

# Public Document Pack

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



To: Cllr David Wisinger (Chairman)

CS/NG

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

15 February 2017

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, 22ND FEBRUARY, 2017 at 1.00 PM** to consider the following items.

Yours sincerely

Robert Robins  
Democratic Services Manager

## **WEBCASTING NOTICE**

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## **A G E N D A**

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

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

To confirm as a correct record the minutes of the meeting held on 18 January 2017.

5 **ITEMS TO BE DEFERRED**

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

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

**REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 22 FEBRUARY 2017**

<b>Item No</b>	<b>File Reference</b>	<b>DESCRIPTION</b>
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
6.1	054548 - A	054548 - Full Application - Erection of 43 No. Dwellings and Associated Works at Ffordd Eldon, Soughton (Pages 17 - 32)
6.2	055936 - A	055936 - Renewal of Outline Planning Permission Ref: 046545 for Residential Development at Hillcrest, Mount Pleasant Road, Buckley (Pages 33 - 44)
6.3	056279 - A	056279 - Full Application - Erection of Single Storey Extension to Provide Children's Nursery Facilities at 10 Aughton Way, Broughton (Pages 45 - 54)
6.4	056287 - A	056287 - Full Application - Swap Out and Relocation of the Existing 10 m High Monopole for a 12.0 m High Alpha Monopole, Installation of 3 No. Equipment Cabinets and Associated Development at Land Opposite Fair Haven, Ruthin Road, Gwernymynydd (Pages 55 - 62)
6.5	056109 - A	056109 - Full Application - Erection of Extension to Dwelling and Formation of New Access at Coed Issa Cottage, Llanfynydd (Pages 63 - 72)
6.6	055411 - A	055411 - Full Application - Erection of Waste Transfer Building and Storage Bays, Formation of Additional Hard Standing and Retention of Boundary Fencing at Flintshire Waste Management, Ewloe Barns Industrial Estate, Mold Road, Ewloe (Pages 73 - 88)
6.7	052364 - A	052364 - Development of an Integrated Waste Management Facility Comprising a Mixed Waste Treatment Facility, a Construction Waste Materials Recycling Facility, and a Contaminated Soils Treatment Facility at Stoneybeach Quarry, Pinfold Lane, Alltami (Pages 89 - 120)
<b>Item No</b>	<b>File Reference</b>	<b>DESCRIPTION</b>
<b><u>Appeal Decision</u></b>		
6.8	054929	054929 - Appeal by Mr. P. Jones Against the Decision of Flintshire County Council to Refuse Outline Planning Permission for the Erection of a Dwelling as Part of a Small Holding Development at Penycefn Isaf, Pen y Cefn, Caerwys - DISMISSED (Pages 121 - 124)
6.9	054886	054886 - Appeal by Mr. R. Hill Against the Decision of Flintshire County Council to Refuse Planning Permission for the Change of Use of Vacant Police House (Formerly a Dwelling) into a 9 Bedroom HMO and Associated Access Improvements at 63 High Street, Saltney - ALLOWED (Pages 125 - 132)
6.10	055553	055553 - Appeal by Mrs M. Gardner Against the Decision of Flintshire County Council to Refuse Planning Permission for the Siting of a Caravan for Holiday Let Use at the Rear of 2 Tyn y Morfa Cottages, Tyn y Morfa, Gwespyr, Holywell - DISMISSED. (Pages 133 - 138)

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**PLANNING & DEVELOPMENT CONTROL COMMITTEE**  
**18 JANUARY 2017**

Minutes of the meeting of the Planning & Development Control Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 18 January 2017

**PRESENT: Councillor David Wisinger (Chairman)**

Councillors: Marion Bateman, Chris Bithell, Derek Butler, Ian Dunbar, Carol Ellis, David Evans, 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

**APOLOGIES:** Councillors David Cox and Alison Halford

**ALSO PRESENT:**

The following Councillors attended as local Members:  
Councillor Dennis Hutchinson for agenda item 6.2 (minute number 123); and  
Councillor Rosetta Dolphin for agenda item 6.4 (minute number 125)

**IN ATTENDANCE:**

Chief Officer (Planning & Environment); Service Manager - Strategy; Development Manager; Senior Engineer - Highways Development Control; Senior Planners; Senior Minerals and Waste Officer; Planning Support Officer; Senior Solicitor and Committee Officers

**119. DECLARATIONS OF INTEREST**

In speaking as local Member, Councillor Dennis Hutchinson declared a personal and prejudicial interest on agenda item 6.2 (minute number 123) as he owned land within a mile of the site which had been granted permission for residential development. Councillor Hutchinson had received dispensation from the Standards Committee to speak on the item for five minutes and would leave the room for the debate and vote.

Councillor Richard Jones declared a personal and prejudicial interest on agenda item 6.5 (minute number 126) as he was a neighbour of the property and would leave the room for the item.

**120. LATE OBSERVATIONS**

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

**121. MINUTES**

The minutes of the meeting held on 14 December 2016 were submitted.

On minute number 117 (055725), Councillor Mike Peers asked that the wording 'and rebuilding' be removed from the seventh paragraph.

**RESOLVED:**

That, subject to the amendment moved by Councillor Peers, the minutes be approved as a correct record and signed by the Chairman.

**122. ITEMS TO BE DEFERRED**

None of the agenda items were recommended for deferral by officers, however agenda item 6.1 (055188) would not be considered due to the developer's decision to withdraw the application. In response to comments, the Chief Officer advised that the applicant intended to re-submit the application to respond to the objections which had been raised. The applicant had been told to cease work on site and that failure to do so would be at their own risk. Councillor Richard Jones commented on the need to ensure that work does not continue, to which the Chief Officer reiterated the risk to the applicant.

Councillor Chris Bithell referred to the late observations and questioned whether agenda item 6.2 (minute number 056023) should be deferred. The Chief Officer explained that officers were not recommending this item for deferral.

**123. FULL APPLICATION - DEMOLITION OF EXISTING DWELLING AND PROVISION OF ACCESS JUNCTION AND ACCESS PLAN AT 81 DRURY LANE, BUCKLEY (056023)**

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 consultations had been undertaken and the responses received detailed in the report. Additional comments received since preparation of the report were set out in the late observations.

The officer explained that the application was unusual in that it proposed the demolition of an existing property and the formation of an access without any further development. The accompanying Design and Access Statement and Transport Assessment made reference to the access serving a potential housing development on land to the rear of the property which did not form part of the application. A request for more time to consider the application had been refused by the applicant who had stated their intention to appeal if the application was not considered by the end of the month. Since publication of the report, a revised plan had been submitted by the applicant to address one of the officer's three recommended reasons for refusal which were detailed in the report. An initial response by Highways officers was included in the late observations. The revised plan had not been subject to public consultation due to the late stage at which it had been made available to the Council and the applicant remained unwilling to agree to an extension of time, therefore the Committee was asked to determine the application on the basis of the original plan. As such, the officer recommended refusal of the application for the reasons set out in the report of the Chief Officer (Planning and Environment).

On behalf of local residents, Mr. J.L. Keig spoke against the application on the following grounds: the need to retain the property due to its heritage and the fact that it was already habitable; the range of new housing already in the area and inability of the local infrastructure to support further developments; the detrimental impact of increased levels of traffic along this heavily used route and the safety of pedestrians; and concerns about the impact on a nearby elderly resident.

The applicant, Mr. S. Bourne, spoke in support of the application on the following grounds: the Inspector's decision to include this land within the settlement boundary which could make it available for future development; contributing to the shortfall in the Council's five year housing land supply; the Muller Group agreeing to a condition allowing implementation of the access permission only if the housing development was granted approval; the revised plan having been issued within 24 hours of the published report which contained consultation responses; the access complying with Highways standards and relevant guidance; and supporting information to address concerns on safety and traffic.

As a Local Member, Councillor Dennis Hutchinson had been given dispensation to speak for five minutes, having declared a prejudicial interest. He spoke against the application on the following grounds: concerns of local residents that this was an opportunist application with no evidence to support the need for further housing developments in the area; prior rejection of the site by the UDP Inspector in favour of another where new houses had been built; the important heritage of the property to the area; increased traffic volumes and movements which would contribute to the heavy traffic currently recorded; concerns over the safety of pedestrians; and non-compliance with policies GEN1 and AC13. Councillor Hutchinson then left the meeting for the remainder of the item.

The recommendation for refusal was proposed by Councillor Mike Peers and seconded by Councillor Richard Jones. Councillor Peers pointed out that section 5.4 of the applicant's planning statement did not comply with planning policy and Technical Advice Note TAN1 in relation to increasing housing land supply. He said that the application was unjustified, and that the demolishing of the property would result in a detrimental impact on the streetscene and loss of character in the locality. He referred to the UDP Inspector's comments which reflected that the demolition of a property to facilitate a development was outweighed by a development where demolishing a property was not necessary. In addition, the Inspector had spoken against the allocation of land to the rear of the property being used for future housing development. Councillor Peers stated that housing need in the area was satisfied and that this was a speculative application of uncontrolled development which was unsupported by the local infrastructure and did not comply with HSG3.

In supporting refusal of the application, Councillor Richard Jones highlighted the importance of considering the detrimental impact on the character of streetscene and the creation of an unacceptable access which was inadequate to serve any proposed development. He also referred to the lack of detail in the application which conflicted with Planning Policy Wales.

Also speaking against the application was Councillor Derek Butler who was against the demolition of the dwelling and felt that the proposed housing development was a 'red herring'.

Councillor Gareth Roberts agreed, saying that the shortfall in five year housing land supply was not a consideration in this case.

In supporting the proposal for refusal, Chris Bithell felt that the application was an attempt to 'jump the queue' on the UDP process and that there were no detailed plans to assess the potential housing development.

In response, the officer advised that there was no guarantee that the housing development would proceed so the application could only be considered on the basis of the proposed demolition and access.

The Service Manager - Strategy said that the lack of detail on the housing development prevented an assessment of sustainability and community impact, and that the lack of demonstrated housing land supply should not give rise to approval of speculative applications. He added that the applicant's willingness to offer a condition at this stage should have formed part of the application process.

In summing up, Councillor Peers said that Members were entitled to speak on the housing element, as referred to in section 1.02 of the report. His reasons for refusal concurred with those set out in the report. He referred to his earlier comments against demolition of the property and non-allocation of the site. He further added that the application did not accord with policy HSG3 and that uncontrolled developments would result in conflict with principles of the LDP and previous consideration against the demolition of a property to access land at the rear of the property.

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).

**124. DEVELOPMENT OF AN INTEGRATED WASTE MANAGEMENT FACILITY COMPRISING A MIXED WASTE TREATMENT FACILITY, A CONSTRUCTION WASTE MATERIALS RECYCLING FACILITY AND A CONTAMINATED SOILS TREATMENT FACILITY AT STONEYBEACH QUARRY, PINFOLD LANE, ALLTAMI, FLINTSHIRE (052364)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting including officer agreement to the removal of Condition 10.



The officer explained that the application comprised three main elements - a construction and demolition waste facility, a commercial/industrial waste facility and a contaminated soil treatment facility, accompanied by an environmental statement. She summarised the responses to the comments and concerns raised, included in the late observations, and clarified the restriction of permitted development rights in Condition 4, noting that there was a risk of this being appealed by the applicant. The officer considered adequate controls to be in place and recommended approval of the application subject to the Conditions set out.

On behalf of the Ramblers' Association, Mr. H. White spoke against the application on the following grounds: that greater consideration be given to path users from the unacceptable impact of lorry traffic on the public path forming access to the site on safety and amenity grounds; no proposed mitigation measures to safeguard path users; questions over whether changes previously made to the access track had received planning permission; and inconsistencies in the report (dealt with in the late observations) such as the possible need for a temporary closure order and no reference to Welsh Government guidance on Public Rights of Way. For these reasons, Mr. White suggested that the report either be refused due to the impact on path users, deferred for a site visit or for further negotiation to provide an adequate route for the public path.

In an attempt to encourage debate, Councillor Gareth Roberts moved the officer recommendation for approval.

Councillor Derek Butler proposed that the item be deferred on the grounds of exploring all available options for the path. This was seconded by Councillor Chris Bithell who supported the suggestion for deferral for a site visit.

Councillor Carol Ellis sought the opportunity to speak on the item and was permitted to do so by the mover and seconder. She supported the objections raised by Mr. White and felt that a further reason for deferral would be to clarify highway implications which were highly dependent on a third party, Parry's Quarry, whose environment permit had been refused.

Councillor Richard Jones felt that the application should demonstrate the need for a commercial and industrial material recovery facility due to similar facilities nearby.

Councillor Richard Lloyd supported deferral, citing the lack of information on operating hours.

In response, the officer explained the purpose of imposing a Grampian style condition which prohibited the start of works on site until the highway improvements were completed and approved, whether by the applicant or Parry's Quarry. Need for the facility had been demonstrated through the waste planning assessment which complied with national guidance, and changes to operating hours were set out in the proposed conditions to protect amenity. As this was a recycling facility, any insufficient waste available would mean a reduction in use of the site.

The Chief Officer clarified Members' reasons for deferral to allow for a site visit to view the impacts on Rights of Way, clarity on the need for the facility and hours of operation together with clarity on highway improvements which would be fully explained in the follow-up report.

In response to comments from Councillor Ellis on the proposed dust and noise schemes within the conditions, the Chief Officer said that full details would be considered when those schemes were submitted at a later stage in the process.

Councillors Butler and Bithell confirmed their agreement with the reasons outlined by the Chief Officer.

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

**RESOLVED:**

That the application be deferred to consider (i) potential issues regarding the Rights of Way; (ii) potential issues with traffic improvement and proposed Grampian conditions; (iii) clarification of need for the facility; and (iv) clarification of the hours of operation.

**125. FULL APPLICATION - ERECTION OF 1 NO. WIND TURBINE (78M TO TIP) AND ANCILLARY INFRASTRUCTURE AND ACCESS AT KINGSPAN LTD., 2-4 GREENFIELD BUSINESS PARK 2, BAGILLT ROAD, HOLYWELL (052922)**

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 consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer outlined the reasons for recommending approval of the application and explained that whilst some degree of visual impact from a wind turbine was inevitable, the application met the criteria of EW4 by the removal of a second turbine. A balanced view had been taken in recognising the wider benefits of renewable energy schemes and aerodrome concerns had either been resolved or were being addressed by a radar mitigation scheme through a Grampian style condition.

For the applicant, Mr. M. Harris, Divisional Building Technology Director of Kingspan Insulated Panels, spoke in support of the application on the following grounds: safeguarding and creation of local jobs and financial benefits to the local economy; the generation of power to local homes and offsetting of carbon emissions; mitigating steps taken to address the concerns raised; the aim of Kingspan in seeking to power all its manufacturing sites by renewable energy by 2020 to facilitate further business growth and protect jobs; and significant investment including local contracting.

Councillor Chris Bithell moved the officer recommendation for approval which was duly seconded by Councillor Gareth Roberts. He commented on the location of the scheme, the benefits in producing renewable energy and the reduced carbon

footprint. He felt that the amended application could be accommodated and whilst there would be some visual impact, there would be no lasting detriment to the landscape. He spoke of his support for renewable energy schemes and noted that all concerns raised had been dealt with.

As adjoining ward Member, Councillor Rosetta Dolphin spoke against the application on the following grounds: concerns about the location, height, size and movement of the wind turbine; the visual and noise impact on the 58 new homes located closer to the site than where noise monitoring had been undertaken; potential impact on users of the coastal path; concerns on the migration flight path; the precedent set if the application was approved; the unknown effect on TV reception; the impact of shadow flicker particularly on the residents of a nearby property for adults with learning disability including epilepsy; and the lack of detail on the radar mitigation scheme. Whilst supportive of renewable energy schemes, she noted that the energy generated would only serve the applicant and not homes.

In support of approving the application, Councillor Derek Butler praised the community benefits of the scheme, adding that surplus energy would benefit local residents. He said that each application should be considered on its own merits and pointed out that all concerns had been addressed. Whilst acknowledging objections to the height of the wind turbine, he could see no further reason for objection.

Also speaking in support, Councillor David Roney said that further renewable energy schemes should be welcomed and promoted.

Councillor Mike Peers welcomed the application which supported local business and promoted green energy. He asked whether the applicant had engaged with Holywell Town Council during the application to discuss its objections and whether the height of the wind turbine was necessary. He also referred to Councillor Dolphin's comments on the noise assessment and sought assurance that sufficient consultation had been undertaken.

Councillor Richard Jones commended the steps taken by the applicant to address the concerns raised. He acknowledged the condition for protocols to deal with any complaints about TV reception interference and shadow flicker but felt that these should be prepared in advance to give assurance to residents.

In response, the officer explained that noise levels had been confirmed as acceptable at a point monitored on Bagillt Road, which was closer to the site than the housing development referred to; furthermore a safeguard had been included to investigate and mitigate any reported noise nuisance issues. Concerns relating to migrating birds would be addressed through consultation with the RSPB on the conditions once these were drafted and the radar mitigation scheme would ensure approval from Airbus prior to commencement of work. The environmental statement dealt with shadow flicker and the reduced height of the wind turbine was considered acceptable and sufficient to achieve operating levels. The applicant had engaged with the Town Council at the start of the process and consultation with the community had been ongoing.

In advising the Committee, the Service Manager - Strategy highlighted the need to recognise the importance of the area to local industry when determining the application.

Councillor Richard Jones repeated his earlier comments regarding early preparation of the protocols and suggested local Member involvement. The Development Manager referred to section 7.73 of the report and explained that protocols could not be determined at this stage but that officers could engage with the local Member at that time.

In summing up, Councillor Bithell spoke of his support for the amended application before the Committee and for renewable energy schemes in general, citing an example where permission had previously been granted.

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

**RESOLVED:**

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

**126. FULL APPLICATION - ERECTION OF DETACHED BUNGALOW AT ROSE FARM LIVERY, WELL STREET, BUCKLEY (055597)**

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

The officer explained the proposal for the erection of a replacement dwelling and partial demolition and change of use of the existing dwelling. He outlined the reasons for recommending approval, subject to the applicant rescinding the lawful use of the existing dwelling via a Section 106 Agreement. An additional comment from Natural Resources Wales relating to land contamination was included in the late observations.

In agreement with the officer recommendation, Councillor Ian Dunbar welcomed the reduced height of the replacement building which he felt would enhance the area. This was seconded by Councillor David Roney.

Councillor Derek Butler expressed reservations about the application and questioned how the existing building had received permission as a dwelling. In response, the officer referred to paragraph 7.09 of the report which clarified this point.

Whilst accepting this explanation, Councillor Chris Bithell queried the circumstances which had led to this. Following similar questioning by Councillor Neville Phillips, the officer gave a brief overview of the planning history of the site, involving a change of use to livery stables in 1990. Subsequently during the inquiry, it had been found that the management accommodation in the central part of the building was instead being used as a single dwelling house.

Councillor Mike Peers raised concerns that the application was a way of seeking conversion of local use via a new build and questioned the need for replacement as the existing building was habitable. He also questioned how no objections had been raised by Natural Resources Wales (NRW) when they were unaware of the historic contamination issues. In essence, he felt that the scheme was an attempt to seek approval for the entire site by rescinding the habitable use and creating a new build outside the settlement boundary, not on the original footprint, thus resulting in additional capacity on the site.

Concerns were also raised by Councillor Owen Thomas on the circumstances which allowed lawful use rights as a dwelling.

In response to a question from Councillor Nancy Matthews, the officer provided clarification on the proposed changes to the building.

Councillor Phillips recalled a site visit around 1997 where the building had been used as livery stables.

Councillor Richard Lloyd called for a site visit to help determine the application. Councillor Carol Ellis agreed, saying that this would enable a view from the road. Members were then shown relevant photographs of this view, together with drawings of the current building and the proposed changes.

In response, the officer stated that this was a replacement dwelling in open countryside and that although criterion (e) of EWP4 had not been fully met, there were other planning benefits to the proposed location. On the points raised by Councillor Peers, he said that the property had a lawful use as a dwelling house and that the UDP policy catered for replacement dwellings. The applicant voluntarily rescinding their lawful use rights would safeguard against any use of the lower floor as a single dwelling. It was clarified that in planning terms, a dwelling which was lawful was no different to one granted planning permission. It was also stated that the scheme would remove the workshop from the site, leaving the dwelling and stables. On land contamination, NRW had made no objection to the scheme and the response given by NRW to Councillor Peers' own enquiry was due to them not recording the type of issues involved in this case. The Council's Environmental Health section did hold records of potential lower-level contamination cases, however circumstances had led to a decision to seek the views of an independent third party whose findings were detailed in the report. Consultation with colleagues in Pollution Control had resulted in agreement on the officer assessment of the planning merits of the scheme with a condition imposed to address any risk of ground contamination.

Councillor Peers pointed out a discrepancy between the response of Pollution Control in the report compared with the planning file. On land contamination, he explained his decision to check with NRW on whether they had been consulted, as advised by Pollution Control, and that their response (included in the late observations) stated that no notice of contamination had been received. Councillor Peers questioned how it had been concluded that NRW had no objection

when Pollution Control officers had raised concerns and advised consultation with NRW.

Officers clarified that the initial response of Pollution Control outlining their concerns had been followed by a later response from NRW indicating no objection and that in view of this, Pollution Control had indicated agreement with the proposed conditions. Communications between the case officer, the independent third party and Pollution Control colleagues were clearly set out on file. It was felt that NRW may have been unaware of the notice of contamination as this was only of local significance and therefore not included in their records.

In summing up, Councillor Dunbar praised the answers given to Members' questions and supported the officer recommendation.

On being put to the vote, the proposal to grant the planning permission in accordance with the officer's recommendation was carried.

Councillor Richard Jones, who had declared a personal and prejudicial interest on this item, left the meeting prior to discussion on the item. After the vote had been taken, he returned to the meeting and was advised by the Chairman of the decision.

**RESOLVED:**

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

The applicant rescinding of the lawful use of the existing dwelling upon the site.

127. **APPEAL BY MR. J. PEDLEY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSED INDIVIDUAL VEHICULAR ACCESS POINTS FOR PLOTS 2, 3 & 4 OF PREVIOUSLY CONSENTED GYPSY SITE AT MAGAZINE LANE, EWLOE (054322)**

**RESOLVED:**

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

128. **APPEAL BY SEP WOOD FARM LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING INVERTER HOUSING, ACCESS TRACK, SECURITY FENCING AND CAMERAS ON LAND AT 2 SITES ON DEESIDE LANE, SEALAND (053686 & 053687)**

Councillor Chris Bithell commended the case officer on his handling of the application at the inquiry. He also requested that all future appeals reports indicate

whether the decision was made by the Committee or the officer, and that the name of the relevant Inspector be included for information.

**RESOLVED:**

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

129. **APPEAL BY MR. R. DENNIS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RENEWAL OF PLANNING PERMISSION 049755 TO ALLOW CONVERSION TO BARN TO 2 NO. DWELLINGS AT MERTYN ABBOTT FARM, LLWYN IFOR LANE, WHITFORD (054446)**

The Development Manager expressed her frustrations over the outcome due to the Inspectorate being able to consider supporting information at a late stage.

**RESOLVED:**

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

130. **APPEAL BY MS P. HICKIE-ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN EXTENSION TO AND CHANGE OF USE OF OUTBUILDING TO DWELLING AT AEL Y BRYN, MOEL Y CRIO, HOLYWELL (055299)**

**RESOLVED:**

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

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

There were 27 members of the public and one member of the press in attendance.

(The meeting started at 1pm and ended at 3.45pm)

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**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>ND</sup> FEBRUARY 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF 43 NO. DWELLINGS AND ASSOCIATED WORKS AT FFORDD ELDON, SYCHDYN**

**APPLICATION NUMBER:** **054548**

**APPLICANT:** **STEWART MILNE HOMES**

**SITE:** **FFORDD ELDON, SYCHDYN.**

**APPLICATION VALID DATE:** **12<sup>TH</sup> FEBRUARY 2016**

**LOCAL MEMBERS:** **COUNCILLOR M. BATEMAN**

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

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

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This full application proposes the erection of 43 No. dwellings and associated works on land at Ffordd Eldon, Sychdyn, Mold.
- 1.02 The site the subject of this application is allocated for residential development in the Flintshire Unitary Development Plan by virtue of Policy HSG1 (38). A Development Brief for the site has previously been produced and adopted as Supplementary Planning Guidance in 2012.
- 1.03 Amended plans have been received in progression of the application, on which further consultation has been undertaken.

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

2.01 That conditional planning permission be granted subject to the applicant entering in to a Section 106 Obligation:-

- a) Control the provision and occupation of 4 No bungalows within the development which are proposed to be gifted to the Council to meet affordable housing needs.
- b) Ensure the payment of an educational contribution of £24,514 towards school places at Sychdyn Primary School and £129,283 towards improving facilities to increase capacity at Argoed Secondary School.

Conditions

1. Time limit on commencement.
2. In accordance with approved plans.
3. Materials to be submitted and approved.
4. Siting/design of the access to be submitted and approved.
5. No construction to commence on access until detailed design has been approved.
6. Access to be kerbed and completed to carriageway base course layer prior to any other building operations.
7. Details of design, traffic calming, signing, surface water drainage, street lighting to be submitted and approved prior to commencement of other site works.
8. Garages to be set back minimum 5.5 m behind the back of footway or 7.3 m from carriageway if crossing a service margin.
9. Positive means to prevent run-off of surface water onto highway to be submitted and approved.
10. Construction Management Plan to be submitted and approved.
11. Travel Plan to be submitted and approved prior to bringing into use the development.
12. Hard /soft landscaping to be submitted and approved.
13. Implementation of landscaping scheme.
14. Protection of trees/hedgerows during construction.
15. No development to commence until site investigation for land contamination undertaken/approved.
16. Scheme for integrated drainage of the site to be submitted and approved.
17. Details of site/finished floor levels of buildings to be submitted and approved.
18. 25 m exclusion zone along southern boundary to protect sub-surface remains of Wat's Dyke monument to be provided/retained. No works to be undertaken within the excluded area without further consent.
19. Details of archaeological interpretation board to be submitted and approved with timescale for its provision.
20. Details of specification for equipped childrens play area to be

submitted with timescale for its provision.

21. Detail of maintenance/management of open space/play area to be submitted.
22. Public Footpath 33 to be retained.

### **3.00 CONSULTATIONS**

#### 3.01 Local Member

Councillor M. Bateman

Requests planning committee determination. Preliminary concerns relate to:-

- Need for compliance with the Development Brief which should be afforded considerable weight as a material planning consideration.
- Bungalows primarily surround the site and should be introduced within the development where the site interfaces with existing development.
- Density of development proposed is high to the detriment of the play area.
- Public Open Space is on the edge of the development and should be more centrally located within the layout.
- Adequacy of access and impact of vehicular movements on Ffordd Eldon which is an adjacent unadopted road in a poor physical condition.

Northop Community Council

Object to the proposed development for the following reasons:-

- The proposed development does not comply with the adopted Development Brief prepared for the site.
- Impact on highway safety and amenity of occupiers of existing Old Age Pensioners bungalows from increased traffic flow and narrow site entrance.
- Density of development proposed would have a detrimental impact on the character and appearance of the area.
- Reduction in affordable housing from 13 No. dwellings to 4 No. bungalows is unacceptable.
- Public Open Space should be more centrally located within the development.
- Adequacy of drainage.

Highway Development Control Manager

Recommend that any permission includes conditions in respect of access, detailed design/layout and the submission of both a Construction Traffic Management and a Travel Plan.

Planning & Environment (Rights of Way)

Public Footpath 33 crosses the site, the surface of which, must not be

disturbed without lawful permission and development over its line must not commence until any necessary division or extinguishment has been authorised under the appropriate legislation.

Pollution Control

No objection in principle, but as the development area lies immediately adjacent to a former municipal landfill site, with the potential for the presence of contamination, recommend that any permission be the subject of a condition requiring site investigation to be undertaken.

Clwyd-Powys Archaeological Trust

The 25 m exclusion zone along the southern boundary of the application site will protect the sub-surface remains of the former Wat's Dyke monument. The exclusion zone must be maintained in its current form as a grass field and fenced off during construction works to prevent storage and damage by machinery. Recommend the imposition of a condition to facilitate the preservation of archaeological remains.

Housing Strategy Officer

There is an identified need for affordable housing provision in Sychdyn and supports the proposed on site provision of 4 No. bungalows to be gifted to the Council to meet an identified affordable/social housing need.

