inform members of the Inspector's decision in relation to an appeal into the refusal to grant planning permission for change of use from former paper mill car park to a heavy goods vehicle parking facility at 419 Chester Road, Oakenholt, Flint, Flintshire. The application was refused under delegated powers with the appeal dealt with by way of an informal hearing and was **ALLOWED**.

6.00 REPORT

6.01 Background

Members may recall that this application was refused under delegated powers on 27th May 2015 on the grounds that the proposed use would result in an inappropriate form of development which is not essential to be located within the open countryside and would therefore have an unaccountable detrimental impact upon the character of the area.

6.02 Issue

The Inspector considered that the main issue was the effect of the proposal on the character and appearance of the countryside, and whether there are other material considerations which would justify the development in this area.

6.03 Character & Appearance

The site lies directly opposite the paper mill on Chester Road to the east of Flint and Oakenholt. The site lies adjacent to No. 419 a dwelling house and annex which forms the eastern boundary of the appeal site. The site is hard-surfaced, bounded by a fence and gate to the north, a small stone wall and access adjacent to Chester Road to the south and a field to the west. To the north of the appeal site there is an area currently being utilised for storage. This area is served by a gated access from the appeal site and extends towards the North West coast railway line.

6.04 The proposal would be for the storage of heavy goods vehicles (HGV). A maximum of 5 lorries would use the site. The drivers of the lorries are likely to arrive on site by motor vehicle, and 5 vehicle parking spaces would be needed as part of the development. The appellant sought a secure storage facility for HGVs in order to obtain the required licence to operate. The appellant had acquired the appeal site, including the land to the north and No. 419.

6.05 The Local Planning Authority accepted that the site is previously-developed land (PDL), but maintained that there is no historical planning permission for commercial use on the land. The appellant maintained that the site has historically been used as a car park associated with the paper mill but this ceased when the dwelling and appeal land was sold.

6.06 The Inspector considered that the lawful status of the preceding use cannot be conclusively presumed under a Section 78 planning appeal. It was also noted that a lawful development certificate was refused for storage and distribution of building materials on the whole larger site but inclusive of the smaller appeal site. The Local Planning Authority maintained its objection that this is development in open countryside outwith of the policies which direct development to settlements and is unsustainable.

- 6.07 The Inspector noted that not all PDL land is suitable for development as set out in Planning Policy Wales. Local Plan policies of the Flintshire Unitary Development Plan (UDP) permits new industrial development outside employment sites and outside defined settlements boundaries through the redevelopment of suitable brownfield and underused or vacant land provided the scale and design of the development is acceptable and it causes no adverse impact on landscape features and residential amenity. Other considerations include adequate parking and highway network capacity.
- 6.08 In the view of the Inspector the suitability of the site is centred on whether its location fits the intended purpose of the development. The proposed development requires a location close to main centres and major roads. In this regard the location of the PDL land is suited in both respects. It is situated between Connah's Quay and Flint adjacent to the A548. There are good access links west and east from the A548 with the A55, A494 and the motorway network. The appellant was operating from Bagillt, but reports that access was restricted from this site and that there were issues with the lease agreement. The nature of the proposed use would be for storage only, the lorries would pick-up and deliver pre-ordered loads during the day and would return to the secure storage area in the evening. The Inspector was advised that there would be no outside storage required, and there would be no maintenance or repairs of vehicles on the appeal site. In this regard, the Inspector considered that the scale and nature of the development is small and fits the criteria of FUDP Policy.
- 6.09 It was the view of the Inspector that the site has the appearance of a developed commercial use. Immediately adjacent to the site to the west there is a high hedge which masks views into the site and beyond towards the estuary. The views from the east are more open but fleeting, since this would be from the A548 itself, which is a busy road. The Inspector did not regard the development of the site would harm the character and appearance of the area, having regard to its context adjacent to a large paper mill and having regard to the site's current appearance. Therefore, the Inspector concluded that the proposal complied with Local Plan policies relating to the undeveloped coast given its PDL status. The Inspector did not regard the site as unsustainable having considered it in the context of Policy EM4. Policy EM4 is not specifically mentioned in the rural exceptions Policy GEN3, but in this particular case it was regarded as falling within 'other development which is appropriate to the open countryside'. It may not be a development which is essential to have an open countryside location, but the site is not strictly 'open countryside' it is a PDL site next to a large commercial site adjacent to a main road in between two main settlement centres. The nature of the proposed

use demands a location next to a main road. Therefore it was concluded that whilst not fulfilling the strict criteria of Policy GEN3, this policy and strategic policies STR1 and STR3 are not undermined.

