

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, Sean Bibby,
Chris Bithell, Derek Butler, David Cox,
Adele Davies-Cooke, Ian Dunbar, Carol Ellis,
David Evans, Veronica Gay, Patrick Heesom,
Dave Hughes, Kevin Hughes, Christine Jones,
Richard Jones, Richard Lloyd, Billy Mullin,
Mike Peers, Neville Phillips and Owen Thomas

1 November 2017

Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 8TH NOVEMBER, 2017** at **1.00 PM** to consider the following items.

Yours sincerely

Robert Robins
Democratic Services Manager

WEBCASTING NOTICE

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

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

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

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 12)

To confirm as a correct record the minutes of the meeting held on 4 October 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.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC)

The following item is considered to be exempt by virtue of Paragraph 16 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

The public interest in withholding the information outweighs the public interest in disclosing the information.

7. **055590 - APPEAL BY REDROW HOMES (THE APPELLANTS) IN RESPECT OF THE PLANNING APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT AT CHESTER ROAD, PENYMYNYDD**

(pages 133 – 174)

Report of the Chief Officer (Governance) and Chief Officer (Planning and Environment)

As in report

REPORTS OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING COMMITTEE ON 8 NOVEMBER 2017

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	056742 - A	056742 - A - Full Application - Residential Development for 160 No. Dwellings and Associated Gardens and Car Parking at Maes Gwern, Mold (Pages 13 - 36)
6.2	057343 - A	057343 - A - Full Application - Demolition of the Existing Cement Storage and Loading Facilities and the Erection of a New Vertical Roller Mill (VRM), Rail Loading Facility and Modification to and Extension of the Existing Railway Line, Together with Ancillary Development at Castle Cement Ltd., Chester Road, Padeswood. (Pages 37 - 68)
6.3	057588 - A	057588 - A - Full Application - Alterations and Change of Use to Create a 6-Bedroom House in Multiple Occupation at 13 Health Street, Shotton. (Pages 69 - 76)
6.4	057540 - A	057540 - A - Full Application - Amendments to Previously Approved House Types to Allow for 73 Dwellings (An Increase by 9 on Previous Approval (Ref: 050300) at Croes Atti, Chester Road, Oakenholt. (Pages 77 - 90)
6.5	056875 - A	056875 - A - Full Application - Extension to Provide Storage in Connection with the Existing Lawful Use at Marcher Court, Sealand Road, Chester (Pages 91 - 100)
6.6	056415 - A	056415 - A - Full Application - Change of Use and Extension of Outbuilding to Form Dwelling at Ael y Bryn, Moel y Crio, Holywell. (Pages 101 - 108)
6.7	057430 - A	057430 - A - Full Application - Erection of Extension to Existing Agricultural Shed at Waen y Lloc, Lloc (Pages 109 - 116)
6.8	056574 - A	056574 - A - Application for a Hazardous Substances Consent at Valspar, Parkway, Deeside Industrial Park (Pages 117 - 126)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.9	056879	056879 - Appeal by Lidl UK Against the Decision of Flintshire County Council to Refuse Planning Permission for the Display of 1 No. Internally Illuminated 3 m High Totem Sign at Lidl, Coleshill Street, Holywell. (Pages 127 - 132)

This page is intentionally left blank

PLANNING COMMITTEE **4 OCTOBER 2017**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 4 October 2017

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Marion Bateman, Sean Bibby, Chris Bithell, Derek Butler, Adele Davies-Cooke, Ian Dunbar, Carol Ellis, David Evans, Veronica Gay, Patrick Heesom, Dave Hughes, Kevin Hughes, Christine Jones, Richard Jones, Richard Lloyd, Billy Mullin, Mike Peers, Neville Phillips and Owen Thomas.

ALSO PRESENT:

The following attended as local Members:

Councillor Geoff Collett for agenda item 6.10 (056742)

Councillor Gladys Healey for agenda items 6.4 (056859) and 6.12 (057225)

IN ATTENDANCE:

Chief Officer (Planning and Environment); Development Manager; Service Manager - Strategy; Senior Engineer - Highways Development Control; Senior Planners; Senior Solicitor and Committee Officer.

The Solicitor advised that he had received notification that Councillor Geoff Collett wished to speak as Local Member on agenda item 6.10 and Councillor Gladys Healey wished to speak as Local Member on agenda items 6.4 and 6.12. The Chair exercised his discretion to allow Councillor Healey to speak on agenda items 6.4 and 6.12.

29. DECLARATIONS OF INTEREST

Councillor David Evans advised that he wished to speak as a Local Member only, on agenda item 6.5 - Full application - change of use from C3 to C4 to a 4 bed (small) House of Multiple Occupation (HMO) at 8 Wellington Street, Shotton, Deeside, (057129), and agenda item 6.11 - Full Application – Erection of 5 No. dwellings at 120 Shotton Lane, Shotton, (057115). Councillor Evans said he would speak on the items and leave the room after speaking and before a debate took place.

Councillor Sean Bibby declared that he had submitted a formal objection in respect of agenda item 6.11 and would leave the room before the application was debated and voted on.

Councillor Christine Jones explained that she had taken legal advice in respect of agenda item 6.9 - Full Application – Erection of 4 storey extra-care building to accommodate 44 No. single bed apartments and 11 No. two bed apartments with supporting accommodation at Ysgol Fabanod Perth y Terfyn, Halkyn Road, Holywell, (057261), and said that whilst she did not have a personal or prejudicial interest she had publicly supported the application and

would therefore leave the room whilst debate and vote on the application took place.

Councillor Adele Davies-Cooke said that having taken legal advice she would speak as local Member only on agenda item number 6.3 – Application for removal of Condition No. 6 (temporary access) and variation of Condition No. 8 (opening hours) following grant of planning permission 056664 at Coppy Farm, Cilcain Road, Gwernaffield. (057296), and would leave the room after speaking and before the item was debated.

Councillor Geoff Collett declared a personal interest in agenda item 6.10 Full Application – Residential development for 160 No. dwellings and associated gardens and car parking at Maes Gwern, Mold, (056742), and advised that he had been granted dispensation to speak for 5 minutes and would leave the room before the item was debated and voting took place.

30. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting and were appended to the agenda on the Flintshire County Council website:

<http://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MIId=4188&Ver=4&LLL=0>

31. MINUTES

The draft minutes of the meeting held on 6 September 2017 were submitted.

Accuracy

Page 7: Councillor Patrick Heesom – referred to application 056694 and said there had been four reasons given for refusal of the application. He asked that the minutes be amended to include the additional reasons that the proposal represented significant harm, undermining local and national policies designed to safeguard open countryside and communities with rural aspects and the impact on the approach to the settlement. The proposal would also erode the rural character and appearance of the site and the locality with the resulting harm to the character and appearance of this part of the settlement.

RESOLVED:

That subject to the amendment proposed by Councillor Patrick Heesom, the minutes be approved as a true and accurate record and signed by the Chairman.

32. ITEMS TO BE DEFERRED

The Chief Officer (Planning and Environment) recommended that agenda item number 6.8 – Outline Application – for the Erection of 10 No. Dwellings at Siglen Uchaf, Ruthin Road, Gwernymynydd, be deferred. He explained that during the site visit some concerns had been raised around highway visibility which the officer reported to the trunk road agency. As the Agency had requested more time to consider the adequate visibility on site the Chief Officer reiterated his recommendation to defer the item until feedback from the Agency was provided.

On being put to the vote, the item was deferred.

RESOLVED:

That agenda item number 6.8 – Outline Application – for the Erection of 10 No. Dwellings at Siglen Uchaf , Ruthin Road, Gwernymynydd, be deferred.

33. REPORTS OF THE CHIEF OFFICER (PLANNING AND ENVIRONMENT)

RESOLVED:

That decisions be recorded as shown on the Planning Application schedule attached as an appendix, including the appeal decisions.

34. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 14 members of the public and no members of the press in attendance.

(The meeting started at 1.00pm and ended at 4.58pm)

.....

Chairman

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

PLANNING COMMITTEE ON 4 OCTOBER 2017

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
057263	Flint Town Council	Full Application – Erection of new retail units with associated access, car parking, servicing and landscaping arrangement and amendments to the existing car park at Flint Pavilion Sports Centre, Earl Street, Flint.	Mr. K. Jones, agent for the applicant, spoke in support of the application.	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation.
057316	Hawarden Community Council	Full Application – Erection of two detached residential dwellings at Groomsdale Cottage, Groomsdale Lane, Hawarden.		That planning permission be refused in accordance with the officer's recommendation.
057296	Gwernaffield Community Council	Application for removal of Condition No. 6 (temporary access) and variation of Condition No. 8 (opening hours) following grant of planning permission 056664 at Coppy Farm, Cilcain Road, Gwernaffield.	Mr. R. Lloyd spoke against the application. Councillor Adele Davies-Cooke, as local Member, spoke against the application and left the room after speaking.	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation.
056859	Hope Community Council	Full Application – Erection of detached dwelling and garage at The Spinney, Huxleys Lane, Hope.	Mr. B. Miller spoke against the application. Mr. D. Cooper, the applicant, spoke in support of the	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
			application. Councillor Gladys Healey, as local Member, spoke against the application.	
057129	Shotton Town Council	Full application - change of use from C3 to C4 to a 4 bed (small) House of Multiple Occupation (HMO) at 8 Wellington Street, Shotton, Deeside	Mr. M Lakhani, the applicant, spoke in support of the application. Councillor David Evans, as local Member, spoke against the application and left the room after speaking.	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation, and subject to an additional condition requiring details of bin and recycling facilities to be submitted to the Council and agreed in writing by the Council.
057318	Buckley Town Council	Full Application – Proposed 17.5 m Jupiter single stack column installed on new D6 root foundation and associated works at Muirfield Road, Buckley.	Mr. K. Zanft, agent for the applicant, spoke in support of the application.	Deferred.
057070	Hawarden Community Council	Full Application – Erection of single storey extension to side and rear of dwelling at 18 Moorfield Road, Hawarden.	Mr. M. Wasbrook spoke against the application. Mrs. J. Clarke, the applicant, spoke in support of the application.	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation.
053325	Gwernymynydd Community Council	Outline Application for the erection of 10 no. dwellings at Siglen Uchaf, Ruthin Road, Gwernymynydd.	Deferred	Deferred
057261	Holywell	Full Application – Erection of 4	Councillor Christine Jones left	That planning permission be granted

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
	Town Council	storey extra-care building to accommodate 44 No. single bed apartments and 11 No. two bed apartments with supporting accommodation at Ysgol Fabanod Perth y Terfyn, Halkyn Road, Holywell.	the room before a debate and vote on the item took place. Mr. L. Reeves, the applicant, spoke in support of the application.	subject to the conditions listed in the report, in accordance with the officer's recommendation.
056742	Mold Town Council	Full Application – Residential development for 160 No. dwellings and associated gardens and car parking at Maes Gwern, Mold.	Councillor A. Parry, Mold Town Council, spoke against the application. Councillor Geoff Collett, as local Member, spoke against the application	Deferred
057115	Shotton Town Council	Full Application – Erection of 5 No. dwellings at 120 Shotton Lane, Shotton.	Councillor David Evans, as local Member, spoke against the application and left the room after speaking. Councillor Sean Bibby left the room before debate and vote on the application took place	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation.
057225	Hope Community Council	Full Application – Proposed double storey rear extension and internal alterations at 13 Kiln Lane, Hope.	Mrs. K. McGorian, spoke against the application. Councillor Gladys Healey, as local Member, spoke against the application.	That planning permission be granted subject to the conditions listed in the report, in accordance with the officer's recommendation.

Appeal

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
Decisions				
051143	N/A	Appeal by Nant y Ffrith Energy Limited against the decision of Flintshire County Council to refuse planning permission for the erection of wind turbine up to 77 m vertical tip height with associated crane pad, substation building, formation of new track and new entrance junction off unclassified road and provision of temporary construction compound at Mount Farm, Ffrith – DISMISSED.	N/A	That the decision of the Inspector to dismiss the appeal be noted.
05579	N/A	Appeal by Mrs Hannah Fargher against the decision of Flintshire County Council to refuse planning permission for the change of use to house in multiple occupation at 24 The Brackens, Buckley – ALLOWED.	N/A	That the decision of the Inspector to allow the appeal be noted.
056672	N/A	Appeal by A. Fryer & J. Phillips against the decision of Flintshire County Council to refuse planning permission for the outline application for residential development at Bryn y Baal Road, Bryn y Baal, Mold – DISMISSED.	N/A	That the decision of the Inspector to dismiss the appeal be noted.

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	ACTION	RESOLUTION
056043	N/A	Appeal by Lloyd Homes against the decision of Flintshire County Council to refuse planning permission for the erection of 8 No. dwellings, garages and associated access at Llwyn Onn, Lixwm – DISMISSED.	N/A	That the decision of the Inspector to dismiss the appeal be noted.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT FOR 160 NO. DWELLINGS & ASSOCIATED GARDENS & CAR PARKING AT MAES GWERN, MOLD.**

APPLICATION NUMBER: **056742**

APPLICANT: **WATES RESIDENTIAL**

SITE: **LAND AT MAES GWERN, MOLD.**

APPLICATION VALID DATE: **24TH APRIL 2017**

LOCAL MEMBERS: **COUNCILLOR G. COLLETT**

TOWN/COMMUNITY COUNCIL: **MOLD TOWN COUNCIL**

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

SITE VISIT: **NO**

Members will recall that this application was deferred at the meeting held on 4.10.2017 in order that a variety of matters could be addressed. Those issues have been the subject of further examination and the report is amended to include further comment upon these matters as indicate by bold type.

1.00 SUMMARY

1.01 This is a full application for the development of this site comprising 160 No. dwellings, together with the creation of vehicular and pedestrian access routes, provision of open space, car parking spaces and all other associated works.

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

1.03 Members are advised that this proposal relates to a site which, whilst a site for the development of largely market housing, is a site within the Council's Strategic Housing and Regeneration Programme (SHARP).

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO A S111 AGREEMENT AND THE FOLLOWING:-

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

Conditions

1. Time limit on commencement
2. In accordance with approved plans and details.
3. Samples of external materials to be submitted and approved
4. Landscaping scheme to be submitted and approved including boundaries and finished site levels. Shall provide details of levels relative to trees to be retained and maintenance and management proposals for the landscaping and P.O.S.
5. Implementation of landscaping scheme.
6. Drainage scheme to be submitted and agreed.
7. Notwithstanding the submitted details, a plan indicating the precise location of dwellings upon Plots 52 and 53 to be submitted and agreed.
8. Scheme for layout and design of site access to be submitted and agreed.
9. Forming and construction of the access not to commence until design agreed.
10. Visibility splays of 2.4m 43m in both directions to be secured without obstruction and retained.
11. Scheme for parking and turning of vehicles to be submitted and agreed.
12. Garage fronts 5.5m from footway or 7.3m from edge of carriageways.
13. Detailed layout, design, traffic calming, means of signage, highway drainage, lighting and footways to be submitted and agreed.
14. Scheme for surface water interception between site and highway to be submitted and agreed.
15. No development until Construction Traffic Management Plan submitted and agreed.
16. Travel Plan and Transport Implementation Strategy to be submitted and agreed.

17. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to meeting education infrastructure requirements..
18. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to the retention of affordable housing.
19. No development shall commence unless and until a scheme has been submitted and agreed to satisfy the policy and planning guidance requirements relating to public open space and recreation.
20. No development until an updated tree survey and assessment in respect of trees adjacent to the approved site access points has been submitted and agreed.
21. Drainage scheme to be submitted and agreed.
22. Tree protection measures implemented before any site works.
23. No tree removal until bat survey undertaken and any mitigation submitted and agreed.
- 24. Scheme for enhanced glazing and ventilation measures to be submitted and agreed prior to first occupation of any affected dwellings.**

3.00 CONSULTATIONS

3.01 Local Member Councillor G. Collett

Offers the following observations:

- The revised plans have resulted in a reduced area for community gardens;
- Application site area has changed to include other land;
- Welcomes that badger setts in the area have been identified but considers proposal to safeguarded their location to be inadequate;
- Proposed development is at an unacceptable density;
- Has concerns in relation to site drainage; and
- Has concerns in respect of the potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents.

Mold Town Council

Offers the following comments:

- Application site area has changed to include other land;
- Area for protection of badgers setts should not also serve the purposes of Public Open Space and is inadequate;
- Concerns in respect of proposed drainage arrangements;
- Seeks upgrade of footpath along Maes Gwern to a cycle path;

- Considers the scheme should incorporate roof mounted solar PV as a renewable energy solution;
- Has concerns in respect of the energy performance of the dwellings;
- Considers a 3 storey apartment block would appear visually intrusive;
- Visual impact upon rural outlook should be mitigated to the eastern edge of the site;
- Considers footpath links between the site and adjacent recent development site should be re-introduced;
- Has concerns in respect of the potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents;
- Whilst the Council welcomes the concept of a village development, considers the scheme places amenities upon the site periphery and links to the town centre are poor other than by car; and
- Considers the dwelling designs to be unimaginative.

Highways DC

Notes that the scheme has been the subject of extensive pre-application engagement and advises that the majority of highway related matters are satisfactorily incorporated into the proposals. Notes that there are no public footpaths or bridleways within the immediacy of the site and therefore there are no impacts envisioned upon the same. Advises that there is no objection to the scheme and all matters requiring final agreement can be addressed by condition and requests the imposition of the same.

Pollution Control

Advises that the recommendations contained within the Wind Turbine Noise Assessment Report which advise that enhanced glazing and ventilation within affected properties would serve to adequately mitigate those dwellings from the impacts of any noise attributable to the turbine.

Housing Strategy Manager

In terms of evidence of the need for affordable housing, advises:

- The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units;
- The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;
- The SARTH currently has 1369 applications – 432 have identified Mold as one of the areas where they are seeking either a social rented house, bungalow or flat;

- There is a demand for both affordable rent and ownership products in Mold, with;
 - 16 applicants currently registered for affordable rent, primarily 1 and 2 bed properties; and
 - A further 41 applicants registered for 2 and 3 bed affordable ownership properties.

In view of the above, advises that the proposed affordable housing provision within the application would be acceptable and is supported.

Public Open Spaces Manager

Advises that the site is well located in respect of proximity to other community use facilities and therefore advocates a combination of on site recreation provisions and the payment of a commuted sum (£110,000) towards off site provisions or enhancement of existing facilities in the locality.

Advises that the proposed children's play area should be increased in size to 2500 sq.m. Advises that a commuted sum of £60,000 be paid to the Council towards the supply and installation of play equipment.

Should other areas of Public Open Space be required to be adopted by the Council, a 10 year maintenance commuted sum would be required.

Enterprise & Regeneration

Whilst acknowledging the importance of retaining land allocated for employment purposes, advises that this site has been allocated for this purpose for many years and has remained undeveloped despite being marketed as an available site by the Council.

Considers that the site can be released for other forms of development given the unsuccessful marketing of the site.

Head of Lifelong Learning – Capital Projects & Planning Manager

Advises that there is insufficient capacity at the local primary school (Bryn Coch C.P School). Advises that the nearest Secondary School is the Alun High School Castell, which has sufficient capacity and would therefore not be affected by the proposals.

Welsh Water/Dwr Cymru

No objection subject to the imposition of conditions requiring the submission and agreement of the proposed drainage arrangements for the site.

Natural Resources Wales

No objection in respect of impacts upon protected species or having regard to flood risk.

Coal Authority

No adverse comments. Requests that standing advice notes are imposed upon any subsequent permission granted.

Airbus

No objection upon aerodrome safeguarding grounds.

CADW

Considers there is no impact by the proposals upon the nearby historic assets and therefore does not object.

CPAT

Considers that assessment of the impact upon nearby listed buildings should be undertaken.

The Ramblers

Objects to the proposals. Considers the proposals do not connect the development to the town. Considers the scheme does not link effectively with both existing and proposed walking and cycling links. Considers screening landscaping is required to the east.

Clwyd Badger Group

Concerned that insufficient regard has been had to the impacts of the proposed development upon nearby badger setts and the foraging areas associated with the same. Objects upon the basis that this development will increase the risk of conflict between humans and badgers as a consequence of foraging in the rear gardens of existing and proposed dwellings.

4.00 PUBLICITY

4.01 This application has been publicised by way of the publication of a Press Notice, display of a Site Notice and Neighbour Notification letters. The application has been the subject of consultation on 2 occasions and 36 No. letters of objection have been received from local residents on the following grounds:

- Inadequacy of footpath and cycle path linkages;
- Existing Maes Gwern junction is inadequate to cater for additional traffic;
- Increased risk to highway and pedestrian safety as a consequence of increased traffic;
- Insufficient and inadequate vehicular and pedestrian access to the site from Maes Gwern
- Adverse impacts upon ecology;
- Inadequate detail in respect of drainage proposals and risk of

- offsite flooding;
- Increased risk of crime and anti-social behaviour. Proposed footbridge link to adjacent development site will serve as a crime 'escape route';
- Insufficient integration of public open space;
- Insufficient community infrastructure in the area;
- Inclusion of existing amenity areas within the site should not be permitted;
- Impacts of potential flicker effect from the approved (as yet un-constructed) wind turbine on an adjacent site upon future residents;
- Proposals are overdevelopment;
- Insufficient affordable housing provision;
- Increased noise to the detriment of amenity;
- Proposals are contrary to national and local policies in respect land allocated for employment uses; and
- Proposals will adversely impact upon the continued operation of existing nearby commercial premises;

4.02 A single letter of support has been received which welcomes the inclusion of P.O.S areas along Maes Gwern but also queries the level of P.O.S provisions across the site.

4.03 A further letter has been received which neither raises objection nor offers support but welcomes the buffering of the site between the nearby listed building and seeks a drainage scheme to manage water flows from the site.

5.00 SITE HISTORY

5.01 No previous history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR4 - Housing

Policy STR8 - Built Environment

Policy GEN1 - General Requirements for Development

Policy GEN2 - Development inside Settlement Boundaries

Policy D1 - Design Quality, Location and Layout

Policy D2 - Design

Policy D3 - Landscaping

Policy D4 - Outdoor Lighting

Policy TWH1 - Development affecting Trees & Woodlands

Policy TWH2 - Protection of Hedgerows

Policy WB1 - Species Protection

Policy HE2 - Development affecting Listed Buildings & their Settings

Policy HSG3 - Housing on Unallocated Sites in Settlement

- Boundaries
- Policy HSG8 - Density of Development
- Policy HSG9 - Housing Mix and Type
- Policy HSG10 - Affordable Housing within Settlement Boundaries
- Policy AC2 - Pedestrian Provision & Rights of Way
- Policy AC13 - Access and Traffic Impacts
- Policy AC18 - Parking Provision and New Development
- Policy HE8 - Recording of Historic Features
- Policy SR5 - Outdoor Play Space & New Residential Development.
- Policy EM3 - Development Zones & Principal Employment Areas
- Policy EM6 - Protection of Employment Land

Planning Policy Wales

- TAN5 - Nature & Conservation Planning
- TAN12 - Design
- TAN15 - Flood Risk
- TAN18 - Transport

Supplementary/Local Planning Guidance Notes:

- SPGN2 - Space Around Dwellings
- SPGN3 - Landscaping
- SPGN4 - Trees and Development
- SPGN6 - Listed Buildings
- SPGN8 - Nature Conservation and Development
- SPGN9 - Affordable Housing
- SPGN11 - Parking Standards
- SPGN12 - Access For All
- SPGN13 - Open Space Requirements
- SPGN23 - Developer Contributions to Education

7.00 PLANNING APPRAISAL

7.01 Site & Surroundings

The site comprises some 7.96ha of land comprising 5.71ha of land presently allocated for the purposes of employment development within the Flintshire UDP and a further 2.26ha of land comprising public open space. The site is located within the settlement boundary of Mold.

7.02 The site topography undulates but generally falls from west to east. There is a rise across the site to a high point in the middle of the site across both axis. The site occupies a position between areas with distinct character in terms of use and built form, namely residential to the north and commercial to the south

7.03 The site is bounded on all sides by significant and mature hedging and trees. Residential properties in the Upper Bryn Coch area abut to the north of the site across a woodland corridor of land through which a watercourse runs on a west to east axis. The southern

wooded boundary also abuts a watercourse, with Maes Gwern itself and commercial premises located further to the south. The western edge of the site abuts a recently developed residential site at the western end of Upper Bryn Coch. The eastern boundary abuts the playing fields associated with Mold Alun High School and another field between the site and Trebierdd House.

7.04 The Proposals

The proposals provide for the redevelopment of this site for the purposes of a residential development of 160 No. new dwellings, 48 No. of which are proposed to be affordable dwellings. These proposals seek to provide the following:

Market Housing

- 6 No. 2 bed terrace dwellings;
- 10 No. 2 bed semi-detached dwellings;
- 18 No. 2 bed apartments;
- 13 No. 3 bed semi-detached dwellings;
- 23 No. 3 bed detached dwellings; and
- 42No. 4 bed detached dwellings.

