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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

7 December 2016

Nicola Gittins 01352 702345
nicola.gittins@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 14TH DECEMBER, 2016** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

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AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 16)

To confirm as a correct record the minutes of the meeting held on 16 November 2016.

5 **ITEMS TO BE DEFERRED**

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

The reports of the Chief Officer (Planning and Environment) are enclosed.

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE
ON 14TH DECEMBER 2016

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u>		
6.1		055725 - A - Full Application - Amended Details of Dwelling to Plot 3 at Bryn Llwyd Yard, North Street, Caerwys. (Pages 17 - 26)
6.2		055529 - A - Full Application - Erection of 4 No. 1 Bedroom Flats, 9 No. 2 Bedroom Houses and 6 No. 3 Bedroom Houses at Ystad Goffa Court, Albert Avenue, Flint. (Pages 27 - 36)
6.3		054863 - A - Full Application - Change of Use of Disused Quarry to Country Park Incorporating Heritage Attraction, Recreational Uses and Visitor Centre with Associated Parking at Fagl Lane Quarry, Fagl Lane, Hope (Pages 37 - 54)
6.4		056144 - A - Full Application - Remodelling and Extension of Dwelling, Erection of a Detached Garage and Temporary Siting of Caravan (Amendment to Previously Approved Application Ref: 055612) at Top yr Allt Cottage, Blackbrook Road, Sychdyn. (Pages 55 - 62)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.5		054660 - Appeal by U & I Group & Bloor Homes PLC Against the Non-Determination by Flintshire County Council for the Erection of 36 No. Dwellings at Chester Road, Broughton - ALLOWED. (Pages 63 - 70)
6.6		054681 - Appeal by Mr. Richard Bird Against the Decision of Flintshire County Council to Refuse Planning Permission for the Erection of 5 No. Dwellings at Flint Chapel, Chester Road, Flint - DISMISSED. (Pages 71 - 78)
6.7		055558 - Appeal by Mrs Margaret Lovell Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use of Land to Use Incidental to the Dwellinghouse at 4 Broad Oak Cottages, Mold Road, Northop - DISMISSED. (Pages 79 - 82)

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PLANNING & DEVELOPMENT CONTROL COMMITTEE **16 NOVEMBER 2016**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 16 November 2016

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Derek Butler, David Cox, Ian Dunbar, David Evans, Ray Hughes, Christine Jones, Richard Jones, Richard Lloyd, Mike Lowe, Nancy Matthews, Billy Mullin, Mike Peers, Neville Phillips, Gareth Roberts and David Roney

SUBSTITUTE: Councillor: Haydn Bateman (for Carol Ellis)

APOLOGIES: Councillors Chris Bithell and Jim Falshaw (substitute)

IN ATTENDANCE:

Planning Strategy Manager; Development Manager; Senior Engineer - Highways Development Control; Senior Planners; Senior Minerals and Waste Officer; Planning Team Leader; Planning Support Officer; Housing & Planning Solicitor and Committee Officers

92. DECLARATIONS OF INTEREST

Councillor Derek Butler declared a personal interest as a member of the Area of Outstanding Natural Beauty (AONB) Board on Agenda Item 6.5 (minute number 100).

In line with the Planning Code of Practice, Councillor Marion Bateman declared that she had been contacted on more than three occasions on Agenda Item 6.3 (minute number 98).

93. LATE OBSERVATIONS

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

94. MINUTES

The minutes of the meeting held on 12 October 2016 were submitted.

Councillor Mike Peers asked that the relevant minute number be included alongside the declarations of interest to indicate which item it referred to and that this be replicated for future meetings.

On minute number 80, Councillor Peers requested amendments to his comments to read 'In 2010 officers advised that the site would be expected to yield in excess of 25 houses, therefore affordable housing applies. He felt the site had

been sub-divided to ensure that it fell below the threshold of having to provide affordable housing. A Flood Assessment had been undertaken which showed an additional six houses on the site of the bungalow.'

On minute number 83, Councillor Peers pointed out that the minutes did not reflect that the four Members who had declared a personal and prejudicial interest had left the room at the start of the item.

On minute number 79, Councillor David Roney gave a reminder that Members were to be given copies of the letters from the NHS prior to consideration of the application, and asked that this be actioned immediately.

RESOLVED:

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

95. ITEMS TO BE DEFERRED

None of the agenda items were recommended for deferral by officers.

96. APPLICATION FOR VARIATION OF CONDITION NOS 5 & 15 ATTACHED TO PLANNING PERMISSION REF: 054201 TO ENABLE THE SORTING OF WASTE WITHIN THE TRANSFER BUILDING AND SUBSEQUENT REMOVAL OFF-SITE OF RECYCLABLE MATERIAL AND TO EXTEND PERMITTED HOURS FOR THE WASTE TRANSFER STATION TO ENABLE RECEIPT OF WASTE AND BULKING FROM 0600 HOURS AND SORTING OPERATIONS FROM 0730 HOURS MONDAY-SATURDAYS AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI (055921)

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

The officer gave an overview of the application and advised that the changes were in line with policy and that no objections had been made by the Highways section, the highway authority and Environmental Health. Attention was drawn to the appeal decision on application number 054536 relating to a similar site where the Inspector had placed significant weight on the outcome of the noise assessment. As such, the officer advised that in the absence of any technical reasons not to allow the variation, the recommendation was for approval.

Councillor Ian Dunbar said that the Committee should note the appeal decision as mentioned. In respect of the application under consideration, he proposed the recommendation for approval on the basis set out in the report, particularly noting the aim for consistent operating hours across the whole site and the findings of the noise assessment. This was seconded by Councillor Gareth Roberts.

Councillor Mike Peers questioned whether the use of a mobile screener at the site from 7.30am should be specifically set out in the Conditions.

On the appeal decision for application 054536, Councillor Richard Jones pointed out that only a six month permission had been granted.

In response, the officer confirmed that the restriction on the mobile screener formed part of the proposed Conditions. On application 054536, she acknowledged that temporary permission had been granted (as per the applicant's request) but pointed out that the comparison had been made due to the weight given by the Inspector to the findings of the technical noise assessment undertaken on both applications. This resulted in there being no technical reasons to refuse the application.

On being put to the vote, the proposal to approve the application in accordance with the officer's recommendation was carried.

RESOLVED:

That permission be granted for a Section 73 application to vary Condition Nos. 5 and 15 attached to application 054201 subject to the conditions detailed in the report of the Chief Officer (Planning and Environment).

97. FULL APPLICATION - DEMOLITION OF SCHOOL, ERECTION OF 18 NO. DWELLINGS ARRANGED AS 5 NO. TERRACED UNITS AND ALL ASSOCIATED DEVELOPMENT WORKS AT YSGOL DELYN, ALEXANDRA ROAD, MOLD (055835)

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

The officer highlighted the issues raised by Mold Town Council on highway and traffic impact, flood alleviation measures and landscaping, which had been addressed as set out in the report. Matters usually addressed by S106 Agreements were proposed to be dealt with as part of the Conditions.

The recommendation for approval was proposed by Councillor Derek Butler and seconded by Councillor Ian Dunbar.

Councillor Mike Peers sought clarification on what was considered to be an adequate degree of amenity space and whether the 11m garden depth was a mandatory requirement. He also asked for an explanation on the proposed removal of rights to alter roofs and make extensions to the dwellings.

Councillor Nancy Matthews raised concerns about the impact of any surface water flow from the development to the other side of Wrexham Road, particularly at the junction with Brook Street where flooding problems had previously occurred. She sought assurance on traffic management along the road and asked if there

were plans to improve the junction with Gas Lane, Wrexham Road and Victoria Road.

In response to a question from Councillor Gareth Roberts on the potential for education contributions to be reflected in the price paid by the developer, the Solicitor explained that in these circumstances, where the Council are the owners of the land as well as the local planning authority all infrastructure impacts are to be addressed through prior to commencement conditions. On a similar matter, Councillor Richard Jones asked about safeguards to ensure contributions were not lost if the land was to be sold on for development by a third party. The Solicitor advised that while these issues were often addressed in practice when completing the sale of land, all the Committee needed to be satisfied of is that prior to commencement Conditions are sufficient to ensure the schemes to address infrastructure impacts would be agreed before commencement of development. The Planning Strategy Manager gave a reminder that the development partner was working with and for the Council on this proposed development which formed part of the Council's Strategic Housing & Regeneration Programme. The Development Manager gave assurance that the Council was able to negotiate terms and conditions if the land was sold.

In response to the other comments, the officer said that the 11m for garden depth was a guidance figure and where this could not be achieved, a certain area requirement was needed, ie 50 sq metres on this application. He also explained that the removal of rights ensured that any changes by subsequent occupiers of dwellings would not adversely impact on amenity space. The concerns about surface water were addressed through the responses from Natural Resources Wales and Welsh Water, and traffic movement would be lessened due to there now being only one local school. It was suggested that concerns about traffic at the junction be referred to Streetscene as this could not be resolved through the application.

On being put to the vote, the proposal to grant the application was carried.

RESOLVED:

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

98. FULL APPLICATION - ERECTION OF 17 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND ACCESS AT NORTHOP BROOK, THE GREEN, NORTHOP (055555)

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

The officer explained that the application was to develop part of the site, with the remainder kept for wildlife mitigation. Although other sites in the locality had

been put forward as part of preparations for the Unitary Development Plan (UDP), this site had not been included as the Inspector had not considered it necessary for any further allocations. The application had been submitted on the basis of being outside the UDP period and the lack of a five year land supply. Although the location was outside the settlement boundary and in open countryside, there was a requirement to consider the application due to the housing land supply. Whilst Northop was recognised to be an area of growth, there were concerns about the location of the site and proximity to the settlement boundary. In addition, the findings of an independent assessment on behalf of the Council indicated a significant landscape and visual impact from the development, contrary to the findings of the assessment submitted with the application. Further concerns were in relation to the location of the site to nearby historic buildings and conservation area, and the loss of Grade 2 land.

Mr. A. Sheldon, Agent for the applicant, spoke in support of the application on the basis of: plans showing a lack of available appropriate land in the area to meet the recognised housing need; the space between the site and nearest buildings; and the sustainable location within walking distance of local facilities. He also pointed out that the application made provision for the transfer of a nearby area of designated ancient woodland to a suitable environment organisation with money gifted to ensure the future management. He referred to the different conclusions of the visual assessments and said that a balanced approach was needed as there would be no significant impact and that the loss of Grade 2 land, if this was the case, was minimal.

In agreement with the reasons set out in the report, Councillor Derek Butler proposed that the application be refused. He agreed that the location was not suitable, that it was in open countryside, that the land was Grade 2 and that there was overprovision within the UDP in Northop. On paragraph 7.22 of the report, he welcomed the Inspector's conclusion that TAN1 did not provide an opportunity to develop in unsuitable locations.

In seconding the proposal, Councillor Marion Bateman referred to the location of the site away from the village and in open countryside. She also pointed out that interest in the development was not an indication of housing need as demonstrated by the number of local properties currently advertised for sale.

Councillor Gareth Roberts complimented the officer on the report and spoke in support of the recommendation to refuse the application. He said that the site was located away from the main part of the village and stressed the importance of securing 'natural' developments and heeding the decisions of the Inspector. On the provision to protect the remaining site, he felt that allowing the application would set a dangerous precedent if a future application was made.

Councillor Mike Peers also spoke in support of refusal, stating that TAN1 did not justify applications for development at inappropriate locations and that the completion of the Local Development Plan (LDP) process would enable some control. Following a query on paragraph 1.01 of the report, the officer clarified that consideration of the site specific issues outweighed the lack of a five year land supply.

The Planning Strategy Manager referred to Mr. Sheldon's comments on housing need in Northop and pointed out that this had not been determined at this stage. He said that TAN1 alone did not justify submission of an application on an inappropriate site as demonstrated in the report.

On being put to the vote, the proposal to refuse the application was carried.

RESOLVED:

That Planning Permission be refused for the reasons outlined in the report of the Chief Officer (Planning and Environment).

99. FULL APPLICATION - ERECTION OF 2 NO. CLASS A3 UNITS WITH ASSOCIATED PUBLIC REALM IMPROVEMENTS AND CAR PARKING RE-CONFIGURATION AT BROUGHTON SHOPPING PARK, BROUGHTON (055736)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual considerations 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, relating to concerns raised by Airbus.

The officer outlined the reasons for recommending approval on the basis that the application met policy requirements and would enhance the current offer at Broughton Park. The findings of the independent Transport Statement supported the determination that the loss of parking spaces was not significant and the condition for a parking occupation survey would monitor usage over 12 months. Concerns by Welsh Water would be addressed through a condition to delay occupation until October 2017.

Councillor Derek Butler disagreed with the officer recommendation and proposed that the application be refused. He acknowledged that the space was under-utilised but felt strongly that more parking spaces were needed due to the parking problems already in evidence, impacting on traffic in the surrounding area. He questioned the rationale for a play area on the site and felt that no further development should be permitted until car parking capacity increased, including provision for staff working on the park.

In seconding the proposal for refusal, Councillor Mike Peers spoke against the loss of car parking spaces, particularly disabled bays located near facilities. Whilst not objecting to the application itself, he felt that the location was wrong and that the delayed occupation could enable more suitable alternatives to be explored. He spoke about the gradual loss of parking spaces and raised concerns about the continued gridlocked traffic at the site at weekends.

Councillor Billy Mullin also spoke against the application and agreed with the need to reconsider location. He expressed concern that any further reduction in parking spaces would contribute to the ongoing significant parking issues and that

disabled bays should not be removed. He also felt there was a need for more regular discussions with the owners of the retail park.

Councillor Christine Jones agreed with the points raised by Members on the lack of current parking provision. She also questioned the need for a play area on the site and felt that more Parent and Child parking spaces were needed.

The highways officer confirmed that the application was supported on the basis of the conditions detailed and noted that disabled bays were replicated elsewhere on the site.

Whilst understanding the views raised, the Planning Strategy Manager and Development Manager provided advice to the Committee in respect of considering the long-term plans for the site and the condition for a parking occupation strategy which would not apply in the event of any appeal decision by the Inspector.

In summing up, Councillor Butler expressed his disappointment with the application as the Council worked closely with the owner of the park. He highlighted the importance of disabled bays being appropriately located and stated that the proposed uses would increase the number of visitors to the park, thus impacting on the traffic issues in Broughton. He said there was a need to ascertain the long-term plans of the park owner before considering the application.

The Planning Strategy Manager suggested that the Committee may wish to consider deferring the item to allow officers to contact the owner to share the concerns and establish future plans for the park. This was accepted by Councillors Butler and Peers.

Councillor Peers reiterated his view that this was the wrong location for the application and that whilst the Committee did not object to the proposals, they should not be at the expense of parking spaces.

On being put to the vote, the proposal to defer the item was carried.

RESOLVED:

That the application be deferred to enable discussion with the landowner regarding a comprehensive long-term approach to parking at the site.

100. OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED DWELLING AT MAY VILLA, CEFN BYCHAN WOODS, PANTYMWYN (055750)

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. The usual considerations had been undertaken and the responses received detailed in the report.

The officer explained the proposal for a passing place in the south eastern corner of the site, as indicated in the late observations. He summarised the reasons for recommending refusal of the application on the basis that the planning principle

of the development did not meet policy requirements and did not enhance the Area of Outstanding Natural Beauty (AONB).

Mr. H. Evans, representing the applicant, spoke in support of the application. He pointed out that although in open countryside, the lawful use of the site was residential so there would be no change of use in the land. He also felt that the site could not be regarded as open and therefore did not adversely impact on the AONB, and that the proposed development fitted within the historical settlement pattern. He highlighted the passing area as a benefit to residents, the contribution to housing need in a rural area and compliance with Planning Policy Wales paragraph 932.

Councillor Ian Dunbar agreed with the officer recommendation and moved refusal in accordance with that recommendation. He referred to the harm caused to the open countryside, the lack of proven local need and the site not being considered an infill plot. He agreed with the officer's view that this was an unjustified non-essential development in the open countryside.

In seconding the proposal for refusal, Councillor Richard Lloyd agreed with the findings set out in the officer's report and referred to the potential conversation of a nearby garage.

Councillor Mike Peers also spoke against the application due to its location and asked for clarification on any permitted development rights. He referred to comments on setting a precedent for similar detached plots and suggested that this may already be the case, as indicated by nearby developments. This view was echoed by Councillor Nancy Matthews.

Councillor Gareth Roberts said that previous applications under permitted development had been allowed for buildings such as sheds, and raised concerns about the potential for setting a precedent in the case of dwellings. He felt that housing need was a material consideration but did not outweigh the other considerations.

In response, the officer advised that permitted development rights should not apply in this case as the dwelling would create harm on the area. On the potential for a garage conversion, he gave a reminder that each application was considered on its own merits. On Mr. Evans' comments, he pointed out that the site was visible from the main entrance to the development.

In responding to the points raised by Mr. Evans, the Planning Strategy Manager said that a different context applied on the historic pattern of development and that the infill policy was compliant as noted by the Inspector. He reiterated the point that the lack of housing supply did not justify a development in the wrong location.

On being put to the vote, the proposal to refuse the application was carried.

RESOLVED:

That Planning Permission be refused for the reasons outlined in the report of the Chief Officer (Planning and Environment).

101. FULL APPLICATION - ERECTION OF TWO-STOREY EXTENSION TO SIDE OF DWELLING AT 18 PARKFIELD ROAD, BROUGHTON (055618)

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. The usual considerations had been undertaken and the responses received detailed in the report.

In speaking against the application, Mr. N. Hammond explained his reasons, as detailed in the report, for seeking refusal to the development. These included conflict with a number of policies, overdevelopment of the site, loss of view and natural light at his property along with the visual impact of the development which was out of character with the neighbourhood.

Councillor Derek Butler proposed that the application be granted, in line with the officer recommendation. He felt the proposed development broadly complied with policies and was in keeping with nearby properties. He said that the applicant had worked closely with officers to make necessary adjustments and that the loss of light to the neighbouring property was a minor consideration amongst the findings.

The proposal to grant the application was seconded by Councillor Billy Mullin who agreed that the development was in line with others permitted in the area and that the loss of light was not a major consideration.

Councillor Gareth Roberts also spoke in support of the officer recommendation to refuse the application based on the findings of the report.

Councillor Richard Jones referred to the garage at the rear of the property and raised queries on permitted development rights and rights to maintain the property along the boundary with the neighbouring property.

The officer explained that the garage had been reduced in size following a previous application and that the side extension would not impose on private amenity space to the rear of the property to which access was available. Rights of maintenance were as set out in the Deeds and were a civil issue. In respect of parking, the Highways section was satisfied with the revised provision and the design was in keeping with other dwellings in the area. Consideration on the loss of light had concluded there was no material impact on the adjoining property.

In summing up, Councillor Butler acknowledged that the applicant had worked closely with officers to identify solutions. He felt that the loss of light was a tenuous issue but was satisfied that the application complied with policies.

On being put to the vote, the proposal to grant the application was carried.

RESOLVED:

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

102. GENERAL MATTERS - CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION (RETROSPECTIVE) AT 24 THE BRACKENS, BUCKLEY (055579)

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of the application which had been refused at the previous meeting. The proposed reasons were summarised as being out of keeping; would create traffic problems; would create access issues for the existing nearby supported living accommodation; and the impact on residential amenity.

Councillor Neville Phillips proposed acceptance of the suggested reasons to refuse the application and this was seconded by Councillor Mike Peers.

Councillor Gareth Roberts explained his intention to abstain from the vote as he had reluctantly voted for approval of the application in the absence of any reasonable planning grounds.

On being put to the vote, the proposal to accept the suggested reasons for refusal of the application was carried.

RESOLVED:

That the suggested reasons for refusal, as set out in paragraph 6.02 of the report, form the basis of the decision of the Council to application ref 055579.

103. APPEAL BY THORNCLIFFE BUILDING SUPPLIES LIMITED AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE VARIATION OF CONDITION NO. 10 (EXTENSION TO WORKING HOURS) AND CONDITION NO. 26 (INCREASE HEIGHT OF STOCKPILES) ATTACHED TO PLANNING PERMISSION 052359 AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE (054536)

RESOLVED:

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

104. APPEAL BY MR. D. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE USE OF MOBILE BUILDINGS AS TAXI BUSINESS AT HARLEYS GARAGE, CHESTER STREET, MOLD (055104)

RESOLVED:

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

105. **APPEAL BY MR. D. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL AND SITING OF PARK HOME AT BRYN HEDYDD FARM, LLYN HELYG, LLOC (054686)**

RESOLVED:

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

106. **ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were eight members of the public and no members of the press in attendance.

The meeting started at 1pm and ended at 3pm

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Chairman

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **FULL APPLICATION – AMENDED DETAILS OF DWELLING ON PLOT 3 AT BRYN LLWYD YARD, NORTH STREET, CAERWYS**

APPLICATION NUMBER: **055725**

APPLICANT: **BROOMCO (3857) LTD**

SITE: **LAND AT BRYN LLWYD YARD, NORTH STREET, CAERWYS**

APPLICATION VALID DATE: **25TH JULY 2016**

LOCAL MEMBERS: **COUNCILLOR J.E. FALSHAW**

TOWN/COMMUNITY COUNCIL: **CAERWYS TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST IN ORDER TO ASSESS IMPACT OF DEVELOPMENT ON PRIVACY/AMENITY OF OCCUPIERS OF ADJACENT PROPERTY**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes amendments to the position and detailing of the dwelling proposed on plot 3 of the development at Bryn Llwyd Yard, Caerwys, that was previously permitted under planning permission 052760 on 5th June 2015.
- 1.02 Amended plans have been received during progression of the application on which further consultation and publicity has been undertaken.

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

- 2.01
1. Details of high level windows within first floor rear elevation set at a minimum height of 1.8 m from internal floor level, to be submitted/approved and retained in perpetuity.
 2. Development remains subject to the conditions previously imposed on 052760.

3.00 CONSULTATIONS

3.01 Local Member
Councillor J.E. Falshaw
Initial Submission

Request planning committee determination in order to assess the impact of development on the privacy/amenity of occupiers of adjacent property.

Amended Scheme

No response received at time of preparing report.

Caerwys Town Council

Initial Submission

Feel unable to respond due to the lack of any supporting information and reasons being provided by the applicant for the reduced separation distance between the rear elevation of the dwelling on Plot 3, to its rear boundary.

Amended Scheme

No information has been provided by the applicant as to the reason for amendment to the revised details relating to the proposed dwelling that will occupy Plot 3. The latest revision still fails to address the reduction of distance between the rear elevations of the Plot 3 dwelling to the boundary with the neighbouring property known as Ar Tro.

In addition the site layout plan indicates that the west facing ground floor window at the southern end of Plot 2 would look directly onto the gable end of Plot 3, a distance of under 2 m which would be unsatisfactory for the prospective purchaser of Plot 2.

The introduction of a further dwelling into the development has created problems now requiring to be satisfactorily resolved and the Town Council objects to the latest application on the failure to comply with Policies D1 – Design Quality Location & Layout and D2 – Design of the Flintshire Unitary Development Plan.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

Initial Submission

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

- There is a legal dispute over the precise boundary between the site and adjacent property Ar Tro.
- A reduction in the distance to site boundary from the rear elevation of plot 3 is unacceptable in line with Supplementary Planning Guidance 2 – Space About Dwellings.
- Introduction of obscure fixed glazing to prevent overlooking cannot be secured in perpetuity.

Amended Scheme

One letter of objection received, the main points of which are summarised as follows:-

- Revised plans fail to take account of a boundary dispute.
- The revised windows following a deviation from the originally approved plans by 2.5 m, are in breach of the Council's standards for Space Around Dwellings.

5.00 SITE HISTORY

5.01 044693

Restoration and conversion of existing building to 2 No. dwellings and new development of 4 No. dwellings – Withdrawn 17th March 2010.

047518

Restoration and conversion of vacant buildings to form 2 No. dwellings and erection of 2 No. new dwellings – Permitted 23rd August 2012.

052760

Conversion of existing outbuilding to form 2 No. dwellings and erection of 3 No. dwellings to the rear (amendment to previously approved application 047518) – Permitted 5th June 2015.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D4 – Landscaping.

Policy HE1 – Development Affecting Conservation Areas.

Policy AC13 – Access & Traffic Impact.

Policy AC18 – Parking Provision & New Development.

Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.

Policy HSG8 – Density of Development.
Policy EWP12 – Pollution.

Additional Guidance

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

7.00 PLANNING APPRAISAL

7.01 Introduction

This full application proposes amendments to the detailing of the dwelling proposed on Plot 3 of the residential development at Bryn Llwyd Yard, Caerwys, that was previously permitted under planning permission reference no. 052760 on 5th June 2015.

7.02 Site/Surroundings

The site the subject of this application is located within both the settlement and conservation area boundaries of Caerwys as defined in the Flintshire Unitary Development Plan. It occupies an important focal point between two existing dwellings Erw Deg and Ar Tro within the village, near to the crossroads at the junction of North Street, Holywell Road and Porthmwyn.

7.03 Background History

Planning permission was obtained under planning permission 052760 on 5th June 2015 for the conversion of the vacant building on site to form 2 No. dwellings and the erection of 3 No. dwellings to the rear. Development has commenced however, and the footprint of the dwelling on Plot 3 is approximately 2.2m closer to the site boundary with Ar Tro than originally approved. The developer has been requested to cease work on this plot, and this application has been submitted to seek to regularise the situation.

7.04 Proposed Development

The plans initially submitted as part of this current application proposed:-

- The retention of the footprint of the dwelling on plot 3 in its current position as built on site; and
- The associated introduction of obscure fixed glazing into the first floor windows within the rear elevation of the proposed dwelling and velux windows in the roofspace, to prevent overlooking of the garden area associated with the adjacent property Ar Tro.

7.05 Amended plans have however been received which whilst prosing the retention of the footprint of plot 3 in its current position as built on site, now proposes the introduction of fixed high level windows in the rear elevation at first floor level. The plans illustrate the lower sill height of the windows set at 1.7 m from the internal floor level of the rear

bedrooms.

7.06 Main Planning Consideration

It is considered that the main planning issue in relation to this application is whether as a result of the amended position of the dwelling relative to the site boundary and associated treatment of windows within the rear elevation, there is a detrimental impact on the rear garden area of the adjacent property Ar Tro. It is important to note that this matter relates to overlooking to the garden area only, and not overlooking into the dwelling or the private garden area directly to the rear of the dwelling. Whilst concerns relating to the precise line of the boundary between the site and Ar Tro are duly noted, this is a private legal matter between the respective parties.

7.07 Impact on Privacy/Amenity

In granting planning permission under 052760, the distance between the rear elevation of Plot 3 of the development and the boundary with adjacent property Ar Tro was 10m, this was in order to secure adequate privacy for the users of the rear garden area of Ar Tro, which runs at 90° to the rear elevation of plot 3.

7.08 In setting out the development however, the distance from the proposed position of the closest first floor bedroom window in the rear elevation, to the site boundary would be reduced from 10m as originally approved, to 7.8m.

7.09 In seeking clarification on why the footprint of this dwelling has been set in this position, the applicant's agent has advised as follows:-

"The currently approved layout was based on an old topographical survey undertaken in connection with the approvals upon this site obtained by the previous owner. Our client purchased the site and made the subsequent application, in good faith but when work commenced upon site and the plots were set out, it became clear that the boundary with Ar Tro was not in the position anticipated".

7.10 Whilst fixed/obscure glazed units, were initially proposed as part of this current application to prevent overlooking of the property Ar Tro, amended plans have been received which now propose the introduction of clear glazed high level windows at first floor level within the rear elevation

7.11 Although the proposed use of obscure glazing would overcome the issue of overlooking from plot 3 into the rear garden of Ar Tro, which is a fundamental consideration in determination of this application, officers are also concerned about the living conditions of the future occupiers of plot 3 using a room with fully obscured windows.

7.12 It is considered that a better solution would be to require high level fixed windows, set at a minimum height of 1.8 m from the internal floor

level of the rear bedrooms. The windows could contain clear glazing which would provide for improved habitation of the bedrooms in question, whilst still avoiding any overlooking of the garden area of the adjacent property Ar Tro. If Members are mindful to support this alternative treatment, this can be covered by way of the imposition of planning condition which would require the high level windows to be retained in perpetuity.

- 7.13 In addition to the above, the concerns in relation to the separation distances relative to Plot 2 are duly noted, but as this window is intended to serve a non-habitable room, there is no conflict in terms of overlooking in this respect.