Natural Resources Wales

Following the submission of a Revised Flood Consequences Assessment (FCA) do not raise any objection subject to the composition of a condition to control site and finished floor levels of the proposed dwellings.

Dwr Cymru/Welsh Water

Request that any permission includes conditions in respect of foul, surface and land drainage.

Capital Projects & Programme

Due to limited surplus places at Sychdyn Primary School (Post September 2016) request an educational contribution of £24,514, and an educational contribution of £129,283 will be required to fund improvements to the support capacity at Argoed Secondary School.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

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

- Detrimental impact on the character and appearance of the area.

- Detrimental impact on highway safety.
- Site is outside village boundary and is open countryside.
- Site is not a brownfield site and should not have been allocated for residential development.

## **5.00 SITE HISTORY**

### **5.01 054048**

Erection of 43 No. dwellings and associated works – Withdrawn 15<sup>th</sup> February 2016.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy STR1 – New Development.

Policy STR4 – Housing.

Policy GEN1 – General Requirements for New Development.

Policy GEN2 – Development Inside Settlement Boundaries.

Policy D1 – Design Quality, Location & Layout.

Policy D2 – Design.

Policy D3 – Landscaping.

Policy L1 – Landscape Character.

Policy WB1 – Species Protection.

Policy WE6 – Scheduled Ancient Monuments & Other Nationally Important Archaeological Sites.

Policy AC13 – Access & Traffic Impacts.

Policy AC18 – Parking Provision & New Development.

Policy HSG1 (38) – New Housing Development Proposals.

Policy HSG8 – Density of Development.

Policy HSG10 – Affordable Housing Within Settlement Boundaries.

Policy SR5 – Outdoor Playing Space & New Residential Development.

Policy EWP12 – Pollution.

Policy EWP14 – Derelict & Contaminated Land.

Policy EWP17 – Flood Risk.

Policy IMP1 – Planning Conditions & Planning Obligations.

### **Additional Guidance**

Planning Policy Wales (PPW)

Technical Advice Note 5 – Nature Conservation & Planning.

Technical Advice Note 12 – Design.

Technical Advice Note 15 – Development & Flood Risk.

Technical Advice Note 18 – Transport.

Local Planning Guidance Note 2 – Space Around Dwellings.

Local Planning Guidance Note 09 – Affordable Housing.

Local Planning Guidance Note 11 – Parking Standards.

Local Planning Guidance Note 23 – Developer Contributions to Education.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This full application proposes the erection of 43 No. dwellings and associated works on an allocated housing site on land at Ffordd Eldon, Sychdyn, Mold. Amended plans have been received in progression of the application on which further consultation has been undertaken.

### **7.02 Site Description**

The site the subject of this application amounts to approximately 1.99 hectares in area and is located on the northern edge of the settlement of Sychdyn. The topography of the site is generally flat and is currently vacant.

7.03 The north east and south-eastern boundaries of the site are defined by mature hedgerows with open fields beyond. The western boundary is defined by the line of Wat's Dyke along which are a number of existing bungalows at Ffordd Eldon. The south-western boundary is defined by the rear of existing properties which front onto Wat's Dyke Way a private unadopted road where adjoining the common site boundary there is a bungalow, dormer bungalow and a 2 storey dwelling. Direct vehicular access into the site is gained from Ffordd Eldon.

### **7.04 Proposed Development**

The amended plans submitted as part of this application propose the erection of a total of 43 No. dwellings which includes 2 pairs of semi-detached bungalows which are intended to meet affordable housing needs.

7.05 For Members information the application is accompanied by:-

- A Design & Access Statement.
- A Flood Consequences Assessment.
- An Archaeological Assessment.
- An Ecological Report.
- A Sustainability Statement.

7.06 The remaining 39 dwellings are two storey, comprising a mix of detached, semi-detached and terrace units which are accessed off the main estate spine road. There is an area of Public Open Space within the development which is proposed adjacent to the sites eastern boundary adjacent to existing agricultural fields.

7.07 Vehicular access to serve the development is proposed from Ffordd Eldon, although it is also possible for access to be obtained from Wat's Dyke Way which is a private unadopted road to the south-east of the application site.

7.08 It is considered that the main planning issues can be summarised as follows:-

- Principle of development having regard to the planning policy framework and Development Brief for the site.
- Proposed scale of development/house types/site layout.
- Adequacy of existing highways and access arrangements to serve the scale of development proposed.
- Adequacy of foul and surface water drainage.
- Ensuring an adequate provision of affordable housing within the development.
- Impact on the privacy/amenity of residents in proximity to the site.
- Open space requirements.
- Impact on Wat's Dyke.
- Educational contributions.

7.09 Planning Policy Framework

For Members information, the site is allocated for residential purposes in the Flintshire Unitary Development Plan (FUDP) by virtue of Policy HSG1 (38). In addition, a Development Brief for the site has been produced and adopted in 2012 as a guide for its potential development. The principle of residential development on the site is therefore acceptable subject to the safeguarding of relevant amenity considerations.

7.10 Members will be aware that within the parameters of TAN1 the Council is unable to demonstrate a 5 year housing land supply. In such circumstances TAN1 advises that the housing land supply figure should be treated as a material planning consideration in determining planning applications.

7.11 Although the Council can no longer carry out a formal Joint Housing Land Availability Study, it is still required to monitor on an annual basis the supply of land, as this will be an important part of the evidence base for the Local Development Plan (LDP). The last published study (2014) set out a number of ways in which housing land supply can be increased and the first of these is that 'the Council will continue to work with landowners and developers in bringing forward appropriate and sustainable windfall housing sites as well as addressing any difficulties or obstacles preventing the delivery of allocated sites'. In this context the delivery of the site will make an important contribution to the 'commitments' element of the LDP housing balance sheet and housing land supply.

7.12 The concerns regarding the need for full compliance with the parameters set out in the brief and for development to be prescriptive relative to its content, are noted. Whilst it is acknowledged that the brief should be afforded considerable weight as a material planning consideration in support of the framework of policies in the FUDP, the

nature of a brief is to help guide and facilitate development and makes specific reference to “Developers having regard to the brief when preparing a scheme for this site. Any differences must be justified by the developer and agreed with the planning authority”.

7.13 Scale/House Types/Site Layout

As an allocated housing site and in accordance with Policy HSG8 of the Flintshire Unitary Development Plan, it is expected to achieve a minimum density of 30 dwellings per hectare which would result on the basis of the site’s gross area an indicative yield of 60 dwellings.

7.14 The density proposed is however affected by the constraints of the site taking into account archaeological, drainage and open space requirements. As a result the net developable area amounts to approximately 1.5 hectares, which on the basis of the 43 No. dwellings proposed, results in a density of approximately 29 dwellings per hectare.

7.15 It is acknowledged that numbers of proposed dwellings are at a slightly higher level than that referenced in the brief (i.e., 4 additional dwellings proposed). The site layout is however well balanced and attractive given this increase in density from 39 – 43 dwellings and considered to satisfy the requirements of Policy HSG8 to achieve the most appropriate density in terms of making the most efficient use of land in a manner which reflects the character of the site and surroundings. This density of development on the basis of the net developable area is therefore in compliance with both the aims of the brief and Policy HSG8. The density of the scheme would not be harmful to the character and appearance of the area.

7.16 The proposed site layout illustrates the introduction of 2 storey dwellings adjacent to the site’s western boundary at Ffordd Eldon and bungalows/dwellings in proximity to existing development at Wat’s Dyke Way which on the common site boundary comprise a bungalow, dormer bungalow, and a 2 storey dwelling.

7.17 The development brief notes that bungalows primarily surround the site and that it may be appropriate to use this house type at the southern position of the site where it interfaces with existing development, referencing the possible introduction of the affordable element of the scheme at this location.

7.18 As a result of the consultation exercise, objections have been received seeking to ensure the provision of bungalows on the site boundaries where this development interfaces with the existing village and these are duly noted.

7.19 The site layout adjacent to the western site boundary proposes that 2 storey dwellings front onto the area safeguarded from development by the line of Wat’s Dyke, onto which existing bungalows at Ffordd Eldon



are located. Whilst reference is made in objection to the requirement for the introduction of bungalows along this boundary, it is not considered that 2 storey dwellings would be detrimental to this existing character and the separation distances of 35 m between properties would be acceptable and in excess of that referenced to in the Council's Local Planning Guidance Note 2 – Space About Dwellings. The existing bungalows face onto Ffordd Eldon and Ffordd Celyn and do not have their orientation towards the proposed dwellings. Furthermore this part of the development faces towards the village to ensure it is an attractive frontage and well integrated with Wat's Dyke acting as a buffer which delineated the historical pattern between older and current development proposals.

7.20 In line with the brief the development also proposes the introduction of bungalows on the southern boundary at the closest point of the development relative to existing bungalows at the junction of Ffordd Eldon/ Wat's Dyke Way. Along this boundary 2 storey properties are also proposed in relation to those existing properties, comprising a dormer bungalow and a 2 storey dwelling, all of which have higher ridge heights. Their impact would therefore be assimilated in to the existing pattern of development at this location.

7.21 Access/Highways

Vehicular access to serve the development is proposed from Ffordd Eldon and in order to achieve an adequate re-alignment of the carriageway at this location into the application site, acquisition of a frontage strip from an existing property (6 Ffordd Eldon) is required with this being included within the application site boundary.

7.22 It is noted that a number of objections have been received to the development on highway grounds, with specific concerns that the development will generate additional movements on Wat's Dyke Way which is unadopted and in a poor physical condition. Consultation on the acceptability of the existing highway network to serve the development and the internal estate road layout has been undertaken with the Highway Development Control Manager who raises no objections (subject to conditions).

7.23 It is acknowledged that the surface of Wat's Dyke Way is in a poor condition and has been for a number of years. For Members information it is a privately maintained unadopted road which Streetscene have no responsibility to upgrade or maintain. Whilst a number of council properties are accessed off this road, full maintenance responsibilities are outside the jurisdiction of the Council. The development will be accessed off the adopted section of Ffordd Eldon; and based on the existing highway situation, the Highway Development Control Manger raises no objection to the development as proposed and does not require works to be undertaken to improve the condition of Wat's Dyke Way in order to facilitate the proposed development.

- 7.24 Adequacy of Foul/Surface Water Drainage  
The adequacy of the drainage system to serve the scale of development proposed has been the subject of consultation with Natural Resources Wales (NRW) Cymru/Welsh Water, and the Council's Drainage Engineer.
- 7.25 Given the site's location within Flood Zone A, a Flood Consequences Assessment (FCA) has been submitted and considered by NRW in order to ensure that the impact of development from flooding can be acceptably managed. As a result NRW have advised that they raise no objection to the development subject to the imposition of a condition to control the site and finished floor levels of the buildings proposed.
- 7.26 In addition consultations have been undertaken with Dwr Cymru/Welsh Water who raise no objections to the development subject to the imposition of conditions to ensure the separation of foul and surface water discharges from the site. The Council's Drainage Engineer has also advised that on the basis of the details submitted regarding capacity for surface water storage that the drainage scheme proposed is acceptable.
- 7.27 Affordable Housing Requirements  
For Members information, the plans initially submitted as part of the application, proposed 13 No. units within the site to be targeted to meet affordable housing need by way of sale though shared equity.
- 7.28 Following local representation/concerns that there is greater pressure and limited opportunity within Sychdyn for those persons wishing to downsize from existing properties, the applicants have proposed that 4 No. bungalows be gifted to the Council in order to meet this identified need.
- 7.29 Whilst it is noted that objections have been raised to this approach which sees a reduction in numerical terms in the level of provision, in financial terms it is equitable to that initially proposed, and this has been considered by the Council's Housing Strategy Officer who supports this proposal. This increases the availability of Council Housing stock within the locality to meet a specific need and enables greater control over its occupation to be exercised by the Council.
- 7.30 Impact on Privacy/Amenity  
Of particular importance in consideration of this application is ensuring that the privacy/amenity of the occupiers of the proposed dwellings and those adjacent to the site are safeguarded as part of the development.

- 7.31 The amended layout takes into account the relationship of the site to existing development, particularly at Wat's Dyke Way where these dwellings are closest to the application site, and ensures that the separation distances between properties would be acceptable to avoid overlooking having regard to Local Planning Guidance Note 2 – Space About Dwellings.
- 7.32 The applicant in recognising that there is elderly persons accommodation along Ffordd Eldon have advised that whilst this would offer the most direct access to site, they are willing (should the opportunity be available) to access the site during construction works from an alternative direction using the road at the junction with the A5119 to the east of the application site.
- 7.33 The access arrangements can be controlled/addressed through the imposition of a condition requiring the submission of a Construction Traffic Management Plan should Members be mindful to grant planning permission.
- 7.34 Open Space Provision  
The layout provides for an open space within the development of approximately 2,485 m<sup>2</sup>, which is proposed to be sited adjacent to existing agricultural land on the site's eastern boundary.
- 7.35 Consultation on this aspect of the development has been undertaken with the Public Open Spaces Manager who has raised no objections to the location, layout or to the level of open space, subject to the imposition of a condition to ensure the submission for a specification for boundary treatment and play equipment provision.
- 7.36 It is acknowledged that the development brief for the site provides an indicative plan suggesting that the Public Open Space could be provided centrally within the layout and objections have been received on the basis that the layout should reflect this. Given the location of an existing ditch adjacent to the eastern boundary of the site, which will receive surface water discharge as in the event of adverse weather conditions which may result in ground conditions being affected, it is more appropriate for open space to abut the ditch rather than the rear curtilage areas of proposed dwellings. It is considered that the open space area would therefore be better located in this area of the site and would be secured through the introduction of boundary enclosure to prevent access into the adjacent field.
- 7.37 In addition the site layout affords the opportunity for surveillance from a number of dwellings and upon completion, its future maintenance would be transferred to a Management Company.
- 7.38 Impact on Wat's Dyke  
The western boundary of the site is affected by the sub-surface remains of the former line of Wat's Dyke. Whilst these remains are

not a part of the Scheduled Ancient Monument, it is proposed that it be protected during/after development by the inclusion of a 25 m exclusion zone to prevent any possible damage.

7.39 Consultation on the details submitted to safeguard the remains of the Dyke has been undertaken with Clwyd-Powys Archaeological Trust (CPAT). No objections to the extent of the 25 m exclusion zone have been received from CPAT subject to the imposition of a condition to prevent access onto this part of the site during construction works and that its current form as a grass field remains unaltered. This, together with the introduction of an interpretation panel showing the origins of the Dyke, can be covered by the imposition of conditions if members are mindful to grant planning permission for the development.

7.40 Educational Contributions

Given the scale of development proposed consultations were initially undertaken following submission of the application with the Council's Capital Projects and Planning, to establish the level of financial contribution required for the accommodation of additional primary and secondary school age pupils from the development, in order to ensure adequate education provision.

7.41 At the time of consultation it was confirmed that the existing capacity with Sychdyn Primary School did not require a financial contribution for this school to be made. Given the time period that has elapsed however since submission of the application, further consultation has been undertaken, and it has been confirmed that on the basis of September 2016 figures there is now less than 5% surplus places and a contribution of £24,514 is required. In addition Argoed Secondary School also has less than 5% surplus spaces and therefore a formal contribution of £129,283 will be required to fund an additional 7 places generated by the proposed development. This level of contribution has been updated relative to the advice contained within the Development Brief in line with current circumstances.

**8.00 CONCLUSION**

8.01 In conclusion the proposal offers 4 gifted bungalows and the fully required education contribution. It is my view that the scale/form of the development proposed would be sympathetic to the character of the site and surroundings. The density of development proposed is in accordance with that contained within the Development Brief proposed for the site and although the layout has been modified from the indicative plans produced at that time, in my view the development remains consistent with the general aims that this sought to achieve when it was produced in 2012.

8.02 There is no objection to the development from the Highway Development Control Manager, or drainage bodies and the impact on Wat's Dyke sub-surface archaeological remains has been safeguarded. I therefore recommend approval.

8.03 **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.

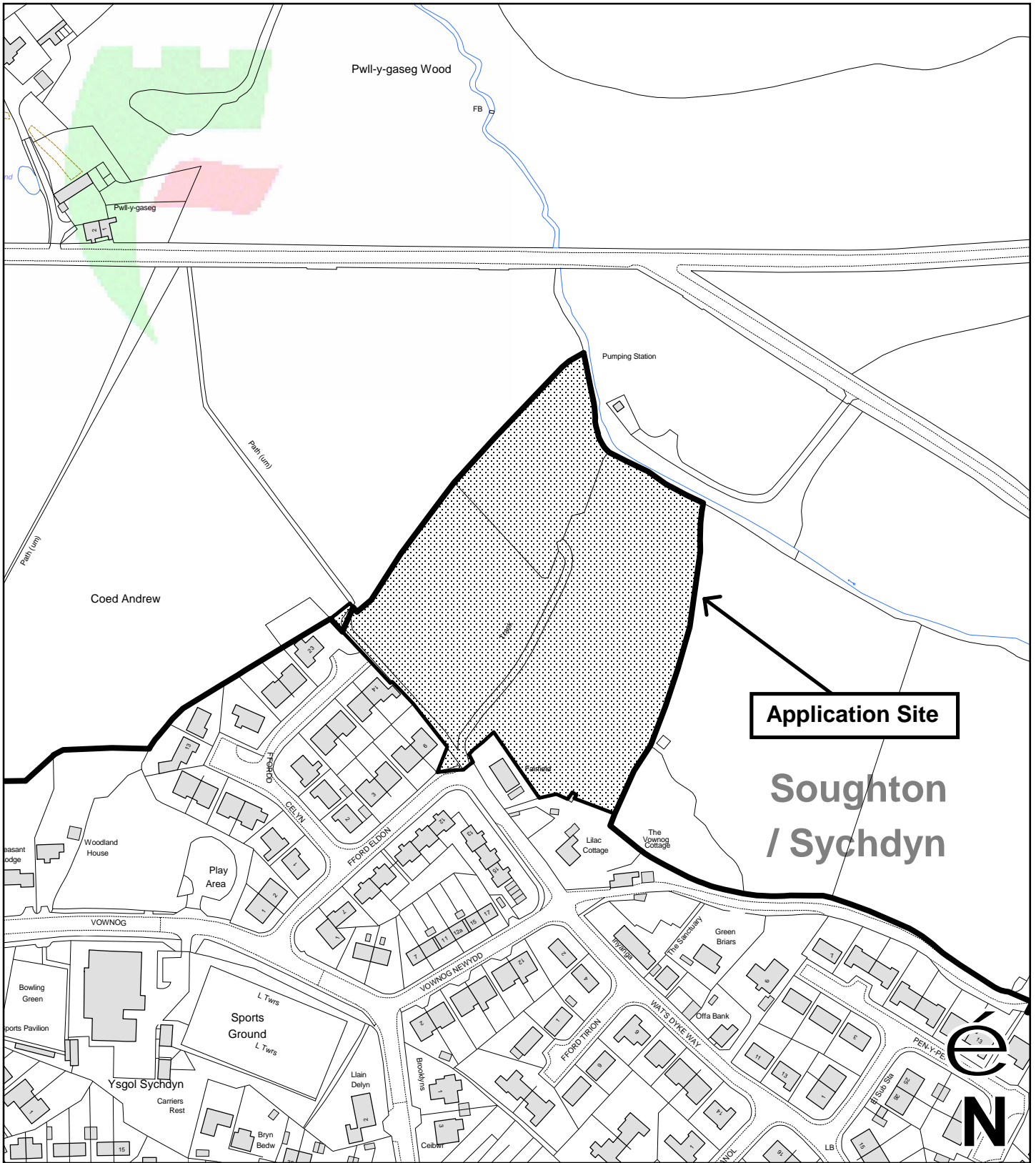
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

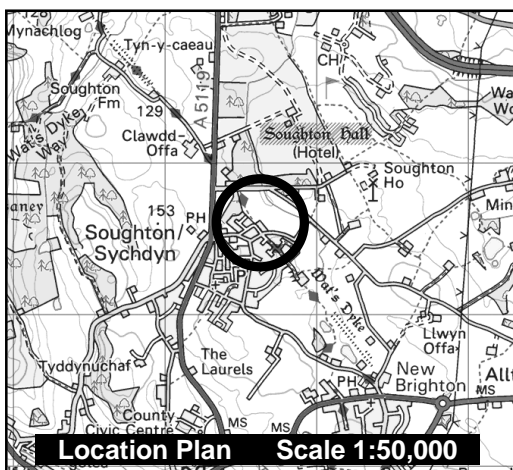
**Contact Officer:** Mark Harris  
**Telephone:** (01352) 703269  
**Email:** Robert\_mark\_harris@flintshire.gov.uk

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**Application Site**

**Soughton / Sychdyn**



**Location Plan Scale 1:50,000**



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale	1:2500
OS Map ref	SJ 2466
Planning Application	<b>54548</b>

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>ND</sup> FEBRUARY 2017**

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

**SUBJECT:** **RENEWAL OF OUTLINE PLANNING PERMISSION REF: 046545 FOR RESIDENTIAL DEVELOPMENT AT HILLCREST, MOUNT PLEASANT ROAD, BUCKLEY**

**APPLICATION NUMBER:** **055936**

**APPLICANT:** **MR D HUTCHINSON & THE ESTATE OF MR W C WILSON**

**SITE:** **HILLCREST, MOUNT PLEASANT ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **19.09.16**

**LOCAL MEMBERS:** **COUNCILLOR D HUTCHINSON**  
**COUNCILLOR M PEERS**

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

**REASON FOR COMMITTEE:** **APPLICANT IS A COUNCILLOR**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is a renewal of outline planning permission 046545 for residential development at land to the rear of Hillcrest, Mount Pleasant Road/Drury Lane, Buckley. It therefore needs to be established whether there are any new material considerations since the previous grant of permission. The main considerations are the impact of the development on the adjacent Deeside and Buckley Newt Special Area of Conservation and the mining history of the site.

1.02 This is the renewal of an outline planning permission on an allocated site within the Flintshire Unitary Development Plan. In order to try to bring development forward on this site a 2 year outline permission is proposed with a 12 month time limit to submit the reserved matters.

1.03 Issues relating to land contamination can be dealt with by condition. Details of the required bat mitigation needs to be provided at reserved matters stage and this can be secured by condition. The impact on the SAC is being met through the mitigation land secured through the S106 agreement.

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

2.01 Prior completion of a S106 agreement relating to;

- Open space provision - £1,100 per dwelling to enhance toddler play provision at the existing children's play are on Mount Pleasant Road, Buckley
- Education provision - £12,257 per primary school pupil generated towards Mountain Lane Primary School
- Mitigation land to overcome indirect impacts on SAC through provision of informal recreational space and provision of ecological mitigation including long term management for both areas

Conditions

1. Time commencement 2 years
2. 12 months to submit reserved matters
3. Siting layout and design of access
4. Site access to be kerbed and completed to carriageway base course prior to any other site operations
5. Access from Lower Mountain Road to be closed and reinstated
6. Proposed access to have visibility splay of 2.4m x 43m
7. No obstruction in visibility splays
8. Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads
9. Gradient of the access from the edge of the existing carriageway for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
10. Construction Traffic Management plan
11. Foul, surface and land drainage
12. Contaminated land assessment
13. Bat mitigation – roost to be provided on site as part of reserved matters
14. Amphibian mitigation
15. Details of demolition of the buildings – method statement

### **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor D Hutchinson  
Is joint applicant.

Councillor M Peers  
No response received.

Buckley Town Council  
No observations.

#### Highways Development Control Manager

The plans previously submitted showed two points of access to the highway network; one from Drury lane and one form Mount pleasant Road. The current indicative layout shows one point of access from Drury Lane. The comments are made on that basis. No objection subject to conditions covering;

- Siting layout and design of access
- Site access to be kerbed and completed to carriageway base course prior to any other site operations
- Access from Lower Mountain Road to be closed and reinstated
- Proposed access to have visibility splay of 2.4m x 43m
- No obstruction in visibility splays
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads
- Gradient of the access from the edge of the existing carriageway for a minimum distance of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
- Construction Traffic Management plan

#### Public Protection Manager

No objections in principle to this application, however, the proposed development is located in an area where there is a long history of coal mining, brick working and also landfill as a result significant elevated levels of contamination may be present around the whole site. As a result of these observations I have consulted the Contaminated Land Officer and the recommendation is that the applicant will require a Contaminated Land condition attached to any approval you may grant.

#### Welsh Water/Dwr Cymru

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

#### Natural Resources Wales

The application site is located close to the boundary of Buckley Claypits and Commons Site of Special Scientific Interest (SSSI). This site supports a nationally important population of great crested newts

and an assemblage of amphibian species. Owing to the proximity of the application site to the SSSI, we therefore advise that any consent is subject to the imposition of a condition requiring the implementation of amphibian mitigation and avoidance measures to the satisfaction of the LPA. The results of the ecological survey confirmed the continued presence of the lesser horseshoe bat. The proposal has the potential to cause disturbance to bats and or loss or damage to their resting places.

No objection subject to the ecological mitigation land being provided and the bat mitigation being implemented.

#### Play Unit

A contribution of £1,100 per unit to enhance toddler play provision at the existing children's play are on Mount Pleasant Road, Buckley.

#### Education

The nearest Primary School is Mountain Lane Primary School which has 1.96% surplus spaces. It is therefore already below the 5% threshold and a contribution of £12,257 per pupil generated is required. This would be towards additional toilet provision at the school.

The nearest Secondary School is the Elfed High School which has 40.21% surplus spaces. A contribution is therefore not required.

### **4.00 PUBLICITY**

#### **4.01 Press Notice, Site Notice and Neighbour Notification**

2 objections on the grounds of;

- The school is oversubscribed and uses temporary accommodation
- The doctors is at capacity. More local facilities are required before more housing.
- Increase traffic flow on a busy road
- Affordable homes should be provided
- Junctions have poor visibility

### **5.00 SITE HISTORY**

#### **5.01 046545**

Renewal of outline planning permission ref: 041634 for residential development. Approved after completing legal agreement 07.10.13

#### **041634**

Outline - residential development. Approved 29.08.06.

#### **041043**

Outline - residential development. Withdrawn 26.05.06

**01/0/00191**

Renewal of planning permission 4/0/25009 to allow the extension of an existing industrial building. Approved 23.04.01

**96/0/00187**

Change of use of part of haulage yard to parking of up to six minibuses and two 53 seater coaches. Approved 09.07.96.

**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 HSG1 - New Housing Development Proposals  
Policy HSG8 - Density of Development  
Policy HSG9 - Housing Type and Mix  
Policy D1 - Design Quality, Location and Layout  
Policy D2 - Design  
Policy D3 - Landscaping  
Policy TWH1 - Development Affecting Trees and Woodlands  
Policy EWP3 - Renewable Energy in New Development  
Policy EWP14 - Contaminated Land  
WB1 – Protected Species  
WB2 – Sites of International Importance  
AC13 – Access and Traffic Impacts  
AC18 – Parking Provision and New Development

The proposal is in accordance with the above policies.

**7.00 PLANNING APPRAISAL**

- 7.01 Introduction  
This is an application to renew outline consent for residential development on a 0.8 hectare site. All matters of detail are reserved for future consideration.
- 7.02 Site Description  
The application site is accessed from Mount Pleasant Road between two residential properties, and is bounded by residential properties to the east and south. The site also abuts Drury Lane and includes the vacant residential properties of The Mount and Highfield along with an existing bus depot which includes an industrial building. The site is bounded by existing hedgerows and contains a number of trees. To the north west of the application site is a wooded area which is adjacent to a number of large ponds.