Affordable Housing

- 6 No. 1 bed apartments;
- 20 No. 2 bed terraced dwellings;
- 2 No. 2 bed bungalows;
- 6 No. 2 bed semi-detached dwellings; and
- 14 No. 3 bed semi-detached dwellings.

7.05 In addition, the proposals provide for some 0.42ha of play and public open space in addition to making provisions for the enhancement and management of a further 2.25ha of public open space upon the southern edge of the site.

7.06 2 No. points of vehicular access are proposed from Maes Gwern, 1 No. of which is the upgrade of the existing field gate access to the western end of the site. A second entirely new point of access is proposed towards the eastern edge of the site, through part of the existing wooded fringe in this location. A new 3m wide shared use path is proposed to be created along the southern boundary of the developable area, between it and the areas of public open space along the southern edge of the site. This route extends between the 2 proposed points of access and provides for linkages both into the newly developed area and the existing woodland area. A spur from this route extends northwards towards the boundary with the adjacent Alun School grounds. This link is intended to facilitate access for both children to the school and also for users of the adjacent leisure centre and associated recreation facilities.

7.07 The proposals also provide the creation of cycle link into the existing

adjacent housing development to the north west of the site to connect into the existing development and facilitate links towards the north of the site.

7.08 Main Issues

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

- The principle of the development in planning policy terms;
- Design considerations;
- Affordable housing;
- Highway impact;
- Ecology and trees;
- Historic asset impacts;
- Public Open Space requirements; and
- Education requirements.

7.09 The Principle of Development

The site lies within the settlement boundary of Mold which is a category A settlement in the adopted UDP. The site is also allocated for employment by virtue of policy EM2(4) which identifies the site for high quality employment B1 development, as part of Mold Business Park. Policy EM6 seeks to protect existing or allocated employment sites subject to satisfying certain criteria.

7.10 The residential development is being proposed as part of the Council's on-going SHARP programme. At a time when the Council cannot demonstrate a 5 year housing land supply, the proposed 160 dwellings will make a significant contribution to housing land supply on the edge of a main town which has a range of services and facilities and employment. However there is a potential conflict with the adopted UDP in terms of the loss of an employment allocation.

7.11 TAN1 advises that the housing land supply figure should be treated as a material consideration in determining planning applications for housing. Para 6.2 of TAN1 specifically advises that:

'Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.

7.12 A further consideration is the advice in para 4.2.2 of PPW that:

'The planning system provides for a presumption in favour of sustainable development'.

It is therefore necessary to look further into whether the proposal is in conflict with the development plan. Policy EM6 identifies that:

'The establishment of non-employment or retail uses on existing or allocated employment land and buildings will be permitted only where:

- no other suitable site is available for the development proposed;*
- the site or building is no longer considered to be suitable for employment purposes;*
- it would not result in an unacceptable reduction in the supply and range of employment sites in the area; or*
- the proposal would bring about the removal or satisfactory relocation of a non - conforming or potentially polluting use from the site or building.'*

7.13

The current proposal would result in the loss of approximately 0.89 hectares of land allocated for employment use. In terms of employment land availability in Mold 6.4 hectares of land was allocated within the UDP, in addition to existing land available on the Broncoed Industrial estate and the Mold Business Park which is due to be actively marketed in the near future.

7.14

Consultation on the application has been undertaken with the Council's Economic Development Section who have advised that whilst it is important for employment land to be retained for the purposes of future economic growth, it is recognised that not all sites which have been allocated for this purpose remain of equal value for that purpose. The Council has recently reviewed its employment allocations which identifies that there is an adequate supply of land already available to meet future forecasted needs. This review proposes that sites best suited to modern high quality employment uses should be safeguarded and those sites which are unlikely to be as suitable could be released where it can be demonstrated that they are unsuited for employment use or have been unsuccessfully marketed for such a use. In this regard, the outcome of the review in respect of less suitable sites accords with the requirements of Policy EM6.

7.15

I am advised in response to consultation that the application site has been allocated for employment use for many years but has remained undeveloped despite it being marketed by the Council as being available. In addition, I am advised that there are adjacent areas of employment land within the vicinity of the site which remain vacant and available to accommodate any future employment growth which may be required.

Accordingly, I consider the criteria to be satisfied in terms of Policy EM6 are met and the proposals would not fail by virtue of non-

7.16

compliance with this policy.

- 7.17 Turning to the question of whether the proposals represent sustainable development, the site is on the edge of Mold which is a Category A settlement in the UDP on account of its size, accessibility, services and facilities and employment offer. The proposals, in effect, result in a mixed use development and could attract further market interest in the remaining employment sites on the south side of Maes Gwern. I consider therefore that it represents a sustainable location for housing development.

Design

- 7.18 The proposed design and layout of this scheme has been the subject of lengthy negotiation and discussion over the course of both pre-application engagement and the consideration of the application and has been amended in line with comments arising from the consultation process. During the design stages in the development of this application a Design Commission for Wales workshop was held.

- 7.19 Subsequently a contextual appraisal was undertaken and design principles identified which informed a purely concept layout. This early stage work was the subject of a Design Review held to the Design Commission for Wales (DCW). This review was held on the 6th June 2016 and the comments arising from this review have, in part, influenced the development of the detailed proposals contained within this application. **Members will recall requesting that a further Design Review be held in connection with the scheme as proposed. I would advise that this review was held on 14.10.2017 but at the time of writing this report, the Design Review report has not be received from DCFW. An update in the light of this report will be provided in the form of late observations.**

- 7.20 The comments of the Design Commission arising from the Design Review were largely positive. The rationale behind the scheme and the design aspirations for the scheme were clear. No issues were raised in respect of the scale or form of development as whole. The aim to achieve a 'Garden Village' design solution to this site was welcomed. Comments in relation to having regard to the Building for Life criteria have informed the design of this scheme. The impact of the car in the street scene is attempted to be mitigated by using areas of open green space to separate vehicles, pedestrians and built form. In recognising the edge of settlement location of the site, the scheme has sought to make and develop existing connections between the site and the surroundings to provide linkages via foot, cycle and the car. Provision is also made for linkages to the adjacent school and leisure centre.

- 7.21 The external appearances of the buildings utilise high quality detailing and materials in their composition. The use of render, brick, glazing and concrete roofing tiles all combine to reinforce the aim to create a

visual appearance of a Garden Village. I am satisfied that these proposal represents an appropriate response to the challenge of creating a development which has a sense of place both within itself and in relation to the surrounding built form.

7.22 In terms of concerns in respect of the proposals amounting to an overdevelopment of the site, I note that the proposals provide for a density of development of 35 dwellings per hectare. This is completely consistent with both national and local planning policy guidance Policy HSG8 which seeks to make the most effective use of land when undertaking development. Proposals of this size and scale in a large town such as Mold would be expected to yield development at this density and therefore I consider the proposals are acceptable in this regard.

7.23 The importance of the development being seen to sit in its context and respecting and engaging with the existing mature landscaped fringes of the site was identified as a key issue. In response, the scheme has provided for fringe properties to the south of the site, abutting the wooded belt, to present a frontage to this area, thereby ensuring that these properties engage with both the area and the proposed footpaths and cycle ways through this space. The proposed location of the equipped play space along this site edge also ensures that this space has a degree of natural surveillance and engagement with the public realm. This will assist in ensuring that the site connects into surroundings. In addition, the proposed dwellings in the northwest corner of the site are arranged to engage with the proposed community orchard space in this area, which in turn relates to the area of public open space around the watercourse upon the adjacent development site. The proposal therefore complies with Policy D1 of the UDP.

Affordable Housing

7.24 Whilst the site is owned by the Council, it is proposed to be developed as a market dwellings site with a proportion of affordable housing provided upon site. Members will note from paragraph 7.04 that the scheme makes provision for 48 No. affordable dwellings. This provision indicates accommodation in a variety of forms and amounts to the provision of 30% of the overall scheme as affordable dwellings.

7.25 I am mindful that the affordable housing to be provided must still operate in a manner consistent with the aims of the Council's planning policies in terms of the provision of affordable housing. Accordingly, safeguards should still properly be sought to ensure the retention of the same in the future.

7.26 Therefore I propose to impose a condition that no development is permitted to commence until a scheme detailing the precise means and methods via which the affordability of these units will be secured in perpetuity is submitted to and agreed in writing with the Local

Planning Authority. The proposal is therefore capable of complying with policy HSG10 and SPG9.

Highway and Access

7.27 As outlined previously, the proposals make provision for the developed site to be served by two points of vehicular access, with a variety of linkages for pedestrian and cycle movement to also be created. Footpath linkages are provided to;

- provide access to the school to the east of the site;
- provide access to the existing footpath network along the southern edge of the site abutting Maes Gwern. This in turn allows easy access to the existing public right of way network via Footpath 11 which exist further to the east of the site;
- provide improved pedestrian links to the west to link into the top of Upper Bryn Coch. This in turn allows easy access into the existing public right of way network to the west of the site via Footpath 40 and to the north via Footpath 8 upon Upper Bryn Coch; and
- the improved linkages to Maes Gwern and Upper Bryn Coch in turn improve the accessibility to the cycle networks in the area.

7.28 The improved linkages to the north and east provide for easier access from the site towards the town centre. The scheme has responded to the comments arising from the Design Review and provides a layout with a hierarchy a streets providing a clearly legible arrangement of routes across the site.

7.29 The scheme has been the subject of extensive pre-application engagement and discussions between the developer and the Highway Authority and is accompanied by both a Transport Statement and Residential Travel Plan. These documents address the issues in respect of access to sustainable modes of travel and reduction in reliance upon the car. It is noted that bus services exist to the north of the site upon Ruthin Road which can be accessed on foot. Services are provided here at a frequency of 40 – 85 minutes.

7.30 The Travel Statement considers the capacity of the junction of Maes Gwern with Ffordd Nercwys and the subsequent junction between Ffordd Nercwys and Wrexham Road and concludes that the proposals will have no adverse impact upon either junction and therefore no impacts which would result in a detriment to highway safety.

Consequently, that there is no objection to the proposals in highways terms and the variety of methods of travel from the site comply with the aims of Policy AC2 and AC13.

7.31 Ecology and Trees

The main ecological features of this site are the mature hedges and trees which are present on all boundaries. Indeed the woodland to the south of the site form part of the Maes Gwern local wildlife site.

7.32 The application is accompanied by an Ecology Appraisal, Great Crested Newt EDNA survey and Arboricultural Impact Assessment (AIA). The EDNA report concludes that that the proposals have no implications with regard to the proposed development in relation to Great Crested Newt Newts.

These surveys and investigations have established that the woodlands to the north of the site are home to a large and established badger sett. This has necessitated a modification to the layout of the proposed site to provide for a 30m buffer between the sett and any built form. **This 30m buffer is not an exclusion zone, it is a no built form zone and accords with the national guidance in respect of the proximity of redevelopment to existing badger setts.** The proposals provide adequate opportunities for the badgers to migrate eastwards, westwards and southwards through and adjacent to the proposed development site. This includes the provision of a badger underpass in the vicinity of the most easterly of the two site accesses. This underpass facilitates access from the known badger foraging areas at the adjacent school fields and landscaped boundary to the eastern edge of the site to the woodland and further open areas to the south of the site. The proposed green space at the north western corner of the site creates a further green link between the northern woodland corridor and the existing green space upon the adjacent development site on Upper Bryn Coch.

7.33

These proposals have been the subject of consultation with the County Ecologist who considers they make acceptable provisions to safeguard the badgers, this includes the use of public open space.

7.34 The majority of trees within and adjacent to the site are proposed to be retained and protected during the course of the development and the submitted AIA contains details of the protection measures to be installed before any site works are undertaken. I shall condition that

7.35 these measures are installed.

The AIA does however identify that 3No. trees will require removal as they are either diseased or structurally unsound as a consequence of defects on the tree. The survey identifies that one of these trees has the potential to act as a roosting site for bats. Accordingly, I propose

7.36 to condition that this tree is surveyed for bats prior to removal and if they are discovered, a report be provided setting out the mitigation measures to be employed before the tree is removed.

No objection is raised to these proposals by the Council's Arboriculturalist. However, it is noted that some of the proposals may impinge upon the root protection areas of certain trees, especially if levels changes are proposed. Accordingly, I propose that the

7.37 condition requiring the submission of landscaping details includes the

proposed site levels in order that this impact can be avoided. In addition, a condition is required to provide an updated survey in respect of the trees in the vicinity of the proposed access points to ensure that there is no adverse impacts.

7.38 Concerns have been raised in relation to the relationship between the crown spread of existing ash trees and the proposed dwellings upon plots 52 and 53. I am content that, notwithstanding the submitted details, a layout can be produced which address this poor juxtaposition. Accordingly, I propose to condition that the permission does not include the plot layouts submitted and requires an amended plan in respect of these plots to be submitted and agreed. The proposals therefore satisfy the requirements of both policies WB1 and TWH1.

7.39 Historic Asset Impact

The application site is located within 2km of the following Scheduled Ancient Monuments, namely The Bailey Hill, Mold; Round Barrow at Pentrehobin; and Tyddyn Castle Mound. In addition the site is also located within 2km of the Historic Parks and Gardens at Pentrehobyn; Rhual; The Tower; and Leeswood Hall. The site is not located in any of the significant views from these sites and the topography, vegetation and buildings between the site and the above historic features will provide significant screening. As such there will be no impact upon the settings of these assets.

7.40 The site is also located to the west of the Grade II listed Trebierdd House. When making a decision upon a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This addresses the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. Accordingly, decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

7.41 Given that there remains a field parcel and the associated mature hedgerows and tree belts along the eastern boundary of this site and the field parcel between the site and the listed building, I am satisfied that there will be sufficient screening between the site to the extent that there will be no adverse impact upon the setting of this building. The proposal therefore complies with Policy HE2.

7.42 Education Contributions

Consultation has highlighted a lack of capacity within the existing educational infrastructure to accommodate the pupils arising from the proposed development.

7.43 Members will be aware that applications of this type are the subject of consultation with the Capital Projects and Planning Unit within the Local Education Authority. This consultation has established, having regard to SPG23 : Developer Contributions to Education, the development would not give rise to any contribution requirement at Secondary School level as there is sufficient capacity within the school (Mold Alun High School) both currently and following this development (if approved).

7.44 However, such capacity is not available at the nearest primary school (Ysgol Bryn Coch). The current capacity of the school stands at 599. However, there are presently 601 pupils attending the school. Accordingly the school has no surplus of spaces for additional pupils. The proposals would likely give rise to an additional 37 No. pupils. This further adversely impacts upon the capacity of the school. Accordingly, upon the application of the guidance, a sum of £453,5409 would normally be sought for educational purposes as a consequence of this development.

7.45 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards educational infrastructure where the proposals give rise to a potential impact.

7.46 Accordingly I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address the education infrastructure issue is submitted and agreed and therefore the proposal complies with the aims of SPGN23.

7.47 Public Open Space and Recreation

The proposals make provision for some 0.42ha of play and public open space as part of the development. This includes;

- a 0.04ha play area proposed to be equipped with play equipment;
- a 0.08ha area proposed to be utilised as community orchard space;
- a total of 0.29ha of public open space in 3 locations across the site.

7.48 Consultation has established that the assessment of the play and recreation requirements arising from this proposal is best undertaken

upon the basis of a combination of on-site provision and a commuted sum towards the enhancement of existing off site facilities. This recognises that the site lies in close proximity to the existing leisure centre and associated facilities at Mold Leisure Centre and the existing St. Mary's children's play area some 100m to the north of the site. Applying the criteria asset out in LPGN13, a contribution towards the enhancement of these facilities of £110,000 would normally be sought as a consequence of this development.

7.49 The fact that the site is owned by the Council prevents the Council from utilising the mechanism of a S.106 agreement to address this issue, as the Council cannot enter into an agreement with itself. However, the proposals will still be required to address the Council's policy and guidance requirements in relation to the need for the scheme to provide for contributions towards play and recreation facilities. Accordingly I propose a condition in respect of the above issue such that no development is permitted to commence until a scheme to address this issue is submitted and agreed.

7.50 Concern has been raised in respect of the size of the proposed play area in relation to the overall size of the development. Whilst the play area is not of a size which would meet the guidance set out in LPGN, I am mindful of the close proximity of extensive facilities within easy walking distance which will satisfy this requirements for a wide range of ages. This being the case, I consider the proposals serve the purposes of providing a facility on the site to meet the recreation needs of the smallest children, with the needs of older children being more than adequately catered for via existing. I also consider that the proposed P.O.S and the proposals to integrate with and enhance the P.O.S areas to the north of Maes Gwern will afford greater recreational opportunities for all ages. The proposal therefore complies with Policy SR5 and SPGN13.

7.51 **Members will recall that there was felt to be a need to ensure that the requirements of policy in respect of education provision and play/recreation provision were secured. Notwithstanding that this issue is addressed via the imposition of Grampian conditions requiring schemes pursuant to these policies to be submitted and agreed, the applicant has advised that they are willing to enter into an agreement under S.111 of the Local Government Act 1972. This S.111 Agreement becomes an obligation to enter into a S.106 Agreement on transfer of the land and therefore it is considered provides the surety to alleviate Members concerns.**

7.52 **Members also queried the means via which the areas of P.O.S, especially the wooded fringe alongside Maes Gwern, were to be maintained and managed in the longer term. This land is owned by the Council and will remain within the ownership of the Council. The applicant has indicated it is their intention to**

manage and maintain all landscape, P.O.S and play space via a management company. Subject to agreement with the Council as part of the land acquisition process, the wooded area will be included within this maintenance regime.

Other matters

7.53

Drainage

Concerns have been raised by the local community in response to notification suggesting that that the application does not provide adequate information in respect of the proposed methods for the disposal of foul and surface water arising from the proposed development. In addition, concerns are raised in respect of the adequacy of the existing drainage infrastructure to accommodate further flows.

7.54

It should be noted that the site is not located within an area at risk of flooding and NRW advice to this effect in response to consultation. The application proposes the disposal of foul waters to the existing sewer network and surface water being discharged at greenfield rates into the adjacent watercourses. I am advised by both DCWW and NRW that the precise details in respect of the proposed drainage methods to be employed in connection with this site are best addressed via the imposition of a condition requiring the submission and agreement of the drainage proposals before the commencement of development. The relevant condition is therefore imposed.

Wind Turbine

7.55

Members will recall that there was concern in respect of a permitted, but as yet unconstructed, wind turbine upon a site located to the south of the application site. Members will recall that debate centred upon the anticipated impacts upon amenity of future residents arising from noise from the operation of the turbine and the potential impacts arising from ‘shadow flicker’.

Noise:

7.56

A Wind Turbine Noise Assessment Report was commissioned by the applicant which considered what impact the permitted turbine might have upon the amenity of future occupiers of the dwellings. The assessment notes that the approved turbine has a rated power 50kW and a height of 35m to blade tip. The sound level data used within the assessment has been provided by the turbine manufacturer.

7.57

The assessment concluded that, provided the proposed enhanced glazing and acoustically rated ventilation measures are implemented, the predicted internal sound levels in the proposed dwellings would be below the guideline levels at all wind speeds in all habitable spaces within the dwellings.

7.58

This assessment has been the subject of a consultation with the Council’s Pollution Control Officers. I am advised as a

consequence of this consultation that the conclusions and recommendations of the report in respect of enhanced glazing and ventilation measures are appropriate and therefore there would be no adverse impacts amenity as a consequence of noise. Any mitigation in terms of enhanced glazing and ventilation will be secured by the imposition of a planning condition.

Shadow Flicker:

7.59 An independent shadow flicker assessment has been commissioned by the applicant to establish the extent of the impact of any potential shadow flicker effect were the turbine to be erected. The report identifies that typically, shadow flicker can occur at a distance of up to 10 times the blade length of a turbine. However, the assessment has been extended further than this distance to include the entire development site.

7.60 It must firstly be noted that there is no minimum formal limit in the UK in respect of the level of shadow flicker which is acceptable. The report identifies that other European countries have certain limits and uses these limits of 30 minutes per day and 30 hours per year as a reference point for the measuring any particular impact in this assessment. It must be noted that shadow flicker can only occur in areas 130 degrees either side of north relative to the turbine, where the sun is low in the sky and it is a sunny day. In practice therefore, in the UK, shadow flicker can only occur in suitable conditions during winter months. Adverse weather conditions, including cloud cover, would ensure that shadow flicker would not occur.

7.61 The assessment indicates that the effects of shadow flicker would in fact only occur at a distance of up to 160m from the turbine. The report adopts a conservative approach and assumes an uninterrupted view from a ground floor window to the turbine. Given this, the report concludes that only 6 dwellings would be expected to experience shadow flicker at a level above the identified reference point of 30 minutes per days and 30 hours per year.

7.62 The assessment does however advise that a number of other factors must be taken into account as mitigation. Specifically, the impact of the mature tree belt to the south of the site is considered and it is concluded that this will screen dwellings from shadow flicker for a distance of some 50 metres into the site. In addition, shadow flicker will only be seen to occur where there an unimpeded line of sight from a window to the turbine itself. Therefore, the orientation of the dwelling relative the turbine is important. Furthermore, given the topography of the site within the landscape, it is entirely possible that dwellings will, in effect, screen other dwellings from this effect.

7.63 **It is clear from the report, that the dwellings in the locations of which may be affected are predominantly orientated to the turbine such that it is gable wall facing the turbine and therefore shadow flicker will not be an issue as there are no facing habitable room windows. Those dwellings which face the turbine would benefit from the screening effects of the wooded belt.**

7.64 **Taking the findings of the assessment into account in the overall planning balance, it is considered that the extremely limited extent of potential impact is such that the potential erection of the turbine would not cause significant harm which would outweigh the sustainable credentials of the proposed development.**

8.00 CONCLUSION

8.01 Having taken into account the applicable policy context in respect of this site and factoring all other material considerations into the planning balance, I have concluded that this proposal is acceptable for the reasons set out above. Accordingly, I recommend that planning permission should be granted subject to the conditions set out in Para 2.01 above.