8.00 CONCLUSION

- 8.01 The application has been submitted to seek to regularise the development and address the concerns raised with regard to overlooking. It is my view that the introduction of high level fixed units in the first floor rear elevation would provide for a better solution than that submitted, and subject to this being controlled through the imposition of a planning condition can be supported.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

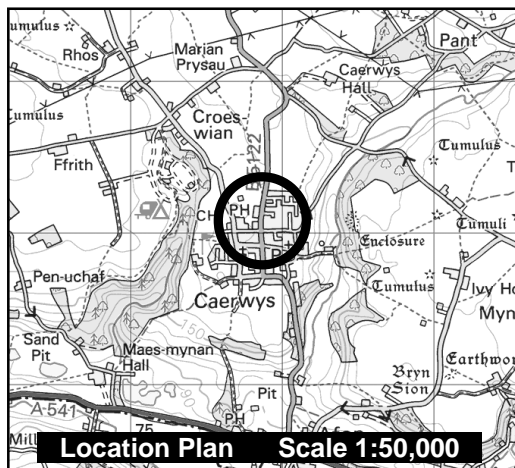
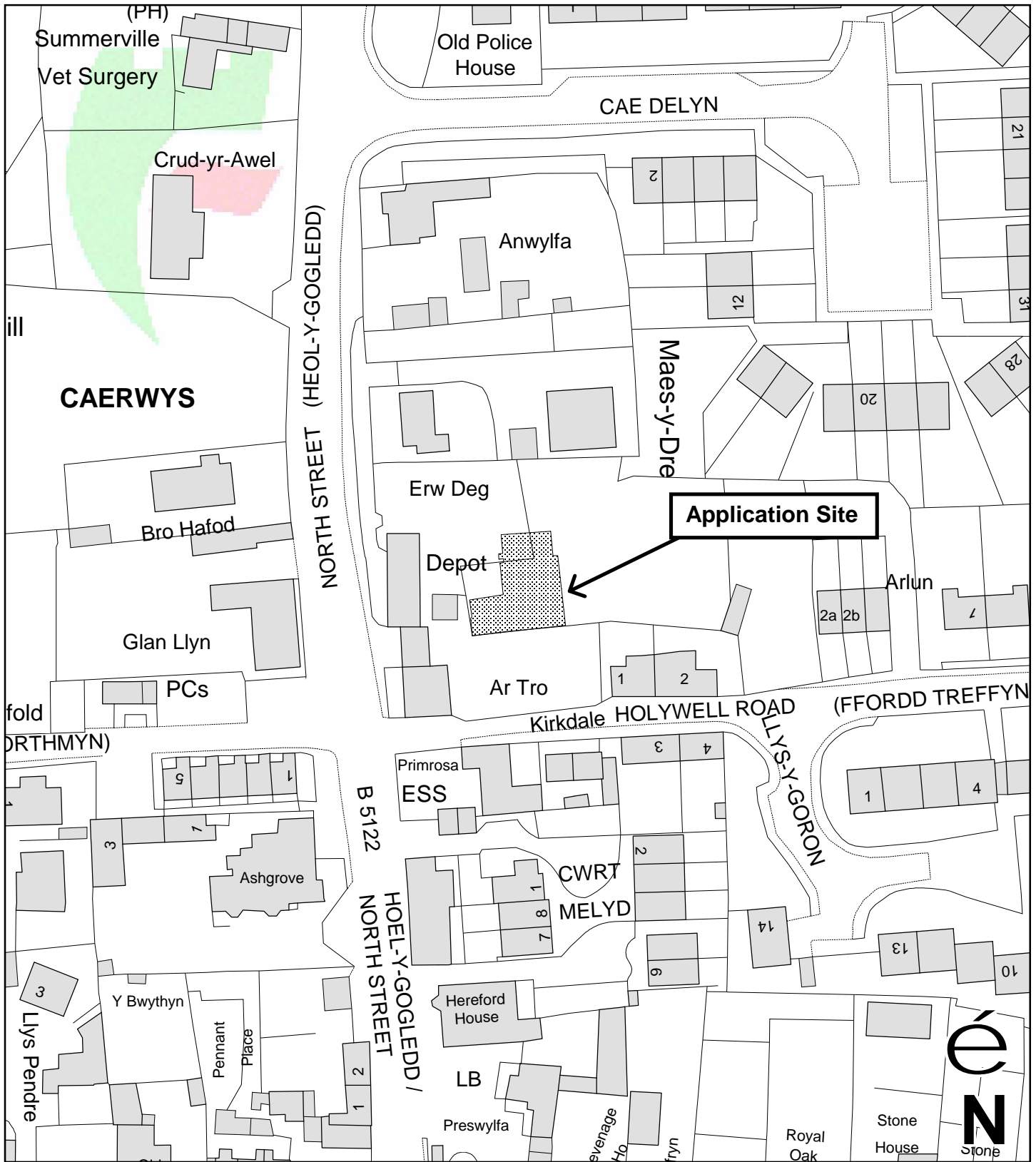
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Mark Harris

Telephone:
Email:

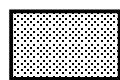

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Planning & Environment,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

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

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Planning Application **55725**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 4 NO. 1 BEDROOM FLATS, 9 NO. 2 BEDROOM HOUSES AND 6 NO. 3 BEDROOM HOUSES AT YSTAD GOFFA COURT, ALBERT AVENUE, FLINT.**

APPLICATION NUMBER: **055529**

APPLICANT: **WALES & WEST HOUSING**

SITE: **YSTAD GOFFA COURT, ALBERT AVENUE, FLINT.**

APPLICATION VALID DATE: **7TH JUNE 2016**

LOCAL MEMBERS: **COUNCILLOR MS R. JOHNSON**

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

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application which has been submitted by Wales & West Housing Association, proposes the erection of 4 No. flats and 15 houses on land at Ystad Goffa Court, Albert Avenue, Flint.
- 1.02 The site is currently vacant, having previously accommodated a block of flats, which have now been demolished.

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

- 2.01 That subject to the applicant entering into a Section 106 Obligation, Unilateral Undertaking or advance payment of £733 per dwelling unit in lieu of on site recreational provision that planning permission be granted
- 2.02 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the committee resolution, the Chief Officer (Planning and Environment) be given delegated authority to REFUSE the application

Conditions

1. Time Limit on Commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. The siting, layout and design of means of site access to be submitted and approved.
5. No development on the forming and construction of site access to be undertaken until design has been approved.
6. Access to be kerbed and completed to carriageway base course layer prior to commencement of other building operations.
7. Existing site access from Maes Alaw to be closed when the new access is brought into use.
8. Access to have a visibility splay of 2.4 m x 43 m in both directions.
9. Visibility splays to be kept free from obstructions for duration of site works.
10. Facilities to be provided for the parking of vehicles prior to the occupation of any dwelling and retained thereafter.
11. No development to commence until layout, design, means of traffic calming, surface water drainage, street lighting and construction of internal estate roads has been submitted and approved.
12. Gradient of access from the edge of carriageway shall be 1 in 24 for a minimum distance of 10 m and a maximum of 1 in 15 thereafter.
13. Positive means to prevent the accumulation of surface water on the highway to be submitted and approved.
14. No development to commence until Construction Traffic Management Plan has been submitted and approved.
15. Drainage scheme for the site for the disposal of foul, surface and land drainage to be submitted and approved. Development to be carried out in accordance with approved details.
16. Hard/soft landscaping scheme to be submitted and approved.
17. Implementation of landscaping scheme.
18. Details of means of enclosure/treatment adjacent to footpath on north eastern boundary to be submitted and approved. Development to be undertaken in accordance with approved

- details and retained thereafter.
19. No hedges or landscaping to be planted or any boundary treatment erected other than in accordance with the details approved under Condition 5 of this permission.
 20. Removal of permitted development rights.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms R. Johnson

No response at time of preparing report.

Flint Town Council

No response received at time of preparing report.

Public Open Spaces Manager

Request the payment of a commuted sum of £733 per dwelling unit, the monies being used towards the enhancement of the sports pitch at Albert Avenue, Flint.

Head of Pollution Control

No adverse comments.

Welsh Water/Dwr Cymru

Request that any permission includes a condition requiring the submission of a scheme for the disposal of foul, surface and land drainage.

Housing Strategy Officer

There is an identified need for social rented housing in the Flint area particularly for one and two bedroom flats. The application is therefore supported.

Airbus

No aerodrome safeguarding objection.

North Wales Police Community Safety

Consider that the revised treatment proposed for the means of enclosure relative to the footpath adjacent to the site's north-east boundary is acceptable, subject to the imposition of a condition to secure its retention as approved in perpetuity.

Highway Development Control Manager

No objection subject to the imposition of conditions to ensure that adequate surveillance of the existing footpath adjacent to the site can be secured, together with the provision of an adequate access, visibility and Construction Management Plan.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice, Neighbour Notification
One letter of objection received which expresses concern about the acceptability of the retention of the footpath in its current position, as it will exacerbate fly tipping and issues of anti-social behaviour.

5.00 SITE HISTORY

- 5.01 None relevant

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development.
Policy STR4 – Housing.
Policy GEN1 – General Requirements for Development.
Policy GEN2 – Development Inside Settlement Boundaries.
Policy D1 – Design Quality, Location & Layout.
Policy D2 – Design.
Policy D3 – Landscaping.
Policy D5 – Crime Prevention.
Policy TWH1 – Development Affecting Trees & Woodlands.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.
Policy HSG3 – Housing on Unallocated Sites within Settlement Boundaries.
Policy HSG8 – Density of Development.
Policy HSG9 – Housing Mix & Type.
Policy HSG10 – Affordable Housing with Settlement Boundaries.

Additional Guidance

- Local Planning Guidance Note 2 - Space Around Dwellings.
Local Planning Guidance Note 13 – Open Space Requirements.

7.00 PLANNING APPRAISAL

- 7.01 Introduction
The site the subject of this application amounts to approximately 0.39 hectares in area. It is currently vacant having previously accommodated a block of flats which have now been demolished. The site is bounded by existing residential development at Prince of Wales Avenue to the north, Cae Petit to the south, Maes Alaw to the west and Albert Avenue to the east. A pedestrian link from Maes Alaw to Albert Avenue runs adjacent to the sites north – east boundary.
- 7.02 Planning Policy
The site is located within the settlement boundary of Flint, which is a Category A settlement as defined in the Flintshire Unitary Development Plan. The principle of residential development is therefore supported subject to the safeguarding of relevant amenity

considerations

7.03 Proposed Development

The plans submitted as part of this application propose the erection of a cul-de-sac form of development with a single vehicular access point from Albert Avenue. The proposed dwellings which are proposed as social rental units, are all two storey and comprise:-

- 4 No 1 bed flats
- 9 No 2 bed houses
- 6 No 3 bed houses

The dwellings are a mix of semi-detached/ terrace units focussed onto the internal road layout with some frontage development onto Albert Avenue. It is proposed that the dwellings be constructed having facing brick/render external walls and concrete tile roofs.

7.05 Main Planning Considerations

It is considered that the main planning considerations to be taken into account in relation to this application are as follows:-

- a) Principle of development having regard to the planning policy framework
- b) Proposed scale of development and impact on the character of the site and surroundings
- c) Adequacy of access and parking
- d) Impact on privacy / amenity of occupiers of existing and proposed dwellings
- e) Impact on existing footpath which runs adjacent to the sites north –eastern boundary

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

7.07 Principle of Development/Planning Policy

The site is located within the settlement boundary of Flint, a Category A Settlement as defined in the Flintshire Unitary Development Plan, where residential development to meet general or affordable housing needs is considered acceptable subject to the safeguarding of relevant amenity considerations. In this instance the application has been submitted by Wales and West Housing Association for residential accommodation on a vacant site to provide much needed housing stock for social rented units, which is supported by the Council's Housing Strategy Officer.

7.08 Scale of Development/Impact on Character of Site/Surroundings

The character/pattern of existing development at this location is predominantly of 2 storey, detached, semi-detached and terraced units built in the 1950's/1960's

- 7.09 The site previously accommodated a block of flats known as Ystad Goffa which have now been demolished. In redevelopment of the site, it is considered that the scale of development proposed i.e. 19 units on a site area of approximately 0.39 hectares would not result in overdevelopment at this location. It is acknowledged that the density of development at approximately 48 units/hectare is at a higher level than the 30 dwellings which developers are encouraged to achieve on allocated housing sites in order to make the most efficient use of land, in accordance with Policy HSG8 of the Flintshire Unitary Development Plan.
- 7.10 Consideration of whether the scale and density of development is acceptable at a specific location is established taking into account the character of its surroundings, the site's configuration, the proposed access and its relationship to other properties. It is my view that the scale/ form of the two storey units reflect those in the locality and the development as proposed would be sympathetic to the character of the site and its surroundings.
- 7.11 Adequacy of Access
Consultation on the details submitted including proposals for the boundary treatment to enclose the rear gardens of a number of dwellings adjacent to the existing footpath which runs alongside the north east boundary has been undertaken with the Highway Development Control Manager.
- 7.12 No objection to the development has been received subject to the imposition of conditions in respect of access, visibility and the need for a Construction Traffic Management Plan. In addition there is no objection to the boundary treatment adjacent to the footpath, provided the open aspect can be provided and safeguarded in perpetuity.
- 7.13 Impact on Privacy/ Amenity
For Members information, the distances between existing/proposed dwellings on the periphery of the site together with those within the site and their associated orientation, would ensure adequate separation to be provided to avoid overlooking, in accordance with Local Planning Guidance Note 2 – Space About Dwellings.
- 7.14 Impact on Existing Footpath
Consultation on the application has been undertaken with North Wales Police Community Safety, to ensure the development is acceptable from a Secure By Design Perspective. The basis for consultation focusses on the means of enclosure of an existing footpath adjacent to the sites north-eastern boundary, which links Maes Alaw and Albert Avenue to the rear of a number of the proposed dwellings.
- 7.15 For Members information, the footpath is not in the ownership/control of the applicant, and as a result it has unfortunately not been possible

to relocate it through the proposed development. Amended plans have however been submitted which principally illustrate the erection of a 1.1 m – 1.2 m high wall with railings/anti climb mesh fencing above to a height of 1.8 m. This will it is considered enable surveillance of the path to be undertaken in an attempt to address issues of anti-social behaviour should they occur.

- 7.16 Consultation on the details submitted has been undertaken with North Wales Police Community Safety. It is concluded that from a Secure By Design perspective, that the treatment will be acceptable subject to the imposition of a condition to ensure that the treatment advanced is retained in perpetuity, and that no additional landscaping other than that approved is undertaken, which may impact on the ability to adequately view the path from the proposed properties.

