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



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Marion Bateman, 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

30 January 2019

Nicola Gittins 01352 702345
nicola.gittins@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, 6TH FEBRUARY, 2019** 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 - 8)

To confirm as a correct record the minutes of the meeting held on 9 January 2019.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

**REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)
TO PLANNING COMMITTEE ON**

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	058544 – A	058544 - A - Full Application - Residential Development of 30 No. Affordable Apartments for People Aged Over 55 Associated Access, Parking and Demolition of Former Albion Hotel at Albion Social Club, Pen y Llan, Connah's Quay. (Pages 9 - 30)
6.2	058957 – A	058957 - A - Full Application - Demolition of Existing Outbuilding, Installation of New Fuel Tanks, 45,000 Litres (Petrol), 30,000 Litres (Diesel), New Canopy, Extension to Existing Sales Building, New Freestanding ATM, With Associated Parking, Cycle Parking and Other Associated Works at Chester Road, Oakenholt, Flint (Pages 31 - 44)
6.3	059055 – A	059055 - A - Full Application - Proposed Erection of 78 Dwelling Including Highways, Public Open Space, Landscaping and All Associated Works at Chester Road, Oakenholt (Pages 45 - 56)
6.4		General Matters - Objection to Tree Preservation Order No 320 Land at Daisy Bank Farm (North) Chester Road, Penyffordd (Pages 57 - 66)
Item No	File Reference	DESCRIPTION
<u>Appeal Decision</u>		
6.5	3202253	3202253 - Erection of a Timber Building at Erwau Cottage, Pant-y-Ffordd, Treuddyn (Pages 67 - 72)

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PLANNING COMMITTEE **9 JANUARY 2019**

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 9 January 2019.

PRESENT: Councillor David Wisinger (Chair)

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

APOLOGIES: Councillor Derek Butler and Dave Hughes

IN ATTENDANCE:

Chief Officer (Planning, Environment & Economy), Development Manager, Service Manager - Strategy; Planner; Senior Solicitor, Senior Engineer – Highways Development Control, and Committee Officer

The Senior Solicitor advised that he had received notification that Councillor David Mackie wished to speak on agenda item 6.1 (058296).

44. DECLARATIONS OF INTEREST

Councillor Mike Peers declared a personal interest. in agenda item number 6.1 – Full Application – Erection of 28 No.2 and 1 Bedroom apartments (over 55s) and 3 No. Houses (Total Scheme 100% Affordable Housing), associated access and parking, including demolition of former public house at Boars Head Inn, Holywell Road, Ewloe, as a family member was employed by one of the joint applicants.

Councillor Peers explained that he had requested dispensation from the Standards Committee to enable him to speak and remain in the room during debate on the item. The Standards Committee had resolved that his interest in the application was personal only and he did not require a dispensation. The Standards Committee also considered the reason for his request and had determined that the outcome of the application would not have an impact on the family member to an extent that the interest was personal or prejudicial. Councillor Peers advised that he was therefore able to speak and vote on the application.

45. 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:

46. MINUTES

The draft minutes of the meeting held on 5 December 2018 were submitted.

Accuracy

Councillor Mike Peers referred to his declaration of interest on agenda item 6.1 and asked that the minutes be amended to reflect that he said he would leave the room before the debate and would not vote on the item

RESOLVED:

That subject to the above amendment the minutes be approved as a true and correct record and signed by the Chairman.

47. ITEMS TO BE DEFERRED

None were recommended from officers.

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

RESOLVED:

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

49. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 5 members of the public and one member of the press in attendance.

(The meeting started at 1.00 p.m. and ended at 2.25 p.m.)

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Chairman

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PLANNING COMMITTEE ON 9 JANUARY 2019

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY SPEAKERS / ACTION	RESOLUTION
058296	Hawarden Community Council	Full Application – Erection of 28 No. 2 and 1 bedroom apartments (over 55s) and 3 No. houses (total scheme 100% affordable housing), associated access and parking including demolition of former public house at Boars Head Inn, Holywell Road, Ewloe.	<p>Mr B Thornley, the agent, spoke in support of the application.</p> <p>Councillor Joyce Angell, on behalf of Hawarden Community Council, spoke against the application.</p> <p>Councillor Dave Mackie, as Local Member, spoke against the application.</p>	That planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking, and subject to the conditions set out in the report, in line with the officer’s recommendation, and with inclusion in condition 3 of the retention of the historic plaque.
59026	Argoed Community Council	Full Application - Erection of 59 No. dwellings and associated works at Issa Farm, Bryn Road, Bryn y Baal, Mold	<p>Mr. R. Madders, spoke against the application.</p> <p>Mr. S. Andrew, the applicant, spoke in support of the application.</p>	That planning permission be granted subject to the applicant entering into a Section 106 Obligation, and subject to the conditions set out in the report, in line with the officer’s recommendation.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH FEBRUARY 2019**

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

SUBJECT: **FULL APPLICATION – RESIDENTIAL DEVELOPMENT OF 30 NO. AFFORDABLE APARTMENTS FOR PEOPLE AGED OVER 55 ASSOCIATED ACCESS, PARKING AND DEMOLITION OF FORMER ALBION HOTEL AT ALBION SOCIAL CLUB, PEN Y LLAN, CONNAH’S QUAY.**

APPLICATION NUMBER: **058544**

SITE: **ALBION SOCIAL CLUB, PEN Y LLAN, CONNAH’S QUAY**

APPLICATION VALID DATE: **14th JUNE 2018**

LOCAL MEMBERS: **COUNCILLOR J B ATTRIDGE**
COUNCILLOR A P SHOTTON

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application was previously deferred at Planning Committee held on the 5th December 2018. Members of the Planning Committee considered there a need for clarity regarding the design of the proposal and its impact on the adjacent Listed Buildings and the shortfall in parking provision proposed. Members requested that the Local Planning Authority seek the views of the Design Commission for Wales and that their findings are reported back to Planning Committee, the details of which are detailed in this report with a copy

of the full response appended.

1.02 This is a full planning application for the demolition of the former Albion Social Club and Hotel to facilitate the erection of a single apartment building to provide 30no. self-contained units of affordable living accommodation for those aged 55 years and over. The proposal also includes an access and parking, together with cycle and refuse storage.

1.03 The proposed scheme would create a form of development both in layout and design terms which would lead to an overall betterment of the site and improve the residential amenity of existing properties. The redevelopment of the former social club site will bring about an immediate enhancement to the locality, reduce opportunities for crime and antisocial activity, and create an attractive living environment whilst securing affordable housing within Connah's Quay meeting a proven need and promoting socially inclusive communities.

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

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

- a) An off-site commuted sum of £733.00 per unit in lieu of on-site provision for recreational improvements at Central Park, Connah's Quay
- b) A payment of £8,600 for a scheme to upgrade the eastbound bus stop facility at The Swan
- c) To secure the Affordable housing provision in perpetuity. The S.106 agreement will control that the scheme is 100% affordable with the precise means, methods and tenures to be specified within the S.106
- d) Restrict occupancy to 55 and over

1. Time Commencement
2. In accordance with plans
3. Materials to be submitted and approved
4. Scheme for Hard and Soft landscaping including boundary treatment and surfacing of roadways and parking and turning areas and implementation
5. Finished floor levels to be submitted and approved prior to development
6. A drainage scheme for the disposal of foul, surface and land water including an assessment of the potential for the disposal of surface and land water by sustainable means, to be submitted and thereafter implemented.
7. No demolition to be undertaken during bird nesting season

8. Design of access
9. Forming and construction of means of access to be approved by the Local Planning Authority
10. Facilities to be provided and retained for the parking and turning of vehicles
11. Positive means to prevent surface water run-off onto the highway
12. Travel Plan and Transport Implementation Strategy (TIS) prior to first use of development
13. Construction Traffic Management Plan

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Member

Councillor J B Attridge

No response at time of writing.

Councillor Aaron Shotton

Requests the application be heard at Planning Committee and that a site visit is undertaken for the following reasons:

- The application lacks sufficient parking places and contravenes the Council's own parking policies;
- The application does not sufficiently address the impact upon the setting of the three listed buildings immediately adjacent to the application and the applicants claim of natural screening is disputed by local residents;
- The application fails to address sufficiently the proposed development impacts upon the habitat of protected species (bats) in the vicinity of the proposal; and
- The application will have a severe impact upon the amenity and privacy of dwellings immediately adjacent to the proposed development.

Connah's Quay Town Council

The Town Council is concerned in relation to the development overlooking neighbouring properties and would therefore request a site visit.

The Town Council is also concerned regarding the number of flats and/or apartments being developed in the town.

Highways Development Control

The proposals include a slightly amended access to the site of the

former Social Club and as described within the Transport Statement, the development has the potential to reduce the number of vehicular movements into and out of the site. The amended access will impact on the layout of the existing layby; construction of these off-site highway works are likely to require a Section 278 style Highway Agreement.

SPGN11 Parking, suggests a maximum parking provision of 1 space per unit plus 1 additional space per 3 units for visitors ie. a total parking provision of 1.33 x no of units. In this instance, the provision of 32no. spaces falls below the maximum permitted number of 40. The Transport Assessment however, shows the site to be located in an area provided with adequate footway links and an effective bus service.

In order to encourage the use of sustainable forms of transport, the Transport Statement suggests the provision of a Residential Travel Plan; the provision, approval and implementation of such a plan should be covered by an appropriately worded condition.

The nearest bus stops to the site are located outside The Swan, approximately 150m to the east and west of the site access. The westbound stop is provided with a shelter, marked bus bay and raised boarding kerbs but the eastbound has only the marked bay. An increased reliance on the bus service by older, possibly less agile residents would justify a requirement for improved facilities at the eastbound stop.

Any consent shall be subject to a Section 106 agreement covering the funding of the bus stop improvements. The estimated cost of installing raised boarding kerbs, a shelter and remarking the bus bay of the eastbound stop at The Swan is £8600.

No objection subject to conditions covering:

- Design of access
- Forming and construction of means of access to be approved by the Local Planning Authority
- Facilities to be provided and retained for the parking and turning of vehicles
- Positive means to prevent surface water run-off onto the highway
- Travel Plan and Transport Implementation Strategy (TIS) prior to first use of development
- Construction Traffic Management Plan

Community and Business Protection

No adverse comments to make.

Housing Strategy Manager

The application is to develop 30no 1 and 2 bed apartments for the

over 55's in Connah's Quay within the social rented market. In terms of housing need, 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 social housing register demand for 1 bed and 2 bed flats for people aged over 50 in Connah's Quay:

1 bed general needs = 72
2 bed general needs = 26
1 bed sheltered = 8
2 bed sheltered = 3

The application to provide 1 and 2 bed apartments in Connah's Quay for over 55's is therefore acceptable.

Ecology

The application is supported by an Ecology Assessment. No evidence of bats have been found. Given the location of the building (built up and well lit) it is not considered of high potential for bats, but it does have opportunities for nesting birds.

Recommends that demolition avoids the bird nesting season unless suitable checks have been undertaken (condition) and that a Note to Applicant is added with regards to the protection of bats.

Aura

In accordance with Planning Guidance Note no.13 POS Provision, the Council should be seeking payment of £733.00 per dwelling in lieu of on-site provision. This figure relates to the development being solely affordable housing. Should any part of the development be non-affordable properties, then the figure should be £1,100.00 per dwelling for those properties.