8.02 Other Considerations

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

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

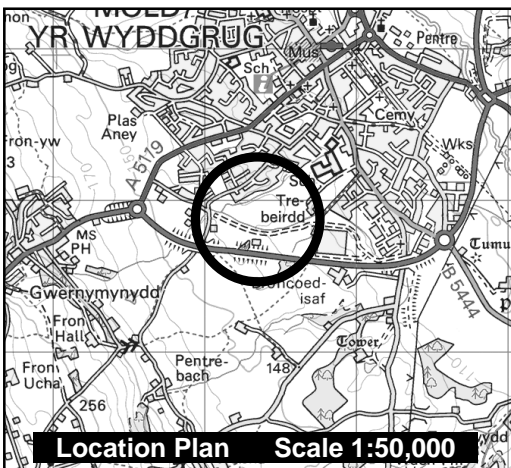
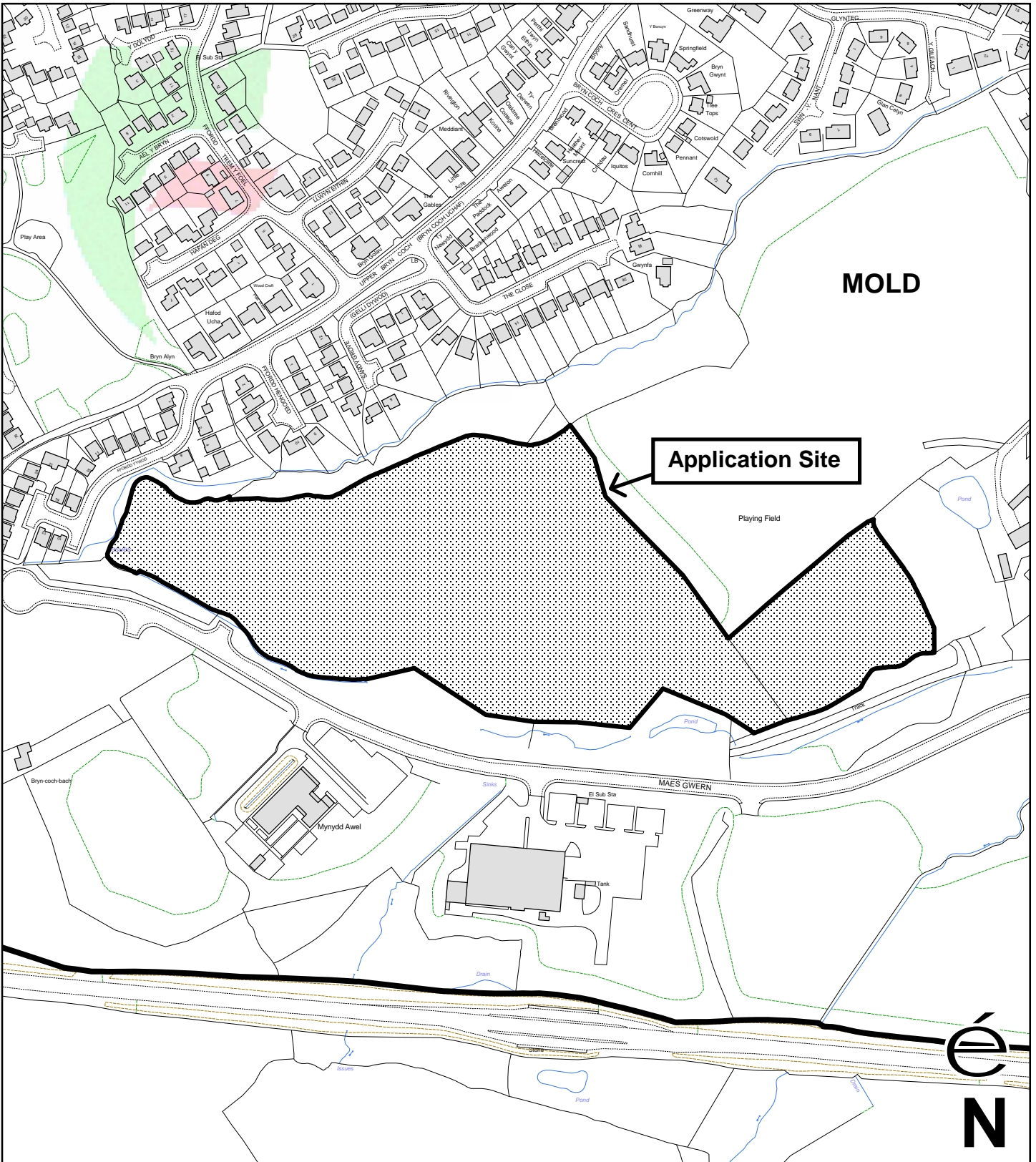
8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

LIST OF BACKGROUND DOCUMENTS



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

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



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

Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:3500
OS Map ref	SJ 2362
Planning Application	56742

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **FULL APPLICATION – DEMOLITION OF THE EXSTING CEMENT STORAGE AND LOADING FACILITIES AND THE ERECTION OF A NEW VERTICIAL ROLLER MILL (VRM), RAIL LOADING FACILITY AND MODIFICATION TO AND EXTENSION OF THE EXISTING RAILWAY LINE, TOGETHER WITH ANCILLARY DEVELOPMENT AT CASTLE CEMENT LTD, CHESTER ROAD, PADESWOOD.**

APPLICATION NUMBER: **057343**

APPLICANT: **CASTLE CEMENT LIMITED**

SITE: **CASTLE CEMENT LTD, CHESTER ROAD, PADESWOOD.**

APPLICATION VALID DATE: **31 JULY 2017**

LOCAL MEMBERS: **BUCKLEY BISTRE EAST
CLLR RICHARD JONES &
CLLR ARNOLD WOOLLEY**

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

REASON FOR COMMITTEE: **MAJOR DEVELOPMENT PROPOSAL AND REQUESTED BY WARD MEMBER**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application for a new vertical roller mill to replace the existing aging ball mills at the Castle Cement Padeswood Works, to provide a modern energy efficient cement milling facility, together with associated site clearance and demolition of redundant structures, reconfiguration of the existing railway siding, and replacement rail loading infrastructure within the confines of the existing cement manufacturing works.

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

- 2.01
1. Commencement
 2. In accordance with submitted plans
 3. Construction management plan
 4. Construction traffic management plan
 5. Contaminated land-scheme (reports/remediation/validation/verification and post-development monitoring)
 6. Piling and foundations
 7. Surface water drainage (scheme/verification)
 8. Foul drainage
 9. Dust – construction and commissioning stage
 10. Noise – construction and commissioning stage
 11. Lighting – no off site glare
 12. Hours of working -construction and commissioning stage
 13. Hours of working -operational
 14. Biosecurity scheme
 15. Statutory protected species reasonable avoidance measures
 16. Wildlife management scheme
 17. Landscaping/woodland management scheme
 18. Tree safeguarding plan

3.00 CONSULTATIONS

- 3.01 Local Members

Cllr Arnold Woolley - Buckley Bistre East - No objections to the application being determined by delegated powers.

Cllr Richard Jones - Buckley Bistre East - At a meeting hosted by Hanson earlier this year pointed out that there did not appear to be any good reason to allow the possibility of both old mills and new mills to operate at the same time. It is my understanding that permit will allow for that, even though the applicant stated at the meeting that was not their intention. Requests clarification of this point.

Cllr David Williams - Penyffordd

Initial response: Many concerns have been expressed in the ward over noise pollution and allegations of dust emissions at night that have caused concern. Requires Committee determination and if approved there needs to be some very strict binding conditions attached and is in the process of compiling a detailed report that will be forwarded for future consideration. This report has been provided.

Second response: Intends to speak at Committee.

- * I do not wish to stand in the way of investment that can secure employment for many years, but issues raised by concerned residents need to be addressed more effectively where concerns are addressed on demand.
- * Concerns over allegations of a report being carried out over dust emissions where the report has not fully reported on some key details. This is an allegation that has been put to me that I am in the process of investigating.
- * Concerns over dust clouds that tend to happen mainly at night as alleged by many residents.
- * Concerns over noise pollution that currently exists and a fear of this being even worse with the new proposal. Assurance need to be given that this will not be the case.
- * Condition included that demands increased noise monitoring and more transparent revealing of results where residents can have immediate access to these results on demand.
- * Condition included that demands increased pollution monitoring in the village by more independent means where residents can get instant access on demand to results.

Cindy Hinds Penyffordd – Raised a number of questions which have been raised by residents and observed that these issues will be dealt with in the Committee Report and at Planning Committee. As long as we do not have anything falling on the village that could mark our properties and vehicles and the mill will be good for the environment, I will agree.

Other adjacent wards

Cllr. Neville Phillips Buckley Bistre West - No comment to make.

Cllr. Ray Hughes Leeswood – Requests Committee determination.

Cllr. Hillary McGuill Argoed - No issues to raise.

Town/Community Council - Buckley Town Council – No observations to make.

Penyffordd Community Council – Being considered by PCC on 31.10.2017 and therefore will report comments in late observations.

Leeswood Community Council - No response to date.

Head of Enterprise and Regeneration - No comments to make.

Highways Development Control

No Objection. The capacity of the plant is governed by the kiln and there are no output restrictions imposed by existing planning consents. The proposed development does not increase the capacity of the plant and the transfer from road to rail has the potential to reduce daily HGV movements which is a highway benefit. The submitted figures indicate increased production from the plant and is claimed to be from increasing demand and not on the proposed development. The increased production has a corresponding increase in limestone deliveries to the site and it is noted that the county roads between the quarry at Gwernaffield and the plant are subject to high levels of HGVs movement resulting in excessive wear to the road surface. The operators should enter into a discussion with Streetscene maintenance managers. Recommend Condition C1 requiring a Construction Traffic Management Plan.

Head of Public Protection – No objection in principle. Three detailed responses relating to Noise, Air Quality and Contaminated Land.

Noise – The Noise Reports has used noise readings obtained from an identical mill and used these for modelling software for the Padeswood site. These calculated readings has been compared to previous noise readings undertaken between 2007 and 2013. This comparison shows that noise levels are predicted to not significantly alter. The report indicates that the new mill will increase noise levels by less than 1 dB at any nearby property. It is thought unlikely that the small increase in dB levels at some receptors, and any tonal characteristics from the mill will be discernible from the existing noise situation from Padeswood cement works.

With regard to the additional train movements these are minimal and will not affect the amenity of nearby residents. Rail traffic is excluded from the Statutory Nuisances provisions of the Environmental Protection Act 1990.

I therefore have no objections to this proposal in relation to noise.

Air Quality - The Air Quality Report assumes the worst case scenario for the operation of this proposed new facility and concludes that emissions will be slightly lower than the existing plant. However, it also says that the slight reduction will not be significant. Therefore, the overall position will be the same as present.

The report also says that the levels of particulates PM10 and PM2.5 are well below the air quality objectives. It seems that this conclusion

relies on data that was carried out by the Environment Agency over 10 years ago. Whilst it is appreciated that emissions from the cement works have reduced in recent years I would like to see an up to date survey carried out to include existing circumstances and an assessment of the proposed new plant. This I believe could provide a level of reassurance to the public.

With regard to potential dust emissions from the construction phase I can confirm that the proposed scheme of monitoring and control are adequate to minimise any emissions.

As at present the process will be the subject of an Environmental Permit issued and regulated by Natural Resources Wales.

I therefore have no objections to this proposal in relation to Air Quality.

Contaminated Land - The reports are factual reports and not interpretive reports.

Reference is made to human health risks in the Phase 2 report however, a Conceptual Site Model is not provided for consideration and so it is not clear which potential sources of contamination, potential risks and receptors have been considered (including information on how foundations and services will be constructed). This may be because the reports are factual and weren't intended or available as completed documents at the stage that they were submitted. However, I would need to have the interpretive report to consider in due course.

Whilst the information provided may allow me to produce a Conceptual Site Model and interpret the information myself (as I may for the Council's own projects), this isn't a service that we're able to provide because it would be a conflict of interest to do so and it is the developer's responsibility to demonstrate that land contamination will be addressed, that the site is suitable for use and that unacceptable risks to or as a result of the development have been identified/addressed.

Taking this into account, the information may be secured by a suitable condition imposed upon the planning permission if it is granted in this case and I would ask that a condition requiring the submission of interpretive reports and any remediation measures/validation/verification and post-development monitoring that may be necessary.

Drainage

The submitted surface water drainage Pro-Forms A and B contain a lot of information, some of which is unclear and some that is considered to be superfluous, which would not be relevant to Flood

Risk Management.

It appears the essence of the proposal is that there would be a free discharge from the proposed development, with attenuation being provided at the Works Lagoon to the south of the complex.

This raises the following issues for consideration.

Does the Works Lagoon have spare capacity to receive additional run off. If not, is it appropriate for the Works Lagoon to overspill or overspill more often than it might do now, onto the applicant's own land.

The applicant indicates the limiting capacity of the pipework between the proposed development and the Works Lagoon is 61 l/s. The 1 year maximum design flow rate from the proposed development alone would be about 30 l/s. Considering the large existing impermeable areas indicated to be contributing flows to the Works Lagoon, it is anticipated the pipework will already be overloaded and flooding would be expected to occur somewhere within the complex. The addition of a new discharge from the proposal of 30 l/s could only exacerbate this.

Options.

Allow the applicant to proceed as he proposes and accept any problem arising would probably only affect them within their own land.

Provide appropriate storage capacity close to the proposal with a discharge rate of say 5 l/s and/or

Confirm the capacity of the system between the proposed development and the Works Lagoon and upgrade the pipework as required.

Considering the area of the land available and expected resources of the company making the application, there should be plenty of scope and ability to implement a surface water drainage scheme that would be appropriate for the site should it be deemed necessary. This could be covered by a suitably worded condition in any Planning Permission granted.

Rights of Way

There are no recorded public rights of way crossing the area delineated red on the supplied drawing no. P103/48.

Landscape

The existing trees along the north east boundary of the site provide a low level screen for the existing development and will provide the same value of screening to the new development. The photomontages show that the Mill 5 and rail loading silo will be visible above the top of the existing trees but will not be prominent because

of its relatively small case and assimilation with the other factory buildings on the site.

Landscape and visual impact assessment (LVIA). The most obvious thing is that in 12 of the 13 viewpoints the effect of development (Significance of Effect) was assessed to be Minor, Negligible or None with only one, Viewpoint 5 stated as being Moderate because it is residential.

I tend to agree that the opportunities for screening with tree planting (5.7 of LVIA) are very limited. Where the adverse impacts are assessed as Minor or Negligible there is little justification. There is also limited scope for Viewpoint 5 where the effect is Moderate.

Unless the applicant is willing to explore planting outside the site boundary in the fields to the east there is very limited scope. Presumably this would need to be undertaken unilaterally or under S106 because it is outside the site? It is my view that the scale of development does not justify this.

I would therefore not suggest including a landscape condition because in reality there is very limited scope to carry out one. Another option would be to require a woodland management plan for the shelter belt of trees along the north eastern boundary screening the site.

Trees

I do not consider it necessary that a BS5837 Tree Survey is required to support the application. This is because the built development is situated away from the trees which are predominantly outside the site and application boundary anyway, although from the google aerial photographs there are a few trees just inside. I am confident that none of the trees, which could conceivably be affected by the proposed development, are significant in amenity terms.

Recommends a condition to safeguard the trees along the north east boundary to include a plan showing trees to be removed and retained and methods of protection of the retained trees during development.

Ecology – The ecological assessment is satisfactory and a Great crested newt licence has been obtained and trapping has been undertaken. It would therefore be useful to have the GCN method statement and trapping results together with the Management plan for the enhancement of GCN aquatic and terrestrial habitats included as an addendum to the ecological assessment or as a stand-alone report.

Natural Resources Wales

No objection. Recommend that you should only grant planning permission if conditions covering the following. 1. Great crested newt reasonable avoidance measures; 2. Long term management plan and surveillance scheme of the application site and its environs; 3. Invasive species biosecurity risk assessment; 4. Contaminated land piling or other foundation designs using penetrative methods require written approval of the LPA which may be given if it is demonstrated that there is no unacceptable risk to groundwater.

Comments are also made on protected sites and great crested newt. The Air Quality Assessment clarifies that the standard of Environmental Assessment Level (EAL) for the protection of vegetation against which NO₂ emissions were measured in order to determine whether these are significant at the nearest designated sites to the development site. Can confirm that concerns detailed in response dated 04.07.2017 have been satisfied.

Protected landscapes - Due to the viewing distance and nature of the proposal we consider the proposed change to the established cement works will be imperceptible with no adverse effect on the AONB views.

Pollution prevention – The site is next to tributaries of the River Alyn, as designated Water Framework Directive waterbody. All works must be carried out in accordance with Guidance of Pollution Prevention GPPF5 Works and Maintenance in or Near Water. There is a discharge point to a watercourse which connects with the River Alyn. The site falls within the Dee Water Protection Zone. Castle Cement has submitted a substantial permit variation application. The potential impact of the development will be assessed and will only be granted if NRW are satisfied that the requirements of the relevant legislation and technical standards will be met.

The Design and Access Statement makes reference to a construction management plan and NRW would wish to review this document when available. Guide GPP26 for the safe storage of drums and intermediate bulk containers would be relevant to the storage silos. Any excavation material or building waste must be disposed of to sites which comply with relevant licensing or exemptions under the Environmental Permitting Regulations.

The Coal Authority

No Objection. Material Consideration. Parts of the application site fall within the defined Development High Risk Area. Coal Authority records indicate that within these parts of the application site and surrounding area there are coal mining features and hazards which should be considered as part of the development proposals. The general approach is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when

considering these particular proposal, the specific parts of the site where development is proposed fall outside of the Development High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application. An informative note is requested with the decision notice advising that the proposed development lies within a coal mining area which may contain unrecorded coal mining hazards, and to contact the Coal Authority immediately if any coal mining feature is encountered during development.

Airbus

No Objection. Tested against safeguarding criteria and the development does not conflict with aerodrome safeguarding criteria.

Welsh Water Dwr Cymru

Advise that advisory notes be included within consent to ensure no detriment to existing residents or the environment or Dwr Cymru's assets.

Wales and West Utilities

Standard response illustrating location of assets and requirements for any works which may affect such assets.

Network Rail No response to date.

Wrexham Bidston Rail Users Association

Welcome the proposal and increased use of the line.

Ramblers Association

No objection in principle but make a number of comments. Note the reason for the development and raise no objection in principle subject to appropriate conditions to safeguard local amenities, e.g., noise, dust. As for the effectiveness of previous works to the landscaping scheme be re-assessed and any failures made good. Welcome the principle of a modal shift from road to rail but have concerns relating to the impact of the improved rail siding on a path claim (FCC PRO ref: 53B/024) from Bannel Lane, over a level crossing and southwest towards Dyke Farm. The response continues with information relating to a footpath claim, and requests planning for a safe crossing and alignment, and notes the path is already obstructed by sidings and the passage of shunting trains.

4.00 PUBLICITY

Pre-application Consultation and Notification

- 4.01 This application was subject to the pre-application consultation procedures which applies to major development proposals and is carried out by the applicant prior to formal submission as a planning application. The applicant posted site notices, a press notice, and consulted with the key consultees, including all of the ward and

surrounding ward County Councillors and the Town Council and surrounding Community Councils. Public exhibitions were held and surrounding local residents were notified, and information leaflets distributed. A dedicated website was also hosted containing information and details relating to the proposal. A pre-application consultation report accompanies the planning application, and all of the requirements of the Development Management Order 2012 have been met.

Press Notice, Site Notice, Neighbour Notification

4.02 Upon formal submission, the Council posted a site notice, a press notice and consulted all of the surrounding neighbouring properties to a distance of approximately 400 metres. 6 written representations have been received, 1 in support and 5 objecting.

4.03 The material planning matters raised include:

- Noise pollution.
- Increase in railway traffic.
- Properties within 1 mile with closed windows will have increased noise.
- Local wildlife and natural areas will be directly impacted.
- Direct impact on property from any increase in freight, loading and shunting and use of the railway line.
- Sound proofing against rail noise will be impossible and ineffective against rail vibration, nor will control be effective against external noise to be endured.
- Freight trains are significantly louder and more disturbing and already feel and hear the impact of these trains at the furthest part of the property. Castle Cement wish to increase the use of freight trains and will increase the noise impact.
- The new VRM increasing the production of clinker material, and will vastly increase visual and noise impact on property.
- Three new silos for storage will have a visual impact.
- Movement of stored material will increase volume of clinker /dust pollution at adjacent property and land.
- Field boundaries provide habitat and breeding ground for bats, hawks, owls, badgers foxes and various newts.
- Plant needing modernisation from the 1950s should have been modernised years ago. Grave concerns due to plant's historic record of environmental mishaps.
- Clinker dust is cause of concern and investigation.
- Property has been damaged by clinker dust, including all windows, furniture, cars, etc.
- Horses have skin burns whilst in fields opposite the cement site.
- Concern regarding personal health and risk to children and livestock.
- Modifications to the rail line have already been done prior to planning and thus not adhering to the planning rules and

regulations.

- Not invited to pre planning meetings or informed of planning and therefore Castle Cement are in breach and aware they are not following procedures.
- An environmental officer should be conducted.
- No results have been presented from Castle Cement after taking soil samples.
- Implore the planning department to look at new environmental investigation into the Cement Works and its practices regardless of their reports and lists of figures stating dust at its lowest levels.
- Request the Council makes its own investigations into the performance of the plant and environmental impacts before granting further permission to continue in the same vein.
- Flue emission to atmosphere – gas and particulates
- Release of particulates to atmosphere –factory activities
- Vehicular and Train transport – release of particulates to atmosphere by egress/ingress to the factory.
- Vehicular and Train transport – nuisance of noise by activity of egress and ingress to the factory.
- Proximity of Padeswood factory to human habitations.
- Hazards to human receptors arising from increased factory production.
- Consequential effect of mill 5 within the factory.
- Protects jobs.
- Reduces noise-new mill expected to be quieter as it is replacing current older mills and is located within a new building.
- Reduced HGV road traffic with the introduction of rail distribution.
- Efficiency and the positive reduction of energy use.
- Concern that old mills will be retained which raises concern that their use will give rise to increased noise from operation and import of clinker from other cement works to be milled at Padeswood.
- Use of old mills to avoid down time will mean no quiet periods.
- Frequency or periods of use of the old mills should be limited by condition to prevent routine use.
- Diesel trains will be running throughout the loading process and give noise and pollution and due to points configuration, will have to travel to Shotton to change line to travel south, meaning loaded trains pass through Penyffordd twice.
- Rail operation should be restricted at night.
- Lack of off-site dust monitoring.
- Should introduce permanent ambient dust and air pollution monitoring.

4.04 Other comments have been raised relating to emissions from the used of unknown fuels, dust releases as a result of maintenance and

operational failure, monitoring regime outside of the site, transparency of reporting and discrepancies in emissions reporting. These relate to the overall regulatory control of the existing cement works and are in the main are not material to this application, however comment on these matters will be made in the planning appraisal for clarification. Comments relating to impact on property value are not material considerations and have been discounted.

5.00 SITE HISTORY

5.01 The site has been manufacturing cement since the 1940s, and has been subject to in excess of 60 planning permissions. Those of most relevance are listed below, commencing with the principle permission for the site.

02947 Construction of new kiln line and associated plant, limestone store, fuel storage building, re-profiling of former licensed site and ancillary works (appeal ref APP/A6835/A/05/1194951).

031446 Erection of 8 storage silos to be used as a cement blending plant.

035076 Kiln 4 Development.

038835 Change of use from agriculture to disposal to cement kiln dust.

044238 Installation of a silo for the storage of meat and bonemeal.

052191 Approval of scheme of restoration reserved details on APP/A6835/A/05/1194951.

052205 Extend existing packing plan building, demolish part of existing building and erection of new replacement building.

052927 Erection of a solid recovered fuel reception facility.

055420 Erection of new building to extend existing warehouse, hardstanding, widening of internal roads and new entry and exit point.

057319 Prior notification of proposed demolition.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development
STR2 Transport and Communications
STR3 Employment
STR7 Natural Environment

STR10 Resources
 GEN1 General Requirements for Development
 GEN3 Development in the Open Countryside
 GEN5 Environmental Assessment
 TWH1 Development Affecting Trees and Woodlands
 TWH2 Protection of Hedgerows
 D1 Design, Quality and Layout
 D2 Design
 D3 Landscaping
 D4 Outdoor Lighting
 L1 Landscape Character
 WB1 Species Protection
 AC2 Pedestrian Provision and Public Rights of Way
 AC9 Provision of New Rail Freight Facilities
 AC13 Access and Traffic Impact
 AC15 Traffic Management
 EM4 Location of Other Employment Development
 EM5 Expansion of Existing Concerns
 EM7 Bad Neighbour Industry
 EWP2 Energy Efficiency in New Development
 EWP12 Pollution
 EWP13 Nuisance
 EWP14 Derelict and Contaminated Land
 EWP16 Water Resources
 EWP17 Flood Risk

The policies above are the principle policies used to assess this application. Other policies of the Flintshire UDP not listed may be applicable in a minor context. The proposed development accords with the policies.

Other policies and guidance published by the Welsh Government, UK Government and accreditation bodies is applicable, and the construction and operation of the development proposal would accord with these. This includes but is not limited to:

Planning Policy Wales
 TAN11 Noise
 TAN 16 Flood Risk
 TAN 5 Nature Conservation and Planning

7.00 PLANNING APPRAISAL

Introduction and reason for the development

- 7.01 The Castle Cement (part of Hanson UK and the Heidelberg Group) Padeswood Cement Works is a major manufacturing plant capable of producing up to 0.9 million tonnes per annum cement and cement clinker. The limiting factor is the throughput capacity of the kiln. The current kiln no.4 became operational in 2005 following grant of planning permission on appeal, replacing the earlier kilns, and the original kilns and chimneys have since been demolished and the site cleared. All of the kiln and calcination processes now taking place to produce cement clinker are using modern plant and infrastructure. However, this major investment did not address the subsequent milling processes to transform clinker into cement, which continued to take place within existing ball mills, some dating back to the 1970s and earlier.
- 7.02 These mills are now outdated and inefficient and their capacity is limited, meaning that a significant quantity of clinker is not milled at Padeswood and is instead transported within tanker HGVs to other mills, currently to Ketton, near Stamford, Rutland (close to Peterborough), and previously to Ribblesdale near Clitheroe, (north of Burnley) both well in excess of 100 miles away. This incurs an unnecessary high cost, and use of transportation resources making it an inefficient and unsustainable activity. Furthermore, the older mills do not meet the energy efficiency advantages of more modern mill designs.
- 7.03 This proposed development is to provide a modern clinker/cement grinding mill with a capacity of 0.65 million tonnes and associated replacement infrastructure to enable the milling capability of Padeswood works to be self-sufficient, and to provide a significant saving on operational costs and energy consumption, as well as avoiding unnecessary double handling and transportation costs. The investment will also upgrade and realign the existing railway siding and train loading facility, enabling an increased proportion of the manufacture cement to be transported out of the site by rail utilising modern automated rail tanker filling technology.
- 7.04 Energy consumption to produce cement is significant and the ability to mill 0.65 million tonnes per annum with an annual efficiency improvement of 30-50 % less electricity consumed is very significant. The older mills are also prone to increasing levels of maintenance outages, and the process control equipment and internal movement of the ground clinker and cement powders around the site to storage and loading facilities is prone to failures on account of the elderly design.
- 7.05 In the event that mills shut down for breakages or routine maintenance, this has a knock on effect of reducing the cement producing capacity of the works and an impact on the main kiln. Once

the clinker storage bunkers feeding a given mill(s) are full, the kiln has to operate at a reduced output or shut down to match the throughput. Kilns operate best in a constant steady state flow close to maximum design capacity, so lower throughputs or closures give rise to process control difficulties, and reduced efficiency, which increases the risk of breaches of environmental controls.

