

# Public Document Pack

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



CS/NG

15 July 2021

Sharon Thomas 01352 702324  
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To: Cllr David Wisinger (Chairman)

Councillors: Mike Allport, Bernie Attridge,  
Chris Bithell, Derek Butler, Chris Dolphin,  
Ian Dunbar, Veronica Gay, Gladys Healey,  
Patrick Heesom, Christine Jones,  
Richard Jones, Richard Lloyd, Ted Palmer,  
Mike Peers, Neville Phillips and Owen Thomas

Dear Sir / Madam

**NOTICE OF REMOTE MEETING**  
**PLANNING COMMITTEE**  
**WEDNESDAY, 21 JULY, 2021 at 1.00 PM**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins'.

Robert Robins  
Democratic Services Manager

Please note: This will be a remote meeting. The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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

## A G E N D A

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 26 May 2021.

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 21 JULY 2021**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
6.1	052236 - R	Outline - Outline application for residential development and associated works at Atlas Yard, Corwen Road, Pontybodkin (Pages 9 - 26)
6.2	062917 - A	Full application - Erection of a side and ground floor rear extension at 5 Alyndale Road, Saltney (Pages 27 - 40)
6.3	061294 - A	Full application - Change of use from dwelling house to house in multiple occupation at 7 Howard Street, Connah's Quay (Pages 41 - 52)
6.4	062110 - A	Full application - Phased extraction of some 28.38m tonnes of limestone from within the existing permitted area at Hendre Quarry and from within an eastern extension to the quarry as a comprehensive extension and consolidation scheme; retention of the existing processing plant and related infrastructure for the duration of the development; retention and use of the existing access for the duration of the development; construction and landscaping of a screening landform; and implementation of a restoration scheme for both the existing quarry and extension area at Hendre Quarry, Denbigh Road, Rhydymwyn (Pages 53 - 92)
6.5	062300 - A	Vary/Remove Condition - Application for variation of condition no.2 following grant of planning permission ref: 059514 at former RAF Sealand South Camp, Welsh Road, Sealand (Pages 93 - 100)
6.6	060699 - A	Outline - Outline Application for proposed residential development of 18no. 2 storey dwelling houses; detached & semi-detached, including the formation of new vehicular access, drainage, landscaping and all other associated works at Tyn Y Bryn, Bryn Road, Flint (Pages 101 - 118)

6.7	060591 - A	Full application - Change of use of land for 4 no. Gypsy / Traveller Pitches and 1 no. communal Amenity Block/Dayroom at Ty Dwr Bungalow, Tanlan, Ffynnongroyw (Pages 119 - 136)
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***Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours***

## **Procedural Note on the conduct of meetings**

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

## **PLANNING COMMITTEE** **26 MAY 2021**

Minutes of the meeting of the Planning Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 26 May 2021

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

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Chris Dolphin, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Paul Johnson, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips and Owen Thomas

**APOLOGIES:** Councillor Derek Butler

### **IN ATTENDANCE:**

Chief Officer (Planning, Environment & Economy), Development Manager, Service Manager - Strategy, Legal Services Manager, Team Leader - Planning, Planning Officers, Senior Engineer - Highways Development Control, and Democratic Services Officers

### **32. APPOINTMENT OF VICE-CHAIR**

Councillor Christine Jones proposed Councillor Richard Lloyd as Vice-Chair of the Committee and this was seconded by Councillor Chris Bithell. No other nominations were put forward.

### **RESOLVED:**

That Councillor Richard Lloyd be appointed Vice-Chair of the Committee.

### **33. DECLARATIONS OF INTEREST**

Following advice from the Legal Services Manager, Councillor Paul Johnson declared a personal and prejudicial interest on agenda item 7.3 (062912).

### **34. LATE OBSERVATIONS**

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

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MIId=4859&Ver=4&LLL=0>

### **35. MINUTES**

The minutes of the meeting on 31 March 2021 were confirmed as a correct record, as moved and seconded by Councillors Chris Bithell and Richard Lloyd.

**RESOLVED:**

That the minutes be approved as a true and correct record.

**36. ITEMS TO BE DEFERRED**

The Chief Officer (Planning, Environment & Economy) recommended that agenda item number 7.2 – (052236) - Outline Application – for residential development and associated works at Atlas Yard, Corwen Road, Pontybodkin, be deferred. The Chief Officer recommended that the application be deferred due to matters outstanding relating to the Flood Consequence Assessment (FCA) to allow revised information to be received from the agent.

Councillor Richard Lloyd proposed that the application be deferred on the grounds that the agent submitted the required information within the next 3 weeks (by 15 June 2021). If the information was not submitted, or remained unsatisfactory, then the item be reported to the next available meeting of the Planning Committee. The proposal was seconded by Councillor Chris Bithell.

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

**RESOLVED:**

That agenda item number 7.2 – (052236) – Outline application for residential development and associated works at Atlas Yard, Corwen Road, Pontybodkin, be deferred.

**37. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

**RESOLVED:**

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

**38. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

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

(The meeting started at 1.00 pm and ended at 2.10 pm)

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**Chairman**

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

**PLANNING COMMITTEE ON 26 MAY 2021**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
061790	Queensferry Community Council	Full application – proposed residential development for 25 No. affordable dwellings, public open space with new pedestrian links, landscaping, means of highway access, pumping station and schemes for biodiversity net gain and surface water attenuation at land adjacent to 150 Mancot Lane, Mancot.	<p>The Chief Officer (Planning, Environment &amp; Economy) read out a statement submitted by Mr. R. McCann, a local resident, against the application.</p> <p>Mr Justin Paul, Agent on behalf of Wales &amp; West Housing Association, spoke in support of deferral of the application</p> <p>Councillor Bob Connah, as an adjoining local Ward Member, spoke against the application.</p>	That planning permission be refused in accordance with the officer’s recommendation for the reasons set out in the report.
052236	Llanfynydd community Council	Outline application – for residential development and associated works at Atlas Yard, Corwen Road, Pontybodkin.		That the item be deferred on the basis that the agent submits the required information within 3 weeks (by 15 June 2021). If the information is not submitted or remains unsatisfactory then the item can be reported to the next available meeting of the Planning Committee.
062192	Brynford Community Council	Full application – for extension and alterations to create enlarged lounge and	Mr. C. Thomas, Agent, spoke in support of the application.	That planning permission be granted subject to the conditions set out in the

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
		foyer/entrance area together with 2 ground floor and 6 first floor en-suite bedrooms at The Crooked Horn Inn, Bryn Sannan, Brynford.		report, in accordance with the officer's recommendation.



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **21<sup>st</sup> July 2021**

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

**SUBJECT:** **OUTLINE APPLICATION – RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS WITH ALL MATTERS EXCEPT FOR ACCESS RESERVED**

**APPLICATION NUMBER:** **052236**

**APPLICANT:** **MR PAUL HARDING**

**SITE:** **ATLAS EXPRESS LIMITED,  
ATLAS YARD, CORWEN ROAD,  
PONTYBODKIN, MOLD, CH7 4TG**

**APPLICATION VALID DATE:** **2<sup>ND</sup> JUNE 2014**

**LOCAL MEMBERS:** **COUNCILLOR D HUGHES**

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

**REASON FOR COMMITTEE:** **AT THE REQUEST OF CLLR D. HUGHES WHO WISHES COMMITTEE MEMBERS TO ASSESS THE IMPACTS OF FLOODING**

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

## **1.00 SUMMARY**

- 1.01** Members will recall that this matter was reported for consideration to the Planning Committee held 26<sup>th</sup> May 2021, at which it was resolved that determination be deferred to allow the applicant a period of time to submit the required further information in respect of flood risk at this site. Members resolved to allow a period of 3 weeks, expiring on 15<sup>th</sup> June 2021. The deferment included that If the information was not submitted or remains unsatisfactory then the item can be reported to the next available Planning Committee.
- 1.02** The planning agent submitted the relevant information on 8<sup>th</sup> July 2021. After the deadline specified by Planning Committee by which time the items for the agenda of this Planning Committee had been agreed with the Chair of Planning Committee for publication.
- 1.03** Natural Resources Wales (NRW) were consulted regarding the new information on 9<sup>th</sup> July 2021. NRW normally take a number of weeks to respond to a planning consultation however in order to avoid any further delays the item is being included on the Planning Committee agenda. This will allow for any response by NRW to be given in late observations and the possible determination of the planning application.
- 1.04** The application consists of an outline planning application for residential development on approximately 0.2ha of land. All matters (appearance, landscaping, layout and scale) have been reserved for future consideration except for access.
- 1.05** The indicative details submitted show the site could be developed for 6 detached dwellings. The detailed layout and design of the houses does not form part of this application and therefore only very little weight should be attached to that indicative plan in the overall planning balance.

## **2.00 RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION FOR THE FOLLOWING REASONS: -**

### **2.01 Reasons**

- 1 The site is located within an area where the Local Planning Authority have been advised by Natural Resources Wales that there is an unacceptable risk of flooding for it to be considered suitable for residential use. The submitted Flood Consequence Assessment fails to comply with A1.12, A1.14 and A1.15 of TAN15. As such the proposal fails to comply with Planning Policy Wales (11th Edition – February 2021), TAN15, Policy 8 of the Future Wales Plan and Policies STR1, GEN1 and EWP17 of the Flintshire Unitary Development Plan.

2 The proposal does not provide an adequate mechanism either through the completion of a Section 106 Obligation/ Unilateral Undertaking or advance payment for the affordable housing contribution and public open space commuted sum required in connection with the development. This is therefore contrary to Policies IMP1 and HSG10 of the Flintshire Unitary Development Plan and Supplementary Planning Guidance Note 13 – Open Space Requirements

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor Dave Hughes**

- This piece of land would benefit from development as it is an eyesore.
- It is suggested by some that it could flood in very extreme weather conditions but that is very much speculation with no evidence to support that and this could easily be overcome if that be true.
- Local residents would welcome development. Not only this is my view but also that of the Llanfynydd Community Council.

#### **3.02 Llanfynydd Community Council**

No Objection to the application for the following reasons.

1. The proposed development would tidy up the site and village.
2. It is a Brownfield site and is in the right area for development.
3. NRW have concerns the site would be at risk from flooding - The development would not be impacted from the culvert across the road or surface water run-off.
4. At present wagons are parked on the site - The wagons are washed close to the highway in which the water travels across the wash area clogging the highway drains with muck and debris, this causes an issue with Highway drainage.
5. Station Yard (close to the Atlas Yard) has not come forward for development even though the site has planning permission.
6. Atlas Yard to come forward on its own merits and not be tied to the Station Yard development.

#### Community and Business Protection

No adverse comments. Requests that a condition requiring a contaminated land assessment and proposed remediation scheme be imposed.

#### Highway Development Control

Recommend that any permission be subject to the imposition of

conditions in respect of access, visibility, construction details, parking & construction traffic management plan.

### Natural Resources Wales

Significant concerns with the proposed development as submitted and recommend that additional hydraulic modelling is submitted to inform the Flood Consequences Assessment and demonstrate that flooding can be managed to an acceptable level, in the absence of which, objects to the application. Advises as follows;

We are in receipt of the hydraulic model and accompanying report (HYD126\_ATLASYARD\_HRDRAULIC\_ASSESSMENT\_FINAL\_05 February 2019), submitted in support of this planning application for residential development at Atlas Yard, Pontybodkin.

We refer you to Section 6 of TAN 15 and the Chief Officer letter from Welsh Government, dated 9<sup>th</sup> January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2(paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2. Notwithstanding this policy position, we have reviewed the model and report to provide you with technical advice on flood risk at the site, following receipt of the overriding planning reasons from your authority on 3.5.2019 and 3.7.2019.

We provide the following comments on the application:

1. We are satisfied that the updated model is fit for purpose and suitable for use in terms of informing a Flood Consequence Assessment (FCA) for the site.
2. However, we have reviewed the model results and have some major concerns with what is shown. Based on the proposed scenario model result plots, whilst the properties would remain flood free in the 1% Annual Exceedance Probability (AEP) blockage event with an allowance for climate change, flooding of most of the site would be expected, including gardens and parking areas. Paragraph A1.14 of TAN15 requires the development to be designed to be flood-free in the design event in this case the 1% AEP blockage event with an allowance for climate change). 'development' in the context of A1.14 is considered to be everything within the red line site boundary, as detailed by the planning application. To meet the indicative thresholds set out in table A1.14 the entire site defined by the red line boundary should be designed to be flood-free for the relevant design event. However, for some new development proposals, allowing selective flooding to certain parts of the site may offer a means of mitigating risk, including to third parties off site. Therefore, in certain circumstances, some limited flooding may be considered acceptable as part of wider flood risk management

proposals if it can be demonstrated by a developer that the risks and consequences of flooding can be managed down to a tolerable level. If this is the case, we would still require all highly vulnerable elements of the development (properties, gardens and parking areas) to be designed to be flood free.

This approach is supported by Planning Appeals (e.g APP/A6835/A/15/3136858, 1 Queen Street). In the appeal decisions for 1 Queen Street, the Planning Inspectorate clearly stated that the development, which included car and cycle parking at the ground floor level, would be residential and thus classified as 'highly vulnerable'. We therefore consider gardens and parking to form an integral part of the highly vulnerable development. Based on the model results, the proposal would not currently comply with A1.14 of TAN15, given that the gardens and parking areas would flood on the 1% AEP blockage event with an allowance for climate change.

3. In respect to flood elsewhere, TAN15 requires that for events up to the 0.1% AEP event, the application demonstrates that there would be no detriment to flood risk elsewhere. Detriment is considered to be any increase of 5mm or more (as outlined in GN08: Modelling for flooding consequences assessments). Based on the model results for the 1%AEP event with an allowance for climate change, an area of detriment with depth increases in the region of 15mm would be expected north of the site, which includes detriment to 2 existing properties. This detriment is considered to be unacceptable and the statement in Section 5.3.1 of the report which states that 15mm is within the acceptable limit set by NRW is incorrect. It should also be noted that this appears to be for a free flowing scenario; we would also expect detriment to be considered for a culvert blockage scenario. The model results therefore do not comply A1.12 of TAN15, and any FCA submitted for the site would need to demonstrate no detriment in up to the 0.1 % AEP culvert blockage event.

It should be noted that given that detriment to flood risk elsewhere is shown for the existing scheme, which proposes raising of finished floor levels, it will likely be difficult to demonstrate compliance with A1.12 of TAN15 based on a scheme which proposes raising of the site (or all highly vulnerable elements as a minimum).

4. We are aware that the model has been produced on the basis that a Grampian Condition could be imposed restricting development/occupancy of the proposed Atlas Yard site until after the culverts on the Station Yard site have been opened up, and we have previously advised that the Applicant enters into discussions with your authority regarding whether the imposition of such a condition would be viable. We would reiterate this point and if agreement has been reached, would welcome confirmation of this.
5. If additional modelling work is undertaken, we would want to review the updated model in order to assess how the proposed

development scheme has been represented in the model.

In view of the above, we continue to raise significant concerns with the application. The model results presented do not comply with TAN15 and the proposals fails to comply with TAN15, both in terms of the site being designed to be flood free in the design event (a1.14) and the impacts of the proposals on flood risk elsewhere (A1.12). An FCA prepared on this basis would therefore also not comply with TAN15.

The applicant should be required to undertake additional hydraulic modelling, which should subsequently be used to inform an updated FCA, prior to the determination of the application. We can then advise you whether the model outputs and revised FCA is in accordance with the technical criteria in Appendix 1 of TAN15. If no further information is submitted, or the revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would recommend that the application be refused.

If, contrary to the requirements of TAN15, your Authority is minded to grant permission, we should be informed of all matters that influence this decision, prior to granting permission, allowing sufficient time for further representations to be made. During this time, we will also consider whether the application should be referred to Welsh Government for a potential call-in.

Dwr Cymru/Welsh Water

No objection subject to the imposition of a condition to restrict foul water only into public sewerage system

Aura

In lieu of on site Public Open Space, request the payment of £1100 per dwelling to enhance existing facilities

**4.00 PUBLICITY**

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

**4.02** An email of support has been received.

- does not understand why NRW are objecting to the application as it is not impacted by the culvert across the road at the back of Rhyd Osber water does not across the road in times of heavy storms as shown in the photos during Storm Christoff.
- The culvert took all the water but there was run off from Tir y Fron lane and swell from the rear of the watercourse and the old railway line.
- The site is level with the road, does not flood and the houses will be built with steps up.
- A property which is further down the road from the site, is the first to be impacted from water off the highway as it is lower

than road level, all the modelling unfortunately shows this.

- Supports the development of the site so that there is less water flowing onto the highway from the brownfield site which is currently used as a lorry park and vehicles are washed near the entrance leaving grit on the highway which is washed into the highway gullies.
- The adjacent Station Yard site has planning permission, and there was more concerns regarding development of that site impacting on the area and it was approved although it has not yet been developed.

## **5.00 SITE HISTORY**

**5.01** There is no relevant planning history to the site. However, the site forms part of the allocated housing site (HSG1(39)) within the Flintshire Unitary Development Plan. The remainder of the allocation (in different ownership) has been granted outline permission which is listed below:

**5.02** Outline residential development on land at SPA Davies and Sons, Station Yard, Corwen Road, Coed Talon, Granted 23.07.2015

## **6.00 PLANNING POLICIES**

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

Policy STR1	New Development Policy
Policy STR4	Housing
Policy STR10	Resources
Policy GEN1	General requirements for development
Policy GEN2	Development inside settlement boundaries
Policy HSG1(39)	New Housing Development Proposals
Policy HSG8	Density of Development
Policy HSG10	Affordable housing within settlement boundaries
Policy AC13	Access and Traffic Impact
Policy L3	Green Spaces
Policy EWP 14	Derelict and Contaminated Land
Policy EWP 16	Water Resources
Policy EWP17	Flood Risk
Policy SR5	Play areas and new housing development
Policy IMP1	Planning conditions & planning obligations

### Future Wales Plan

Policy 8 – Flooding

### **6.02 Supplementary Planning Guidance**

Supplementary Planning Guidance Note 2: Space Around Dwellings  
Supplementary Planning Guidance Note 4: Trees and Development.  
Supplementary Planning Guidance Note 13: Open Space

## Requirements

### **6.03** National: Guidance

Future Wales~: The National Plan 2040

Planning Policy Wales Edition 11 February 2021

Technical Advice Note (TAN) 15: Development and Flood Risk

### **7.00** PLANNING APPRAISAL

#### 7.01 Proposal and Site description

This outline application proposes to use the 0.2ha of previously developed land for residential development. All matters (appearance, landscaping, layout and scale) have been reserved for future consideration except for access.

7.02 The new vehicular access would be from the A5104. It would replace a substandard access to Harcroft and include the provision of a road and footway to adoptable standards. The access is 5.5metres wide and would provide visibility splays of 2.4mx43m.

7.03 The site lies within the settlement boundary of Coed Talon & Pontybodkin which is predominantly residential in character. It comprises a vehicle repair yard sited between the existing properties Talcoed, Gemstone and 2 dwellings at Harcroft.

7.03 Dense landscaping forms the north, south and western boundary to the site. There is a fence on the eastern boundary which separates the site from Harcroft.

7.05 Immediately to the north is SPA Davies and Sons, Station Yard, which is accessed c.140metres west, on Corwen Road. Black Brook, a tributary of the River Alyn, runs along the western boundary as both a watercourse and a culvert in sections.

#### 7.06 Main Issues:

The main issues to be considered in determination of this planning application relate to :-

- a) Principle of the development
- b) Housing land supply
- c) Flood Risk
- d) Highways
- e) Land Contamination Issues
- f) Drainage

#### 7.07 Principle of the Development.

The site forms part of the allocated housing site (HSG1(39)) in the settlement of Coed Talon & Pontybodkin within the Flintshire Unitary Development Plan. The remainder of the allocation (in different ownership) has been granted outline permission for residential development under 051831.



- 7.08 Whilst the housing site allocation would support the principle of residential development, the allocation itself would not have been accompanied by a full detailed site analysis, with these matters being considered in the required subsequent planning application. Therefore, in considering proposals for development all material planning consideration must be fully assessed, including flood risk.
- 7.09 In accordance with UDP policies STR1, STR4, STR10 and GEN2, the principle of residential development on a previously developed site within a settlement that has been allocated for housing is acceptable, but this is subject to demonstrating an acceptable level of risk/consequences associated with flooding.
- 7.10 Housing Land Supply  
The site is allocated as a Housing Commitment (Station Road/Depot) in the emerging LDP (2019).
- 7.11 Welsh Government have now permanently revoked TAN1. The result of this is that there is no longer a requirement to demonstrate a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory in the adopted LDP. The new approach to measuring housing provision against the LDP trajectory, whilst the LDP is not yet adopted, Welsh Government have confirmed that the use of the draft LDP trajectory is a material consideration in assessing applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the Council has seen annual completions of 662 (2016), 421 (2017), 608 (2018) and 454 (2019) which gives a total of 2,145 completions or an average of 536 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver the amount of housing it is required to meet.
- 7.12 It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states 'The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.
- 7.13 For the reasons outlined above the site would make a valued contribution to the Council's housing land supply.
- 7.14 Flood Risk  
The site is located within Flood Zone C2 and the nature of the proposals means they are classed as highly vulnerable

development.

- 7.15 TAN 15 is a significant material consideration in the determination of the application. TAN 15 states that ***“highly vulnerable development and Emergency Services in zone C2 should not be permitted”***.
- 7.15 TAN 15 goes on to advise (section 6) that “Development, including transport infrastructure, will only be justified if it can be demonstrated that:-
- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
  - ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and
  - iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
  - iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.
- 7.17 The above indicates that justifying the location of development should comply with either Criterion 1 **or** Criterion 2 and both Criterion 3 and 4.
- 7.18 It is not accepted that it could be argued that the development of 0.2ha of land for housing (approx. 6 dwellings) is required to sustain the existing settlement of Coed Talon & Pontybodkin or region in accordance with criteria I and ii.
- 7.19 As outlined above the site is previously developed land. It concurs with the aims of aims of PPW and meets the definition of previously developed land satisfying Criteria 3.
- 7.20 More critically the potential consequences of a flooding event have been considered and NRW have raised significant concerns as the FCA and hydraulic modelling submitted do not demonstrate that the risks and consequences of flooding can be managed to an acceptable level.
- 7.21 Therefore, it is considered that criteria 4 has not been satisfied.
- 7.22 Additional hydraulic modelling and an updated FCA have been required since 12/08/2019 when the NRW provided their response.
- 7.23 The applicant/agent has been given the opportunity to address the concerns of the NRW. However, no additional hydraulic modelling or updated Flood Consequences Assessment have been submitted

at the time of writing this report, nor has there been any written confirmation that the applicant/agent is prepared to provide this information.

- 7.24 TAN 15 makes clear that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development.
- 7.25 Furthermore the Future Wales Plan Policy 8 Flooding makes clear that development should be prioritised in places that are not at flood risk, followed by places where flood risk can be managed in an acceptable way. As the agent has not submitted evidence that the consequences of flooding can be managed the proposal directly conflicts with this recently adopted Development Plan.
- 7.26 It is considered that there is inadequate information to demonstrate that flooding can be managed to an acceptable level. Consequently, the proposals are contrary to Policy EWP17, TAN15 and Policy 8 of the Future Wales Plan.
- 7.27 Highways  
The new access replaces the existing substandard access to Harcroft. Visibility splays required are 2.4m x 43m in both directions which appear to be achievable and can be secured by condition. It is considered that the proposed access is adequate and safe and in accordance with policy AC18.
- 7.28 Land Contamination Issues  
Given the previous uses, a scrap yard and railway yard and station, the land is likely to be contaminated. This can be adequately addressed with a condition requiring a detailed assessment and where required detailed remediation measures. For the reasons outlined above, the proposal satisfies policy EWP 14.
- 7.29 Drainage  
The foul drainage would be discharged via the main drains. Welsh Water have no objection subject to the imposition of a condition to restrict foul water only into public sewerage system. This can be secured and controlled by a condition. This would satisfy policy EPW16.
- 7.30 Planning Balance  
The application site is part of an allocated housing site on previously developed land within the settlement boundary of Coed Talon & Pontybodkin and its redevelopment for housing would be welcomed if all outstanding development management matters could be resolved.
- 7.31 However, the FCA and hydraulic modelling is inadequate and out of

date and does not demonstrate that flooding can be managed to an acceptable level. It is therefore considered the proposal fails to comply with the National and Local Development Plan and national planning guidance (TAN 15) in relation to flooding.