- 7.03 Proposed Development  
It is proposed to develop the site for residential use. The submitted Indicative layout shows 24 dwellings with an access from Drury Lane. The details of the development would be determined at the reserved matters stage. A Ground Stability Report and Ecological Survey were submitted during the course of the planning application.
- 7.04 Principle of Development  
The site is allocated for residential development within the adopted Unitary Development plan for 15 dwellings and is within the settlement boundary of Buckley. The site was first granted outline planning permission in 2006 and subsequently renewed in 2013. There is a concern that allocated sites are gaining planning permission and not being brought forward into completions which is exacerbating the housing land supply situation. The Council is under increasing pressure from speculative developments outside settlement boundaries to meet the present lack of a 5 year land supply. It is therefore considered that the renewal of this application should apply a 12 month condition for the reserved matters to be submitted and the outline shall be for two years only in order to stimulate development of the site.
- 7.05 Mining  
Following concerns raised by the Coal Authority about the mining legacy of the area a Ground Stability report was undertaken by Adams Consulting Engineers. This report indicates that the site does lie in an area of past mine workings with 7 seams worked to varying depths between shallow and 210m. The seams were last worked in 1914. There are no records of any mine entry points on the site or within 20 metres of the boundary. The risk of significant ground movement as a result of past mine workings is limited however it will be necessary to carry out some further site investigation works to establish the most appropriate and cost effective foundation design. This may include some borehole investigation, gas monitoring and ground treatment. A land contamination assessment is therefore required and this can be secured by condition.
- 7.06 Ecological Issues  
The application is not within, but is adjacent to the Deeside and Buckley Newt Special Area of Conservation at its northern (200 metres) and southern boundaries 100 metres). The land to the west of the application site is a Local Wildlife Site known as Etna Road Pools and is an important wildlife corridor linking the SAC compartments.
- 7.07 Great Crested Newts are the key feature of the SAC so it is important to ensure that there are no long term effects on the population through agreed avoidance and mitigation measures. There are numerous significant development pressures on the SAC as a whole, which in combination with this proposal could have significant environmental effects. An area of land has therefore been set aside for ecological

mitigation and to address the indirect recreation pressures adjacent to the application site within the applicant's landownership to compensate for the loss of land for development.

- 7.08 The application site is a brownfield site comprising existing industrial buildings and hardstanding and two dwelling houses, however part of the site is naturally regenerated and there are a number of trees. A protected species survey of the buildings to be demolished has been undertaken by Clwydian Ecology in December 2016 and was submitted during the course of the application. The bat survey concluded that the buildings support a small roost of lesser horseshoe bats and a small number of brown long eared bats. A purpose built bat roost is therefore required within the site. Details of this would be provided at reserved matters stage and would be secured by condition.
- 7.09 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive 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 no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.
- 7.10 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and a licensing system administered by the Welsh Ministers.
- 7.11 Planning Policy Wales Edition 9 2016 paragraph 5.5.11 advises Local Planning Authorities that "The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitat."
- 7.12 TAN 5 (2009) states at paragraph 6.3.6:- "Regulation 3(4) of the Habitats Regulations requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive's provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive's requirements. Those requirements include a system of strict protection for European protected species,

with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met. These requirements are transposed by the provisions of the Habitats Regulations. The issues of whether development could give rise to a breach of the Regulations' requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a licence may be needed, the three licensing 'tests' required by the Directive should be considered by the local planning authority. Paragraph 6.3.7 then states:- "*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) licence are likely to be satisfied.*"

- 7.13 Mitigation is provided in the form of an area of semi-natural woodland to the west of the application site. This will improve the connectivity between SAC components. The long term management of this needs to be secured through legal agreement. In this case it is considered that the mitigation put forward will compensate for any adverse effects caused by the loss of the development land and also assists in enhancing the ecological value of the SAC by providing a linkage for European protected species.
- 7.14 The proposed development and mitigation proposals have been assessed and it is considered that the development is not likely to have a significant effect on protected species or the adjacent SAC and SSSI. It is considered that this application satisfies the three tests required by the Habitats Directive. The site is allocated for residential development in the emerging Flintshire Unitary Development Plan, therefore development of this site would bring economic and social benefits in terms of bringing forward a site for residential development which has been identified through the development plan process to meet the County's needs for housing growth. The development of the site would bring about environmental benefits in the form of the secured long term management and mitigation of the adjacent land for ecological purposes which is adjacent to the SAC and SSSI. The consideration of satisfactory alternative sites to meet the demand for residential use in the locality has been assessed through the development plan process. It is considered that proposed mitigation areas compensate for the loss of habitat and there would be no detriment to the maintenance of the great crested newt population and their conservation status.
- 7.15 Other Matters  
In terms of the concerns in relation to the TPO trees on the site, overdevelopment and impact on residential amenity from noise, these issues would be dealt with at the design stage when a detailed layout is submitted as part of the reserved matters. It is not considered that



these issues prohibit the residential development of the site.

7.16 Affordable Housing

The Housing Strategy manager has indicated that there is a need for affordable housing in the Buckley Area identified by both the local Housing Market Assessment and the Social Housing Register. There is an identified level of interest for affordable housing (i.e. affordable ownership and rent) in Buckley:

- with 67 applicants currently registered for an affordable ownership / shared equity property – 2 applicants want 1 bed; 25 applicants want 2 beds; 40 applicants want 3 beds; and
- a further 20 applicants are registered for affordable (intermediate) rent with 4 applicants requiring 3 bed; 14 requiring a 2bed; and 2 applicants requiring a 1 bed.

7.17 This is an outline application on a 0.8 hectare site and the indicative layout shows 24 dwellings, the original allocation was for 15. Therefore this site is below the threshold in policy HSG10 to require a minimum 30% affordable housing within the scheme.

7.18 S106 Contributions and CILG compliance

In accordance with the responses from Leisure Services and Lifelong Learning relevant contributions in accordance with current practice in relation to open space and education provision would be secured through Section 106 agreement. A S106 agreement was in place for the previous permission however a further agreement is required. This needs to reflect the change in sums now requested for education and the previous requirements for open space monies and ecology. As an education contribution to Mountain Lane Primary School was already previously requested and the opens space monies these are already counted within the 5 projects for the purposes of complying with the CIL regulations.

**8.00 CONCLUSION**

This is the renewal of an outline planning permission on an allocated site within the Flintshire Unitary Development Plan. In order to try to bring development forward on this a 2 year outline permission is proposed with a 12 month time limit to submit the reserved matters. Issues relating to land contamination can be dealt with by condition.

Details of the required bat mitigation needs to be provided at reserved matters stage and this can be secured by condition. The impact on the SAC is being met through the mitigation land secured through the S106 agreement.

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.

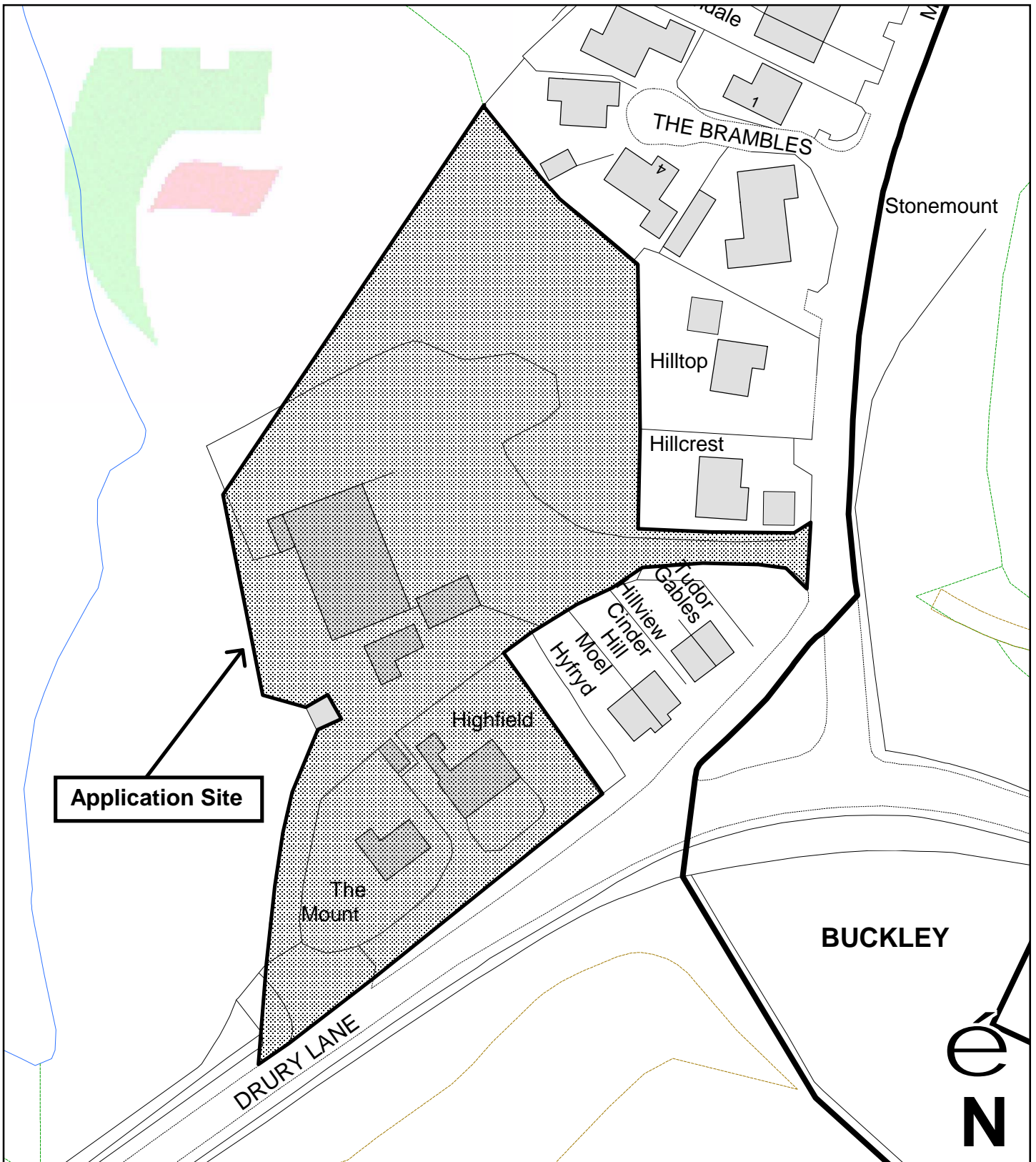
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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.

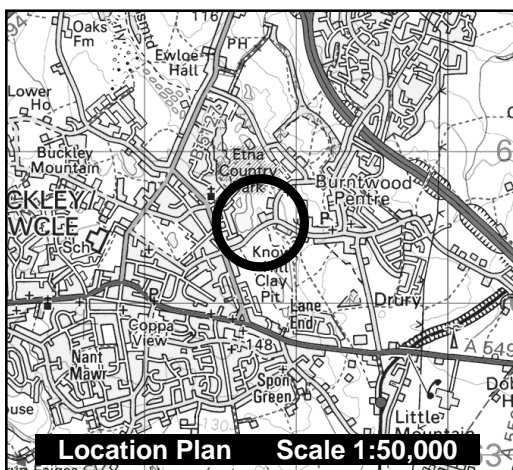
#### **LIST OF BACKGROUND DOCUMENTS**

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

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

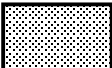



Application Site



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 **55936**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>ND</sup> FEBRUARY 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF SINGLE STOREY EXTENSION TO PROVIDE CHILDREN’S NURSERY FACILITIES AT 10 AUGHTON WAY, BROUGHTON**

**APPLICATION NUMBER:** **056279**

**APPLICANT:** **MRS J FRASER**

**SITE:** **10 AUGHTON WAY, BROUGHTON**

**APPLICATION VALID DATE:** **24.11.16**

**LOCAL MEMBERS:** **COUNCILLOR W MULLIN**

**TOWN/COMMUNITY COUNCIL:** **BROUGHTON**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This is a full planning application for the extension and alteration of the existing garage to provide accommodation to run a children’s day nursery at 10 Aughton Way, Broughton. It is considered that the proposed use as a children’s day nursery for 8 children is acceptable in this location subject to conditions controlling the scale of the development and making it personal to the applicant.

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

- 2.01
1. Time commencement 5 years
  2. Plans
  3. Personal permission with the building reverting to ancillary residential use on cessation of the use or on sale of the property
  4. Maximum of 8 children
  5. Materials
  6. Surface, water, foul water land drainage
  7. Landscaping scheme
  8. Hours of use 8.00 am– 5.00 pm Monday to Friday

**3.00 CONSULTATIONS**

3.01 Local Member  
Councillor W Mullin  
Requests committee determination and site visit due to parking concerns and potential congestion.

Broughton Community Council  
Object as the application is in a residential area and due to increased traffic and parking issues.

Public Protection Manager  
No adverse comments to make.

Highways Development Control Manager  
On the basis that any consent granted is limited to a personal permission tied to the existing dwelling, there is no objection to the proposal.

Welsh Water/Dwr Cymru  
No objection subject to standard drainage conditions.

**4.00 PUBLICITY**

- 4.01 Site Notice and Neighbour Notification  
13 objections on the grounds of;
- It is a quiet residential area and this is an inappropriate use
  - It would create parking issues in the close and conflict with other road users such as refuse lorries
  - Trees have been removed from the boundary opening up views into site
  - Noise disturbance from children in the garden
  - Concerns over boundaries on plan

- Lack of information on the nature of the nursery business such as ages and numbers of children
- Not an extension but a new building
- Insufficient parking for the proposed use
- Poor visibility on the close especially with parked cars
- Vehicles dropping off children will block drives
- Impact on amenity from increased traffic
- Business in a residential area is unacceptable
- Loss of privacy and overlooking
- Increased run off could cause drainage issues
- The extension would affect the character of the area and the pattern of development in this 1950's close
- Will effect peaceful enjoyment of homes
- No provision for increased waste from the proposed use in particular nappies
- Hedge has been removed with no consultation with neighbours. Windows of the dwelling now overlook my property. The removal of this screening will increase the impact of the proposed use.
- Impact on people working from home with noise form the proposed use

## **5.00 SITE HISTORY**

5.01 None

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 STR1 – New Development  
 GEN1 – General Requirements for Development  
 D1 – Design Quality, Location and Layout  
 D2 – Design  
 D3 – Landscaping  
 TWH1 – Development Affecting Trees and Woodlands  
 HSG12 – House Extensions and Alterations  
 HSG13 – Annex Accommodation  
 EM4 – Location of Other Employment Development  
 EWP12 – Pollution  
 EWP13 – Nuisance  
 AC13 – Access  
 AC18 – Parking Provision

The proposal is in accordance with the above policies.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for the extension and alteration of the existing garage to provide accommodation to run a children's day nursery at 10 Aughton Way, Broughton.

### **7.02 Site Description**

10 Aughton Way is a two storey residential property situated within the residential cul-de-sac of Aughton Way, which is accessed off Simonstone Road. The site is in a corner of the cul-de-sac and has a rear and side garden.

7.03 The application site is an existing single storey garage and workshop situated within the curtilage of 10 Aughton Way. The existing garage and workshop are brick with flat roof and are accessed from the driveway through a garage door and a door in the wall which runs along the driveway frontage. The garage is adjacent to the garage of the adjacent property. The dwelling is located to the west of the proposed site and the front elevation faces east onto the driveway. The property has a driveway to the front of the property and garage. There is an existing 2.5 metre high brick wall which currently runs from the dwelling to the existing garage enclosing the side garden.

### **7.04 Proposed Development**

It is proposed to extend and remodel the existing detached garage. The garage is currently 5 metres by 6 metres and 3 metres in height. The existing garage is both a garage and a workshop and is two separate areas which are linked internally but are hidden from the road frontage by the wall. The current garage is built up to the boundary with the garage of the adjacent property.

7.05 It is proposed to extend the existing buildings to create a building which is 7 metres by 10.5 metres and 2.7 metres in height. The footprint of the new building is 1 metre from the boundary with the adjacent property. From the road frontage the only physical change is the removal of the garage door and the insertion of a window and door. The existing door into the garden would remain in the existing wall. The building would have a side door and patio doors opening into the garden. There is a side window in the eastern elevation which faces the neighbouring garage. The building would be brick with a flat roof.

7.06 The building is proposed to be used as a children's nursery with a play room, toilets, dining room, kitchen and storage. The occupier of the dwelling would run the nursery with her daughter who would be employed as a member of staff and would not live at the property. They would look after a maximum of 8 pre-school children. This is an existing business which is relocating from another location in the local area. At present the applicant and her daughter pick up and return



the children to their homes at the end of the day or they are brought on foot. These arrangements are proposed to continue at this location. There would therefore not be any pick-ups and drops off from individual parents by car or any school runs as the children are all of pre-school age. The proposed hours of use are 8.00 am– 5.00 pm Monday to Friday.

7.07 Issues

The main issues are the impacts arising from the extension and from the proposed use as a children's nursery in a residential area. The potential impacts of the use are on residential amenity from increased noise and disturbance and any on the immediate highway network and parking provision.

7.08 Proposed use

It is proposed to use the extended building as a children's nursery for a maximum of 8 pre-school children with two members of staff, one of which is the occupier of the dwelling on the site. This use requires a change of use as the applicant is employing a member of staff and due to the number of children. However it needs to be noted that a child minding business run from a residential property does not need planning permission for up to 6 children under the age of 8 if no staff are employed. Such a business usually takes place in specific rooms of a residential property and would obviously generate a number of vehicle movements and extra disturbance through noise of children playing etc.

7.09 The differences here are the number of children which is 8; the additional of a member of staff and that the use is within a separate purpose built building adjacent to the dwelling. The applicant has stated that the current arrangements are that the children are picked up and taken home each day by the members of staff or collected on foot. This would limit vehicle movements to two cars bringing children in the morning and two cars taking them home in the evening. A condition can restrict the number of children to 8, however it is not possible to impose a condition to prevent pickups from the property as it would not be enforceable. This matter is dealt with below.

7.10 It is considered that the permission should be made personal to the applicant as the proposed use is acceptable subject to the current circumstances with one member of staff living at the property. This has a significant effect on car parking requirements which are set out below. If the use ceased or the applicant sold the property then the building would revert to ancillary residential use.

7.11 Highways

An issue was raised with the boundary shown on the initially submitted block plan and site plan as the line of the driveway encroached into the neighbour's property ownership. This was rectified following an assessment of the land registry documents and

the correct plan was re-consulted upon.

- 7.12 The proposed block plan shows parking provision for 5 cars. The ground floor area of the proposed nursery is 65 metres<sup>2</sup>. The Council's Parking Standards set out in LPGN:11 Parking Standards and Policy AC18 require 2.6 spaces for a proposed D1 use of this size plus staff parking. Two spaces are also required for the existing dwelling.
- 7.13 Notwithstanding the statement that pick up arrangements are proposed as this is not enforceable these parking requirements are required to be met. As the occupier of the dwelling would be on site the requirements for staff parking do not need to be added to those for the existing residential use as one of these spaces can be shared. The use therefore requires 2.6 spaces for the proposed nursery use, 2 spaces for staff associated with the nursery and 1 residential space. This equates to 5.6 spaces based on the maximum parking standards. The submitted block plan shows 5 parking spaces. The highways development control manager therefore considers that the 5 parking spaces proposed is sufficient. Highways are satisfied subject to a personal permission tying the use to the dwelling that the proposed parking provision is acceptable regardless of the pick-up and drop off arrangements.
- 7.14 Impact on residential amenity  
Residents have raised concerns stating that the proposed building and use would lead to overlooking and loss of privacy to neighbouring properties. The proposed building has a kitchen window and door on the front elevation facing Aughton Way. This would not directly overlook any properties. The principle windows in the proposed building are into the private garden area of 10 Aughton Way. The development is all single storey. There is therefore no potential for overlooking. There is a window on the eastern elevation of the building but this would face the blank elevation of the adjacent garage. The proposal is in accordance with the Council's Space Around Dwellings LPGN2.
- 7.15 There would be more activity at the property in terms of the number of children there during the day however the majority of this would be within the building. While children would use the garden area it is not considered that the level of noise generated by 8 children would be unacceptable in a residential area. Given that a person could operate as a child-minder with 6 children without planning permission it is not considered that this additional number would cause material harm in terms of the noise generated.
- 7.16 Objectors have raised concerns about the scale of the building in a residential area. The existing garage and workshop are 5 metres by 6 metres and 3 metres. The proposed building is 7 metres by 10.5 metres and 2.7 metres in height and within the curtilage of the

property and is single storey. The only elements visible from Aughton Way will be the change in the front elevation. The property has a large rear and side garden and the extension to the outbuildings would still leave sufficient private amenity space for the residential use. The proposal is therefore in accordance with the Council's Space Around Dwellings LPGN2. It is not considered that the scale of the building is out of character with the residential area. If the use ceased the building could be used as a residential annex or other ancillary accommodation.

- 7.17 Concerns have also been raised about mature vegetation which has been removed and opened up views into the garden. While there are no issues with overlooking in terms of separation distances of the building due to the increased use of the garden additional soft landscaping which is necessary to provide additional privacy to both the proposed use of the outside space and the existing residents.

## **8.00 CONCLUSION**

It is considered that the proposed use as a children's day nursery for 8 children is acceptable in this location subject to conditions controlling the scale of the development and making it personal to the applicant.

### **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.

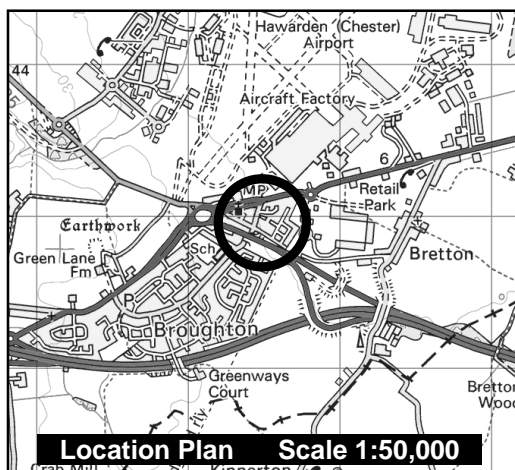
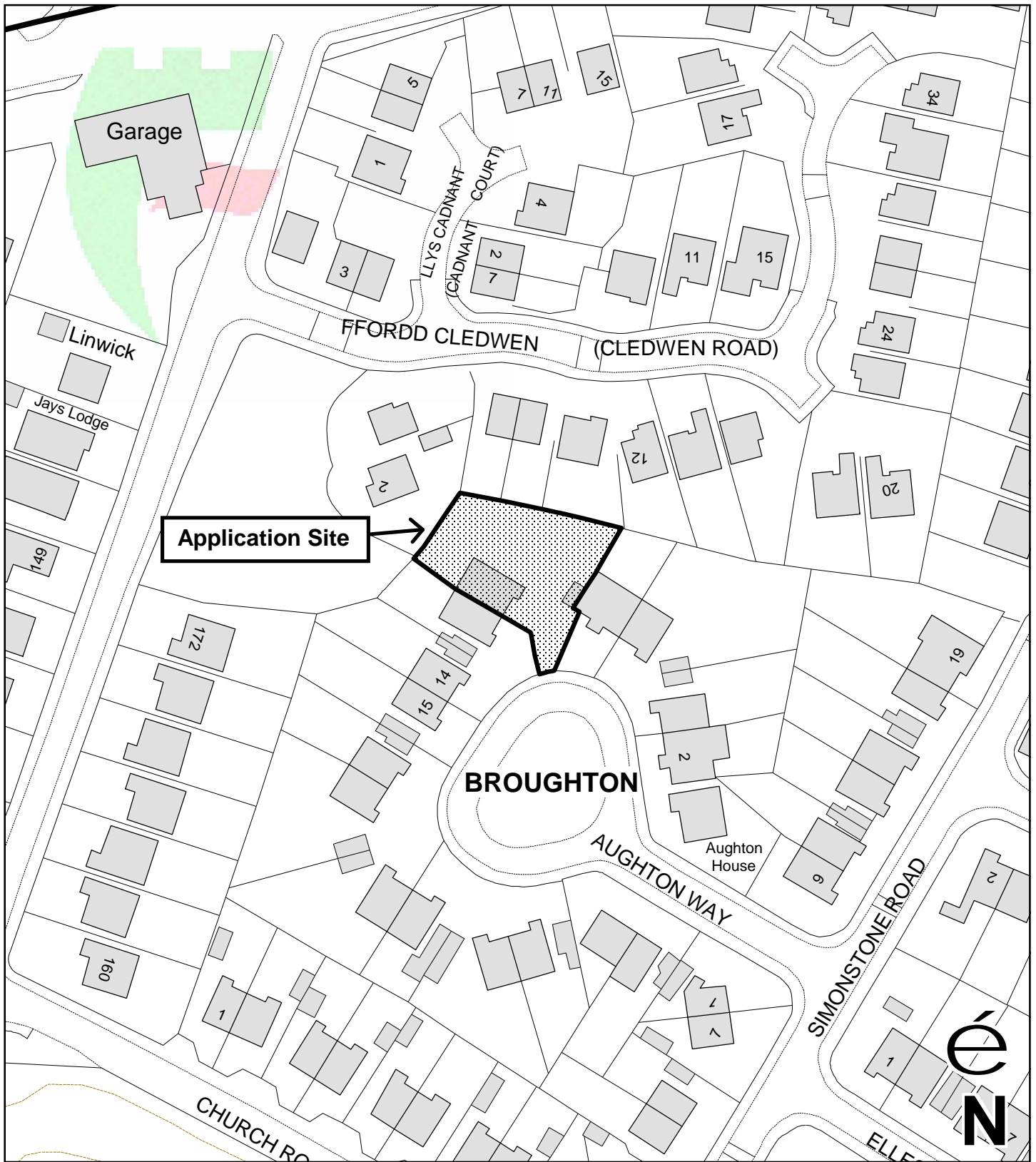
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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**

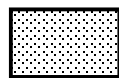
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** Emma Hancock (Senior Planning Officer)  
**Telephone:** (01352) 703254  
**Email:** [emma.hancock@flintshire.gov.uk](mailto:emma.hancock@flintshire.gov.uk)



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **56279**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>ND</sup> FEBRUARY 2017**

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

**SUBJECT:** **FULL APPLICATION – SWAP OUT AND RELOCATION OF THE EXISTING 10 M HIGH MONOPOLE WITH A 12.0 M HIGH ALPHA MONOPOLE, INSTALLATION OF 3 NO. EQUIPMENT CABINETS AND ASSOCIATED DEVELOPMENT AT LAND OPPOSITE FAIR HAVEN, RUTHIN ROAD, GWERNYMYNYDD.**

**APPLICATION NUMBER:** **056287**

**APPLICANT:** **MBNL**

**SITE:** **LAND OPPOSITE FAIR HAVEN, RUTHIN ROAD, GWERNYMYNYDD.**

**APPLICATION VALID DATE:** **29<sup>TH</sup> NOVEMBER 2016**

**LOCAL MEMBERS:** **CLLR NANCY MATTHEWS**

**TOWN/COMMUNITY COUNCIL:** **GWERNYMYNYDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBERS REQUEST: CONCERNS REGARDING VISUAL IMPACT WITHIN A.O.N.B AND PUBLIC HEALTH**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This is a full application for the replacement and relocation of the existing 10m high monopole with a 12.0m high alpha monopole, installation of 3 no. equipment cabinets and associated development.

The proposal is to improve the level of coverage in the vicinity.

The main issues to consider are the impact on residential amenity, the impact on the highway network and the visual impact on the A.O.N.B.

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

2.01 The proposal is recommended for approval subject to the following conditions:

Conditions

1. Time Limit.
2. In accordance with plans.
3. Details of the finish and colour of the monopole and cabinets to be agreed.
4. Land to be restored after site is no longer in use for telecommunications

**3.00 CONSULTATIONS**

3.01 Local Member  
Nancy Matthews

Requests committee determination based on the visual impact on the A.O.N.B, impact on the residential amenity of the local residents and potential health concerns.

Gwernymynydd Community Council

Objection to the proposal on the following grounds:

- The proposed mast is too high and impacts on the A.O.N.B
- Concerns in relation to the potential health impacts on the development
- There is no requirement for improved mobile phone signal in the area.
- Potential impact of underlying mineshafts
- The Council appreciates the requirement for this type of requirement but consider that the proposed location is unacceptable for the reasons above.

Highways Development Control

As the site falls on the A494 the proposal should be assessed by Welsh Government, Department of Economy, Science and Transport

Pollution Control

No Objection.

A.O.N.B Joint Advisory Committee

No objection subject to an appropriate condition.



Clwyd Powys Archaeological Trust  
No Objection.

Airbus  
No Objection.

Welsh Government, Department of Economy, Science and Transport  
Does not issue a direction in respect of this application.