8.00 CONCLUSION

- 8.01 In my view the proposed scale/form of development the subject of this application would be sympathetic to the character of the site and surroundings. The redevelopment of this currently vacant site will bring forward a residential scheme which will help to increase the availability of social housing within Flint, working in conjunction with Flintshire County Council in order to meet the housing needs of families in the locality. Concerns relating to the treatment in relation to the existing footpath adjacent to the site's north eastern boundary have been addressed in conjunction with North Wales Police Community Safety, who have raised no objections subject to the imposition of conditions. I therefore recommend that planning permission be granted subject to the imposition of conditions.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

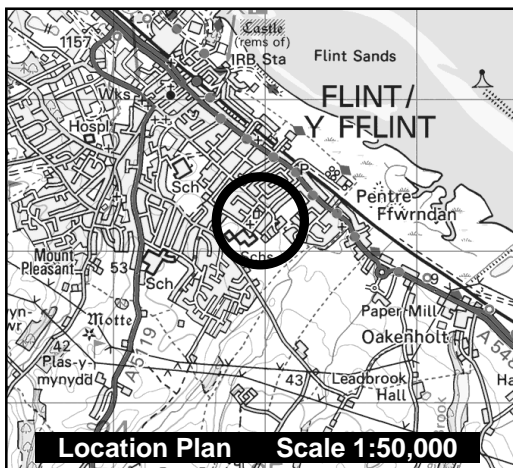
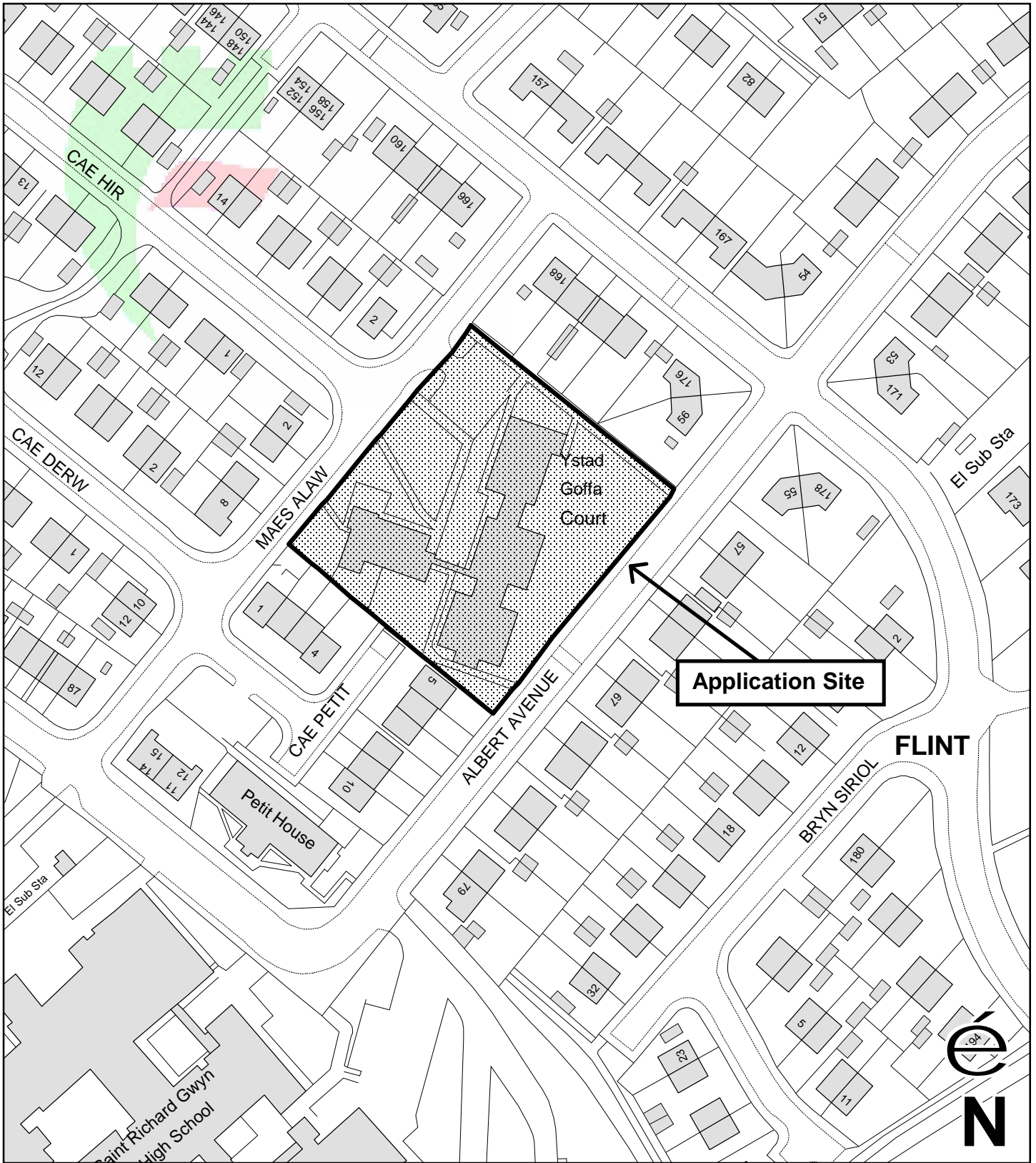
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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OS Map ref SJ 2472

Planning Application **55529**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE OF DISUSED QUARRY TO COUNTRY PARK INCORPORATING HERITAGE ATTRACTION, RECREATIONAL USES AND VISITOR CENTRE WITH ASSOCIATED PARKING AT FAGL LANE QUARRY, FAGL LANE, HOPE.**

APPLICATION NUMBER: **054863**

APPLICANT: **PARK IN THE PAST CIC**

SITE: **FAGL LANE QUARRY, FAGL LANE, HOPE**

APPLICATION VALID DATE: **20TH JANUARY 2016**

LOCAL MEMBERS: **CLLR. T. NEWHOUSE**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF THE SITE EXCEEDS THAT FOR WHICH POWERS FOR DELEGATED DETERMINATION EXIST.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application seeking permission for the change of use of the former quarry via the creation of a historically themed country park with a scaled recreation of a Roman Fort and Iron Age Village, and a visitor centre set within and straddling the boundaries of a former gravel extraction site in the Alyn Valley. This will also entail the restoration of land within the former quarry itself for purposes including ecological mitigation land, arable and pastoral use.

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

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

a) Payment of £3000 as a contribution to the costs of the formulation of a Traffic Regulation Order to restrict flows along Pigeon House Lane. Such sum payable before the first use of the development.

b) In addition, a Deed of Variance or replacement S.106 in respect of aftercare arrangements and management for the site will be required.

2.02 Conditions

1. 5 years commencement
2. In accordance with approved plans
3. Materials to be submitted and agreed
4. Access design siting and layout to be submitted and agreed. No formation until details agreed.
5. Access to be kerbed and base course before any other works.
6. Access gates to open inward and be 5m back from edge of road.
7. 1.8m footway along site frontage. Details to be submitted and agreed.
8. Construction traffic management plan to be submitted and agreed.
9. Travel plan and transport implementation strategy to be submitted and agreed
10. No special events to take place until events traffic management plan submitted and agreed.
11. Scheme of directional signage to be submitted and agreed.
12. Bridge soffit level no lower than 81.39m AOD
13. Bridge approach ramp design to be submitted and agreed to allow conveyance of flood flows up to 0.1% AEP event.
14. Bridge parapet to be of open design to allow for overtopping in event of blockage.
15. No raising of existing ground levels within floodplain.
16. Site flood evacuation plan to be submitted and agreed.
17. Great Crested Newt (GCN) avoidance and mitigation measures to include exclusion barriers to be submitted and agreed.
18. Detailed GCN compensatory proposals to be submitted and agreed.
19. Long term management and surveillance plan to be submitted and agreed.
20. Scheme for wardening of site for the operational life of the proposed scheme to be submitted and agreed.

21. Submission and agreement of any proposed external lighting.
22. Bat habitat retention and management plan to be submitted and agreed.
23. Biosecurity Risk assessment to be submitted and agreed.
24. Scheme for Ecological Compliance Audit to be submitted and agreed.
25. No motorised water craft vehicles to be used upon the lake.
26. No use of the lake (other than for peg angling) between 1st October and 30th April in the subsequent year.
27. No more than 50 water craft or swimmers upon the lake at any time.
28. Routes of Footpaths 17, 23 & 27 to be safeguarded.
29. Land contamination and mitigation scheme to be submitted and agreed. Implementation as per approved scheme.
30. Surface water management scheme to be submitted and agreed.
31. Landscaping scheme to be submitted and agreed.
32. Implementation of site landscaping with maintenance for 5 year period.
33. Hours of operation to be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member

Councillor T. Newhouse

Considers proposals are one of 3 great projects for the Hope Community, the others being the medical centre and the sports pavilion. Considers the proposals to be tremendous and invites the Members of the Planning Committee to support the proposal.

Adjoining Ward Members:

Councillor D. Williams

No objections.

Councillor R. Hughes

No response at time of writing.

Hope Community Council

Supports the application.

Adjoining Community Councils:

Penyffordd Community Council

No objections.

Leeswood Community Council

No response at time of writing.

Highways DC

No objections subject to the impositions of conditions. Advises of the need for a S.106 to address the need for a £3000 contribution towards

the costs of a Traffic Regulation Order to regulate traffic flows along Pigeon House Lane.

Advises that Footpaths 17, 23 and 27 cross the site. Any amendments to the routes of these footpaths will require the prior consent.

Pollution Control

No objections subject to the imposition of a condition requiring

Economic Development & Regeneration

Supports the proposals. Considers the cultural, heritage, recreational and educational offer will enhance the tourism appeal and reputation of the area.

Local Authority Drainage

Advises that a condition for the submission and agreement of the precise surface water management scheme should be imposed.

Dwr Cymru/Welsh Water

Raises no objection as the proposals do not seek to utilise the public sewerage system.

Natural Resources Wales

No objection subject to the imposition of conditions in respect of flood risk and ecology matters at the site.

CADW

Considers the proposals are unlikely to significantly impact upon the settings of either Scheduled Ancient Monuments or Registered Historic Parks and Gardens within the vicinity of the site.

CPAT

No objection provided the proposals safeguard the original field boundaries and land form to the eastern side of the site.

Airbus

No objection subject to the imposition of conditions in respect of bird hazard management and lighting schemes to be submitted and agreed.

4.00 PUBLICITY

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

4.02 At the time of writing this report, 28 No. representations expressing support for the proposals have been received. This includes North Wales Police Crime Architectural Liaison Service. Supporters cite the educational, health and wellbeing, environmental and economic benefits, especially to the local tourist economy as reasons to support

the scheme.

4.03 In addition, 5No. representations raising objection on the following grounds:

- Adverse impacts upon users of public footpaths;
- Increased traffic to the detriment of highway safety;
- Inadequate existing road network;
- Detrimental impacts upon ecological features upon the site;
- Adverse impacts upon the character of the landscape; and
- Site should be left undeveloped for the benefit of nature.

5.00 SITE HISTORY

5.01 No history in relation to the application proposals. All historical applications relate to the extraction of sand and gravel. The only historical applications which have a bearing upon the application are:

01/3/00384

Application to extend the life of the quarry and extend in a northerly direction

Permitted subject to a S.106 agreement 1.7.2002

034999

Continuation of quarrying operations permitted by planning consent ref 01/3/384 without compliance with condition no. 16 (relocation of crusher)

Permitted subject to a S.106 agreement 16.9.2003

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR6 - Tourism

Policy STR7 - Natural Environment

Policy STR10 - Resources

Policy STR11 - Sport, Leisure and Recreation

Policy GEN1 - General Requirements for Development

Policy GEN3 - Development in the Open Countryside

Policy D1 - Design Quality, Location & Layout

Policy D3 - Landscaping

Policy L1 - Landscape Character

Policy L5 - Environmental Improvement Schemes

Policy WB1 - Species Protection

Policy WB4 - Local Sites of Wildlife & Geological Importance

Policy WB5 - Undesignated Wildlife Habitats

Policy WB6 - Enhancement of Nature Conservation Interests

Policy HE5 - Protection of Landscapes. Parks & Gardens of Special Historic Importance.

- Policy HE6 - Scheduled Ancient Monuments
- Policy AC1 - Facilities for the Disabled
- Policy AC2 - Pedestrian Provision & Public Rights of Way
- Policy AC3 - Cycling Provision
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision and New Development
- Policy SR1 - Sports, Recreation or Cultural Facilities
- Policy SR2 - Outdoor Activities
- Policy T1 - Tourist Attractions
- Policy MIN4 - Restoration and Aftercare
- Policy EWP14 - Derelict and Contaminated Land
- Policy EWP15 - Development of Unstable Land
- Policy EWP16 - Water Resources
- Policy EWp17 - Flood Risk

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The application site comprises a 45 hectare site containing the lake formed following the extraction of sands and gravels during the operational life of the quarry, which ceased in 2004, and its surrounding environs. The site is located to west of the settlement of Hope.

7.02 The site is bounded to the north by adjacent open agricultural land and the route of Footpath 23. The site bounds the Wrexham – Bidston railway line which runs on a north –south alignment to the east, with Stryt Isa beyond. Fagl Lane abuts the site to the south on an east – west alignment, from which vehicular access is both currently and is proposed to be derived. In addition, Pigeon House Lane, forms part of the south easterly boundary of the site. The course of the River Alyn to the west marks the majority of this boundary, although fields to the most south westerly areas of the site extend to the boundary of the site with the adjacent A541. Boundaries are formed either by stock proof fences, particularly to the north, or existing mature hedgerows interspersed with trees to the remaining boundaries.

7.03 The Proposals

The application proposes the change of use of the site from a quarry to a site to be used for a country park and historical attraction. The change of use is effected by the following activities and operational developments;

- The creation of wildlife conservation areas;
- The erection of a visitor centre;
- The formation of car and coach parking areas;
- The creation of a replica Iron Age meeting hall (to be used for performance, group activities and display purposes);
- The creation of a replica Iron Age farmstead and village;
- The creation of a replica Roman Fort;

- The erection of a storage building to house agricultural machinery;
- The erection of a replacement bridge across the River Alyn
- Use of the lake for limited recreational purposes; and
- The creation of routes ways within the site and enhancement of existing defined and permissive footpaths.

7.04 The Main Issues

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

- The principle of the proposed development;
- Flood risk;
- Ecological Issues;
- Historic Landscape Impact
- Highway and Access Considerations
- Mineral Aftercare and Safeguarding

7.05 The Principle of Development

The site is located outside the settlement boundary for Hope in the adopted UDP. Both national and local planning policy seek to ensure that new development is strictly controlled in such areas. However, Planning Policy Wales (PPW) contains a strong presumption in favour of sustainable development and offers broad support for the concept of such a proposal in terms of environmental protection and enhancement, tourism, recreation, leisure and education.

7.06 I consider that the UDP reflects the broad in principle support contained within PPW and provides a strategic context for the creation of country park and its accompanying elements.

7.07 Policy STR1 in criteria a) seeks to direct new development to settlement boundaries and other locations but specifies 'and will only be permitted outside these areas where it is essential to have an open countryside location'.

7.08 Policy STR6 supports development which enhances tourism in the County where it a) meets the needs of both visitors and residents b) it is of a scale and type appropriate to the locality; and c) wherever possible, it either assists in the regeneration of brownfield land or buildings, or contribute to rural diversification.

7.09 Policy STR7 seeks to safeguard the natural environment of Flintshire by: b) protecting and enhancing the character, appearance and features of the open countryside and the undeveloped coast; c) protecting and enhancing areas, features and corridors of nature conservation, biodiversity and landscape quality both in urban and rural areas, including urban green space; f) the protection and enhancement of the water environment.