- 7.06 Shut downs of a kiln are very costly as a significant quantity of fuels and feedstock are wasted, and re-firing can take a week to attain operational temperature and achieve process stabilisation, and of course, total productive capacity is reduced. A mill shutdown of a matter of days can potentially cause a loss of production of a week or more. Shutdowns cause enormous temperature and pressure change stress and strain on the fabric of the kiln infrastructure which increases maintenance costs and likelihood of breakdowns. The proposed development will therefore offer secondary benefits of enabling the kiln to operate continuously for longer periods in stable conditions.

Site and Surroundings

- 7.07 The development site is located within the Castle Cement (Hanson Cement UK) Padeswood Cement Works (the works) which covers a developed area of approximately 80 hectares. The works are located off the A5118 highway which borders the northern part of the works, and at its closest, it is approximately 800 metres to the south of the southern edge of the settlement of Buckley on higher ground, and 400 metres to the west of the western edge of the settlement of Penyffordd and Penymynydd. The settlement of Padeswood is immediately north of the works, and forms it's frontage.

- 7.08 The works are set in open countryside in a rural agricultural setting with increasing urbanisation of the settlements to the north and east. The Bidston to Wrexham railway line runs north-south and borders the eastern boundary of the site. The southern boundary of the works is bordered by the disused Chester to Mold railway line. A small number of isolated dwellings and farmhouses are located around the site, the closest which are affected by the proposed mill 5 are to the east of the railway line.

- 7.09 The closest residential properties to the development site are in Padeswood Drive, 200 metres to the north of the temporary storage and assembly area and 300 metres from the proposed mill 5 and rail loading facility. Oak Farm and other residential properties located on the unmade southern part of Bannel Lane are located 350 to 400 metres east of the proposed mill 5 site and contractors compound. The development site is brownfield land, partly occupied by a railway line and recently demolished silos and a rail loading gantry, and the contractor's compound and lay down areas are within land formerly occupied by older cement kilns since demolished, with semi cleared

tracts of ash and clinker, and rail sidings. Development in these locations accords with STR1 New Development which guides the locational criteria which includes suitable brownfield land, and may be developed where it is essential to have an open countryside location. It also accords with STR10 Resources by making use of brownfield land. The development is an expansion within an existing site, and meets the requirements of GEN 3 Development in the Open Countryside.

Description of the Development

The development area is 3.1 hectares and includes the following elements.

- 7.10
 - Realigned and lengthened rail siding into the main cement works area to accommodate full rake trains.
 - Replacement systems and gantry for automatic loading of trains with cement.
 - Replacement covered conveyor system for internal movement of cement and feedstock clinker.
 - New and replacement storage silos,
 - New vertical roll mill to operationally replace aging ball mill number 3 and to mothball mill number 4, which will be retained to provide and meet peak milling demand and provide milling continuity and contingency for planned maintenance outages and unplanned breakdowns.
 - Demolition and removal of existing redundant silos no. 7,8,9,10,11&12, a rail cabin and a series of gantries and feed pipes where these have not already been removed under permitted development provisions.
 - Contractors compound area.
 - Lay-down area for the storage and assembly of the new mill and ancillary development components.
 - Landscaping works
 - Site clearance and levelling works
 - Piling and foundation works.

7.11 The development will include provision of services, surface water drainage, lighting, access surfacing, and building cladding to match the main kiln plant. The construction of the development will take approximately 50 weeks, with a subsequent period of commissioning to satisfy compliance with any revised Environmental Permit for the overall cement works

7.12 The main new development is the building which will house the vertical roll mill no.5. This building and plant will be one which has been operational at a site in Spain. Following the acquisition by Heidelberg of a major cement manufacturer in Spain, a restructuring of capacity saw a site closure and the opportunity arose for other sites to bid for the plant. Castle Cement won this bid for the relatively new milling complex for its Padeswood works and the plant is now disassembled and is currently at docks in Bilbao awaiting export to

the UK. This means that the operation, performance, energy consumption and operational characteristics of this plant is known.

7.13 The mill has elevations of 42 metres to the highest ridgeline, and 37 metres to the main ridgeline, and a flue stack terminating at 47 metres. The building has nominal dimensions of 24 metres wide and 58 metres long. This will connect with a rising covered conveyor to a rail loading facility which includes a bank of 3x1000 tonne capacity silos. The rail loading facility has nominal dimensions of 37 metres high, 28 metres long and 8 metres wide, though at the base to allow the passage of a train underneath the pneumatic pipeline riser configuration give a wider footprint.

7.14 The mill will be supplied clinker via a new gantry set supporting a run of covered conveyors exiting the existing building housing mill 4. Pneumatic pipe lines will be used to feed the 3 cement storage silos on the rail loading facility, and existing silos located to the west.

7.15 The development meets the requirements of STR3 Employment by allowing appropriate expansion of existing businesses and facilitates a diverse sustainable economy, by the investment in the cement works, which safeguards about 100 employees in a diverse range of highly skilled, technical, engineering, administrative and transport related jobs, and a host of indirect supporting and maintenance jobs, in addition to construction jobs whilst being built. It accords with EM5 Expansion of Existing Concerns and is in scale and keeping with the form of the existing development and accords with AC9 Provision of New Rail Freight Facilities.

Description of the Process

7.16 The proposed mill 5 will have a capacity of 95 tonnes per hour or 650,000 tonnes per annum. Clinker from the kiln and calciner will be fed from an existing storage bunker which feeds mill 4, which will be rendered redundant, via a new covered conveyor run to mill 5. The vertical roller mill design relies on a pair of hardened vertical steel rollers which are pressed down on to a flat rotating table, and the materials to be ground are fed from above to maintain a pressure ds which roll against each other with the material being ground introduced onto the table where the pressure between the roller and the table crushes the material.

7.17 A mill fan blows air which lifts the fine ground cement powder up and any larger particles fall back onto the table to be re-ground. The lifted powder is then put though an air classifier to produce cement to meet the requirements of customers, with oversize material being fed back to the roller mill. The resulting cement is captured by bag filters and transported to the discharge points and storage silos by pneumatic pipes. The air used for processing and cooling is cleaned by filters

and is exhausted via the stack.

7.18 The rail and road loading facility will have a capacity of 1700 tonnes and enable between 4000 to 5000 tonnes of cement to be transported by rail each week. The trains have a length of up to 350 metres, and both 2 and 4 wheel bogie wagons can be accommodated, and it is expected that 2-4 trains per week will be loaded, with each train taking up to 8 hrs to load. The existing rail link is currently used for the delivery of coal to the site, however the previous rail cement loading facility became obsolete when wagon designs altered, and it has been demolished to make space for the proposed development. Some 600 metres of new track will be laid and 445 metres of this will be realigned.

7.19 The proposed new mill fulfils the requirements of STR1 New Development and STR10 Resources by maximising the use of resources mineral resources which are located in Flintshire and used for the manufacture of cement.

Environmental Assessment

7.20 The development was screened negatively for Environmental Impact assessment on the basis that this is largely a replacement and that the risk of significant off-site impacts of more than local significance are very low. Nevertheless, a substantial amount of environmental information has been requested by the Council during the pre-planning advice stage (pre-dates the pre-application consultation stage) and the information provided meets the requirements of the Council in order to be able to assess the impacts and effects of the proposed development.

7.21 There are no statutory designations that are directly affected by the development, and indirect impacts arising from the proposed development on the Deeside and Buckley Newt Sites Special Area of Conservation and Buckley Claypits and Commons Site of Special Scientific Interest from the possible effects of air emissions are considered to be negligible.

7.22 The assessments cover air quality, landscape & visual impact, ecology, contaminated land, noise, transportation, health impact and drainage. This, together with the planning application supporting statement, design and access statement and pre-application consultation report provides sufficient information to assess the predicted impacts and controls, and make a sound and informed determination. The submissions and the development meets the objectives of Policy GEN5 Environmental Assessment.

Landscape and Visual Impact

In isolation the proposed structures and buildings are a significant scale, however, they must be assessed against the site context and

7.23 backdrop of a major cement works, with several very large mill, storage, and bagging buildings, workshops, offices, storage silos, the main kiln, preheater tower, calcination tower, exhaust and bag filter complexes in a built area covering 80 hectares and a wider landholding accommodating former cement works wastes, railway sidings, settling and attenuation ponds for controlling water discharges from the site, agricultural land and other land used for wildlife conservation. Against the backdrop of the bulk of these buildings and the 109 metre high main tower, the proposed development is in keeping and whilst it will be visible in varying degrees from a number of locations, mainly to the north of the site.

7.24 The applicant has undertaken a Landscape Visual Impact Assessment and has utilised Landmap to comparing existing and proposed conditions. The conclusion is that the existing impact of the works is moderate to high, and the predicted magnitude of the landscape effects is not greater than low. Natural Resources Wales have assessed the impact of the proposed development from protected and historic landscapes such as the Clwydian Range AONB and conclude that the impact is negligible.

7.25 The visual impact has been assessed and a number of photomontages illustrating the effects from different representative vantage points. The overall conclusion is that there of no significant visual effects because of the existing works complex, the value of the immediate landscape is of moderate value and of local importance, the development is divorced form adjacent land by physical tree barriers and fencing, and the brownfield setting gives minimal effect on topographic, vegetation or landscape features, many existing buildings are significantly larger and provides self-screening and does not affect the setting of sensitive, historic or cultural features.

7.26 This does not mean that there is no impact and at a very localised level, the greatest visual impact will be on residents located along the southern unmade section of Bannel Lane, such as Oak Farm and Springfield Cottage, will have a closer view of the steel clad buildings which are some 350 to 400 metres away. Against the backdrop of the wider cement works, the impact is considered to be acceptable as the deterioration of distant views is limited, there is no overlooking conflict as the buildings are unoccupied, and will not give rise to significant shading.

7.27 The development is located within the existing works boundary and is positioned and to be clad in a manner that harmonises a large building as well as may be expected against a backdrop of a heavy industrial cement works, but set in open countryside. The buildings have clean lines and detailing and are not over fussy, and are considered to accord with D1 Design Quality, Location and Layout, D2 Design and L1 Landscape Character.

Air Quality Dust and Particulates

7.28 The proposed development is adding a new mill which will provide the bulk of the continuous milling capacity. The more modern design and building enclosure, and new automated train loading facility and new covered clinker tube conveyor, together with new pneumatic feed lines to fill the proposed and existing silos represents a significant investment which will improve operational performance and reduce failure and breakdown rates. The improved building enclosures and new telemetry associated with process control provides additional safeguards to prevent or contain uncontrolled discharges of dust from failed components or human error, as process lines can be halted and shut off valves closed automatically. This means that the potential for releases of clinker or cement dust to the atmosphere will be reduced, and should give an opportunity for a reduction of the levels of general fugitive dust arising from spillages and a general improvement of site husbandry.

7.28 The proposed mill will only grind clinker and cement additives such as gypsum and limestone and is not associated with any combustion process. The purpose of the stack is for exhaust air which is drawn through the milling process and associated ventilation and filtration of dust and fine particles.

7.29 An air quality assessment has been undertaken and has assessed the construction and the operation of mill 5. The assessment includes a cumulative assessment of existing and additional emissions to the air from the new mill 5. The assessment focuses on dust/particulates associated with the physical milling of clinker to produce cement, and will include handling and storage activities.

7.30 A dust management plan will set out the controls and mitigation proposed for the construction phase. The initial site clearance and demolition, track in and earthworks is considered low risk, and the majority of the structures identified to be demolished have already been removed under permitted development rights.

7.31 The operational phase has been subject to a quantitative assessment of particle emissions from the cement works to assess the impact of mill 5 using US EPA AERMOD prime dispersion model and five years weather data from Hawarden from 2012 to 2016. Predicted ground level concentrations for PM10 and PM2.5 from low level sources at the cement works are compared with air quality objectives and existing air quality. PM10 to PM2.5 are the size that are most likely to impact on human health, and it is assumed that for a worst case assessment all the emissions fall in this size. In practice this is not the case, and larger sizes do not carry as far, are of less of a health concern and are deposited more locally as “nuisance” dust.

The maximum annual predicted mean and 24 hr mean ground level

7.32 concentrations of PM10s and PM2.5s would be substantially less than the relevant air quality objective set for human health. Predicted concentrations at mill 5 would be less than existing emission sources, but this reduction in concentration is not significant. Fugitive emissions from mill 5 and associated facilities will be minimal as all transport and storage of cement will be covered or enclosed.

7.33 The assessment includes the effects of a reduction of 31 HGV lorries per day (62 movements) and an increase in rail of 175 trains (350 movements) per year or 1 movement per day. Construction traffic is also included. The effect of rail and road traffic negligible and has been screened out of the assessment. At sensitive human receptors the levels of NO₂ are negligible and at sensitive habitats the predicted mean annual concentrations are less than 1% of the critical level of 30ugm-3 and 24 hour mean levels are less than 10% of the critical level of 75ugm-3. The impact of NOx emissions on human health and habitats is negligible. The additional mill 5 will have no significant impact on local air quality.

7.34 With respect to carbon dioxide and nitrous oxides, and particulates associated with transportation it should be noted that the total tonnage of clinker and cement transported out of the Padeswood site is technically unaltered. The only difference is that the export will be capable of being 100% cement in a mix of rail and road rather than the current mix of clinker and cement using road only. The consequential impact of transport related emissions in the local vicinity will be largely unaltered, though the switch to transport by rail will result in a net reduction, as the ratio of tonne miles per unit of fuel burnt is much greater for train transport compared with road haulage.

7.35 The benefits of the reduction of road haulage traffic may however be much more noticeable at notorious air quality hotspots beyond Flintshire. Given that cement is a nationally traded commodity and can only be produced economically where the source limestone is located, there is a responsibility to ensure that the mode of transport to move it is as sustainable as possible, which includes minimising air emissions. Whilst we enjoy good air quality in Flintshire, it is not the case elsewhere along key strategic transportation routes. It follows that any reduction of HGVs passing through areas with poor air quality will in a small way improve matters, in particular along the M6 running through the urban areas of Birmingham, Wolverhampton and Walsall, as air quality objectives at those heavily populated locations are frequently exceeded.

7.36 In conclusion, the development will not contribute to an increase in emissions to air in the context of NOx, and fine particulates. Fugitive dust emissions should be reduced with the operation of new plant. On this basis the proposal accords with policies STR1 New Development, STR7 Natural Environment, GEN1 General Requirements for Development, EM5 Expansion of Existing

Concerns, EM7 Bad Neighbour Industry, EWP12 and EWP 13 Nuisance with respect to air quality.

Noise

7.37 A noise assessment has been carried out to determine the impacts of operating new mill 5. Baseline data from 10 locations has been recorded between 2007 and 2013, and assessed against surveys taken in 2017 to assess the background noise with the works operational. Predictions on noise have been made using TAN11. Noise, BS 4142 and World Health Organisation (WHO) guidance. The introduction of mill 5 increases noise by less than 1dB at all receptor locations. It is concluded that the tonal characteristics of mill 5 will be indiscernible from the existing situation. The highest predicted noise level from mill 5 is at Padeswood Drive at 45.8 dBA and the existing level with mills 1, 2, 3 and 4 is 45.7 dBA, a difference of 0.9dBA which is indistinguishable to the human ear. WHO guidance recommends a façade level of 45dBA, and at a few locations on Padeswood Drive this would not be met, however given the existing background is already in excess of this, the impact of mill 5 is of no consequence.

7.38 The reduction of HGV traffic of also of no significant consequence, and the noise from movements during train loading and additional movements to the main line will have little impact at the closest receptors. Construction noise is also predicted to be below the thresholds in BS5228 at the nearest sensitive receptors.

7.39 Some concern has been raised regarding the introduction of freight trains to move cement out of the site. The cement wagons are fully contained and sealed and are not suitable for loose shunting. Trains will enter by reversing into the sidings parallel with the main line site from the up line, and then be pulled forward into the site so that a single rake of wagons would be drawn underneath the automated discharge terminal by a locomotive. Once full and ready to leave, the train would reverse onto the sidings, before re-joining the up line.

7.40 Concerns have been made that the exit and entry of the train into the site involves the train waiting on the main line and upstream of the siding points, which places the train opposite Oak Farm and other properties at the Southern end of Bannel Lane. The concern is that the freight trains will cause noise and vibration. The timing of the entry and exit is under the control of Network Rail and not the developer. There are predicted to be only in the region of 4 trains a week, and there is only limited scope to increase this on account of the loading time, capacity of the discharge terminal, and availability of time slots to meet time-tabling requirements on the rail network. The older generation of diesel electric locomotives has largely been phased out and the newer classes are considerably quieter, and are equipped with slow running gearing, meaning that trains are capable of being hauled at slow speed on little more than idling speed, and

7.41

the increased power output means that excessive engine revving is not necessary. Noise of trains on mainline railways are excluded from statutory nuisances provisions of the Environmental Protection Act.

7.42 Calls have also been made to limit the hours that freight may be loaded or enter and leave the site. Such conditions would fail the planning tests for conditions of being reasonable and necessary. The timetabling and signal waiting of trains is beyond the control of the developer and the predicted noise levels associated with the loading of trains is indiscernible above the background noise levels. Such control is not proportionate to the low frequency and intensity of freight traffic arising from the site.

7.43 On this basis that the development will not give rise to any significant increase in noise levels, it is considered that the proposal accords with policies STR1 New Development, STR7 Natural Environment, GEN1 General Requirements for Development, EM5 Expansion of Existing Concerns, EM7 Bad Neighbour Industry, EWP12 and EWP 13 Nuisance with respect to noise.

Transportation

7.44 A transport assessment has been carried out. There will be a significant shift away from road based HGV tanker traffic to rail. This will arise from the removal of road hauled clinker out of the site, and because of the improved milling capabilities, it will be possible to remove cement to distribution nodes at key strategic locations in Avonmouth, Glasgow and Kings Cross London as well as serving the regional market.

7.45 Scenarios have been run for growth in demand, and with the use of rail freight will result in an annual reduction of over 8000 two way HGV trips, or 31 per day, approximately 10 % of trips, and a consequential increase of 350 annual freight train movements (175 in, 175 out) or a nominal 4 trains per week. The highway is able to continue to accommodate the predicted level of HGV movements into and out of the site, and all local and national (UK and Welsh government) policy and guidance is encouraging heavy bulk materials to use the rail network rather than road.

7.46 The assessment has considered all vehicular movements to and from the site and whilst a 10 % reduction in HGVs may seem small, it must be remembered that more than 50 % of all of the movements are related to the delivery of raw materials, mainly from the Cefn Mawr Quarry, and other local sources of shale and silica materials. These will remain unaltered as a consequence of mill 5. If only the export of clinker and/or cement out of the site was considered, the percentage reduction of cement product carried by road would be much greater. This fully accords with policy AC9 Provision of New Rail Freight Facilities, and meets the requirements of AC13 Access and Traffic

Contaminated Land

7.47 A phase 1 and phase 1 contaminated land assessment has been carried out. The main consideration is the source, pathway receptor flow route which can affect water resources, either groundwater or surface water. The development gives an opportunity to remove or otherwise treat two sources of contamination, the railway tracks and an area of old raised ground which may be associated with historic disposal of demolition and process ash and clinker, and also from past coal mining, as the site is the location of the former Bannel Colliery.

7.48 The contaminants associated with these sources are typically creosote, tars and bitumen associated with old wooden sleepers, coal, ashes, oils and diesel spills associated with steam trains and older diesel locomotives and coal spillages associated with coal deliveries to the site) and those associated with coal, ash and clinker. Standard sampling and testing for metals, volatile organics, poly-aromatic hydrocarbons, phenols and petroleum hydrocarbons was undertaken. A further suite of testing was undertaken for alkalinity, total carbon, antimony, chloride, fluoride sulphate and asbestos.

7.49 Human health impact screening was carried out and the samples did not exceed the screening criteria and therefore are not a risk to site users. A controlled waters risk assessment concludes that soils do not present a risk to controlled waters and therefore the materials are considered appropriate for re-use on the site. This meets the requirements of EWP12 Pollution and WP14 Derelict and Contaminated Land which requires pollution to be controlled and contaminants to be managed, and to ensure that no residual risk remains on site for future receptors.

Ecology

7.50 The site is within a previously developed area and is brownfield land. The proposed contactors compound and the lay down and assembly areas are in land previously occupied by rail sidings, former cement kilns and general ash and clinker disposal. Much of the land is barren, and some is recolonised with immature scrubby growth. The wider cement works has a policy of manging and enhancing wildlife areas in non-operational land and supports a range of wildlife and habitats. The land in question has limited ecological value, but could host great crested newt, reptiles and bats.

7.51 A wildlife licence was obtained earlier in the year to allow the capture and clearance of great crested newt from the site, and as such the risk to the population, range and integrity of the species from re-developing the land is minimal. There is sufficient alternative land holding and suitable habitat to ensure that no significant adverse impact will occur to the overall population. Surveys were also undertaken for other protected species. The ecological assessments,

wildlife method statements all indicate that there will be no adverse impact on wildlife interests, and bats will continue to be able to use the woodland barrier which is to be retained. Lighting will be carefully positioned and controlled by condition. Conditions will also be applied for a wildlife management plan and continuation of reasonable avoidance to minimise harm to protected species and assist improving the habitats outside of the development site.

- 7.52 The presence of great crested newt can also have an impact on the wider Deeside and Buckley Newt Sites Special Areas of Conservation and Buckley Claypits and Commons Site of Special Scientific Interest, which are subject to the Habitats and Species Regulations 2010, Countryside Act 1981 and the Countryside and Rights of Way Act 2000. Assessments conclude that the exclusion of statutory protected species nor the impact of air pollution will have any discernible impact on these National and European designations which are located 1.5 km distant. As such, a test of likely significance is not required to be carried out and no derogation is necessary. This accords with policies WB1 Species Protection and WB3 Statutory Sites of National Interest, and other policies relating to wildlife WB4, WB5 and WB6.

Trees

- 7.53 Few trees of any note will be required to be removed, and the existing belt of trees running along the north eastern boundary of the proposed development site, and which follows a watercourse set in a small ravine, will be retained. The wooded belt will continue to provide wildlife corridors and habitat continuity, and fulfil a degree of low level natural screening.

- 7.54 A condition will be applied to safeguard the tree belt, identify any trees to be removed and those to be retained and a management plan setting out protection measures. A landscaping plan will explore where within land in the control of the applicant additional hedgerow and tree planting can be achieved to thicken up the existing tree belt of hedgerows to the east of the development to assist softening the visual impact of the site from areas looking in over the north eastern quadrant of the site and provide further enhancement of woodlands and hedgerows. This meets the requirements of THW1 Development Affecting Trees and Woodlands and THW2 Protection of Hedgerows.

Drainage

- 7.55 A site drainage assessment following the Councils standard supplementary planning guidance pro-forma was provided. It sets out how surface water on the development site will be managed. Surface water will be collected from impervious areas and fed into the existing site drainage infrastructure where it is fed to a large storm balancing and sediment settling lagoon and discharged to the local watercourse at a controlled rate.

7.56 The majority of the land will remain as open and allow natural percolation of surface water into the ground, however, questions have been raised relating to the capacity of the existing pipework and balancing pond, to accommodate the additional flows from the impervious areas of the development, which could potentially cause localised on-site flooding or pond overtopping during storm conditions. This would primarily affect the applicant's own land.

7.57 During the construction stage, a construction site management plan will include details of surface water management to contain and control silt laden water, and prevent contaminants arising from groundworks and construction assembly, or fuels and oils, from entering the on-site drainage or natural watercourses.

7.58 A condition will be imposed to investigate the capacity of the pipework, and to provide alternative solutions or upgrades where demonstrated to be necessary. There is no shortage of available land within the applicant's landholding to provide solutions to any on site water management issues, should they arise. This is not considered to place land or watercourses outside of the applicant's ownership at risk of flooding, and is largely an internal water management issue. It is considered that the flood risk and water resources protection objectives of policies EW16 Water Resources and GEN 1 General Requirements for Development can be fulfilled.

Health Impact Assessment

7.59 A review of the Health Impact Assessment undertaken by Public Health Wales (PHW) has been carried out in the context of any changes or impact to human health as a consequence of the proposed development. The PHW review found no evidence of adverse physical health effects, it acknowledged that although gaseous and particulate emissions have the potential to cause harm, the level of risk is minimal, and the health of people living near the cement works was generally as good as or better than those living elsewhere in Wales. Whilst there are occasional breaches, the concentration of these emission periods remained well below health based thresholds and the risk to the local community was considered to be very low.