#### **4.00 PUBLICITY**

##### 4.01 Site Notice and Neighbour Notification

5 letters of objection have been received following the consultation exercise raising the following points:

- The proposed mast is too high and impacts on the A.O.N.B
- Visual Impact on the residents and users of the area.
- Concerns in relation to the potential health impacts on the development.
- There is no requirement for improved mobile phone signal in the area.
- Potential impact of underlying mineshafts.
- House prices will be effected by the proposal.
- Development is environmentally unfriendly.
- Potential for insurance claims, in relation to the health impacts, against developer and the Council.
- Possible health impacts on birdlife

#### **5.00 SITE HISTORY**

5.01 037782 – Installation of a 10m high telegraph pole with integral omni antenna supported by one ground based equipment cabinet. – Allowed 10<sup>th</sup> February 2005

055302 – The swap out and relocation of the existing 10M high monopole for a 12.5M high monopole, installation of 3No. equipment cabinets and associated development thereto. – Withdrawn 19<sup>th</sup> October 2016

#### **6.00 PLANNING POLICIES**

##### 6.01 Flintshire Unitary Development Plan

AC22 - Location of Installations  
GEN 1 – General Requirements for Developments  
GEN 3 – Development in the Open Countryside  
L1 – Landscape Character  
L2 – Area of Outstanding Natural Beauty

Planning Policy Wales (Edition 9)

Technical Advice Note 19: Telecommunications (2012)

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This application is for the replacement and relocation of the existing 10m high monopole for a 12.0m high alpha monopole, installation of 3 no. equipment cabinets and associated development. Planning Permission was granted for a 10m monopole at this location in 2005.

7.02 Telecommunication developments benefit from a comprehensive level of permitted development, with most development falling under the prior approval process outlined within the Town and County Planning (General Permitted Development) Order 1995. In this case, due to the location of the development within the Area of Outstanding Natural Beauty, full planning permission is required.

7.03 Planning Policy

Flintshire County Council's Unitary Development Plan seeks to controls the location of telecommunication installation via Planning Policy AC22. This Policy requires that any new telecommunication facilities in a sensitive area, such as the A.O.N.B, are subject to a feasibility study which would assess if suitable alternatives are available.

7.04 As proposed mast will replace an existing mast therefore it may be considered it necessary for the applicants to have considered alternative locations before selecting this site. However, the applicant has submitted a short assessment of available alternatives in the locality which shows that the nearest alternative sites would not provide the improvement of mobile phone signal in the area required.

7.05 Technical Advice Note: 19 Telecommunications provides advice on the material planning considerations to be taken into account as part of determining a planning application. Particular reference is made to the potential impact on public health which is discussed in further detail below.

7.06 Visual Impact

Due to its increased height and design the new mast will be more prominent than the one it replaces. However the additional impact is such that the development will not have a significantly greater or detrimental impact upon the street scene and surrounding townscape. Views of the mast from the wider locality are largely obscured by buildings and by mature vegetation. The dwellings to the north of the site are over 35 metres away and are positioned on land higher than the application site. The dwelling to the south is some 75

metres away from the site with a row of mature trees shielding it from view.

7.07 The two additional equipment cabinets appear as street furniture and will not have a significant impact upon the street scene. It must also be noted that, by themselves, the cabinets do not require full planning permission but can be placed on the site through the prior approval process. The finish and colour of both the monopole and cabinets will be agreed by condition prior to the erection of the monopole which will further reduce the impact of the proposal.

7.08 Highways Safety

Whilst noting the concerns expressed by the objector about highway safety, the applicants have submitted the requisite Technical Note in relation to the A494 Truck Road. The Welsh Government have raised no objection with the proposal on highways grounds.

7.09 Public Health

There have been concerns raised regarding potential public health concerns. However, there is statutory requirement that applications for the type of telecommunications development proposed need to be accompanied by a declaration that the equipment will operate in full compliance with the International Commission on Non-Ionizing Radiation Protection ICNIRP guidelines. TAN:19 states that where transmissions from a proposed base station meet the ICNRP guidelines it is unnecessary for a Local Planning Authority to consider further the health aspects and concerns when considering such a planning application. The application documents include a Declaration of Conformity with ICNIRP Public Exposure Guidelines.

7.10 In light of the above and given that there is no demonstrable harm on public health arising from the above development, I have given concerns about the impact on public health limited weight.

7.11 Coal Mining

The site does not fall within a Coal Authority referral area, however an advisory note will be added providing advice on the working within areas with a history of mining activity.

**8.00 CONCLUSION**

It is considered that the proposed telecommunications equipment is in accordance with the relevant planning policies. The siting of equipment meets both Local and National Planning Policy, and would not have an adverse impact on the residential amenity of adjoining dwellings or the A.O.N.B.

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.

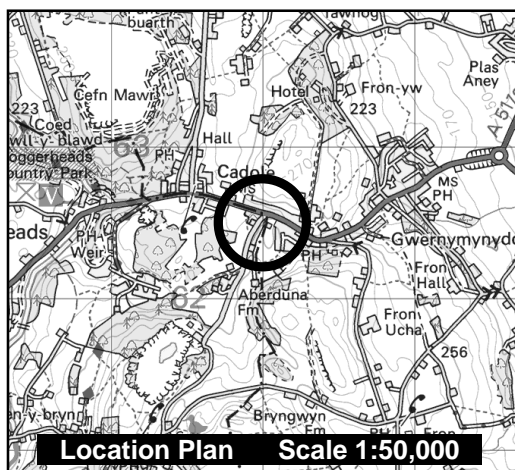
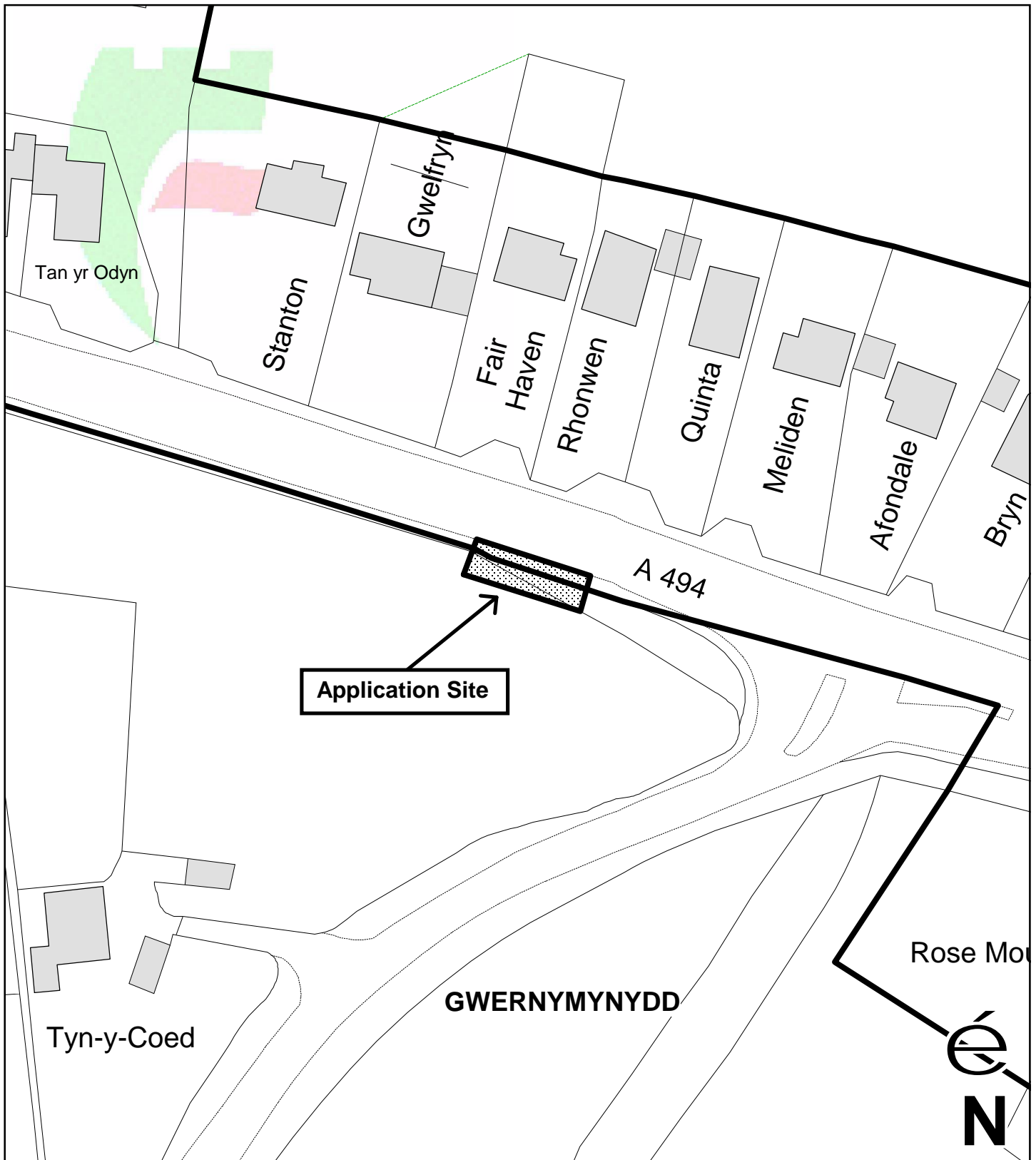
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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:** Mr. Daniel McVey  
**Telephone:** (01352) 703266  
**Email:** [daniel.mcvey@flintshire.gov.uk](mailto:daniel.mcvey@flintshire.gov.uk)



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:750

OS Map ref SJ 2062

Planning Application **56287**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>ND</sup> FEBRUARY 2016**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF EXTENSION TO DWELLING AND FORMATION OF NEW ACCESS AT COED ISSA COTTAGE, LLANFYNYDD**

**APPLICATION NUMBER:** **056109**

**APPLICANT:** **GHP LEGAL**

**SITE:** **COED ISSA COTTAGE, LLANFYNYDD**

**APPLICATION VALID DATE:** **04.01.17**

**LOCAL MEMBERS:** **COUNCILLOR H ISHERWOOD**

**TOWN/COMMUNITY COUNCIL:** **LLANFYNYDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **CONSIDER THE PROPOSED EXTENSION IS OUT OF CHARACTER**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This is a planning application for a single storey extension to the existing two storey dwelling and the formation of a new vehicular access with parking and turning area at Coed Issa Cottage, Llanfynydd.
- 1.02 It is considered that the proposed extension to the existing dwelling is in accordance with Policy HSG 12 and meets the Councils requirements for LPGN 1 - Extensions and Alterations. The proposed

vehicular access and parking area is acceptable in highways terms and provides a highway benefit in terms of off –road parking for the existing dwelling.

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

1. 5 years commencement
2. In accordance with the approved plans
3. Materials to be submitted and agreed.
4. Siting, layout and design of access to be submitted and agreed
5. Access not to commence until details approved
6. Visibility splay 2.4m x 28m to the north west and 2.4m x 8.0m to the south east, including details of the length and height of wall removal
7. Visibility splay to be maintained and no obstructions exceeding 1.0 m
8. Access to be in accordance with standard details.
9. Access gates to open inwards at a distance of 5 m from the carriageway
10. Parking and turning area to be retained for lifetime of development.
11. Details of access and parking area to be agreed, gradient not to exceed 1 in 10 including site sections and levels and details of any retaining features
12. Positive means to prevent run off.
13. Landscaping for access to be submitted and agreed
14. Planting agreed to be undertaken within first available planting season.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Mrs H Isherwood

Requests Committee determination and a site visit, consider that the proposal is out character with the area.

Llanfynydd Community Council

No response received.

Highways Development Control Manager

The proposed means of access does not accord with visibility requirements for a 30mph speed restriction. The proposal is only acceptable on the premise that there is in theory a net highway gain though the provision of off road parking.

Conditions should cover;

- Siting, layout and design of access to be submitted and agreed
- Access not to commence until details approved



- Visibility splay 2.4m x 28m to the north west and 2.4m x 8.0m to the south east
- Visibility splay to be maintained and no obstructions exceeding 1.0 m
- Access to be in accordance with standard details.
- Access gates to open inwards at a distance of 5 m from the carriageway
- Parking and turning area to be retained for lifetime of development.
- Gradient and levels of access and parking area to be agreed, gradient not to exceed 1 in 10
- Positive means to prevent run off

#### Head of Public Protection

No adverse comments to make regarding the proposal

#### Airbus

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria, accordingly have no aerodrome safeguarding objections to the proposal.

### **4.00 PUBLICITY**

#### 4.01 Site Notice, Neighbour Notification

One objection on the grounds of:-

- Question boundaries adjoining property own the wall, demolition of the boundary wall and hedge is property of Coed Issa Farm.
- Removal of ground will effect neighbours septic tank
- Two natural water courses flow through the site, removal of soil could affect them
- Plan is not a true representation of the road layout/visibility highway safety issues.
- Clarification on adjoining door to Coed Issa Farm

### **5.00 SITE HISTORY**

#### 5.01 **055072**

Application for a replacement dwelling and creation of a new access point and associated parking – Withdrawn 07.09.16

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

GEN1 – General Requirements for Development

GEN3 – Development in the Open Countryside

D1 – Design Quality, Location and Layout

D2 – Design

HSG12 – House Extension and Alternations  
AC13 – Access and Traffic impact  
AC18 - Parking Provision and New Development

Technical Advice Note 12 - Design  
Local Planning Guidance Note No. 1 - Extensions and Alterations to Dwellings.  
Local Planning Guidance Note No. 2 - Space Around Dwellings.  
Local Planning Guidance Note No. 11 - Parking Standards.

The application site is within the open countryside outside the defined settlement boundary for Llanfynydd.

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a planning application for a single storey extension to the existing two storey dwelling and the formation of a new vehicular access with parking and turning area at Coed Issa Cottage, Llanfynydd.

### **7.02 Site Description**

The application site is a two storey traditional cottage constructed of stone with a slate roof. It has a small lean to at the side which provides a store. There are single storey adjoining steel sheeted outbuildings to the south east of the dwelling. The dwelling has no vehicle access or parking provision. The existing dwelling is located on a sloping site which is elevated from the main road which is the B5101. Access to the site is served by pedestrian steps. The site frontage is bounded by a stone wall and hedge planted within the wall. The private garden area is to the front of the dwelling and extends to the east. There is a hedge along the rear boundary of the dwelling which separates it from the field beyond.

7.03 To the north west of the site is the farm complex of Coed Issa Farm which constitutes a number of buildings including the farmhouse. These are within close proximity to Coed Issa Cottage and part of the farm house protrudes out at two storey in front of the principle elevation of Coed Issa Cottage. The farm house runs from north east to south west and has windows facing west into the farm courtyard and east into the garden of Coed Issa Cottage.

### **7.04 Site History**

The site was subject to a previous planning application under reference 055072 for a replacement dwelling and new access. This application was subsequently withdrawn by the agent following concerns raised over the design and scale of the replacement dwelling. Following discussion with the applicant it was suggested that either an alternative designed replacement dwelling be submitted or the exiting building be retained with a single storey extension.

7.05 Proposed Development

The existing dwelling is a simple building with two rooms on the ground floor and two rooms on the first floor. It is proposed to erect a single storey side extension in place of the existing lean to and single storey outbuildings. The proposed extension is 6.2 metres wide and 4 metres deep and would provide a bathroom and additional bedroom making it a 3 bedroom dwelling. It is 4 metres in height to the pitch and adds a porch feature along the frontage of the house. The proposed extension is in stone on the front elevation with part render on the side elevation and full render to the rear. The roof would be slate to match existing.

7.06 It is proposed to create a new vehicular access, parking and turning area to the south of the dwelling. This location has been chosen to maximise visibility from an access point on the site frontage. The parking area would provide space for 2 cars with a turning area in order for cars to exit the site in a forward gear.

7.07 House extension

The existing dwelling has a floor area of 66 sq.m. The proposal would add a further 23sqm this would be approximately a 35% increase in the footprint of the original dwelling. The size of the proposal is neither over-assertive or obtrusive. The LPGN1, relating to house extensions, in paragraph 5.2 sets out that a 50% as a guide to the size of extensions which may be acceptable whilst remaining subsidiary to the host dwelling. Although this is only guidance in this case, the 35% increase in floor area results in a proposal which respects the main dwelling and the plot size.

7.08 The extension proposed will have a width of 6.2 metres and a depth of 4 metres and projects forward from the main dwelling by 1 metre. The extension does not extend the full depth of the main dwelling due to the topography of the site and the site boundary. The proposal proposes stone on the front elevation with a slate roof which is in keeping with the existing dwelling. The render element are to the rear and part of the side.

7.09 Due to the elevated nature of the site the dwelling and the neighbouring farm occupies a prominent position on the main approach into and out of the village. The proposed design and use of materials are more sympathetic to those on the original and neighbouring building than the existing steel sheeted building.

7.10 The surroundings built forms consists of a combination of semi-detached and detached dwellings consisting of a mixture of brickwork, stonework and render. The nearby roof structures are predominantly of gable construction using a variety of materials. The design of the extension and proposed use of materials is therefore considered acceptable in this context and due to the variety of design and materials used in the vicinity.

- 7.11 The private amenity space to the dwelling is to the front. The extension is on the footprint of the existing outbuildings so leads to no loss of amenity space. The creation of the access and parking area will lead to the loss of some garden area and stone wall however this is not considered to have a detrimental impact on the highway.
- 7.12 It is therefore considered the extension complies with both Policy HSG12 and Local Planning Guidance Note: 1 House Extensions to Dwellings.
- 7.13 New Access  
The dwelling currently has no vehicle access or parking. It previously may have been served by the adjacent farmyard which is now in a different ownership. It is therefore proposed to create a new vehicle access, parking and a turning area. This would provide parking for two cars. There is an existing stone wall with a hedge on top of it along the site frontage. This would need to be removed and the site frontage regraded to accommodate the access.
- 7.14 The objector has raised concerns that the plan as submitted is not a true representation of the road layout/visibility and will result in highway safety issues as
- 7.15 The highways development control manager has been consulted on the proposed new access. Whilst the proposed means of access does not accord with visibility requirements for a road which has a 30mph speed restriction as there is currently no off-street parking the highways manager is keen to encourage parking within the site and is satisfied that an access can be created which is sufficient to protect the safety of highway users.
- 7.16 The details of the necessary access and the landscaping can be will secured by condition.

## **8.00 CONCLUSION**

8.01 It is considered that the scale of the proposal is subsidiary to the main dwelling and respects the layout of the plot. The design of the extension and use of materials is considered sympathetic to host dwelling and in the locality. With the use of conditions to ensure a satisfactory highway access the proposal is considered to comply with both Policy HSG12 and Local Planning Guidance Note: 1 House Extensions to Dwellings.

### 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.

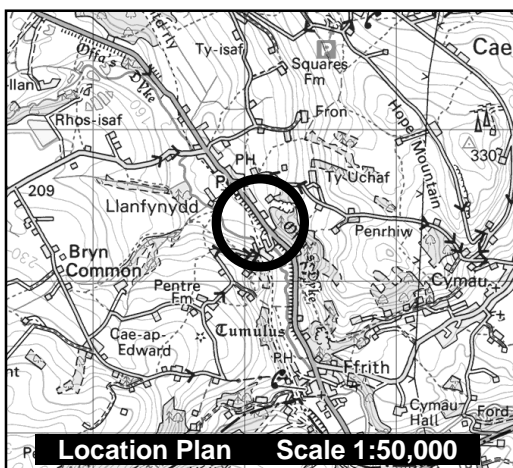
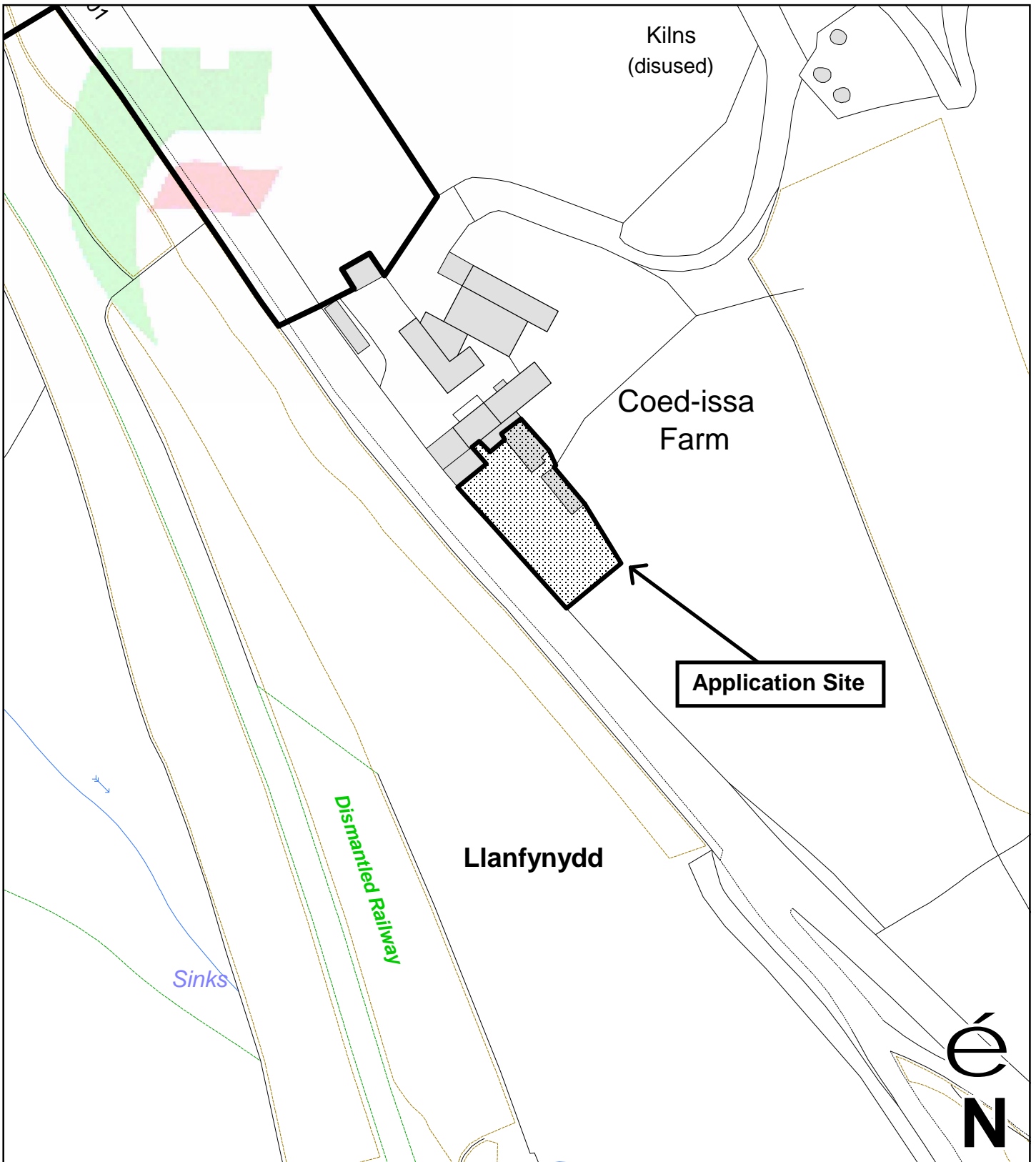
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Karl Slater  
**Telephone:** (01352) 703259  
**Email:** Karl.slater@flintshire.gov.uk

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **56109**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>nd</sup> FEBRUARY 2017**

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

**SUBJECT:** **FULL APPLICATION – ERECTION OF WASTE TRANSFER BUILDING AND STORAGE BAYS, FORMATION OF ADDITIONAL HARD STANDING AND RETENTION OF BOUNDARY FENCING AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE**

**APPLICATION NUMBER:** **055411**

**APPLICANT:** **THORNCLIFFE BUILDING SUPPLIES LTD**

**SITE:** **FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE, DEESIDE, CH7 6NY**

**APPLICATION VALID DATE:** **06/06/2016**

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

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This proposal is for the erection of a waste transfer building on an existing waste management site within an established industrial estate. The proposal would comprise the erection of a waste transfer building, construction of concrete push walls and retention of fencing. The proposal would not result in any change to the nature and tonnage of waste types which can be managed at the site.
- 1.02 The proposal would help secure significant improvements to the

operation of the site, reducing the impact of the current operation on local amenity by bringing the management of residual household black bag waste within a fully enclosed building. The proposed building would be visible from outside of the site, however, the building is in keeping with other buildings on the industrial estate and is therefore considered to have a limited visual impact in the locality. Subject to the inclusion of conditions to minimise the impact of the proposal on the amenity of local residents, the proposal is considered to be acceptable, in line with the policies of the adopted Flintshire Unitary Development Plan.

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

- 2.01
1. Commencement.
  2. List of relevant documents and plans.
  3. Restriction on permitted development rights.
  4. Limit tonnage of waste which can be received at the site to 75,000tpa.
  5. Contaminated land.
  6. Noise limits.
  7. Hours of operation.
  8. Submission of a landscape scheme.
  9. Retention of trees along the eastern boundary of the site.
  10. Details of fencing.
  11. Submission of an ecological compliance audit scheme for protected species.
  12. Submission of a biosecurity risk assessment.
  13. Highways – restriction on number of vehicles which can access the site.
  14. Highways – provision of wheelwash facilities
  15. No dust, dirt and debris to enter the public highway.
  16. Details of lighting.
  17. Colour of building to be juniper green.
  18. Height of stockpiles to be limited to 5m.
  19. Restriction on area of available floor space which is occupied by stockpiles to 50%.
  20. Submission of a scheme to control dust.
  21. Drainage – submission of a detailed drainage scheme which shall be submitted to and approved in writing before construction of the building hereby approved.
  22. Require proposed repairs to discharge pipe to be undertaken prior to construction of the transfer building.

**3.00 CONSULTATIONS**

- 3.01 Local Member: Request that the application is referred to Planning Committee due to the impact on residents and environment and requests a site visit due to impacts on Alltami and Liverpool Road area.

Town/Community Council: No comments received at time of writing report.

Hawarden Community Council: No objections in principle. However, the Council wished to lend its support to any comments submitted by Councillor Carol Ellis as adjoining ward member.

Head of Assets and Transportation: Advise that access remains to be derived from the trunk road network within the jurisdiction of Welsh Government. As the proposal will not have any significant impact on the County road network, have no objection to the proposal and confirm no recommendation on highway grounds.

Head of Public Protection: No adverse comments. The noise report submitted in support of the application demonstrates that noise levels at noise sensitive properties will be below background. Advise that existing conditions are attached to any permission granted. In relation to contaminated land, advise that further information should be secured by condition.

Tree Officer: The new building would be close to the boundary and has the potential to impact on the trees along the eastern boundary which are important for mitigation. The information submitted in support of the application demonstrates that this is necessary and that mitigation can be undertaken to prevent damage to the trees. No objection subject to the inclusion of conditions to secure further details in terms of landscaping, as well as a condition requiring a management plan for the landscaping, including existing trees on a bi-annual basis. A general condition requiring the protection of trees and adherence to the tree protection measures will also be required.

Ecology Officer: Consider that the SAC features would not be affected by the proposed development. Mitigation has been carried out as part of application 052359 to avoid any effects on the SAC. It is however essential that the newt fencing ties into the new building to prevent there being any gap into the site.

Drainage Officer: Advises that the proposed measures to attenuate water within the site are acceptable in principle, but should be conditioned to secure further detail. Considers that the existing outfall drain is not in a suitable condition to sustainably discharge flows from the development and that improvements should be secured prior to the commencement of works.

Welsh Water/Dwr Cymru: Note that the Applicant does not intend utilising mains drainage and therefore do not wish to comment in relation to the discharge of foul sewerage. Make a number of advisory comments which should be drawn to the attention of the Applicant.

Natural Resources Wales: Advise that the proposed activity should be covered by the existing environmental permit. Recommend that planning permission is only granted if conditions are attached to address contaminated land given the past uses on the site. Advise that great crested newts have previously been recorded in the pond located close to the boundary of the application site. Confirm that they are satisfied with information and mitigation secured in respect of previous applications on the site and that no further mitigation is required.

Welsh Government Trunk Road: Direct that any permission granted shall include the following conditions:

- The number of movements associated with the site shall be limited to 160 per day. Subsequently confirmed that the existing limit imposed in relation to the site should apply.
- The applicant shall provide wheel washing facilities at the site exit. Such facilities shall thereafter remain available and be used by all vehicles exiting the site.
- All incoming waste streams must remain within the 75,000 tonnes per annum.

In addition to the above conditions, request that a number of detailed points should be brought to the attention of the applicant.

Local Issues Action Group: Request that the external wall of C6 to be at least 4m high and painted green to match cladding to reduce the visual impact of the development. Doors to be fitted and no waste to be stored outside the buildings. Measures to be taken to prevent seagull population. Access roads to be metalled to reduce impact of dust exiting the site.

#### **4.00 PUBLICITY**

##### 4.01 Press Notice, Site, Notice, Neighbour Notification

Objection received on the following grounds:

Nuisance;

Odour;

Birds/vermin/seagulls;

Litter;

Dust;

Hours of operation;

Noise;

Highway concerns;

Visual Impact;

Concerns regarding enforcement of planning conditions by Local Planning Authority.