7.32 The planning matters in favour of the development do not outweigh the fundamental issue that the management of the risk of flooding for highly vulnerable development within in Flood Zone C2 has not been evidenced.

7.33 **CONCLUSION**

In conclusion, it is considered that the Flood Consequences Assessment in its current form fails to demonstrate that flooding can be managed to an acceptable level in accordance with policies GEN1 and EWP17 and Policy 8 of the Future Wales Plan. Additional information has been requested but has not been provided.

7.34 Consequently, the principle of residential development cannot be supported.

7.35 Given the key issue of flooding has not been resolved, there has been no discussions on preparing a Section 106 Legal Agreement or other mechanism.

7.36 The application is therefore recommended to be REFUSED.

8.00 **Other Considerations**

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

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

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

8.03 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.

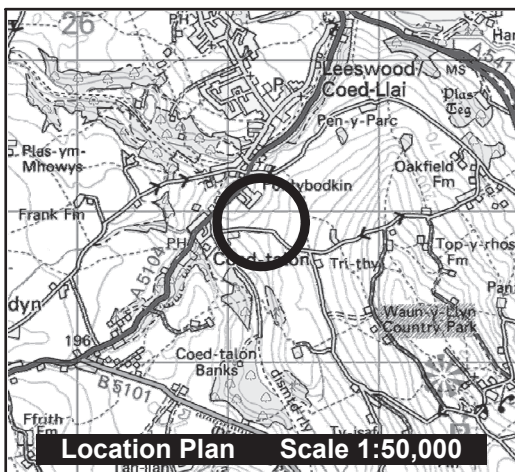
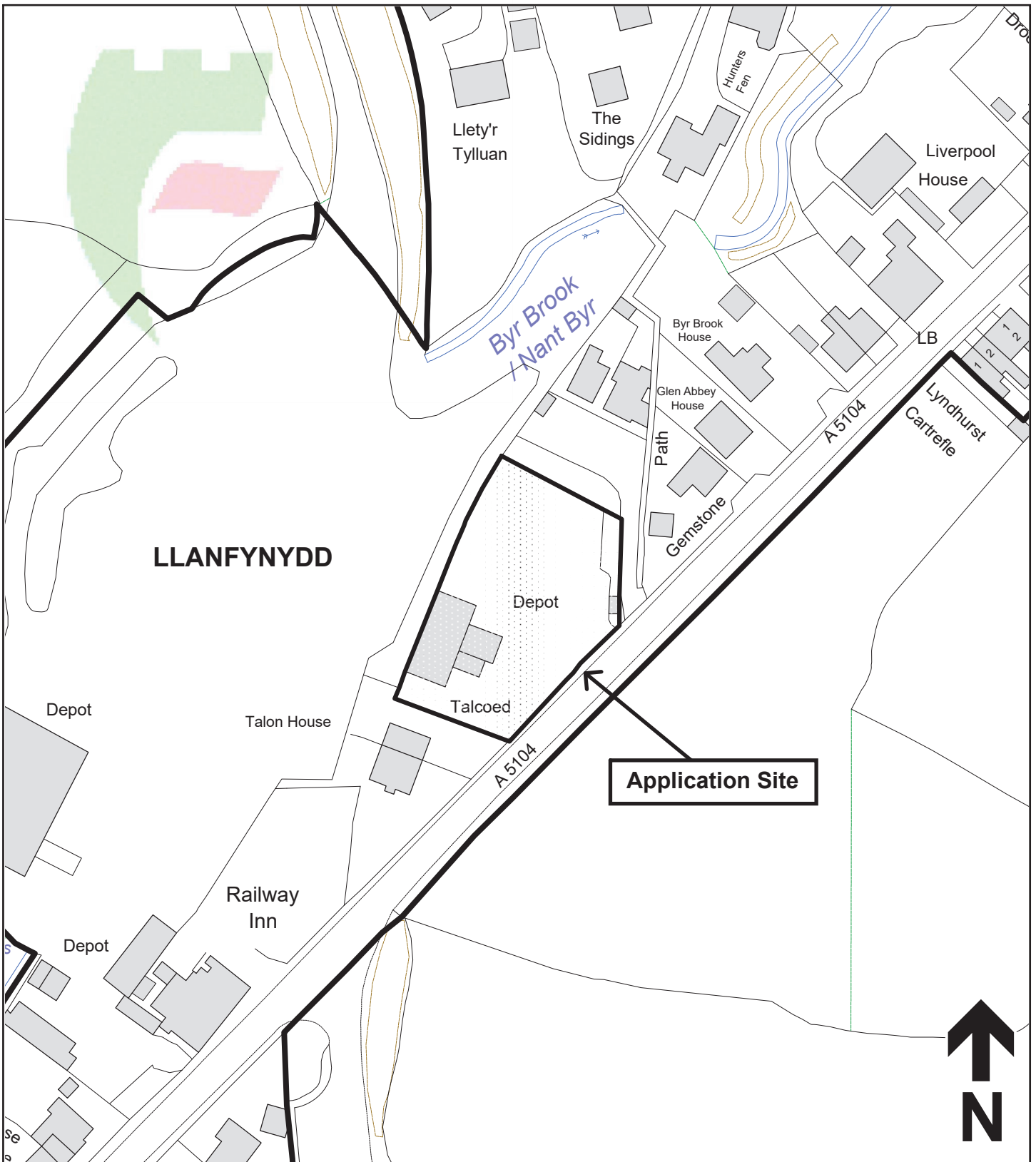
9.01 **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
National & Local Planning Policy

Responses to Consultation Responses to Publicity

**Contact Officer:** Glyn Jones  
**Telephone:** 01352703281  
**Email:** david.glyn.jones@flintshire.gov.uk

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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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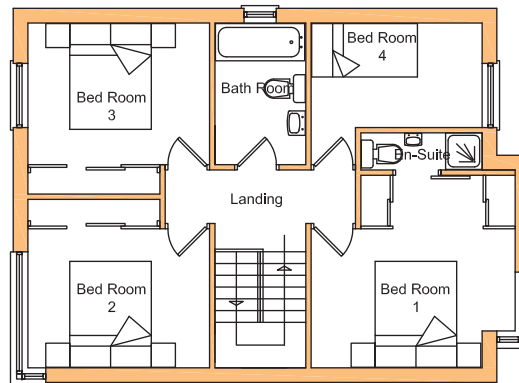
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OS Map ref	SJ 2659
Planning Application	<b>52236</b>



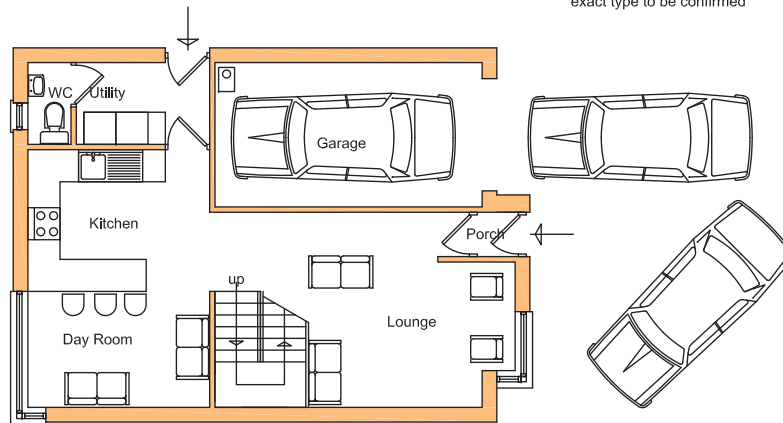
Visibility Splays



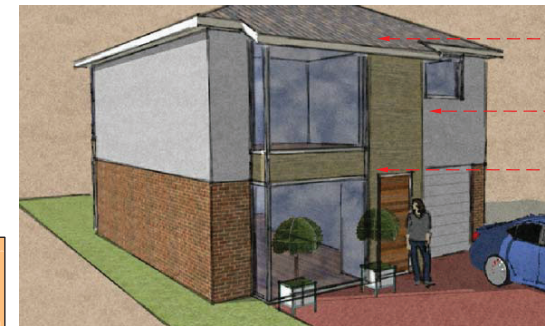
Proposed Site Plan  
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scale bar



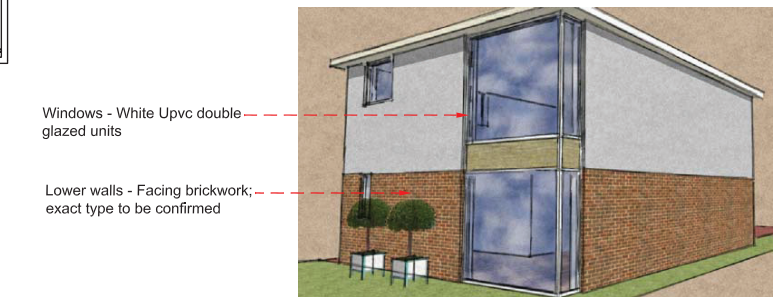
First Floor Plan  
0 1 2 3m  
scale bar



Ground Floor Plan  
0 1 2 3m  
scale bar



Typical Front View - not to scale



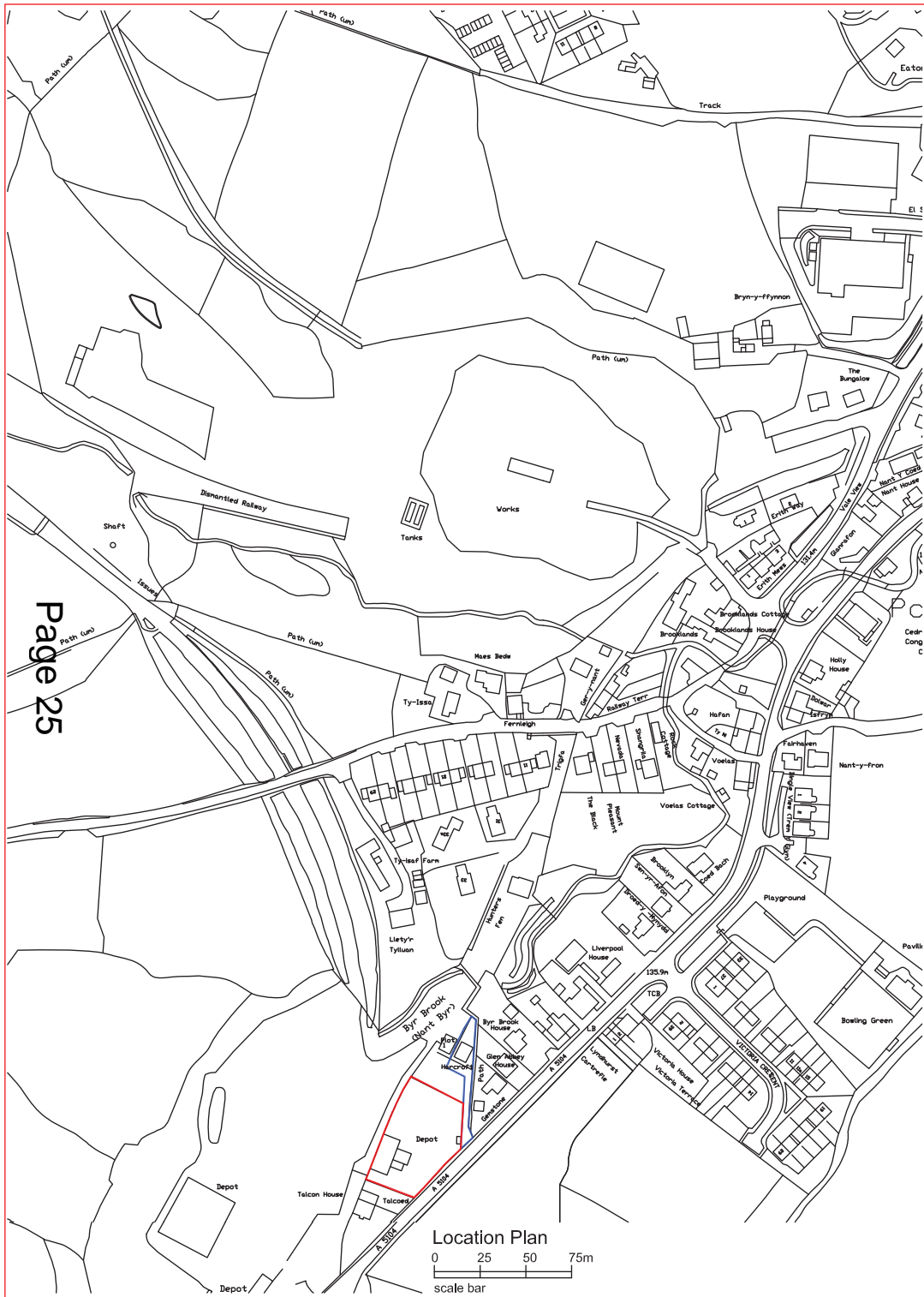
Typical Rear View - not to scale

- Roof - Grey concrete roofing tiles
- Upper walls - White through coloured render
- Horizontal T&G cedar timber boarding

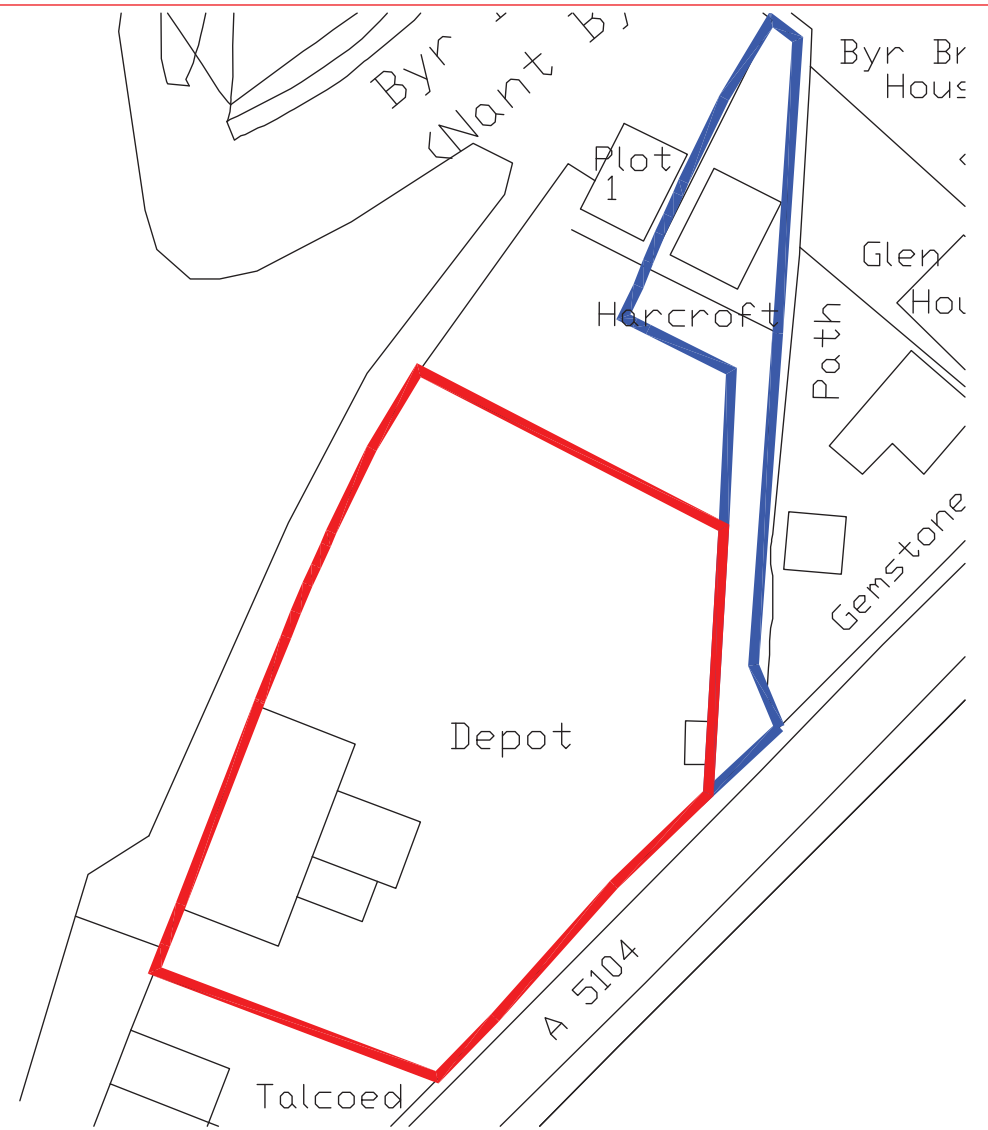
- Windows - White Upvc double glazed units
- Lower walls - Facing brickwork; exact type to be confirmed

Revisions:	
address ATLAS YARD, CORWEN ROAD PONTYBODKIN	
project Outline Application for Residential Development	
description & scale Proposed Site Layout Plan, Floor Plans and Views - scale 1:500 & 1:100 @ A3	
date April 2014	job number/revision PA/03





Location Plan  
0 25 50 75m  
scale bar



Site Plan  
0 5 10 15m  
scale bar

Revisions:
address ATLAS YARD, CORWEN ROAD PONTYBODKIN

project  
Outline Application for Residential Development

description & scale  
Existing Location & Site Plan  
scale 1:2500 & 1:500 @ A3

date April 2014	job number/revision PA/01
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## FLINTSHIRE COUNTY COUNCIL

<b><u>REPORT TO:</u></b>	<b><u>PLANNING COMMITTEE</u></b>
<b><u>DATE:</u></b>	<b><u>21<sup>st</sup> JULY 2021</u></b>
<b><u>REPORT BY:</u></b>	<b><u>CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)</u></b>
<b><u>SUBJECT:</u></b>	<b><u>Erection of a side and ground floor rear extension</u></b>
<b><u>APPLICATION NUMBER:</u></b>	<b><u>062917</u></b>
<b><u>APPLICANT:</u></b>	<b><u>Mr S Harris</u></b>
<b><u>SITE:</u></b>	<b><u>5 Alyndale Road, Saltney, Flintshire</u></b>
<b><u>APPLICATION VALID DATE:</u></b>	<b><u>13<sup>th</sup> May 2021</u></b>
<b><u>LOCAL MEMBERS:</u></b>	<b><u>Councillor Ms V Gay</u></b>
<b><u>TOWN/COMMUNITY COUNCIL:</u></b>	<b><u>Saltney Town Council</u></b>
<b><u>REASON FOR COMMITTEE:</u></b>	<b><u>Request from Local Member</u></b> Concerns over: <ul style="list-style-type: none"><li>• Impact on the character and appearance of an area (design, appearance and intensity)</li><li>• Impact on highway safety (e.g. poor visibility, pedestrian safety, parking)</li><li>• Impact on community facilities</li></ul>
<b><u>SITE VISIT:</u></b>	<b><u>Not requested</u></b>

### **1.00 SUMMARY**

- 1.01 This item refers to a householder application for the erection of an extension to the side of the dwelling and for the erection of a family room extension to the rear. It is presented to Planning Committee at the request of the Local Member given concerns raised by constituents.

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

- 2.01
- Time limit on commencement
  - In accordance with approved plans
  - Materials to match existing

**3.00 CONSULTATIONS**

- 3.01 Local Member Councillor Ms Veronica Gay  
Requests determination by Planning Committee for the reasons stated above.

Saltney Town Council  
No response at time of writing.

Highways Development Control  
No objection.

Community and Business Protection  
No adverse comments.

**4.00 PUBLICITY**

- 4.01 Neighbour Notification

1no. letter in support received.  
1no. letter of objection on the following grounds:

- Planning approval would create a precedent by unbalancing a pair of semis as there are no side extensions with upper storeys the entire length of the existing property.
- Considers that a terracing effect would be created on a row of semi-detached properties.
- Reference to a “Impossibility in Principle” because of a lack of need of an upper story on an elevated side extension.
- Close location of more than one storey would take on an overbearing and depressing effect due to the narrow distance between the extension boundary and 7 Alyndale Rd property line
- The only approach to Englefield Avenue and Alyndale Rd is from a road junction which, if overcrowded development takes place post planning, could present problems i.e. in regard to parking and the existence of HMO’s.
- Essential measurements have been omitted from the drawings.

## **5.00 SITE HISTORY**

5.01 None

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
GEN1 - General Requirements for Development  
GEN2- Development Inside Settlement Boundaries  
HSG12 - House Extensions and Alterations  
D1- Design Quality, Location and Layout  
D2- Design

Supplementary Planning Guidance  
SPG Note 1 -Extensions and alterations  
SPG Note 2 - Space Around Dwellings

National Planning Policies:  
PPW Ed. 11  
TAN 12 – Design  
Future Wales: The National Plan 2040 (FWP 2040)

## **7.00 PLANNING APPRAISAL**

### 7.01 Site Description

The application site comprises a semi-detached, two storey dwelling located on a moderate size plot with parking being accommodated off-road to the driveway at the front of the dwelling and a private amenity area extending to the rear. The surrounding area is predominantly residential with the application site located within a residential street with properties of very similar style being either two storey semi-detached or terraced dwellings.

### 7.02 Proposed Development

Permission is sought for the erection of a two storey extension and single storey rear extension. The two storey extension is proposed to the south east side elevation of the existing dwelling. The proposed extension would project 2.1m from the existing side elevation, having a length of 7.39m. The proposed height is approximately 6.3m designed with a pitched roof that will have a lower ridge height than that of the existing roof by at least 1m. A small roof light is proposed on each roof slope. The side extension would also be set back from the existing front elevation by 0.75m.

7.03 To the rear of the dwelling an extension is proposed, projecting 4m, having a width of 5.1m and a maximum height to the pitched roof of 4.2m. To be used as a family room, bifold doors would face

rearwards with a small roof light proposed in each roof slope to provide light.

7.04 The Main Issues

The main issues to be considered within the determination of this planning application are:

1. the principle of the development in planning policy terms,
2. the scale and form of the proposal and its effects upon the character and appearance of the surrounding area and
3. the effects of the proposal upon the living conditions of adjoining residents.

7.05

Principle of Development

HSG12 states extensions or alterations to existing dwellings will be permitted provided that the proposal:

- is subsidiary in scale and form to the existing dwelling, and does not represent an overdevelopment of the site;
- respects the design and setting of the existing dwelling and surrounding area; and
- will not have an unacceptable impact on people living nearby.

7.06

GEN1 and D1 states that development should harmonise with the site and surroundings in terms of the siting, scale, design, layout, use of space, materials, external appearance and landscaping.

7.07

PPW11 introduces the concept of placemaking whose positive implementation through good design is to ensure peoples and community well-being. PPW states that good design is fundamental to achieving sustainable places and is not simply about the architecture of a building or development but the relationship between all elements of the natural and built environment and between people and places.

7.08

Scale of Development

The scale of the proposed side extension is subordinate in terms of floor area to that of the original dwelling and would not represent an over development of the site, with sufficient curtilage available to accommodate the extension. The extension has been designed in accordance with the principles contained in SPG note no. 2 – Space around Dwellings, having a lower roof ridge line than that of the existing and a frontage which is stepped back from the principal elevation, thus creating a subservient form. The scale and form of the proposed rear extension are subordinate to that of the original dwelling and would not lead to an over development of the site. The proposal is compliant with the criteria contained in policy HSG 12 of the Flintshire Unitary Development Plan and guidance contained in Supplementary Planning Guidance Notes 1 and 2.