- 7.10 Policy STR10 Resources requires development to make the best use of resources through a) the utilisation of suitable brownfield land and buildings wherever practicable in preference to green field land or land with ecological, environmental or recreation value.
- 7.11 Policy STR11 sets out a number of ways in which the sport, leisure and recreation needs of the County can be met.
- 7.12 In addition, policy GEN3 allows for development related to agriculture, minerals extraction, rural diversification, tourism, leisure and recreation, and existing educational and institutional establishments, provided there is no unacceptable impact on the social, natural and built environment.
- 7.13 The development of new tourism attractions is addressed primarily via policy T1. This policy sets out that proposals outside of defined settlement limits will be considered where the proposal is dependent upon a geographically restricted natural or historic resource and, in the case of new buildings associated with such uses, no other suitable buildings exist. The proposal is located thus on the basis of the physical location of the lake, as the basis for the water based activities, and on the basis of current archaeological evidence which points to the vicinity being the location of a Roman encampment.
- 7.14 Accordingly I consider that, as a matter of principle, the proposals would be acceptable.
- 7.15 Flood Risk
The site is located within the river valley of the Alyn River and as such the site falls within both Zone A and Zone C2 areas as defined within TAN15. Most of the built elements within the proposals (Visitor Centre, car and coach parking, storage building, Roman fort, Iron Age farmstead and Iron Age meeting hall are to be located within Zone A and are therefore not considered to be at risk from flooding.
- 7.16 The proposed river bridge and the area of the site identified as an area for temporary event car parking are located within C2 flood risk areas. However, consultation with NRW has established that subject to the imposition of conditions in relation to the design, approach to and soffit level of the proposed bridge will ensure that the bridge would not give rise to unacceptable levels of risk associated with blockage and consequent flooding.
- 7.17 The temporary event car parking area is partially at risk from flooding. Whilst the use of the site for this purpose would be an intensification, having regard to its current undeveloped state, I am of the view that this use would be less vulnerable due to the temporary and infrequent nature of the proposed use. I am satisfied that the imposition of a condition requiring the applicant to produce a flood evacuation plan,

with the prominent display of such details within the areas of known flood risk, together with the applicant signing up to receive flood warnings from NRW will adequately address any risk arising.

7.18 Ecological Issues

The site comprises 35 hectares of mixed habitat, including a 15 hectare lake which is a locally designated wildlife site but does not form part of a statutory European designated wildlife site. However, the impact of the development on any European Protected Species which may be present is required to be undertaken. The site provides habitat to Wetland birds (including birds upon Annex 1 of the Conservation of Wild Birds Directive 2009), Great Crested Newts, otter and bats. Both Natural Resources Wales (NRW) and the County Ecologist have considered the impact of development particularly upon the above listed species, a number of which are located in proximity to the application site.

7.19 European Protected Species (EPS) and their breeding sites and resting places are protected in the United Kingdom under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12 of the Habitats Directive 92/43/EEC. The Directive (Article 16) only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

- (i) no satisfactory alternative and
- (ii) no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.20 Regulation 9 (1) and 9 (5) of the 2010 Regulations requires public bodies in the exercise of their functions, to ensure compliance with and to have regard to the provisions of the Habitats Directive. Consequently, in determining planning applications which may affect EPS, the Local Planning Authority must take account of the provisions of the Habitats Directive.

7.21 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated:

7.22 “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) [now regulation 53 of the 2010 Regulations] licence are likely to be satisfied.”

- 7.23 Recent court decisions have made it clear that a Local Planning Authority may properly grant planning permission unless it concludes that:
- (a) the proposed development would be likely to offend Article 12 of the Habitats Directive and
 - (b) be unlikely to be licensed pursuant to the derogation powers.
- 7.24 In other words, if the Local Planning Authority concludes that a EPS licence is likely to be granted under regulation 53 of the 2010 Regulations or if it is unsure of the Welsh Government's (as the licensing body) likely response, then that should not, on its own, prevent planning permission being granted.
- 7.25 In coming to its view, the Local Planning Authority has given considerable weight to the advice received from NRW as the relevant statutory consultee.
- 7.26 The applicant has provided undertaken ecological surveys and produced a variety of mitigation proposals. In response to consultation, NRW advise they are generally satisfied with methods and detail of the ecological surveys undertaken for the project. The survey reports conclude that the proposed development is unlikely to cause detriment to the favourable conservation status of any protected species. NRW broadly agree with this conclusion, subject to the imposition of conditions as set out further in this report.
- 7.27 Great crested newts (GCN) are present within the site and surveys indicate that the species utilises the site for breeding, foraging, dispersal and sheltering purposes. Whilst it not considering that the proposals itself would be detrimental to the continued favourable conservation status of the species, the development and construction phase has the potential to adversely affect the species. I am advised however that conditions in respect of the following will ensure that such impacts are mitigated and compensated for.
- GCN avoidance and mitigation scheme to include exclusion fences;
 - Submission, agreement and implementation of detailed compensatory proposals in respect of GCN detailing tenure, use and occupancy of the dedicated area;
 - Management plan to address long term management and surveillance;
 - Details of the wardening arrangements throughout the operational life of the scheme; and

- Measures to prevent incidental capture or killing of amphibians during construction works.
- 7.28 The impact upon birds and in particular, wetland birds has been considered through the submitted reports. The proposals indicate that large areas of the site will be retained principally for nature conservation and the provision of species specific requirements. These include the maintenance of the river corridor to the benefit of Kingfisher and additional pond creation, principally for GCN, but this will have benefits for wetland birds. The scheme proposes to replace the failed Sand Martin wall and creates habitat for Little Plover.
- 7.29 The lake itself is the biggest element of the scheme in bird habitat terms, providing feeding and over wintering grounds for wetland birds, including 7 Annex 1 bird species, 22 red listed birds of conservation concern and 31 amber listed birds. Accordingly, the activities upon the lake, comprising non-motorised water craft activities, open water swimming and shore based angling utilising fishing pegs will be subject to conditional restrictions as set out below;
- No motorised water craft to be used;
 - No use of the lake for any activities between 1st October and 30th April of the subsequent year (excluding peg angling);
 - No water based activities in the northern part of the lake at any time;
 - 20 metre water recreational exclusion zone around the lake shore; and
 - Not more than 50 watercraft or other water users upon the lake at any one time.
- 7.30 Subject to these conditions it is considered that the continued favourable conservation status of any local bird population will be safeguarded.
- 7.31 The impact on bats has also been considered in detail. Again, subject to the imposition of conditions in relation to the need for any external lighting scheme to be submitted and agreed, and the submission of a bat retention and management plan, the proposal is not considered to be likely to be detrimental to the continued favourable conservation status of any bat populations.
- 7.32 Conditions are also required in relation to matters of biosecurity, concerning Invasive Non-Native Species, in this case Himalayan Balsam. A bio security risk assessment is required to control such species. In addition, a condition requiring the submission and implementation of an ecological compliance audit is required.

- 7.33 Concerns have been raised in response to consultation by third parties that the proposals do not have proper regard to the legislative requirements in respect of the protection of features of ecological interest. A request was made to Welsh Government seeking a Screening Opinion in accordance with the Environmental Impact Assessment (EIA) Regulations 2016. Welsh Government have advised that whilst the proposals would be Schedule 2 development, it does not amount to EIA development as the proposals are unlikely to give rise to significant impacts upon protected species, sites or historical assets. This reflects the view of the LPA in its screening opinion.
- 7.34 Returning therefore to the Requirements under Article 16 it is considered that the proposals are in accordance with the aims of the Well-Being of Future Generations Act 2015. In accord with Section 3(2), the proposals will assist in the management, use and enhancement of Wales' natural resources to support long term well-being.
- 7.35 The alternative to the proposals are to do nothing, which in itself is not a satisfactory alternative. The site is a natural resource which has arisen from a former quarry working. It is therefore an inherently dangerous place unless properly managed in the interests of public health and public safety. The site is presently catered for under mineral aftercare arrangements but as set out elsewhere in this report, these extend only for a further 6 year period. The proposals will secure continued management of the site in the interest of both public safety and environmental protection.
- 7.36 The consideration of all ecological issues as set out above demonstrates that NRW are satisfied that the proposals would not give rise to a detrimental impact upon the continued favourable conservation of any of the species in question.
- 7.37 Accordingly I am satisfied that the Article 16 derogation tests are satisfied and there is no ecological impediment to planning permission being granted.
- 7.38 Historic Landscape Impact
The application site is located within the vicinity of several Scheduled Ancient Monuments, namely Caergwrle Castle, Caer Estyn Hillfort and Wats Dyke. The eastern side of the site, within which the main visitor attractions are proposed to be located, would be 330m west of and downhill from a well preserved and near continuous stretch of Wats Dyke which occupies the eastern flank of the Alyn river valley.
- 7.39 The ruins of the late 13th century Caergwrle Castle is situated some 1.4km to the south of the site upon an isolated elevated promontory. Caer Estyn Hillfort is located at a similar elevation upon the adjacent heavily wooded summit some 1.5km from the site. Historically, both

would have been situated to command views of the valley to the north.

- 7.40 Whilst there is likely to be some degree of inter-visibility between Wats Dyke and the taller structures within the site, the intervening railway lines, Stryt Isa, the 6m x 500m long screening bund associated with the former quarry, several intervening field boundaries and areas of existing and proposed areas of woodland will, in combination, offer extensive screening such that views are likely to only be intermittent. The development would also be partially viewable from Caergwrle Castle and possible, during winter months, from Caer Estyn Hillfort. However, these views will be distant and limited by the screening effects of the woodlands surrounding both monuments, intervening boundaries, buildings, vegetation and the topography of the site.
- 7.41 Whilst it is appreciated that there is potential for the proposed Roman and Iron Age features to be confusing or anachronistic features within the landscape, these will be seen as complete structures, clearly not genuine features of the periods concerned and not within the context of surviving remains of either period. Accordingly it is considered that they are unlikely to be interpreted as such. The proposals to restore elements of the site to woodland and pastoral use, coupled with the retention of original field boundaries, will serve to enhance the setting of Wats Dyke.
- 7.42 The site is also located within 2km of the Historic Parks and Gardens at Bryn Iorwyn, Hartsheath and Plas Teg. The site is not located in any of the significant views from these sites and the topography, vegetation and buildings between the site and the above historic parks will provide significant screening. As such there will be no impact upon the settings of these parks.
- 7.43 Highway and Access Considerations
The application is accompanied by a Transport Statement (TS) which concludes that the proposals can be adequately served by the existing transport infrastructure. This assessment has been undertaken upon the basis of projected visitor numbers, traffic generation and modal split. The proposal projects a range of visitor numbers for different periods throughout the development period. The anticipated levels of traffic generation have been calculated using TRICs data obtained from similar historic based attractions in the UK. These figures indicate modest traffic volumes (47 trips) during even the development peak hour (early Sunday Afternoon). I am advised by the Highways DC that such generation rates are unlikely to cause significant impact to the operation of the local highway network.
- 7.44 The TS does assume that visitors will arrive at the Fagl Lane entrance to the site. However, visitors approaching from the north, via the A55/A494, and assuming use of satellite navigation systems, are likely to approach via Pigeon House lane. This lane, due to its alignment and width, is unsuitable to carry additional volumes of traffic. I am

advised by Highways DC in response to consultation that a Traffic Regulation Order restricting the flow of traffic on the road will be required. The applicant is therefore required to either enter into a S.106 agreement/unilateral undertaking or make advance payment of £3000 to cover the costs of making such an order. In addition, a condition requiring a scheme of directional signage will also be required to be imposed.

- 7.45 The site is accessible by a variety of sustainable modes of transport. It is within easy walking distance of Hope and the majority of Caergwrlle and the reasonable provision of pedestrian footways and public footpaths make the site attractive to pedestrian visitors. A significant proportion of site visitors will be resident within 5km of the site and are likely to utilise the site for recreational walking and/or dog walking. This area includes a number of local communities. The site is also accessible via bus and train although the frequency of services will affect the attractiveness of visitors utilising these modes of transport.
- 7.46 I am advised by Highways DC that there is no objection to the proposal from a highway safety perspective. However, in addition to those detailed above, any permission granted should be the subject of conditions requiring the submission and agreement of both a Traffic Management Plan and Travel Plan. In addition, the precise details of the proposed access amendments at the Fagl Lane entrance will be required to be submitted and agreed.
- 7.47 Mineral Aftercare and Safeguarding
Sand and gravel extraction has taken place at Fagl Lane quarry under a series of planning permissions from 1956 through to 2003 when planning permission was granted vary a condition to allow the enclosure of the crusher and retention in its current location. This consent was subject to a S.106 agreement which provided for an extended period of aftercare and management period from 5 years to 10 years for a proportion of the site (the south of the current application site). The period of extended aftercare and management of 10 years would extend until 25 October 2022.
- 7.48 Other land within the application site, but outside of the S.106 area is subject to a 5 year aftercare period which would conclude on 25 October 2017. Therefore, the area subject to the extended aftercare has a further 6 years and all other areas outside of the legal agreement area has another year of aftercare/management.
- 7.49 Considering the current application proposal, much of the nature conservation interests and management prescriptions would be taking place in the north of the site, with the south of the site focusing on the visitor centre, visitor activities and associated infrastructure. Whilst this would conflict with areas of the existing Aftercare and Management plan in terms of areas to the south of the site, it is noted that the current proposals show that part of the lake would include an

exclusion zone and a 20 metre shore exclusion zone. Also the north of the lake would be designated and managed as the north shore conservation zone and to the west, the Peat Field Conservation Zone.

7.50 It would broadly appear that nature conservation has been considered and whilst some areas of the existing aftercare scheme would be lost, others would be maintained. The area subject to the extended 10 year aftercare would be most affected by this proposal. However, nature conservation areas are offered in parts of the south of the site, and to the north of the site and part of the lake where there would only be 1 year left of management should planning permission not be granted. I am therefore of the view that the nature conservation areas identified within the current proposals compensate for the loss of extended aftercare that would be lost by this proposal. The existing S.106 agreement would need to be either varied or revoked and a new one entered into should it be deemed necessary. I recommend accordingly in this regard.

7.51 In terms of mineral safeguarding, much of the site has been worked. There are mineral resources located to the north of the site which, whilst included in the last planning consent, were not worked. However, should there be future interest to work the mineral, the granting of permission for the current proposals would not sterilise the resource. As such, there is no objection from a mineral safeguarding perspective.

8.00 CONCLUSION

8.01 Current national and local planning guidance encourages uses which manage and enhance Wales' natural resources alongside wider environmental, social and economic factors. I consider this proposal provides benefits and opportunities for each of these considerations and therefore amounts to a form of sustainable development. Accordingly I recommend that planning permission be granted in the terms set out in Section 2 of this report.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

8.03 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.