- 6.10 The economic, social and environmental elements of sustainability, were considered and concluded that the proposal meets all three dimensions. In this regard the planning balance weighs in favour of the development.
- 6.11 The Inspector noted the concern on highway capacity and safety and the concern about this development in conjunction with a concrete batching plant development to the east of the appeal site. Nevertheless, there is no compelling technical evidence that the A548 has reached its design capacity and the scale of use in this case is small. It was noted that there was no technical objection to the development from the Council's Highway Officers.
- 6.12 The Inspector was also aware that the site to the north of the appeal site could come forward in the light of this appeal decision. However, it was concluded that in the particular circumstances of this case that the development would be small-scale and therefore complies with Local Plan policy EM4. It was considered that by allowing this appeal it did not set a precedent for others to follow, as the Inspector considered the appeal on the submitted evidence provided and the individual circumstances of this case.

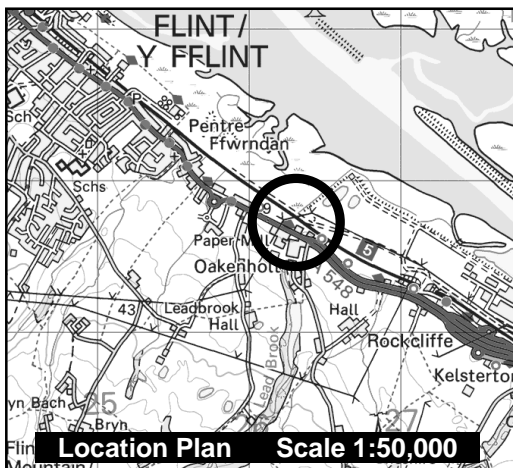
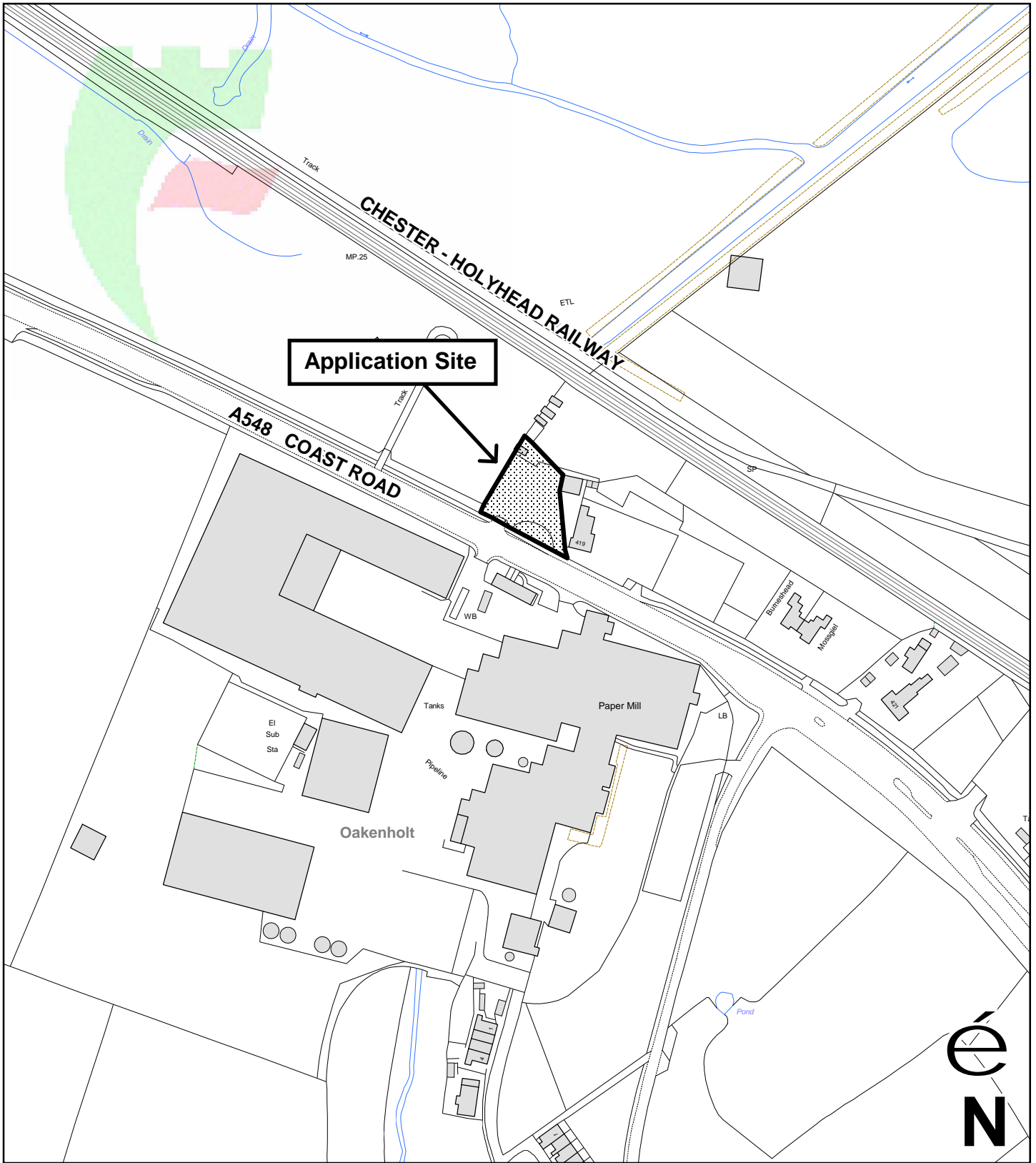
7.00 CONCLUSION