7.09 Character and Appearance

In terms of character and appearance the design of both extensions as proposed respect the design and setting of the existing dwelling and the surrounding area. A condition requiring the use of materials which match the existing dwelling will ensure the development further harmonises with its setting.

7.10 The two storey side extension has also been designed so as to avoid the 'terracing effect" which can result from two story extensions where the ridge line has not be reduced and by providing a visual break. The proposal is therefore compliant with the provision of policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan and guidance contained in Supplementary Planning Guidance Notes 1.

7.11 Impact on adjacent Living Conditions

The property is positioned between no.3 and no.7 Alyndale Road. The impact of the living conditions of the occupiers of these properties is of fundamental importance in consideration of this application having regard to planning policy and Supplementary Planning Guidance 2 – Space Around Dwellings. Any impact upon no. 3 would only arise from the rear extension proposed. Given that this property has a rear extension of similar projection, the impact is considered minimal. There is no breach of the 25/45 degree rules as set out in SPG note 1 with regard to the relationship between these two properties. Furthermore it is considered that the proposal is an adequate distanced from the neighbouring dwelling at no. 7 and that the proposal would not prevent the reasonable enjoyment of the rear rooms or garden space for those existing occupiers.

7.12 I have considered the impact of the two storey side extension on the living conditions afforded to no. 7 Alyndale Road. Whilst it is accepted that the proposal would extend up to the boundary, steps have been taken to limit scale and massing, by maintaining a visual break from the existing dwelling. There are no side windows proposed to give rise to overlooking, and the orientation of the site is such that there would be no adverse loss of natural light. No. 7 Alyndale Road has the benefit of car port to its (NW) side elevation which the development would abut. Given this is not a principal room use, adverse impact resulting from the proposed extension is considered to be minimal. The proposal is compliant in this regard with the provision of policies GEN1, HSG12 and D2 of the Flintshire Unitary Development Plan and guidance contained in Supplementary Planning Guidance Notes 1.

7.13 Other Issues

Impact on Highway and Pedestrian Safety

The existing and proposed floor plans indicate that the property currently has 3 no bedrooms and that the extension will not change this. Your maximum parking standards suggest that 2 no parking spaces should be provided to serve a 3 bedroom dwelling. It appears that parking for 2 no vehicles already exists within the site. On this basis, the Highway Authority confirm that they have no objection to the proposal nor do they wish to make a recommendation on highway grounds.

7.14 Impact upon Community Facilities

There is no evidence within the submitted application that there would be any impact on Community Facilities.

7.15 Party Wall Act Implications

The developer must ensure compliance with the Party Wall Act 1996. However this is a process that lies entirely outside of the consideration of this planning application.

**8.00 CONCLUSION**

The proposal has been designed carefully to provide a visually acceptable form of development, which seeks to limit impact upon the neighbouring living conditions in accordance with Policies GEN 1, HSG 12 and D2 of the Flintshire Unitary Development Plan and its Supplementary Planning Guidance Notes 1 and 2.

8.01 Other Considerations

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

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

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

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

**LIST OF BACKGROUND DOCUMENTS**

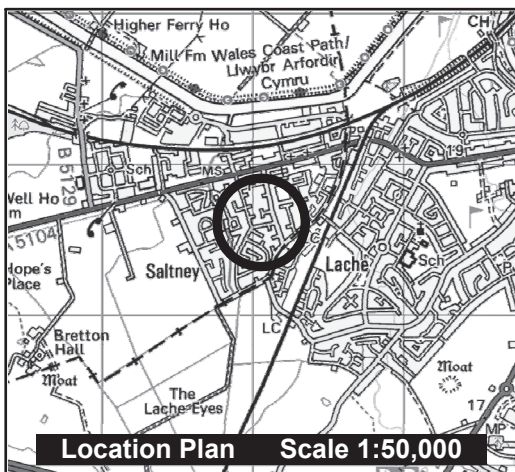
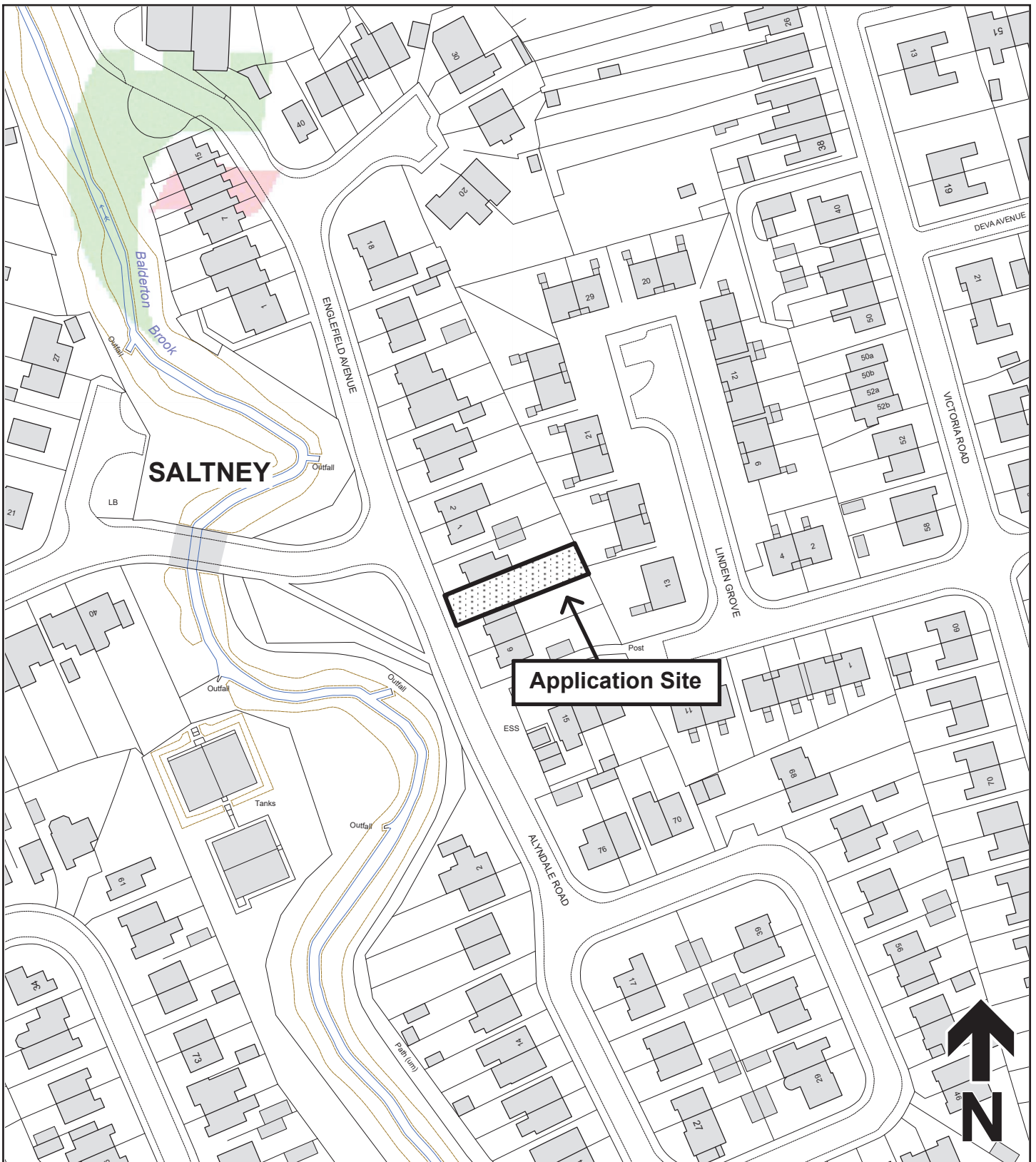
Planning Application & Supporting Documents



National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer: Jenni Perkins**  
**Telephone: 01352 703327**  
**Email: [jenni.perkins@flintshire.gov.uk](mailto:jenni.perkins@flintshire.gov.uk)**

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



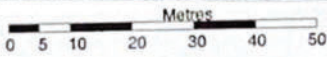
Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Chief Officer: Mr Andrew Farrow

**Legend**

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

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Flintshire County Council, 2021.

Map Scale	1:1250
OS Map ref	SJ 3764
Planning Application	<b>62917</b>



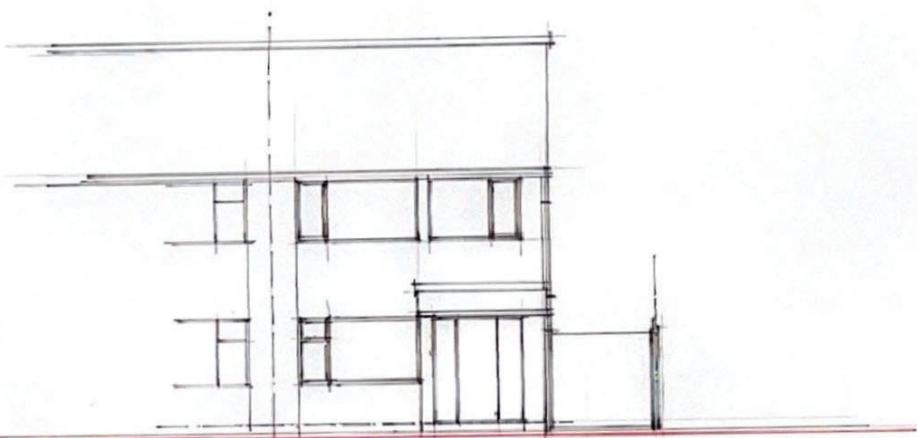
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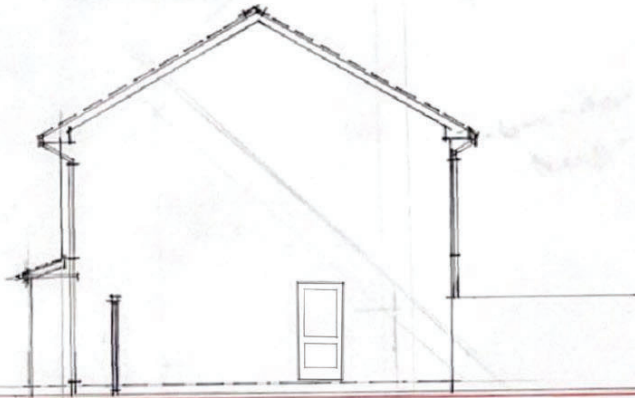
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License number: 100031961  
Produced: 09/03/2021  
Serial number: 22493

5 ALYNDALE ROAD  
SALTNEY  
CHESTER  
CH4 8UG

Plot centre co-ordinates: 337824,364690  
Download file:  
Project name: Alyndale 1250



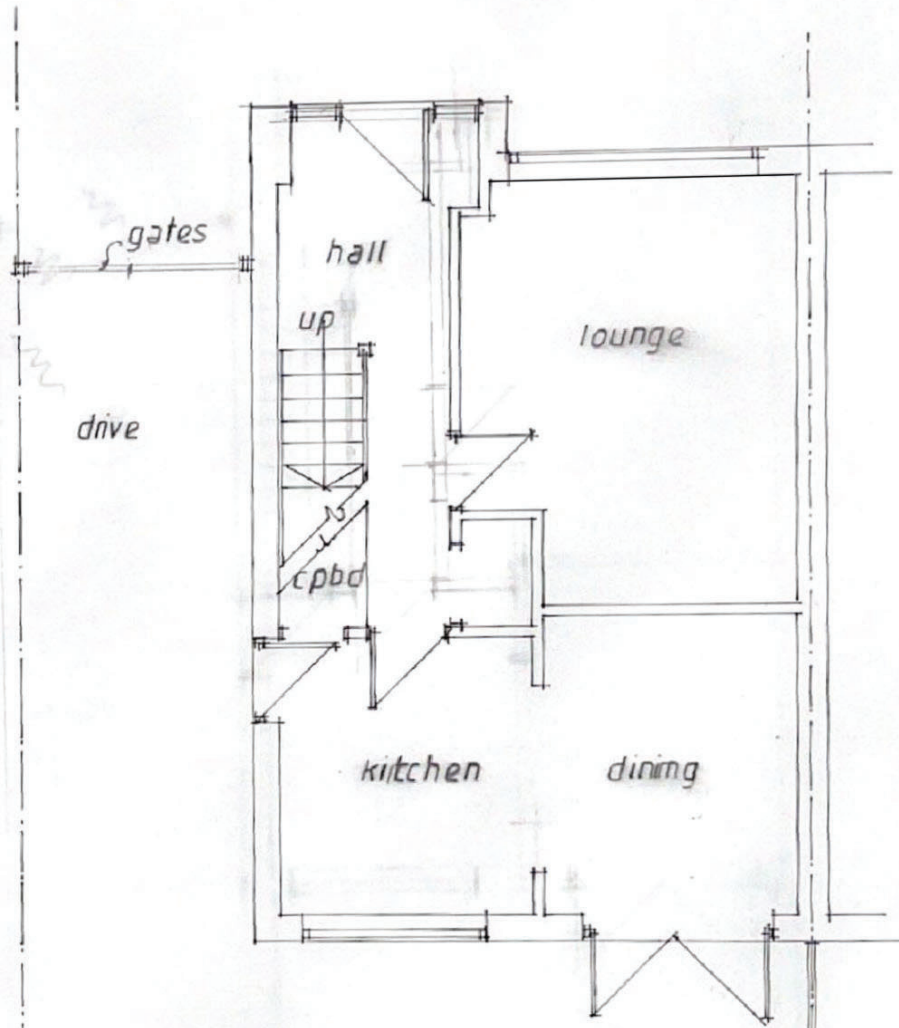
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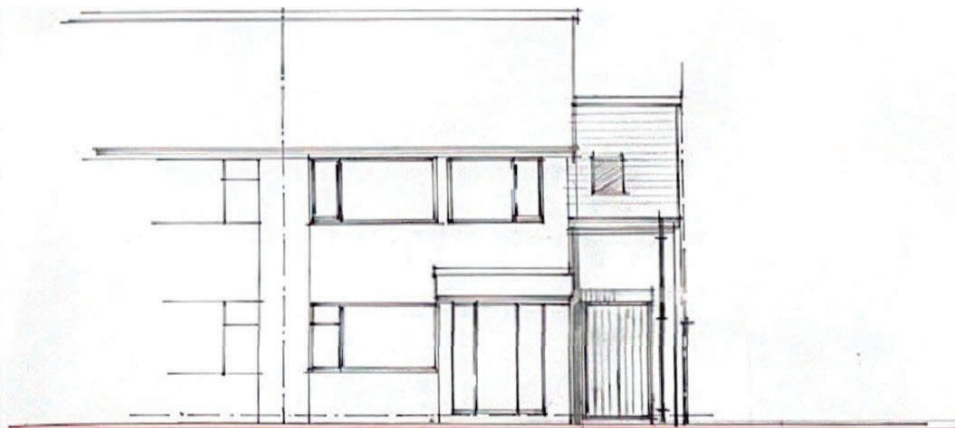
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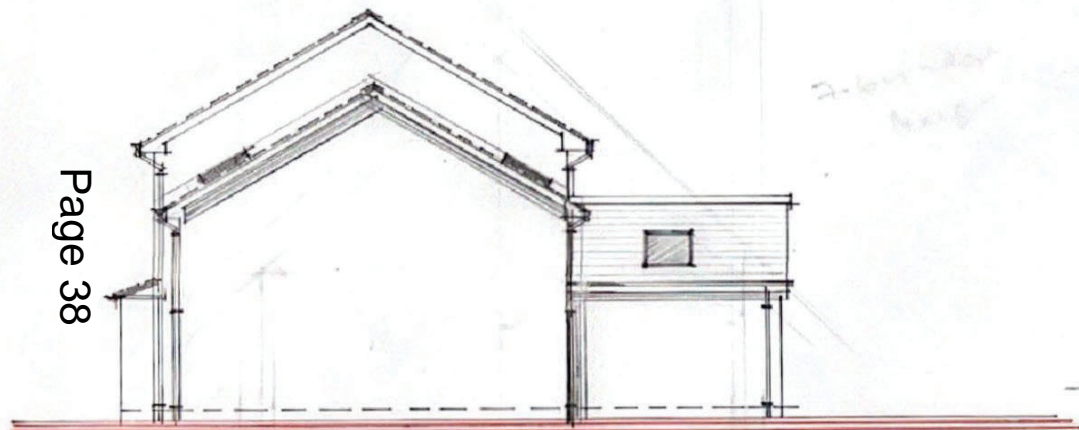
rear elevation



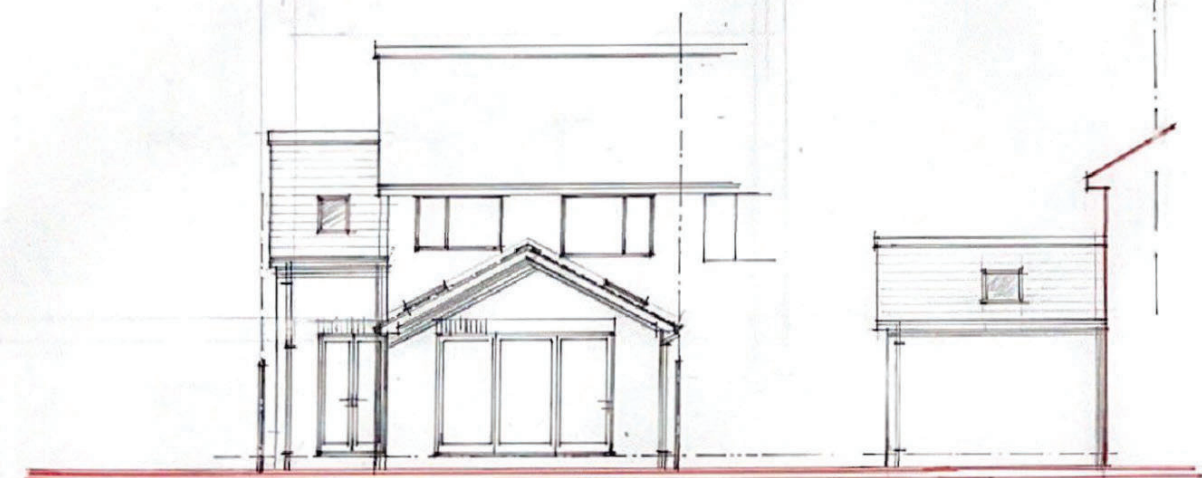
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existing details  
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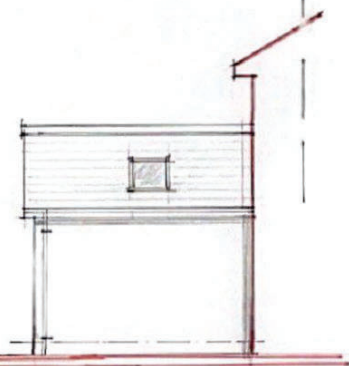
front elevation



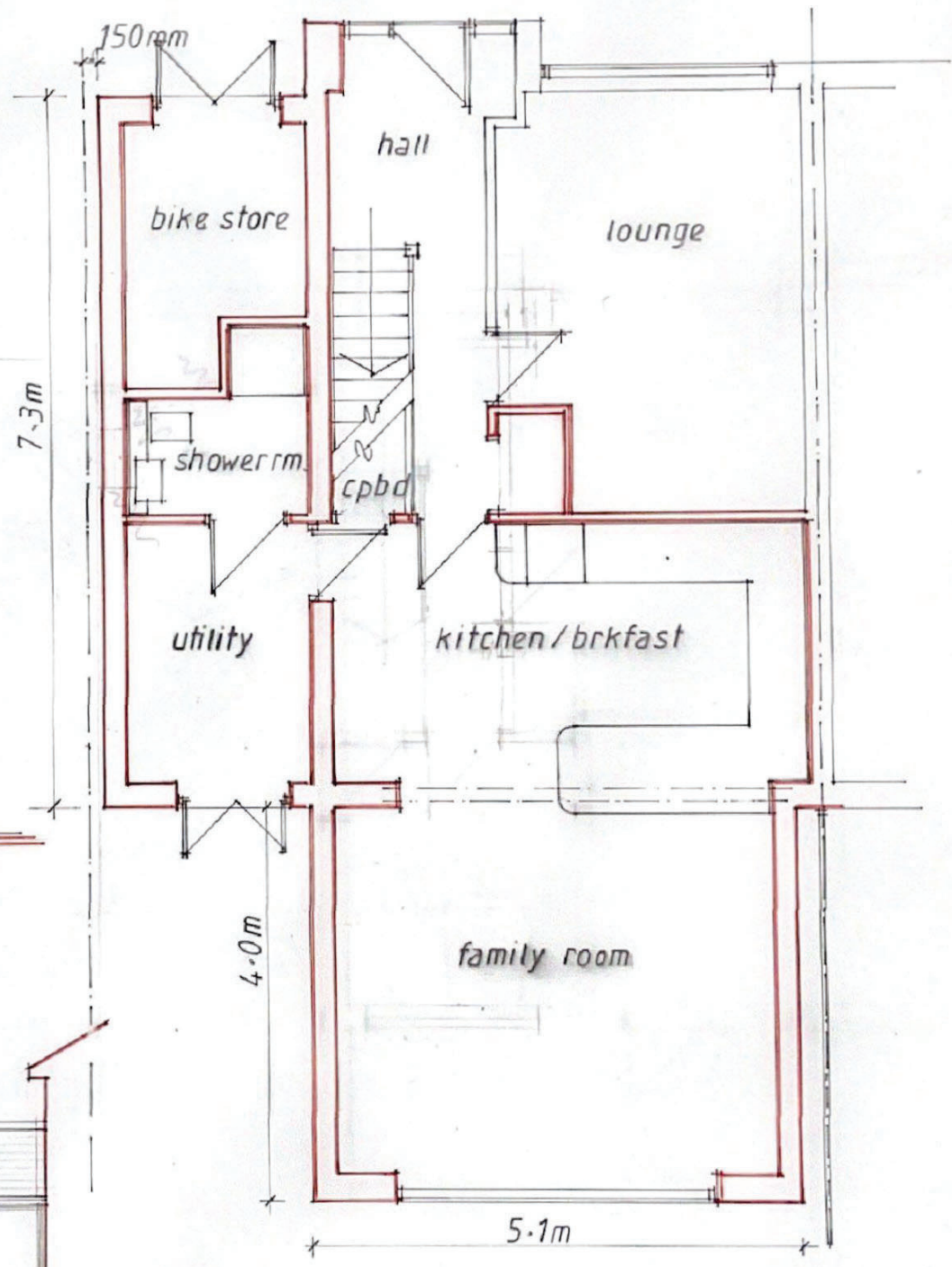
side elevation



rear elevation



side elevation [part]