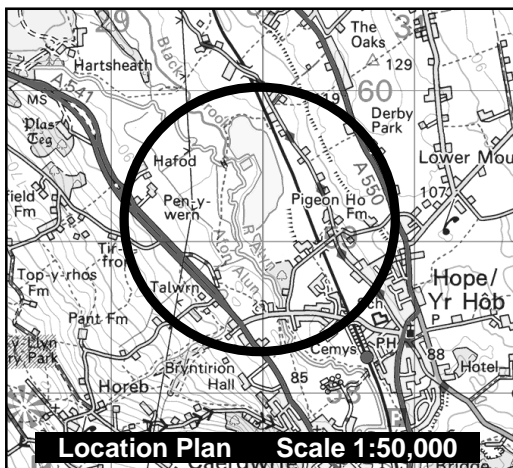
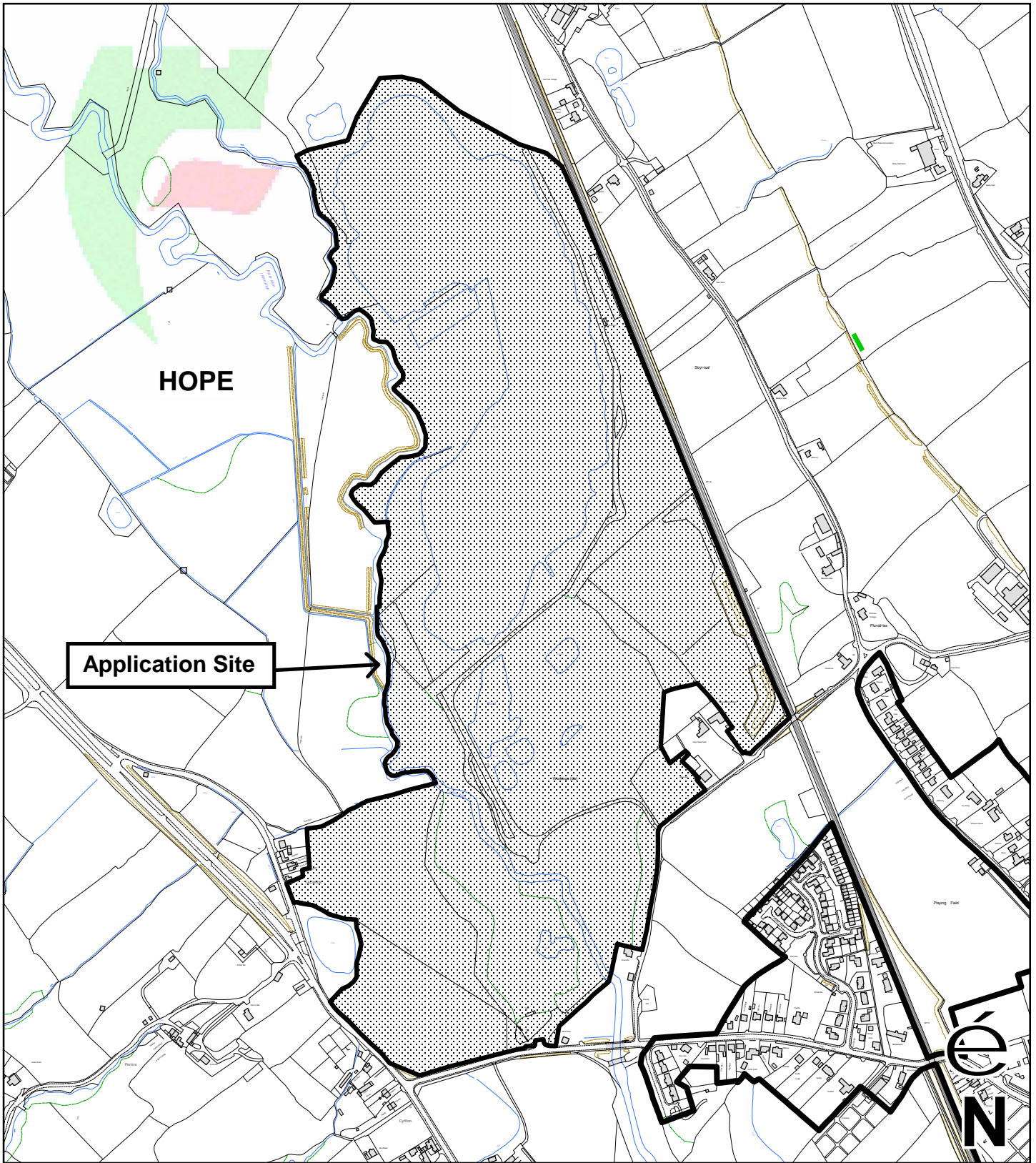
8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

- 8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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Telephone: 01352 703281
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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 1:7500

OS Map ref SJ 2959

Planning Application **54863**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **FULL APPLICATION - REMODELLING AND EXTENSION OF DWELLING, ERECTION OF A DETACHED GARAGE AND TEMPORAY SITING OF CARAVAN (AMENDMENT TO PREVIOUSLY APPROVED APPLICATION REF: 055612) AT TOP YR ALLT COTTAGE, BLACKBROOK ROAD, SYCHDYN**

APPLICATION NUMBER: **056144**

APPLICANT: **MR JOHN MCVEY**

SITE: **TOP YR ALLT COTTAGE, BLACKBROOK ROAD, SYCHDYN**

APPLICATION VALID DATE: **24TH OCTOBER 2016**

LOCAL MEMBERS: **COUNCILLOR M. BATEMAN**

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

REASON FOR COMMITTEE: **FAMILY MEMBER OF PLANNING OFFICER**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full application for the erection of a side and rear extension along with an improved access and double timber garage at Top yr Allt Cottage, Blackbrook Lane, Sychdyn. The application also includes the temporary siting of a storage container and static caravan for residential use whilst the building work is being undertake. This application is an amendment to the previous application reference No. 055612. The main issues to consider are the principle of development, impact on visual amenity and the highway.

1.02 It is considered that the proposed extension to the dwelling is in accordance with Policy HSG12 and meets the Councils requirements for LPGN 2 Space Around Dwellings.

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

- 2.01
1. Time limit.
 2. In accordance with plans.
 3. Facilities to be provided and retained within the site for parking and turning of vehicles.
 4. The caravan and storage container are removed within 12 months.

3.00 CONSULTATIONS

3.01 Local Member
Councillor M. Bateman
No response at time of writing.

Northop Community Council
No objection.

Head of Assets and Transportation
No objection subject to a condition and advisory notice.

Head of Public Protection
No adverse comments.

Ecology
No response at time of writing.

Historic Parks and Gardens
No response at time of writing.

Welsh Water/Dwr Cymru
No response at time of writing.

4.00 PUBLICITY

4.01 Site Notice
No Responses received at the time of writing.

5.00 SITE HISTORY

5.01 **055612** - Re-modelling and extensions, erection of garage and temporary siting of caravan – Approved 22nd July 2016

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development
STR8 – Built Environment
GEN1 – General Requirements for Development
D1 – Design Quality, Location and Layout
D2 – Design
D3 – Landscaping
HSG12 – House Extension and Alternations
Supplementary Guidance Note 1 – Extensions and Alterations.

7.00 PLANNING APPRAISAL

- 7.01 The application site is located just outside the settlement boundary of Sychdyn as defined in the Flintshire Unitary Development plan.
- 7.02 The dwelling is a detached two storey cottage of stone construction with a slate roof which was built as part of the Gwysaney Estate in circa 1830. The dwelling is situated within a large plot off Blackbrook Road and remains largely unaltered over the past 100 years. This application seeks consent for the erection of a two storey extension and a single storey extension, to the rear and side elevation of the existing dwelling and the erection of a garage. The two storey and single storey extensions are proposed to provide accommodation for the enlargement of the kitchen/lounge, downstairs toilet and an additional bedroom to the first floor. The application also includes the siting of a caravan and storage for residential use whilst the works are undertaken.
- 7.03 This application makes a number of minor changes to the previously approval. These changes reduce the massing of the proposed extension and move the garage.
- 7.04 The main issues in considering this application are the visual amenity impact and highways impact. As the site is located away from any other residential properties it is considered that there will be no impact on the living conditions of any neighbouring occupiers.
- 7.05 Visual Amenity
The orientation of the existing property on the plot leads to a long frontage and a linear built form. The proposed extensions continue this form, reflective of the character of this this particular property and the general vernacular when viewed from the road. The proposed extension has been stepped down from the existing ridge and eve's height by approximately 30cm which takes account of the design guidance set out in Guidance Note 1.
- 7.06 The elevation facing the road has been designed to be in keeping with the existing dwelling with the use of windows in a matching style and proportion to the existing. The proposed extension to the rear elevation incorporate a cat slide style roof. This elevation has a larger amount of glazing but as this elevation is located lower into the ground the glazing

does not appear overbearing within the landscape. The proposed use of matching stone along with render is considered acceptable and in keeping with the style of the existing dwelling. The design is subservient to the existing dwelling and the use of materials is complementary which respects the principles with set out in Guidance Note 1.

- 7.07 The proposed temporary storage container and static caravan will have an impact on the visual amenity of the area but this will only be short lived. A condition will require the removal of the caravan and storage container within 12 months of this permission.
- 7.08 The proposed garage is on timber construction and is to be clad in oak cladding. It is to be located away from the dwelling and set back from the road. This will be visible from the public highway but its design and scale are considered to be acceptable.
- 7.09 Highways Impact
The application proposes a new area of porous hardstanding along with an improved access and a boundary wall. The proposed gate along with the majority of the boundary wall will be under 1 metre in height and therefore does not require planning permission. The boundary will be moved back from the highway by approximately 50cm in order to improve the visibility. The bound wall will raise to 2 meters in height for approximately 5 meters adjacent to the proposed extension.
- 7.10 The garage along with the porous hard standing's will provide an ample amount of space for the parking and turn of vehicles.

8.00 CONCLUSION

- 8.01 It is considered that the proposed development of the extension and the alteration of the property in the manner proposed is compliant with relevant policies. The development in the manner proposed will not adversely impact upon visual amenity on the area or the highway.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

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

The Council has had due regard to its duty under Section 3 of the

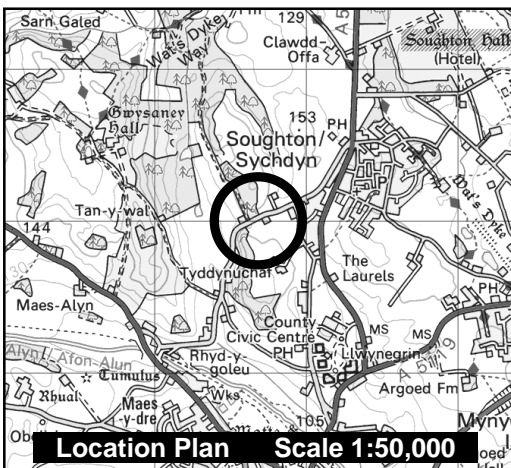
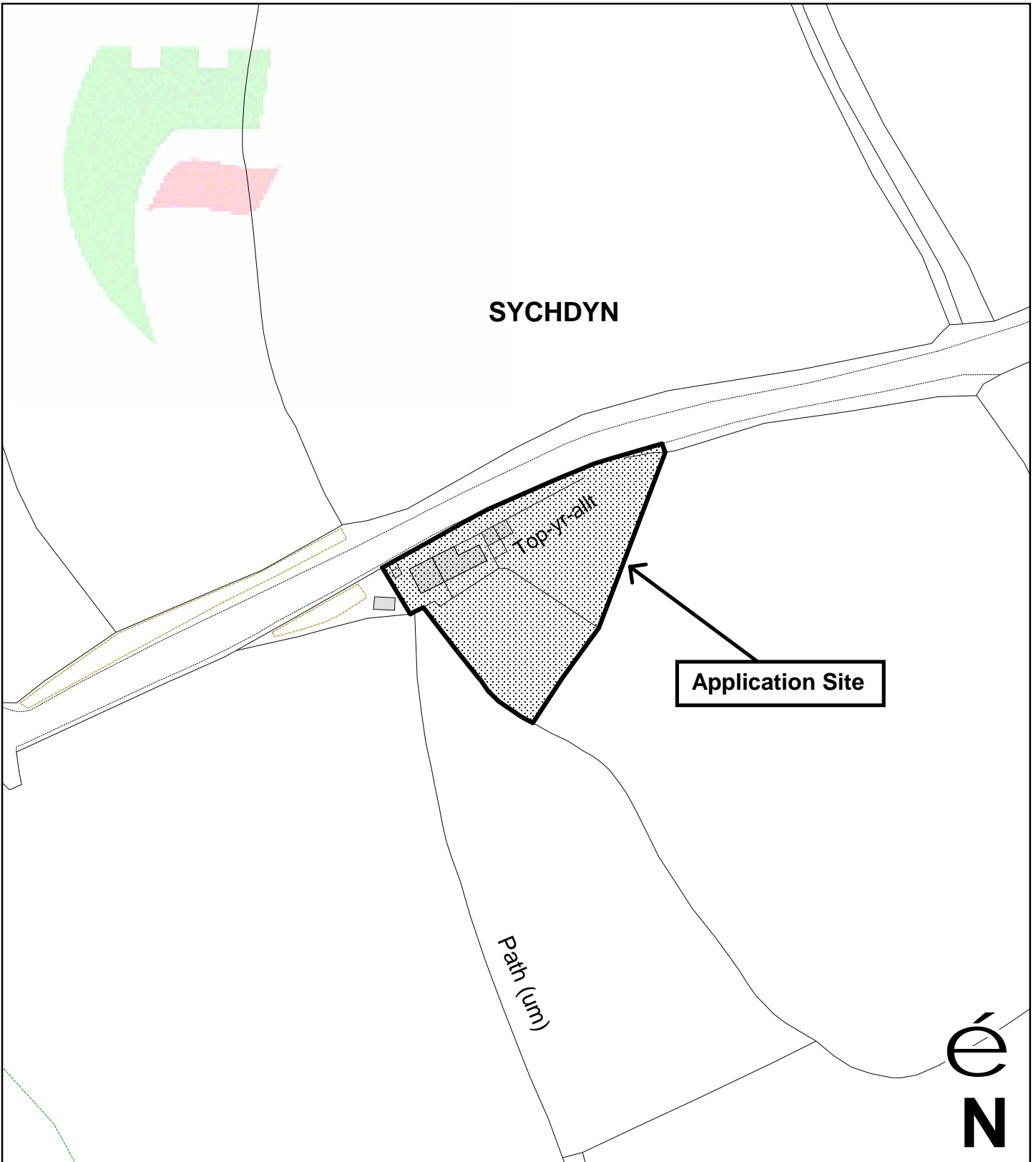
Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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

Legend

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

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Planning Application	56144

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **APPEAL BY U & I GROUP & BLOOR HOMES PLC AGAINST THE NON-DETERMINATION BY FLINTSHIRE COUNTY COUNCIL FOR THE ERECTION OF 36 NO. DWELLINGS AT CHESTER ROAD, BROUGHTON – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 054660

2.00 APPLICANT

2.01 U & I Group & Bloor Homes PLC

3.00 SITE

3.01 Land at Chester Road,
Broughton.

4.00 APPLICATION VALID DATE

4.01 27th November 2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of a decision in respect of an appeal following the non-determination of the application for the erection of 36No. dwellings on land at Chester Road, Broughton by the Local Planning Authority. The appeal was heard by way of a Public Inquiry and was **ALLOWED.**

6.00 REPORT

6.01 Background

The Inspector noted that whilst the Council had initially been opposed to the proposal, this opposition had been withdrawn in writing (in line

with the resolution of the Planning and Development Control Committee dated 20th July 2016). Consequently, The Council did not participate formally in the presentation of evidence other than in relation to discussions upon planning conditions and planning obligations.