The payment would be used to enhance Central Park, Connah's Quay, taking into consideration the age group identified, the off-site contribution would be earmarked for recreation improvements at Central Park. For clarity this would take the form of access improvements, seating areas and improvements to the Multi use games area.

Working with planning policy, we have considered previous pooled contributions and we confirm that thresholds have not been exceeded with regard to Central Park Area.

Education

In accordance with SPGN no.23 the exemptions are "housing

specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement for the occupation by those 55 years and over). Therefore there is no Education contribution sought.

Welsh Water/Dwr Cymru

The developer has indicated that foul flows are to be disposed of via the public sewerage system and that further work will be required to confirm the method of surface water run-off disposal. Dwr Cymru/Welsh Water advise that consideration will need to be given to the incorporation of sustainable methods of drainage into the scheme in line with Welsh Government's '*Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems*' (2017).

These drainage arrangements are acceptable in principle. Dwr Cymru/Welsh Water requests that conditions and advisory notes are attached to any grant of planning permission.

Natural Resources Wales

No objection.

Clwyd Powys Archaeological Trust

There are no archaeological implications, however, the eastern stone boundary wall, may be part of the curtilage of the adjacent listed church and vicarage, however, it is noted that it is to be preserved within the proposed development scheme.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

13no. objections on the grounds of:

- Enough flats /apartments in this area
- Not enough parking spaces
- Need for pensioners bungalows and town houses
- The height of the building would have an impact on the privacy of the surrounding properties
- The development is on a busy road and access is adjacent to a layby which is regularly used by the church and other residents. This restricts the visibility from the access onto a busy road.
- Will lead to further on-street parking
- Overlooking of rear gardens
- Concern that more apartments will lead to an increase in crime
- Loss of light
- Over dominance
- Will lead to an increase in noise
- Impact on the character and appearance of the area

- Pedestrian safety due to the increased traffic

5.00 SITE HISTORY

5.01 054607 – Erection of 33 no. Apartments with associated car parking [Approve subject to S106 Legal Agreement 20.04.16]

053425 – Erection of 36 no. Apartments in 6 three and four storey blocks with associated access and car parking [Withdrawn 24.09.15]

046886 – Erection of a smoking shelter [File Closed 29.01.10]

Extension to existing sports and social club [Approved 03.09.91]

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

GEN1 – General Requirements for New Development

GEN2 – Development Inside Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

WB1 – Species Protection

HE2 – Development Affecting Listed Buildings and their Settings

AC13 – Access and Traffic Impact

AC18 – Parking Provision

HSG3 – Housing on Unallocated within Settlement Boundaries

HSG8 – Density of Development

HSG10 – Affordable Housing within Settlement Boundaries

SR5 – Outdoor Plan Space and New Residential Development

S11 – Retention of Local Facilities

Planning Policy Wales 9th Edition (November 2016)

TAN 11 – Noise

Supplementary Planning Guidance Note 2 : Space around Dwellings

Supplementary Planning Guidance Note 11: Parking Standards

Local Planning Guidance Note 13: Open Space Requirements

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the demolition of the former Albion Social Club and Hotel in order to facilitate the erection of a single apartment building to provide 30no. self-contained units of affordable living accommodation for those aged 55years and over. The proposal also includes an access and parking, together with cycle and refuse storage.

- 7.02 The proposed scheme would create a form of development both in layout and design terms which would lead to an overall betterment of the site and improve the residential amenity of existing properties. The redevelopment of the former social club site will bring about an immediate enhancement to the locality, reduce opportunities for crime and antisocial activity, and create an attractive living environment whilst securing affordable housing within Connah's Quay meeting a proven need and promoting socially inclusive communities.

Site Description

- 7.03 The application site lies within Connah's Quay and is situated off Church Street, extending for 0.29 ha. It is bound to the north west by the residential properties on Pen y Llan Street which are in the form of terrace housing with associated rear back yards and shared passageway. To the north east the site is bounded by Osbourne Court which are semi-detached houses. To the east of the site is St.Mark's Church and The Vicarage which are both Grade II Listed Buildings. To the south of the site are detached residential properties.

- 7.04 The site is currently occupied by the Albion Social Club which is a large two storey building occupying the south west of the site and abuts the boundaries of existing residential properties on Pen y Llan Street. The building has previously been extended to create two storey hotel accommodation forming the north western boundary with the alley way between the rear yards of Pen y Llan Street and the site boundary. The remainder of the site is car parking. The site as a whole has fallen into disrepair.

Proposed Development

- 7.05 It is proposed to demolish the former Albion Social Club and Hotel building, to facilitate the erection of a 3 storey apartment building to provide 30no. self-contained units of affordable living accommodation for those aged 55 years and over. The proposed building will be made up of 12 no. 1 bed and 18 no. 2 bed apartments with one allocated car parking space per unit. The communal areas within the building will provide areas for mobility scooter storage and charging facilities along with elevators to access all three floors.

- 7.06 It is proposed to provide 32 resident car parking spaces, 2 of these being designated as disabled bays. The proposed amenity areas will include provision for cycle shelters and a refuse store. The proposed building will include the use of red brick and render throughout.

Planning History

- 7.07 The available planning history for the site dates back to 2015 and shows there have been 2 applications submitted for 36 no. apartments which was withdrawn, and a more recent application for 33 no. apartments contained within 6 no. 3 storey blocks was submitted in November 2015 ref: 054607.

- 7.08 Application ref: 054607 was heard at planning committee on the 20th April 2016 and resulted in a resolution to grant planning permission subject to the completion of a Section 106 Agreement. Whilst this remains outstanding, the principle of apartment style development at this site has been established and considered acceptable.

Issues

- 7.09 The main issues are the scale and nature of the development, impact on the setting of Listed Buildings and residential amenity, and highways impacts.

Principle of Development

- 7.10 The site is situated within Connah's Quay, which is a town and designated as a Category A settlement within the Flintshire Unitary Development Plan. The site was formerly used as a hotel and social club which is now vacant. The loss of the facility under policy S11 is accepted as the site is within a town centre with other such facilities available.

- 7.11 The site is a brownfield site located in a sustainable location and is therefore in accordance with the principles of Planning Policy Wales in terms of complying with the principles of sustainable development. The application site is predominately surrounded by residential properties, therefore the proposed residential use is considered to be appropriate in this location.

- 7.12 The bringing forward of such windfall sites is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing in that housing development should be primarily directed towards such settlements. Members will be aware that the granting of windfall sites such as this will assist the council in maintaining a supply of housing land as it moves towards the completion of its Local Development Plan. The principle of residential development is again acceptable.

Impact on Listed Building and wider design matters

- 7.13 The surrounding area presents a variety of house types, ranging from traditional two storey terraced housing and semi-detached properties, to three storey apartment blocks, all of which are not uncommon within in an urban setting. Given the linear built form which travels along Church Street, built development here, is not without precedent. However, where this site differs is that it lies adjacent to St. Mark's Church with the Vicarage to the rear, which is a large two storey house with outbuildings set within in its own grounds. St Mark's Church and the Vicarage are Grade II Listed Buildings.

- 7.14 The dense and well established trees within the confines of St Mark's Church abutting the site boundary, provides the site with a significant visual screen when viewed from the roadside. It is not disputed that

the site lies within the setting of St Mark's Church and the Vicarage, CADW defines setting "*as the surroundings in which a historic asset is understood, experienced and appreciated.*" Although both the asset and proposed development would be seen together from the roadside, there is a degree of inter-visibility between the application site and the grounds of the asset, and I would argue that the strong gothic architectural character of St Mark's Church and masonry boundary wall combined with the established screening provides a clear demarcation between the two.

7.15 The layout, scale and form of the proposed development would see the apartment building set away from the roadside, for which St Mark's Church dominates. The formal entrance to St Mark's Church, the masonry wall along its south eastern boundary, and the substantial physical presence of the heritage asset itself, not to mention the visual screening, all combine to reinforce the setting to which the asset is experienced. Despite the contemporary design approach, it is not considered that the proposed development would detract from this as the architectural design is not of the same calibre to that celebrated in the heritage asset. This is not to say that the design of the proposed development is not of quality, instead it respects the significance and does not attempt to overpower the heritage asset. It brings a clear distinction between old and new and demonstrates how both can complement each other. In this respect, the proposal would not harm the significance of the setting of the heritage asset which continues to remain a strong feature within the townscape.

7.16 The Design Commission in response to the Council requesting their view on the design of the proposal and its impact on the Listed Building have reinforced the approach taken by the case officer, and in their response state "*the proposal does not appear to negatively impact the significance of the adjacent listed buildings. The scale of the proposals, obscured visibility from the street and the built and natural boundary screening along the dividing edge serve to reduce the impact to an acceptable proposition, in planning terms.*" It is concluded that the Design Commission are satisfied with the design of the building and its proposed relationship with the Listed Building are entirely acceptable. Members will note the full response of the Design Commission has been appended to the report for their reference.

7.17 The concerns raised by members relating to the relationship between the proposed development and the Listed Building have also been raised with Cadw. However, Cadw's role is that they will not comment on a planning application prior to a resolution being made therefore no response has been provided.

Scale and Massing

Concerns have been raised over the massing of the building, being

7.18 three storeys in height, finished with a flat roof. It is considered that had the development proposed a pitched roof to conform to the norm, the scale and height of the building would inevitably be greater and run the risk of the proposed development dwarfing the site and its surroundings. As mentioned above, three storey buildings are seen elsewhere within the immediate vicinity of the site and the townscape, such development is considered to be compatible with the character of the surrounding area and that it responds to the urban context.

I consider that through the use of quality design much of the impact of the building is mitigated, with the choice of materials and fenestration details providing a visual break. Due to the orientation of the proposed building away from the roadside and adjacent properties I consider that the building's scale and massing is acceptable in this location, and would not adversely impact upon the character and appearance of the area or neighbouring amenity. As has been mentioned previously, it has been established that this site is considered suitable for apartment style development.

Impact on living conditions for neighbouring residents

7.20 The proposed building has been located on the footprint of the former Social Club extending onto areas that was previously hardstanding and parking. This is considered to minimise the impact on the existing residential properties by removing all built development from the north western boundary and also respecting the listed buildings to the south east.

7.21 The current accommodation for the Albion Social Club and Hotel is situated on the boundary with the alley way separating the site with the rear yards of Pen y Llan Street. The existing accommodation is 10 metres from the habitable rooms of the existing buildings and has habitable rooms which directly overlooks the existing properties. The proposed building therefore greatly improves the residential amenity of these residents by moving the built form further away from the existing properties, removing any overlooking. The side elevation closest to the properties of Pen y Llan Street has been kept blank, the north west elevation which drops back to the centre of the site has habitable rooms facing towards the properties but these have separation distances of 24 metres from any habitable room. This is a further improvement to the previously approved scheme which provided a separation of 22 metres. It is therefore considered that the proposed scheme accords with Supplementary Planning Guidance Note 2: Space around Dwellings.

Housing Need and Affordability

7.22 The proposal is 100 % affordable and being promoted by a social landlord. Policy HSG10 in the Unitary Development Plan states that where there is a demonstrable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing housing proposals.

7.23 There is a clear and identified need for over 55 social housing within the social housing register. Whilst the Housing Manager has specified a preference for General need provision the proposal has been designed on the basis of meeting the identified over 55s need.