7.3m

4.0m

5.1m

150mm

bike store

hall

lounge

shower rm

cpbd

utility

kitchen / brkfast

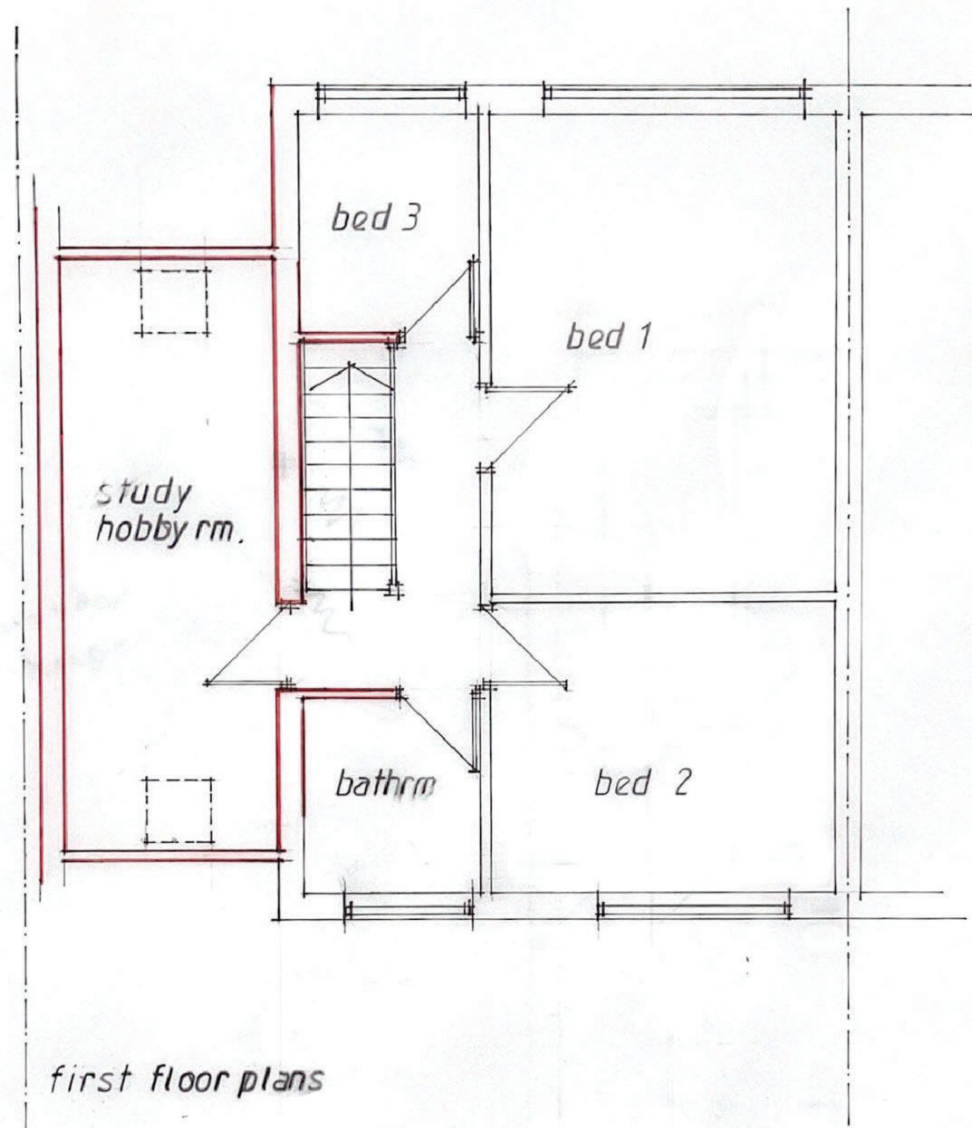
family room

patio

2.6m x 2.6m  
bath

Page 38

alyndale  
proposals  
scale 1:50, 1:100



*alyndale  
proposals  
scale 1:50.*

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **21<sup>ST</sup> JULY 2021**

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

**SUBJECT:** **CHANGE OF USE FROM C3 (DWELLINGS) TO C4 (HOUSE OF MULTIPLE OCCUPATION) IN RETROSPECT AT 7 HOWARD STREET, CONNAH'S QUAY**

**APPLICATION NUMBER:** **061294**

**APPLICANT:** **MR V SRIVASTAVA**

**SITE:** **7 HOWARD STREET, CONNAH'S QUAY, CH5 4QQ**

**APPLICATION VALID DATE:** **29<sup>TH</sup> APRIL 2020**

**LOCAL MEMBERS:** **COUNCILLOR AARON SHOTTON**  
**COUNCILLOR BERNIE ATTRIDGE**

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

**REASON FOR COMMITTEE:** **APPLICATION REFERRED BY COUNCILLOR AARON SHOTTON AND COUNCILLOR BERNIE ATTRIDGE DUE TO CONCERNS OVER PARKING/EFFECT ON THE HIGHWAY AND DEFFICIENT ROOM SIZE STANDARDS**

**SITE VISIT:** **VISIT REQUESTED BY COUNCILLOR AARON SHOTTON AND COUNCILLOR BERNIE ATTRIDGE TO LOOK AT ABOVE MENTIONED ISSUES**

### **1.00 SUMMARY**

- 1.01 This is a full retrospective application for the change of use from C3 dwelling house to a 5 bedroom house of multiple occupation at 7 Howard Street, Connah's Quay. It is considered it is acceptable in policy terms and will not detrimentally affect the living conditions of neighbours in the locality or those of the future occupiers.

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

- 2.01
1. In accordance with approved details
  2. Maximum occupation to be 5 people
  3. Scheme of bin and recycling storage to be agreed.
  4. Details for the storage of cycles shall be submitted to and approved in writing by the Local Planning Authority.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor Aaran Shotton

I request this application to be referred to Planning Committee due to parking/effect on the highway and deficient room size standards.

Councillor Bernie Attridge

I strongly object to this application and request a site visit and committee determination.

Connah's QuayTown Council

No response received.

Highways DC

No specific requirement in the LPGN which prescribes parking provision for HMOs. However appeal decision referenced and using the same argument, the current Application for a 5 bed HMO would require 2.0 no parking spaces where 2 no spaces would be required to serve a 3 bed dwelling.

On this basis, and in consideration of the property's relatively sustainable location, it is not considered that a recommendation of refusal on the basis of a lack of parking facilities may be justified at appeal.

Community and Business Protection

No adverse comments to make.

The room size allowance is a minimum 6.5m<sup>2</sup> for 1 person when there is a communal living space within the property. On plan the room named as the dining room can be defined as the communal living space which allows 6.5m<sup>2</sup> as the minimum room space requirement.

**4.00 PUBLICITY**

4.01 Neighbour Notification

Neighbours

19 letters of objection received raising similar issues which are summarised below;

- Resident parking is all on street, except for a newly created parking area on the grassed area further down Howard Street which is always full. A HMO would bring additional vehicles into the street where there is already insufficient parking. Vehicles frequently double park causing a danger to road users and pedestrians due to reduced visibility. This is particularly dangerous near to the Junction with Mold Road. Number of road accidents on Howard Street.
- Concern over such developments rapidly changing the character of the community. The area is saturated with HMO's. Family homes and houses suitable for young local families and those looking for affordable housing are being lost to wealthy property developers.

## **5.00 SITE HISTORY**

- 5.01 No recorded history although the agent has confirmed that the change of use has already taken place.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
STR1 - New Development  
STR2 – Transport and Communications  
STR4 – Housing  
STR8 – Built Environment  
GEN1 - General Requirements for Development  
GEN2 - Development inside Settlement Boundaries  
D1 - Design Quality, Location and Layout  
D2 - Design  
AC3 - Cycling Provision  
AC13 – Access and Traffic Impact  
AC18 - Parking Provision and New Development  
HSG3 – Housing on Unallocated Sites Within Settlement Boundaries  
HSG8 – Density of Development  
HSG9 - Housing Mix and Type

## **7.00 PLANNING APPRAISAL**

- 7.01 The application seeks retrospective consent to convert a C3 dwelling house to a C4 5 bedroom house of multiple occupation. There are no physical internal or external changes proposed to the property. The proposals aim to change the ground floor living and

dining rooms to bedrooms with all other rooms retaining the same use.

- 7.02 The site is within the settlement boundary for Connah's Quay which is defined as a category A settlement in the Flintshire Unitary Development Plan. The application site consists of a traditional bay fronted semi-detached property with tiled pitched roof and rendered principal elevation. There is no off street parking provision and amenity space is located at the rear of the property. There are a mix of property styles varying in size and age in the locality.
- 7.03 Main Issues  
The main issues are considered to be the impact of the development upon the character of the area with regard to living conditions of future occupiers, neighbouring residents and parking.
- 7.04 Principle of Development  
The site is located within the Connah's Quay settlement boundary and the proposals relate to the residential use of an existing residential dwelling. The principle of the proposal is therefore acceptable as it makes the most efficient and effective use of existing housing stock in accordance with policy STR4 and GEN2 of the FUDP.
- 7.05 Impact on character and appearance with particular regard to the living conditions of neighbouring occupiers  
As no external changes are proposed there would be no material change in the appearance of the building which would be harmful to the character of the area.
- 7.06 The proposed layout changes are to the ground floor living and dining rooms which will become 2 bedrooms changing the property from 3 bedroom to 5 bedroom.
- 7.07 The proposal will retain amenity space to the rear which will allow for drying of clothes, cycle and general storage.
- 7.08 The proposed use is a residential use which operates at a level of intensity only slightly increased to that which might reasonably be expected if it remained as a C3 dwelling house.
- 7.09 The proposal would not adversely affect the character or the area as it would physically harmonise with the site and surroundings as there will be no material change in its current appearance as a dwelling. It is therefore compliant with Policy GEN1. Furthermore, it is not considered that overlooking of any neighbouring properties is increased. There are no reduced interface distances between windows. There is therefore no impact on the character of the area with regard to the living conditions of neighbours.

- 7.10 Living conditions of future occupiers  
The living conditions of future occupiers can be considered a material planning consideration. It is important to note that there is currently no planning guidance in Flintshire on the size or layout of HMO's with regard to provision of acceptable living conditions for occupiers. The proposal retains a kitchen and separate dining room which provides shared amenity space. The smallest bedroom is 8.67sqm which is acceptable in terms of housing standards where there is shared amenity space.
- 7.11 As the applicant has not advanced a limit on the level of occupation, in order to provide an acceptable level of living conditions for future occupiers a condition will be imposed to ensure each room is single occupancy only. All the bedrooms proposed are of a reasonable size to accommodate a single occupant.
- 7.12 Parking and Impact on the Highway  
There is a concern that the increased residential use of the HMO, would lead to an increase in the parking requirements above what would reasonably be expected of a private dwelling. At a recent appeal for a HMO in Saltney, the Inspector noted that:
- 7.13 "The appellant has, however estimated that the HMO would generate a parking demand of 0.4 cars per flat, or less than 4 in total, based on the Residential Car Parking Research undertaken by the Department for Communities and Local Government in 2007. Whilst this research was undertaken in an English context, it nonetheless provides an evidenced indication of the likely traffic generation of an HMO.
- 7.14 Although SPG11 Parking standards contains no standard parking provision for a HMO, in another recent application for a HMO the rational of 0.4 car parking spaces has been applied. If the same rational is applied to this application a requirement for a maximum of 2.4 parking spaces would be applied.
- 7.15 The site is in a sustainable location near to the town centre and near to key transport links and active travel routes. It is therefore considered that the development would not exacerbate on street-parking or increase the vehicular movement to the extent that highway safety or the free flow of traffic would be materially harmed. It would be very difficult to demonstrate that the proposed use would have a greater impact on the highway than the lawful use as a dwelling house. A condition will however be applied to ensure provision for cycle storage is available prior to the development being brought into use, in order to promote sustainable means of transport and reduce reliance on car usage.
- 7.16 Other Matters

Objections have been received from neighbours regarding the increased pressure on local services and that the proposed use will change the character of the area removing affordable homes from young families.

- 7.17 Both the existing and proposed use are residential in nature. The size of the existing dwelling could easily accommodate a family of 5 adults. There is no evidence to substantiate the view that 5 adult occupiers of a HMO would exert any further pressure on local services.
- 7.18 The existing and proposed uses are residential, falling into the same use classes order. As set out in a previous Inspectors decision, a HMO may create a slightly more intensified use caused by increased comings and goings but no evidence has been submitted to demonstrate how this proposal would materially change the character of the area. The property is privately owned and the planning system cannot control the sale of the property.

## **8.00 CONCLUSION**

It is considered that the proposal is in accordance with the relevant development plan policies, and having considered the objections received and all other matters I recommend that the application is approved.

### **8.01 Other Considerations**

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

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

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

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

## **LIST OF BACKGROUND DOCUMENTS**

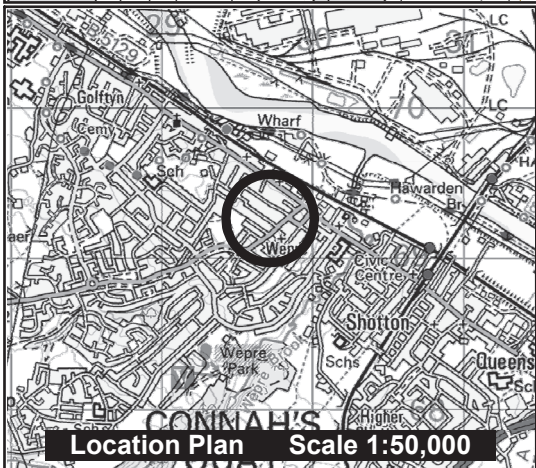
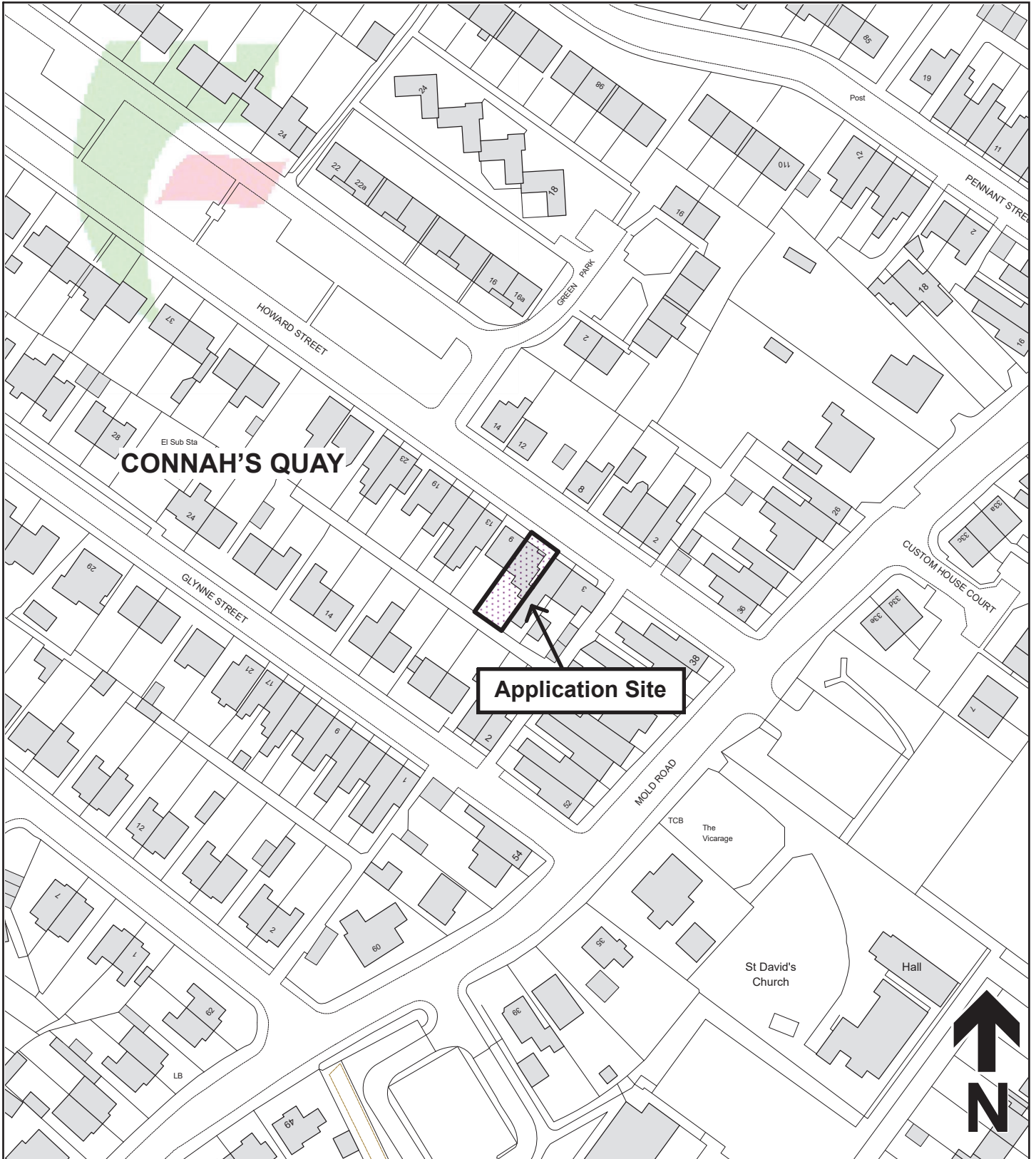
Planning Application & Supporting Documents  
National & Local Planning Policy

Responses to Consultation  
Responses to Publicity

**Contact Officer: Ms Alison Dean**  
**Telephone: 01352 702012**  
**Email: [alison.dean@flintshire.gov.uk](mailto:alison.dean@flintshire.gov.uk)**

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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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Map Scale 1:1250

OS Map ref SJ 2969

Planning Application **61294**

7, Howard Street, Connahs Quay, Flintshire, CH5 4QQ

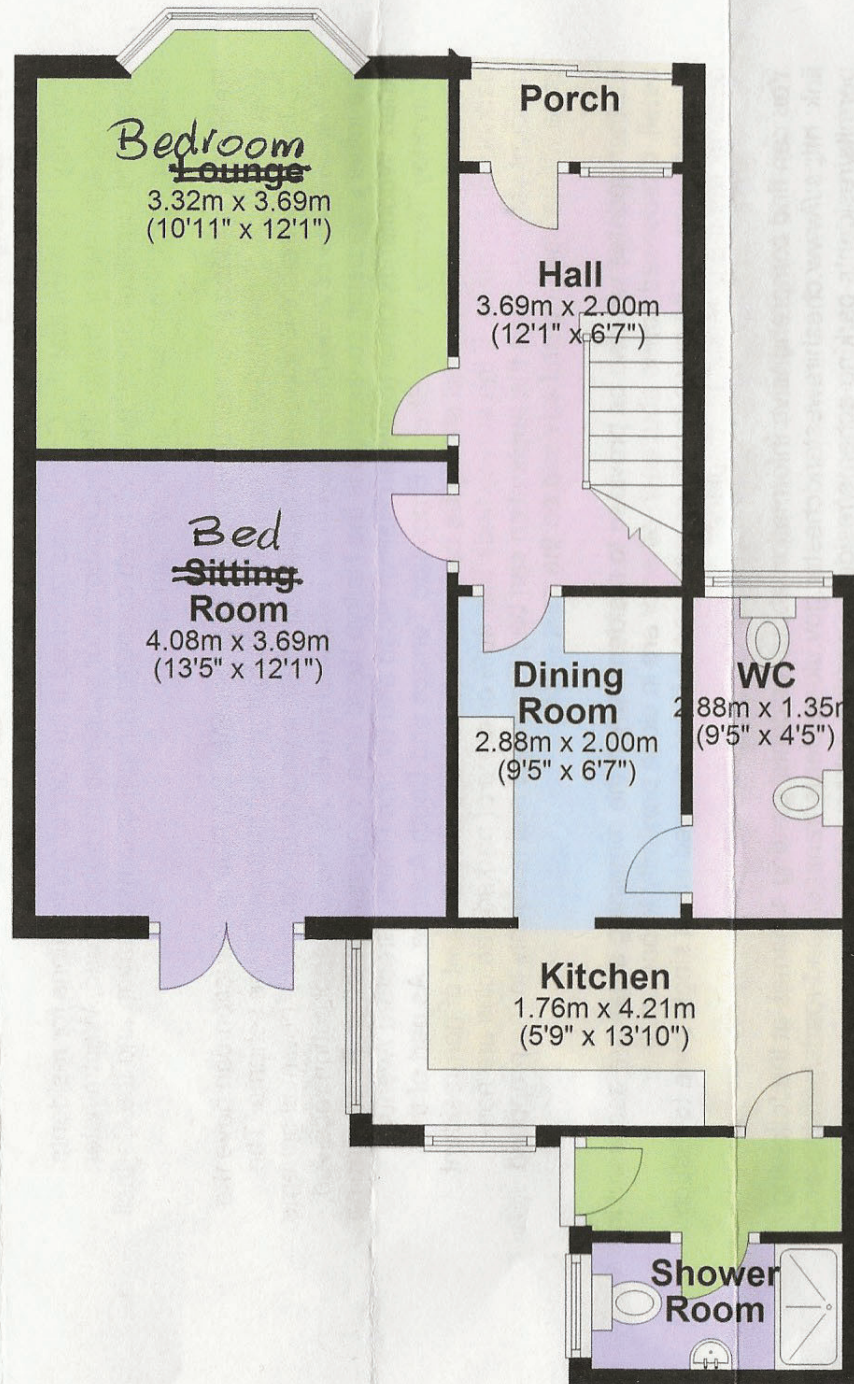


Site Plan shows area bounded by: 329626.67, 369144.07 329768.1, 369285.49 (at a scale of 1:1250), OSGridRef: SJ29696921. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

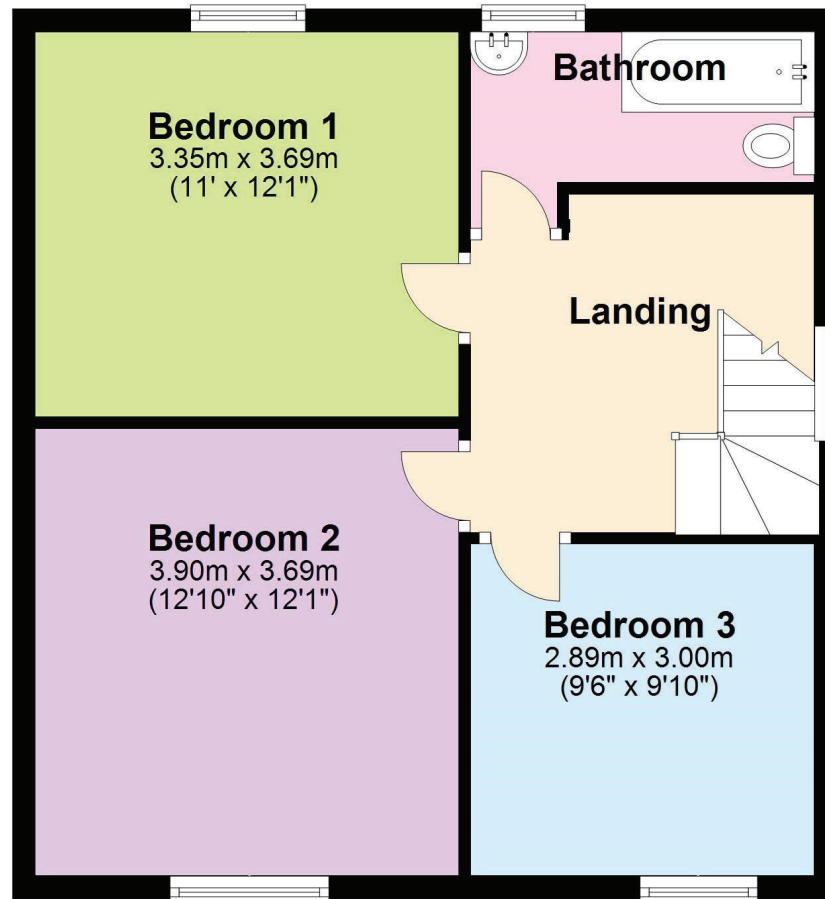
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# Ground Floor



# First Floor



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **21<sup>st</sup> JULY 2021**

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

**SUBJECT:** **PHASED EXTRACTION OF SOME 31.13M TONNES OF LIMESTONE FROM WITHIN THE EXISTING PERMITTED AREA AT HENDRE QUARRY AND FROM WITHIN AN EASTERN EXTENSION TO THE QUARRY AS A COMPREHENSIVE EXTENSION AND CONSOLIDATION SCHEME; RETENTION OF THE EXISTING PROCESSING PLANT AND RELATED INFRASTRUCTURE FOR THE DURATION OF THE DEVELOPMENT; RETENTION AND USE OF THE EXISTING ACCESS FOR THE DURATION OF THE DEVELOPMENT; CONSTRUCTION AND LANDSCAPING OF A SCREENING LANDFORM; AND IMPLEMENTATION OF A RESTORATION SCHEME FOR BOTH THE EXISTING QUARRY AND EXTENSION AREA.**

**APPLICATION NUMBER:** **062110**

**APPLICANT:** **TARMAC TRADING LIMITED**

**SITE:** **HENDRE QUARRY, DENBIGH ROAD, HENDRE**

**APPLICATION VALID DATE:** **17<sup>th</sup> NOVEMBER 2020**

**LOCAL MEMBERS:** **COUNCILLOR COLIN LEGG**  
**COUNCILLOR OWEN THOMAS**

**TOWN/COMMUNITY COUNCIL:** **CILCAIN COMMUNITY COUNCIL**  
**HALKYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MAJOR EIA DEVELOPMENT ABOVE THE SCHEME OF DELIGATION AND A SECTION 106 IS REQUIRED**

**SITE VISIT:** **NONE REQUESTED**

## **1.00 SUMMARY**

1.01 This is a full application for the phased extraction of some 31.13M tonnes of limestone from within the existing permitted area at Hendre quarry and from within an eastern extension to the quarry as a comprehensive extension and consolidation scheme; retention of the existing processing plant and related infrastructure for the duration of the development; retention and use of the existing access for the duration of the development; construction and landscaping of a screening landform; and implementation of a restoration scheme for both the existing quarry and extension area. The main issues are considered to be:

- The principle of development and suitability of this location
- The Need for aggregate and the need to extend the quarry
- Landscape and Visual Impact Assessment
- Air Quality and Dust
- Noise
- Blasting
- Ecology and Nature Conservation
- Cultural Heritage and Archaeology
- Highways, Traffic, Transportation and Access
- Geology, Geotechnical stability and Soils

The application is recommended for approval subject to the conditions summarised below and a Section 106 agreement relating to blasting limits and nature conservation.