- 7.01 The Inspector concluded that the proposal would not harm the character and appearance of the countryside having regard to planning policies, and that there were other material considerations which justified the development in this area. Therefore the appeal was **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Alan Wells
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Email: alan.wells@flintshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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OS Map ref SJ 2671

Planning Application **52930**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **20TH JANUARY 2016**

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

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

1.00 APPLICATION NUMBER

1.01 053275

2.00 APPLICANT

2.01 Mr. Barry Fryer (Leason Homes)

3.00 SITE

3.01 Land rear of Maes Y Goron,
Lixwm, Holywell

4.00 APPLICATION VALID DATE

4.01 9TH March 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal to grant outline planning permission for the erection of one dwelling at land to the rear of Maes y Goron, Lixwm, Holywell. The application was refused under delegated powers with the appeal dealt with by way of an informal hearing and was **ALLOWED**.

6.00 REPORT

6.01 Background

Members may recall that this application was refused under delegated powers on 22nd April 2015 on the grounds that the principle of residential development was contrary to both National and Local Planning Policies given that the site was located in open countryside and was for non-essential development, that the proposed dwelling would result in adverse overlooking of the private amenities enjoyed by the occupants of the neighbouring properties and that the dwelling would result in a form of backland development that would adversely harm the character of the area.

6.02 Issues

The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the area together with the effect of the proposal on the living conditions of nearby residents in relation to privacy, noise and disturbance.

6.03 Character & Appearance

The site is an irregular piece of vacant land associated with the Maes y Goron estate in Lixwm. The Maes y Goron development was a scheme of 25 units for affordable housing as a rural exceptions site. This development is situated to the north of the site. Linear residential development and a public house are located to the south, west and east of the site. There is a vacant roadside plot with an expired planning permission to the south of the site adjacent to Anchorage. Between this plot and the site is a public right of way which follows a diagonal path through the site to the rear of No. 24 Maes y Goron and into the adjacent field. Access to the site would be from Maes y Goron estate between the site and rear boundary of No. 2 Maes y Goron and the rear of the public house.

6.04 The appeal site is outside of the development boundary as defined by the Flintshire Unitary Development (UDP) and so is the Maes y Goron estate because of its rural exception planning status. Local Planning Policies restrict development outside development boundaries except to essential worker housing, infill, conversion of existing buildings, affordable housing and rural enterprise exception schemes and other developments that require a countryside location or essential works associated with the countryside and has no adverse impact on it. Infill development in Lixwm is restricted to local housing need. This proposal does not meet any of the exemptions and it therefore does not accord with the development plan.