7.24 It is considered that whilst a general need is the preferred option, the provision of over 55 affordable units, which meets an identified need in the locality, is compliant with Policy HSG10 in the Unitary Development Plan.

Ecology Matters

7.25 An ecology assessment has been submitted with the application, undertaken by Ecological Design Consultants (EDC). Whilst the site is not considered to be of high potential for bats, being in a built up and well-lit area, there are opportunities for nesting birds to be using the building. It is therefore recommended that no demolition work should take place during bird nesting season, unless suitable checks are undertaken, and I propose a condition to this effect.

7.26 I am content that concerns in respect of ecology at the site are adequately addressed via the condition outlined in paragraph 7.23, above and therefore conclude that the development would not unacceptably impact upon the favourable conservation status of locally recorded protected species.

Drainage

7.27 Dwr Cymru/Welsh Water have confirmed that the proposed drainage provision, namely foul flows are to be disposed of via the public sewerage network and that further work is required to confirm the method of surface water runoff disposal. There are no problems envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. However, a condition will be imposed requiring the full details of the drainage scheme to be submitted and thereafter implemented following approval by the Local Planning Authority.

Access & Parking

7.28 The site currently has a use as a hotel and social club with a large car park and has the potential to be used for another use within the same Use Class for hotels (C1) or social club (A3) which would generate similar vehicle movements.

7.29 The proposed access would provide a pedestrian crossing point and footway linking with the existing footway provision along Church Street. The existing singular access is to be utilised following improvements to allow for vehicles to pull in clear of the carriageway. Sufficient manoeuvring space is provided within the site for vehicles to turn and to avoid reversing out onto the highway. The improvements are likely to impact on the existing layout of the

adjacent layby which would necessitate the need for off-site works requiring additional agreements. Such works include new hatching to the right of the site in order to avoid the access being blocked. It is not considered that the proposal would create any issues with regard to pedestrian safety.

7.30 The proposal has 32 parking spaces with one for each apartment unit and 2 designated for disabled users. The level of car parking is below the maximum parking standards as set out in Supplementary Planning Guidance Note 11, which suggests a maximum parking provision of 1 space per unit plus 1 additional space per 3 units for visitors ie. a total parking provision of $1.33 \times$ no of units. In this instance, the provision of 32no. spaces falls below the maximum permitted number of 40.

7.31 The Transport Statement May 2018 submitted in support and undertaken by Prime Transport Planning, however, justifies the position as the site is located within Connah's Quay which is a main settlement within the Flintshire Unitary Development Plan. The site is also shown to be located in an accessible area providing adequate footway links and is served by an effective bus service. The nearest bus stops are approximately 150 metres east and west of the site entrance, located outside and opposite The Swan. There is also access to the rail network from Shotton Station which is approximately 2km away and is accessible by public transport. Whilst objections in respect of lack of parking have been received, the opportunities of accessing other means of transport are immediately available from the site which would help to reduce the use and dependency of the private car, and promote sustainable transport choices.

7.32 As mentioned above, the nearest bus stops to the site are located outside The Swan, approximately 150m to the east and west of the site access. The westbound stop is provided with a shelter, marked bus bay and raised boarding kerbs but the eastbound has only the marked bay. It is recognised that there is an increased reliance on the bus service by older, possibly less agile residents, and therefore improvements to the facilities at the eastbound stop to install raised boarding kerbs, a bus shelter and remarking the bus bay would be justified in this case. It is therefore considered reasonable to request a payment of £8,600.00 for a scheme to improve the eastbound stop facilities at The Swan, secured by Section 106 Legal Agreement.

7.33 Highways raise no objections to the proposed use subject to conditions.

7.34 The Design Commission have made positive reference to the parking level provided, and considers that a reduction in the number of parking spaces, below the maximum policy allowance, should be welcomed. The Design Commission recognises that the type of

residential accommodation proposed, the accessibility of public transport and the aspiration to promote more sustainable travel modes, supports the logic to reduce the number of proposed spaces below the maximum parking standards as set out in the SPG. This approach responds to wellbeing and active travel legislation, helping to stimulate positive behaviour change.

Education

7.35 The proposed development is for 30 no. 1 and 2 bed apartments for Over-55s. In accordance with Supplementary Planning Guidance No. 23: Developer Contributions to Education, the exemptions are “housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement for the occupation by those 55 years and over). Therefore there is no Education contribution sought.

S106 Contributions and CIL Compliance

7.36 The infrastructure and monetary contributions that can be required from proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 ‘Planning Obligations’. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. Be necessary to make the development acceptable in planning terms;
2. Be directly related to the development; and
3. Be fairly and reasonably related in scale and kind to the development.

7.37 An off-site commuted sum of £733.00 per unit in lieu of on-site provision to improve facilities at Central Park, Connah’s Quay is required. This is in accordance with Local Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. There have not been 5 contributions towards this project to date.

7.38 A payment of £8,600.00 towards a scheme to improve the existing eastbound bus stop facility at The Swan to install raised boarding, a bus shelter and to remark the bay is required. There have not been 5 contributions towards this project to date.

It is considered that the contributions required meet the Regulations 122 tests.

7.39 Other Matters

7.40 Concern has been raised that bungalows are required, there is a proliferation of flats and they are likely to give rise to increased crime. There is no planning policy requirement which controls the type and

volume of residential accommodation. There is also no evidence to substantiate that flats or apartments generate greater levels of crime than any other residential use. The matter of increased noise has been raised but there is no evidence to substantiate that the volume of noise from this development would be significantly greater than any other use in this urban location.

8.00 CONCLUSION

The proposed scheme would create a form of development both in layout and design terms which would lead to an overall betterment of the site and improve the residential amenity of existing properties. The redevelopment of the former social club site will bring about an immediate enhancement to the locality, reduce opportunities for crime and antisocial activity, and create an attractive living environment whilst securing affordable housing within Connah's Quay meeting a proven need, and promoting socially inclusive communities.

It is therefore considered that the proposal complies with policy. Accordingly, I recommend that planning permission is granted subject to conditions and the completion of a legal agreement as set out within paragraph 2.01 of this report.

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.

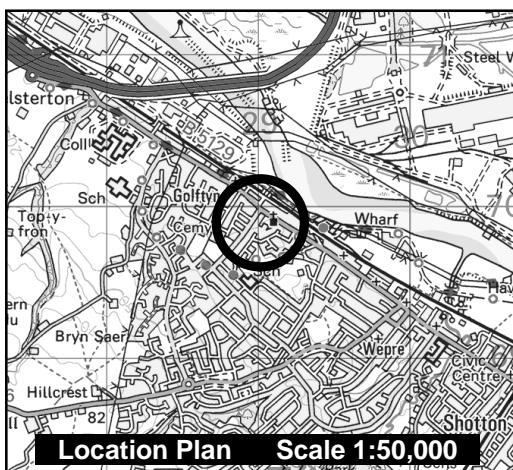
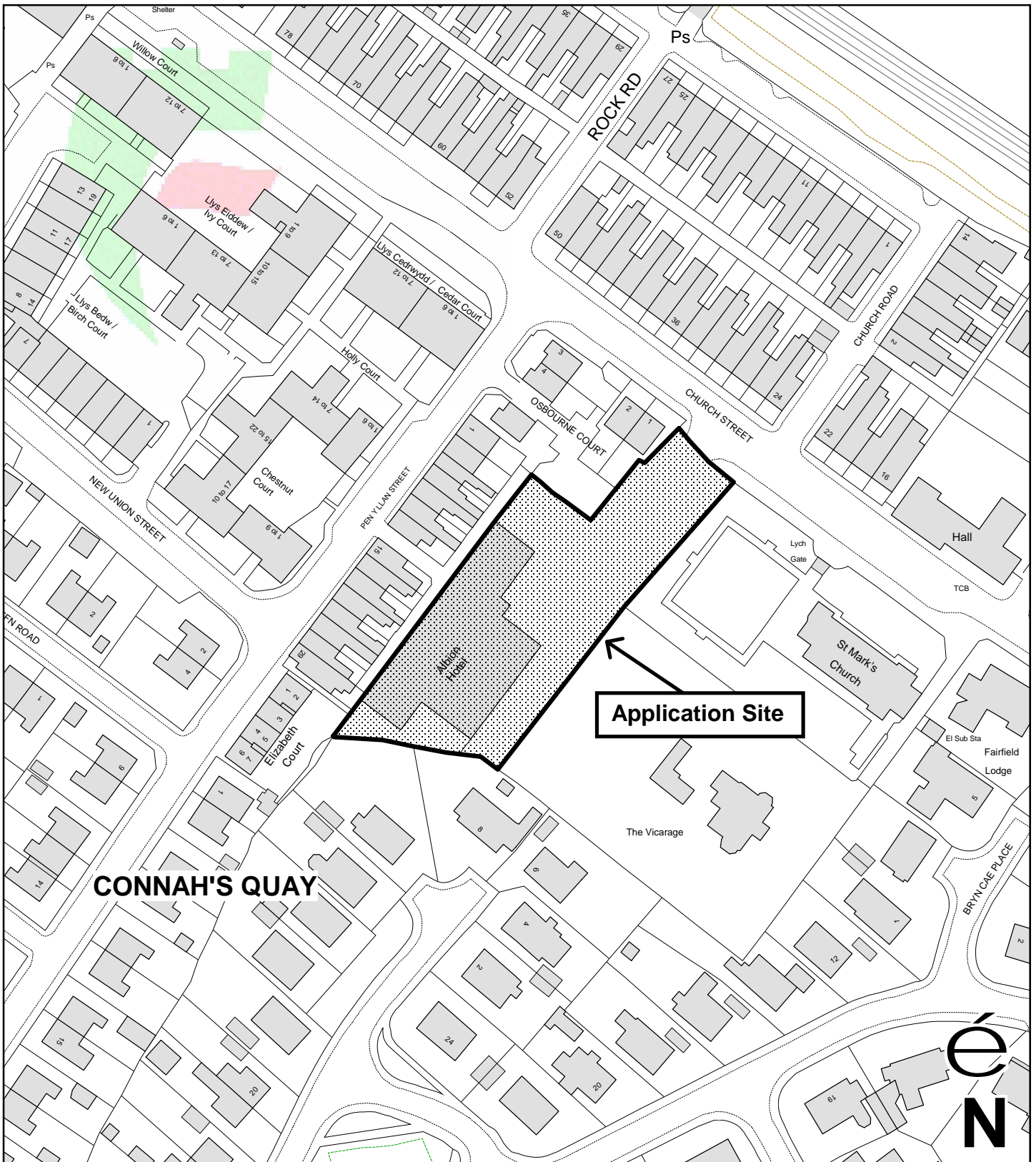
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

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

Legend

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

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OS Map ref	SJ 2969
Planning Application	58544

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DESIGN
COMMISSION
FOR WALES
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18 December 2018

Andrew Farrow
Chief Officer (Planning, Environment and Economy)
Planning, Environment & Economy
Flintshire County Council

Dear Andrew

Re: Written consultation with Design Commission for Wales on application 058544 submission to Flintshire County Council, following deferment at Member request.

We have examined the material in relation to this enquiry and have the following comment based on the material available.

The Commission supports the principle of development and this proposal for 100% affordable, over-55s homes on this derelict, brownfield, sustainably-located site.

Key Planning and Design matters – based on the material available.