#### **5.00 SITE HISTORY**

##### 5.01 **038502:** Approved on the 7<sup>th</sup> of April 2005 for the Change of Use from

vacant industrial to skip hire yard/extension of existing waste transfer and recycling facility and associated building works (partly in retrospect).

- 5.02 **052359:** Approved on the 14<sup>th</sup> October 2015 for the extension of an existing waste management site, the retention of a new waste transfer building and associated infrastructure.
- 5.03 **054536:** Refused on 26/04/2016 and subsequently granted on appeal, reference APP/A6835/A/16/3151569 on 07/10/2016 application for variation of conditions 10 and 26. N.B. approval allows extended hours of operation for a period of 6 months.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
GEN 1: General Requirements for Development  
GEN 2: Development inside Settlement Boundaries  
D3: Landscaping  
D4: Outdoor lighting  
WB1: Species Protection  
WB2: Sites of International Importance  
WB3: Statutory Sites of National Importance  
AC7: Protection of Disused Railway Lines  
AC13: Access and Traffic Impact  
EM3: Development Zones and Principal Employment Areas  
EM5: Expansion of existing concerns  
EM7: Bad Neighbour Industry  
EWP6: Areas of Search for New Waste Management Facilities  
EWP7: Managing Waste Sustainably  
EWP8: Control of Waste Development and Operations  
EWP11: Development on or Adjacent to landfill sites  
EWP14: Derelict and Contaminated Land  
EWP16: Water Resources  
EWP17: Flood Risk

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

- 7.02 The proposal would comprise the following principle elements:
- The erection of a steel portal, split level, waste transfer building with profiled metal cladding and concrete walls which would measure 81m length x 61m width x 10.3m to the eaves and 13.8m to the ridge, in an irregular 'T' shape totalling 2,722m<sup>2</sup>.
  - Two open concrete walled storage areas.
  - Hard standing concrete area to the front and side of the new waste transfer building.
  - Retention of concrete boundary fencing.
  - Ecological mitigation fencing.

- Drainage infrastructure.
- Hours of operation would be 0700-1800 Monday to Saturday with no working Sundays or Christmas Day, except for repair, maintenance and testing which shall only be carried out between 0900-1700 hours.

**7.03** The waste transfer building would enable the reception and processing of waste material into a Refuse Derived Fuel (RDF). The building would provide weather protection to the wastes being handled and processed which would assist in producing RDF. The site already has planning permission to manage up to 75,000 tonnes of waste per annum and this would not change as a result of this application. The waste types to be managed at the site would also not change. The principal difference between this application and the previous planning permission is that the site would process the waste into a RDF prior to removal from site.

**7.04** Site and Surroundings

The proposal site is located within the Ewloe Barns Industrial Estate, a well-established industrial estate which is accessed from the A494 trunk road. The proposal site comprises part of a site which has planning permission for a waste management use. The proposal would not result in any increase or change to the nature or tonnage of the waste material which would be accepted at the site and a condition currently restricts annual throughput to the site.

**7.05** Directly to the south of the proposal site is a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) designated for the protection of protected newt species. To the south of the proposal site is the now closed Brookhill Landfill site. Along the eastern boundary of the site is a line of well-established trees which provide an important visual screen between properties to the east of the proposal site and the site itself.

**7.06** The nearest sensitive receptors are Parry's Cottages which are located approximately 220m to the north of the site separated by the A494 Trunk Road. There are a small number of residential properties along Pinfold Lane and Smithy Lane which are located approximately 300m and 390m from the site respectively.

**7.07** Main planning issues

The main planning issues are considered to be:

- Principle
- Need
- Visual impact
- Impact on amenity
- Trees
- Contaminated Land
- Ecology
- Drainage

## Highways

### **7.08** Principle

The proposal site is allocated under policy EM3: Development Zones and Principal Employment Areas, within which B1, B2 and B8 uses will be permitted subject to meeting detailed criteria. The site is also identified under policy EWP 6: Areas of Search for Waste Management.

- 7.09** The site is located within Ewloe Barns Industrial Estate, a well-established industrial estate and is currently an operational waste site and has planning permission for a waste management use. There would be no change to the nature of the material being managed at the site. The principle of this type of development is therefore considered acceptable, in line with policies GEN 1, EWP 6 of the adopted Flintshire Unitary Development Plan.

### **7.10** Need

Technical Advice Note 21, paragraph 4.4 advises that the waste hierarchy should be applied to all waste proposals. Policy STR10 of the adopted Flintshire Unitary Development Plan supports the application of the waste hierarchy which seeks to minimise reliance on disposal and increase reuse, recycling and, where these are not possible, the recovery of wastes. Policy EWP 7 of the adopted Flintshire Unitary Development Plan seeks to ensure that proposals for waste management facilities are rigorously tested such that the facilities proposed are required to meet an identified need within the Regional Waste Plan. Since the Unitary Development Plan was adopted, the requirement to consider the Regional Waste Plan during determination of proposals for waste management facilities has been removed through the publication of a revised Technical Advice Note (TAN) 21. The revised TAN 21 instead requires consideration of proposals against national waste policy. Given the change in national policy and guidance and the fact that the data upon which the Regional Waste Plan 1<sup>st</sup> Review is based is over 9 years old it is considered that it is appropriate to look beyond the 1<sup>st</sup> Review when assessing need.

- 7.11** The proposal would enable residual waste to be further processed, allowing recyclate to be removed from the waste stream and producing a Refused Derived Fuel (RDF) which could then be exported off-site and used to generate energy at an energy from waste facility or co-incinerator. There would be no change to the waste types which could be managed at the site as a result of this application, it would however, enable wastes to be managed further up the waste hierarchy by enabling wastes to be turned into a fuel rather than being sent straight to landfill or necessitating them being sent to another site for further processing, thereby reducing double handling. The production of an RDF is an intermediate treatment step and whilst it diverts wastes from landfill it is further down the waste hierarchy than

recycling: however, the majority of the recyclate would have already been removed through kerb side collection. Planning permission has been granted for an incinerator on the Deeside Industrial Estate which would have the capacity to deal with a significant proportion of residual wastes, including a proportion of commercial and industrial wastes. The long term need for such a facility is therefore in question in relation to local authority waste given the capacity of the facility permitted at Deeside. Nevertheless, there is a short term need which the proposal would meet and over the longer term commercial and industrial wastes still need to be managed. Significantly, there would be no increase in the overall tonnage of waste which could be managed at the site, it would just be managed in a different way and within a building. Therefore, whilst need has been taken into account, it is not considered to be a determining factor in relation to this application.

**7.12** The need for this type of facility has been considered on the basis that the site would manage up to 75,000 tonnes per annum. Conditions to restrict the tonnage of waste which can be managed at the site are attached to the existing planning consent, reference 052359, and are intended to protect amenity and prevent any increase in vehicular movements which could have a resultant impact on the A494 trunk road. This application would result in a stand-alone planning consent and it is therefore considered necessary that the conditions attached to the existing consent are applied to this application to control the tonnage of waste which can be managed at the site.

**7.11** Visual Impact

Policies GEN1 and D1 seek to ensure that new development harmonises with the site and its surroundings. Policy L1 seeks to ensure that new development maintains or enhances the character and appearance of the landscape.

**7.12** The proposal site is located in the south east of the Ewloe Barns Industrial Estate. The views of principal concern are from the east. There are no landscape designations which would be affected by the proposal and sensitive receptors are located at distance, therefore the proposal is not considered to have the potential to be overbearing. The proposal site is viewed in the context of the existing industrial estate, a site which is allocated for employment use, including B1, B2 and B8 and which has buildings of a similar scale and design. Planning consent was granted in October 2015, reference 052359, for the retention of the existing waste transfer building which is of similar design and scale to the building currently proposed.

**7.13** The building would be located along the eastern boundary and would itself provide a visual barrier between sensitive receptors to the east and activities within the site. Along the eastern boundary of the site is a belt of trees which it is considered provide considerable visual benefit.



- 7.14** The proposal site is located well away from residential properties and whilst distant views of the site will be possible from residential properties along Liverpool Road and Smithy Lane, any impact is not considered sufficient to cause significant harm to residential amenity. Views from Pinfold Lane are restricted due to topography and existing vegetation which provides a natural visual barrier between the proposal site residential properties. Any visual impact is considered to be relatively minor and unlikely to harm the amenity of local residents or have a significant adverse impact on the landscape. In order to minimise the visual impact of the development it is recommended that the trees along the eastern boundary of the site are retained through condition.
- 7.15** Amenity  
Noise: Policy GEN 1 and EWP 8 both support proposals subject to there being no significant adverse impact on nearby sensitive receptors by virtue of noise. The Applicant has submitted a noise assessment in support of the application which assessed the background noise levels at the nearest noise sensitive properties. Background noise levels in this location are demonstrated to be relatively high, being dominated by road traffic, and any noise arising from the development would be unlikely to exceed background noise levels at the nearest sensitive receptors. The use of the building to accommodate the processing of waste using machinery would help minimise noise arising from activities within the site.
- 7.16** The Environmental Health Officer did not object to the proposal on the basis of noise but requested that conditions attached to the existing consent, reference 052359, are applied to any subsequent consent. The noise condition which is attached to planning permission 052359 require noise levels arising from the site at nearby sensitive receptors to be within 55dB LAeq (1 hour free field) during normal working hours and 45dB LAeq (1 hour free field) outside normal working hours when maintenance and testing of plant is permitted.
- 7.17** The hours of operation proposed would help minimise the impact of the proposed development on residential amenity. It should be noted that extended hours of operation have been secured for the site through application 054536, which was granted permission on appeal and which allows working between the hours of 0600 and 1900 Monday to Saturdays and 1000 and 1700 Sundays for a period of 6 months. Irrespective of the outcome of the appeal, because this application has been submitted and assessed on the basis of the proposed hours of operation referred to in paragraph 7.02 above it is recommended that these are the hours that are conditioned.
- 7.18** Dust, odour and litter: Policy GEN 1 and EWP 8 both support proposals subject to there being no significant adverse impact on nearby sensitive receptors by virtue of dust or adverse impacts of

pollution. The site operates under an environmental permit and is regulated by Natural Resources Wales (NRW) and would continue to be regulated by NRW in the event the proposed development secures planning consent. Matters such as noise, dust, odour and litter would be controlled by the Permit. Activities undertaken on the site have the potential to generate odour and dust, particularly those undertaken in the open air. The main land use considerations are whether the proposal site is an acceptable location for the proposed development taking into account the proximity of sensitive receptors. The management of wastes within a building would help the operator control dust within the site and minimise odour. The building itself would also act as a barrier, helping to prevent dust from leaving the site. The waste transfer building approved under permission 052359 utilises fixed dust suppression measures within the building and similar methods would be utilised within the proposed building.

**7.19** Although the proposal site has the potential to impact on amenity, given the nature of the proposal, the impacts are considered no greater than those which could be generated by activities within the site which could be carried out without further recourse to planning. The proposed waste transfer building is considered to have the potential to actually reduce the impact of the development on sensitive receptors to the east of the site by acting as a physical barrier between the waste management activities and enclosing activities within the proposed building. Subject to the inclusion of conditions to address the matters raised above, including noise, hours of operation and dust mitigation, it is considered that the proposed development would not have a significant adverse impact on local amenity, in line with policies GEN 1, EWP8, EWP12 and EWP13.

**7.20** Trees

Policy TWH1 seeks to protect those trees which are considered important in the local landscape. The belt of trees along the eastern boundary of the industrial estate provides important visual mitigation and is protected through the use of condition attached to planning application 052359. It is considered that the same protection should be provided through any subsequent planning permission. The application is supported by an arboricultural assessment which concludes that any impact on the trees can be mitigated. The Tree Officer has advised that further details should be secured through condition as well as appropriate mitigation and management. Subject to the inclusion of conditions to secure the matters identified the proposal is considered to be acceptable with respect to trees, in line with policy TWH1.

**7.21** Contaminated Land

Policy GEN 1 (i) states that development should not be susceptible to problems related to contamination. Policy EWP 14 supports the reclamation and reuse of contaminated land subject to a number of detailed tests, to ensure that appropriate measures are taken to deal

with any contamination which exists on the site and to ensure that no residual risk remains on site for future receptors.

**7.22** The site was originally the location of the Ewloebarn Brickworks and has previously been used for inert landfill. Contamination is therefore strongly suspected at the site and as such both the Contaminated Land Officer and Natural Resources Wales have recommended that contaminated land is further investigated at the site. In order to ensure that issues relating to contamination are fully addressed a number of conditions are recommended. The Contaminated Land Officer has also requested that permitted development rights are restricted to ensure that changes to the development cannot be made without the authorisation of the Local Planning Authority. Subject to the inclusion of conditions to secure schemes to address contaminated land the proposal is considered to be acceptable with respect to policies GEN (i) and EWP 14.

**7.23** Ecology

The proposal site is located close to the boundaries of the Buckley Claypits and Commons Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). These sites support a nationally important population of great crested newt (*Triturus cristatus*); and in the case of the SSSI, an assemblage of the amphibian species. The proposal would take place within land which is currently operated as a waste management facility which has conditions to secure adequate mitigation for newts. All works are in close proximity to ponds with known GCN records and the land adjacent to the application site represents good amphibian terrestrial habitat, the existing hedgerows that border the western and eastern boundaries of the site are particularly important as wildlife corridors.

**7.24** With regards to the Habitat Regulation Assessment any likely significant effects can be overcome providing appropriate reasonable avoidance measures and a mitigation scheme are undertaken. Mitigation is proposed, however, it is recommended that conditions are imposed to secure the implementation of such mitigation and to ensure the necessary detail is submitted.

**7.25** Drainage

Policy GEN 1 (i) seeks to ensure that proposals are not susceptible to or result in problems related to drainage, either on-site or off-site. The proposal would result in additional impermeable surfaces within the site, comprising the waste transfer building and concrete hardstanding. The Applicant proposes measures to manage surface water run-off, including the provision of underground surface water storage tanks. The Drainage Officer has advised that the proposed attenuation is acceptable in principle, however, further detail is required which should be secured via condition. The attenuation would enable the site to discharge surface water at a rate of 5l/s with a silt trap and oil interceptor to prevent pollution off site. The Drainage

Officer has raised concern regarding the condition of the outfall drain and advises that this should be repaired, in accordance with the proposals contained within the Surface Water Management Strategy.

**7.26** Subject to the inclusion of conditions to secure further detail and to ensure that the necessary drainage works are undertaken prior to the construction of the RDF building, the proposal is considered acceptable with respect to policy GEN 1(i) of the adopted Flintshire Unitary Development Plan.

**7.27** Highways

The proposal would not increase the tonnage of waste which would be managed at the facility. Highway movements would therefore not change as a result of the proposal. The existing planning consent includes a condition to restrict the overall tonnage of waste which can be managed at the site, including land within the Applicant's ownership but outside the planning application boundary and a condition to restrict the number of vehicles which can access the site per day. These restrictions were imposed due to concerns over the capacity of the highway to accommodate any increase in vehicle movements due to the design of the access to the industrial estate. These concerns remain and would not be affected by this proposal. The Welsh Government, in their capacity as highway authority for the trunk road, has not objected to the proposal subject to conditions. It is therefore considered necessary to retain the conditions imposed upon planning permission 052359 with respect to tonnage and vehicle movements in order to ensure highway safety is maintained. These conditions would include the provision and use of wheel washing facilities to prevent material being tracked onto the highway.

**7.28** Other Matters

In addition to the matters discussed above, during the consultation concern was raised regarding birds. The proposed building would help minimise problems associated with birds by bringing the management of black bag waste within an enclosed building, meaning that the birds would no longer have access to the wastes which are currently attracting them. Birds are a matter which is regulated by Natural Resources Wales, nevertheless, the infrastructure proposed on site would help address concerns raised regarding birds.

**8.00** CONCLUSION

8.01 The proposal site is an existing waste management site and there would be no increase in tonnage or type of wastes which could be managed at the site as a result of the proposal. The proposed development would enable the Applicant to manage wastes to create a Refuse Derived Fuel (RDF). Whilst it is considered that there is a limited window of opportunity to manage municipal wastes arising in North Wales in this way, due to the need to divert wastes from landfill, including commercial and industrial wastes it is considered that even

when the North Wales Residual Waste Treatment Partnership Project facility becomes operational there will still be commercial and industrial wastes which require management. The wastes would be managed within a building which would provide a visual barrier between the site and sensitive receptors to the east of the site, which are considered to be the most sensitive.

8.02 The proposal is considered to off the potential to significantly reduce the impact of the current operations on local amenity by enabling black bag wastes which are managed within an open fronted building to be managed within a fully enclosed building, thereby reducing the potential to attract birds, release odour, dust and noise. Subject to the inclusion of conditions to address the points raised above, including highways, contaminated land, trees, ecology, amenity, the proposal is considered acceptable, in line with policies of the adopted Flintshire Unitary Development Plan.

### 8.03 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.

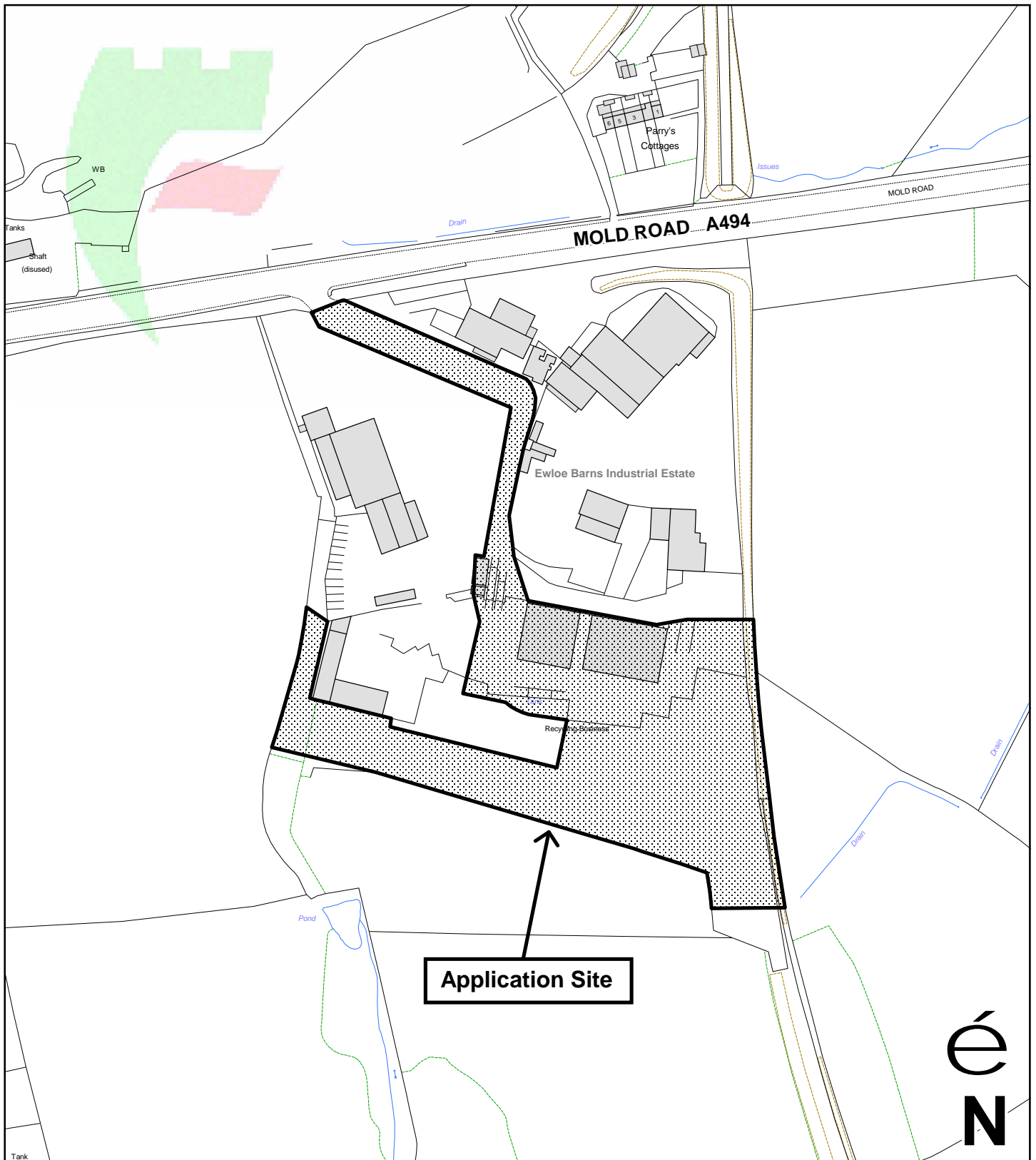
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

### **LIST OF BACKGROUND DOCUMENTS**

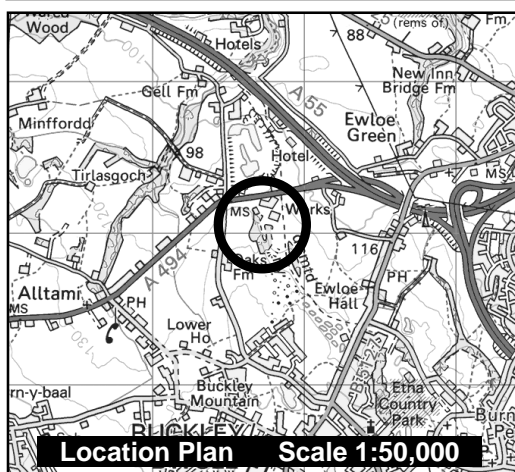
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** Martha Savage  
**Telephone:** 01352 703298  
**Email:** Martha\_savage@flintshire.gov.uk





**Application Site**

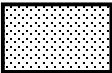



**Location Plan Scale 1:50,000**



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

**Legend**

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

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Map Scale 1:2500

OS Map ref SJ 2766

Planning Application **55411**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22 FEBRUARY 2017**

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

**SUBJECT:** **DEVELOPMENT OF AN INTEGRATED WASTE MANAGEMENT FACILITY COMPRISING A MIXED WASTE TREATMENT FACILITY, A CONSTRUCTION WASTE MATERIALS RECYCLING FACILITY, AND A CONTAMINATED SOILS TREATMENT FACILITY AT STONEYBEACH QUARRY, PINFOLD LANE, ALLTAMI, FLINTSHIRE**

**APPLICATION NUMBER:** **052364**

**APPLICANT:** **BROCK PLC**

**SITE:** **STONEY BEACH QUARRY, PINFOLD LANE, ALLTAMI**

**APPLICATION VALID DATE:** **27/06/2014**

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

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY MOUNTAIN WARD**

**REASON FOR COMMITTEE:** **MEMBER REQUEST, SITE AREA AND HEIGHT OF PROPOSED BUILDING EXCEEDS THAT FOR WHICH DELEGATED POWERS TO DETERMINE EXIST. NEED FOR SECTION 106 AGREEMENT.**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 The proposed Integrated Waste Management Facility (IWMF) comprises: a commercial and industrial waste materials recycling facility, a construction waste recycling facility, and a contaminated soils treatment facility. The proposal site is located within a largely worked out quarry and would be accessed from Pinfold Lane via a private industrial estate road.

- 1.02 Members will note that this is a resubmission of an application, reference number 043948, which was subsequently dismissed on appeal, appeal reference number APP/A6835/A/12/2175345. The application was refused by the local planning authority due to a lack of need for the landfill element of the proposal and was dismissed by the Inspector due to a lack of need for the landfill element of the proposal.
- 1.03 The proposal as originally submitted included a non-hazardous landfill of approximately 1.7 million cubic metres capacity, however, the Applicant has now removed this element of the scheme following the conclusion of legal matters relating to the lawful implementation of an adjacent site with planning consent for landfill.
- 1.04 The Applicant has submitted an addendum to the Environmental Statement to outline any required changes and revised the planning application form and red line boundary. The scale of the proposed development is significantly reduced as a result of the amendment and now extends to 3.8ha instead of 13.6ha.
- 1.05 This application has been previously reported to Planning Committee and was deferred on a number of grounds including:
- To allow a Member Site Visit to consider the impact of the development on Public Rights of Way;
  - Highways: To confirm the appropriateness of a Grampian style condition to secure highway improvement works;
  - Clarification on hours of operation; and
  - Clarification over the need for the facility.
- 1.06 Concerns about the impact of the development on the Public Right of Way were reported to Members as late observations and raised by the Ramblers Association during the last Committee meeting. The Public Right of Way (PROW) runs along the private estate road which would serve the development, and which also serves a number of different industrial uses including Pinfold Lane Quarry which is owned by the Applicant. The road is already used by HGVs and would have accommodated quarry traffic in addition to industrial traffic whilst Stoneybeach quarry was operational. The PROW Officer has not objected to the proposal on the basis of the impact on the PROW and advises, in particular, that it is common for PROW to be used by vehicles where a right to do so exists. Due to the width of the road it is considered that the development would have no greater impact on users of the PROW than existing uses. Significantly, the area is allocated for employment use within the UDP indicating the Council's acceptance that this area, and this access, is suitable for industrial use.
- 1.07 Concern was also raised about the ability of the local planning authority to ensure highway improvement works are undertaken through the use of a negatively worded condition, or a Grampian style

condition, because of the reliance on a third party to implement the improvements. The application has been submitted on the basis that highway improvement works which would be undertaken in support of another site, Parry's Quarry, are implemented. The improvement works have also been submitted in support of this application and, subject to a suitably worded condition to secure further detail are considered acceptable. The use of negatively worded conditions is discussed within the Conditions circular, WGC 016/2014. Such conditions are identified as appropriate where there is some reasonable prospect that the required action can occur within the time limit imposed by the permission. Whilst the works are required by another planning consent, it is considered feasible for the Applicant to carry them out in the event that they are not implemented by the owners of Parry's Quarry.

- 1.08 Clarification was requested regarding the hours of operation for the proposed facility. It is recommended that the hours of operation are restricted to between 0700 and 1900 hours Mondays to Saturdays, including movements of HGVs, with specified exceptions, including operations which are carried out entirely within a building and where they are not likely to give rise to noise nuisance. Although these hours are not in line with those proposed within the application they are considered reasonable given the predicted noise levels at the nearest noise sensitive properties.
- 1.09 Clarification regarding the need for the development was also requested. The Applicant has submitted a Waste Planning Assessment in support of the application which specifically considers the need for the development. The proposed development is intended to help the Applicant manage waste generated in the course of their business throughout North Wales and North West England in a more sustainable way, as well as draw upon third party waste. The WPA identifies a gap in existing provision which the proposed development would help meet. Significantly, during the appeal referred to above, the Inspector did not raise any concern with need in relation to the non-landfill elements of the proposal but viewed them as a benefit since they would enable wastes to be managed further up the waste hierarchy.
- 1.10 The main planning considerations are considered to be the impact of the proposal on: sites of nature conservation importance; protected species and biodiversity; public rights of way, local amenity from noise, odour, and dust, highways, and the landscape. Subject to the inclusion of conditions, it is considered that any impacts can be satisfactorily mitigated. The proposal would enable waste to be diverted from landfill and managed further up the waste hierarchy, in line with national and local policy, including policy STR10 (d) of the adopted Flintshire Unitary Development Plan. The proposal is considered to be beneficial and in line with policy.

**2.00 RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING LEGAL AGREEMENT AND CONDITIONS:**

2.01 Prior completion of a S106 to prevent any further mineral extraction within the application site.

1. Commencement- requiring that the development be commenced within 5 years of the date of the permission.

2. Require that the development be carried out in accordance with the approved documents and plans.

3. Secure the submission of a topographical survey showing current levels within the site and a plan showing the final levels.

4. Restriction on use of fixed plant and machinery, buildings, structures, erections or private roads to that which is approved.

5. Restriction on throughput to the facility, in accordance with application.

6. Restriction on waste types which can be received at the facility.

7. Prior to commencement of development a highway improvement scheme shall be submitted to and approved in writing and implemented as approved prior to the receipt of waste.

8. Details of wheelwashing facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to receipt of waste. Notwithstanding the requirements of any approved scheme, no dust and debris from the site shall be tracked on to the highway.

9. Scheme to secure facilities for the loading/unloading/parking/turning of vehicles.

10. Scheme to secure the marking out of the route of public footpath 1 and additional signage.

11. Fencing – details of fencing shall be submitted to and approved in writing prior to the commencement of development.

12. Protected species – scheme to secure the implementation of compensation and mitigation including Reasonable Avoidance Measures etc.