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

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

- Formalisation of the annual payment made to North Wales Wildlife Trust for the ongoing management of Coed Y Felin Nature Reserve. The annual payments will be made for the lifetime of NWWT's lease of the land and will be subject to an annual report by the NWWT being provided showing how the money has been spent.
- Variation of the existing legal agreement which imposes a higher blast limit of 20mm/s ppv for the Gwrachen Farm, a property situated to the north of the quarry which is owned by the applicant.

- 2.01
1. Approved plans
  2. Duration of the permission to 31 December 2056
  3. Time limit for completing the restoration 31 December 2056
  4. Hours of working
  5. Hours of working (asphalt plant)
  6. Control of dust
  7. Dust mitigation
  8. Control of blast vibration
  9. Blast limit
  10. Blast monitoring
  11. Control of Noise during operational hours
  12. Control of Noise for maintenance outside working hours
  13. Control of noise for maintenance during weekend/public holiday daytime hours
  14. Control of noise for temporary operations
  15. Noise monitoring and reporting
  16. Noise monitoring for asphalt plant (Sunday/Bank holidays)
  17. Vehicle cleaning
  18. Withdrawal of permitted development rights
  19. Colour of fixed plant
  20. Lighting on plant
  21. Pollution control and Ground water
  22. Drainage and surface water control
  23. Written Scheme of Archaeological Investigation and Archaeological Watching Brief .
  24. Soil stripping and storage
  25. Storage of top soil
  26. Storage of subsoil and overburden
  27. Management of Perimeter Bunds
  28. Maintenance of Perimeter Woodland
  29. Submission of updated Bat and Bird, and Badger Survey.
  30. Grassland monitoring
  31. Progressive Restoration of final quarry benches
  32. Recording and monitoring of restoration on final quarry benches
  33. Detailed scheme for progressive restoration
  34. Early Cessation
  35. Removal of fixed plant and machinery
  36. Five year Aftercare scheme
  37. Annual aftercare reporting
  38. Implementation of aftercare
  39. Submission of scheme of mitigation for Milwr Tunnel prior to phase 2
  40. Quarry inspections annual report.
  41. Submission of an updated geotechnical/mine stability report prior to Phase 5 or works within 45m of the Milwr Tunnel caverns

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

##### Cllr Thomas

Requests that the application is determined by the planning committee. The reason given is to ensure the areas of objection can be dealt with.

##### Cllr Legg

No response at the time of writing

#### **Town and Community Councils**

##### Cilcain Community Council

- Quarry wagons exiting the Quarry at the A541 junction and turning left towards Mold are forced to cross over the A541 centre line. Therefore, consideration should be given to the realignment of the quarry exit junction to improve the exit radius
- Loaded wagons leaving the quarry and turning left towards Mold deposit a white limestone-laden water on the carriageway. However, consideration should be given to the sweeping operation to be extended to cover the carriageway and footway as far as the Rhosesmor junction on a daily basis.
- Consideration has recently been given by Flintshire CC to a pedestrian crossing near the Service Station in Rhydymwyn. Cost has been an important factor to delay implementing a pedestrian crossing. Consideration should, therefore, be given to conditioning the quarry to make a contribution towards funding of the pedestrian crossing proposal.
- The speed limit through Rhydymwyn village is 40 mph at present. A recent speed survey undertaken by Flintshire County Council proved that the 40 mph limit is not very effective in controlling vehicle speeds. Conditioning Tarmac to contribute towards the cost of introducing enhanced traffic speed reduction measures either side of the village should be considered. Consideration should also be given to extending the 40 mph limit towards the Tarmac Quarry entrance.
- The section of Nant Road between the quarry exit and the A541 has some significant depressions in the road surface, which hold limestone dust-laden surface water. Nant Road at this location was initially constructed as a narrow country lane.
- The lack of regular maintenance of the roadside hedge from The Oak at Hendre to the Tarmac entrance on the Rhydymwyn side of Hendre is a potential danger to local residents who walk the roadside footway.



- An improvement in the wheel washing facility and procedures at the quarry is urgently required to ensure laden vehicles are dry before they come on to the A541.
- Improvement in the road camber of the quarry road between the wheel wash and Nant Road is required to ensure that the waste water from the wheel wash is no longer being held on the road surface.
- Council Members receive complaints regarding vibration and cracking in buildings as a result of quarry blasting. Consideration should be given to introducing lower blasting intensity limits.

#### Halkyn Community Council

Subject to compliance with relevant policies and planning guidance notes, then no objections are raised.

#### Highways Development Control

The Highways Development Control Manager has considered the proposals and raises no objection on highways grounds.

#### Pollution Control

The Pollution Control Officer has considered the proposals and raises no objection on environmental health grounds.

#### Rights of Way

Public Footpath 24 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

#### Conservation

The Conservation Officer has considered the proposals and raises no objection on highways grounds.

#### Emergency Planning

The Fire Authority does not have any observations in regard to access for appliances and water supplies. North Wales Police have also been consulted and raise no objection

#### Welsh Government Land Use Planning Unit

Having re-considered this proposal in light of the additional information provided, the Department withdraws its conditional objection the following reasons:

1. The Department no longer considers the proposal to be a TAN6 Annex B2 or B5 matter, therefore, withdraw the BMV policy objection.
2. The Department believes the Authority has the information to be able to determine the application.

### A.O.N.B Joint Advisory Committee

The principal concern is the impact on views from the AONB and how these impacts can be mitigated and the site restored at the earliest possible opportunity. The northern and eastern faces will be particularly prominent, and the committee agrees with the conclusions of the LVIA that the overall impact on the AONB is neutral to moderate adverse. The broad approach and measures adopted to address landscape and visual mitigation are supported, together with the concept restoration plan. The long term Woodland Management Plan is also a welcome initiative, including measures to address the potential loss of woodland cover as a result of Ash dieback. The stated intention to implement a phased restoration of the site is noted, but given that the site will have a 35 year lifespan the Joint Committee does not consider that the current restoration programme is ambitious enough and would recommend that the progressive restoration of the site should start sooner and continue throughout the operational life of the quarry. The committee would also wish to see more of the most prominent upper north and eastern faces/benches restored through seeding and planting rather than natural regeneration.

The Joint Committee would also recommend that an external lighting plan is required for the site to ensure that any lighting is designed to conserve the AONB's dark sky and nocturnal wildlife."

### Clwyd Powys Archaeological Trust

Having considered the interim summary report from Cotswold Archaeology, can confirm that the prehistoric and undated linear and pit features revealed in trenches 1 and 5-8 would need further investigation using a strip/map/excavate methodology over the initial areas highlighted on the sketch trench plan provided by Cotswold Archaeology. This can be successfully achieved by a suitable condition

### Welsh Water/Dwr Cymru

Welsh Water raise concerns regarding the potential impact blasting and vibrations will have on their underground reservoir at Rhosesmor which is approximately 1.4km to the north east of the site. In light of this they are unable to support the application.

### Natural Resources Wales

NRW consider that the proposal is not likely to have a significant effect on a SSSI, SAC, SPA or Ramsar. In addition, the proposed development is not likely to harm or disturb bat or otter breeding sites and resting places at this site, provided the avoidance measures described in the ES are implemented.

On the basis that all proposed works will be located outside the 0.1% AEP event flood outline, they raise no significant concerns in relation to this proposal on flood risk grounds.

We recommend that any grant of planning permission should include conditions relating to the storage of oil's fuels and chemicals, and that the documents listed within their letter are identified within the approved plans and documents on the decision notice

#### North Wales Wildlife Trust

Requests that the future of Coed y Felin as a nature reserve is secured as part of the current proposals to extend the quarry to the East. This should include guaranteed payments for the site's management for at least the duration of the quarry's operation (either by way of guaranteed annual payments or a lump sum) and the transfer of its ownership to the NWWT at some point in time. We would also like to see agreement now on the future of the Hendre Quarry site itself as a haven for wildlife following the cessation of operations (or for some parts of the quarry, before then, if appropriate). These agreements could be made via a Section 106 Agreement as previously or via some other mechanism that provides equivalent long-term guarantees.

#### United Utilities

In accordance with this submitted information, the removal of United Utilities objection in relation to the Milwr Tunnel is subject to the implementation of a range of mitigation measures. We request that these measures are formally captured and expanded upon in a composite document entitled a '*Scheme of Mitigation for Milwr Tunnel*' which should be submitted to the local planning authority and agreed in liaison with UU prior to commencement.

#### Airbus

Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria. Accordingly, they have no aerodrome safeguarding objection to the proposal based on the information given

## **4.00 PUBLICITY**

- 4.01 This application was advertised by way of site notice, press notice and neighbour notification letters were dispatched to neighbouring residential properties on 24th November 2021. The application was

re-advertised with neighbour notification letters were being dispatched on 19th May 2021 following the submission of an amended scheme. There were 21 responses received at the time of writing which raises the following concerns

- Quarry wagons exiting the Quarry at the A541 junction and turning left towards Mold are forced to cross over the A541 centre line.
- Loaded wagons leaving the quarry and turning left towards Mold deposit a white limestone-laden water on the carriageway.
- Consideration has recently been given by Flintshire CC to a pedestrian crossing near the Service Station in Rhydymwyn. Consideration should, therefore, be given to conditioning the quarry to make a contribution towards funding of the pedestrian crossing proposal.
- The speed limit through Rhydymwyn village is 40 mph at present, Vehicles including tarmac vehicles travel too fast along the A541
- The section of Nant Road between the quarry exit and the A541 has some significant depressions in the road surface, which hold limestone dust-laden surface water.
- The lack of regular maintenance of the roadside hedge from The Oak at Hendre to the Tarmac entrance on the Rhydymwyn side of Hendre is a potential danger to local residents who walk the roadside footway.
- An improvement in the wheel washing facility and procedures at the quarry is urgently required to ensure laden vehicles are dry before they come on to the A541.
- Improvement in the road camber of the quarry road between the wheel wash and Nant Road is required to ensure that the waste water from the wheel wash is no longer being held on the road surface.
- Blasting vibrations causing cracking in buildings as a result.
- Route used on the B5123 is too narrow.
- Using stone in the construction industry is worsening the impact of climate change.
- Visual impact of the proposal on surround area and vantage points
- Hours of operation need to be reduced,
- Increased noise impact on the visitors to the Fron Farm Caravan Park
- Potential impact on protected species due to loss of agricultural land
- Light pollution caused by the existing development will get worse

## **5.00 SITE HISTORY**

- 5.01 Mineral extraction at Hendre Quarry has taken place since the start of the 20th century, formalised by an initial planning permission granted in 1948. Between 1948 and 1969 a series of planning permissions were granted for extensions to the original quarry. A 'consolidation application' was submitted in 1992 (ref 3/768/92) and subsequently permitted in 1993 which was designed to provide a comprehensive working scheme for the overall quarry covering the areas permitted by the earlier permissions.
- 5.02 Condition 1 of the 1993 permission imposed a requirement that mineral extraction should cease on or before 31st December 2020, based upon assumptions at the time regarding reserves and future rates of output.
- 5.03 An initial 15 year review of the 1993 'consolidation permission' at Hendre Quarry was duly submitted in November 2008. Flintshire County Council determined the application on 22 December 2011 with the issuing of an updated schedule of 37 planning conditions. The updated schedule of conditions imposed the same end date for quarrying operations as set out on the original 1993 permission.
- 5.04 More recently, an application was submitted in August 2018 to extend the end date for the completion of mineral extraction from December 2020 to December 2030, reflecting the extent of reserves remaining to be worked in the existing quarry.

## **6.00 PLANNING POLICIES**

### **6.01 LOCAL PLANNING POLICY**

Flintshire Unitary Development Plan (Adopted September 2011)

Policy STR1 - New Development  
 Policy STR7 - Natural Environment  
 Policy STR10 - Resources  
 Policy GEN1 - General Requirements for Development  
 Policy GEN3 - Development in the Open Countryside  
 Policy GEN5 - Environmental Impact Assessment  
 Policy D1 - Design Quality, Location and Layout  
 Policy D3 - Landscaping  
 Policy D4 - Outdoor Lighting  
 Policy TWH1 - Development Affecting Tress and Woodland  
 Policy TWH3 - Woodland Planting and Management  
 Policy L1 - Landscape Character  
 Policy L2 - Areas of Outstanding Natural Beauty  
 Policy WB1 - Species Protection  
 Policy WB5 - Undesignated Wildlife Habitats  
 Policy WB6 - Enhancement of Nature Conservation Interests  
 Policy HE7 - Other Sites of Lesser Archaeological Significance  
 Policy AC13 - Access and Traffic Impact  
 Policy EM7 - Bad Neighbour Industry

Policy MIN1 - Guiding Minerals Development  
Policy MIN2 - Minerals Development  
Policy MIN3 - Controlling Minerals Operations  
Policy MIN4 - Restoration and Aftercare  
Policy EWP12 - Pollution  
Policy EWP13 - Nuisance  
Policy EWP16 - Water Resources

## 6.02 **GOVERNMENT POLICY/GUIDANCE**

Government Policy / Guidance

Planning Policy Wales (Edition 10)

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 11 – Noise

Technical Advice Note 18 – Transport

Mineral Technical Advice Note 1 (MTAN 1): Aggregates (2004)

Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings (1993)

Minerals Planning Guidance Note 14: Review of mineral planning Permissions (1995)

Other material considerations

Regional Technical Statement First Review

Regional Technical Statement Second Review

## 7.00 **PLANNING APPRAISAL**

Introduction

7.01 The details of the proposed development will be outlined below, along with a description of the site and location, site constraints and the issues that will be assessed within the main planning appraisal.

Details of the proposed development

7.02 In summary, the proposed development comprises:

- I. An eastern extension of Hendre Quarry;
- II. The establishment of a screening landform along the eastern and southern sides of the eastern extension area;
- III. The progressive placement of quarry waste material into a profiled 'western tip', following the removal of the current 'western tip' to expose remaining reserves in the western area;
- IV. The creation of a temporary northern quarry tip predominantly using material excavated from a central fault zone;
- V. The progressive development of the quarry into the eastern extension area, with quarry waste material to be placed in a new profiled western quarry tip;

- VI. The removal of the southern area of the central quarry tip as a final phase, with the material to be relocated to a profiled eastern quarry landform, allowing access to the remaining reserves at depth in the central area of the quarry; and
- VII. An updated concept restoration strategy for the overall site area, including the eastern extension area.

#### Site Description and Location

- 7.03 Hendre Quarry is an established limestone quarry situated 5 km northwest of Mold and north of the A541 Mold to Denbigh Road, which follows the wooded valley of the Afon Alun (River Alyn). The village of Hendre is located on either side of the A541, approximately 100 metres to the southwest of the quarry. Rhydymwyn village, also located on the A541, is to the southeast of the quarry at a distance of 1.5 km. The village of Rhosesmor is located 2 km to the east of the quarry. The quarry sits in the foothills of the Halkyn Mountain range, which lies to the north.
- 7.04 The quarry lies on the flanks of a deep valley in the “Hendre Gorge” and works into the hillside in a rural setting, with the small settlement of Hendre located to the south west, and isolated properties, a caravan park and farms surround the Site. The Site is visible from viewpoints to the south and southwest of the quarry, including the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.
- 7.05 A minor, unclassified road runs around the southern, western and northern perimeter of the existing quarry. Screening mounds with well-established trees are located between this road and the existing operational quarry area. The surrounding land use is predominantly pastoral, with cattle and sheep grazing in fields bounded by hedgerows and fences. On higher ground to the north, these fields give way to open moorland grazed by sheep. There are substantial areas of woodland in valleys to the south, west and east.
- 7.06 The extension area is some 5.2ha’s located to the east of the existing quarry and currently pastoral for the grazing of sheep and cattle. There are a number of hedgerows and trees within the extension area, separating the area into a number of usable fields.

#### Principle of Development and suitability of the location

- 7.07 Minerals Technical Advice Note 1: Aggregates (MTAN1) recognises that in dealing with applications for new mineral extraction, the planned system is best placed in determining the most suitable locations and that future extraction should only take place in the most environmentally acceptable locations.

- 7.08 The Site is located in the open countryside in the adopted UDP and is identified as an 'existing mineral site' on the UDP Proposals maps' as 'MIN1-8'. The adopted development plan remains the UDP, and this contains a suite of policies in respect of Minerals. Policy MIN1 is notable in that it identifies that where there is a clear and demonstrable need for primary materials, preference will be given to a) the deepening of existing mineral workings and b) the lateral extension of existing mineral workings. This reflects the fact that minerals can only be reworked where they are found and that an extension to an existing site is likely to have less environmental and economic challenges than the development of a new site. Proposals need to be robustly assessed, and policy MIN2 and MIN3 set out the assessment criteria.
- 7.09 The Council has consulted on a Deposit LDP which was approved by Council with examination on the soundness of the plan taking place earlier this year. The LDP identifies a need for hard rock minerals over the Plan period in accordance with Regional Technical Statement 1st Review (RTS1) and shortly before the Plan was consulted upon, Regional Technical Statement 2nd Review (RTS2) was issued which identifies an increased need for minerals. The Deposit LDP allocates by virtue of EN25.1 an extension to the Hendre Quarry. Full weight cannot be attached to the LDP until it has been through examination and is adopted. Welsh Government provides advice on matters of prematurity in para 7.5 of the Development Plans Manual, which states 'Where an LDP is in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant planning permission would be to pre-determine decisions about the scale, location or phasing of new development which ought to be properly to be taken in the LDP context'..
- 7.10 It is not considered that the proposal goes to the heart of the Plan and is not considered to be in broad terms, individually or cumulatively so significant that to grant planning permission would pre-determine the outcome of the LDP.

Need for aggregate and the need to extend the quarry

- 7.11 The Regional Technical Statement 2nd Review (RTS2) sets out the required apportionment of crushed rock and sand & gravel for each of the North Wales Local Planning Authority areas for the period 2019 – 2024.
- 7.20 Flintshire is required to provide at least 36 mt of crushed rock. The deposit Flintshire LDP was drafted using RTS1 figures The crushed rock allocations proposed in emerging Policy EN25 of the Flintshire's deposit draft LDP amounted to 24 mt that would be



derived from extensions from two existing quarries; Cemex's 'Pant y Pwll Dŵr' Quarry and the Site subject to this application.

- 7.21 Following the amendment to the quarry design, it was confirmed that the overall quarry development would provide a reserve of some 31.13m tonnes. This was made up of:
- 11.26 m tonnes of accessible permitted reserves of Loggerheads Limestone within the existing quarry area;
  - 13.176 m tonnes of Loggerheads Limestone which would be released by the eastern extension development, of which some 11.19m tonnes of reserves lies within the existing permitted area but which is inaccessible, and a net additional reserve of 2.43m tonnes within the new extension area;
  - 6.69 m tonnes of 'Top Rock' of which it has been assumed that up to 50% may be marketable, say 3.3m tonnes, but where it would clearly be in Tarmac's commercial interest to market as much of that material as possible (and ideally all of it);
- 7.22 If the entire reserve of 'Top Rock' is included, then the overall reserve would be 31.13m tonnes. On that basis, the development would yield additional reserves of 19.866m tonnes.
- 7.23 The proposed allocation for the extension at Hendre Quarry presented in EN25.1 of the deposit Flintshire LDP is for 11 mt. However, the final quarry design proposes to yield an additional 8.866 mt. Therefore, this extension at Hendre Quarry would contribute significantly to the County's land bank and apportionment figure. Should planning permission be granted, the apportionment shortfall for Flintshire would be reduced to just 3.062 mt.
- 7.24 With regards to extensions of existing minerals workings, as is proposed in this application, PPW states that these are often more generally acceptable than new greenfield sites. Policy MIN1 of the adopted Flintshire Unitary Development Plan states that proposals for the winning, working, and processing of minerals will be assessed against the need for mineral workings and the ability of existing sites to meet demand. It also states that where there is a clear and demonstrable need for primary materials, preference will be given to the lateral extension of mineral workings. There is a demonstrable need for additional crushed rock reserves to be realised in the region as set out in the RTS for North Wales. Furthermore, this application is for an extension of existing workings which would be considered more favourable than new sites. This is because the impact of extending an existing quarry being less than that of opening a new quarry, and maximises the sustainable use of the infrastructure and investment already established at an existing

site. As such, it is considered that the proposal accords with the provisions within PPW, MTAN1, the RTS2 and Policy MIN1 of the adopted Flintshire Unitary Development Plan.

### Landscape and Visual Impact Assessment

- 7.25 A landscape and visual impact assessment of the proposal has been undertaken, which identifies sensitive landscapes and views. The main existing development elements which resulting in landscape and visual effects are the creation of tall exposed rock faces and development (up to ~ 80m in height from the current quarry base), blasting, the movement of rock within the quarry, the fixed and mobile plants, processed rock stockpiles and the creation of waste rock tips. The proposed Eastern Extension will only involve the addition of one new element into the landscape, the placement of soils and overburden, which will be stripped to expose rock to create an Eastern Screening Landform along the eastern boundary of the Site. The landform will be approximately 750m in length and vary in height with localised landform /topography between 3 to 7m. It will be progressively formed, grass seeded, and tree and shrub planted. The landform is to be created as a mitigation measure to both screen potential views of the Site from receptors located on higher ground to the east and also to permanently store soils material. The landform will help establish an enclosed woodland corridor around the whole of the Site, both visually enclosing it and also establishing a large area of new wildlife habitat/corridor.
- 7.26 Other mitigation measures include the retention of the existing tree and shrub planting blocks around the western, northern and southern peripheries of the Site, progressive quarry restoration which will involve part reprocessing and movement of previously placed material to create final landform and the battering of slopes which can be seeded / planted to 'green up' internal areas whilst establishing new habitats for wildlife, along with the production and implementation of a long term Woodland Management Plan (WMP) to help ensure the retention of vegetation structure both around the borders of the Site and also internally. This WMP includes measures to identify and manage the potential effects of Ash dieback which has the potential to result in an amount of visual exposure of the existing query if not addressed.
- 7.27 In respect of landscape character, the Site is located adjacent to the Clwydian Range and Dee Valley AONB. Due to a combination of distance from the Site ~1.3km to ~5km, elevation mainly down onto the Site, and the screening of the Site by both landform and vegetation structure, it is considered that the effect of the proposed development will only result in a Very Slight Adverse Significance of effect on these character areas, which is not significant. This includes potential receptor views from Moel y Gaer.