7.60 The proposed development does not introduce any new processes and the more modern milling and loading plant will give rise to improvements which should bring about a reduction in point and fugitive sources of fine dust, including dust free loading of trains, the removal of 31 HGV movements per day, better process control, break/drop free conveyor runs, new pneumatic pipework and improved dust capture and filtration. Emissions to air will be regulated by Natural Resources Wales and a permit variation will be required to update management plans for dust and noise, set out changes, and detail how compliance with requisite controls will be achieved. The proposal meets the objectives of STR1 New Development, GEN1

General Requirements for Development, EM7 Bad neighbour Industry and EPW12 Pollution which require that public health is not compromised.

Monitoring and Regulation

7.61 A number of comments and queries have been made regarding the on-site and off-site monitoring of noise and in particular, dust and other emissions from the works. The proposed development is not introducing a new process, instead it is adding a modern replacement for the base load and the retention of the older mills to potentially provide for mill 5 breakdown and planned maintenance contingencies and also to provide short term increases to milling capacity to match the maximum output of the kiln. It will enable all the clinker produced on the site to be milled at source, instead of being transported out of the site for milling elsewhere. In the event that an older mill is used, it will be mill 3, and it is highly unlikely that mills 1&2 would be brought into service. The proposal should bring about an improvement in environmental performance at the site. All the mills used would still have to meet the permit requirements.

7.62 The new development will require a variation of the Environmental Permit for the site, as well as a planning permission, and the permitting regime is a separate regulatory regime under the auspices of Natural Resources Wales. Government advice and court decisions all advise regulators not to attempt to substitute their own controls where these are the responsibility of another regulator. Any such attempt to impose controls which are the function of another regulator are open to challenge.

7.63 In some instances there is a degree of overlap between the planning and the permitting regime, however, in the instance of Padeswood cement works, the permit covers the entirety of the works and all processes as it is a major installation. Calls for additional monitoring or permanent off -site monitoring need to be directed for consideration by Natural Resources Wales, not the Planning Authority.

7.64 The permit requires continuous improvement, and it is noted that there has been a reduction in both noise levels from the site and the intensity of dust releases, and particularly in the past few years, leading to a reduction in complaints made to NRW and the cement works. There have and continue to be episodes of breakdowns, maintenance failures, human error, which lead to localised nuisance dust, but this is reducing and the works are generally well managed. The proposed development would seek to improve the management and containment of dust within the site and the added investment security safeguarding the future of the site will enable the site to attract the necessary maintenance funding, and will also raise staffing morale which can have positive benefits in individual attitudes and responsibility towards site controls.

7.65 Natural Resources Wales has, on a number of occasions explained why off site ambient air monitoring is no longer justified or necessary. It is probably the release of 'nuisance' fugitive dust which periodically affects the immediate locality which residents consider needs to be monitored, and this can be taken up with the site management and Natural Resources Wales. Major failures should be rapidly controlled and shut down by telemetry and sensors on site, and off-site monitoring would provide no additional control or safeguard in these instances, however, it would pick up persistent and intermittent windblown fugitive dust (spillages, ripped cement bags, etc., caused by human error or unforeseen events) which is not monitored by telemetry and sensors.

7.66 There is also an allegation that dust and emission are released at night. There is no plausible logic for this because the cement manufacturing process is a continuous 24 hour operation and there is no operational difference between day and night. There would be less materials handling and loading at night. It is possible that people notice dust on windows and cars in the morning because dew and condensation formed at night is more likely to capture any dust, which during the daytime is more likely to be dry and dust is not captures.

7.67 Logs of site monitoring compliance visits have also been presented by concerned parties, with allegations that reports are inconsistent. The circumstances and operational performance at each site inspection and the extent of compliance with permit conditions will vary. The inspections carried out by Natural Resources Wales are scored, and the lower the score, the better the performance. It would be astonishing for a major cement site to achieve consistent perfect compliance, due to the scale and complexity of the processes, and in general the scores are good.

7.68 In recent years the staffing levels have increased which has helped improve performance as problems are more likely to be detected and maintenance carried out. Where there are persistent shortcomings of compliance, improvement notices have and will continue to be issued and if not actioned, breach of permit enforcement notices are served. Such actions, and positive working with the site management, has improved the noise and the dust performance of the overall works.

7.69 To summarise, it is unnecessary and inappropriate for the planning regime to impose site monitoring controls to the cement works.

8.00 CONCLUSION

8.01 The development will provide for modern milling capability and enable all of the clinker output of the kiln to be milled on site, negating unnecessary double handling of clinker which is removed from the site to be milled elsewhere. It will also enable up to 5000 tonnes of cement to be exported out of the site by train, reducing long distance HGV lorry movements by 31 per day. There are no significant additional impacts as a result of the proposed development over and above those already associated with a major cement works, and these can be managed and controlled by planning conditions, or will be controlled by the Environmental Permit for the site regulated by Natural Resources Wales. This is a major investment which will safeguard employment and manufacturing capacity of this plant in Flintshire. Recommend that planning permission is **approved** with conditions attached.

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.

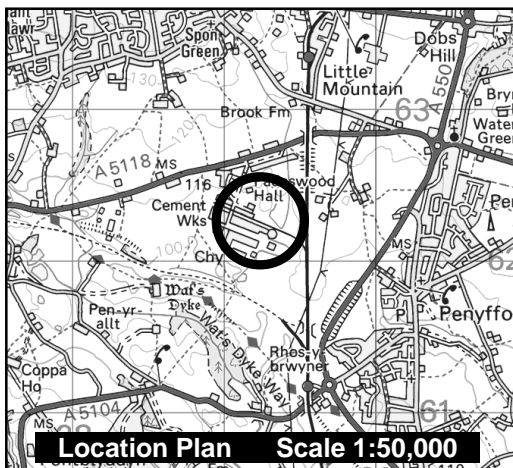
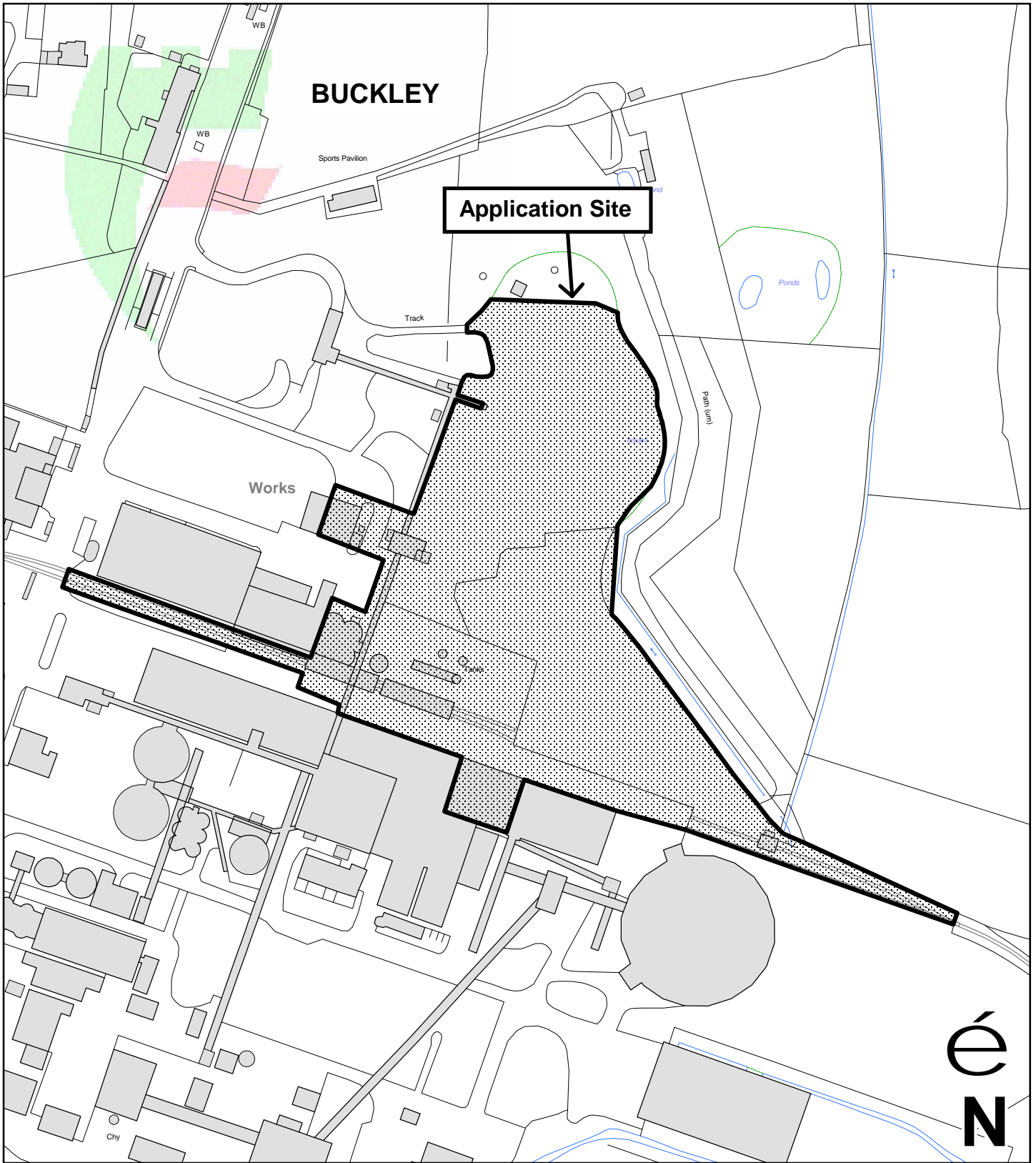
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Gary Nancarrow
Telephone: 01352 703275

Email: [gary.nancarrow@flintshire .gov.uk](mailto:gary.nancarrow@flintshire.gov.uk)



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

Page 67

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:2500

OS Map ref SJ 2962

Planning Application **57343**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **FULL APPLICATION – ALTERATIONS AND CHANGE OF USE TO CREATE A 6-BEDROOM HOUSE IN MULTIPLE OCCUPATION AT 13 HEALTH STREET, SHOTTON**

APPLICATION NUMBER: **057588**

APPLICANT: **MRS E ILES**

SITE: **13 HEALTH STREET, SHOTTON**

APPLICATION VALID DATE: **29th SEPTEMBER 2017**

LOCAL MEMBERS: **COUNCILLOR D EVANS**

TOWN/COMMUNITY COUNCIL: **SHOTTON TOWN COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST - IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY SAFETY.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the change of use of a 4 bedroom dwelling house to a 6 bedroom house of multiple occupation. The main issues are considered to be the impact of the proposal upon local amenity and traffic generation.

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

- 2.01 Conditions
1. Time limit on commencement
 2. In accordance with plans and particulars
 3. Maximum occupancy will not exceed 6 individuals
 4. Facilities to be provided and retained within the site for the parking of cycles

3.00 CONSULTATIONS

- 3.01 Local Member: Councillor D Evans
Requests Committee determination with site visit due to concerns over residential amenity and highway safety.

Shotton Town Council

No response received at time of writing.

Head of Assets and Transportation

No objection to the proposal subject to the inclusion of a condition ensuring that facilities are provided and retained within the site for the parking of cycles.

Head of Public Protection

No adverse comments.

Natural Resources Wales

The site lies entirely in Zone C1 as defined by Welsh Government's Development Advice Map (DAM) referred to under TAN15: Development & Flood Risk. The property has and maintains a 'highly vulnerable' use so there is no flood risk objection to the development proposal.

4.00 PUBLICITY

- 4.01 Site Notice and Neighbour Notifications
Four letters of objection received from three neighbouring properties, on the following grounds:
- Traffic generation;
 - Insufficient parking;
 - Too many Houses of Multiple Occupation in the area;
 - Anti-social behaviour associated with this form of development;
 - Loss of community feeling with few houses left for families to occupy.

5.00 SITE HISTORY

- 5.01 No planning history.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR4 - Housing

Policy GEN1 – General Requirements for Development

Policy GEN2 – Development inside Settlement Boundaries

Policy D2 – Design

Policy AC3 – Cycling Provision

Policy AC8 – Buses

Policy AC18 – Parking Provision and New Development

7.00 PLANNING APPRAISAL

7.01 Site Description

The dwelling is a three storey end terrace property with private amenity space to the rear. At present, the dwelling has 4 no. bedrooms. Health Street is accessed via Rowley's Drive, the proposal would be located on the predominantly residential side of the street with the opposite side being employment uses. The application site falls within the settlement boundary of Shotton as defined by the Flintshire Unitary Development Plan.

7.02 Proposed Development

Viewed externally there are very minor alterations to the property with the only visible difference being where two additional windows are introduced. At first floor there is a new window in the front elevation to serve a new bedroom. The second new window is in the rear elevation at second floor and is in the form of a roof light. Neither of these proposed windows introduce any further overlooking than the existing arrangement and these alterations alone would not require planning permission. The main matter under consideration is the change of use of the property. A House of Multiple Occupation (HMO) is proposed with 6 no. bedrooms. The two additional bedrooms are achieved by replacing the lounge at ground floor to create one and by subdividing one of the first floor bedrooms to create the second. The existing kitchen/diner remains on the ground floor and there is a communal area. There are two bathrooms and an ensuite spread across the first and second floors. The Design and Access Statement advises that although there will be double bedrooms, the rooms will be limited to single occupancy in order to ensure that the number of residents will not exceed six. It also states that the proposed development will also include works to the rear yard to provide covered lockable storage for bicycles, drying facilities and suitable bin storage.

7.03 Principle of Development

The proposal is within the settlement boundary of Shotton and is proposing a residential use in an existing dwelling. The principle of the proposal is, therefore, acceptable as it makes the most efficient

and effective use of existing housing stock and the conversion of existing buildings within the settlement boundary is in accordance with Policies STR4 and GEN2.

- 7.04 The lawful use of the building is a large private dwelling house, of which the external appearance would be largely unaltered. There would be no material change to the appearance of the building that would harm the character of the area. Furthermore, this large dwelling could easily accommodate a family of six as existing with 4 bedrooms so I consider the proposed HMO to have a residential use that operates at a level of intensity only slightly increased to that which might reasonably be expected if it remained as a large private dwelling. This principle was set out by the Inspector in the recent appeal decision in relation to 2 The Brackens, in Buckley.
- 7.05 Local residents make reference to there being a number of HMOs in this area and the negative impact that they have as a whole. However at present there is no policy basis on which the Council could refuse a HMO on cumulative impact issue alone without significant evidence of anti-social behaviour or complaints about noise. The public protection team have confirmed there have been no complaints and do not object to the proposal.
- 7.06 Living conditions for Future Occupiers
The proposal sets out reasonably sized rooms for single person occupancy and a condition is attached to secure this level of occupancy. Each habitable room has an outlook and there is sufficient shared space on the ground floor with cooking facilities and there are two shared bathrooms to serve 5 occupiers. In the absence of any planning policy guidance to address how a HMO should be laid out, room sizes, outlook, amenity space and required facilities the Council must rely upon the licensing regime under the Housing Act to regulate the nature of provision.
- 7.07 Parking and Traffic Impact
The site is located in a sustainable location within walking distance of existing bus routes and closely located to a wide range of workplaces. The developer has proposed secure bicycle storage on site to provide an additional sustainable transport choice for the future occupiers of the HMO.
- 7.08 There is no Highways parking standard for this type of development in the Local Planning Guidance Note covering parking. Highways have not objected to the proposal. I am mindful of the recent appeal decision at 24 The Brackens, Buckley where traffic issues were raised by local residents and it was considered that this form of development does not necessarily exacerbate on-street parking issues or increase vehicular movements to the extent that highway safety or the free flow of traffic is materially harmed.

8.00 CONCLUSION

The proposal represents a residential use in a residential area. The proposed development is considered acceptable in principle for the reasons outlined above. Accordingly, the application is recommended for approval.

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.

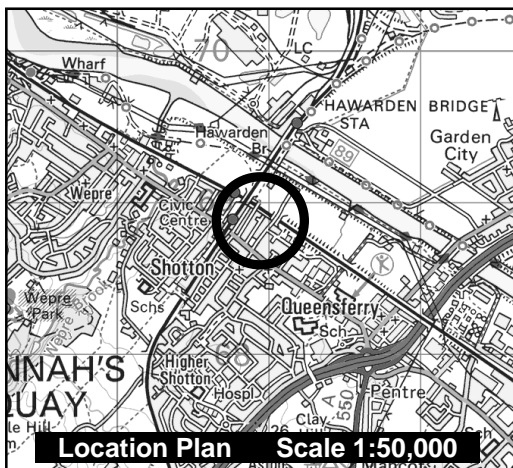
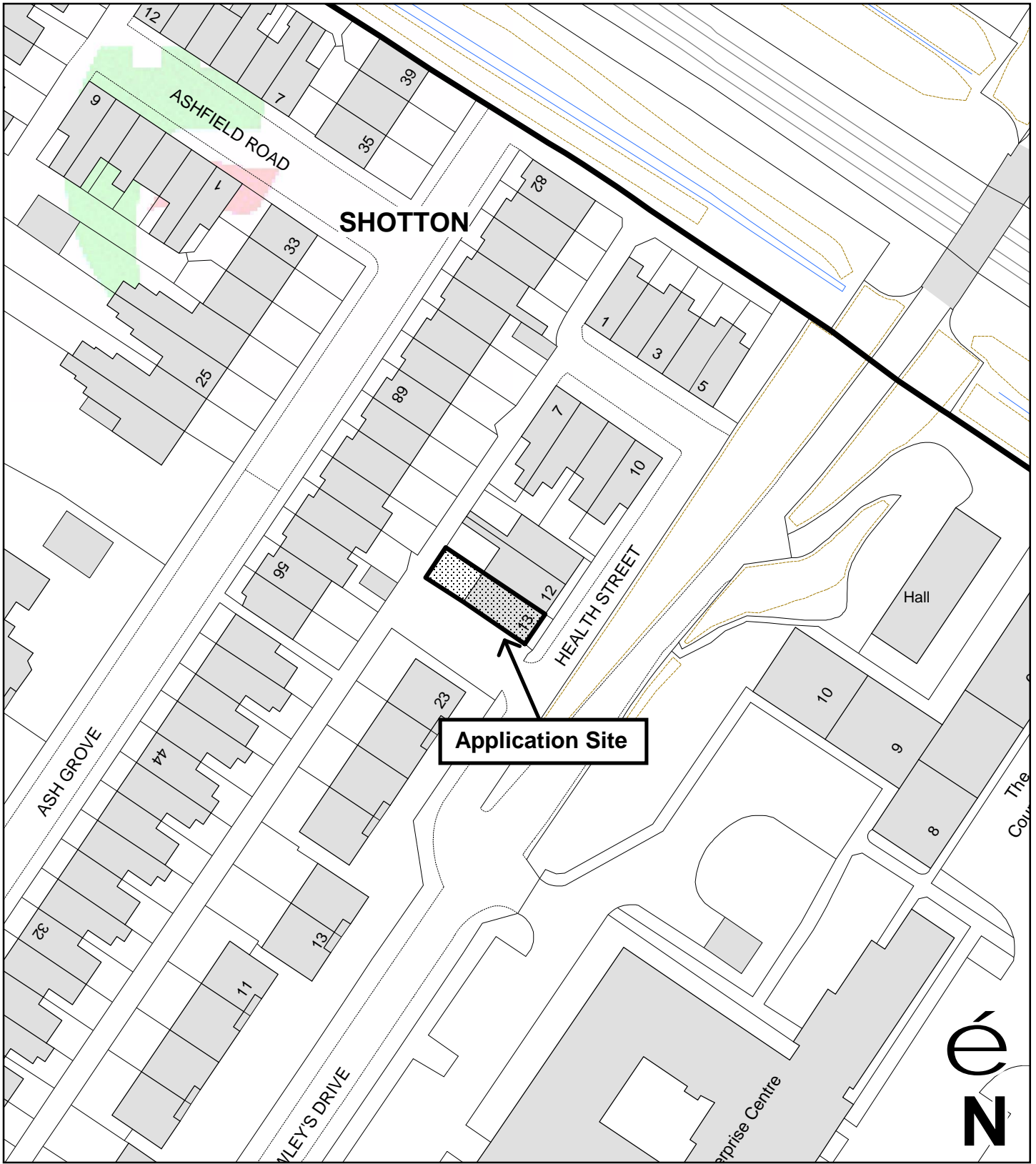
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

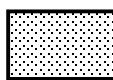

Contact Officer: Lauren Eaton-Jones
Telephone: 01352 703299
Email: Lauren.Eaton-Jones@flintshire.gov.uk

This page is intentionally left blank



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

Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:750
OS Map ref	SJ 3068
Planning Application	57588

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **FULL APPLICATION – AMENDMENTS TO PREVIOUSLY APPROVED HOUSE TYPES TO ALLOW FOR 73 DWELLINGS (AN INCREASE BY 9 ON PREVIOUS APPROVAL (REF: 050300) AT CROES ATTI, CHESTER ROAD, OAKENHOLT.**

APPLICATION NUMBER: **057540**

APPLICANT: **PERSIMMON HOMES NORTH WEST**

SITE: **CROES ATTI, CHESTER ROAD, OAKENHOLT**

APPLICATION VALID DATE: **18TH SEPTEMBER 2017**

LOCAL MEMBERS: **COUNCILLOR MS RITA JOHNSON**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.0 SUMMARY

- 1.0 The site forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The previously granted outline scheme and reserved matters applications were subject to extensive negotiations between the applicant and the Council. The design concept for the site is that of providing modern residential neighbourhoods which have a strong local identity and encourage a sense of community.

- 1.02 The area of land now the subject of this full application relates to only 1.65 hectares which as noted above forms part of the much larger development known as Croes Atti Development. The site is already the subject of an outline consent granted under reference 035575, which was approved in 2006. The reserved matters application for the phase three development, of which this site forms part, was granted for 312 dwellings under reference 050300. The application under consideration relates to the erection of 73 dwellings being 9 additional dwellings to that shown on the original approval for this part of the site. The dwellings proposed consist of detached, semi-detached, terraced 2 storey dwellings and some 2.5 storey properties similar in character to those built under previous phases
- 1.03 This full application relates to the erection of 73 dwellings forming a re-design in the house types and layout to that previously approved under planning application 050300. The scheme in effect results in the replacement in the house types approved previously for Anwyl Homes to those of the applicants design although these respect the previous approved house designs.

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

- 2.0
1. Time commencement
 2. As per plans
 - 3 Landscaping to be submitted and agreed
 4. Landscaping to be undertaken.
 5. Materials to be agreed.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Ms R Johnson

Object to developers shoehorning more and more houses onto the site bought from other developers. Whose layout and numbers were different from that now proposed. Feel this will become the norm and local residents think so.

Flint Town Council
No response at time of writing.

Highways Development Control Manager

Initial comments note that the proposal includes appropriate levels of parking but have requested confirmation regarding access on certain plots.

Head of Public Protection

No response at time of writing.

Clwyd Powys Archaeological Trust

Confirm that there are no archaeological implications for the proposed change of house types.

Welsh Water/Dwr Cymru

No objections to the proposed development, developer should contact Welsh water regarding water supply.

Natural Resources Wales

Does not object to the amended proposal is not likely to adversely affect any of the interests noted in their response.

CADW

No response at time of writing.

Coal Authority

The site does not fall within the defined Development High Risk Area and is located within the defined Low Risk Area. If this proposal is granted planning permission, it will be necessary to include the Coal Authority Standing Advice within the decision notice as an informative note to the applicant in the interest of public health and safety.

4.0 PUBLICITY

4.0 The application was publicised by way of the posting of a press notice and the display of a site notice. At the time of writing the report one letter of objection has been received objecting on the following grounds:-

- Pre consultation notice was flawed no reference to increase by 9 dwellings
- Density of 44 per hectare plus exceeds original density granted.
- Creates another small enclave of lumped together affordable housing. Design brief explicit in pepper potting requirement for affordable dwellings.
- Should remember that approval was granted to Anwyl's.
- Increase in dwelling numbers above that originally granted, approved transport assessment density are 35 dwellings per hectare deviation from original document.
- Increase in numbers/density should be resisted now and in the future.
- Houses leasehold.

5.0 SITE HISTORY

5.0 98/17/1308

Outline residential development and associated recreational, community and retail was originally reported to committee on 14.12.99 which resolved to approve subject to a Section 106 Agreement – No decision was ever issued due to changed circumstances of the applicants.

035575

Outline application for a mixed use development including residential, open space, infrastructure, landscaping, education and community facilities was reported to committee on 19.7.2004 which resolved to approve subject to a Section 106 Agreement -the agreement was signed and the permission issued on 11th July 2006.

044033

Reserved matters application -residential development consisting of 189 no. dwellings, public open space, new roundabout and all associated works at Croes Atti, Oakenholt -Granted on 11th July 2008.