13. Submission of a landscape scheme, including measures to protect the adjacent woodland from development and management of the adjacent woodland.

14. Require the submission of a construction noise management plan.
15. Submission and implementation of a noise scheme during the operational phase, including provision for monitoring.
16. Dust scheme, including provision for monitoring.
17. Scheme showing the location, extents and heights of stockpiles of wastes, products and plant and equipment storage.
18. Submission of a detailed drainage scheme prior to commencement of development.
19. Access – restriction to approved access.
20. Require all loaded vehicles entering and exiting the site to be sheeted.
21. Retention of adequate visibility splays.
22. Require the submission and implementation of a Biosecurity Risk Assessment.
23. Hours of operation to be restricted to between 0700 and 1900 Mondays to Saturdays with no working on Sundays and public holidays, with identified exceptions. No restriction on operations carried out within the building not likely to give rise to noise nuisance.
24. Lighting – Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation and use on site.
25. Lighting – require lighting to be directed away from wooded areas or hedgerow and not cause glare to residential properties or users of the highway.
26. Restriction on stockpile heights to no greater than 10m.
27. Require the colour of building to be green.
28. Action to be taken in the event of visible dust emissions leaving the site.
29. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
30. Submission of a drainage scheme. Notwithstanding the scheme, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

### **3.00 CONSULTATIONS**

**3.01** Further consultations have taken place since the removal of the landfill element and to publicise further information which has been received by the Local Planning Authority. In light of the removal of the landfill element, consultation responses made specifically in relation to the landfilling of waste have not been included within this report since they are no longer relevant.

**3.02** **Local Member Councillor Ellis:** Requests that the application be considered by Planning Committee due to potential impact on residential and commercial businesses in nearby locations and due to the highway impact.

**Councillor L A Sharps:** Verbal confirmation received that Cllr Sharps is happy for the proposal to be dealt with under delegated powers.

#### **Town/Community Council:**

##### **Buckley Town Council:**

The Town Council recommends refusal on the grounds that there is no proven need for the facility as there are waste transfer stations at Ewloe Barn and Parry's Quarry, both of which are in close proximity to the application site. There are also concerns in relation to the increased traffic flow on the A494, particularly with regard to the traffic lights at the Elm cross roads and the environmental impact of the treatment of contaminated soil at the site. Request that Flintshire County Council justify the need for this application when presenting it to Planning Committee.

**Hawarden Community Council:** No objection.

**Northop Community Council:** No objection.

**Northop Hall Community Council:** No objections.

**Head of Assets and Transportation:** Note that the transport assessment confirms that the anticipated quantity of additional development traffic during critical periods as: 4 vehicle movements during the morning peak period; 12 vehicle movements during the mid-day period and 0 vehicle movements during the evening peak period. Traffic generation of this order will not have a significant impact on the operation the County Road network. On this basis raise no highway objection and the recommendations made in the initial response to the application remain valid, including a number of conditions, including the retention of visibility splays at the proposed access, provision of facilities for loading/unloading/parking/turning of vehicles, measures to prevent surface water run-off onto the highway, provision of wheel cleaning facilities, marking out of the public right of

way (Footpaths 1 &2). Confirm that the proposed highway improvement works along Pinfold Lane can be carried out within land entirely within land recorded as public highway.

### **Head of Public Protection**

**Ecology Officer:** An Appropriate Assessment under the Conservation Regulations 2010 has been drafted in liaison with NRW to assess whether the proposal would have a likely effect on the SAC. The initial conclusions are the same as those drawn up for the previous application which concluded that the loss of the quarry for landfill would not have a long term adverse effect providing certain conditions are applied, including measures to ensure great crested newts are excluded from working areas, woodland communities of SAC interest are subject to appropriate safeguards, there is appropriate provision of on and off site mitigation, retention of semi-natural habitat connections to the wider countryside adjacent to the site, and the provision of on-going surveillance. Advise that a licence issued by NRW would be required. A stand-off between Stoneybeach woodland and the proposed development is required.

Reiterate the requirement for conditions to secure matters relating to protected species and to secure tree protection.

**Conservation and Design Officer:** No specific comments to make regarding the proposal. Recommend that CPAT are consulted due to the presence of brick kilns in the locality which are identified on the Historic Environment Record, outside of the site to the south.

**Public Rights of Way Officer:** The footpath lies within the community of Buckley and runs in a westerly direction from Pinfold Lane towards the community boundary with the Northop parish at Alltami Brook. The route continues within the Northop parish as Bridleway No. 71. The definitive map is consistent for this area and in the absence of any evidence to suggest otherwise, the route can only be taken into consideration as a public footpath, albeit with a defined width of 12 ft (3.65m). This site and the surrounding area is and has for a long time, been primarily for industrial use, alongside the existence of Public Footpath No. 1. Private vehicular rights exist on the track, as well as the route being recorded as a public footpath. This shared usage has existed for many years and at present, the site access off Pinfold Lane, caters for several units and businesses and there is a regular vehicular usage of the track. Advise that a temporary closure may be required to ensure the health and safety of users of the right of way whilst the weighbridge is being constructed. Recommend that a suitable solution would be to provide a scheme for the site which covers the demarcation of the footpath to a suitable width and allows for appropriate signage which addresses the shared use of the route as a footpath and a vehicular access track.

**Environmental Health:** Do not object to the proposal but advise that a condition is necessary to secure details of lighting.

**Welsh Water/Dwr Cymru:** request the inclusion of a number of conditions and advisory notes on any consent issued.

**Betsi Cadwaladr University Health Board:** Consider public health impacts from the proposed operation to be low, particularly as the site would be regulated by Natural Resource Wales, and required to demonstrate compliance to Best Available Technology. Note that there continue to be an increase in the number of reported environmental incidents from waste storage sites, it is important that fire prevention plans are robust in order to comply with regulatory guidance.

**Welsh Government:** Initially issued a direction that planning permission be withheld while additional information is sought from the Applicant, including swept path analysis showing vehicles entering and leaving the trunk road and details of all highway works associated with the A494 /Pinfold Lane junction that fall within the trunk road highway boundary.

Following the submission of the information requested above, direct that any permission shall include the following conditions:

*Prior to the reception of waste planning conditions 7 and 8 of decision notice 054201 shall be discharged by the Local Planning Authority.*

**Business Development:** No issues as long as all requirements have been dealt with satisfactorily.

**Natural Resources Wales:** The site currently benefits from an Environmental Permit which would need to be varied to enable the site to store and treat waste.

#### European Protected Species

The application site is within 250m of the boundaries of Buckley Claypits and Commons SSSI and Deeside and Buckley Newt SAC. The proposal is likely to have a significant effect on the Deeside and Buckley Newt Sites SAC, therefore an Appropriate Assessment should be carried out by the decision maker. Recommend planning conditions or obligations to address impacts in the short and long term. Consider the current status of great crested newt population to be unfavourable and advise that additional actions to be undertaken that facilitate the restoration of the conservation status of the population of GCNs at this site to favourable levels. Conclude that the applicant has failed to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of the population of great crested newts affected by the proposals and this should be addressed through the use of condition. Advise operations may only proceed after an appropriate licence has been



issued by NRW and any conditions complied with, which would be issued subject to compliance with certain criteria.

Biosecurity

Advise that any consent should include a condition to address biosecurity (invasive species and diseases).

Ecological Compliance Audit

Recommend an ecological compliance audit scheme to ensure implementation of the project is carried out in accordance with details of submitted plans and method statements.

Natural Environment and Rural Communities (NERC) Act (2006)

Advise the LPA consult with their ecologist to ensure our duties are complied with.

Provide comments about the requirement to vary the environmental permit.

**CPAT:** There are no archaeological implications.

**Campaign for the Protection of Rural Wales:** Should it be recommended that planning consent be granted for the development it is requested that conditions are included to limit its impact on the area, including dust mitigation, stockpile height limits, restriction on hours of operation and noise mitigation. Subject to compliance with national and local planning policies, plans and guidance relating to waste management; in addition to environmental issues, the comment contained in the letter dated 25<sup>th</sup> November 2015 remain unchanged and relevant with regard to the proposed development.

**Ramblers Association:** Maintain their objection to the proposal due to the impact on the public right of way and its users. Reiterate higher rights may exist for Footpath 1.

**Wales and West Utilities:** Provide an extract of their mains records of the area together with a comprehensive list of general conditions.

**Manweb:** Provide a plan showing apparatus within the site and current electrical safety awareness and contacts document.

**Airbus:** No aerodrome safeguarding objection to the proposal.

**Civil Aviation Authority:** The proposal doesn't conflict with safeguarding criteria and accordingly have no safeguarding objection to the proposal.

**Fire and Rescue Service:** Advise that the Fire and Rescue Services have attended an increasing number of fires at facilities similar to the proposal. Keen to ensure that such developments have measures in

place to prevent, detect, suppress, mitigate and contain fires. Include detailed guidance for the Applicant.

#### **4.00 PUBLICITY**

##### 4.01 Press Notice, Site Notice, Neighbour Notification

7 objections received regarding:

Impact on amenity including noise and disturbance

Environmental Impact

Impact on SAC and protected species

Pollution of groundwater

Lack of need

Impact on human health

Impact on highways

Concern regarding costs associated with restoration

Impact that the site would have on restoration of other landfills

4.02 It should be noted that the objections were received prior to the removal of the landfill element of the proposal.

#### **5.00 SITE HISTORY**

5.01 Permission reference B49/68 was granted on 6 June 1949 for the continuation of extraction of fireclay and silica on these and other sites in the Buckley area. Permission reference B49/120 was granted on 26 September 1948 for the surface working of minerals.

5.02 Applications reference 97/0/664 and 97/0/665 under the Environment Act 1995 for review of the two old minerals permissions were submitted in 1997 and remain undetermined pending compliance with the EIA Regulations 1999 (as amended).

5.03 Planning permission was refused for planning application 043948 and was later dismissed on appeal; reference APP/A6835/A12/2175345. This application is a resubmission of the scheme refused by Planning Committee and dismissed on appeal with the landfill element of the scheme removed to address the concerns raised by the Inspector.

#### **6.00 PLANNING POLICIES**

##### 6.01 Flintshire Unitary Development Plan

STR1 - New development

STR7 - Natural environment

STR10 - Resources

GEN1 - General requirements for development

GEN3 - Development outside settlement boundaries

GEN6 - Environmental Assessment

D1 - Design quality

D2 - Location and layout

D3 – Design

L1 - Landscape character  
 WB1 - Species protection  
 WB2 - Sites of international importance  
 WB3 - Statutory sites of national importance  
 WB4 - Local sites of wildlife and geological importance  
 WB5 - Undesignated habitats, flora and fauna  
 WB6 - Enhancement of nature conservation interest  
 HE7 – Other sites of lesser archaeological significance  
 HE8 – Recording of historic features  
 AC2 – Pedestrian provision and Public Rights of Way  
 AC4 - Major traffic generating developments  
 AC12 - Airport safeguarding zone  
 AC13 - Access and traffic impact  
 EM3 – Development zones and Principal Employment Areas  
 EM4 – Location of other employment development  
 EM7 - Bad neighbour industry  
 MIN8 - Protecting mineral interests  
 EWP6 - Areas of search for new waste management facilities  
 EWP7 - Managing waste sustainably  
 EWP8 - Control of waste development and operations  
 EWP12 - Pollution  
 EWP13 - Nuisance  
 EWP16 - Water resources  
 IMP1 - Planning conditions and obligations.

National Policy and Guidance

Planning Policy Wales Edition 7

Towards Zero Waste:

Collections, Infrastructure and Markets Sector Plan

Technical Advice Note 21

Technical Advice Note 5 Nature conservation

Technical Advice Note 11 Noise

Technical Advice Note 12 Design

Technical Advice Note 15 Development and flood risk

Technical Advice Note 18 Transport

Technical Advice Note 23 Economic Development

**7.00 PLANNING APPRAISAL**

**7.01 The Site and the Proposed Development**

7.02 The application site lies between Northop Hall and Buckley in a former quarry, Stonybeach Quarry, which lies to the north and west of the A494/Pinfold Lane junction and separated from the junction by a small industrial estate which includes the Council's Alltami highways depot and offices. Stoney Beach Quarry, described in the application details as worked out, is accessed by a private road off Pinfold Lane, which also provides access Pinfold Lane Quarry, and also to industrial units south of the road and Tirlasgoch Farm to the west of the Alltami Brook. It is proposed to use the road for access to the Integrated

Waste Management Facility (IWMF) and to install a site control office and weighbridge along the private access road which would serve all elements of the proposed development.

- 7.03 Public Footpath 1 runs along the private access road and Footpath 2 runs around the periphery of Stoneybeach Quarry, outside of the proposal site. The private access road is relatively wide, measuring 4.6m at its narrowest point and 16m at its widest point, and currently serves a number of industrial uses.
- 7.04 Parry's Quarry, operated by Robin Jones and Sons Ltd, which has planning permission to operate a non-hazardous waste landfill, lies on the eastern side of Pinfold Lane.
- 7.05 The western boundary of the application site follows the Alltami Brook. and adjoins the industrial and warehouse development along the private road. Tirlasgoch Farm, which lies approximately 50m to the west and Elm Farm, which lies approximately 150m to the south and with several other residential properties on the A494 to the south are the closest dwellings.
- 7.06 The application site area is approximately 3.8 hectares and is comprised of 3 distinct elements, all of which would also be controlled by Natural Resources Wales through Environmental Permitting:
- A construction and demolition (C&D) waste Materials Recovery Facility (MRF);
  - A contaminated soils treatment facility; and
  - A commercial and industrial (C&I) mixed waste treatment facility or MRF.
- 7.07 The Applicant already operates a construction waste MRF in Pinfold Lane Quarry under planning permission 034726, to the north of the application site. The proposed C&D waste facility would be of a similar nature to the existing facility managing waste material typically comprising concrete, reinforced concrete, brick, tile, some wood and excavated soils, which would be transported to the site for sorting, crushing and screening prior to exportation for use off site. The Pinfold Lane Quarry operation would be unaffected by the proposal. Proposed hours of operation are 0700 to 2100 6 days per week.
- 7.08 The proposed contaminated soils facility would manage soils which are lightly contaminated with hydrocarbons and some heavy metals would be remediated at the site by Windrow Bio-remediation, which involves using increased populations of naturally occurring bacteria to speed up the degradation process and a sealed drainage system to collect run-off from the process. Operations would be carried out in open air. The remediated soil would then be transported off-site for use elsewhere. It is proposed to operate the facility between 07:00 to 21:00 7 days per week.

- 7.09 The proposed commercial and industrial mixed waste recovery facility (C&I MRF) would be housed in an enclosed building set within the floor of the quarry, measuring 80 metres by 50 metres and 17 metres to the ridge. The plant and equipment inside the building comprise conveyors, sorting platforms, a trommel screen and magnetic and eddy current separators. An ancillary two storey building measuring 20.5 metres by 10.4 metres and 8.6 metres to the ridge, would house offices, meeting rooms and mess and amenity facilities. A weighbridge and weighbridge office would be located along the private access road.
- 7.10 It is proposed to operate the facility on a 24 hour basis with traffic movements to and from the site restricted to between 0700 and 2200 7 days per week.
- 7.11 The application site lies within 250m of the Buckley Claypits and Commons SSSI and the Maes-y-Grug SSSI. The woodland adjoining the Alltami Brook is designated Ancient Woodland. Tree Preservation Orders have been made in respect of Stonybeach Wood.
- 7.12 **Principle**  
Pinfold Lane Quarry is identified within the UDP as an area of search for waste management under policy EWP 6. Although Stoneybeach Quarry is not specifically named within the policy it is not precluded from such activities by the policy. Furthermore, policy EM4 permits new employment uses and EM7 permits development which is potentially polluting to suitable brownfield sites or derelict, underused or vacant land. The land which lies between Pinfold Lane Quarry and Stoneybeach Quarry is identified as a Principle Employment Area under policy EM3 and is occupied by a number of different employment uses.
- 7.13 The principle of a waste development is therefore considered acceptable in this location, in accordance with policies EM4, EM7 and EWP 6 of the adopted Flintshire Unitary Development Plan.
- 7.14 **Need**  
This proposal is a resubmission of a scheme which has previously been refused by the Local Planning Authority and which was the subject of an appeal, heard at Public Inquiry, and subsequently dismissed due to lack of need for the landfill element of the proposal given the presence of an extant permission for landfill at the adjacent Parry's Quarry. The Applicant has sought to challenge the lawful implementation of Parry's Quarry, an adjacent site which secured planning permission in 2009 on appeal for the construction and operation of a solid waste landfill and which is in the ownership of another operator, however, following conclusion of legal matters and in light of the Inspector's decision in relation to the Inquiry, the Applicant has revised the scheme to remove the landfill element of the proposal. It should be noted that the need for the non-landfill elements

of the proposal, i.e. the elements which are now the subject of this revised application, were not identified as contrary to the provisions of the Unitary Development Plan. Furthermore, the Inspector identified the non-landfill elements as 'benefits' since they move the management of waste up the waste hierarchy.

- 7.15 Policy EWP 7 of the adopted Flintshire Unitary Development Plan seeks to ensure that proposals for waste management facilities are rigorously tested to ensure that the facilities proposed are required to meet an identified need within the Regional Waste Plan. Since the Unitary Development Plan was adopted, the requirement to consider the Regional Waste Plan during consideration of proposals for waste management facilities has been removed through the publication of a revised Technical Advice Note (TAN) 21. The revised TAN 21 instead requires consideration of proposals against national waste policy. Given the change in national policy and guidance and the fact that the data upon which the Regional Waste Plan 1<sup>st</sup> Review is based is over 7 years old it is considered that it is appropriate to look beyond the 1<sup>st</sup> Review when assessing need. This is the view that the Inspector took when considering this proposal previously and is considered to continue to be an appropriate stance in relation to this application.
- 7.16 Planning Policy Wales (PPW) advises that local planning authorities should be supportive of proposals which fit with the waste hierarchy and accord with waste policy. The Collections, Infrastructure and Markets Sector Plan forms part of the Welsh Government's overall Waste Strategy and is intended to help deliver the desired outcomes by identify infrastructure requirements across Wales. In relation to residual waste, the CIMS Plan identifies a requirement for between 203 – 468 thousand tonnes per annum in 2024/25, which is monitored at the regional level. The document does not address construction and demolition waste in detail but relies on the Construction and Demolition Waste Sector Plan to address this. However, the Construction and Demolition Waste Sector Plan doesn't deal with infrastructure requirements in any detail.
- 7.17 There are a number of different elements to the proposal, including a mixed waste treatment facility, a construction waste materials recycling facility and a contaminated soils treatment facility. These facilities are intended to recover waste and divert it from landfill, which are considered in line with the waste hierarchy and would bring benefit through the recovery of resources which can beneficially be used elsewhere, displacing the need for raw materials. Each of these elements are considered in further detail below.
- 7.18 Existing and projected future demand  
The Applicant provides an assessment of existing and projected future demand within their Waste Planning Assessment and addendum, submitted in support of the application, as required by TAN 21 paragraph 4.2. The assessment of landfill demand is no longer

relevant in light of the amendment to the proposal and this is reflected in the addendum.

- 7.19 The current proposal is intended to manage up to 195,000 tonnes per annum, comprising approximately 100,000 throughput at the soils recovery facility and 95,000 throughput at the industrial and commercial MRF and construction and demolition MRF combined. The Applicant advises that the proposal is intended to serve markets within a radius of 30-50km of Alltami, which could include markets within North West England.
- 7.20 Significant capacity has been and is in the process of being developed to help divert waste from landfill and ensure that it is managed in a more sustainable way, in line with the waste hierarchy. Much of the concern has been raised in relation to the landfill element of the proposal which has now been removed, however, the Town Council has raised concern for the proposal in light of planning consents at Parry's Quarry and Ewloe Barns Industrial Estate.
- 7.21 National policy makes it clear that excessive provision of recovery and disposal capacity can be harmful because it can result in waste being managed lower down the waste hierarchy than it otherwise could be. Significantly, in relation to the landfill element this was the key argument put forwards at the Planning Inquiry into this proposal previously and was held by the Inspector to constitute harm. However, the same argument cannot be applied to the current proposal since each element would result in the diversion of waste from landfill.

#### Contaminated Soils Facility

- 7.22 There are no permitted contaminated soils facilities of the type proposed within North Wales which would enable soils contaminated with hydrocarbons and heavy metals, for example, to be treated to enable them to be returned to the originating or similar sites. The proposal is intended to enable the Applicant to manage wastes generated by his own business to be diverted from landfill, as well as wastes generated by third parties. Given the nature of the facility type and the limited availability of this type of facility elsewhere it is likely that such wastes would be drawn from a wider area, providing an opportunity to divert waste from landfill, in line with the waste hierarchy. As identified above, neither the CIMS Plan or the Construction and Demolition Waste Sector Plan quantifies the level of need for this type of facility. Because of the nature of the wastes which would be managed this would be a strategic facility serving a wide area. Technical Advice Note specifically advises that "*in line with sustainability principles, there is an expectation that all areas should be prepared to accommodate infrastructure to support the development of an integrated and adequate network*". Although this statement is made in relation to disposal and recovery of mixed municipal wastes, the same principle should apply to infrequently arising wastes such as contaminated soils.

7.23 Construction and demolition facility

The Applicant owns and operates a construction and demolition waste facility similar to the one proposed in Pinfold Lane Quarry and is permitted to manage up to 75,000tpa. There are other facilities within the area which are permitted to manage similar wastes, including Parry's Quarry and Ewloe Barns Industrial Estate, though the capacity at Parry's Quarry has not been utilised since the landfill permission was implemented and is therefore no longer considered available C&D capacity and the capacity at Ewloe Barns is limited by the overall tonnage limit imposed on the planning permission as well as the management of other wastes. Information regarding the management of C&D wastes is provided through sporadic surveys, the latest of which looked at the year 2012. The survey demonstrated that in North Wales the majority of wastes were recycled or reused with limited volumes of wastes, particularly aggregate and soil wastes being disposed of via landfill. Notwithstanding the findings of the survey, waste returns data demonstrates that significant volumes of inert wastes are still being disposed of within the region with 179,000 tonnes being disposed in landfill in 2014 in North Wales (data provided by Natural Resources Wales). Production of construction and demolition wastes is far less consistent than other waste streams and the immediate availability of space for significant volumes of material can influence where wastes are managed. Assessing the adequacy of existing provision based upon permitted capacity can therefore be misleading. TAN 21 specifically highlights the need for repositories for inert wastes for processing and longer term storage of such wastes, to allow for peaks and troughs in demand and to avoid the unnecessary landfilling of inert waste.

7.24 Whilst the need for construction and demolition wastes does not appear compelling in this location, the Applicant has cited the needs of their own business, a major civil engineering contracting business as a demonstration that a need exists. Furthermore, they identify tonnages of wastes in North Wales and the North West of England has demonstration that a need exists. As discussed above, consented C&D capacity may, in practice, be tied up during periods of low demand for inert material and high production meaning that having available space is important to prevent waste travelling further or being managed further down the waste hierarchy. Notwithstanding the above, it is considered that there would be no harm in the event that there is overprovision of this type of facility, i.e. waste would still be dealt with in a sustainable way.

7.25 Commercial and Industrial MRF

The Collections, Infrastructure and Markets Sector Plan identified that there would be a need to manage between 203k and 468k tonnes of residual waste in North Wales in the year 2024/25 which would include wastes arising from commerce and industry. TAN 21 advises that the upper threshold represents the point at which the extent of



provision within a region is sufficient. This is purely in relation to residual waste, i.e. the waste which remains after recyclate and compostable material has been removed and does not include the need for facilities which would remove recyclate from the waste stream in the first place. There are a number of facilities in North Wales which can manage industrial and commercial wastes, including the Ewloe Barns waste management facility which is close to the proposal site, although there are very few permitted Materials Recovery Facilities within North Wales including the site at Bryn Lane, Wrexham (81,444tpa) Parry's and Evans Ltd, Flintshire (250,000tpa) and Gofer, Conwy (24,999tpa). The Flintshire site manages paper and card wastes whilst the Bryn Lane site predominantly manages municipal wastes collected by the Local Authority, as does the Gofer site. Other facilities which could manage C&I wastes include the Orchid site which secured planning permission in 2010 but has never commenced operations and the MRF at UPM Shotton, which predominantly manages wastes arising in England.

- 7.26 The assessments undertaken within the CIMs took into account the fact that recyclate would be removed at the front end, and would have taken into account the capacity provided by facilities such as UPM Shotton and Parry's and Evans Ltd. The Ewloe Barns site manages a variety of different wastes and is limited to managing 75,000tpa by condition for highway reasons and also manages local authority collected wastes, construction and demolition wastes and soils. The total capacity to manage C&I wastes at the Ewloe Barns site is therefore limited. The proposed development would enable wastes arising from commerce and industry to be treated by separating out recyclable wastes which can then be exported off site for reprocessing elsewhere. The WPA submitted by the Applicant considers the need for additional capacity to deal with residual wastes and identifies that there is a remaining need after existing and planned provision comes on stream. The Collections, Infrastructure and Markets Sector Plan identifies a capacity range which would be required in North Wales in 2024/25, however, this considers residual capacity required and does not consider the need for sorting of materials, i.e. measures to remove recyclate before any residual wastes are recovered. Traditionally, wastes are taken to transfer station for bulking up with limited sorted before being disposed of. The need to remove as much recyclate before recovery or disposal occurs, either by incineration or landfill is recognised in national policy but is not quantified. Nevertheless, the tonnage of wastes requiring management, including residual wastes well exceeds the capacity which is in the process of being developed across the region.
- 7.27 Other facilities which can manage construction and demolition wastes and municipal, commercial and industrial wastes do exist in both Flintshire and North Wales, including sites in close proximity to the proposal site. However, there is no identification of the level of need required at either the local authority level nor at the regional level for

these types of waste management facility. The commercial and industrial and Construction & Demolition MRFs would sort wastes, removing recyclable wastes for reuse or recycling.

7.28 The proposal site is well located in terms of the strategic road network and would provide additional capacity for the Applicant's own business which generates significant quantities of waste. The facilities proposed would help divert waste from landfill, in accordance with the waste hierarchy.

7.29 **Economic Development**

Since the appeal decision was issued there have been a number of policy changes published by the Welsh Government including Planning Policy Wales Edition 7 and Technical Advice Note 23: Economic Development, which requires Local Planning Authorities to consider the potential economic benefits that a proposal can bring and to balance these with environmental and social considerations.

7.30 All elements of the proposal would bring economic benefit through the provision of jobs, both directly and indirectly. The proposal would also help divert waste from landfill across a variety of waste streams, helping to retain resources within the economy and reducing the need for raw materials.

7.31 **Highways**

Policy AC13 of the adopted Flintshire Unitary Development Plan seeks to ensure that new development does not have a detrimental impact on public safety, health and amenity as a result of additional traffic generation. Access to the site is off the private road that also forms the industrial estate access on to Pinfold Lane, which is subject only to the national speed restriction. There is a traffic light controlled junction where Pinfold Lane meets the A494 Mold Road, which forms part of the trunk road network in Wales and for which Welsh Government is the highway authority. There are a number of industrial uses which use this junction, including but not limited to, the Council Depot and Parry's Quarry. Parry's Quarry secured planning permission on appeal for the construction and operation of a solid waste landfill. As part of the permission highway improvements, which includes widening of Pinfold Lane, are required prior to the receipt of waste. The highway improvements have not been implemented to date.

7.32 A Transport Assessment (TA) has been submitted which considers the position without the proposal and with projections taking into account the proposed development as well as other authorised development in the vicinity of the junction. The projections were made on the basis that the highway improvements to be secured under the Parry's Quarry permission, referred to above, are implemented. The TA notes that given the site's previous use as a quarry it has accommodated HGVs and highlights that accident data demonstrates

no fatalities and no recurring causation factors or trends as a result of adverse highway design or layout. The TA modelled the highways position at the Pinfold Lane/A494 junction without the development and then projected the level of saturation taking into account predicted increases taking into account growth rates as well as the proposed development in 2018 and 2033. It is predicted that under all scenarios the junction would be within saturation levels, nevertheless, in 2033 the junction would experience capacity and queuing problems with or without the proposed development due to the use of background transport rates which the assessment concludes are unlikely to be realised in practice.