- 7.28 PPW (paragraph 14.3.3) includes minerals planning policy which deals with mineral development adjacent or close to a National Park or AONB. With regards to extensions of existing quarries, PPW states that the extent to which a proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity should be considered. Development adjacent to or close to an AONB that might affect the setting of these areas should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact.
- 7.29 The Joint AONB Partnership Committee notes that, although just outside the AONB, The northern and eastern faces will be particularly prominent, and the committee agrees with the conclusions of the LVIA that the overall impact on the AONB is neutral to moderate adverse. However, the quarry has been in place for many years, and the proposed extension is modest in area and timescale and is relatively small in the context of the existing consented operation. The additional impact on the AONB is therefore considered to be limited and relatively modest in extent.
- 7.30 The final restoration scheme is in keeping with the currently approved restoration scheme. Having regard to the scale of the development, the proposed scheme of working, progressive restoration, visibility into the Site, duration of the operations and the characteristics of the surrounding landscape, the potential impacts are considered to be acceptable. It is considered that the proposal complies with the provisions of Policies MIN2, MIN4, L1 and L2 of the adopted Flintshire Unitary Development Plan.

#### Ecology and Nature Conservation

- 7.31 Chapter 7 of Environmental Statement covers the Ecological Surveys undertaken, many of which have been ongoing for a number of years. The latest surveys were undertaken in January 2020 and included an extended Phase 1 survey (primarily habitats), a preliminary bat roost survey and a badger survey of the proposed quarry extension.
- 7.32 The majority of the proposed extension is agriculturally improved grassland, species poor, sheep grazed or silage fields dominated by ryegrass. Mitigation for the loss of the trees and hedgerows will be in the early establishment of a substantial block of native woodland on the eastern boundary. The details of the planting proposals need to be conditioned to ensure that they adequately mitigate for the loss of hedgerows (and plantations). The details of the planting proposals need to be conditioned to ensure that they adequately mitigate for the loss of hedgerows (and plantations).

- 7.33 A proportion of the Hedgerow will be translocated, which has been successful elsewhere in Wales and are a good way of retaining soils and associated woodland flora which can spread into the planted woodland. Details of where it will be translocated to, to make best use of the historic hedgerow and the methodology should be included within the landscape condition.
- 7.34 The mature and semi mature trees were assessed in for their bat roosting potential but no suitable features were observed. It is considered that an updated assessment in relation to both bat and badger activity to should be conditioned prior to the commencement of phase 2 of the development.
- 7.35 The Restoration concept plan to encourage a mixture of calcareous grassland and scrub/woodland habitats with natural regeneration of cliff faces and benches is in line with that agreed for existing permissions. In the short term, Tarmac agreement to formalise funding to the North Wales Wildlife Trust for the long term management of Coed Y Felin Nature Reserve. As such, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies GEN1, MIN1, MIN4, and WB1, WB5 and WB6 of the adopted Flintshire Unitary Development Plan.

#### Blasting

- 7.36 Concerns have been raised regarding in relation to the 'heavy quarry blasting' reported to cause disturbance to local residents, be taken into consideration when considering the application. A number of letters of received against the extension raised concerns in relation to the damage and stress on their property, which they feel is as a result of blasting at the quarry.
- 7.37 National Planning Policy for aggregates is set out in MTAN 1 and recommends a blast limit of 6mm/s ppv An assessment of predicted blast-induced vibration levels has been made to the nearest vibration-sensitive residential receptors to the proposed extension area. The assessment has shown that the magnitude level of 6.0mm/s ppv at 95% confidence can be achieved by suitable blast design
- 7.38 The extant consent is subject to a Section 106 Legal Agreement which imposes a higher blast limit of 20mm/s ppv for the Gwrachen Farm, a property situated to the north of the quarry which is owned by the applicant. Should it be resolved to grant planning permission this must be subject to supplementary Section 106 Agreement to attach the agreement currently in place to the permission arising from this application.
- 7.39 Should planning permission be granted, this limit of 6mm/s ppv would continue to be imposed. Therefore, the current conditional

limit of 6mm/s ppv proposed is in line with recommendations set at a national level.

- 7.40 MTAN1 draws upon advice set out in British Standard 7385 Part 2, 1993 Evaluation and Measurement for Vibration in Buildings entitled "Guide to Damage Levels from Ground Borne Vibration in Buildings". The guidance sets out vibration limits to preclude the onset of damage to the types of structures encountered around quarries, including residential properties. It recognises that there is a major difference between the relatively low levels of vibration that are perceptible to people, and the far greater levels at which the onset of damage is possible. The guidance sets out the lowest vibration levels above which damage has been credibly demonstrated. Cosmetic damage, or hairline cracks in plaster or mortar joints, should not occur at vibration levels lower than 20mm/s ppv at a frequency of 15Hz and lower than 50mm/s ppv at 40Hz and above. This is significantly higher compared to the 6mm/s ppv limit which is set at Hendre Quarry.
- 7.41 To put the blasting data into perspective with by comparing this with everyday events which produce vibration; measurements taken at 1m from someone walking on a wooden floor gives a max ppv of 2.3mm/s ppv, a door slamming measured at 1m away on wooden floors gives a ppv of 5.3mm/s ppv and a foot stamp on a wooden floor measured at 1m away gives a ppv of 52.7mm/s and when measured at 6m away it diminishes to 5.6mm/s ppv.
- 7.42 The Tarmac continually seeks to minimise blast vibration and air overpressure through blast design, and there is no evidence to prove that a continued ppv levels of 6mm/s can cause damage to properties. In the interests of local amenity, the quarry company try to blast at 12.45 pm on a given day (Monday to Friday), but precise timing can be delayed by operational issues and weather conditions. Tarmac also offer to send a notification email to local residents, providing advanced notice of any planning blasting. The effects of blasting can vary over time and location due to the unpredictable nature of naturally occurring rock and ground faults. The existing blasting limit condition includes a 95% blasting compliance limit which provides a tolerance to allow for these unknown variables. When blasting in a new area of on a new working bench, sometimes the vibration levels will exceed the 6mm/s ppv limit and it may take a series of refinements to the blast design over a number of blasts to eventually keep the blasts below the recommended limit. This is the approach which is taken at all hard rock quarries. All blasts are monitored by the quarry operator and blasting contractor, and the site has been regularly monitored by officers of the Council. This would continue to be the case.
- 7.43 Concerns have been raised by Welsh Water in relation to Rhosesmor underground reservoir, which is located 1.3Km from the

perimeter of the proposed extension. Give the distance, the blast induced vibration from the quarry would be virtually indiscernible because the reduction in the ground movement reduces in an inverse square proportion with distance, and it is largely air overpressure which is detected at distance. Both the predicted ground vibration and air overpressure would not be capable of causing any damage to the reservoir structure

7.44 The effect of blasting at the quarry felt by local residents is from the blast causing ground vibration and what is known as air overpressure. Whilst all blasting operations undertaken by the quarry would be designed to minimise air overpressure, so far as is reasonably practicable, there are a number of factors outside of the control of the quarry which mean that predicting air overpressure levels are very difficult. As air overpressure is transmitted through the atmosphere, weather conditions such as wind speed and direction, cloud cover and humidity will all affect the intensity of the impact. Due to this unpredictability, planning conditions to control air overpressure are not considered to be enforceable. However, the results from monitoring undertaken by the quarry demonstrates that air overpressure at sensitive receptors (excluding the Gwrachen Farm) has been an average of 114 dB and over the past 6 months up to 120 dB, indicating that air overpressure from blasting at the quarry is unlikely to cause complaint in accordance with the suggested 120 dB outlined in British Standard 6472 "Guide to evaluation of human exposure to vibration in buildings". Air overpressure can cause physical damage to properties at high level, this is typically at levels between 140 dB and 150 dB which is well above what is experienced at properties as a result of blasting at Hendre Quarry.

7.45 As such, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies GEN1, EWP6, MIN2, MIN3, EWP12 and EWP13 of the adopted Flintshire Unitary Development Plan.

#### Noise

7.46 Noise assessments have been carried out by an independent noise consultant to consider noise levels at the closest noise sensitive receptors, and to evaluate the proposal in terms of the potential impact during its operation and final restoration. The noise assessments have been considered against national planning policy guidance set out in MTAN1: Aggregates, TAN11: Noise, and the relevant British Standards. The assessment shows that the development could proceed in accordance with the noise limits which already impose on the existing planning permission. In addition a Noise Monitoring Scheme will be implemented in order to ensure that the Site is being operated within the conditioned noise limits.

- 7.47 In summary, noise levels associated with operations, final operations and a short term period of soil stripping in the extension area are predicted to be below acceptable daytime limits at the closest noise sensitive properties. Whilst it is not anticipated that noise levels associated with the proposal are predicted to exceed the recommended noise limits, best practice mitigation measures would be employed on Site to reduce noise levels as far as possible.
- 7.48 The noise assessment demonstrates that noise from activities associated with the application would be within acceptable limits and the Pollution Control officer has no objections to this proposal subject to conditions in relation to noise mitigation which would be comparable to existing site mitigation controls already in place for the quarry. This would include the imposition of planning conditions controlling noise with regards to limits, mitigation measures and hours of operation. As such, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies GEN1, EWP6, MIN2, MIN3, EWP12 and EWP13 of the adopted Flintshire Unitary Development Plan.

#### Air Quality and Dust

- 7.49 The operations involved in the extraction and processing of crushed rock, and the subsequent site restoration have the potential to generate dust emissions. A detailed dust and air quality assessment of existing and proposed operations has been undertaken by an independent consultant to support the application.
- 7.50 Should planning permission be granted, existing dust mitigation measures would continue to be employed on Site, to ensure that dust emissions are minimised. These include the enforcement of a speed limit for mobile plant and haulage vehicles, the use of dust suppression via water sprays, maintenance of plant and machinery on Site, the use of dust collecting equipment on drilling rigs, sheeting of vehicles exporting sand and importing restoration materials, the use of a wheel wash, the use of a road sweeper, maintenance and housekeeping of haul road surfaces, regular visual inspections, temporary cessation of dust generating operations in extreme windy weather conditions.
- 7.51 The submitted air quality assessment has considered the potential impacts and resulting effects of dust and suspended particulate matter arising from the operations on nearby human health and ecological receptors. The assessment considered the nature of the Site activities, distance and orientation to the identified receptors and the prevailing wind direction, and the proposed in-design and management mitigation measures, as outlined above. The report

concluded that the overall significance of the proposed development with regards to air quality effects is not significant.

- 7.52 The County Council's Pollution Control and NRW have not objected to the proposal subject to the imposition of planning conditions ensuring the proposed dust mitigation measures are implemented as proposed, so that adequate steps are taken to prevent dust causing a nuisance beyond the site boundary. As such, subject to conditions to ensure that dust is minimised and controlled, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies GEN1, MIN2, MIN3, EWP8 and EWP12 of the adopted Flintshire Unitary Development Plan.

#### Geology, Geotechnical stability and Soils

- 7.53 As part of the design process undertaken for the proposal, a geotechnical assessment was carried out to ensure safe and stable slopes within the Site during the working and restoration phases of the proposal. The quarry site will have to comply with the Quarries and Mines Regulations. The geotechnical work and slope stability analysis has been undertaken during the design of the working phases at the Site, and confirms that the proposal is acceptable in this regard. The analysis concluded that the quarry excavations should be considered stable.
- 7.54 Concerns have been raised regarding the effect of the development on the adjacent Milwr Tunnel and Rhosesmor underground reservoir. The Milwr Tunnel is a 16km long former mine drainage tunnel that runs from the coast at Bagillt to Loggerheads. The tunnel passes approximately 300m to the east of the current extent of the quarry. Several historic limestone mine workings or caverns have been driven off the tunnel. The original development scheme would have resulted in quarrying encroaching to within 17m of the roof of the closest caverns. The development has subsequently been amended to provide a 30m vertical stand-off is required.
- 7.55 In addition to the amended scheme, Tarmac has suggested undertaking a weekly inspection of the quarry void as part of the statutory face inspections. The weekly inspection will provide additional focus to any new areas of faulting or open fissures that could affect the hydrogeological regime on-site. Should the weekly inspection identify any areas of concern, further inspection would be undertaken to consider whether further mitigation is required. An annual report will be required by condition to summarise the weekly inspections and any mitigation works carried out.
- 7.56 The application has considered the protection of soils and a method statement has been provided with the submission, alongside plans showing the location of soils storage stockpiles which would not



exceed a height of 3 metres. Where possible and practical, soils would be stripped and directly placed for progressive restoration. Soils protection conditions would be included in any permission. The proposal therefore is in accordance with Policies MIN2 and EWP15 of the adopted Flintshire Unitary Development Plan.

### Flood Risk

- 7.57 The majority of the Site lies in Zone A, with a small section in the south lying within Zone C2 as defined by the Development Advice Map. A Flood Consequences Assessment (FCA) has been submitted which confirms that the section of the Site within the floodplain will not be developed and will remain in its existing state. Natural Resources Wales have been consulted in relation to flood risk, and on the basis that all proposed works will be located outside the 0.1% AEP event flood outline, raise no objection to the proposal.

### Highways, Traffic, Transportation and Access

- 7.58 Highways Development Management does not object to the application. There would appear to be no changes or proposed changes to the operation of the quarry since the 2011 review of the mineral permission and 2018 extension of time, and no operational concerns have been raised.
- 7.59 A number of community consultation responses have suggested that any planning permission should include conditions to alleviate their highways concerns. The comments regarding the junction of the unclassified road (which leads to the Quarry access road) with the A541 are noted.
- 7.60 Given the fact that the junction is currently performing adequately, and in the context of historic activity at the junction, it would be unreasonable to require the Applicant to undertake junction improvements. Furthermore, it is considered that junction improvements are not considered to be necessary.
- 7.61 Output of the quarry has declined in recent years compared to the output in the 1990's. Furthermore, larger payload vehicles have the effect of decreasing the vehicle movements associated with the quarry considerably. The application is not proposing to increase the output so vehicle movements are anticipated to remain the same.
- 7.62 Concerns have also been raised in relation to the condition of the roads. Condition 17 of the extant planning permission requires vehicle cleansing on exiting the Site, and sheeting of vehicles to ensure that no vehicle shall enter the public highway in a condition which is liable to cause deposits of mud, debris or deleterious materials on the public highway. Should planning permission be granted, this condition would be imposed.

- 7.63 Tarmac undertake, on a voluntary basis, measures to clean the public highway along the A451 to Rhydymwyn, generally as far as the entrance to the Antelope Industrial Estate located approximately 1 km from the access road. This distance is deemed to be sufficient to address any problems associated with detritus from quarry vehicles being deposited on the highway (noting also the internal site measures associated with the use of wheel cleaning equipment and the surfacing of the lengthy internal quarry roads). Continuing the road cleaning as far as the Rhosesmor junction (1.5km from the quarry access road) is also undertaken by Tarmac. In the event that any particular/extreme issues require more regular cleaning, then Tarmac would agree to continue the road sweeping to that position on a more regular and have more recently increased the frequency of cleaning. This will condition to be monitored with further measures discussed and agreed through the Quarry Liaison Committee.
- 7.64 As such, it is considered that the proposal is in compliance with the provisions set out in MTAN1 and Policies GEN1, MIN1, MIN2 and AC13 of the adopted Flintshire Unitary Development Plan.

#### Cultural Heritage and Archaeology

- 7.65 The application is supported by archaeological evaluation of the proposed exemption area. A total of 9 trenches were excavated across four separate fields. In summary, the identified archaeological remains, being broadly consistent with those anticipated from the geophysical survey, are not of such significance to warrant preservation in situ. Also, there are no designated heritage assets that would be adversely affected by the proposal. The submission of a written scheme of investigation will be secured by condition prior to the commencement of any works to the extension area. This would be followed during the initial topsoil and subsoil stripping to identify any sub-surface archaeology which may be present to allow for subsequent archaeological recording.
- 7.66 Should planning permission be granted, a condition would be imposed requiring the operations to be carried out in accordance with the Written Scheme of Archaeological Investigation and Archaeological Watching Brief.
- 7.67 As such, it is considered that the proposal would accord with Policies HE7 and HE8 of the adopted Flintshire Unitary Development Plan. 7.77 Due to the topography of the Site, distance and screening, no features of historic importance in the surrounding area would experience a significant adverse effect as a result of the proposal and therefore accords with Policies MIN2, HE1, HE2, HE5, HE6, HE7 and HE8 of the adopted Flintshire Unitary Development Plan.

### Hydrology and Hydrogeology

- 7.68 An assessment of the likely impacts of the proposal on the water environment in and around the Site has been undertaken. The mineral deposit will be extracted from the Carboniferous Limestone which is a Principal Aquifer.
- 7.69 The quarry lies above the water table with no dewatering. The surface water at the Application Site currently runs off to the quarry void sump before freely draining into the ground and making its way to the Milwr Tunnel a via Hendre flat workings, stopes of the Coed Hendre Vein and a branch of the Halkyn Tunnel. The water is ultimately discharged into Dee Estuary at Bagillt approximately 8 km north of the Application Site. The Dolfechlas Brook is abstracted by Tarmac for wheel washing and dust suppression purposes immediately south of the Site and there is no water discharge into nearby surface watercourses.
- 7.70 Potential impacts to the aquifer, nearby abstractions, surface water bodies, surface and groundwater quality, and nearby sensitive sites have been assessed for the operational and restoration phases of the development. Due to the lack of dewatering, very few potential impacts have been identified. During the operational phase, the only potential impacts are related to water quality and have been assessed as having a negligible to major degree of impact which can be managed by standard good practice. Lastly, there is a negligible risk to groundwater in the post-restoration phase.
- 7.71 Pollution prevention measures are in place at Site to prevent contamination of surface water and ground water from accidental fuel spills or leaks within the quarry are minimised. These would continue to be employed on Site to prevent contamination of the water environment.
- 7.72 The hydrological and hydrogeological impact assessment concluded that the proposal would not have a significant adverse effect on the capacity, flow and quality of ground water or surface water. Natural Resources Wales do not object to the proposal in terms of impact on ground water. It is considered that the proposal would accord with policies MIN3 and EWP 16 of the Flintshire Unitary Development Plan.

### Restoration

- 7.73 The progressive restoration proposals for the Site would return the Site to meadow grassland with areas of substantial woodland and

tree planting, scrub vegetation, and natural regeneration of some of the rock benches/ faces.

- 7.74 Following the completion of the restoration of the Site, there would be a five year aftercare period to ensure that the Site is adequately maintained and managed after quarrying activities have ceased. A condition would be imposed to require the submission of a scheme to ensure that the Site is managed and maintained appropriately for a period of five years. Annual aftercare meetings would take place to ensure that the Site is being managed in accordance with the approved scheme.
- 7.75 Once restoration and planting has been completed, there would be no net loss of habitat due to the proposed restoration and planting. The restoration proposals would create new habitats and enhance existing habitats across the Site. The proposal would result in a net gain of woodland, grassland and wetland habitats above the currently approved restoration scheme.
- 7.76 Should planning permission be granted, a condition would be imposed to ensure that the proposed planting scheme is implemented as approved, with flexibility to allow for changes in species should it be required.
- 7.77 The proposed restoration scheme is predominantly in keeping with the current approved restoration scheme. Given the net gain of woodland across the Site, and an appropriate planting plan is proposed, it is considered that the proposal accords with the provisions of Policies D3, TWH1, TWH3 and MIN4 of the adopted Flintshire Unitary Development Plan.

## **8.00 CONCLUSION**

- 8.01 The proposal involves a lateral extension to the east of the existing Hendre Quarry, working in six phases with progressive restoration for nature conservation purposes until 2055. This would present an extension of time to current permitted extraction by 24 years as the extant permission allows for extraction until 2031.
- 8.02 The quarry has been in place for many years and the proposed extension is modest in area, and is relatively small in the context of the existing consented operation. The additional impact on the AONB is therefore limited and relatively modest in extent.
- 8.03 The RTS2 identifies shortfall crushed rock reserves in Flintshire to meet anticipated need in North Wales. This provides justification for the current proposals which will assist in meeting this need.

- 8.04 There is a demonstrable need for aggregate in the region and this proposal would provide crushed rock as required by the RTS2 for North Wales and contribute towards Flintshire's apportionment. It is considered more favourable to extend existing sites as opposed to opening new sites as there is existing infrastructure in place to support further mineral extraction.
- 8.05 In considering this application the Council has taken into account all the environmental information and matters that are material to the determination of this application, as set out in the Application, Supporting Statement, Environmental Statement, amended plans and technical appendices. The environmental statement has considered and assessed the impacts of the proposed extension to the quarry in terms of landscape and visual amenity of the proposal and potential impacts on the adjacent AONB, impacts on ecology and nature conservation and adjacent designated sites/protected species, noise, air quality, traffic, transportation and highways, hydrology and hydrogeology of the proposed development and concludes that the proposal would retain some existing significant effects associated with the existing Site which would be reduced and considered no longer significant as the progressive restoration of the Site is undertaken. There are no significant residual effects predicted as a result of the proposal.
- 8.06 In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance. Subject to the imposition of conditions as listed above, there is no sustainable planning reason why planning permission should be refused. Accordingly, it is recommended that planning permission should be granted subject to conditions

8.01 Other Considerations

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

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

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the

achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

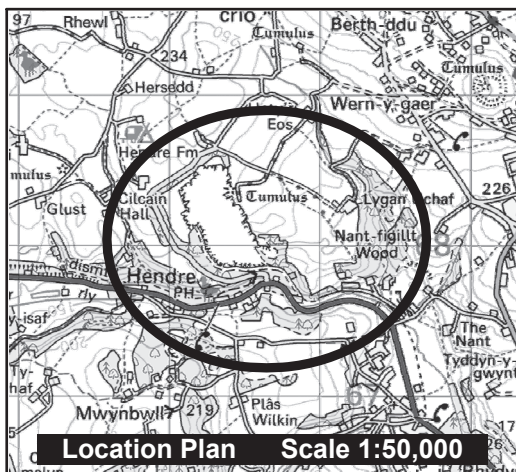
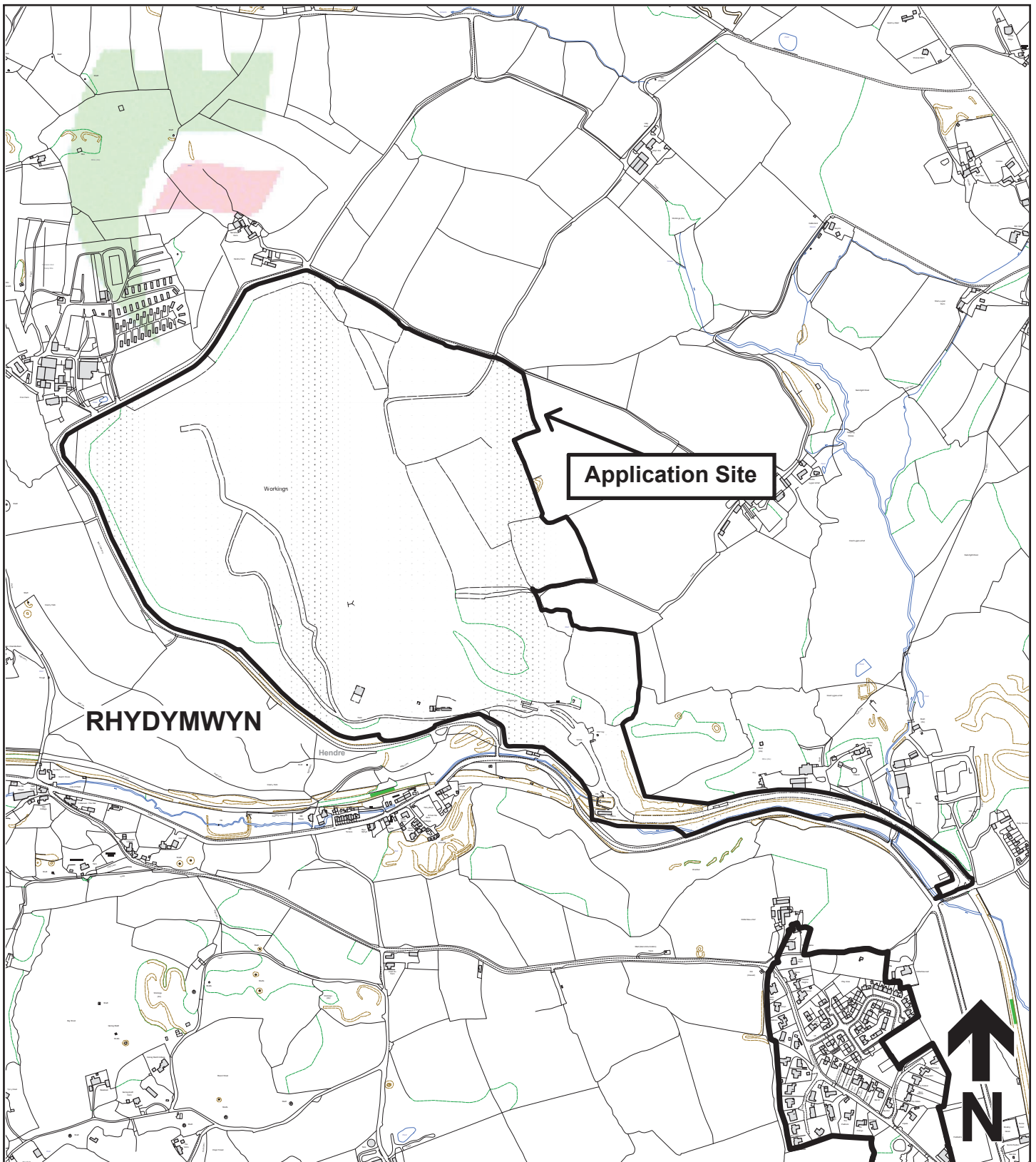
Responses to Consultation