- 6.05 Whilst not in accord with Local Planning Policies there are material considerations to weigh in the balance. The appeal site is in effect hemmed-in by built development. There is one small gap within the development boundary adjacent to Anchorage. The gap between the curtilage of the building development amounts to a footpath width and therefore views of the appeal site are limited to those who traverse the path and from private views from the built development that surrounds the site. The site is not seen in isolation in the countryside. There would be very limited views of the appeal site to and from the countryside. The Inspector considered the site would be an integral part of the built-up area and no definable harm would ensue to the character and appearance of the countryside should this site be developed.
- 6.06 The Inspector also considered that the site is a left-over piece of land from the residential development built and permitted as an exception to the normal policies of rural housing restraint. This was for 25 units. An additional 5 units to the east of Bryn Derw have also been built. No planning condition restriction applies to the appeal site in terms of requiring it be put to amenity land use and no condition prohibits development of the site. Landscaping conditions do not themselves limit or restrict development of the site, and the Council sought a contribution towards open space provision elsewhere in the village. The land has no agricultural status – it is vacant left-over land in the middle of the village. As at least 30 housing units have been built adjoining the appeal site – the location must be regarded as sustainable served by a local school and public house. The development site would be situated in and around the settlement utilising a vacant piece of land which could make some limited contribution to sustaining a rural village.
- 6.07 The Inspector recognised shortfall in housing land supply and TAN1 indicates that where the approved JHLAS shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.
- 6.08 Therefore given the above, the Inspector considered the location of a vacant and sustainable site surrounded by built development, the need to increase housing supply is given considerable weight, whereby the material considerations and compliance with national policies indicate a decision otherwise than in accordance with the development plan.
- 6.09 The development in the Inspector's view is not discordant with the pattern and form of the village. The spatial arrangements of buildings and gardens to the north are angled to the appeal site and to Maes y Goron estate road. Layout is a reserved matter but the illustrative block plan shows the building aligned north-south facing the footpath

and the triangular piece of land adjacent to the path behind Nos 18/20 Maes y Goron. This layout may change, but it serves to demonstrate that it could be orientated to address the public footpath and the public road at a greater distance. The Inspector considered that the development could be aligned so that it harmonises with the layout of buildings and spaces in the area.

6.10 Amenities of Adjoining Residents

The maximum ridge height parameter of the development would be 10 m. The illustration which accompanied the appellant's statement now shows a dwelling aligned north-south and two storeys in height. The block plan does not show the correct alignment of the boundary fence to the rear of Nos 2-16 as the diagonal fence line continues through to the edge of the path that passes the side of No. 18. This means that there is a larger area comprising a triangular piece of land within the appeal site, thereby providing some 18 m between the rear wall of the proposed dwelling house and the rear boundary fence line of the Maes y Goron development.

6.11 The location plan provides the correct boundary configuration which accompanied the planning application. This land is within the appeal site. This provides in the view of the Inspector an acceptable separation distance in terms of overlooking with regard to the Council's published standards 'Space around dwellings Local Planning Guidance Note No. 2'. Furthermore, the proposed dwelling would have an aspect towards the diagonally aligned boundary and houses and therefore the view from the development would avoid direct overlooking. It was also noted that land levels for the development would be lowered by some 1 m to further reduce the impact on privacy.

6.12 The Local Planning Authority indicated that the access would lead to an increase in activity of vehicles passing the side and rear of No. 2 Maes y Goron and the rear of Ty Lafant. There would be a 4.5m gap for the proposed access at the narrowest point of the appeal site. This would be between the rear of the public house annex and the 2m high boundary fence of No. 2. This would extend for a short length and then the site opens up either side of this narrower part. The access as shown runs alongside the gable and side 2m high boundary of No. 2. The Inspector considered there was sufficient space between the access and this boundary to ensure that living conditions are not harmed.

- 6.13 Access is a reserved matter and the boundaries alongside it could be landscaped to reduce the impact further on the occupants of neighbouring properties. A 4.5m wide access is sufficient to permit two cars to pass each other and this appears excessive for one dwelling. With landscaping and a minor realignment of the drive and some reduction in its width it was considered that there is sufficient scope to ameliorate any adverse effects in relation to noise and disturbance. The Inspector considered the access is acceptable in principle, details of which would be a reserved matters.
- 6.14 The Inspector therefore concluded the proposal would not harm the living conditions of nearby residents in relation to privacy, noise and disturbance.