6.02 The Main Issues

The Inspector considered that the main issues are:

- whether the proposed development conflicts with national and local policies designed to protect the countryside;
- the effect of the proposed development on highway capacity;
- whether future occupiers of the development would enjoy acceptable living conditions in terms of noise; and
- whether any harm in these respects is outweighed by other material considerations in particular the contribution to local housing supply.

6.03 Whether the proposed development conflicts with national and local policies designed to protect the countryside

The Inspector noted that the appeal site is outside the settlement boundary as defined in the Flintshire Unitary Development Plan (UDP). She also noted that Policies GEN3, HSG4 and HSG5 all seek to restrict new residential development in such areas to those which are of a small scale or meet identified exceptions. In this regard she noted the policies reflected the aims of Planning Policy Wales Edition 9.

6.04 The Inspector concluded upon this point that the appeal proposals did not fall within any of the exceptions stated in DUP policies GEN3 HSG4 or HSG5 and did not accord with the restrictive approach of these policies, nor PPW in relation to development in open countryside locations.

6.05 The effect of the proposed development on highway capacity

The Inspector noted that the appeal proposals are supported by a Transport Assessment (TA) which examines the question of the impact upon the existing highway network over a period up to 2025. She noted that the conclusions of the TA were that any impacts would be negligible; that future traffic conditions arising from the development could be accommodated within the local highway network; and no requirement arose for funded highway improvements. These conclusions, evidence submitted and observations during the site visit led the Inspector to conclude that the proposal would not compromise public safety, health or amenity.

6.06 In respect of the strategic highway network, the Inspector noted that

Welsh Government considered it would desirable that planning permission not be granted until such time as the need for future improvements to the A55 at Junction 36A had been fully assessed. However, the Inspector equally noted that proposals for junction improvements are not at an advanced stage; had no certainty in respect of delivery; and such proposals were not safeguarded via policies within either the UDP or the Wales Transport Strategy. Accordingly, the Inspector concluded that there was insufficient justification to warrant withholding planning permission.

- 6.07 Impacts upon amenity of future occupiers in terms of noise
The Inspector noted that the proximity of the site to A55 and J36A of the same gave rise to concerns in relation to the impacts upon the amenity of future occupiers as a consequence of environmental noise. In considering the matter, the Inspector had regard to the advice set out in PPW, TAN11 – Noise and noted the advice set out in BS8233:2014 – Control, of Noise around Buildings.
- 6.08 The Inspector examined the conclusions of the Environmental Noise Study (ENS) submitted in support of the proposals and came to the view that the ENS addressed the matters of concern raised by Welsh Government. She concluded that mitigation proposals could be provided which would address the impact of traffic noise upon future occupiers. She noted that noise mitigation should be provided insofar as is practicable in relation to gardens adjoin strategic transportation networks, and whilst achieving a guideline value of 55dB LAeq was desirable, if it was not achieved following the implementation of all practicable measures, this should not inhibit the granting of permission.
- 6.09 Impact of other material considerations, in particular the contribution to local housing supply
PPW requires that local planning authorities ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing. This requirement is supported by guidance contained in Technical Advice Note 1- Joint Housing Land Availability Studies (TAN 1) (2015).
- 6.10 The Council accepts that its latest Joint Housing Land Availability Study (JHLAS) (2015), which has a base date of April 2014, shows that it has a 3.7 year supply of housing land and that, because the UDP has passed its plan period, it will not be able to demonstrate that it has a 5 year supply of housing land until it has an adopted local development plan (LDP) in place. The Inspector noted that the anticipated date of adoption of the LDP is October 2019, and that, in order to address the deficiency in the short term, section 3 of the JHLAS (2015) makes clear that the Council will, amongst other things, take a flexible approach towards development opportunities outside settlement boundaries where they represent logical and sustainable development and are capable of increasing the supply of housing in

the short term. This approach is consistent with paragraph 6.2 of TAN 1 which advises that where a local planning authority is unable to demonstrate a 5 year housing land supply the need to increase the supply of land will be given considerable weight.

6.11 In the case of the appeal site, the Inspector considered that the position of the appeal site, contained on all sides by built development, together with its close proximity to public transport, community and commercial facilities, would mean that the proposal would be a logical and sustainable extension to the settlement which would not be harmful to the character and appearance of the countryside. Furthermore, she considered that the location of the appeal site, adjacent to a residential estate that is currently being developed by the appellants, coupled with their willingness to accept the imposition of a condition requiring development to take place within 3 years of the date of the planning permission, would ensure that the proposed development would be capable of increasing the supply of housing in the County in the short term.

6.12 It was noted that, in addition to providing much needed new market housing, the proposal would also assist in meeting the high level of need at both locally and nationally for affordable homes, fund off-site public open space improvements, create jobs in the construction and service sectors and support local community and commercial services.

6.13 Accordingly, the Inspector considered that the benefits associated with the proposal would significantly and demonstrably outweigh the modest harm that would arise, in this instance, from the incursion into the countryside.

6.14 Other Matters

A third party participant at the inquiry highlighted that the submitted plans incorrectly included land in his ownership within the application site. The applicant accepted that the application site had been incorrectly delineated. The Inspector considered the imposition of a condition requiring a plan be provided indicating the required boundary amendment would satisfactorily resolve this issue.

6.15 Conditions

The Inspector considered the suggested conditions and the appellant's comments thereon in the light of the guidance in Welsh Government Circular 16/20145. A three year commencement condition was deemed necessary because this planning permission is being granted to meet a pressing need and therefore the development should be delivered quickly. Other conditions are imposed requiring the agreement of full drainage proposals; full highway design, construction, signage and calming details; agreement of materials; landscaping and full acoustic mitigation measures.

6.16 Unilateral Undertaking

The Inspector noted that the provision of an element of affordable housing and open space/play area in appropriate residential developments is required by the Unitary Development Plan. To that end a signed obligation under Section 106 of the Act securing the provision of and contributions towards affordable housing and open space/ play areas was submitted with the appeal.

6.17 The Inspector was content that the provisions of the Undertaking in relation to contributions for and provision of affordable housing and open space/play areas accord with the UDP policies and supporting Local Planning Guidance Notes. She was satisfied that the obligation meets the 3 statutory tests set out in The Community Infrastructure Levy Regulations 2010.

7.00 CONCLUSION

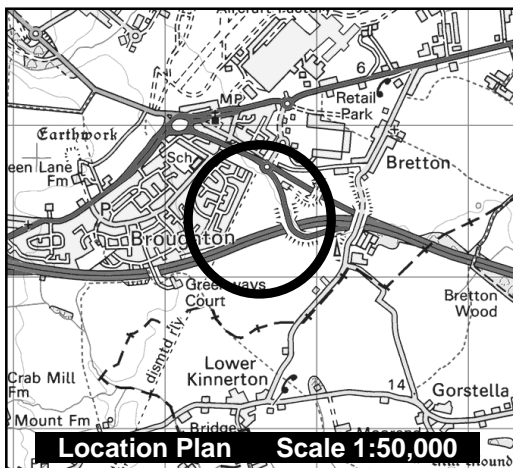
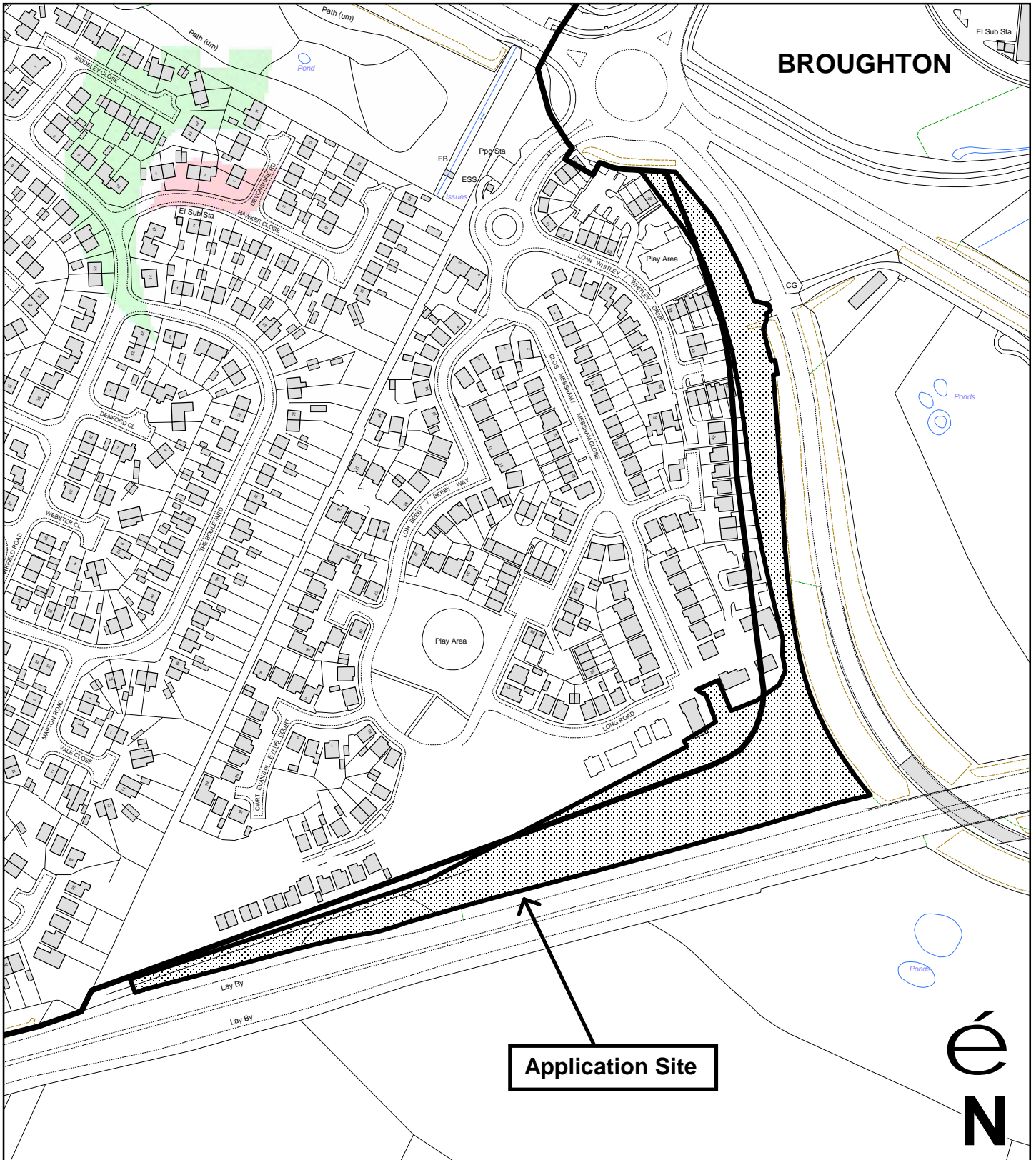
7.01 For the reasons given above, the Inspector concluded that the appeal should be **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

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

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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Planning Application **54660**

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **APPEAL BY MR. RICHARD BIRD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 5 NO. DWELLINGS AT FLINT CHAPEL, CHESTER ROAD, FLINT – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 054681

2.00 APPLICANT

2.01 Mr. Richard Bird

3.00 SITE

3.01 Former Chapel, Chester Road, Flint

4.00 APPLICATION VALID DATE

4.01

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision of an appeal following the refusal of planning permission under delegated powers for the erection of 5 dwellings on the site of the former chapel, Chester Road, Flint. The appeal was dealt with by written representations and was DISMISSED.

6.00 REPORT

6.01 The Inspector considered that the main issues were;

- the effect of the proposal on the living conditions of future occupants of the development in relation to amenity space and

in relation to noise and disturbance, and;

- whether sufficient information has been provided in relation to the adequacy of the parking arrangements on the site and the resultant effect on highway safety.

6.02 Impact on living conditions in relation to amenity space

The Inspector considered that the proposed development of three and four bedroom accommodation would cater for family occupants who may want a garden of a certain size, although it could equally be occupied by residents who do not want a garden of any size. Whilst it would be for future occupants to decide whether a garden of the size shown is appropriate for their needs, local planning policy through the application of local space standards apply a minimum provision for garden sizes associated with new development. The proposal is significantly deficient in relation to the provision of garden sizes for the size of the proposed accommodation, and this deficiency conflicts with local planning policy and supplementary guidance.

6.03 Whilst it would ultimately be a matter for buyers to choose whether they would want to live in a house with a particular size of garden provision is regulated to some degree by local planning policy in the form of supplementary guidance. This sets out minimum spatial standards that require to be met for the provision of acceptable living accommodation. In this case the development would deprive those who may occupy the dwelling houses with adequate size gardens, which families would normally expect to enjoy for the size of accommodation provided.

6.04 As the Council points out this is not a town centre location where minimum space standards may be lowered to secure a higher density of development. It is also noted that the local recreational park is some 500m from the proposed site along a busy road. The appellant also refers to the location of two allotments within 10 minutes walking distance from the appeal site. However, the Inspector considered that the existing amenity and play space provision would not necessarily be an attractive alternative to future residents since they would need to make a specific trip by car because the road fronting the site is a busy main thoroughfare. The amenity space is situated further towards the outskirts of Flint on the other side of this busy road, and young families may be inclined to make this journey by car rather than cross and walk to this specific location. Such local provision in this particular case would not make the proposed deficit in garden space acceptable.

6.05 The Inspector also noted that there are houses to the north of this site with smaller gardens than the appeal development but this situation is historical and the development may not have gained permission under the current policy had it been submitted now. He therefore considered that the level of garden space is not generally sufficient to cater for family type accommodation of this size and location and would conflict

with Flintshire Unitary Development Plan (UDP) policies GEN1 and HSG3 and LPG Note No.2. These policies broadly align with Planning Policy Wales Edition 8 (PPW) which promotes well designed housing environments and the notion of promoting and improving the quality of life, and this forms part of the need to ensure good inclusive design in all forms of development providing flexibility in the use of buildings and spaces that are enjoyable to use.

6.06 He noted that the suggestion that the appellant would be willing make a proportionate financial contribution towards open space provision off-site administered through a planning obligation. However, no planning obligation has been submitted to date and was therefore not before the Inspector. He was not persuaded based on the available evidence that the possibility of a contribution for off-site open space equipment would overcome the concerns in relation to the on-site deficiencies in amenity space.

6.07 He concluded that the proposal would harm the living conditions of future occupants of the development in relation to amenity space.

6.08 Impact on living conditions in relation to noise and disturbance

The Inspector did not consider that the parking layout shown would give rise to an unreasonable degree of disturbance, given that residents would only be disturbed predominantly by the movement of their own vehicles, and boundary treatments provide a degree of separation and containment of noise and disturbance from cars being parked and moved around. Residents acquiring property on the site would be aware of the local environment; that is the current established funeral director use, and traffic noise from the adjacent busy road and railway line. He concluded that the proposal would not harm the living conditions of future occupants of the development in relation to noise and disturbance, and would not conflict with UDP policies HSG3 and GEN1.