Responses to Publicity

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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



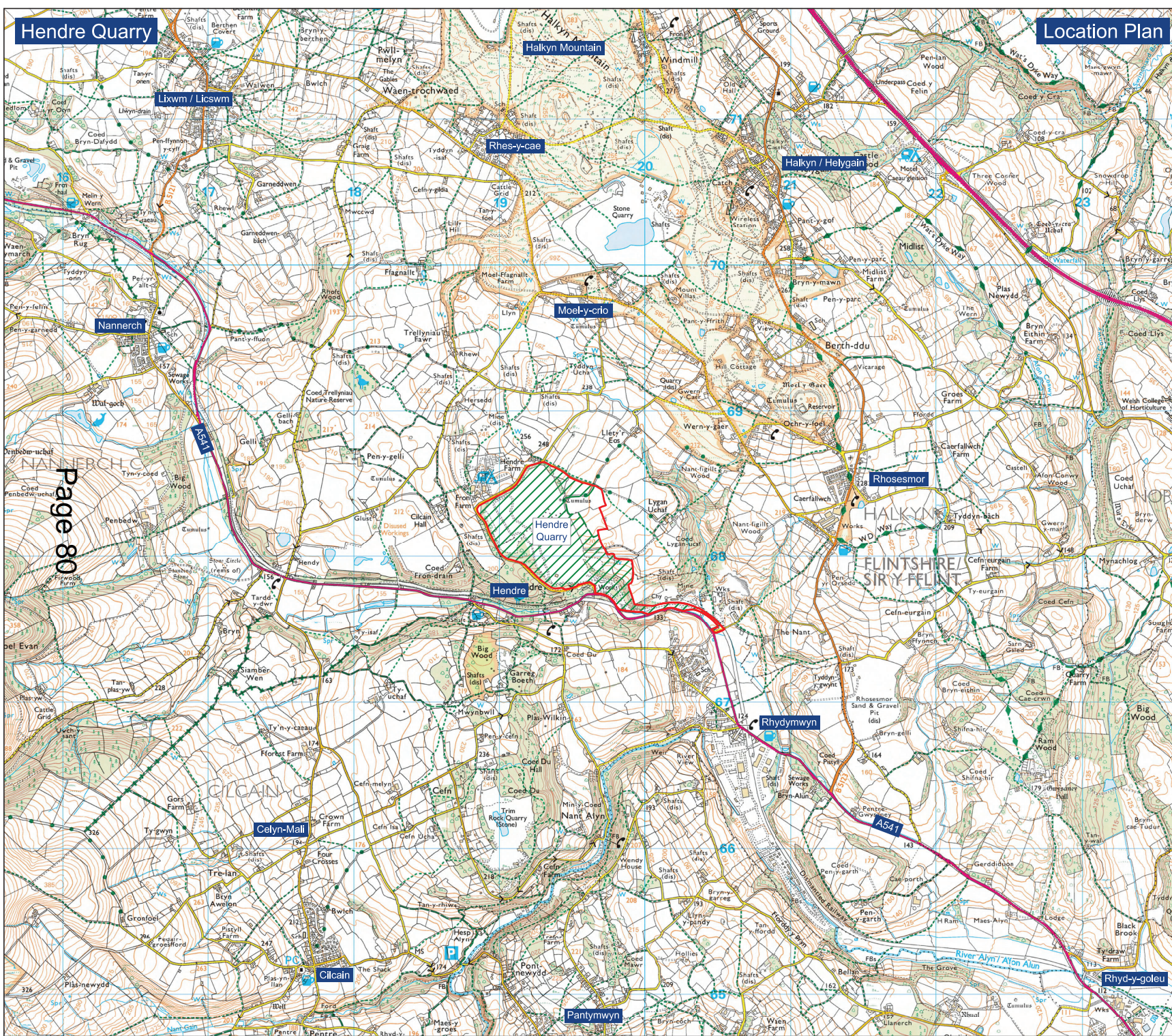
Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:10000

OS Map ref SJ 1968

Planning Application **62110**



Hendre Quarry

Location Plan

**Legend**

-  Planning Application Boundary
-  Extent of Existing Planning Permission

Page 80



Site Name:  
Hendre Quarry

Drawing Name:  
Location Plan

**FINAL**

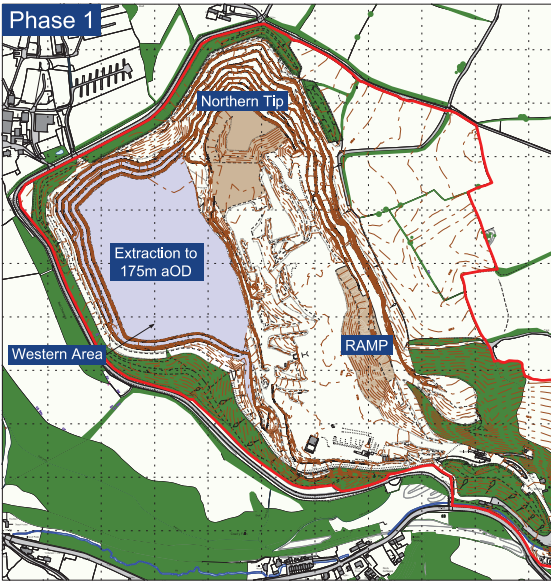
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Date: March 2021	Drawing Number: H072_00045-1A





# Hendre Quarry

# Block Proposals Plan



- Removal of Western Tips to expose and extract rock.
- Extraction of permitted reserves down to 175m aOD within the Western Area.
- Creation of new Eastern Ramp.

- Soils and overburden are to be progressively stripped from the Eastern Extension Area to expose rock for extraction, and placed to create the Eastern Landform, the Northern Tip and into temporary stockpiles within the quarry floor.
- Continued extraction in the Western Area down to 92m aOD.
- Haul road routes added to Phase 2 Eastern Extension area.

- Progressive extraction of rock from the Eastern Extension in a southerly direction.
- Restoration of higher elevated Western Area land.
- Completion of extraction within lower elevated land in the Western Area and Northern Tip Area.
- Haul road routes added to Phase 3 Eastern Extension area.



- Progressive extraction of all Cefn Mawr Limestone and on-going Loggerheads Limestone extraction down to 130m aOD (compared to 122m aOD on the original plan).



- On-going Loggerheads Limestone extraction with the Eastern Extension down to 122m aOD.
- Removal of Central Tip to aid in mineral extraction and final restoration of the Western Quarry Tip.



- Clearance of a portion of the Western Quarry Tip to allow for final extraction of Loggerheads Limestone.
- These materials to be placed in the south east of the quarry to form final restoration landform and levels.
- Restoration works to Western Tip.
- Revised profiles and access to restored south eastern area.

## Legend

- Planning Application Boundary
- Limit of Extraction within this Phase
- Tips: Operations to include removal of previously placed material to expose and extract mineral and subsequent placement of quarry waste for restoration.
- Soils / Overburden Stripping / Progressive Direction of Stripping
- Creation of Eastern Landform

### The Proposed Development

The Proposed Development is for the deepening of the existing quarry, combined with an eastern extension and an extension of time to complete the extraction and final restoration of the Site.

Advanced Site peripheral landscape and ecological enhancement will take place, as will progressive restoration during the development period.

The Site Application Boundary Area is 61.1 Hectares

### Summary of Materials

Phase	Soils (m³)	Cefn Mawr Limestone 'Top Rock' ST	Loggerheads Limestone 'Massive Limestone' ST	Overburden / Quarry Waste (m³)	Est. Years
1	-	412,000	3,155,000	590,000	~ 4.4
2	56,000	639,000	7,036,000	1,816,000	~ 9.5
3	-	1,749,000	2,355,000	1,279,000	~ 5.1
4	-	793,000	2,679,000	626,000	~ 4.4
5	-	-	4,386,000	534,000	~ 5.6
6	-	-	4,826,000	2,017,000	~ 6.0
<b>TOTAL</b>	<b>56,000</b>	<b>3,593,000</b>	<b>24,437,000</b>	<b>6,862,000</b>	<b>~ 35.0</b>



Site Name:

Hendre Quarry

Drawing Name:

Block Proposals Plan

FINAL

Drawn By:

RGD/RJS

Scale @ A3:

1:10,000

Date:

March 2021

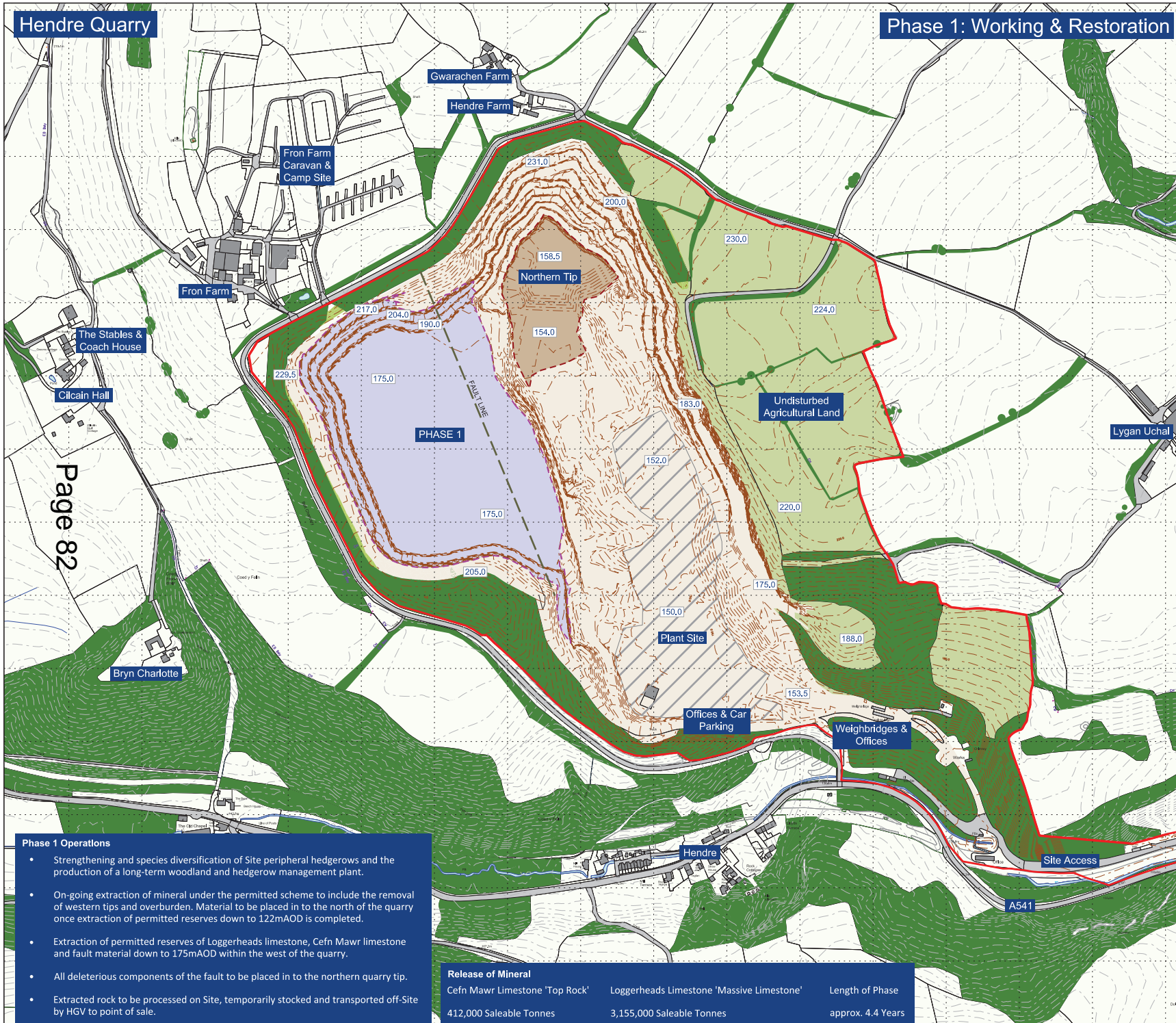
Drawing Number:

H072\_00045-3A



**Legend**

-  Planning Application Boundary
-  Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Limit of Extraction within this Phase
-  Operational Area
-  Operational Tip: Placement of Material within this Phase
-  Indicative Plant Site & Stocking Area
-  Geological Fault Line
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary



Page 82



Site Name:  
Hendre Quarry

Drawing Name:  
Phase 1  
FINAL

Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: March 2021	Drawing Number: H072-00045-4A



**Phase 1 Operations**

- Strengthening and species diversification of Site peripheral hedgerows and the production of a long-term woodland and hedgerow management plant.
- On-going extraction of mineral under the permitted scheme to include the removal of western tips and overburden. Material to be placed in to the north of the quarry once extraction of permitted reserves down to 122mAOD is completed.
- Extraction of permitted reserves of Loggerheads limestone, Cefn Mawr limestone and fault material down to 175mAOD within the west of the quarry.
- All deleterious components of the fault to be placed in to the northern quarry tip.
- Extracted rock to be processed on Site, temporarily stocked and transported off-Site by HGV to point of sale.

Release of Mineral	Length of Phase
Cefn Mawr Limestone 'Top Rock'	approx. 4.4 Years
Loggerheads Limestone 'Massive Limestone'	
412,000 Saleable Tonnes	
3,155,000 Saleable Tonnes	

-  Planning Application Boundary
-  60.0 Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Limit of Extraction within this Phase
-  Operational Area
-  Operational Tip: Placement of Material within this Phase
-  Indicative Plant Site & Stocking Area
-  Soil & Overburden Stripping within this Phase / Progressive Direction of Stripping
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary
-  New Native Tree & Shrub Planting



Page 83

**Phase 2 Operations**

- Progressive stripping of soil and overburden from the Eastern Extension Area in a southerly direction. Soils materials (56,000m<sup>3</sup>) to be utilised to create a permanent Eastern Landform with overburden to be placed into temporary stockpiles within the extracted quarry floor and/or to create the Northern Switch-back tip. The landforms will reflect locally observed levels and gradients. The landform will provide localised screening of quarry activities, the strengthening of landscape character through the creation of linear native planted woodland blocks, creating new habitat and the potential for biodiversity.
- The new planting to form a part of the long term woodland and hedgerow management plan.
- Mineral extraction to continue of the Loggerheads limestone and fault material within the west of the quarry down to 92mAOD.
- Ongoing tipping of deleterious materials to the north of the quarry to form the Northern Switch-back Tip.
- Extraction of Cefn Mawr limestone down to 212mAOD within the eastern extension.
- Extracted rock to be processed on Site, temporarily stocked and transported off-Site by HGV to point of sale.
- On-going Landscape and Ecological Management of land within the Site.
- Haul road routes added to Phase 2 eastern extension area.

**Release of Mineral**

Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
639,000 Saleable Tonnes	7,036,000 Saleable Tonnes	approx. 9.5 Years



Site Name:

Hendre Quarry

Drawing Name:

Phase 2

FINAL

Drawn By:

RGD/RJS

Date:

March 2021

Scale @ A3:

1:5,000

Drawing Number:

H072\_00045-5A



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-  Planning Application Boundary
-  60.0 Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Limit of Extraction within this Phase
-  Operational Area
-  Operational Tip: Placement of Material within this Phase
-  Indicative Plant Site & Stocking Area
-  Partial Removal of Tip
-  Placement of Material for Restoration
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary
-  Native Tree & Shrub Planting



Page 85

- Phase 3 Operations**
- Ongoing extraction of Cefn Mawr limestone within the eastern extension. All Cefn Mawr limestone that is not sold is to be tipped in the west of the quarry to form the Western tip.
  - Earthmove of the upper section of the Northern Switch back ramp to allow for access to Cefn Mawr limestone. Earthmove material to be placed in to the western tip.
  - Earthmove of the lower section of the Northern Switch-back ramp to allow access to the Loggerheads Limestone extraction area. Earthmove material to be placed into the western tip.
  - Extracted rock to be processed on-site, temporarily stocked and transported off-site by HGV to point of sale.
  - Ongoing Landscape and Ecological Management of land within the Site.
  - Haul road routes added / extended to Phase 3 eastern extension area.

Release of Mineral		
Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
1,749,000 Saleable Tonnes	2,355,000 Saleable Tonnes	approx. 5.1 Years



Site Name: Hendre Quarry

Drawing Name: Phase 3  
**FINAL**

Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: March 2021	Drawing Number: H072_00045-6A



-  Planning Application Boundary
-  60.0 Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Limit of Extraction within this Phase
-  Operational Area
-  Operational Tip: Placement of Material within this Phase
-  Indicative Plant Site & Stocking Area
-  Placement of Material for Restoration
-  Water Bodies
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary
-  Native Tree & Shrub Planting



Page 86




Site Name:  
**Hendre Quarry**

Drawing Name:  
**Phase 4**

**FINAL**

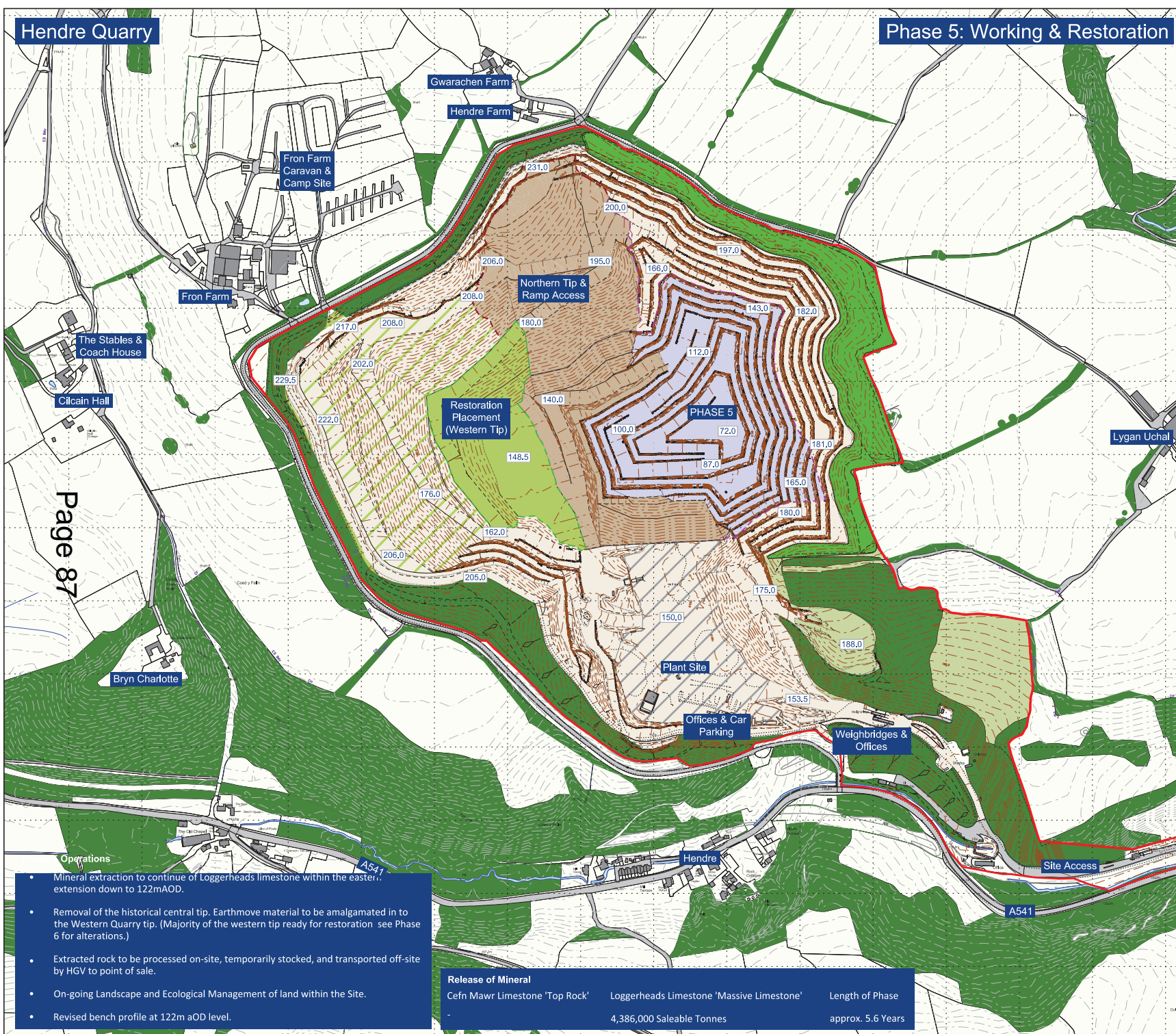
- Phase 4 Operations**
- Mineral extraction to continue of Cefn Mawr limestone to achieve final face positions. All Cefn Mawr limestone that is not sold is to be placed in to the Western Tip.
  - Ongoing Loggerheads limestone extraction down to 130mAOD (compared to 122m aOD on the original plan).
  - Extracted rock to be processed on-site, temporarily stocked and transported off-site by HGV to point of sale.
  - Ongoing Landscape and Ecological Management of land within the Site.

Release of Mineral	Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
	793,000 Saleable Tonnes	2,679,000 Saleable Tonnes	approx. 4.4 Years

Drawn By: RGD	Scale @ A3: 1:5,000	
Date: March 2021	Drawing Number: H072_00045-7A	

**Legend**

-  Planning Application Boundary
-  Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Limit of Extraction within this Phase
-  Operational Area
-  Operational Tip: Placement of Material within this Phase
-  Indicative Plant Site & Stocking Area
-  Partial Removal of Tip
-  Placement of Material for Restoration
-  Restored Land
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary
-  Native Tree & Shrub Planting



Page 87

- Mineral extraction to continue of Loggerheads limestone within the eastern extension down to 122mAOD.
- Removal of the historical central tip. Earthmove material to be amalgamated into the Western Quarry tip. (Majority of the western tip ready for restoration see Phase 6 for alterations.)
- Extracted rock to be processed on-site, temporarily stocked, and transported off-site by HGV to point of sale.
- On-going Landscape and Ecological Management of land within the Site.
- Revised bench profile at 122m aOD level.