- The nature and scale of the development appears justified in terms of housing demand, local townscape and reuse of the brownfield site. The precedent for a development of this nature has been set through planning decisions made on previous proposals on this site.
- This proposal will make a valuable contribution to the housing supply, which is especially pertinent given that the local need for affordable housing is a material consideration in this case.
- The proposals appear to enhance adjacent residential amenity by increasing the distance of the building from the habitable rooms of adjacent properties. This distance

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is increased beyond that of both the existing building and the previously consented schemes.

- The proposal does not appear to negatively impact the significance of the adjacent listed buildings. The scale of the proposals, obscured visibility from the street and the built and natural boundary screening along the dividing edge serve to reduce the impact to an acceptable proposition, in planning terms.
- A reduction in the number of parking spaces, below the maximum policy allowance, is welcomed. The type of residential accommodation proposed, the public transport accessibility, and aspiration to encourage more sustainable travel modes, all support the logic to reduce the number of proposed spaces below the maximum parking standards. Further this responds to wellbeing and active travel legislation and helps stimulate positive behavior change.
- The Design and Access Statement should demonstrate the design process, including site analysis, options testing and final design resolution. Inclusion of this design narrative would have been more helpful in explaining proposals more clearly and giving decision makers more comfort that their concerns have been sufficiently explored and resolved within the proposals.
- The DAS is not sufficient to explain and justify the proposals and stronger documentation for proposals should be sought in future. A useful guide can be found here <https://beta.gov.wales/planning-developments-site-and-context-analysis-guide> and here <https://beta.gov.wales/planning-applications-guidance-design-and-access-statements-das>
- The proposals respond to the linear nature of the site.
- The design approach and choice of materiality could be better justified in terms of local context.
- The approach to the building could be improved to provide better legibility and sense of welcome.
- A landscape architect could be engaged to increase the value in the space around the buildings, perhaps through the creation of outside amenity space for residents and reducing the visual impact of car parking.

Our comments on the DAS, materiality and other aspects if observed could further enhance the outcome however this is now at a very late stage. A much earlier opportunity to consult with the Commission could have been sought.

Overall, based on the materials available, the Commission concurs with the officer's report and their recommendation.

We trust this is helpful and will be happy to talk further should you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CAD', with a long horizontal stroke extending to the right.

Carole-Anne Davies

Chief Executive

E: cad@dcfw.org

For and on behalf of the Board of Directors

Cc Wendy Maden, BSc, MAUD
Design Advisor, Design Commission for Wales

Katie H Jones MPlan MRTPI
Senior Planning Officer, Planning, Environment & Economy, Flintshire

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH FEBRUARY 2019**

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

SUBJECT: **FULL PLANNING – DEMOLITION OF EXISTING OUTBUILDING, INSTALLATION OF NEW FUEL TANKS, 45,000 LITRE (PETROL) 30,000 LITRE (DIESEL), NEW CANOPY, EXTENSION TO SALES BUILDING, NEW FREESTANDING ATM WITH ASSOCIATED PARKING, CYCLE PARKING AND OTHER ASSOCIATED WORKS AT FORMER JONES MOTOR SERVICES, CHESTER ROAD, OAKENHOLT**

APPLICATION NUMBER: **058957**

SITE: **FORMER JONES MOTOR SERVICES, CHESTER ROAD, OAKENHOLT, FLINT**

APPLICATION VALID DATE: **25.09.18**

LOCAL MEMBERS: **COUNCILLOR MS R JOHNSON**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the demolition of an existing outbuilding, extension and refurbishment of existing sales building, installation of new fuel tanks, 45,000 litre (Petrol), 30,000 litre (diesel), new canopy, freestanding ATM, parking, cycling parking and other associated works on land at Jones Motor Services, Chester Road, Oakenholt Flint.

The petrol filling station constitutes a form of infrastructure which

supports economic activity and productivity, helping to sustain economic growth.

The proposal will lead to the refurbishment of an existing and well established local facility within the community, ensuring its retention as a local service and employer and creating further employment opportunities. The proposed development would be of an appropriate commercial design and scale, and is considered to result in a betterment in comparison to what currently exists.

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

- 2.01
1. Time commencement
 2. In accordance with plans
 3. Materials (external)
 4. Hard Landscaping (hard and paved surfacing including boundary treatments)
 5. Archaeological Watching Brief
 6. Land Contamination Assessment
 7. Drainage – Foul, Surface Water and Land Drainage
 8. Piling Method
 9. Scheme for the Installation of Underground Tanks
 10. Parking
 11. Scheme for Security CCTV
 12. Lighting

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor Ms R Johnson
No response at time of writing.

Flint Town Council
No objection to the proposal.

Highways Development Control
Confirm that there is no objection the proposal and recommends that any permission should include the imposition of a condition for the onsite provision of parking, turning, loading and unloading facilities.

Community and Business Protection
Support the proposal for reasons of job retention at the premise.

Welsh Water/Dwr Cymru
Welsh Water have reviewed the proposal and note that the developer proposes to dispose of both foul flows and surface water runoff from the proposed development via the public sewer. Whilst we do not object to the proposal, we require further information and consider the

imposition of a standard condition requiring the submission of a drainage scheme and attached advisory notes to be appropriate.

Natural Resources Wales

Natural Resource Wales do not object to the proposal subject to the imposition of appropriate conditions concerning land contamination and piling method.

Clwyd-Powys Archaeological Trust (CPAT)

The proposed development lies immediately north of, or possibly includes, the former alignment of the coastal Roman road between the fortresses at Chester and Caernarfon. Works to insert new petrol tanks near the road frontage may reveal evidence of this road or possible roadside settlement. CPAT therefore recommend the imposition of a planning condition requesting an archaeological watching brief.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

The application was advertised by way of press and site notice.

No representations have been made in respect of the application.

5.00 SITE HISTORY

5.01 050526 Extension of existing retail space on rear of property –
Approved 27.03.13

3/FL/257/71 Extension of vehicle testing garage Permit 09.06.78

3/FL/183/82 Extension to kiosk ,new tank and pumps Permit 18.05.82

246/85 Change of use from showroom to shop Permit 11.09.85

272/95 Display illuminated petrol sign Permit 09.06.95

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR2 - Transport and Communications

STR3 - Employment

STR5 - Shopping Centres and Commercial Development

STR10 - Resources

GEN1 - General Requirements for New Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D4 - Outdoor Lighting

D5 - Crime Prevention

WB2 - Sites of International Importance

AC1 - Facilities for the Disabled
AC3 - Cycling Provision
AC13 - Access and Traffic Impact
AC18 - Parking Provision and New Development
S4 - Small Scale Shopping Within Settlement
S11 - Retention of Local Facilities
CF1 - Retention of Existing Facilities
EWP12 - Pollution
EWP13 - Nuisance
EWP14 - Derelict and Contaminated Land

SPGN 11 – Parking Standards
SPGN 12 – Access for All
SPGN 24 – Retention of Local Facilities
SPGN 29 – Management of Surface Water for New Development

Planning Policy Wales Edition 10 (December 2018)
Technical Advice Note 4 – Retail and Commercial Development
Technical Advice Note 18 – Transport
Technical Advice Note 21 – Waste
Technical Advice Note 23 – Economic Development

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the demolition of an existing outbuilding, extension and refurbishment of existing sales building, installation of new fuel tanks, 45,000 litre (Petrol), 30,000 litre (diesel), new canopy, freestanding ATM, parking, cycling parking and other associated works on land at Jones Motor Services, Chester Road, Oakenholt Flint.

7.02 Site Description

The application site comprises an existing petrol filling station and shop located on the northern side of Chester Road opposite the junction with Maes Gwyn and Albert Avenue. The application site extends for 0.18ha and comprises a retail unit and forecourt comprising a SPAR convenience store (use class A1) with a post office and vacant residential accommodation to the first floor. To the south east of the site is a Travel Agents, beyond which is a row of terraced cottages. On the southern side of Chester Road, opposite the site are residential properties. There is a bus stop located directly adjacent to the site with the railway line traveling along the rear boundary of the site.

7.03 The existing buildings are of poor quality and have a dated appearance, comprising brickwork and facing render. The existing onsite shop has a limited retail sales area, 100sqm, with signage to the frontage of the building and existing canopy. The site includes a

significant area of hardstanding and a large brick outbuilding located to the north west of the site.

7.04 Proposed Development

The proposed scheme comprises the refurbishment of an existing local facility to provide an enhanced and improved petrol filling station and local needs convenience store (use class A1), installation of new underground fuel tanks, car parking, cycle parking, replacement canopy and associated works.

7.05 In order to facilitate the scheme, the proposal includes the demolition of the existing outbuilding in the north western corner of the site and the small single storey elements to the rear of the sales building. The existing sales building is to be extended to the rear and side, increasing the floor area from 137m² to a total operational floor area of 288m². The associated residential accommodation on the first floor of the premise is of poor quality, and therefore is to cease with the stairs located externally to be removed. Access to the top floor following the refurbishment will not be possible, and will otherwise become redundant.

7.06 The forecourt arrangement will remain comprising of two pump islands with multi-product pump providing four dispensing positions. The driver controlled delivery (DCD) unit will also be located in the central forecourt area allowing fuel deliveries to occur when the site is closed. New air, water and vacuum car care facilities are proposed on the south eastern side of the site.

7.07 Two Sheffield style cycle loops are proposed adjacent to the sales building to provide cycle parking. In addition, a freestanding ATM will be included upon the site with a secure anti-ram bollard surrounding.

7.08 In respect of access, vehicles will continue to enter and exit the site from Chester Road in the same arrangement as currently seen. All fuel and servicing deliveries to the site can enter and exit in a forward gear.

7.09 Underground storage tanks will be provided which are designed with a double skin and leakage detection system. The tanks are designed to prevent ground contamination. The associated underground pipework will also be designed to the latest standards and will include the provision of vapour recovery systems at the point of delivery of fuel and for its dispensing at the pump. These measures are designed to eliminate the dissipation of fuel into the atmosphere. This has the effect of preventing any odour of petrol fumes emanating from the site. This will protect the amenity of the surrounding residential areas and the wider environment.

7.10 The proposal includes the provision of 19 no parking spaces for customers, to include 2 disabled/accessible spaces. In addition, 3

staff parking places are provided to the west of the site. As a means of meeting the customer, 2 of the customer spaces will be served by an electric car charging point.

- 7.11 A new 1.8m close boarded timber fence will follow the rear and south eastern sides of the site. The existing outer wall of the outbuilding proposed to be demolished, forms part of the site's north western boundary, this is to be redesigned into a retaining structure with a height of 2.2 at the far end of the site, dropping down to 1.1m as it moves towards Chester Road.

Planning History

- 7.12 It is evident from the planning history that the site has been used as a petrol filling station and shop for some time. It has therefore become a very well established local facility providing a vital service to the immediate and surrounding area. It should also be recognised as a small scale employer to the local community.

- 7.13 More recent developments concerning the site is an application ref:050526 for the extension of the existing retail space to the rear of the facility. The approved 2013 scheme would result in an increase of 78.4m², increasing the building footprint by 43%. Whilst smaller in scale than the current proposal, the extension is similarly proposed to the rear with a flat roof and single storey appearance. Whilst it is understood that some works in relation to this scheme have commenced, it remains largely unimplemented. The approved extension would be a modest attachment to an already confused building design, offering little aesthetic enhancement or contribution to the street scene. In comparison, the current proposal is considered to meet the needs of an existing concern, through an appropriately designed refurbishment and extension that secures the future of the local facility. The design approach is one that encompasses the whole building, resulting in a more uniform appearance, and one that is reflective of modern retail units catering for more diverse needs and requirements.