7.33 The contribution made by the proposed development is concluded to be negligible since HGV movements generated by the development are predicted to be a total of 4 per hour during the am peak period, the period at which saturation levels would be neared. HGV movements would be up to 12 per hour during the inter-peak period, however, during this time period flows are well within saturation levels and capacity of the junction is not identified to be an issue.

7.34 The Welsh Government as highway authority for the A494 trunk road raised no objection but directed that any permission should include a condition to ensure that prior to the receipt of waste, highway improvements which are secured by condition in relation to a third party site are discharged. These highway improvements comprise the widening of Pinfold Lane and relate to the implementation of a landfill permission at Parry's Quarry. The highway improvements have not been secured to date but are to be secured prior to the receipt of waste at Parry's. They also identified a number of points which should be brought to the attention of the Applicant. Whilst the improvements to be secured under another permission are beyond the scope of this application, the Highway Officer has confirmed that these works would be undertaken on land designated as public highway and could therefore be implemented by the Applicant. It is recommended that a condition is included so that no development can take place until such time as a scheme detailing the improvement works is submitted to and approved in writing by the Local Planning Authority and that such works are implemented prior to the receipt of waste. The proposed wording of the condition is:

*"Prior to the commencement of development authorised by this permission, a highway improvement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed design, geometric layout, construction and drainage. All works adjacent to the A494 trunk road shall meet the standards required by the Design Manual for Roads and Bridges (DMRB). The scheme shall be implemented as approved prior to the receipt of waste."*

7.35 In addition, it is recommended that a condition is included to limit the overall tonnage of material which can be managed at the facility since

the application, including transport modelling was undertaken on this basis. It is also recommended that a condition is included to ensure that the site is only accessed via the private access road as proposed within the application.

- 7.36 The recommendations of the Head of Highways and Transportation include a requirement for approval of means of marking out the route of Footpaths 1 and 2 which run along the private road, as well as a requirement to ensure the provision of suitable visibility splays, provision of facilities for loading/unloading/parking/turning of vehicles, measures to prevent surface water run-off onto the highway and provision of wheel cleaning facilities. Due to the nature of the materials which would be managed by the development, it is also recommended that a condition is included to require vehicles entering and exiting the site to be sheeted.
- 7.37 It must be taken into account that the private road and its junction have been in use for many years by traffic from the industrial estate and until the Pinfold Lane and Stoneybeach quarries were closed the junction was also used by mineral haulage traffic. In the case of Pinfold Lane Quarry, the junction is also used by traffic connected with the construction waste recycling operation located within the Pinfold Lane quarry, both of which would be unaffected by this proposal. Stoneybeach Quarry has no limits set on production or throughput levels by its planning permission and would have been operated on a campaign basis, during which time quarry activity could be intense and HGV movements significant.
- 7.38 Although both quarries are stated by Brock plc to be worked out within the application it is evident that there is mineral reserve remaining in each. There is nothing to prevent their re-activation and the resumption of use of the junction by quarry traffic. The planning permission for the recycling operation extends to 2042 and the operation may be expected to resume whether or not planning permission is granted for the Integrated Waste Management Facility. If the proposed development were to take place it is understood that there would be no further working of minerals within Stoney Beach Quarry, though this application would not prevent working within Pinfold Lane Quarry. In order to ensure that no further mineral working takes place within Stoneybeach Quarry it is recommended that the Applicant enters into a legal agreement to prevent any further mineral working.
- 7.39 Concern regarding the impact of the proposed development on the highway has been raised by a number of consultees, including the Town Council and members of the public. In particular, the concerns relate to structural and environmental damage which may be caused by the increase in traffic. The structural integrity of the road network is a matter for the relevant highway authority and neither the Head of Highways and Transportation or the Welsh Government objected to

the proposed development on highways grounds. The imposition of conditions can prevent the deposition of mud, dust, debris and litter onto the public highway. Subject to the inclusion of conditions and a S106 agreement to address the points raised above, the proposed development is considered to be in accordance with policy AC13 of the adopted Flintshire Unitary Development Plan.

7.40 **Public Rights of Way**

Policy AC 2 seeks to protect Public Rights of Way. There are a number of Public Rights of Way within the vicinity of the site, including Footpath 1 which runs along the private access road to the site. The Applicant proposes to install a weighbridge and office facilities along the private road which could impact on the public right of way and may necessitate a temporary closure whilst construction works are being undertaken.

7.41 The Public Rights of Way Officer has not objected to the proposal, however, they have advised that a temporary closure order to facilitate the construction of the weighbridge may be required in the interests of public health and safety. At this point the access road is 16m wide, it is therefore considered that there is sufficient space to accommodate the footpath, which must be 12ft, and the weighbridge in this location. The Rambler's Association objected to the proposed development due to the potential impact that it would have on the footpath. In particular, they have advised that the footpath may benefit from higher rights as a bridleway. The Public Rights of Way Officer has advised that there is no evidence of a mapping anomaly in this instance and that the rights are as identified on the definitive map and statement. The Rambler's Association have also raised concern regarding the safety and enjoyment of the path by its users. The nature and volume of vehicles already permitted to use the site is such that the proposal is considered to have no greater impact on the footpath. Furthermore, the access road serves an area which is allocated for employment use within the Unitary Development Plan; there is therefore an acceptance that the access track is appropriate to serve the types of vehicles which would access the proposal site and that the visual impact of employment uses in this location is acceptable.

7.42 It is considered feasible to retain a suitable width of path along the private access road. If planning permission were to be granted, a temporary closure order under the Town and Country Planning Act may be required to ensure that the footpath and its users are protected, in accordance with policy AC2 of the UDP. The measures proposed above would help ensure that the safety of users of the ROW is maintained. Furthermore, the PROW Officer has advised that the inclusion of a condition to secure a scheme for the site which covers the demarcation of the footpath to a suitable width and makes provision for appropriate signage, addressing the shared use of the route as a footpath and vehicular access track.

7.43 **Archaeology**

Policies HE7 and HE8 seek to ensure that local archaeology is adequately considered during determination of planning applications. The Environmental Statement (ES) did not address archaeology and no mitigation is proposed within the document. The Clwyd Powys Archaeological Trust did not object to the proposed development and following removal of the landfill element of the scheme advised that the proposal would not have archaeological implications. No conditions are therefore proposed.

7.44 **Ecology**

Policies WB1, WB2 and WB3 seek to protect important species and their habitats, as well as sites of international and national importance. The Flora and Fauna chapter of the Environmental Statement notes that there are 16 designated Wildlife sites within 3 km of the proposed development and 5 within 1 km. Deeside and Buckley Newt Sites is designated a Special Area of Conservation (SAC) for its population of Great Crested Newts (GCN). The SAC comprises a number of isolated sites including a small area within Parry's Quarry, which lies approximately 360m from the main part of the proposal site. Stoney Beach Quarry. Cobbler's Wood and Stonybeach Wood are semi-natural broad-leaved woodland and follow the valley of the Alltami Brook along the western flank of Stoneybeach Quarry.

7.45 The remaining three sites, Brook Park Farm Wood, The Willows Common, and Wared Wood are designated on the basis of woodland and grassland interest. Cobbler's Wood and Stonybeach Wood are designated Ancient Woodlands and a Tree Preservation Order in respect of the woodland on the eastern flank of the Alltami Brook adjoining the proposal site. Stonybeach Wood is considered to have SAC qualities and whilst not SAC designated is considered worthy of preservation in its own right. The imposition of a stand-off between the Ancient Woodland and the activities within the site would help ensure that there is no adverse impact on the Ancient Woodland from the development. Within that stand-off development would be limited to a perimeter track, security fencing, surface water drainage, and such other minor developments as would not harm the woodland or individual trees.

7.46 **Protected Species and SAC**

Ecological reports have been submitted in respect of great crested newts, badgers and breeding birds, bats, reptiles and water voles. It is not considered that the site offers sufficient habitat of interest to invertebrates to warrant reports at the application stage. Mitigation and avoidance measures for GCN are proposed within the Environmental Statement. The ecological reports rely on surveys carried out in 2012. The County Ecologist recommended that an addendum report should be provided by the Applicant to identify any changes on the site since the surveys were carried out, but to date, no report has been submitted to the Local Planning Authority. However,

the County Ecologist has since confirmed that sufficient information has been provided to enable a decision to be taken with respect to ecology.

- 7.47 The application site is located within 360m of part of the Deeside and Buckley Newts SAC. An ecological appraisal of the site in 2007 identified two ponds to the south of the main Pinfold Lane Quarry and recorded two or three specimens in one of the ponds and a single female in an adjacent ditch. Since this survey was undertaken drainage works have taken place which resulted in the ponds being filled in and vegetation removal works and removal of part of the bund which forms part of a wildlife corridor identified in application 4/0/25073. As a result of these works it is considered that the favourable conservation status of the population of great crested newt will have been harmed.
- 7.48 Natural Resources Wales initially issued a holding objection to the proposal in respect of GCN owing to the submission of inadequate information and consequent inability to demonstrate no detriment to the maintenance of the favourable conservation status of the population of great crested newts affected by the proposal. NRW has now advised that they have no objection to the proposal in respect of GCN, subject to conditions. This view is reiterated by the County Ecologist who has carried out an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 in liaison with NRW to assess whether the proposal would have a likely effect on the SAC. It was concluded within the Appropriate Assessment that the loss of the site would not have a long term adverse effect on the SAC providing certain conditions are applied. In particular, as the applicant has submitted inadequate information to demonstrate no detriment to the maintenance of Favourable Conservation Status of the great crested newt, any consent will need to be subject to the imposition of conditions concerning the short and long term safeguard and restoration of conservation status.
- 7.49 Since there is evidence of great crested newts within 250m of the site, which are a protected species, a licence under the Habitats and Species Regulations 2010 would be required from NRW before any work could take place. A licence may only be granted for imperative reasons of overriding public importance and NRW would have to be satisfied that there were no practicable alternatives and that the development would not be detrimental to maintenance of the protected species population of the site at a favourable conservation status.
- 7.50 Biodiversity  
The site itself is a recently worked out quarry and much of the exposed surface is barren with little ecological interest. Stonybeach Quarry would become permanently developed. The Council as LPA is required under the terms of the Environment Act 2016 to have regard

to conservation of biodiversity in the determination of schemes of this nature. On balance, subject to the inclusion of conditions, it is considered that the proposals meet the principles of the Flintshire Biodiversity Action Plan.

- 7.51 Due to the nature of the proposal and the materials which would be managed there is the potential for invasive non-native species (INNS) and diseases to be imported to the site. Given the importance of the area to protected species and the importance of the adjacent woodland NRW have advised that any consent should include a condition to ensure that measures are put in place to prevent INNS being imported to the site
- 7.52 **Amenity:**  
Policies GEN 1 and EWP 8 seek to ensure that proposals do not have an unacceptable impact on residential amenity by way of noise, dust, odour. Concern has been raised by a number of consultees regarding the impact of the proposed development on amenity, including noise and disturbance.
- 7.53 **Noise**  
A noise assessment was undertaken in support of the application and reported in the Environmental Statement. The noise assessment indicates that background noise levels at nearby sensitive receptors are relatively high, dominated by traffic noise, which is consistent with previous assessments for the area. Noise level predictions considered the impact that the proposed development would have at nearby sensitive receptors including Old Farm Cottages, Bungalow, Tirlasgoch Farm, Mold Road, Ewloe Wood House and the Hotel. Some of these receptors are of more relevance to the development of Pinfold Lane Quarry rather than Stoney Beach and since the proposal no longer includes landfill, with Tirlasgoch Farm and Mold Road properties being closest to the proposed operations at Stoneybeach Quarry. Tirlasgoch Farm is the closest residential property, lying approximately 90m from the main area of proposed activity.
- 7.54 Noise levels at Tirlasgoch are predicted for the construction phase and the operational phase. During the construction phase predicted noise levels are 70dbLAeq,1h at Tirlasgoch and 56 dbLAeq,1h at the properties along Mold Road. Background noise levels at Tirlasgoch Farm would be exceeded by >10dB, however, it is proposed that bunds of 2m in height are constructed around the screening areas which would provide a predicted 12dB(A) attenuation. Minerals Technical Advice Note 1:Aggregates, recognises that there may be a need to allow higher noise levels over short periods of time to facilitate the construction of bunds and other noise mitigation. The noise assessment for construction was undertaken between the hours 07:00 – 19:00 Monday to Saturday with no intention to conduct construction work on Sundays or Bank Holidays. The commercial and industrial waste materials recovery facility would be operated on a 24 hour



basis, though HGV delivery of wastes for processing would be limited to 0700-1900 Monday to Sunday. It is recommended that a condition is included which restricts hours of operation.

7.55 The proposals have the potential to cause nuisance through constructional, operational and traffic noise to local residents and other land users, particularly through noise at night and on Sundays and bank and public holidays. It is considered that, if planning permission were to be granted it would be appropriate to impose conditions regarding hours and days of work, including provision for noise monitoring of 24 hour working and 7 day week operation of the C&I MRF in order to assess impacts. The period of monitoring should be long enough for valid assessment of those impacts: an appropriate period would be 12 months from the date of completion of commissioning. It is considered that the operational periods for HGV traffic involved in importation of wastes and exportation of residual wastes and product should be restricted in order to prevent nuisance.

7.56 It is recommended that if permission be granted a series of conditions be imposed to deal with noise, including a construction noise management plan, a condition to secure a noise scheme, including monitoring, and restrictions on days and hours of both construction works and operation of the integrated waste management facility. Construction work has the potential to generate particular noise issues, as identified above. Although the proposed facility would be regulated by Natural Resources Wales via an Environmental Permit, at this time it is not known what area the permit would cover. Furthermore, a permit would not be required during the construction stage, it is therefore considered necessary to include the conditions referred to above in order to minimise the impact of the development on the nearest sensitive receptors.

7.57 Dust

The Environmental Statement includes a quantitative air quality assessment of particulates, including PM10. It concludes that the development would meet the Air Quality Standard for Wales and that PM10 emissions are not likely to exceed the national Air Quality objectives. Natural Resources Wales has raised no objection in principle to the development on the grounds of air quality and would regulate the site through the Environmental Permit. However, at this stage it is not known what area the Permit would cover. As such, the imposition of conditions are recommended to control the release of dust and to provide a scheme of monitoring to ensure that the proposal would comply with policies GEN 1 and EWP 8 of the adopted Flintshire Unitary Development Plan.

7.58 Given the nature of the material which would managed at the site there is the potential for the movement of material to generate dust and for material and debris to be deposited onto the highway and into the atmosphere. To prevent this, it is recommended that a condition is

included which requires loaded vehicles accessing and egressing the site to be sheeted.

7.59 Odour

The proposed treatment facility would deal with soils which are lightly contaminated with hydrocarbons or heavy metals. The process would be similar to composting, relying on aerobic bacterial action to eliminate the contamination or reduce it to levels which would allow the materials to be re-used. The materials would be laid out in windrows and bacterial action would be encouraged by the addition of suitable nutrients, ensuring an optimum flow of air and moisture and maintaining an optimum temperature. The windrows would be covered by tarpaulins and air drawn through the deposited material would be discharged through a filter to control emissions of odours, gases, particulates and bioaerosols. Odours may arise from the input materials through hydrocarbon contamination and from the treatment process. It is unlikely that the odours would be of such intensity as to result in a significant and sustained nuisance to local residents or other land users.

7.60 Other potential sources of odour would be from the commercial and industrial MRF, though it is stated that very little putrescible waste would be handled at the facility given the source of the material. The material would be managed within an enclosed building, thereby minimising the potential release of odour. Natural Resources Wales has not objected to the proposed development on the grounds of odour. The site would require an Environmental Permit which would be issued by Natural Resources Wales and which would control odour. Furthermore, the Environmental Health Officer has not objected to the proposal on the grounds of odour.

7.61 Health

Policy EWP 8 (b) seeks to ensure that proposals for new waste management facilities do not detrimentally affect the health of neighbouring users of land. The Applicant has provided an assessment of the potential impacts on human health and has identified pathways, which include airborne and waterborne.

7.62 Measures are proposed to minimise the release of pollutants from the site. The site would require an Environmental Permit to operate, which is concerned with the impact of the proposed development on human health and would impose requirements and conditions to prevent or minimise any resultant risk to human health. The Betsi Cadwaladr University Health Board, on behalf of Public Health Wales and Public Health England, advise that they consider the public health impacts from the proposed operation to be low, and have not objected to the proposed development subject to the inclusion of conditions to address dust, odour, noise, containment of contaminated soils during transport and routing to avoid populated areas. Dust, odour, noise, and containment of contaminated soils are addressed elsewhere in

the report. It is not considered reasonable to include a condition or obligation requiring the routing of vehicles since including a condition which requires vehicles to be sheeted would ensure that material is not released and measures to control odour are already included within the submission. Subject to the inclusion of conditions to address dust, noise and sheeting of vehicles, as discussed elsewhere in this report, the proposal is considered in line with policy EWP 8 (b) of the adopted Flintshire Unitary Development Plan.

7.63 **Pollution of groundwater and surface water**

Policies GEN 1 and EWP 8 seek to ensure that proposals do not have a detrimental impact on water quality. The site lies within the catchment of the River Dee. The Alltami Brook, which is located approximately 30m to the west of the site within a small wooded ravine and joins the Wepre Brook some 600 metres to the north east of the site, which in turn joins the River Dee some 3.5 km to the north east. Pinfold Lane Quarry currently drains into the Alltami Brook via a channel cut through the northern boundary. Stonybeach Quarry is also drained to the Alltami Brook.

7.64 Following the removal of the landfill element of the proposal the principle concerns would be in relation to management of surface water, and management of contaminated run-off. The contaminated soils facility would be regulated by Natural Resources Wales via an Environmental Permit which would require a sealed drainage system and management of any contaminated run-off. This would prevent contamination of surface and groundwater. It is considered that further information in respect of surface water management and management of contaminated run-off can be secured via a suitably worded condition.

7.65 **Landscape**

Policies GEN 1, L1 and EWP 8 of the adopted Flintshire Unitary Development Plan seek to ensure that proposals do not have an unacceptable impact on the landscape. The application site lies within a gently undulating landscape of tree and hedge lined fields and linear tree belts following watercourses, with small pockets of industry centred on former clay pits, brick works and colliery sites. The proposed development site is presently substantially screened by trees as it is located between Stonybeach Wood to the west. The council depot and industrial buildings break up views of the recycling site from the south and east.

7.66 A landscape and visual survey are included in the ES and conclude that the landfill site during operations and once completed would have a small impact on the landscape. The landfill element of the proposal has since been removed and the proposal as is now proposed is considered unlikely to have a significant impact on the landscape/ There are no landscape designations affecting the site although Tree Preservation Orders protect Stonybeach Wood and the ancient

woodland adjoining the proposed landfill site.

7.67 Nevertheless, in order to minimise the impact of the proposal on landscape it would be necessary to include conditions to secure the submission of a detailed landscape plan. In addition, it is considered necessary to secure information regarding the existing and final topographical levels within the site. It is also recommended that a condition to require that the proposed MRF building be green would help the building assimilate into the landscape and reduce the visual impact of the development. A condition to limit stockpile heights is also recommended to reduce the visual impact of externally stored material. In Officer's view, subject to the inclusion of the above suggested conditions, any landscape impacts would be limited and not out of keeping with the locality.

7.68 **Birds, flies, vermin and litter**

The control of vermin and flies at waste sites is a matter for Natural Resources Wales under the Environmental Permitting system.

7.69 **Environmental Impact Assessment**

The planning application was accompanied by the submission of an Environmental Statement and has previously been screened and scoped to be development requiring environmental impact assessment. A substantial body of environmental information has been submitted. In making this determination, the Council has taken all the environmental information available to it into consideration, including the information presented in the application and the Environmental Statement. It has also considered the responses from consultees and to representations received from third parties.

7.70 **Other Matters**

The proposal site is adjacent to ancient woodland with a TPO on it and is in close proximity to the Alltami Brook which itself feeds into the Wepre Brook and ultimately the River Dee. Although there are limited residential properties within close proximity of the site, a noise assessment has demonstrated that there is the potential for the site to generate noise which could cause nuisance/impact on amenity. It is therefore considered that it is a sensitive site and, given the nature of the activities proposed within the site there is a greater potential for nuisance/amenity impacts compared to other uses on the adjacent industrial estate and that as such permitted development rights should be restricted. Although the site would require an environmental permit, the permit would be concerned with protecting human health and the environment rather than amenity, including visual amenity. Furthermore, the condition would prevent harm from occurring which may be covered by other legislation but which would be reactive rather than preventative. The removal of PD rights would therefore give the local planning authority a greater level of control, and ensure no harm to the adjacent sensitive environment would occur, whilst still enabling the developer to make changes where deemed acceptable.

The Applicant has raised concern with the restriction of permitted development rights, however, as discussed above it is considered necessary in this instance.

## **8.00 CONCLUSION**

8.01 This is significant waste management proposal with a number of different elements including a materials recovery facility, a construction and demolition recycling facility and contaminated soils facility. The environmental impacts of the proposed development have been assessed and the conclusion drawn that impacts can be prevented or minimised through the use of suitably worded conditions.

8.02 The proposal would enable waste to be diverted from landfill and managed further up the waste hierarchy, in line with national and local policy, including policy STR10 (d) of the adopted Flintshire Unitary Development Plan. The proposal is considered to be beneficial and in line with policy, as is the provision of employment. The proposal site is a worked out quarry, directly adjacent to an existing industrial estate.

## **8.03 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.

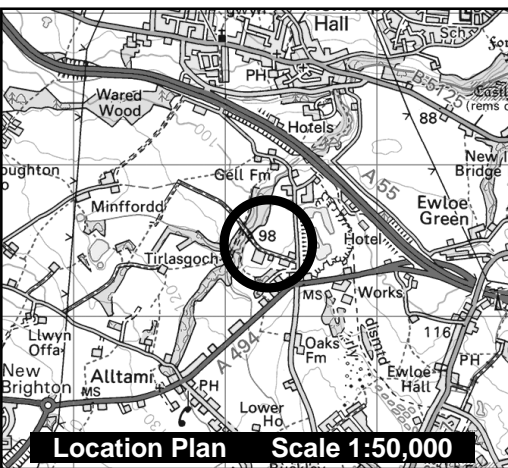
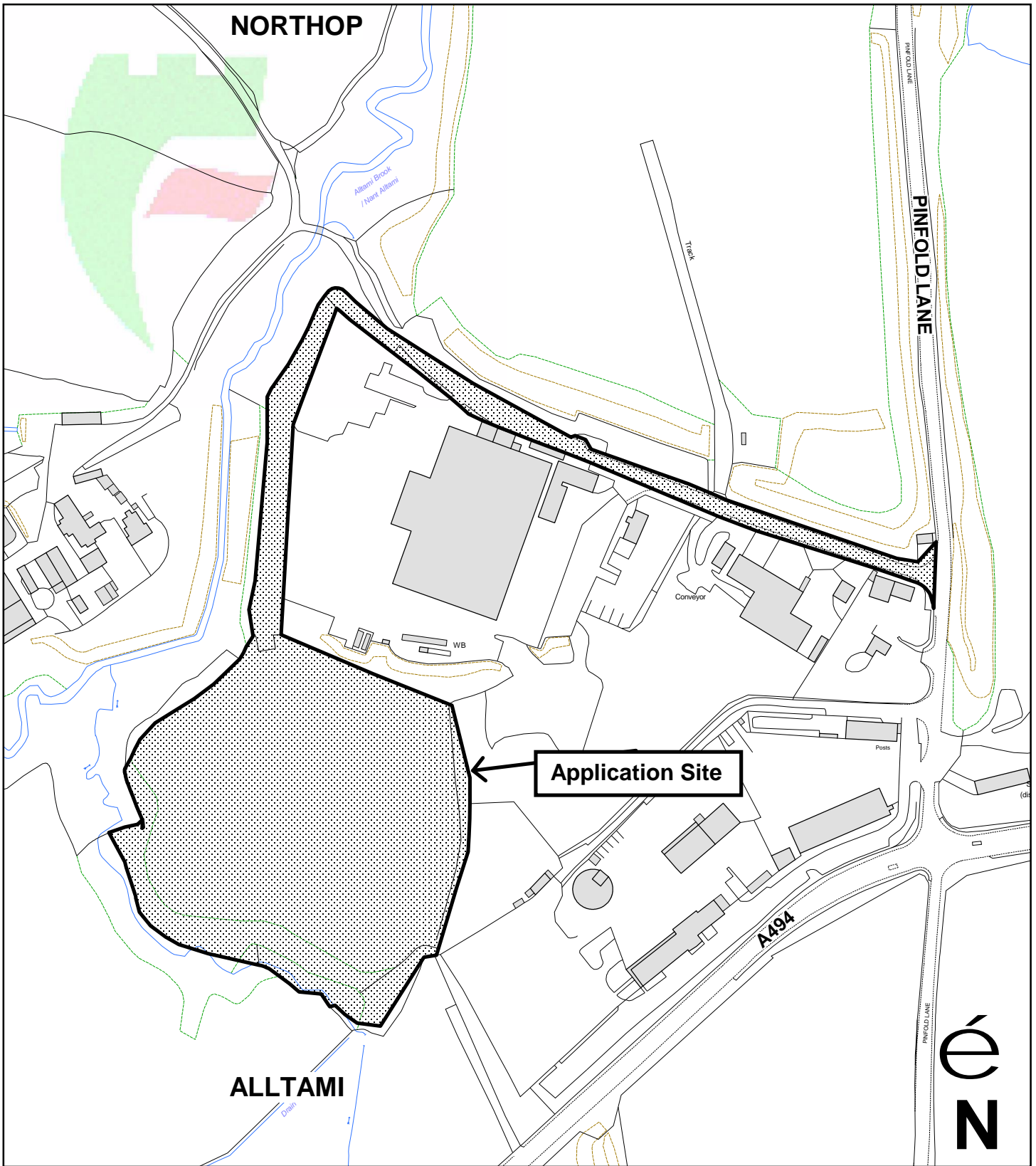
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## **LIST OF BACKGROUND DOCUMENTS**

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

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





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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:3000

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Planning Application **52364**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>ND</sup> FEBRUARY 2017**

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

**SUBJECT:** **APPEAL BY MR. P. JONES AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AS PART OF A SMALL HOLDING DEVELOPMENT AT PENYCEFN ISAF, PEN Y CEFN, CAERWYS – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 054929

**2.00 APPLICANT**

2.01 Mr. P. Jones

**3.00 SITE**

3.01 Penycefn Isaf,  
Pen y Cefn, Caerwys.

**4.00 APPLICATION VALID DATE**

4.01 24<sup>th</sup> February 2016.

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of appeal decision in respect of an appeal following refusal to grant planning consent following Officer delegated procedure, for the erection of a 3 bedroom cottage as part of a small holding development. The appeal was via the written representations procedure and was **DISMISSED**. The Inspector for the appeal was Mr. Clive Nield.

**6.00 REPORT**

6.01 The Inspector considered the main issue in this appeal to be the effects of the proposed development on the character of the countryside and whether or not the proposed cottage is justified in this location.

- 6.02 The appeal site lies within open countryside and its wider surroundings comprise of agricultural land with scattered farms and cottages. The construction of a new house on the site would introduce additional built development into the countryside which would be considered to be harmful to its rural character and appearance. Despite the appellant arguing that the proposal would be eco-friendly and would not be readily visible from the public highway. The Inspector considered that the proposal would intensify built development in the open countryside to the detriment of its character, regardless of its visibility.
- 6.03 The key policy in the consideration of the appeal is Policy HSG4 of the adopted Flintshire Unitary Development Plan, which presumes against new dwellings outside settlement boundaries except where it is essential to house essential workers. This reflects Welsh Government policy which places a strong emphasis on strictly controlling the development of unnecessary new dwellings in the open countryside.
- 6.04 Despite the appellant claiming that it is necessary to live on site to run a small holding, there is only presently 2-3 horses kept on the site, and whilst the appellant intends to keep alpacas and other stock on site and grow their own vegetables and therefore there is a need to provide 24 hour care and security as livestock, especially the alpacas being valuable and delicate animals. The Inspector considered this explanation to hopelessly fail to address the functional and financial tests required to justify a new dwelling for agricultural purposes, referred to in policy HSG4 and explained in more detail in Planning Policy Wales TAN 6, Planning for Sustainable Rural Communities. In this context the Inspector considered that negligible evidence had been provided to address these requirements let alone providing sufficient evidence to justify a permanent dwelling .He considered there was no justification for a dwelling that would outweigh the harm to the countryside and the strict national and development plan policies, which seek to control unjustified development in the open countryside.