044035

Highway improvements, street lighting and all associated works, on land at Croes Atti, Chester Road, Oakenholt, in connection with the outline planning permission (ref. 035575) -Granted permission on 23rd April 2008.

046562

Substitution of house types on plots 119, 124, 128-129, 131-132, 136, 138, 139, 142-144, 146-150, 160-163, 165-166, 170-177 and 183 on land at Croes Atti, Oakenholt, granted on 11th July 2008.

046595

Reserved matters application for residential development consisting 132 no. dwellings, new roads, open space and all associated works on land at Croes Atti, Chester Road, Oakenholt, granted on 19th January 2012.

049154

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – appeal submitted for non-determination, this was considered by way of a public inquiry on 21st/22nd August 2012 –the appeal was allowed and the planning permission was varied to allow 7 years for the submission of reserved matters.

049312

Application for a Lawful Development Certificate for construction of vehicular access from Prince of Wales Avenue, Flint to serve residential development at Croes Atti, Oakenholt, permitted by outline planning permission code number 035575 dated 11th July 2006 – granted on 5th April 2012.

049426

Application for variation of condition no.3 attached to outline planning permission ref: 035575 to allow 7 years for the submission of reserved matters from the date of the outline planning permission being granted rather than the 5 years previously permitted – resolved to grant planning permission at Committee on 25th July, 2012 subject to completion of S.106 Obligation.

050258

Proposed house type substitutions and amendments to plots 62, 62a, 63, 65-70, 72-74, 74a, 75-93, 95-103, 106-108, 110-112, 112a, 113, 116-118 and one additional plot to that approved at Croes Atti, Chester Road, Oakenholt. – still under consideration.

050385

Erection of 2 no. pole mounted housing advertisements 20/2/2013.

050967

Application for approval of reserved matters following outline approval. (035575) granted 21/10/13.

050975

Plot substitution of house types on 4 plots-granted 25/9/13.

051002

Application for approval of reserved matters following outline approval. (035575) - granted 4/12/13

051136

Erection of 2 no. V-Boards for housing advertisement-consent granted 28.8.13.

051716

Approval of details reserved by condition no.11 (landscape management plan) attached to planning permission ref: 35575 – approved 15/10/14.

052062

Approval of details reserved by condition Nos 3 (materials), 4 (programme of archaeological work), 5 (landscaping details), 7 (existing and proposed ground levels and finished floor levels), 10

(detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads), 11 (prevention of run-off of surface water) and 12 (wheel wash facilities) attached to planning permission ref: 50967 – partly discharged 6/6/14.

052757

Application for the approval of details reserved by conditions 3, 4, 9 and 12 attached to planning permission ref: 050300 partially discharged 12/12/14.

053058

Variation of condition Nos. 5 and 15 of planning permission ref: 050300 to allow the construction of plots 175 to 198 before complying with conditions 5 & 15 - approved 2/3/15.

053126

Application for the approval of details reserved by condition 13 (Scheme for reasonable avoidance measures and methodology) attached to planning permission ref: 050300 12/2/15.

053438

Change of position of house types on plots A35, A36 & A38, change of house type on plot A37 and amended car parking arrangement to plots A39 & A40-granted 13.5.15.

053624

Change of house types on plots 30 & 31 and change of house type position on plot 32 - granted 4/6/15.

053662

Proposed residential development to consist of 20 No. semi-detached houses, 2 No. semi-detached bungalows and 1 No. special needs bungalow together with access road and parking.—approved.

053758

Retention of existing signage and display of 2 No. totem signs consent granted 8/7/15.

053783

Change of house types and the provision of two additional plots – Approved.

053820

Compliance with condition number 3 of permission reference 053438 – agreed.

054267

File Closed.

054449

Non material amendment to application reference 044033 - approved.

054535

Substitution of house type on plot 36 – approved.

054637

Amendment to previously approved house types and layout - approved.

054718

Compliance with condition 6 of planning reference 050258 – approved.

055180

Compliance with conditions 3, 4, 5, 6, 7, 8, 9 and 10 – approved.

055216

Withdrawn.

055458

Change of house types on plots 155 and 159 Approved.

055852

Application for the approval of details reserved by condition nos; 3 (materials), 4 (landscaping) and 6 (scheme for the construction of roundabout junction on A548 and improvement of Coed Onn Road) attached to planning permission ref: 053783:- Approved.

055853

Application for the approval of details reserved by condition nos; 3 (materials), 4 (landscaping) and 6 (scheme for the construction of roundabout junction on A548 and improvement of Coed Onn Road) attached to planning permission ref: 055458:- Approved.

056016

Application for the approval of details reserved by condition nos; 3, 4, 6, 7, 11, 12 & 13 attached to planning permission ref: 055209:- Approved.

056438

Change of position of plot 120 and creation of two blocks plots 121 - 124 and 125-127:- Approved

056439

Change of house type on plots 94, 96, 115, 136 to 140, change of position of plot 114 and removal of rear parking courtyard:- Approved.

056440

Application for a non-material amendment to planning permission ref: 050300 to revise position of house types on plots 107 - 109 and to remove garages from these plots:- Approved.

056457

Application for the approval of details reserved by condition 3 (Archaeological Watching Brief) attached to planning permission ref: 055209:- Approved.

056468

Application for the approval of details reserved by condition nos; 3 - 15 inclusive and 17-23 inclusive attached to planning permission ref: 053662:- Approved.

056756

Change of house types to plots 70 & 71, update of house types on plots 63 & 64, 68 & 69 and change of garage position on plot 61:- Approved.

056811

Substitution of house types on plots 72 to 76, 292 to 293 and plots 30:- Approved.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.

Policy STR4 - Housing

Policy STR8 - Built Environment

Policy GEN1 – General Requirements for Development.

Policy GEN2 – Development inside Settlement Boundaries.

Policy HSG3 – Housing upon Unallocated Sites within Settlement Boundaries.

Policy HSG2 – Housing at Croes Atti, Flint.

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 AC13 – Access and Traffic Impacts.

Policy AC18 – Parking Provision and New Development.

Policy SR5 – Outdoor Playing Space and New Residential Development.

Policy EWP17 - Flood Risk

Local/Supplementary Planning Guidance Notes

LPGN2 – Space around dwellings

LPGN 11 – Parking Standards.
LPGN 13 – Open Space Requirements
SPG 23 Developer Contributions to Education.

National Policy Wales

Technical Advice Note 12 Design

Technical Advice Note 18 Transport

Flintshire Unitary Development Plan (FUDP) The FUDP shows the land as a housing commitment and outline planning permission has now been issued in addition to reserved matters approvals. In the context of the development as a whole a large number of the policies of the plan are relevant but the most significant policy is Policy HSG2 - Housing at Croes Atti, Flint. Other relevant policies include D1-D4 which refer to design/location/layout/landscaping and Policy GEN1 (General Requirements for Development). The proposal is considered to accord with the aims of the relevant development plan policies.

7.00 PLANNING APPRAISAL

7.01 Site Location

The application site consists of 1.65 hectares of land forming part of the wider Anwyl/Persimmon development known as 'The Oaks' located in Croes Atti to the south east of Flint. The overall site is subject to outline planning permission. 035575, which was granted on 11th July 2006. A permission for 66 dwellings already exists on this area of the site granted under application. 050300.

Persimmon are already building on land to the south and east of this site having finished the earlier phase 1 for 52 dwellings under planning permission 050967 while completion of another phase with a combined total of 75 houses is still under construction.

7.02 Proposed Development/Principle of Development

The previously reserved matters application which also encompasses the current site area had been submitted as required in connection with the granting of outline planning permission under ref. 035575. The principle of residential development on this site has therefore been established and the current application seeks to substitute various house types and change the layout which is acceptable in principle subject to design/appearance and impact on existing/proposed residential amenity. The site as previously noted forms part of an overall site of 27 hectares which was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping and education and community facilities. The previously granted outline scheme and reserved matters applications have established the principle of residential development on the site. The design concept for the site is that of providing modern residential

neighbourhoods which have a strong local identity and encourage a sense of community.

7.03 In design terms the current application site forms part of the third phase of development which already has reserved matters approval for 312 no. dwellings. The previously granted outline scheme/reserved matters applications have been subject to extensive negotiations between the applicant and the Council. The current application amends house types on part of the site previously permitted. The proposed house types are two storey which vary in design from terraces to semi-detached, detached and 2.5 storey properties which are similar in design to those already granted and built or presently under construction.

7.04 Design and Appearance

The proposed scheme is designed to link into the proposed new distributor road which is to serve the overall site. The density and character of proposed properties within the site vary in design from two storey terraces, semi-detached and detached dwellings including some 2.5 storey dwellings to add variety of design and roof heights. The road serving the site has been designed where the building blocks are relatively close to the distributor road which assists in creating a sense of enclosure and active frontage.

7.05 The proposed dwellings as amended are considered sympathetic to existing development which has been undertaken recently on the adjoining plots/phases. The proposed designs include simple pitched roofs, detailed brick band courses, variations to head/cill treatments, contrasting ridge tiles, and a unifying palette of materials including brick and render.

7.06 Highways

The proposed development will have its principal access point into the previously permitted distributor road for the site which in turn will ultimately feed into other points of access at the A548 Chester Road, Prince of Wales Avenue and Coed Onn Road.

7.07 Over the course of the overall development, the access component of the Croes Atti development has been the subject of extensive negotiations as part of the original permissions in place. The Highway Development Control Manager has been consulted on the amended scheme and raises no objections although has requested additional information from the applicant in respect of parking areas.

7.08 Effect on Adjacent/Future Residential Amenities

The proposed development is generally currently bordered on all sides by either existing open countryside or previously permitted parcels of land which will have either housing or open space. As regards future residential amenities, the proposed dwellings are considered to provide adequate private amenity space in addition to

space about dwellings, whilst at the same time benefiting from formal and informal public open spaces.

7.09 Affordable Housing

The original outline planning permission for the overall site required 10% of dwellings on the site should be social/affordable and was secured via a Section 106 legal agreement. The exact location of affordable units within this phase of the development is shown on the submitted plans and is shown pepper potted on the site. The final figure will have to be in accordance with the terms of the Section 106 legal agreement.

7.10 Flooding/Drainage Issues

The Flood Risk management Section have been consulted and have no adverse comments to make on the application. The NRW have also been consulted and raise no objection to the proposal

7.11 Provision of Public Open Space

The site would benefit from the previously approved formally laid out "village green" which would include a mini soccer pitch, a junior play area, a toddlers/picnic area, a Multi-Use Games Area (MUGA) which forms part of the wider open space allocation for the overall site. The proposed public open space across the site is generally well overlooked as regards passive surveillance from nearby dwellings, and also benefits from active frontages which assist in providing safer environments. On the previous phase undertaken by the developer an Oak tree close to a proposed dwelling not covered by a tree Preservation Order was cut down. In compensation for the loss the developer has shown on the proposed plan an area set aside for additional planting to replace the loss of the Oak tree in question.

7.12 Policy Context

Flintshire Unitary Development Plan (FUDP) The FUDP shows the land as a housing commitment and outline planning permission has been issued in addition to reserved matters approvals. In the context of the development as a whole a large number of the policies of the plan are relevant but the most significant policy is Policy HSG2 - Housing at Croes Atti, Flint. Other relevant policies include D1-D4 which refer to design/location/layout/landscaping and Policy GEN1 (General Requirements for Development). The proposal submitted is considered to accord with the aims of the relevant development plan policies.

8.00 CONCLUSION

8.01 The proposed development in broad terms would allow for the replacement of existing permitted dwellings including additional plots and layout to that already approved with amended house styles and is therefore acceptable in principle and design.

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.

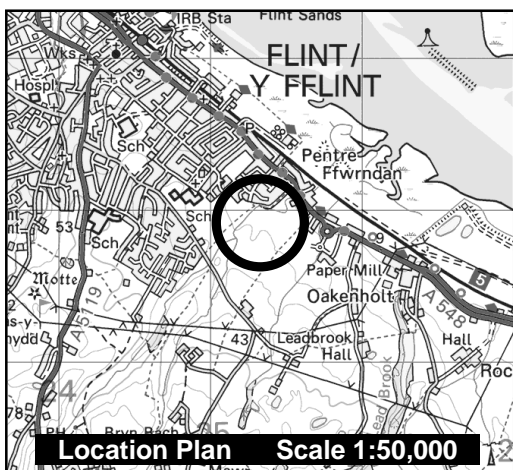
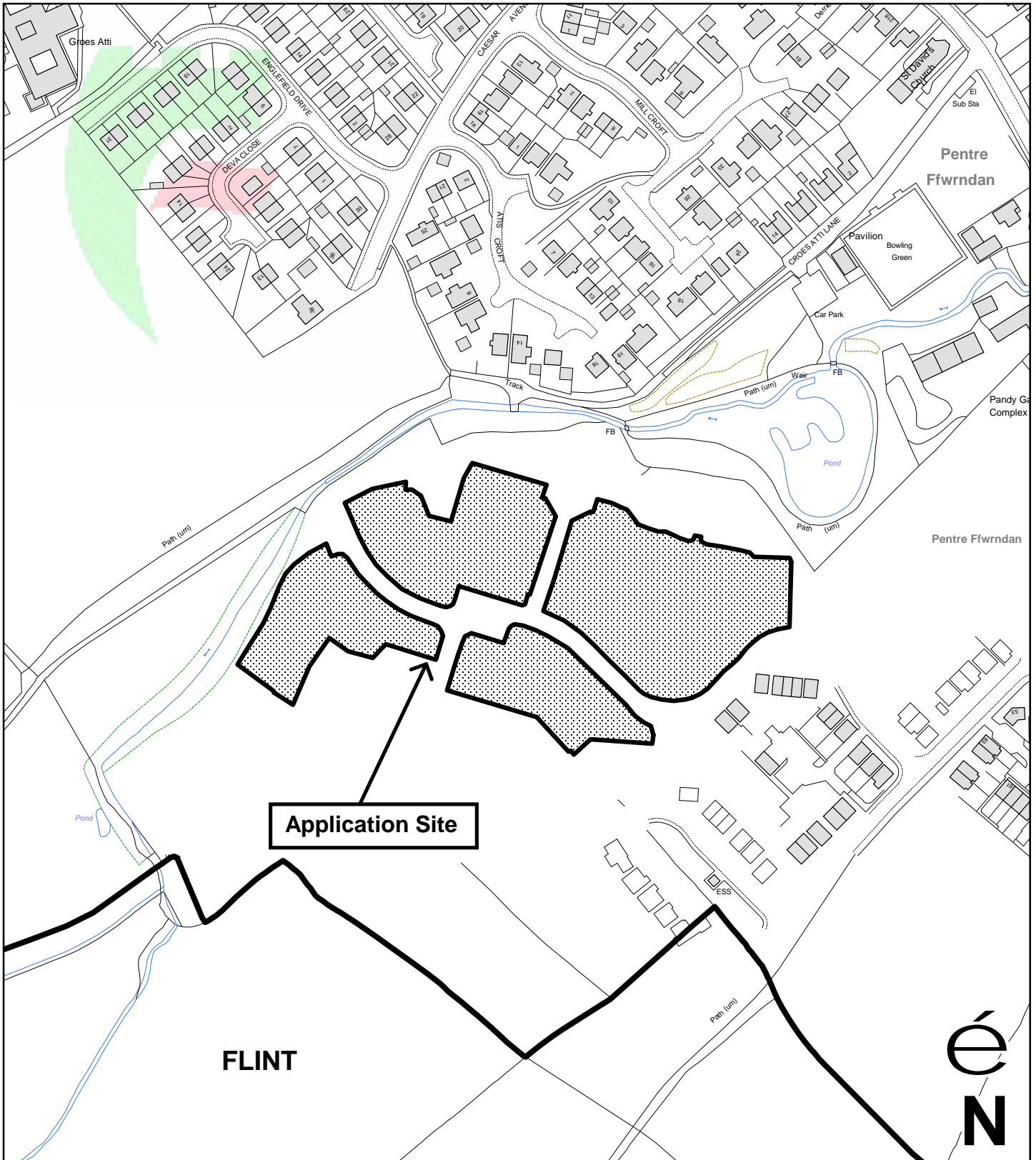
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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



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

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:2500

OS Map ref SJ 2571

Planning Application **57540**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **FULL APPLICATION – EXTENSION TO PROVIDE STORAGE IN CONNECTION WITH THE EXISTING LAWFUL USE AT MARCHER COURT, SEALAND ROAD, CHESTER**

APPLICATION NUMBER: **056875**

APPLICANT: **MR MANSFIELD**

SITE: **MARCHER COURT, SEALAND ROAD, CHESTER**

APPLICATION VALID DATE: **28th JULY 2017**

LOCAL MEMBERS: **CLLR CHRISTINE JONES**

COMMUNITY COUNCIL: **SEALAND COMMUNITY COUNCIL**

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

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for the erection of an extension to provide storage in association with the existing lawful use at Marcher Court, Sealand Road, Chester. The site is in the green barrier and open countryside. It is considered that 'very specific circumstances' have been demonstrated to allow this development to be justified in this location.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

- 2.01
1. Time Commencement
 2. In accordance with then plans
 3. Finished floor levels (FFL) of the internal rooms (office, kitchen, lobby and toilets) should be set at a minimum of 5.83 meters Above Ordnance Datum; the storage area FFL should be set at a minimum of 0.15 metres above adjacent ground levels.
 4. No external storage on the land outlined in red
 5. Prior to commencement, materials to be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member
No objection to the proposed development

Sealand Community Council
No Objection

Development Control (Highways)
Access to the site is derived from roads which fall under the jurisdiction of Chester and Cheshire West. Comment should therefore be sought from CACW as the Highway Authority.

Chester and Cheshire West
No objections as the proposal would not lead to an increase in pedestrians needing to cross the road in this location.

Head of Public Protection
No Objection

Natural Resources Wales
No Objection subject to condition and advisory note

Airbus
No Objection

4.00 PUBLICITY

4.01 Site Notice, Press Notice and Neighbour Notification

One letter has been requesting more information on the level of use and traffic generation.

5.00 SITE HISTORY

- 5.01 055014 – Application for a lawful development certificate for a proposed use of land for purposes falling with use class B8 – Certificate Granted 24/10/2016

054560 – Erection of steel portal framed building – Refused 23/12/2015

052521 – Proposed erection of a single storey portal framed building inclusive of all associated external and other required works relating to – Refused 6/11/2014

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
GEN1 – General Requirements for Development
GEN3 – Development within the Open Countryside
GEN4 – Green Barriers
D1 – Design Quality, Location and Layout
D2 – Design
EM5 – Expansion of Existing Concerns
AC13 – Access and Traffic Impact

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a full planning application for the erection of an extension to provide storage in association with the existing lawful use at Marcher Court, Sealand Road, Chester. The site is in the green barrier and open countryside.

Planning permission is sought for a pitched roof extension of some 360m³ (30 metres deep by 12 metres wide) to provide secure, enclosed and undercover storage and ancillary office/canteen space in connection with the lawful activities on the land. The extension would be sited on an existing hardstanding to the north of the existing buildings used for external storage and presently occupied by a series of containers.

7.02 Existing Lawful Use

An application for a Lawful Development Certificate was sought and granted under reference 055014 on the land identified subject to this application. The Certificate confirmed that the use of all of the land subject to this application for B8 purposes can be carried on without restriction.

The existence of the Lawful Development Certificate creates a fall-back position, which is that the any external storage is not impeded by size, scale, position height or any other limitation. It is considered that

the *ad hoc* nature of existing open and containerised storage on the northern site boundary and general overall appearance of the containers detracts from the character and appearance of the locality.

It is considered that the existing use of the land and the potential future lawful intensification of this use is a material consideration and should be considered as very specific circumstances.

7.03 Planning Policy

The application site is located in the open countryside, outside any recognised settlement boundary in the adopted Flintshire Unitary Development Plan, where there is generally a presumption against new development. The site is also within the green barrier designated under Policy GEN4 of the Flintshire Unitary Development Plan.

Although the UDP Plan period became time-expired at the end of 2015, it will still remain the development plan until the LDP is adopted and will therefore continue to be afforded weight, subject to its policies and proposals remaining in general conformity with guidance in PPW/TAN's.

In terms of the policies in the adopted UDP, policy GEN3 and EM5 sets out those instances where this type of development may take place outside of settlement boundaries. Both GEN3 and EM5 allow for the expansion of existing concerns within the open countryside

Policy GEN4 sets out the designated green barriers in the plan area. This only permits development within these areas for specific circumstances. PPW provides guidance on green wedges or barriers and Policy GEN4 of the UDP is generally in conformity with that advice. There is one slight difference in that the GEN4 does not specifically use the term inappropriate development. Nevertheless the UDP Inspector approved the present wording of GEN4 and when read alongside the guidance in PPW, provides a clear position in respect of green barriers. The proposal therefore does not comply with the Unitary Development Plan and is therefore technically a departure from the Plan

However 4.8.15 of PPW states that inappropriate development can be granted planning permission in exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Barrier.

That said, it is difficult to divorce the impact the site currently has via its lawful use, and in particular relation to the *ad hoc* external containerised storage, on the main purpose of the green barrier which is to safeguard the open countryside from encroachment and maintain its openness.

Given this is an existing employment site with a lawful use within the green barrier, this application offers the opportunity to rationalise the use, particularly in relation to the storage, by replacing the ad hoc and obtrusive type of containerised storage around the site with a single bespoke building on the site. This, in effect, positively changes the context and appearance of the site by removing the container storage which is alien to this setting and replaces it with a building whose design is more in keeping with that expected for this converted farm complex. This degree of betterment combined with the established lawful use, weighs significantly in favour of the proposal and would be less harmful than open storage in this Green Barrier location.

7.04 Design

The proposal is for a pitched roof extension to an existing industrial building set within an old farm complex which has been converted into a number of different business uses. The proposal is on the northern edge of the site which faces toward the green barrier which separates Chester with Sealand. The building has been designed to be in keeping with the existing storage buildings and its rural setting with its use of a simple utilitarian form, pitched roof, gable end facing the road and similar roof heights. The use of materials will be controlled by condition.

7.05 Flood Risk

The site is within Zone C1 as per the Development Advice Maps accompanying TAN15: Development and Flood Risk and therefore Natural Resources Wales (NRW) have been consulted. The site is afforded protection from tidal inundation by the Northern Embankment of the river Dee. The submitted Flood Consequence Assessment (FCA) has considered the future sea/tidal levels and overtopping and breach scenarios for the application site. NRW are satisfied with the results produced for this application. The site is not shown to be at risk from the design (1 in 200 flood) event nor the extreme (1 in 1000 flood) when considering overtopping of the flood defences. When consideration is given to breach scenarios, the site is shown to be flooded to a depth of up to 0.7 metres for the design event and 0.84 metres for the extreme event. Therefore, a condition requiring the finished floor levels (FFL) of the internal rooms (office, kitchen, lobby and toilets) should be set at a minimum of 5.83 meters Above Ordnance Datum; the storage area FFL should be set at a minimum of 0.15 metres above adjacent ground levels.

7.06 Highways.

Access to the site is derived from roads which fall under the jurisdiction of Chester and Cheshire West. Comments have therefore been sought from CACW as the Highway Authority. CACW main concern is avoiding development at this site which would lead to an increase in

pedestrians needing to cross the road in this location but they do not consider that what is proposed will give rise to a noticeable uplift in the need for pedestrians to cross the road and therefore have no objection.

One letter has been requesting more information on the level of use and traffic generation. As the proposal is containing an existing storage use it is anticipated there will be no significant increase in the level of use or nature of traffic generated.

Previous Refusals

Planning permission has been twice previously refused for a similar type of development on the grounds of flood risk and impact on the green barrier. However this application is supported by both a Flood Consequence Assessment which addresses issues of floor risk and to which NRW have no objection. Furthermore, since the refusal of the previous applications it has been demonstrated that there is the existing lawful use of storage on the site. This is formally set out in the lawful development certificate which is a significant material consideration in the planning balance when considering the level and nature of harm in the Green Barrier of the existing lawful use when compared with the development proposed.

8.00 CONCLUSION

It is considered that given the reduction to the impact on the green barrier, by the erection of a purpose built storage building in place of ad hoc external storage, the proposal does not conflict with the overall principles of GEN4. This, along with the submission of an adequate flood risk assessment, has dealt satisfactorily with the previous reasons for refusal and therefore planning permission should be granted.