Principle of Development

- 7.14 The site is situated outside the core retail area but within the Flint settlement boundary as defined by the Adopted Flintshire Unitary Development Plan. The site is approximately 485m north-west of Flint Town Centre and approximately 750m from the Core Retail Area boundary at Church Street.

Policy S4 of the UDP Small Scale Shopping within Settlements deals with proposals of this nature. It states:

New small scale shopping development will be permitted provided that outside town and district centres:-

- i. it is below 300sqm gross or, in exceptional circumstances, up*

- to 500sqm;*
- ii. it is to meet local everyday needs and relates to the role, scale and character of the centre and the community it is intended to serve; and*
- iii. it is located within or adjacent to a local or village centre or, if no sites are available within the nearest centre, it is within the settlement boundary and accessible by a variety of means of transport.*

7.15 In accordance with policy S4, the proposal would see the refurbishment of an existing site within the settlement boundary; a sustainable location which is supported by both national and local policies. The proposed development will remain committed to its current end user, maintaining the usual presence on site. The proposed refurbishment should be recognised as a valuable new investment within the local area, securing the retention of a local facility, employment and the creation of an additional 10 staff vacancies; as well as bringing an underused site back into beneficial use; continuing to meet the everyday needs of the local and wider community. Local and national planning policy guidance is supportive of retail proposals within sustainable locations and therefore there is no objection in policy terms to the proposed development.

External Appearance

7.16 In terms of the scale, the petrol filling station will consist of two pump islands covered by a flat canopy, providing four separate pumps. The existing building is to be refurbished and extended to the side and rear to provide a kiosk and an improved local needs convenience store (use class A1). The facility would also offer air and water with fuel infrastructure and piping being installed below ground to maintain the site's clean approach. This is not considered to be a large Petrol Filling Station by local standards.

7.17 The canopy, forecourt and kiosk are all considered proportionate in scale to the plot available and would certainly not over dominate the site and its surroundings. In respect to the design, the overall development is of a conventional design which will be largely screened from the north through the retention of existing boundary features and physical constraint (railway line). Whilst the building is to be extended, the works are proposed to the rear and side avoiding significant changes being made to the principle elevation and linear built pattern seen along Chester Road. It is considered that the size increase of the existing building is commensurate with the site capacity and the changing economic demands.

7.18 The flat roof and increased canopy height is not considered to appear harmful when viewed in association with the range of other buildings and frontages along Chester Road. The existing building, which is set back within the site, also possesses a flat roof appearance, with the existing canopy positioned below the finished ridge height, in order to

safeguard the amenity of the residential accommodation on the first floor. As a result of the proposed refurbishment, the residential accommodation has become redundant, and there is no longer a requirement to safeguard this use when considering the new proposal. The new canopy is set higher and in this case detached from the building. It will not exceed the ridge height of the building which is to remain as existing. It is considered that the changes proposed will not be detrimental to the character and appearance of the surrounding area.

Residential Amenity

7.19 With reference to the close proximity of residential properties to the development, namely properties immediately opposite the site fronting Chester Road, there is potential for new external lighting for the development to cause a nuisance to local residents. Despite no third party responses being received, the petrol filling station is likely to benefit from some form of lighting to illuminate the forecourt at night. The risk of any disturbance is heavily dependent on whether the proposed lighting is sensitively directed into the site or would spill into and be visible from these nearby properties. I therefore consider it reasonable to impose a condition for a detailed lighting scheme to be provided.

7.20 Reinforced boundary treatments will strengthen the existing confines to the north east and north west of the site creating an enhanced buffer between the petrol filling station and the nearest adjacent residences to the north west. Given that the fundamental change to the site relates to the physical appearance and layout, the established operation of the site predominantly remains the same. It is therefore considered that the proposal would not in itself result in any significant adverse impact on the living conditions of adjoining occupiers

Highways & Parking

7.21 Vehicular access to the site will remain consistent to the current arrangement, with vehicles entering and existing the site from Chester Road. The access arrangements will again remain the same for vehicles delivering fuel and services to the site, ensuring they can enter and exit in a forward gear onto the highway.

7.22 The proposal includes the provision of 19 no parking spaces for customers, to include 2 disabled/accessible spaces. In addition, 3 staff parking places are provided to the west of the site. As a means of meeting the customer, 2 of the customer spaces will be served by an electric car charging point.

7.23 The Highway Development Control Manager has been consulted as part of this application to ensure that the site is capable of accommodating the potential increased parking capacity. They have advised that they have no objection to the proposal subject to the imposition of a standard planning condition to secure the provision of

parking, turning, loading and unloading facilities onsite.

Contamination

7.24 A Site Investigation Interpretative Report has been submitted with the application, undertaken by G&J Geoenvironmental Consultants Ltd. dated December 2017. The intrusive ground investigation concludes that no contaminants have been identified that would otherwise represent as a significant risk to human health or controlled waters, based on the site continuing to be used as a filling station and convenience store.

7.25 The report refers to evidence of hydrocarbon contamination being recorded in the form of odours in the locations tested. These observations were consistent with the locations that recorded the highest concentrations of volatile hydrocarbon compounds in soil. However, the concentrations of these contaminants in both soil and ground water were low, and not representative of contamination that would represent a significant potential liability.

7.26 Worthy to note from the study undertaken, is the potential for more significant contamination to exist around the fuel tanks and infrastructure as a result of historic accumulation of leaks and spills. The report considers that the low levels of contamination recorded within the survey area has originated from a source closer to the fuel infrastructure, and has migrated via the groundwater to these locations. It is considered that this is common on fuel sites and would only be of concern if there was evidence of potentially significant impacts to on or off site receptors, which in this case have not been identified. Therefore, no further site investigations or remediation is considered to be necessary.

7.27 Despite the conclusions of the submitted report, NRW express their concern regarding the potential for unidentified areas of contamination to exist at the site, which could pose a risk to controlled waters if they are not remediated. Given that the proposed works comprises the decommissioning of the existing fuel tanks which are to remain in situ, the installation of new fuel tanks below the water table, and evidence that the contaminants recorded during the study are likely to have originated from the existing fuel infrastructure over a period of time, there is a possibility of further contamination being evident that has not already been recorded. I therefore propose a suitably worded condition for the reporting of unexpected contamination, a scheme for the installation of the new fuel tanks and piling methods respectively.

Drainage

7.28 Dwr Cymru/Welsh Water have been consulted upon the drainage aspects of the proposal. They advise that a condition is imposed requiring the submission of a foul and surface water drainage scheme for the site.

8.00 CONCLUSION

The proposal would see the refurbishment of an existing site within the settlement boundary of Flint; a sustainable location which is supported by both national and local policies. The proposed refurbishment should be recognised as a valuable new investment within the local area, securing the retention of a local facility, employment and the creation of further employment opportunities; as well as bringing an underused site back into beneficial use; continuing to meet the everyday needs of the community and supporting local economic growth.

It is considered that the current site layout fails to maximise the best use of the site, with an existing building that possesses a mismatch of built elements that are tired and somewhat dated in character. The proposed design approach is one that encompasses the site as a whole, resulting in a more orderly and uniform appearance, and one that is reflective of modern retail units catering for more diverse needs and requirements. The proposed development would therefore result in an immediate enhancement to the site and the wider streetscape.

It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.

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.

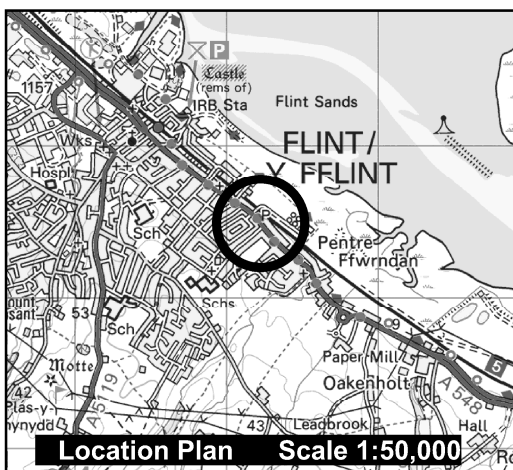
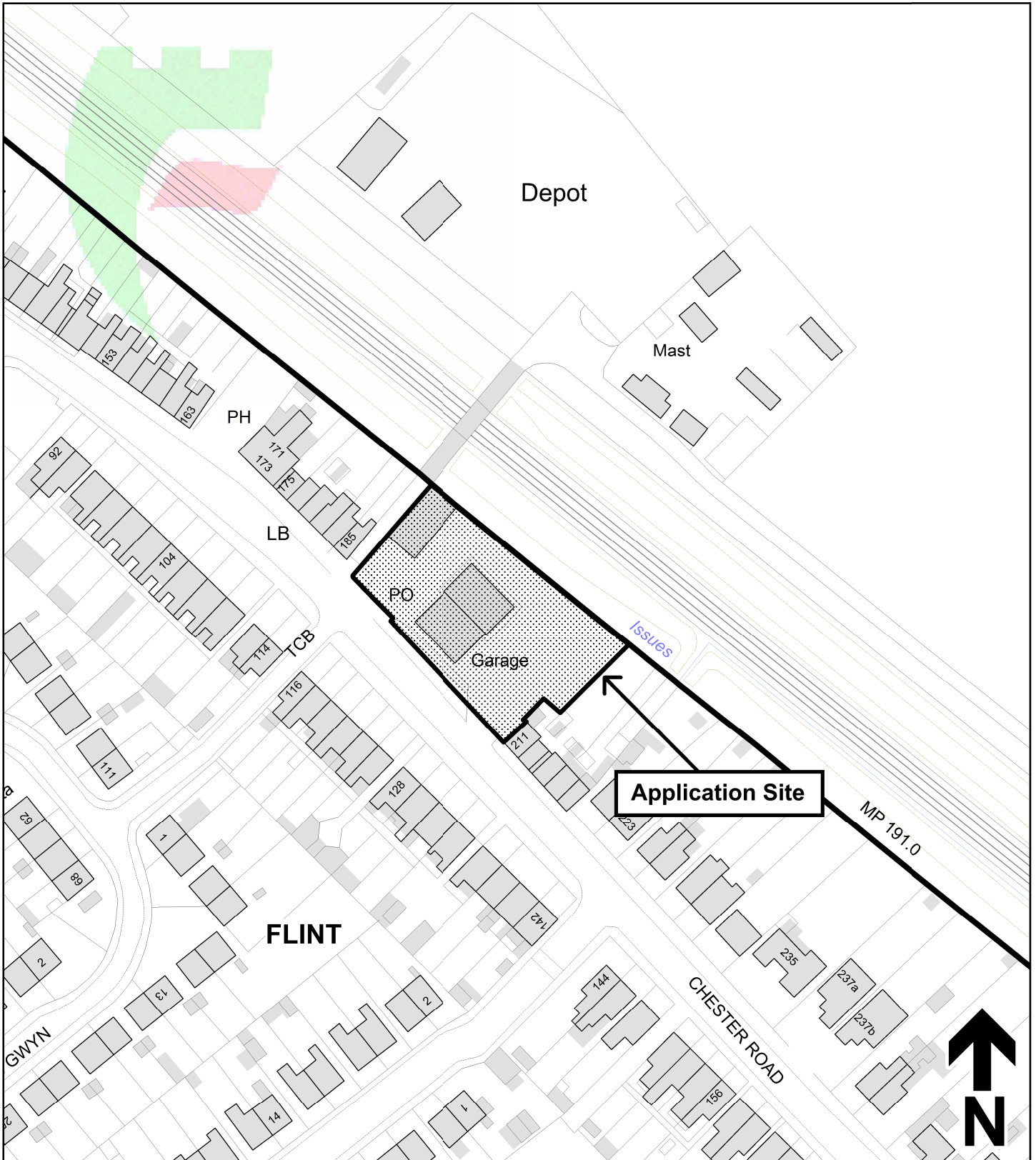
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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