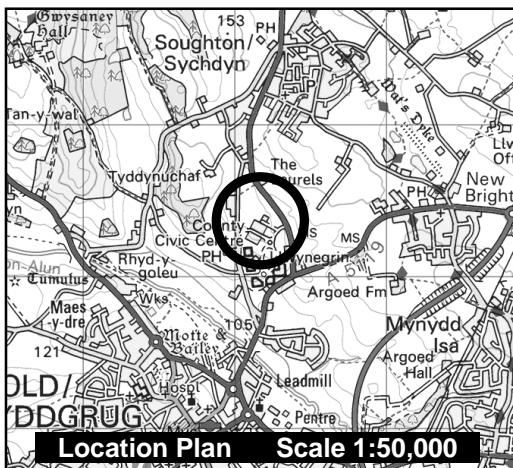
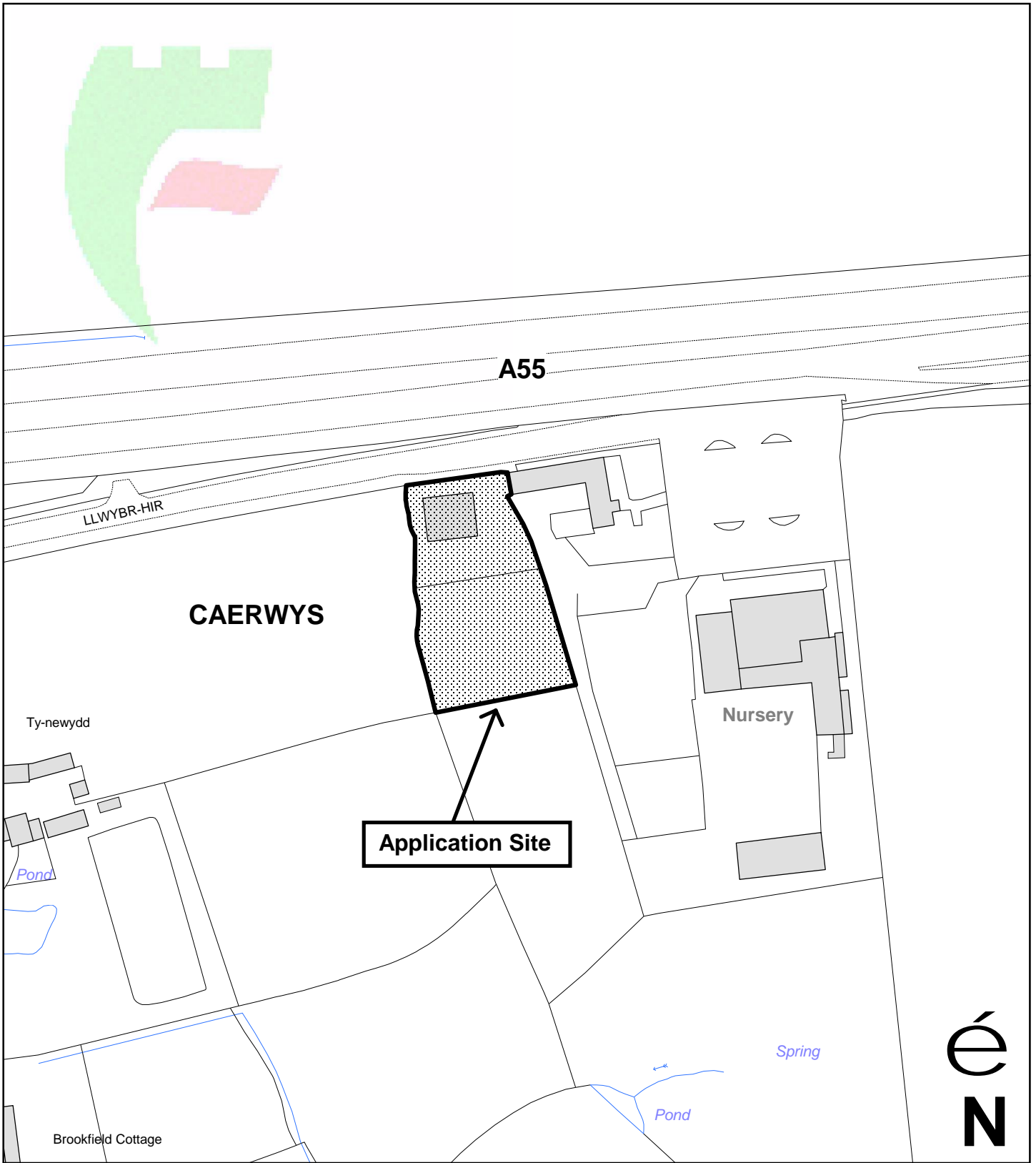
## **7.00 CONCLUSION**

- 7.01 For the reasons given above, The Inspector concluded that the appeal should be **DISMISSED**.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Barbara Kinnear  
**Telephone:** 01352 703260  
**Email:** Barbara.kinnear@flintshire.gov.uk



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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Planning Application **54929**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>ND</sup> FEBRUARY 2017**

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

**SUBJECT:** **APPEAL BY MR. R. HILL AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE OF VACANT POLICE HOUSE (FORMERLY A DWELLING) INTO A 9 BEDROOM HMO AND ASSOCIATED ACCESS IMPROVEMENTS AT 63 HIGH STREET, SALTNEY – ALLOWED**

**1.00** **APPLICATION NUMBER**

1.01 054886

**2.00** **APPLICANT**

2.01 Mr. R. Hill

**3.00** **SITE**

3.01 63 High Street,  
Saltney

**4.00** **APPLICATION VALID DATE**

4.01 5<sup>th</sup> February 2016.

**5.00** **PURPOSE OF REPORT**

5.01 To inform Members of the outcome of an appeal against the refusal of planning permission for the change of use of a vacant police house to a 9 bedroom house of multiple occupation. The application was refused by Planning and Development Control Committee on 20<sup>th</sup> April 2016 contrary to officer recommendation. The appeal was dealt with by written representations and the Inspector was Paul Selby. The appeal was **ALLOWED**.

**6.00** **REPORT**

6.01 The Inspector considered that the main issue was the effect of the proposal on highway safety.

- 6.02 The Inspector noted that the appeal site lies on Saltney High Street, an 'A' road between Chester and Broughton subject to a 30mph limit and with few parking restrictions. Policy AC13 of the Flintshire Unitary Development Plan (UDP) seeks to ensure that development proposals provide safe access to the main highway network. A recent survey of traffic along this section of the High Street indicates that it accommodates around 11,000 vehicle movements per day. Both parties have made reference to both Manual for Streets (MfS) and Manual for Streets 2 (MfS2). Although providing guidance for busier roads such as Saltney High Street, MfS2 is clear that the advice given in MfS concerning direct access is applicable to all urban roads. Research undertaken to inform MfS found that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily-trafficked roads. MfS2 states that providing direct frontage access is unlikely to have significant disbenefits in road safety terms, and that the absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously.
- 6.03 The Inspector noted that two parking spaces are to be provided west of the appeal building which would be reached via a new access point at the western extent of the site. The Inspector saw on his site visit that the parking area would be of sufficient size for two standard sized vehicles to park and manoeuvre to exit the site in forward gear. He considered that due to Oddfellows Hall being set back from the footway, there would be adequate visibility to the west for exiting vehicles. Sightlines to the east would, however, be restricted by the appeal building to below the guideline minima set out in MfS and Technical Advice Note 18 – Transport (TAN 18). Nevertheless, in the vicinity of the appeal site the High Street accommodates a number of accesses for driveways, service lanes and road junctions, as well as on street parking. These visual hazards appear to influence travel behaviour and moderate traffic speeds. In addition, the straight alignment of the road facilitates good visibility for drivers in both directions. Having regard to the guidance set out in MfS and MfS2, and given the context and the limited number of vehicles using the proposed driveway, the Inspector considered that vehicles nosing out of the proposed access point into the flow of traffic would not present an unacceptable hazard in highway safety terms.
- 6.04 The Council contends that it may be possible for new boundary fencing to be erected within the Oddfellows Hall property boundary, thus restricting views west from the new access point. This would, however, also reduce views for vehicles exiting the neighbouring property and in the Inspector's this view would be unlikely to occur. Conversely, the reduction in height of the front boundary wall of the appeal site, secured by condition, may assist in improving visibility for vehicles exiting the Oddfellows Hall, a potential benefit to which the Inspector attached moderate weight.

- 6.05 Two parking spaces would be provided on the existing driveway to the east. Visibility from this access point is significantly constrained by boundary walls and the appeal building, such that it does not meet the guidelines set out in the MfS and TAN 18. Given the limited space for turning on site, egress or access would need to be undertaken in reverse gear and, due to the limited visibility to the oncoming carriageway, this would present a hazard to both vehicles and pedestrians. The restricted width would also prevent two cars from parking side by side, and thus likely to lead to manoeuvring being undertaken on the highway. Nevertheless, the driveway and vehicle crossover already exists, with sufficient space for two vehicles to park. The proposed use as a House in Multiple Occupation (HMO) would, the Inspector considered, result in similar vehicle movements from the existing access point than were the building to revert to its former use as a 4 bedroom dwelling under Permitted Development rights. Furthermore, he noted that, whilst there have been a limited number of accidents elsewhere on the High Street in recent years, no incidents have been recorded in connection with the existing driveway.
- 6.06 The Council's car parking standards do not indicate maxima for HMOs, but given the number and size of bedrooms the Council considers that 9 off-street parking spaces would be required. The appellant has, however, estimated that the HMO would generate a parking demand of 0.4 cars per flat, or less than 4 in total, based on the Residential Car Parking Research undertaken by the Department for Communities and Local Government in 2007. Whilst this research was undertaken in an English context, it nonetheless provides an evidenced indication of the likely traffic generation of an HMO. Given the sustainable location of the proposal close to public transport and within walking and cycling distance of Chester city centre, the Inspector considered that the provision of 4 off-street parking spaces would be sufficient for the proposed use and would not result in a harmful level of overspill on-street car parking. In any event, ad hoc on street parking may be adequately controlled via the Council's powers as Highways Authority if it were deemed necessary.
- 6.07 The Inspectors attention has been drawn to a demarcated bus stop directly opposite the proposed access point. Whilst stationary buses would restrict visibility or prevent cars exiting the access point, this would be limited in duration and would have little effect on highway or pedestrian safety. Concerns have also been raised regarding the effects of the proposal on the safe crossing of the High Street for children travelling between the nearby primary school and church, but the straight alignment of the road would allow crossing in various places, and the proposal would not materially alter the amount of traffic locally. He considered that no harmful vehicle or pedestrian conflicts would arise as a consequence of the nearby bus stop, school or church.

- 6.08 Concerns have also been raised regarding waste and recycling arrangements. However, the submitted plans demonstrate that there would be sufficient space for storing bins on the site. Containers placed on footways on collection day would be limited in duration and, whilst a 9 bedroom HMO would require a greater number of bins than a 4 bedroom dwelling, he considered that they would not be so numerous so as to cause an unacceptable obstruction to pedestrians. Whilst the proposal would inevitably generate construction traffic during refurbishment and building works, similar impacts could arise under Permitted Development rights. The Inspector attached limited weight to these matters.
- 6.09 For the reasons given above, the Inspector concluded that the proposal would accord with the highway safety objectives of UDP policies GEN1, AC13 and AC18, and would be consistent with the general thrust of MfS, MfS2 and TAN 18.
- 6.10 Concerns have been raised regarding the compatibility of the use with the location, in particular the adjacent primary school. Whilst the south elevation of the existing building accommodates two first floor windows serving a bathroom and storeroom, which overlook the school grounds at relatively close range, these would be removed. Views would be possible towards the school playing fields and adjacent properties from two first floor bedroom windows, but these would be substantially oblique and at an acceptable distance. Consequently, no harmful overlooking would arise and, given the domestic character of the existing building and predominantly residential nature of the immediate context, he considered that its use as an HMO would be appropriate. Whilst the proposal would represent a relatively intensive use of the existing building, an acceptable standard of living accommodation would be provided for future occupants. The site would be located near to the town centre, and its separation from other dwellings would avoid unacceptable harm to the living conditions of those living nearby by virtue of noise or disturbance. The Inspector considered the proposal to be acceptable in terms of these other matters.

## **7.00 CONCLUSION**

- 7.01 For the reasons given above, and having regard to all other matters raised, he concluded that the appeal should be **ALLOWED**.
- 7.02 He considered that a condition requiring the removal of the existing access gate prior to occupation is necessary in the interests of highway safety. For the same reason, conditions requiring the submission and approval of details for the boundary walls and landscaping adjacent to the highway, and to secure and maintain adequate on-site parking and manoeuvring space, are also necessary. In the interests of sustainable travel, it is necessary to impose a condition requiring the provision and retention of adequate



cycle parking.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

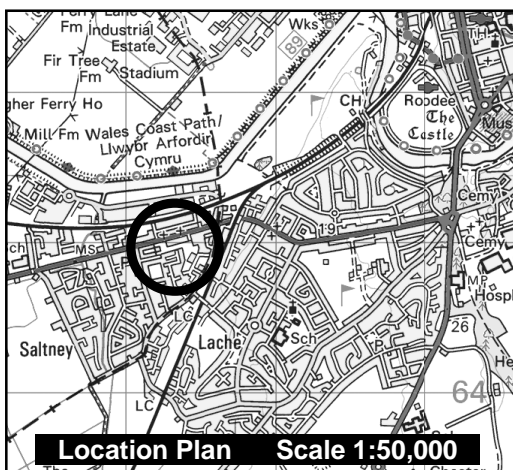
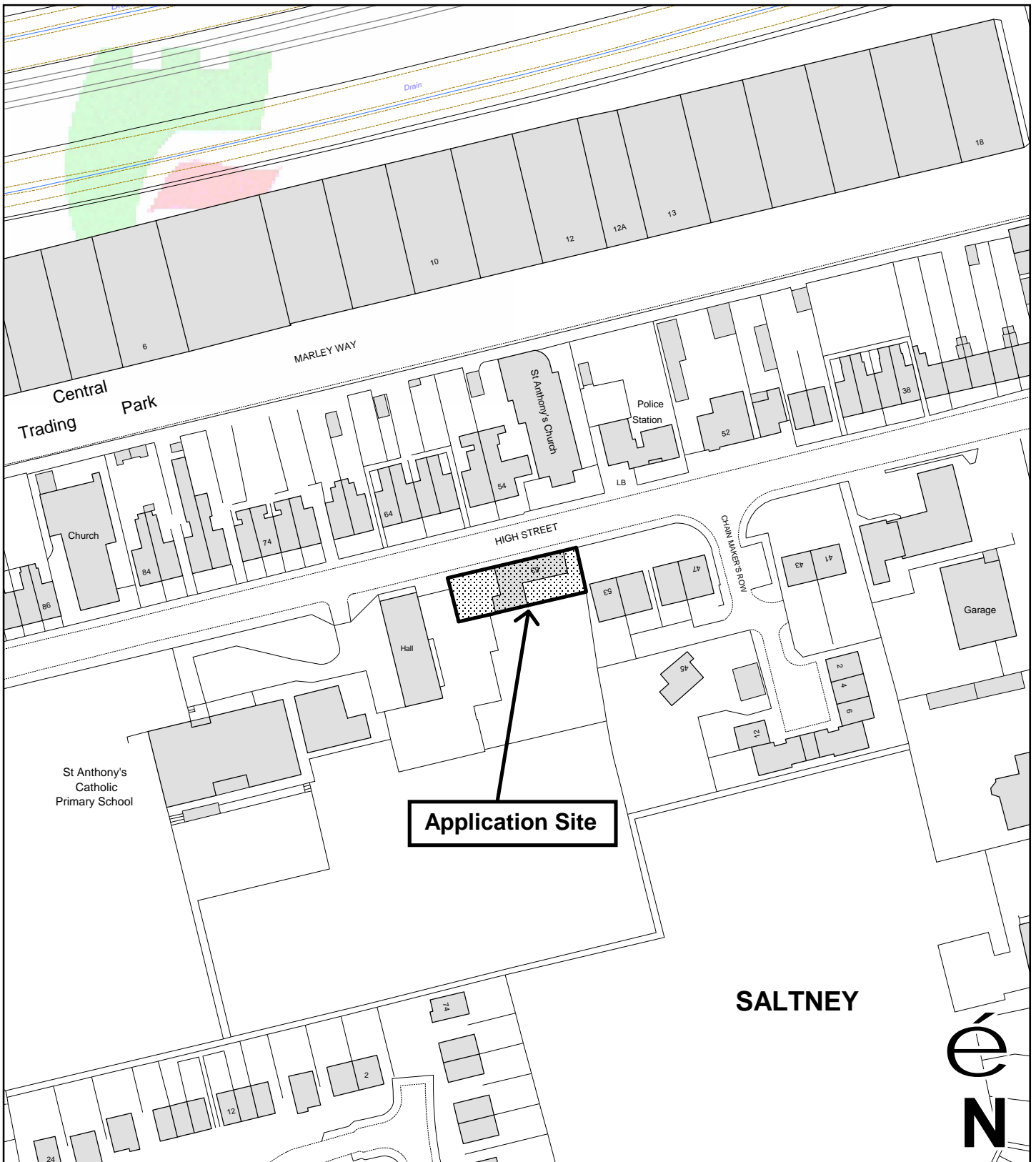
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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

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

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Planning Application **54886**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **22<sup>ND</sup> FEBRUARY 2017**

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

**SUBJECT:** **APPEAL BY MRS MANDIE GARDNER AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE SITING OF A CARAVAN FOR HOLIDAY LET USE AT THE REAR OF 2 TYN Y MORFA COTTAGES, TYN Y MORFA, GWESPYR, HOLYWELL – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 055553

**2.00 APPLICANT**

2.01 Mrs Mandie Gardner

**3.00 SITE**

3.01 2 Tyn y Morfa Cottages,  
Tyn y Morfa,  
Gwespyr,  
Holywell. CH8 9JW

**4.00 APPLICATION VALID DATE**

4.01 10<sup>th</sup> June 2016.

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation into the refusal to grant planning permission for the siting of a static caravan to be rented out as a holiday let at 2 Tyn y Morfa Cottages, Tyn y Morfa, Gwespyr, Holywell. The application was refused by delegated powers, with the appeal dealt with by way of written representations and was **DISMISSED**. The Inspector was A.L. McCooey.

## **6.00 REPORT**

### **6.01 Background**

Members may recall that this application was refused by delegated powers on 9<sup>th</sup> September 2016, on the basis that the proposal would be located within both open countryside and green barrier where there is a general presumption against development of this nature. The proposal was therefore contrary to planning policies of the adopted Flintshire Unitary Development Plan and considered to have a significant detrimental impact upon the openness and visual amenity of the open countryside and green barrier.

### **6.02 Issues**

The Inspector considered that the main issues to be whether the proposal was inappropriate development in a designated green barrier and the effect of the development on its openness, whether there were any very exceptional circumstances to clearly outweigh this harm and the effect of the development on the character and appearance of the area.

### **6.03 Inappropriate Development, Openness, Exceptional Circumstances and Character and Appearance**

The site is located in the countryside. It is accessed from an unadopted road that crosses a railway line at a manned level crossing nearby. This road is a public footpath that leads to the large Presthaven Sands caravan site nearby. There are other large caravan sites to the south along the A548. The site comprises a narrow strip of land to the rear of Nos 1 to 3 Tyn y Morfa, accessed from land to the side of No. 3. The appellant lives in No. 2, which is a semi-detached dwelling with a parking area to the front. The site is enclosed by a close-boarded fence to the rear of the neighbouring dwellings. There are several outbuildings on and near the site. There are also several static caravans on adjoining land.

6.04 The site is in the open countryside north of Gwespyr and in a designated GBR. The Inspector was satisfied that such local designations (like green wedges) have an equal status to Green Belts. The only difference being their degree of permanence. The most important attribute of both is their openness. Policy GEN4 of the adopted Flintshire Unitary Development Plan (FUDP) refers to development in green barriers only being granted planning permission if the proposal is for the types of development set out in (a) to (g) of the Policy on page 23. Policy GEN4 is consistent with Planning Policy Wales Edition 9 November 2016 (PPW). Where reference is made to green wedges, these have effectively the same meaning as green barriers in this regard. PPW states a presumption against inappropriate development, with substantial weight to be attached to any harmful impact which a development would have on a green wedge/barrier designation. It confirms that inappropriate development should not be granted planning permission except in

very exceptional circumstances where other considerations would clearly outweigh the harm.

- 6.05 The relevant test within Policy GEN4 for this proposal is (g) other rural uses for which a rural location is essential. The site is in the open countryside so Policy GEN3 also applies. This policy adds nothing because GEN3 (j) is a similar criterion to GEN4 (g). GEN4 (g) has two provisos – firstly, the development should not contribute to the coalescence of settlements and secondly, development should not unacceptably harm the open character and appearance of the GBR.
- 6.06 The stated purpose of the application is to site a static caravan on the land and rent it out as a holiday let. Whilst it may be desirable for such a use to be located in a rural location, it is not essential. The use would result in the introduction of a static caravan on the site in an open area between large caravan sites. It would have a small effect in terms of the coalescence of settlements. However, the cumulative effect of many small developments is an important consideration. The stationing of a caravan on the site (whatever its colour) would also affect the openness of this area. The Inspector accepted that the site is relatively well-screened by a fence and outbuildings, but the proposal would still be visible. The development could also be landscaped. This would take time to mature and mitigate the effect on openness.
- 6.07 Policy T4 of the FUDP deals with static caravans. It states that in the Talacre, Gronant and Gwespyr areas development of new static caravan site will not be permitted. This is to protect the open nature of the coast and the sand dune system, but would affect openness, as discussed above. There are large caravan sites nearby but they are existing features.
- 6.08 FUDP prohibits new sites in an attempt to prevent further adverse effects. The Council stated that the existing single caravans nearby are unauthorised and enforcement action is contemplated. The circumstances of the approval of extensions to and rationalisations of existing caravan sites in the area are not known. These decisions are not for new sites and do not justify the approval of this proposal in a GBR.
- 6.09 The appellant could provide parking facilities to the front of her property. The impact of parking and access facilities to the site do not therefore count against the proposal. Natural Resources Wales were content that any effects of flooding could be addressed by simple flood-proofing measures, which the appellant has confirmed would be provided. The Inspector agreed with the parties that there would have been no significant impact on the living conditions of the adjoining residential occupiers as a result of the proposal, for the reasons given. The use of the controlled crossing was raised as a concern in an objection to the planning application. Having witnessed

its operation, the Inspector was satisfied that it would not be an impediment to the proposed use, with appropriate guidance being provided to ensure the safety of the users is not compromised.

- 6.10 The Inspector considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Section 3 of the Well-Being of Future Generations (Wales) Act 2015 (“the WBFG Act”).

## **7.00 CONCLUSION**

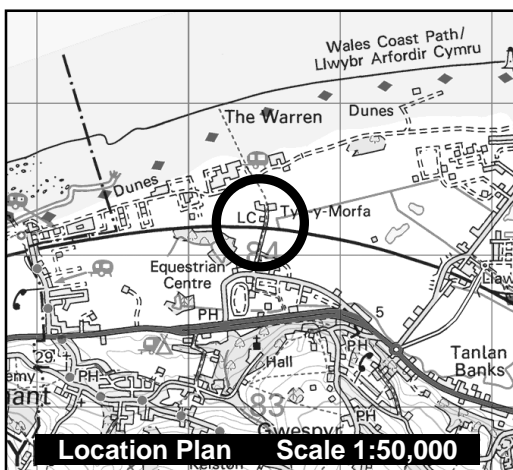
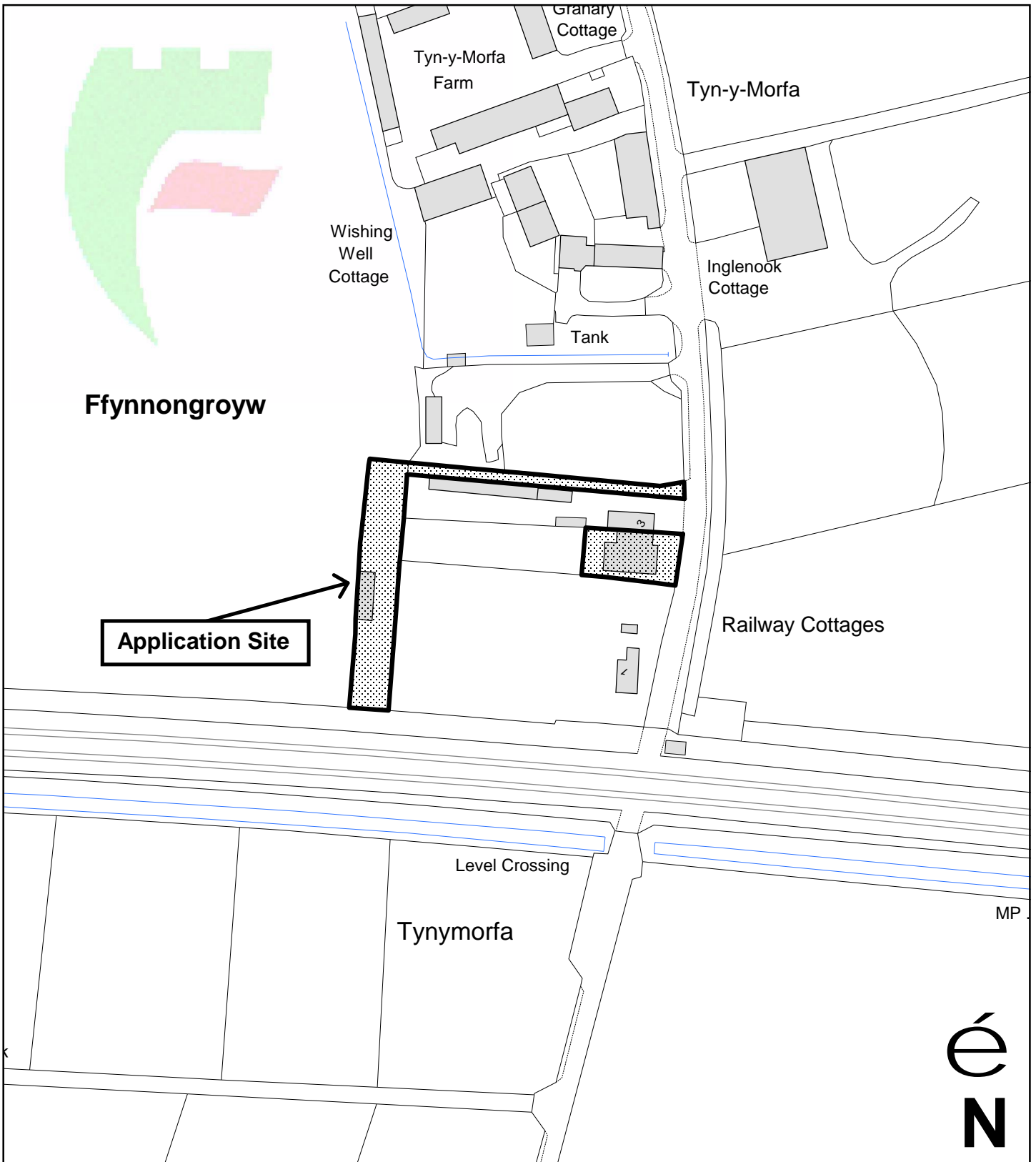
- 7.01 The proposal would represent inappropriate development within a GBR. Whilst it would be small scale, it would contribute to coalescence of settlements and cause harm to the openness of the area. The proposal would therefore be contrary to Policy GEN4 and GEN3, which applies a similar test for new development in the countryside. Its effect on the character and appearance of the area would be limited given the existing screening of the site and the large number of caravans in the wider area. However, Policy T4 prohibits new caravan sites in this area. The proposal would also be contrary to that policy. The Inspector took into account the benefits of the proposal to the economy of the area and the fact that there are other caravan sites nearby. However, the Inspector did not consider that these factors outweigh the policy objections and detrimental effects of the proposal. No other very special circumstances apply that would clearly outweigh the harm that the development would cause to the GBR and justify granting planning permission. Having taken into account all the matters raised, it was concluded that the appeal be **DISMISSED**.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Alan Wells  
**Telephone:** (01352) 703255  
**Email:** alan.wells@flintshire.gov.uk





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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 1084

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