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

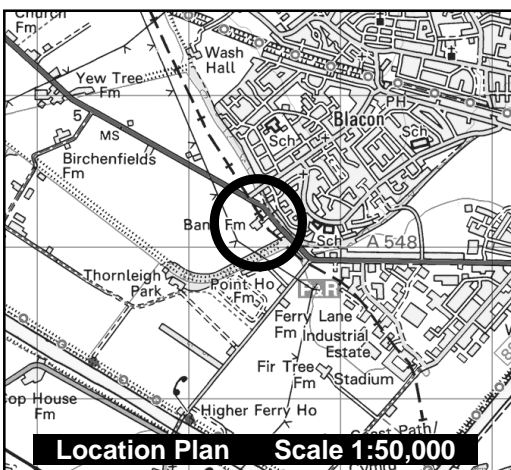
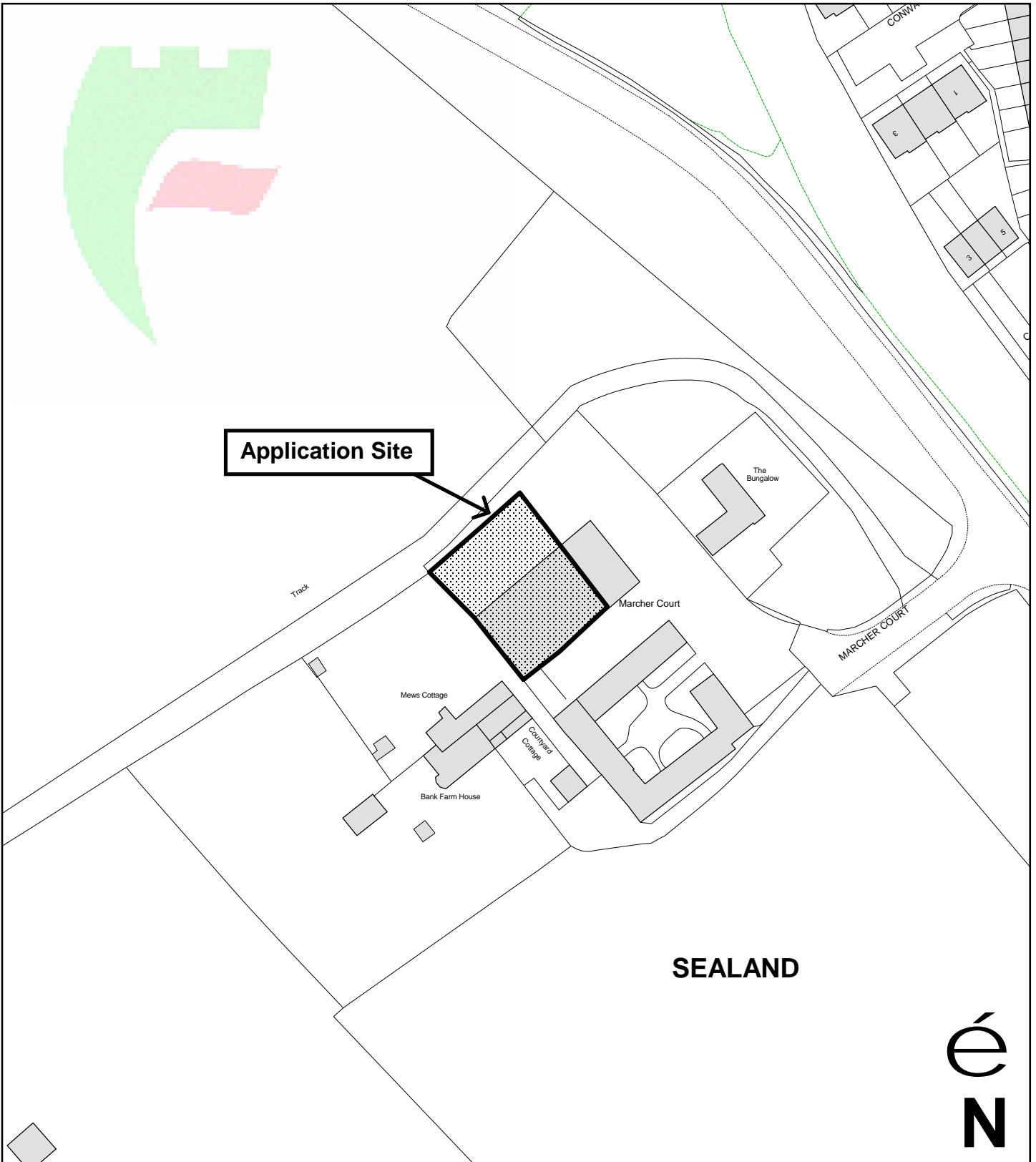
Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Daniel McVey
Telephone: 01352 703266
Email: Daniel.McVey@flintshire.gov.uk

This page is intentionally left blank



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

Legend



Planning Application Site



Adopted Flintshire Unitary
 Development Plan
 Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:1250

OS Map ref SJ 3767

Planning Application **56875**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE AND EXTENSION OF OUTBUILDING TO FORM DWELLING AT AEL Y BRYN, MOEL Y CRIO, HOLYWELL**

APPLICATION NUMBER: **056415**

APPLICANT: **MS ANNA HICKIE ROBERTS**

SITE: **AEL Y BRYN, MOEL Y CRIO, HOLYWELL**

APPLICATION VALID DATE: **09.01.17**

LOCAL MEMBERS: **CLLR C LEGG**

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

REASON FOR COMMITTEE: **APPLICANT REQUIRED TO ENTER IN TO SECTION 106 AGREEMENT WITH REGARD TO SECURING THE DWELLING AS AN AFFORDABLE HOUSING UNIT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application seeks permission for the change of use and extension of the former agricultural building to a one bedroomed residential dwelling at Ael Y Bryn, Moel Y Crio, Rhes y Cae, Holywell. In order for this to be compliant with the provisions of the Flintshire Unitary Development Plan and Planning Policy Wales, it will be necessary for the applicant to enter in to a Section 106 Agreement,

to secure the unit as an affordable unit for the future.

1.02 A previous application 055299 was the subject of an informal hearing. The Inspector concluded that as that application was not accompanied by a legal obligation, it could not be guaranteed that it delivered a local need to secure the unit as an affordable unit to meet the planning policy requirements. The appeal was dismissed on the 21 December 2016.

1.03 This application as submitted now seeks to enter in to the required Section 106, and the applicant is now in the process of drawing up a Section 106 to secure the affordability of the unit for the future.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO A S106 AND THE FOLLOWING:-

- 2.01
1. Time commencement.
 2. In accordance with approved plans.
 3. Materials to match existing.
 4. Facilities to provided and retained within the site for the parking of vehicles associated with the proposed development.
 5. Removal of Permitted Development Rights.

3.00 CONSULTATIONS

3.01 Local Member
Councillor C. Legg

Agrees to determination of the application under delegated powers. Notes that at the appeal, in respect of 055299, the Inspector considered that the principle of development was acceptable but due to the lack of a signed document that would guarantee the property would remain as affordable in perpetuity it was dismissed at that time.

Halkyn Community Council

Providing that the proposal complies with relevant planning policies, there is no objection to the proposal.

Head of Assets & Transportation

Recommend that any permission shall include a condition with regard to parking provision being provided and retained within the site.

Head of Public Protection

No adverse comments to make regarding this proposal.

Welsh Water/Dwr Cymru

No response received at time of writing report in relation to this application. On the previous application 055299, Dwr Cymru Welsh Water confirmed that as the applicant intends utilising a septic tank they are advised to contact Natural Resources Wales, as they may

have an input in the regulation of this method of drainage disposal. Welsh Water Dwr Cymru advise that a public sewer crosses the application site , no development (including the raising or lowering of ground levels) will be permitted within the safety zone , which is measured either side of the centre line. Details of the safety zone are available from Developer Services 0800 917 2652

Public Rights of Way

Public Footpath 21 abuts the site but is unaffected by the development. The path must be protected and free from interference from construction.

Welsh Government

Scheduled ancient monument (FL168) Hen Y Fail Round Barrow is located 300m to the south of the site. The intervening topography gently rises from the barrow to the development, and intervening trees and buildings mean that the two are not inter visible. Therefore Cadw has no objection to the proposal.

Democratic Services

No response received at time of writing report.

Open Spaces Society

No response received at time of writing report.

Flintshire Access Forum

No response received at time of writing report.

Grosvenor Estates

No response received at time of writing report.

Dwr Cymru Welsh Water

No response received at time of writing report.

SP Energy

Manweb have equipment in the area, request that electrical safety awareness and contact document are to be issued with any consent.

Housing Strategy Officer

Confirms that the unit provides for a local affordable unit and that by capping the property by the applicant entering in to a Section 106 obligation that caps the property at 90% open market value at resale, enables a mechanism in place to secure an affordable housing unit.

4.00 PUBLICITY

4.01 Neighbour Notification

No responses received as a result of the above neighbour consultation.

5.00 SITE HISTORY

- 5.01 **055299** Change of use and extension of agricultural building to form one bedroom dwelling Refused 8 June 2016

Dismissed at appeal 21.12.16

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 - New Development
STR4 - Housing
GEN1 - General Requirements for Development
GEN3 - Development in the open Countryside
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
IMP1 - Planning Conditions and Planning Obligations
HSG7 - Change of use to Residential Outside Settlement Boundaries

7.00 PLANNING APPRAISAL

- 7.01 This application has now been re submitted following the refusal in June 2016 of a previous application submitted under 055299 for a change of use and extension of outbuilding to form a dwelling. The application was the subject of an appeal, which whilst the Inspector considered that the principle of development was acceptable, it was dismissed, as the proposed development had no mechanism in place to secure the affordability of the dwelling in any future sale, in compliance with the provisions of policy HGS7 of the Flintshire Unitary Development Plan
- 7.02 The applicant subsequently submitted the current application 056415, accompanied with a draft Section 106 which has been subject to negotiation by both the applicant, agent and relevant council departments. The draft section 106 is now being drawn up by the Council's legal department, with the agreement of the applicant and agent in order to progress the application as soon as possible due to the lengthy negotiations on the draft 106 incurred by the applicant.
- 7.03 However the application requires formal planning committee determination as there is no officer delegated powers in regard to the Section 106 obligation, hence the referral of this application now to Planning Committee, with an officer recommendation of approval, as the application subject to the Section 106 agreement now secures the mechanism by which the dwelling achieves affordability in any future sale in compliance with the provisions of Policy HSG7 of the Flintshire Unitary Development Plan

7.04 The existing single storey former agricultural unit is proposed to be converted to form a one bedroomed residential unit, with a small amount of demolition and extension to the existing add on of part of the building, also proposed as part of this scheme. The building is presently a disused agricultural building of red brick construction, with a cement corrugated sheet roof and small add on to the front side. The conversion proposes to utilise the main fabric of the building and its existing openings, with few alterations, so retaining the utilitarian appearance of the building in the locality. The building is set to the immediate back edge of the single width unmade track that is proposed to serve the site and serves another property. The building is set within an open grassed area, with part of the site providing parking and amenity provision for the dwelling. The immediate area is characterised by sporadic housing development which reflects the piece meal nature of dwellings in the area, but as the proposal relates to a building already within this context, the proposed scheme is reflective of this character.

Dwr Cymru Welsh Water have advised that the application site is crossed by a public sewer and that no development (including the raising or lowering of ground levels) will be permitted within the safety zone around the sewer .The map extract supplied by Dwr Cymru Welsh Water indicates the approximate location of the sewer in relation to the application building, it would appear that there is a separation distance of 10m from the sewer and the flank wall of the existing building to be converted.

8.00 CONCLUSION

The proposal subject to the signing of the Section 106, to secure the affordability of the unit on any future sale would now comply with the provision of policies GEN1, GEN3 and HSG7 and I recommend accordingly.

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.

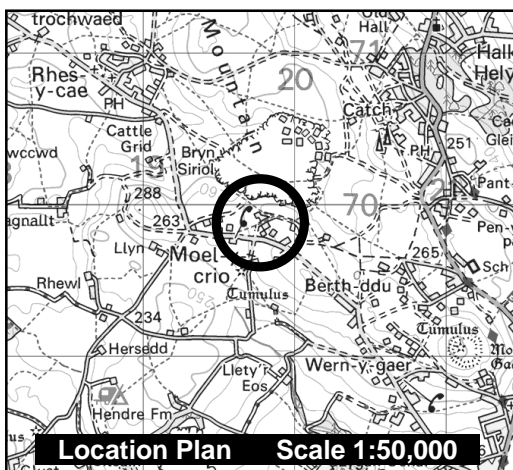
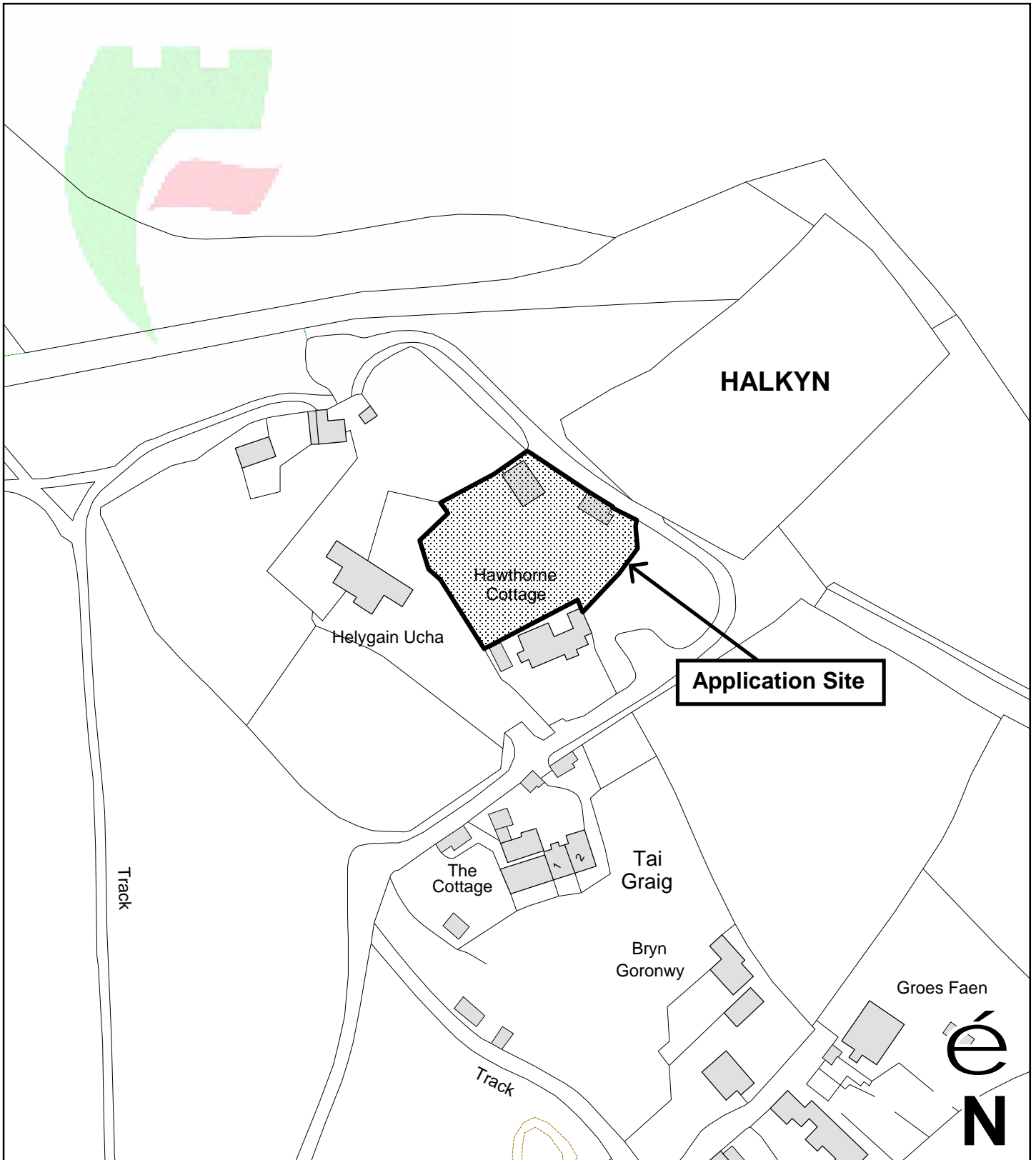
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered

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: Barbara Kinnear
Telephone: (01352) 703260
Email: barbara.kinnear@flintshire.gov.uk



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

Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:1250
OS Map ref	SJ 1969
Planning Application	56415

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF EXTENSION TO EXISTING AGRICULTURAL SHED AT WAEN Y LLOC, LLOC**

APPLICATION NUMBER: **057430**

APPLICANT: **MR. IEUAN HUGHES**

SITE: **WAEN Y LLOC, LLOC**

APPLICATION VALID DATE: **16TH AUGUST 2017**

LOCAL MEMBERS: **COUNCILLOR C.J. DOLPHIN**

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

REASON FOR COMMITTEE: **FAMILY MEMBER OF APPLICANT WORKS IN THE PLANNING & ENVIRONMENT DIRECTORATE**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full application seeks planning permission for a side extension to the existing agricultural building at Waen y Lloc, Lloc, Holywell. It is considered that the proposal is acceptable in principle in planning policy terms, does not have a significant detrimental impact upon the character and appearance of the existing building or landscape in which it is situated, does not detrimentally affect the amenities of any adjoining occupiers and is acceptable in environmental management terms.

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

- 2.01
1. Time commencement.
 2. In accordance with approved plans.
 3. Materials to match the existing.
 4. Use restricted to storage of fodder only.

3.00 CONSULTATIONS

3.01 Local Member
Councillor C.J. Dolphin
No response received to date.

Whitford Community Council
Providing the application complies with planning policy, then no objections.

Natural Resources Wales
No objection to the scheme. Have the following comments to make:-

Environment Management
Controlled Waters

The site is located on a Principle (karstic limestone) Aquifer and within a Source Protection Zone 1 for a public water supply. We consider the site setting to be sensitive with respect to controlled waters; in particular groundwater.

It is understood from the application form that the shed will be used for storage of fodder. If this use changes to housing of livestock, we would wish to be re-consulted as additional pollution prevention measures will be needed to protect controlled waters in the local area.

Waste

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under Section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

Head of Public Protection

No adverse comments to make regarding the proposal.

Welsh Water/Dwr Cymru

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to

assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4.00 PUBLICITY

- 4.01 Site Notice, Neighbour Notification
No responses received.

5.00 SITE HISTORY

- 5.01 **047162**
Demolition of existing dwelling and erection of a new dwelling –
Refused 25th May 2010.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development.
STR7 – Natural Environment.
GEN1 – General Requirements for Development.
GEN3 – Development in the Open Countryside.
D1 – Design Quality, Location & Layout.
D2 – Design.
L1 – Landscape Character.
EWP12 – Pollution.
EWP13 – Nuisance.
RE2 – New Agricultural & Forestry Buildings.

National Planning Policy

Planning Policy Wales (PPW) Edition 9 November 2016

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010).

Technical Advice Note (TAN) 12: Design 2016.

7.00 PLANNING APPRAISAL

- 7.01 Site Description & Proposals
The site comprises a small piece of grassed area adjoining an existing large single storey, green, portal framed agricultural building used for the storage of agricultural equipment upon the existing yard area of the farm holding of Waen y Lloc, Lloc, Holywell.
- 7.02 The proposal is for an extension to the existing single storey agricultural building upon its western side and will measure approximately 11 m (length) x 14 m (width) x 6 m (height) and be constructed in box profile cladding (juniper green) walls with a fibre cement roof (natural grey) to match the existing. It will be used for the storage of fodder.

- 7.03 Issues
The main issues for consideration within the determination of this planning application are the principle of the development in planning policy terms, the effects upon the character and appearance of the area the effects upon the amenities of the adjoining residents and environmental management.
- 7.04 Principle of Development
The site is located outside of any recognised settlement limits and within open countryside as defined by the adopted Flintshire Unitary Development Plan. Due to this location and the nature of the development policies GEN3 and RE2.
- 7.05 Policy GEN3 under Criteria J allows 'other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere'.
- 7.06 Policy RE2 allows extensions to existing agricultural buildings provided that they are reasonably required for agricultural purposes within the farm unit, located close to and will related to an existing group of buildings within the farm unit and the siting, design, materials and external finish harmonise with neighbouring buildings and the rural character of the local area.
- 7.07 The proposal is an extension to an existing agricultural building on an existing farm holding and therefore it is essential for it to be located in this location.
- 7.08 Therefore, given the above, it is considered that the proposal complies with both policies GEN3 and RE2 of the Adopted Flintshire Unitary Development Plan and therefore the principle of the development is acceptable in planning policy terms.
- 7.09 Character & Appearance
In size and scale, the proposal is subservient to the existing single storey agricultural building and is also of a similar design and utilises external materials to match. It is also situated adjacent to this existing building within the existing complex of other agricultural buildings.
- 7.10 Given the above, it is considered that the proposal will not have a significant detrimental impact upon the character and appearance of the countryside.
- 7.11 Amenities of Adjoining Residents
The site is located 125m to the north west of Plas yn Gerddi and 100m to the north east of Elm Tree Cottage which are the nearest properties to the site.
- 7.12 Given these distances away from the proposal it is considered that the proposal would not have a significant detrimental impact upon the

amenities of these adjoining residents in terms of noise nuisance, smell and loss of light. The Head of Public Protection has been consulted and has no adverse comments to make regarding the proposal.

7.13 Environmental Management

Natural Resources Wales advise that the site is located on a principal (karstic limestone) aquifer and within a Source Protection Zone 1 for a public water supply. It is considered the site setting to be sensitive with respect to controlled waters, in particular groundwater.

7.14 It is understood that the building will be used for storage of fodder. If this use changes to housing of livestock, they would wish to be re-consulted as additional pollution prevention measures will be needed to protect controlled waters in the local area.

7.15 Given the above, a condition restricting the use solely for the use as storage of fodder has been placed upon the recommendation of approval.

7.16 In terms of waste, Natural Resources Wales further advise that any excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under Section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

7.17 A note to the applicant will be placed upon the decision notice to advise of the above issues.

8.00 CONCLUSION

8.01 It is considered that the proposal for the above reasons and subject to conditions is acceptable in planning terms.

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

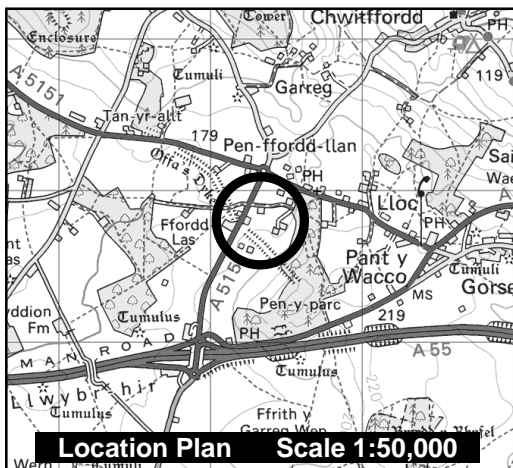
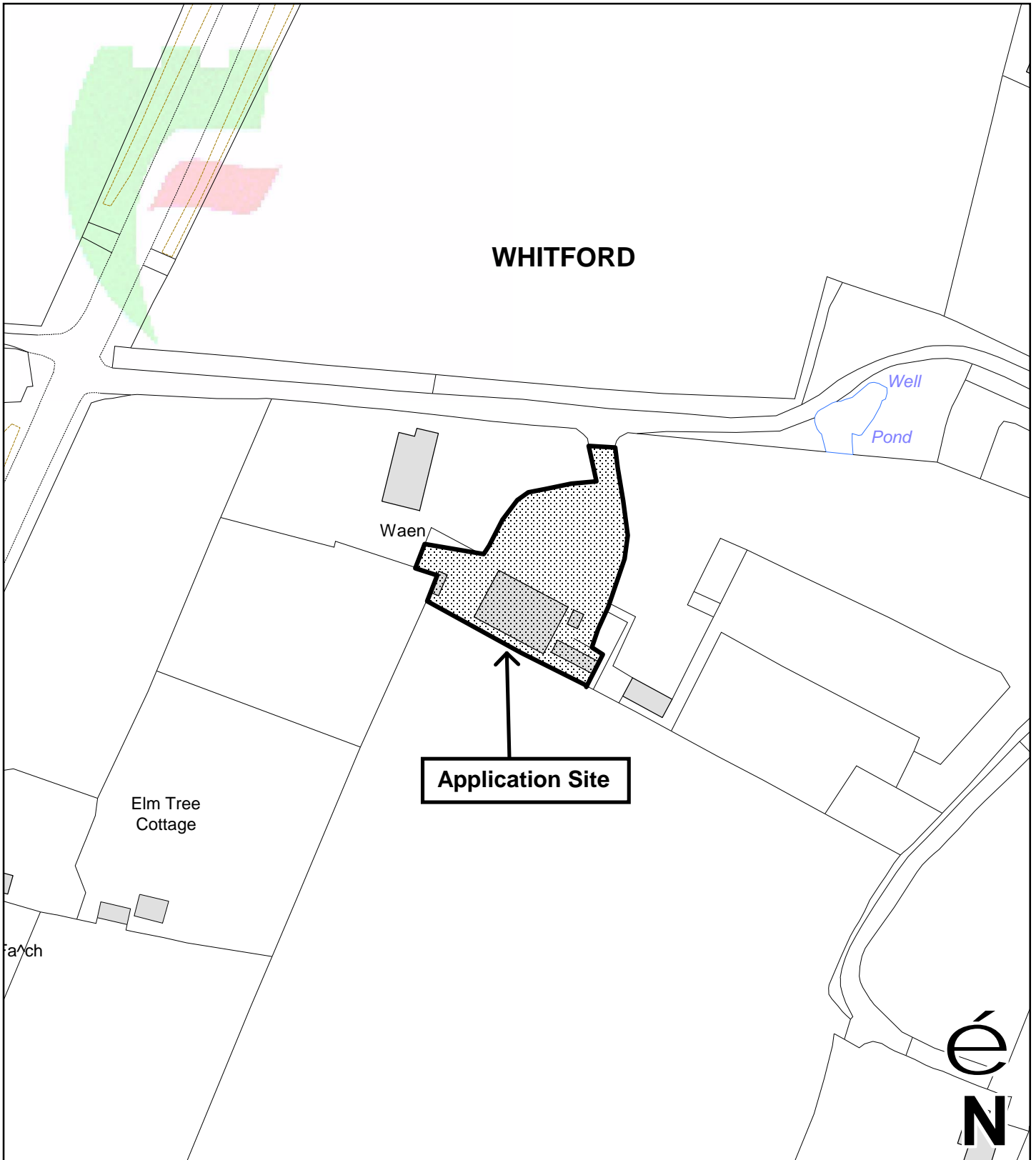
Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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



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

Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Licence number: 100023386.
Flintshire County Council, 2017.