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

Legend

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

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Planning Application **58957**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH FEBRUARY 2019**

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

SUBJECT: **FULL APPLICATION – PROPOSED ERECTION OF 78 DWELLINGS INCLUDING HIGHWAYS, PUBLIC OPEN SPACE, LANDSCAPING AND ALL ASSOCIATED WORKS AT CHESTER ROAD, OAKENHOLT**

APPLICATION NUMBER: **059055**

SITE: **CROES ATTI PHASE 4A (THOMAS LAND) CHESTER ROAD, OAKENHOLT**

APPLICATION VALID DATE: **15TH OCTOBER 2018**

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

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT PROPOSED**

SITE VISIT: **NO**

1.00 SUMMARY

1.00 The application site forms part of an overall development of 27 hectares which was granted outline planning permission (035575) for a mixed use development scheme comprising residential development, public open space, infrastructure works, landscaping, education and community facilities. This outline approval was subject to a unilateral undertaking which committed the developer to a number of requirements through this and future applications. The previously granted outline scheme and reserved matters applications were subject to extensive negotiations between the applicant and the Council and this was influenced by a revised Development Brief to secure a comprehensive approach to the development. 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 a 2.9 hectare area of the 27 hectare site. Previously a reserved matters application for the phase two of the development was granted for 132 No. dwellings under reference 046595 on this part of the site. The application before members today relates to a full application for the erection of 78 dwellings on only part of the site previously approved including highways, public open space, landscaping and all associated works.

1.03 In summary this is a new full application relating to the replacement and rearrangement in the house types and layout approved previously for Anwyl Homes.

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

- 2.01
1. Time commencement.
 2. As per approved plan.
 3. Landscaping to be submitted and agreed.
 4. Landscaping to be undertaken.
 5. Materials to be agreed.
 6. Submission and approval of a scheme for foul and surface water and land drainage.
 7. Land drainage not permitted to public sewerage system.
 8. Surface/foul water to drain separately to the newly constructed sewers on Chester Road.
 9. The forming and construction connection with Prince Of wales Avenue to be submitted and agreed.
 10. Facilities to be provided and retained for parking and turning.
 11. Garages to be set back minimum distance
 12. Details of traffic calming, surface water to be submitted and agreed.
 13. Positive means to prevent surface water run off
 14. Details of substation to be submitted and agreed.
 15. Prior to occupation of 75% of the dwellings on the Thomas land spine road for the overall development shall be made up to base wearing course level from the main entrance on the A548 Chester Road to its junction with Coed Onn Road.
 16. Details of substation to be submitted and approved.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Ms R Johnson
No objections

Flint Town Council
No response at time of writing.

Highways Development Control
No objections based on the imposition of conditions on any permission granted.

Community and Business Protection
No response at time of writing.

Ramblers Cymru
Objections/Concerns have been raised on the following grounds:-

- Retention of Croes Atti Lane/path 48 as landscaped Greenway through site.
- Inadequate Active Travel provision within site layout.
- Substation location spoil appearance.

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

Wales and West Utilities
No response at time of writing.

Natural Resources Wales
No response at time of writing.

SP Energy Network
Applicant's attention to be drawn to plant/apparatus in the area.

CPAT
Initially request that a pre-determination evaluation is required prior to any determination. The applicant has been contacted and investigations have now undertaken. The Clwyd Powys Archaeological Trust have been re-consulted and have confirmed that no significant archaeology has been recorded on this part of the site and they have no objections to the proposal.

Airbus
The proposal has been assessed against safeguarding criteria and as identified the proposed development does not conflict with safeguarding criteria.

4.00 **PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

The proposed development has been the subject of a wide level of consultation. The application has been publicised by way of site notices, press Notice and neighbour notification letters. At the time of writing no objections have been received regarding the proposal.

5.00 SITE HISTORY

5.01 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.

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.

050300

Application for approval of reserved matters for the erection of 312 residential dwellings and associated works.-granted 3rd April 2013

050967

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

051002

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

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.

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.

6.00 PLANNING POLICIES

- 6.01 Flintshire Development Plan
STR1 – New Development.
Policy STR4 - Housing
Policy STR8 - Built Environment
Policy GEN1 – General Requirements for Development.
Policy GEN2 – Development inside Settlement Boundaries.
Policy HSG2 – Housing at Croes Atti, Flint.
Policy HSG8 – Density of Development.
Policy HSG9 – Housing Type and Mix.
Policy HSG10 Affordable Housing
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

Planning Policy Wales Edition 9

7.00 PLANNING APPRAISAL

- 7.01 Site Location
The application site consists of 2.9 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. This full application looks to amend the house types already granted on planning application reference 046595 which allowed for 132 No. dwelling on the larger area of 3.95 hectares forming phase two of the overall development commonly known as the Thomas Land.
- 7.02 Proposed Development/Principle of Development
The principle of residential development on this site is established by the outline and reserved matters applications which cover the site. The current application does not seek to increase the number of

houses although involves substituting various house types and changes in the layout which is acceptable in principle subject to design/appearance and impact on existing/proposed residential living conditions.

7.03 Layout, scale, design and appearance

The proposed density of the development is 34 dwellings per hectare. Policy HSG8 of the UDP seeks to ensure that housing development reflects the characteristic of the area. The amended design brief for the site seeks to ensure an overall density of 30 to 35 hectares proportionally across the whole site. This present application does not involve an increase in number of dwellings and therefore the overall the site will deliver a density of 33 dwellings per hectare which meets the expectations of the design brief and in turn Policy HSG8.

7.04 The proposal includes some two storey terraces, semi-detached and detached dwellings including some 2.5 storey dwellings to add variety of design and roof heights. 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. This meets the design expectation of the brief and UDP Policy relating to design.

7.05 Highways

The proposed development will have its principal access point into the previously permitted distributor road of 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.

7.06 Over the course of the overall development, the access component of the Croes Atti development has been the subject to 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.

7.07 Footpath

The Ramblers Cymru have objected to the proposal on the basis that Croes Atti Lane/path 48 should be a landscaped Greenway through the site. The proposal is the same as that shown on the original approval and having consulted the Footpath Officer he has confirmed he has no objection to the scheme as submitted. He notes the fact that the route is considered to be a historical route for the public footpath and is satisfied that the footpath is incorporated into the site plans on the route marked rather than another route through the application site. The route is the same as that shown on the original approval and in policy terms the proposal to retain this right of way is

acceptable.

7.08 Affordable Housing

The original outline planning permission for the entire development was accompanied by a unilateral undertaking which committed the developer to requirements both set out in the original and subsequent full and reserved matter applications. The undertaking requires that the developer will provide for affordable housing for the number of dwellings justified by the Housing Needs Survey up to a maximum of 10% of the dwellings proposed on the applicant's parts of the site.

7.09 The Council must demonstrate through the result of a Housing Needs Survey the scale and extent of Affordable Housing need in the town of Flint and the type of such housing which is needed. Housing Strategy Officer has been consulted and confirms that there is an identified need for affordable housing provision in Flint. The housing need in Flint has been identified as affordable rented property as 5 number 1 bedroom, 17 number 2 bedroom and 5 number 3 bedroom. In terms of shared equity the requirement is for 2 number 1 bedroom, 23, two bedroom and 4 no three bedroom units.

7.10 The application is for 78 houses so the maximum units which could be required on this part of the site for affordable housing is 7. The affordable Housing must be developed in association with the Council, a recognised Housing Association or other social body satisfactory to the Council or such other body or company approved. Previously the Council's nominated agents, Grwp Cynefin Housing Association who have delivered a number of shared-equity properties within the development which are now occupied. The proposed affordable units on this phase will be delivered in association as previously with Grwp Cynefin Housing Association.

7.11 Flooding/Drainage Issues

No response at time of writing although in the original submission no objection was made.

7.12 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 which is 4.5 hectares in area. 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.

7.13 Education

As part of the original outline planning approval the development was required to incorporate a variety of community facilities and suitable sites were identified on the plan approved. As part of the community

facilities identified an area of land of 1.5 hectares has been shown set aside for the provision of a school being the contribution from the developer for education requirements. This facility meets the required policy standards and its delivery is secured by virtue of the unilateral agreement.

8.00 CONCLUSION

8.01 The proposed development in broad terms would allow for the replacement of existing permitted dwellings that have already been approved with amended house styles/layout which are in keeping with development already undertaken on the wider site and is therefore considered 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.

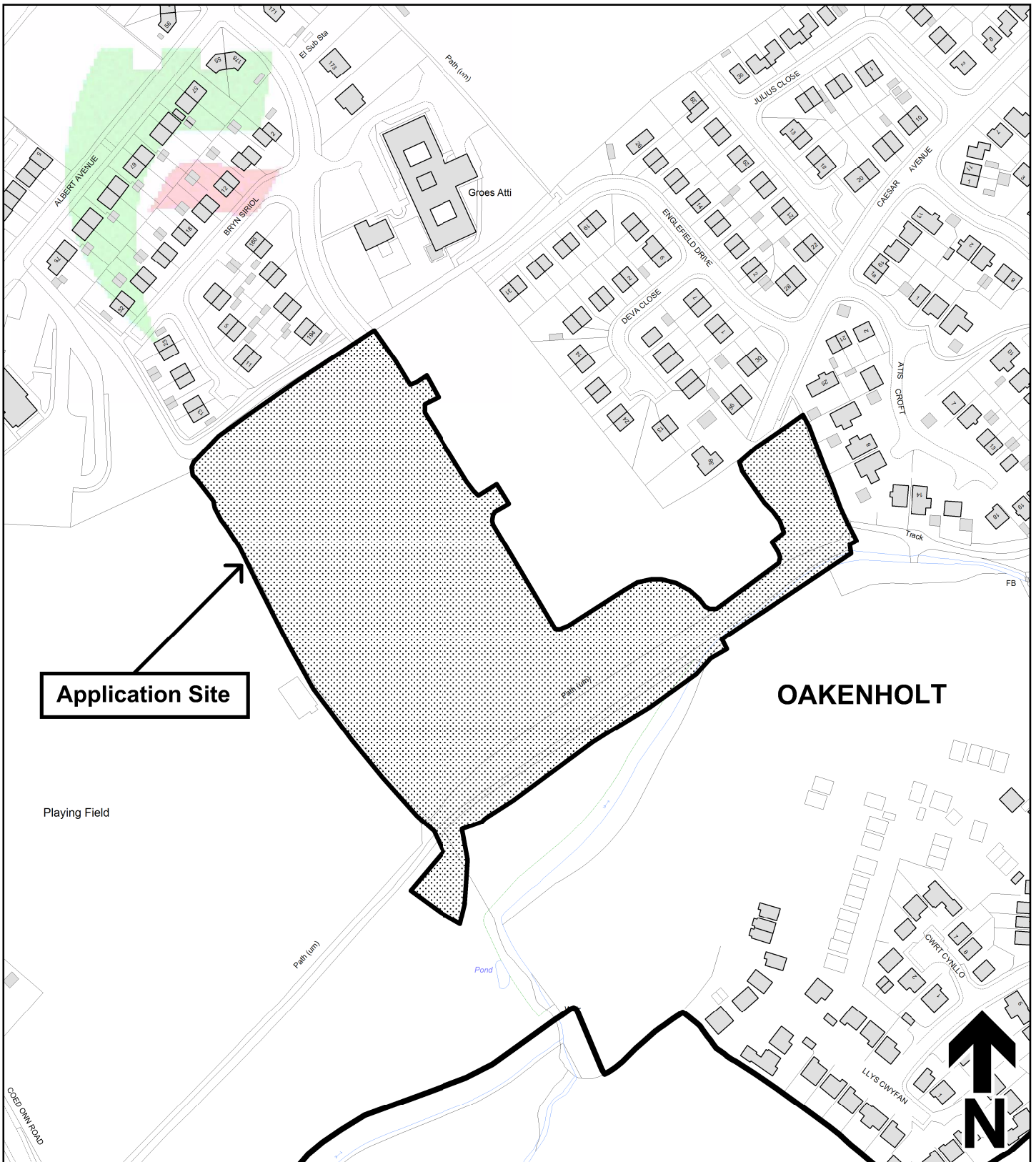
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