6.09 Highway safety

The proposed development provides 1 car parking space each for the 3 bedroom units and 2 parking spaces each for the four bedroom units and three visitor parking spaces. In total 10 spaces are shown with three spaces shown dedicated for the Chapel of Rest, providing 13 spaces overall for the combined residential and funeral director uses.

6.10 The Council indicates that the parking provision is deficient for the combined uses. It indicates that the residential development should be providing a maximum of 12 spaces (2 spaces for each 3 bedroom unit and 3 spaces for each 4 bedroom unit). There is no equivalent maximum parking standard for the funeral director use under the LPG Note No 11 Parking Standards adopted on 19 April 2006.

6.11 Three car parking spaces are shown on the submitted plan for visitors leaving 7 spaces for the residential units. The Council say that utilising

these 3 visitor spaces for the occasional use of the funeral director would take-up some of the required car parking provision associated with the residential use and therefore there would be a deficit in the required car parking provision. The appellant indicates that on average there would be just over 40 funerals per year equating to one funeral per week. These would only take place during weekdays between normal working hours and would last for around an hour. The three visitor parking spaces would be used during the duration of the funeral service and the appellant indicates that it would not conflict with the residential use during these times. The design and access statement indicated that there would be a range of between one to five funerals per week but subsequent information submitted reduces this to one funeral per week.

6.12 There is no significant dispute that the site is highly sustainable on the edge of the town centre and is served by buses that stop adjacent to the site. Policy AC18 and LPG Note No 11 states that parking standards are applied as a maximum. The Inspector considered that the occasional use of 3 visitor parking spaces during weekdays and normal working hours by those attending a funeral would not necessarily conflict with the residential use parking provision during the limited times and duration these events occur. He does not consider that residents of the residential development would be forced to park on other streets in the vicinity of the site during these particular events, since there would be, 2 spaces available for each of the 4 bedroom properties, and 1 space for each of the three bedroom houses. During working hours that level of provision is sufficient to meet the needs of the proposed development, given the available evidence on the limited frequency and duration of funerals adjacent to the proposed development, the accessibility to a choice of public transport modes and the opportunity within the site to provide secured cycle storage for each proposed residential unit.

6.13 It is considered the proposal would not conflict with policies AC18, HSG3, GEN1 and LPG Note No 11 in so far as these relate to the issue of highway safety. He concludes that sufficient information has been provided in relation to the adequacy of the parking arrangements on the site and that the proposal would not harm highway safety.

7.00 CONCLUSION

7.01 The Inspector concluded that the proposal would harm living conditions in relation to amenity space and this matter outweighs my favourable conclusions for the appellant on highway safety, noise and disturbance and privacy. Whilst he is aware there is a recognised shortfall in housing land supply this factor is not given considerable weight where the development would otherwise conflict with the development plan. The proposal conflicts with the development plan and the planning balance is against allowing the development.

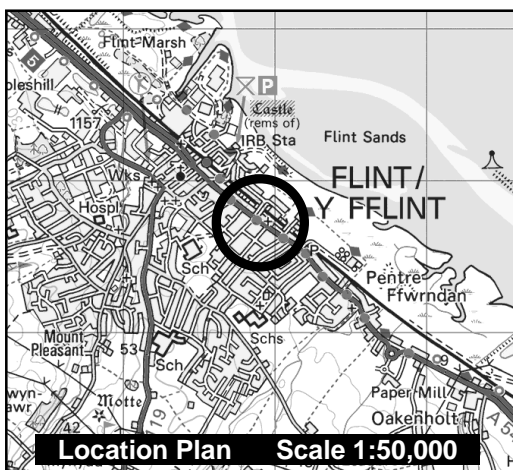
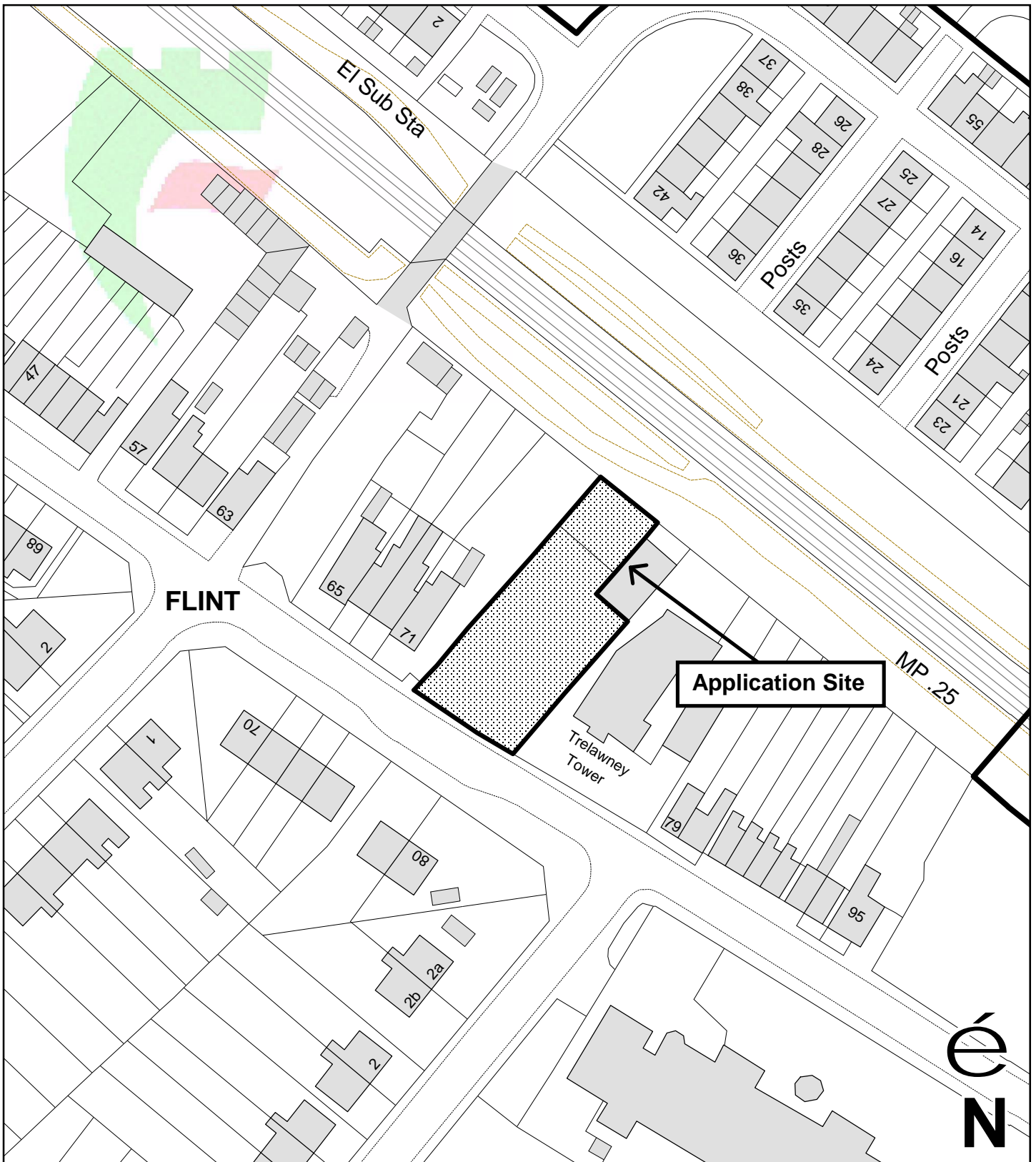
- 7.02 The Council indicate that financial contributions are required for education and off-site equipment for enhancement of an open space. The Council has provided a Community Infrastructure Levy compliance statement. The appellant has briefly indicated that he would be willing to make a contribution towards open space provision, but has not referred to the education contribution. However no planning obligation was before the Inspector, and as he dismissed the appeal, based on the planning balance set out above, the absence of the planning obligation is not a determining factor.
- 7.03 For these reasons, the appeal was **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

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



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

Legend

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

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Planning Application	54681

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FLINTSHIRE COUNTY COUNCIL

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

DATE: **14TH DECEMBER 2016**

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

SUBJECT: **APPEAL BY MRS MARGARET LOVELL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND TO USE INCIDENTAL TO THE DWELLINGHOUSE AT 4 BROAD OAK COTTAGES, MOLD ROAD, NORTHOP – DISMISSED.**

1.00 APPLICATION NUMBER

1.01 055558

2.00 APPLICANT

2.01 Mrs Margaret Lovell

3.00 SITE

3.01 4 Broad Oak Cottages
Mold Road
Northop

4.00 APPLICATION VALID DATE

4.01 08 June 2016

5.00 PURPOSE OF REPORT

5.01 To inform Members of an appeal decision in respect of the refusal of a change of use of land to a use incidental to the dwellinghouse at 4 Broad Oak Cottages, Mold Road, Northop.

5.02 The application the subject of the appeal was refused on the 1st August 2016. The subsequent appeal was dealt with under the written representations and site visit procedure and was DISMISSED on the 6th October 2016.

6.00 REPORT

- 6.01 The Inspector considered the main issue of the case to be the effect of the proposal on the character and appearance of the area.
- 6.02 The Inspector noted that the property has an enclosed roadside garden and that the proposal sought to extend the garden along the roadside frontage to facilitate the siting of a new garage and boundary fence.
- 6.03 The Inspector noted that there were other examples of linear gardens alongside the roadside with garages flanking the carriageway edge behind fences and access gates. The adjoining property to the west has this arrangement.
- 6.04 Nevertheless, the change of use to garden area in relation to the appeal had been cleared behind the existing garage and covered in gravel. The Inspector considered that the land had an open aspect to the roadside and whilst it would be fenced off it is relatively conspicuous when seen from the roadside, and the impact would not be neutral but harmful to the character and appearance of the area.

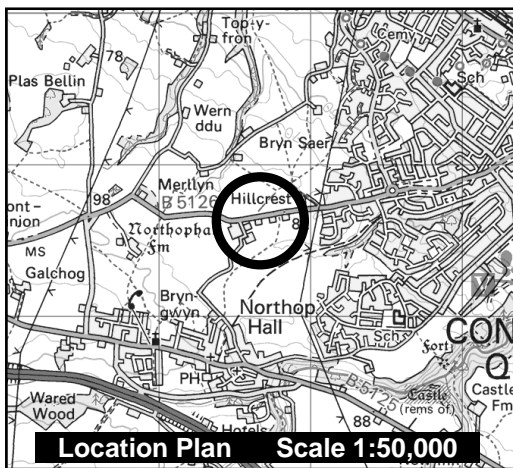
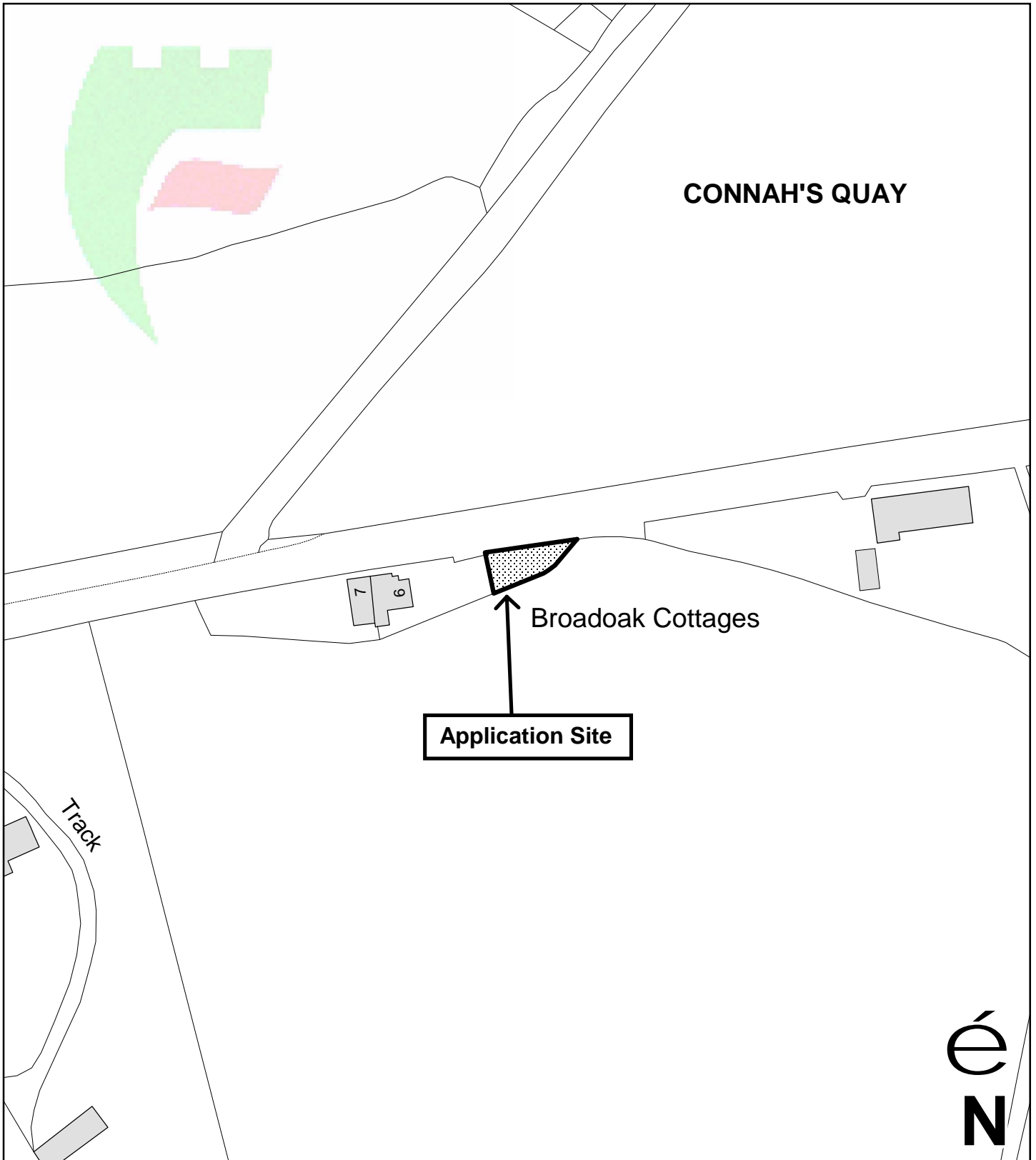
7.00 CONCLUSION

- 7.01 The Inspector concluded that the impact would be detrimental and therefore the proposal would conflict with Policy GEN3 of the Flintshire Unitary Development Plan. He further concluded that the proposal would harm the character and appearance of the area.

LIST OF BACKGROUND DOCUMENTS

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

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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

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Planning Application **55558**

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