Map Scale	1:1250
OS Map ref	SJ 1376
Planning Application	57430

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **APPLICATION FOR A HAZARDOUS SUBSTANCES CONSENT AT VALSPAR, PARKWAY, DEESIDE INDUSTRIAL PARK**

APPLICATION NUMBER: **056574**

APPLICANT: **VALSPAR (UK) CORPORATION LIMITED**

SITE: **VALSPAR, PARKWAY, DEESIDE INDUSTRIAL PARK.**

APPLICATION VALID DATE: **13 FEBRUARY 2017**

LOCAL MEMBERS: **CHRISTINE JONES SEALAND WARD**

TOWN/COMMUNITY COUNCIL: **SEALAND**

REASON FOR COMMITTEE: **NOT IN SCHEME OF DELEGATION**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a hazardous substances application which is being sought on account of a national re-classification of materials which are defined as being hazardous. The materials for which a hazardous substances consent is being sought have been in storage and use at the site for some considerable time. This application is effectively an exercise to regularise the use and storage of a hazardous substance within the existing premises.

2.00 RECOMMENDATION: TO GRANT HAZARDOUS SUBSTANCES CONSENT, SUBJECT TO THE FOLLOWING:-

- 2.01
1. Define and list the materials hazardous materials and maximum quantities consented.
 2. In accordance with the submitted documents (List in full).
 3. Specific reference to storage locations plan.
 4. Changes to maximum quantity or new hazardous substances exceeding thresholds to be notified to the Competent Authority (s) and obtain appropriate variation to the consent.
 5. Alteration to the location of storage vessels or handling of hazardous substances to be notified to the Competent Authority (s) and obtain appropriate variation to the consent.
 6. The Hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the Application Form nor outside the area(s) marked for storage of the substance(s) on maps/plans which formed part of the application.
 7. Copy of consented plans to be held at premises.
 8. Copies of the consent, plans and particulars shall be provided to the requisite Statutory organisations.

3.00 CONSULTATIONS

- 3.01 Local Member. Christine Jones - Discussion via telephone to understand the application and had no comment to make. Subsequent confirmation that she is happy for this to be dealt with by delegated powers.

Town/Community Council - No response to date.

Head of Public Protection - No comment to make.

Natural Resources Wales - Confirm that NRW have no substantive comments to make. Valspar has an Environmental permit (under Environmental Permitting Regulations 2016) for the site and this Hazardous Substance Notification would not require a variation to the permit.

British Pipelines Agency - Not aware that any Shell (NOP) Pipelines apparatus falls within the vicinity of the noted location.

National Grid/Gas Utilities - No response.

Connah's Quay/Deeside Power stations/EIR Grid – No response.

North Wales Police and Fire and Rescue Services – No response.

Health & Safety Executive -Two responses.

Initial Response dated 4.2.2017

In order to arrive at the HSEs response the application is currently being assessed by the specialist Major Accidents Risk Assessment Unit (CEMHD5) of HSE. HSE needs to undertake complex detailed and technical work; may require additional information to optimise the assessment; a number of iterations in the assessment might be needed to ensure cautious best estimate advice; in many cases the assessment is subject to technical peer review to ensure robust advice. Resources available for this to the HSE for this are limited and it might be 26 weeks before we can respond fully. The reasons for this initial judgement is: (a) The complex and uncertain current situation which needs to be understood before this application can be assessed.

Subsequent Response dated 08/09/2017

1.The Health and Safety Executive have assessed the risks to the surrounding areas from the likely activities resulting from the granting of Hazardous Substances Consent (056574 Amended application form rev B).

2. Only the risks from Hazardous Substances for which consent is being sought have been assessed. HSE has assessed the risk of harm from the maximum quantity of hazardous substances for which consent is being sought. Risks which may arise from the presence of other substances have not been taken into account in this assessment.

3. Hazardous Substance Consent is sought for:

Name of Substance	Part number in schedule	Maximum quantity to be present (tonnes)
Hazardous to the aquatic environment (cat1)	Part 1, Cat E1	13
Hazardous to the aquatic environment (cat2)	Part 1. Cat E2	440.2

4. In considering this application for consent HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should Consent be granted. On this basis, **subject to the conditions listed below**, HSE has concluded that the risks to the surrounding operations are so small **that there are no significant reasons, on safety grounds, for refusing Hazardous Substances**

Consent. (HSE's emphasis)

5. Following Government Advice that particulars in the application form do not automatically become conditions of consent, it would be beneficial to include the following new conditions: a) *"the Hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the Application Form nor outside the area(s) marked for storage of the substance(s) on maps/plans which formed part of the application"*

6. Unless we hear from you in the near future that the application has been refused, a map and Consultation Zone will be placed on the HSE's land use planning advice system within the Consultation Zone Library.

7. When consent is granted, please send a copy of all of the consent documents to this office so that our records can be updated.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The 2015 Planning (Hazardous Substances) Regulations (the Regulations) require the applicant to post a notice and press notice prior to formal submission, and this was duly carried out. In addition, following receipt of the application, the planning authority has posted 2 site notices (entrance and rear of the site) together with a press notification and 30+ notifications to the businesses in the immediate vicinity of the site between Shotwick Road, Fourth Avenue, Parkway and First Avenue.

5.00 SITE HISTORY

5.01 This site is located within Zone 2 of the Deeside Industrial Park and has been a coatings producing factory since the premises have been first built. The site has been subject to small scale ancillary developments related to storage tanks and other essential components to ensure efficient and safe operations and storage at the site.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

This is not a planning application, nevertheless is enshrined in the Town and Country Planning suite of legislation and the development would be guided by the following policies in so far as they are applicable.

STR1 New Development

GEN1 General Requirements for Development

EM3 Development Zones and Principal Employment Areas
EM7 Bad Neighbour Industry
EWP12 Pollution
EWP13 Nuisance
EWP17 Flood Risk

- 6.02 The principle of the development has already been accepted as it is an existing operational unit. The presence of substances known to be hazardous within this site accords with the requirements of the policies, and the change to the classification does not introduce new hazards or risks, as these were pre-existing. The assessment by the HSE is that the risk of hazards from the substances is acceptable at this location.

7.00 HAZARDOUS SUBSTANCES APPRAISAL

- 7.01 This application is made pursuant to the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances)(Wales) Regulations 2015 for the continued use and storage of a number of materials which are used in the manufacture of packaging coatings, such as is used for food, beer and paint cans. There are a number of raw materials, intermediate compounds and process residues which in isolation or in combination are handled and stored which fall within the criteria designating them as hazardous substances, either as individual named substances or by hazard risk type. This application sets out these, and identifies where and how they are stored, and ultimately informs the emergency plans which are used by the fire and rescue authorities to manage any incident which occurs within or close to the site.
- 7.02 The original inventory supplied to support the Hazardous Substances Application Consent is very detailed and on the request of the Health and Safety Executive (HSE) has been simplified to fall within category E – Environmental Hazards set out in Regulation 3, Schedule 1, Part 1, Categories of Substances. The application therefore consists of a maximum of 13 tonnes of substances E1 hazardous to the aquatic environment in category Acute 1 or Chronic 1, and a maximum of 440.2 tonnes of substances E2 hazardous to the aquatic environment in category Chronic 2.
- 7.02 The respective thresholds triggering a requirement to obtain a Hazardous Substances Consent are 100 tonnes for E1 and 200 tonnes for E2. Whilst the quantity of E1 Acute 1 or Chronic 1 (13 tonnes) falls significantly below the threshold of 100 tonnes, the quantity of E2 Chronic 2 (440.2 tonnes) is more than double the threshold, and therefore hazardous consent is required, both alone for category E2 and also in combination with both categories E1 and E2. This is because in the event of a major accident, both E1 and E2 substances risk being released to the environment.

- 7.03 The substances named in the original inventory are and will still be present upon grant of a Hazardous Substances Consent, and the range of substances falls within other categories of hazards, such as P Physical Hazards, mainly P5, flammable liquids, and some P6 self-reactive substances and mixtures and organic peroxides, and some H Health Hazards in category H3 Specific Organ Toxicity Single Exposure. There are in excess of 150 different substances held and used in at the site and these variously fall within the named categories, but not necessarily individually exceed the respective thresholds.
- 7.04 These have been assessed by the HSE and due to the complexity of the various solvents, pigments and resins used to produce the main product and customer specific contracts, a simplification has been made to characterise the materials requiring consent to fall within the E1 or E2 Environmental Hazard category of harmful to the aquatic environment. Whilst some substances are highly dangerous and can cause rapid death, or explosion on account of low flashpoints and release highly flammable vapours, the individual quantities were not sufficient to a hazardous substances consent, and other legislation governing the safe handling and storage of such materials is applicable, such as the Control of Substances Harmful to Health and the Health and Safety at Work Act 1974 and subsequent amendments.
- 7.05 The site is very well organised and is well maintained. At the site visit the open storage bunds were clear of debris and excessive standing water. Safe distances between private vehicles and operational areas are strictly applied, and security is tight and well applied, so all personnel and visitors to the site have to wear anti-static clothing and shoes, and there are vapour meters in active use. The landscaped areas of the site are well maintained and provide a safe stand-off with non-flammable materials. Labelling is quite evident and it is clear that the applicant takes full responsibility towards its obligations to the safety of its employees, neighbours and the wider environment.
- 7.04 The site has a full array of one site fire and chemical spill equipment which will aid rapid containment and control of any accidents or spillages that may occur. The site is also regulated by Natural Resources Wales, and will have an industrial installations type of Environmental Permit. All evidence points to a process and operator who employs the highest standards of regulatory control.

8.00 CONCLUSION

The operations which take place at the site have been occurring for a long time and this application is to enable the use and storage of the hazardous substances to continue in the existing chemical processing plant. No new hazards or risk is being introduced at this site, and this application is made as a result of changes to the classifications and thresholds applicable to the substances currently being utilised. The Health and Safety Executive, the principal statutory consultee to be consulted on this application, have raised no objection subject to the inclusion of a condition, and note that there is no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. On the basis of no objection from either Natural Resources Wales or the Health and Safety Executive Hazardous Substances Division, the recommendation is for **approval** subject to conditions.

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.

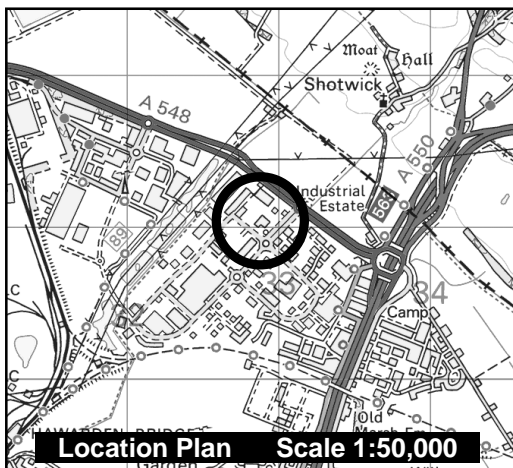
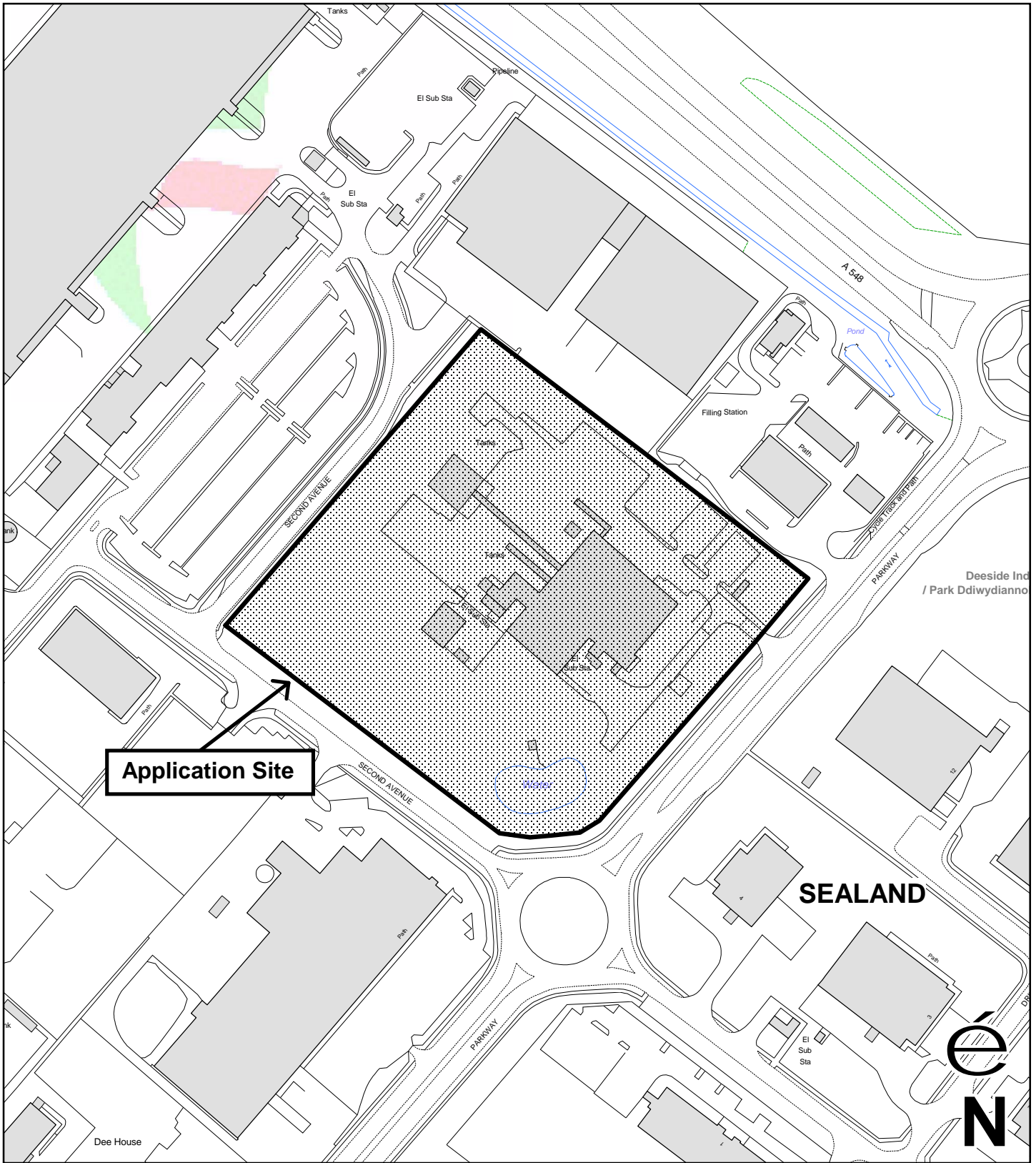
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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: Gary Nancarrow
Telephone: 01352 703275
Email: gary.nancarrow@flintshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale 1:2500

OS Map ref SJ 3271

Planning Application **56574**

This page is intentionally left blank

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **8TH NOVEMBER 2017**

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

SUBJECT: **APPEAL BY LIDL UK AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DISPLAY OF 1 NO. INTERNALLY ILLUMINATED 3 M HIGH TOTEM SIGN AT LIDL, COLESHILL STREET, HOLYWELL - DISMISSED**

1.00 APPLICATION NUMBER

1.01 056879

2.00 APPLICANT

2.01 Lidl UK

3.00 SITE

Lidl
3.01 Coleshill Street,
Holywell.

4.00 APPLICATION VALID DATE

4.01 24th April 2017

5.00 PURPOSE OF REPORT

5.01 To inform Members of the decision following the refusal to grant express consent for 1 Lidl branded internally illuminated 3m high totem sign at Lidl, Coleshill Street, Holywell. The application was refused under officer delegated powers on the 12 June 2017. The appeal was dealt with by written representations by Inspector Clive Sproule and was **DISMISSED**.

6.00 REPORT

- 6.01 The Inspector considered that the main issue in respect of this appeal to be the effect the proposed display would have on the visual amenity of the area.
- 6.02 The Inspector noted that both the land uses and the layout of the buildings, along with the predominantly low height of the landscaping, resulted in a considerable degree of openness in the immediate street scene.
- 6.03 The Inspector noted the existing signage that was in situ on the appeal site and on the approach to the site, this in conjunction with street furniture of lightening columns, traffic control, street signs and bus shelters provided many vertical elements to these views of the Lidl store. Whilst the totem sign adds to this vertical emphasises it was considered that due to signs height, at 3m high, and its illumination it would be a very significant addition in to the street scene.
- 6.04 In addition to the above the Inspector considered that the openness along this section of Coleshill Street revealed the significant group of listed buildings on the southern side of Coleshill Street, consequently he considered that the sign would diminish the setting of listed buildings, which through their scale and designs form a strong historic group, inclusive of the Masonic Hall. The totem sign was considered to be of sufficient scale and located in a position that would be harmful to visual amenity of the locality.
- 6.05 The Inspector noted that the officer delegated report noted that neither the Highway Authority or the Public Protection Officer raised any concerns regarding public safety.
- 6.06 Having due regard to the other sites referred to in the appellants statement of case, the Inspector considered that the circumstances of the appeal site, clearly differ to those of the nearby totem store sign on the A5026 and other signage in relation to that other store. Within the context of the Advertisement Regulations each application and appeal is determined on its own individual merits and within the context of the circumstances that apply to it, thereby he considered that the nearby totem sign did not set a precedent in relation to this case.
- 6.07 The Regulations require that decisions be made only in the interest of amenity and where applicable, public safety. The Inspector took in to account the requirements of section 3 and 5 of the Well Being of Future Generations (Wales) Act 2015 in the determination of this appeal and for the reasons cited above the appeal was dismissed.

7.00 CONCLUSION

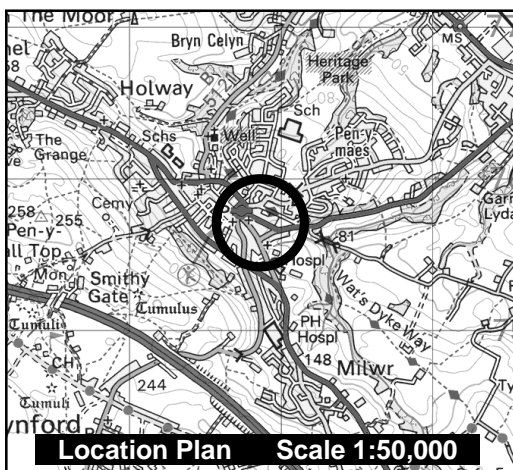
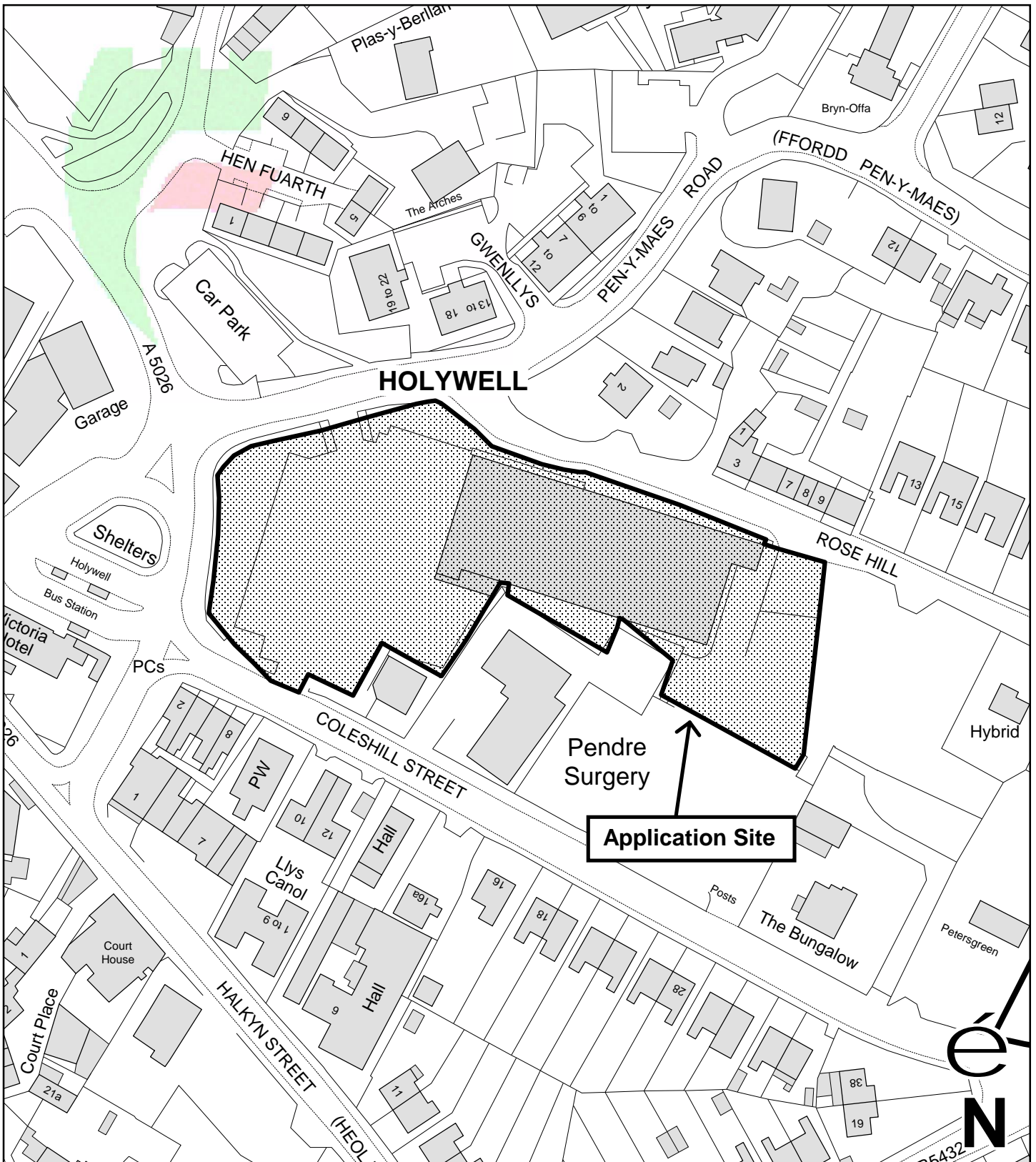
- 7.01 The Inspector concluded that the proposed illuminated 3m high totem sign would be a very significant addition into the street scene and would diminish the setting of the historic group of listed buildings and character of the Holywell Conservation area.
- 7.02 In reaching his decision, the Inspector took in to account the requirements of section 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. He considered that that this decision is in accordance with the Act's sustainable development principle thought its contribution towards the Welsh Ministers well-being objective of supporting safe, cohesive and resilient communities.
- 7.03 For the reasons given above and having regard to all matters raised, he 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

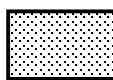

Contact Officer: Barbara Kinnear
Telephone: (01352) 703260
Email: barbara.kinnear@flintshire.gov.uk

This page is intentionally left blank



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

Legend

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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2017.

Map Scale	1:1250
OS Map ref	SJ 1875
Planning Application	56879

This page is intentionally left blank

By virtue of paragraph(s) 16 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted - Not for Publication

This page is intentionally left blank

By virtue of paragraph(s) 16 of Part 4 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted - Not for Publication

This page is intentionally left blank

By virtue of paragraph(s) 16 of Part 4 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted - Not for Publication

This page is intentionally left blank