7.00 CONCLUSION

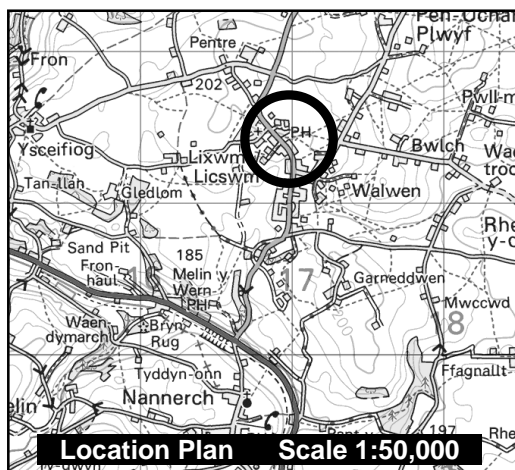
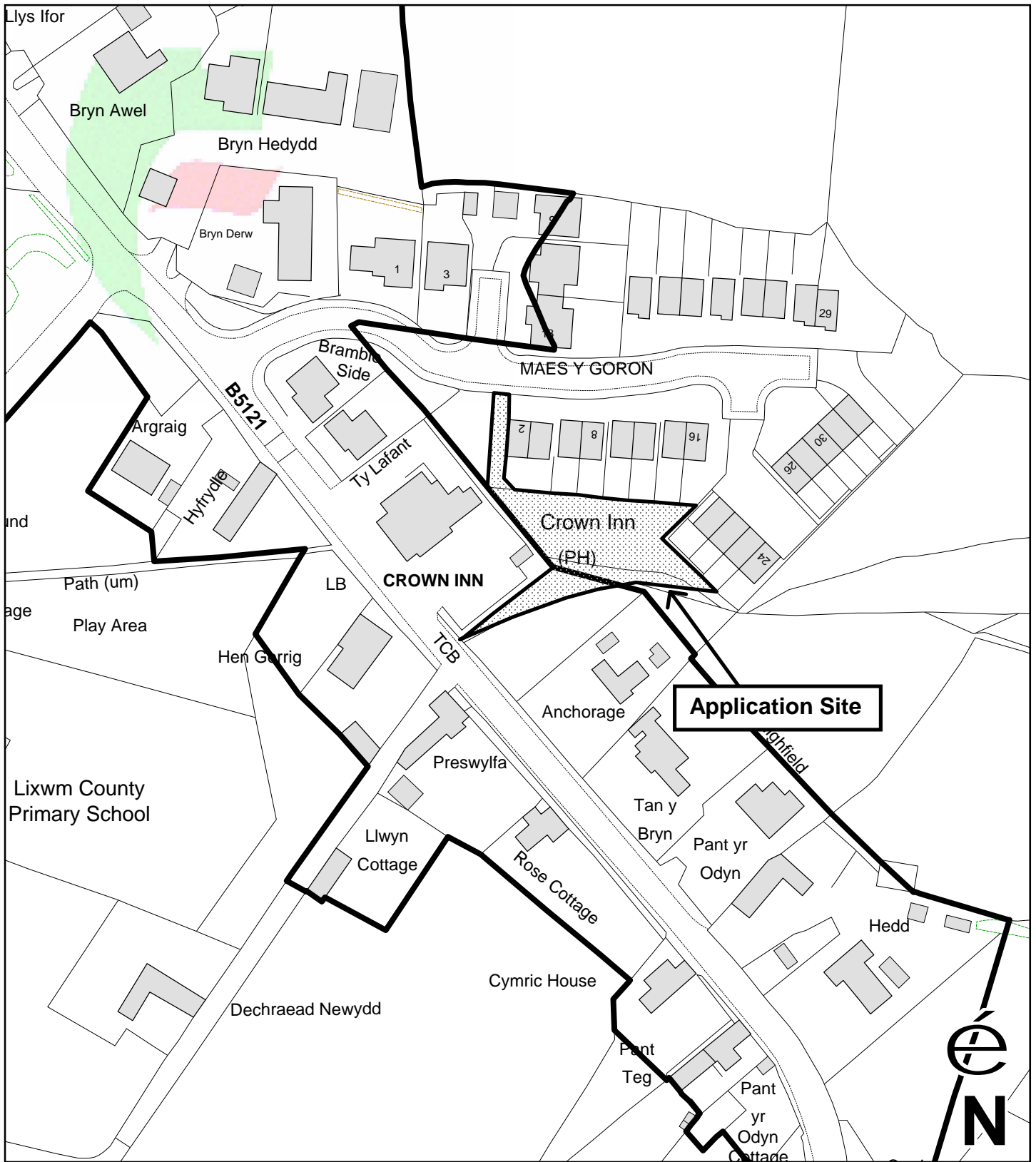
- 7.01 The Inspector concluded on the first issue that the material considerations justifications a decision other than in accordance with the development plan. There would be no harm to the character and appearance of the area and the development of a vacant and sustainably located site surrounded by built development together with the need to increase housing supply indicates a decision in favour of allowing this appeal.
- 7.02 On the second issue, the Inspector found no harm to living conditions. It was noted about the residents' concerns about compliance with previously imposed conditions and that the site hosts wildlife. However, the site whilst outside the development boundary is now surrounded by built development and is not a piece of land which was afforded protection as amenity land by planning condition. For these reasons, it was concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

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

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 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 1671

Planning Application **53275**

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