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.c.slater@flintshire.gov.uk

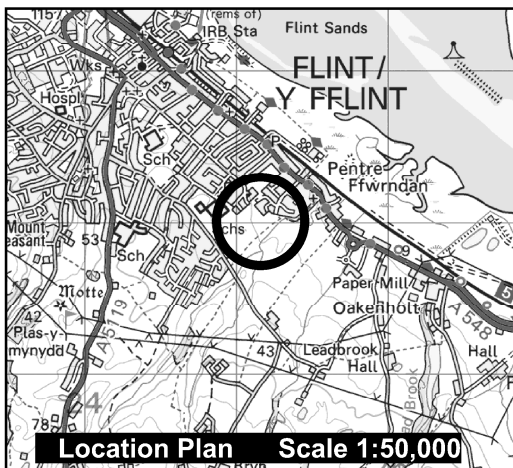
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Application Site



OAKENHOLT

Playing Field



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

Legend

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

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Planning Application	59055

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 6 FEBRUARY 2019**

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

SUBJECT: **GENERAL MATTERS - OBJECTION TO TREE PRESERVATION ORDER NO 320 (2018) LAND AT DAISY BANK FARM (NORTH) CHESTER ROAD, PENYFFORDD**

1.00 PURPOSE OF REPORT

1.01 To inform members of the Committee that the Council has received an objection to Tree Preservation Order No.320 Land at Daisy Bank Farm (North), Chester Road, Penyffordd and to recommend confirmation of this and another Tree Preservation Order

2.00 REPORT

2.01 On 25 May 2018 planning permission was granted on appeal to allow the Erection of 186 Dwellings and Ancillary Development at Chester Road, Penyffordd. As a result of the decision the Council made two Tree Preservation Orders (TPOs) on 14 August 2018 to protect the mature trees on the land.

2.02 Tree Preservation Order No. 320 (2018) Land at Daisy Bank Farm (North) affords protection to 44 oaks in the northern part of the site, whilst Tree Preservation Order No. 321 (2018) Land at Daisy Bank Farm (South) affords protection to 13 oaks in the southern half of the development site.

2.03 In response to the making and service of the TPOs Redrow Homes Ltd objected to TPO 320. The basis of Redrow's objection is that three trees identified in the TPO conflict with the layout approved on appeal (i.e. will need to be uprooted to carry out the construction of the roads and pavements).

2.04 The three trees in question are T5 and T11 of TPO No.321, and T42 of TPO No.320. Therefore the objection technically relates to both TPOs even though this is not expressly stated in the objection.

2.05 It is necessary to formally consider the objection prior to confirming the TPOs. If the objection is not considered by Planning Committee and the TPOs remain unconfirmed they will both lapse on 14

February 2019 (i.e. after six months) and the trees will no longer be protected.

- 2.06 To support their objection Redrow refer to a Tree Protection Plan considered during the Public Inquiry by the Planning Inspector which shows the three trees in question removed. In response it is not accepted that the Tree Protection Plan is an approved plan because the planning inspector attached a planning condition (22) to the appeal decision requiring the submission and approval of further details for the protection of trees.
- 2.07 It should be stated that where a tree is protected by a TPO it can be felled to implement a planning permission under an exemption contained under paragraph 5.(1)(d) of the TPO. However taking into account the requirement to submit further details for the protection of trees Redrow have been informed it is the Council's opinion that the Tree Protection Plan should not be relied upon to apply the exemption.
- 2.08 Members will be aware that once approved large residential developments can be subject to revision through planning applications submitted by virtue of Section 73 of the Town and Country Planning Act or by the submission of new applications. On this site Redrow has submitted an amended layout (Revision M) utilising Section 73 of the Act. The planning application is currently under consideration (Planning reference 058759) and the details for the retention and removal of trees have not yet been agreed.
- 2.09 Taking into account the potential for an exemption as set out in paragraph 2.07 above and the proposed change in layout, which is still under consideration, it would be premature and is unnecessary to modify the TPOs so that the three trees subject to Redrow's objection are removed from the TPOs. At this time, it is more important to confirm the TPOs to afford adequate protection to all the trees that are covered.

3.00 RECOMMENDATIONS

- 3.01 Tree Preservation Order No. 320 (2018) Land at Daisy Bank Farm (North) Chester Road, Penyffordd is confirmed without modification.
- 3.02 Tree Preservation Order No. 321 (2018) Land at Daisy Bank Farm (South) Chester Road, Penyffordd, which the objection does not expressly relate, is also confirmed without modification.

LIST OF BACKGROUND DOCUMENTS

Tree Preservation Order No. 320 (2018) Land at Daisy Bank Farm (North)
Tree Preservation Order No. 321 (2018) Land at Daisy Bank Farm

(South)
Redrow letter of objection and plan 05 October 2018
FCC letter to Redrow 02 November 2018
Planning Application 055590 (Appeal Ref – APP/A6835/17/317469)

Contact Officer: Stuart Body (Forestry Officer)
Telephone: 01352 703264
Email: stuart.body@flintshire.gov.uk

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**DAISY BANK FARM, PENYFFORDD
055590**



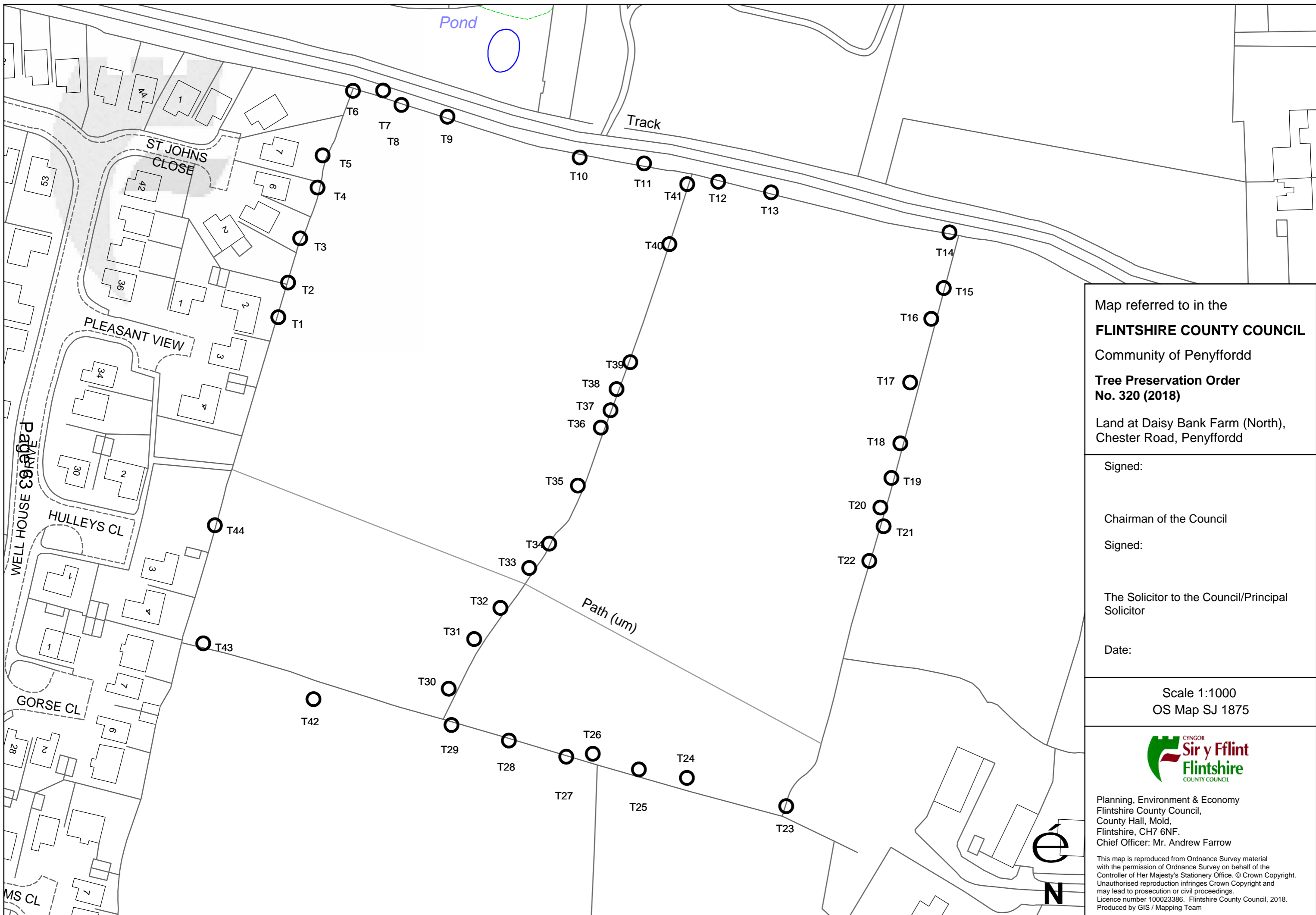
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Flintshire County Council,
County Hall, Mold,
Page 61 of 61
17 6NF.
Chief Officer: Mr Andrew Farrow

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Produced: 21/01/2019



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Map referred to in the
FLINTSHIRE COUNTY COUNCIL
 Community of Penyffordd
**Tree Preservation Order
 No. 320 (2018)**
 Land at Daisy Bank Farm (North),
 Chester Road, Penyffordd

Signed:

 Chairman of the Council

 Signed:

 The Solicitor to the Council/Principal
 Solicitor

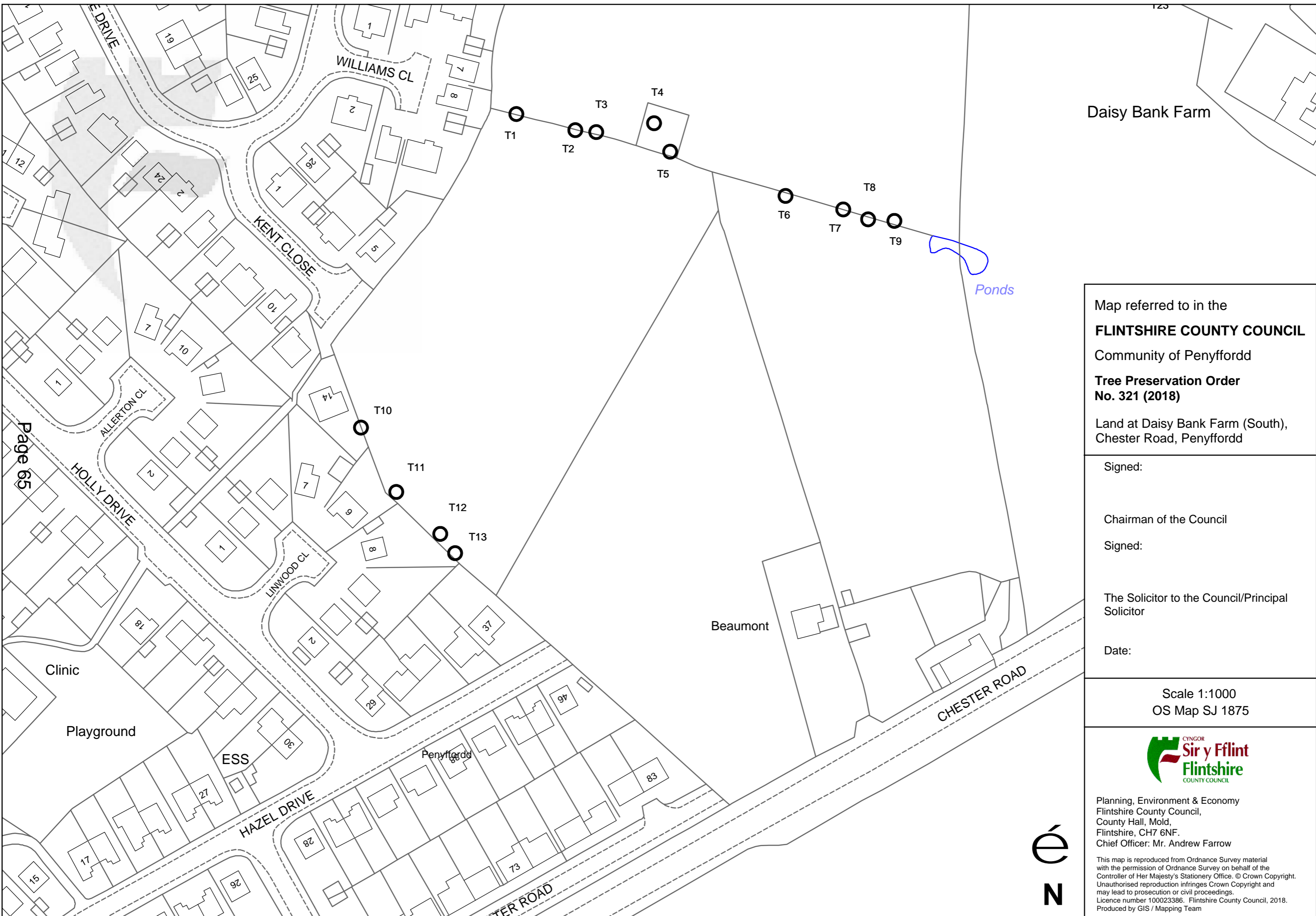
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 Planning, Environment & Economy
 Flintshire County Council,
 County Hall, Mold,
 Flintshire, CH7 6NF.
 Chief Officer: Mr. Andrew Farrow

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Daisy Bank Farm

Map referred to in the
FLINTSHIRE COUNTY COUNCIL
 Community of Penyffordd
**Tree Preservation Order
 No. 321 (2018)**
 Land at Daisy Bank Farm (South),
 Chester Road, Penyffordd

Signed:

 Chairman of the Council
 Signed:

 The Solicitor to the Council/Principal
 Solicitor
 Date:

Scale 1:1000
 OS Map SJ 1875



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

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **6TH FEBRUARY 2019**

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

SUBJECT: **ERECTION OF A TIMBER BUILDING AT ERWAU COTTAGE, PANT-Y-FFORDD, TREUDDYN**

1.00 **APPLICATION NUMBER**

1.01 **180294**

2.00 **SITE**

2.01 **ERWAU COTTAGE, PANT-Y-FFORDD, TREUDDYN**

3.00 **APPLICATION VALID DATE**

3.01 **N/A**

4.00 **PURPOSE OF REPORT**

4.01 To inform members of the outcome of an appeal against the service of an Enforcement notice on land at Erwau Cottage, Treuddyn with regard to the erection of a log cabin and its use for holiday purposes.

5.00 **REPORT**

5.01 The site lies outside of the settlement boundary of Treuddyn as defined in the Flintshire Unitary Development plan. The site lies adjacent to a loose grouping of dwellings between the A5104 and a minor road in a roughly triangular shape. It appeared to the local planning authority that a building had been erected on land outside of the residential curtilage and was being used for a holiday use. As the unauthorised development did not meet the relevant criteria in the development plan an enforcement notice was served on the 19th April 2018 for the cessation of the use and removal of the building and associated development.

The owner appealed against the enforcement notice on ground a) that planning permission should be granted for the development, and on ground g) that the time given to comply with the notice is too short.

Ground A

The ground (a) appeal and the deemed application derives its terms directly from the allegation as corrected. The appellant contended that the deemed application should be granted as either a market dwelling or as a holiday let. The main issue was considered to be whether there are other material considerations sufficient to outweigh any conflict with local and national planning policies.

The Council's case was that Policy HSG5, which may allow infill development provided it is for a proven local need. There is no case which fulfils the particular criteria of the policy in relation to local need. The policy refers to infill as comprising a small gap within a clearly identifiable small group of houses within a continuously developed frontage. In order to meet the requirements of the policy a group of houses must form a continuous built-up frontage and or a focus of dwellings on a cross roads and should comprise six or more dwellings. Further, the policy justification indicates that a group of houses must not be interspersed by individual field parcels, and an infill housing plot is defined as a small gap capable of accommodating a single housing unit or two semi-detached units where this is the prevailing house type in the group or frontage.

There are eight properties in the broad spread of houses in the area. Rare Brook, Tegfan and Pant Glas adjoining but are on the opposite sides of the roads forming the triangle area that contains the appeal site and other properties. Within the triangle area there are five properties but these are loosely grouped near the appeal site and tightly grouped by the junction of the A5104 and Ffordd-y-Rhos. In the Inspectors view, the collection of houses within the triangle area does not comprise a clearly identifiable group given the spatial arrangement of properties. The spatial arrangement varies greatly between Erwau Cottage and Oakwood compared to the tighter knit layout of houses by the junction of the A5104 and Ffordd-y-Rhos. The properties on the periphery of these roads Rare Brook, Tegfan and Pant Glas do not combine with the properties within the triangle area to comprise a clearly identifiable group of houses

Erwau Cottage, Oakwood and others within the triangle are orientated differently such that there is no definable and continuous developed frontage. The Inspector therefore did not consider that the development complies with UDP Policy HSG5, in relation to the local need criterion, and the physical criteria of a continuous developed frontage and a clearly identifiable small group of houses. Planning Policy Wales Edition 9 (PPW) in paragraphs 4.7.8, 9.2.22 and 9.3.2 (since superseded by PPW Edition 10) indicates that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable. It was considered that Policy HSG5 is therefore consistent with PPW.

The UDP is the adopted plan in force for the purposes of making sustainable planning decisions under Section 38(6) of the Planning and Compulsory Purchase Act 2004. Whilst in relation to housing land supply the UDP is outside

its plan period and the local planning authority has been unable to undertake a current study of its housing supply, Policy HSG5 is consistent with PPW in that it strictly controls housing development to ensure some opportunities for small-scale development to meet local needs housing in rural areas can take place. The Inspector did not consider that the importance of meeting local housing targets and the need to address the current deficit meant that Policy HSG5, which is consistent with PPW, should be set aside.

Development in the countryside is strictly controlled for sustainability reasons and to protect the countryside for its intrinsic sake. The Inspector regarded the location as sufficiently remote from the settlement of Treuddyn that it cannot be regarded as a development adjoining the village. The development would conflict with policies designed to protect the countryside from unjustified development as set out in UDP Policies GEN3, HSG4, HSG5 and PPW paragraphs 4.7.8, 9.2.22, 9.3.2 and 9.3.6.

The Inspector concluded that a residential dwelling use for the building would fail to accord with the development plan and national planning policies.

The second element of the ground a) appeal was that the appellant contended that the building should be granted as a holiday let. UDP Policy T3 permits self-catering tourist accommodation outside settlement boundaries where it relates to an extension to an existing tourist facility or the conversion of an existing building whereby additional criteria apply.

The appellant argued that the building has been let out as holiday accommodation, which they considered an acceptable use without adverse planning consequences on the area, or impact on neighbouring occupiers' living conditions. The appellant referred to the suitability of the development's location from a tourist perspective and the considerable benefits a tourist development brings to the local economy.

However, the Inspector did not consider the proposal was in accordance with UDP Policy T 3 because the development did not relate to an existing tourist facility and is not an existing building. As such he did not consider that Policy requirements were met.

Ground G

The appellant sought to appeal against the length of compliance the Council had proposed in the notice. The appellant considered that they should have a 6 months compliance period for the removal of the building, and 9 months to clear the land of materials and to return it to its condition before the breach took place. The appellant submitted that given the nature of the internal fixtures more time was needed.

However, the Inspector agreed with the compliance period as set out by the Council and that the removal of fixtures from the building and the removal of the building should not warrant more time than that set out in the notice. Similarly

the compliance period of 6 months for clearing the site of materials and restoring it would not be onerous.

The Inspector considered that the compliance periods in the notice were proportionate having regard to the competing issues of the private interests of the appellant against the public interest of enforcing against the development. The ground g appeal therefore failed.

The Inspector concluded the matters weighing against the residential dwelling use are, there is no justification for the development outside settlement limits which is aligned with the need to protect the countryside for its intrinsic sake. The development fails to accord with the development plan and national planning policies for sustainable development in the countryside because the development would not provide local needs housing as required by UDP Policy HSG5. The UDP provides the hierarchy for the spatial distribution of housing in sustainable locations and provides the framework for the preferred locations for most new development in rural areas in particular clusters of smaller settlements where services and facilities are provided. The presumption in favour of sustainable development does not apply having regard to the key principles and key policy objectives of sustainable development. The Inspector considered the matters weighing against the development were of considerable importance and outweighed the issue of the lack of housing land supply. In relation to the holiday let use the Inspector attributed moderate weight to the economic benefits of the development but this factor and others mentioned do not outweigh the conflict with the development plan. The presumption in favour of sustainable development does not therefore apply to the holiday let use.

6.00 CONCLUSION

6.01 The Inspector concluded that the appeal failed on all grounds.

The Inspector directed that the enforcement notice be corrected by the deletion of the contents of paragraph 3 and the insertion of the following: "Without planning permission, the erection of a timber building for residential purposes in the approximate position edged blue and marked "A" on the attached plan". Subject to these corrections the appeal was dismissed and the enforcement notice was upheld, and planning permission was refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The decision date of the Inspector's report is the effective date of the notice. The Enforcement Notice therefore came into force on the 29th November 2018. If the requirements of the Notice are not met then further action to secure compliance with the notice will have to be considered and appropriate further action taken accordingly.

LIST OF BACKGROUND DOCUMENTS

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

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