Release of Mineral		
Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
-	4,386,000 Saleable Tonnes	approx. 5.6 Years



Site Name:  
Hendre Quarry

Drawing Name:  
Phase 5  
FINAL

Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: March 2021	Drawing Number: H072_00045-8A



**Legend**

-  Planning Application Boundary
-  60.0 Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Limit of Extraction within this Phase
-  Operational Area
-  Operational Tip: Placement of Material within this Phase
-  Indicative Plant Site & Stocking Area
-  Partial Removal of Tip
-  Placement of Material for Restoration
-  Restored Land
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary
-  Native Tree & Shrub Planting



**Phase 6 Operations**

- Clearance of a portion of the Western Quarry Tip to allow for final extraction of Loggerheads Limestone.
- These materials to be placed in the south east of the quarry to form final restoration landform and levels.
- Restoration works to Western Tip.
- Removal of the remainder of the Northern Switch-back ramp and a portion of the Western Quarry tip to allow for continued Loggerheads Limestone extraction.
- Earthmove materials to be transported and placed in to the south-east of the quarry to form the Eastern Quarry Landform. Western tip available for restoration once the Phase 6 earthmove is complete.
- Extracted rock will be processed on-site, temporarily stocked, and transported by HGV to point of sale.
- On cessation of rock processing and final sale of aggregate, all plant machinery is to be decommissioned and removed from Site.
- On-going Landscape and Ecological Management of land within the Site.
- Revised profiles and access to restored south eastern area.

**Release of Mineral**

Cefn Mawr Limestone 'Top Rock'	Loggerheads Limestone 'Massive Limestone'	Length of Phase
-	4,826,000 Saleable Tonnes	approx. 6.0 Years



Site Name:

Hendre Quarry

Drawing Name:

Phase 6

**FINAL**

Drawn By:

RGD/RJS

Date:

March 2021

Scale @ A3:

1:5,000

Drawing Number:

H072\_00045-9A





Legend

-  Planning Application Boundary
-  Land Under the Control of the Applicant
-  Contours (2m Intervals) & Spot Levels
-  Site Surround Contours
-  Existing Woodland / Hedges / Trees
-  Proposed Native Woodland / Shrub Planting
-  Species Rich Calcaerous Grassland
-  Existing Areas of Agricultural Grassland - Retained
-  Retained Benches - Hydrosseeded with Grassland / Scrub Species
-  Natural Regeneration - Faces & Benches
-  Natural Regeneration - Open Stony Substrate
-  Ephemeral Water Bodies
-  Placement of Stock / Rubble / Scree
-  Cross Section Locations



Restoration Aim

The integration of the quarry / site periphery into the wider surrounding Clywydian Range setting, with the creation of a distinct internal landscape to achieve high quality limestone flora and fauna communities and to promote Biodiversity

Restoration Objectives

- The creation of woodland / hedgerow peripherical vegetative corridors around the site which link into and connect existing vegetation structures.
- The establishment of permanent landform features and elements which externally screen the quarry void and internally provide a variety of physically stable wildlife habitats and environments.
- To utilise Site generated quarry waste material and soils to establish a growth medium for the planting, seeding and natural regeneration and circulation of limestone species of flora and fauna, and site peripheral woodland.
- The design, implementation and monitoring of a long term Site Management Plan to promote, enhance and sustain landscape and ecological infrastructure and species.



Site Name:

Hendre Quarry

Drawing Name:

Concept Restoration

FINAL

Drawn By:

RGD/RJS

Scale @ A3:

1:5,000

Date:

March 2021

Drawing Number:

H072\_00045-10A



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# Statement from Ward Member



Flintshire County Council  
Cyngor Sir y Fflint

Councillor / Y Lynghorydd Colin Legg



14<sup>th</sup> July, 2021.

Your Reference:  
DJM/062110

Hendre Quarry, Denbigh Road, Rhydymwyn, Mold, CH7 5QL

I am writing to you in connection with the Planning Application for the above business.

I do apologise most sincerely if this letter, rather than an e-mail, causes you or your department extra work. There are difficulties with my present, and new, laptop, and I feel that for such an important application, accuracy is essential.

Personally I support this application. In my opinion Hendre Quarry is a well run business. In particular the staff make every effort to minimise any inconvenience to the general public, such as using a special vehicle which sprays the road from the Quarry up to Rhydymwyn village to dampen down the inevitable dust caused by outgoing Lorries. Blasting in the quarry is kept well within the legal maximum of noise and reverberation. When possible the staff support local activities with special attendance to the welfare of the environment. Plans are in hand to cut down completely the use of diesel powered machinery and vehicles, thus lowering radically carbon emissions.

Unlike other quarries in Halbryn Ward I have received no complaints from the local community. In a small way I am informed that the quarry staff support local businesses.

Even if it were possible for me to participate in a "Zoom" style of meeting I have nothing to <sup>add to</sup> what is already written and I doubt if any speech of mine could be of further use to the actual, live discussion.

May I remain,

Yours sincerely,

Colin Legg, (Halbryn Ward County  
Councillor.)

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **21<sup>st</sup> July 2021**

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

**SUBJECT:** **APPLICATION FOR VARIATION OF CONDITION NO.2 FOLLOWING APPROVAL OF RESERVED MATTERS REF: 059514 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL FOR THE ERECTION OF 283 NO. DWELLINGS AT RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND**

**APPLICATION NUMBER:** **062300**

**APPLICANT:** **COUNTRYSIDE PROPERTIES PLC**

**SITE:** **'THE AIRFIELDS', FORMER RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND**

**APPLICATION VALID DATE:** **22ND DECEMBER 2020**

**LOCAL MEMBERS:** **COUNCILLOR Ms C M JONES**

**TOWN/COMMUNITY COUNCIL:** **SEALAND COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **THE S106 INCLUDES AFFORDABLE HOUSING**

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

### **1.0 SUMMARY**

- 1.01 The application consists of a planning application made under s73 of the Town and Country Planning Act 1990 to amend condition no. 2 of decision reference 059514 and the related clause (5.1) within the associated s106.

1.02 Specifically, the application seeks to amend the trigger for the delivery of the Public Open Space (POS) Area 1 to be delivered once the 145<sup>th</sup> unit is occupied (which we understand is imminent).

1.03 This amendment would resolve a current discrepancy where condition no. 2 requires the POS Area 1 to be provided upon occupation of the 85<sup>th</sup> dwelling and the S.106 (clause 5.1) requires delivery of the POS on occupation of the 1<sup>st</sup> dwelling. There are no other material changes to the development approved under ref 059514.

**2.0 RECOMMENDATION: TO VARY THE PLANNING CONDITION AND SEEK AUTHORITY TO VARY THE ASSOCIATED S106 LEGAL AGREEMENT AS FOLLOWS:-**

2.01 Condition no. 2 to be amended:

“ Notwithstanding the submitted details, prior to the occupation of the 1<sup>st</sup> dwelling of the development hereby approved, a scheme detailing the full details of the provision of the identified play and open space area shall be submitted to and approved in writing with the Local Planning Authority Such scheme shall provide full details of;

1. The existing and proposed finished levels of the play area and open space;
2. Proposed surface finishes;
3. Exact type, numbers, locations and layout of play equipment, together with any ancillary equipment (litter bins, benches etc). Such details shall include proposed finish colours of such equipment,·
4. Full details of the type, materials and finishes of all means of enclosure associated with both the play and open space areas, including boundary treatments,·
5. Full details of all planting, including plans and written specifications of all species, plant sizes, numbers, densities and proposals for the timing of implementation of the approved scheme; and
6. Full detailed proposals for the maintenance and management of all elements of the approved play and open space. Such details shall include full details for the resolution of complaints and disputes relating to the use and operation of the space.

The approved scheme shall be implemented prior to the occupation of the **145<sup>th</sup> dwelling** for POS Area 1 (north of Plot 214) and prior to the occupation of the 250<sup>th</sup> dwelling for POS Area 2 (next to the southern boundary) of the development hereby approved

REASON In the interests of securing adequate play and recreation provision upon site and to comply with the requirements of Policies GEN1, D4 and SRS of the Flintshire Unitary Development Plan”

- 2.02 That clause 5. 1 of the Section 106 Agreement relating to the Land be varied to be consistent with the planning condition:

"The Owners shall carry out and complete the Public Open Space Works on the Public Open Space Land in accordance with the requirements of the Planning Permission"

In addition to the primary change to clause 5.1 the legal agreement will also need to make consistent references to the new permission.

### **3.0 CONSULTATIONS**

#### Local Member

Cllr Christine Jones – Raises no concerns in respect of the proposed changes.

#### Community/Town Council

Sealand Community Council - Considered the application at their meeting of the 19<sup>th</sup> April and raised no concerns.

#### Aura

Consultations with the Council's Play Officer has received no response at the time of writing.

### **4.0 PUBLICITY**

- 4.01 Removal/Variation of Condition applications do not normally require formal consultations with external consultees like that for applications for planning permission. However, consultations with the Local Member and Community Council were carried out in this case due to the dynamic nature of this site and its connection with the wider strategic site and development of the Northern Gateway.

### **5.0 SITE HISTORY**

049320 - Outline application for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping. Approved 7th January 2013

058990 - Application for removal or variation of a condition following grant of planning permission. (049320). Approved 25th October 2018

059514 - Application for approval of reserved matters following outline approval for the erection of 283 no. dwellings. Approved 25th September 2019

059903 - Application for the approval of details in relation to reserved matters permission ref 059514 reserved by condition nos. 5, 7, 8, 9, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 31, 32, 33, 35, 36 & 41 attached to planning permission ref. 058990. Approved 19<sup>th</sup> August 2019

060685 - Substitution of house types within plots 1-11 to replace 2x Longford and 1x Foss with 2x New Stamford and 1x New Ashbourne. Approved 11<sup>th</sup> December 2019

060836 - Application for the approval of details reserved by condition nos. 2 (play and open space area) and 4 (floor levels) attached to planning permission ref. 059514. Partially Discharged 13<sup>th</sup> February 2020

061421 - Application for a non-material amendment to planning permission ref: 059514. Approved 25<sup>th</sup> June 2020

061176 - Application for the approval of details reserved by condition no. 2 (provision of play and open space area) attached to planning permission ref. 059514. Approved 22<sup>nd</sup> July 2020

062007 - Application for a non-material amendment to Planning Permission ref: 059514. Approved 12<sup>th</sup> November 2020

061125 - Application for removal of conditions 26, 28, 30, 34 and 44 and variation of condition 13 following grant of planning permission. (058990). Approved 26<sup>th</sup> April 2021

## **6.0 PLANNING POLICIES**

### **6.01 National**

- Planning Policy Wales Edition 11 (February 2020) (PPW11)
- Future Wales Plan 2020-2040

### **Flintshire Unitary Development Plan**

- GEN1 - General Requirements for Development
- HSG2A - Strategic Mixed Use Development: Land North West of Garden City
- SR5 - Outdoor Playing Space and New Residential Development
- IMP1 - Planning Conditions and Planning Obligations

### **Supplementary Planning Guidance Note(s)**

- PGN no. 13 Outdoor Space Requirements



## **7.0 PLANNING APPRAISAL**

- 7.01 This variation of condition (section 73) application is made in connection with the reserved matters permission ref. 059514 for the erection of 283 no. dwellings on land at 'The Airfields', former RAF Sealand South Camp, Sealand. Members will be aware that this application was reported to planning committee on the 26<sup>th</sup> June 2019, where it was resolved to approve subject to the completion of the Section 106 (S.106) as agreed. The S.106 was completed shortly after and the decision notice was formally issued on 25<sup>th</sup> September 2019.
- 7.02 This application seeks to amend the trigger for condition no. 2 in relation to the implementation of the Public Open Space (POS) Area 1 to be delivered once the 145<sup>th</sup> dwelling is occupied. This amendment would resolve a current discrepancy where condition no. 2 attached to ref 059514 requires POS Area 1 to be provided on occupation of the 85<sup>th</sup> dwelling.
- 7.03 The wording of the original condition was to accord with the Applicant, Countryside Properties, estimated build out rate. However, this has far been exceeded despite the challenges imposed by the Covid Pandemic. On the valid date of this application, 72 no. dwellings of the Phase 1 residential development at 'The Airfields', had been completed. The Applicant has since confirmed that a further 73 no. dwellings have been completed at the end of May 2021. This totals a 145 no. dwellings as complete in late spring 2021.
- 7.04 Whilst it is acknowledged that the original condition required the delivery of POS Area 1 once the 85<sup>th</sup> dwelling was occupied, the site layout and development phasing programme created difficulties with the delivery of the POS, in this location, whilst construction was ongoing in the immediate vicinity. As such damages to the landscaping and softworks could result from the premature delivery of this POS Area and the Council shared the concerns raised by Construction Health and Safety, in that there would be potential for conflict between users of the POS Area and construction traffic. Therefore the Applicant, seeks the variation of condition 2 to allow the delivery of this area in accordance with development progress and current build out rate projections. The delivery of this POS Area is therefore imminent should members agree to the new wording of condition no. 2.
- 7.05 Members will be aware that this phase 1 development forms part of the larger housing commitment at the Northern Gateway in the UDP, and has remained a key allocation in the LDP. It is evident that good progress is being made with the development of this strategic site,

this includes investment from housebuilders through the submission of recent planning applications, and a clear commitment to the delivery of housing at an impressive rate, as demonstrated by Countryside Properties.

- 7.06 This phase 1 development of 283 no. dwellings by Countryside Properties is now over 50% complete since construction commenced in Autumn 2019. This equates to a build out rate of over 80 dwellings per annum. In addition, the development has experienced significant interest, with 55% of the development now sold. It should be noted that Countryside Properties prioritised the first sales to Flintshire residents only. Interest in this site, remains positive.
- 7.07 In addition to the above, the application also provides an opportunity to correct an administrative error where clause 5.1 of the S.106 required the provision of POS upon occupation of the first dwelling in conflict with the current wording of condition no. 2. As such, should members resolve to approve the variation, the result would be a new permission and a revised S.106 agreement for consistency. There are no other material changes proposed that differ to the development approved under ref. 059514.

## **8.0 CONCLUSION**

To conclude, it is considered that the request to vary both condition no. 2 and the associated S.106 is both practical and reasonable in light of development progress. It is therefore recommended that the condition be amended as set out in paragraph 2.0 of this report and that authorisation is granted to vary the S.106 Legal Agreement.

All other conditions/clauses are to remain unchanged.

### **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  
Section 106 Agreement dated 24<sup>th</sup> September 2019  
Responses to Consultation  
Responses to Publicity

**Contact Officer: Katie H Jones**  
**Telephone: 01352 703257**  
**Email: [katie.h.jones@flintshire.gov.uk](mailto:katie.h.jones@flintshire.gov.uk)**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **21<sup>st</sup> July, 2021**

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

**SUBJECT:** **OUTLINE APPLICATION – PROPOSED ERECTION OF UP TO 18 NO DWELLINGS WITH ASSOCIATED WORKS**

**APPLICATION NUMBER:** **060699**

**APPLICANT:** **MR & MRS N WALLACE**

**SITE:** **TAN Y BRYN, BRYN ROAD, FLINT, FLINTSHIRE, CH5 5HU**

**APPLICATION VALID DATE:** **12<sup>th</sup> NOVEMBER 2019**

**LOCAL MEMBERS:** **COUNCILLOR MS M PERFECT**  
**COUNCILLOR D COX**

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

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

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

### **1.00 SUMMARY**

- 1.01 This outline application with all matters reserved for subsequent approval, proposes the erection of a total of 18 No dwellings on land at Tan y Bryn, Bryn Road, Flint. Amended plans and further details have been received in progression of the application on which further consultation has been undertaken.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation / Unilateral Undertaking for :-
- a) the payment of £1100 per dwelling, the monies being used to improve toddler play provision at The Nurseries, Play Area, Flint.
  - B) the payment of a Secondary School Educational Contribution towards Flint High School of up to £55,407 to accommodate the increase in pupil numbers.

Conditions

- 1. Outline – Time Limit
- 2 Outline – Reserved Matters
- 3 No development to commence until a scheme for the widening of the frontage of the site along Bryn Road has been submitted and approved
- 4 No dwelling to be occupied until frontage has been widened
- 5 Siting, layout and design of access to be as submitted and approved
- 6 Access to have a visibility splay of 2.4m x 43m in both directions
- 7 Stated visibility to be kept free from obstruction during construction phase
- 8 Details of construction of internal estate road to be submitted and approved
- 9 Gradient of access for 10m from edge of carriageway to be 1:15 and a maximum of 1:12 thereafter
- 10 Positive means to prevent run off of surface water onto highway to be submitted and approved
- 11 Scheme for 1.8m wide footway along site frontage to be submitted and approved
- 12 Scheme for improved connectivity to existing footpath network to be submitted for consideration and approval.
- 13 No development to commence until a Construction Traffic Management Plan has been submitted and approved.
- 14 Level 2 Survey of World War II Air Raid Shelter within the site to be submitted and approved
- 15 Site / Finished Floor Levels (FFL) to be submitted and approved.
- 16 Emergence Bat and reptile surveys to be undertaken with appropriate mitigation where required
- 17 No development to commence including site clearance until foul drainage scheme has been submitted and approved.

**3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor D Cox  
No response received

Councillor Ms M Perfect

Given the scale of the application and area in which it is located, express reservations over the appropriateness of the development given that the only access to the site is via a small lane with limited links to the main roads.

Councillor P Cunningham ( Adjacent Ward )

Register a conflict of interest as reside in proximity to the site

Flint Town Council

It is the view of the Town Council that this development was entirely out of keeping with the area. Particular concerns were raised in relation to i) highway safety and traffic management in what is a busy and congested series of roads (ii) the scale and number of properties proposed raise real concerns as both to the environmental and practical impact on the amenity in the area (iii) the present infrastructure services etc are unlikely to be able to cope with the proposal and access for new services will be problematical.

Highways Development Control

Recommend that any permission includes conditions in respect of: - road widening along the site frontage, access detail, visibility, gradients, surface water run - off and the submission of a Construction Traffic Management Plan.

Community and Business Protection

No adverse comments

Clwyd Powys Archaeological Trust ( CPAT )

As this is an outline application with all matters reserved for subsequent approval – support the imposition of a condition which secures the survey and if appropriate preservation of a former World War II Air Raid Shelter within the site.

Education

Advises that the schools affected by the proposed development are as follows:-

Gwynedd Primary School

Capacity (at January 2020) 492 (excluding nursery)  
Current NOR (at January 2020) 455 (excluding nursery).  
Number of Surplus Places 37.  
Percentage of Surplus Places 7.5%.

Flint High School

Capacity (at January 2020) 797  
Current NOR (at January 2020) 850.  
Number of Surplus Places = 53.  
Percentage of Surplus Places -6.65%

#### Primary School Calculation

School Capacity  $492 \times 5\% = 24.6$  ( 25)

Trigger for Contributions  $492 - 25 = 467$

Number of units  $18 \times$  Primary Multiplier  $0.24 =$  Child Yield  $4.32$  ( 4 pupils)

Does not exceed the trigger for contributions

#### Secondary School Calculation

School Capacity  $797 \times 5\% = 39.85$  ( 40)

Trigger for Contributions  $797 - 40 = 757$

Number of units  $18 \times$  Secondary Multiplier  $0.174 =$  Child Yield  $3.13$  (3)

Child Yield  $3 \times$  Cost Multiplier  $\pounds 18,469.00 =$  Developer Contribution  $\pounds 55,407$

Actual Pupils  $850 + 3$

Does exceed trigger for Contributions

#### Welsh Water/Dwr Cymru

No objection subject to the imposition of a condition requiring the submission of a foul drainage scheme.

#### Public Open Spaces Manager ( AURA )

Request the payment of a commuted sum of  $\pounds 1100$  per dwelling, the monies being used to enhance toddler play provision at The Nurseries Play Area, Flint.

#### Rights of Way

Public footpath 78 & 79 abut the site but appear unaffected by the development. The paths must be protected and free from interference from the construction.

#### Council Ecologist

No objection in principle subject to the completion of Bat Emergence / Reptile Surveys with appropriate mitigation where required.

#### Tree Officer

Note that the application has been submitted in outline with all matters reserved for subsequent approval. Consider that the layout would need to be revisited to ensure the retention of trees within the site which are of amenity value.

## **4.00 PUBLICITY**

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

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

- Inadequacy of access /detriment to highway safety



- Overdevelopment which would be detrimental to existing character.
- Detrimental Impact on living conditions of occupiers of existing/ proposed dwellings
- Inadequacy of drainage system
- Impact on Wildlife /Ecology
- Impact on remains of former World War 2 Air Raid Shelter.
- Re-instatement of former footpath link to A5119 Northop Road.

Letter received from Hannah Blythyn MS which supports the basis of objections received from residents in the locality.

## **5.00 SITE HISTORY**

5.01 None relevant

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 Policy STR1 – New Development  
 Policy GEN1 – General Requirements for Development  
 Policy GEN2 – Development Inside Settlement Boundaries  
 Policy D1 – Design Quality, Location and Layout  
 Policy D2 – Design  
 Policy D3 – Landscaping  
 Policy TWH – Development Affecting Trees and Woodlands  
 Policy WB1 – Wildlife Species Protection.  
 Policy AC13 – Access and Traffic Impact  
 Policy AC18 – Parking Provision and New Development  
 Policy HSG3 – Housing on Unallocated Sites Within Settlement Boundaries  
 Policy HSG8 – Density of Development  
 Policy SR5 – Outdoor Playing Space and New Development  
 Policy IMP1 – Planning Conditions and Planning Obligations

### Supplementary Planning Guidance

Supplementary Guidance Note 2 – Space Around Dwellings  
 Supplementary Planning Guidance Note 2 – Landscaping  
 Supplementary Guidance Note 4 – Trees and Development  
 Supplementary Planning Guidance Note 8 – Nature Conservation and Development  
 Supplementary Planning Guidance Note 11 – Parking Standards  
 Supplementary Planning Guidance Note 23 – Developer Contributions to Education  
 Planning Guidance Note 13 – Open Space Requirements

Additional Guidance

Planning Policy Wales ( PPW ) – Edition 11

Future Wales Development Plan 2020-2040

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 12 – Design

Technical Advice Note 15 – Transport

Technical Advice Note 24 – The Historic Environment

**7.00 PLANNING APPRAISAL**

7.01 Introduction / Site Description

This outline application with all matters reserved for subsequent approval, proposes the erection of up to 18 No dwellings on land at Tan y Bryn, Bryn Road, Flint. The sloping site which amounts to approximately 0.8 hectares in area is located on the eastern side of The Bryn. It occupies a central position to the east of Nos 16-26 The Bryn, north of 15-31 Bryn Road and west of properties on the A5119 Northop Road.

Proposed Development

7.02 Although submitted in outline, an illustrative site layout and accompanying sectional details have been submitted to show how the site could potentially be developed, given its sloping topography.

7.03 The indicative site layout shows the proposed erection of 18 No dwellings, and whilst this carries limited weight in the overall planning balance, it is useful to understand how the site could be developed. The precise details for development of the site would however need to be secured as part of any reserved matters application, as it is only the principle of development for up to 18 No dwellings that is being sought at this stage.

Main Planning Considerations

7.04 The main planning considerations to be taken into account in determination of this application include:-

- Principle of development
- Character and appearance
- Living conditions
- Play provision
- Education
- Access
- Trees / Ecology
- Other Matters

Principle of Development

7.05 The site is approximately 0.8 hectares in area and is located within the settlement boundary of Flint, a Category A settlement in the Flintshire Unitary Development Plan. The principle of

residential development for general and specific housing need in such locations is generally supported in accordance with national /local planning policy subject to the safeguarding of relevant development management considerations.

#### Character and appearance

- 7.06 The proposed site amounts to approximately 0.80 hectares in area. The potential erection of 18 dwellings would represent a density of 23 dwellings per hectare ( dph ) which is below the 30 dph specified as a minimum referenced in Policy HSG8 that is sought to be achieved on unallocated sites within settlement boundaries. This proposed scale of development takes into account the site constraints in particular its topography, and the density of existing development at this location which amounts to approximately 21dph.
- 7.07 The application which has been amended since its initial submission deletes specific reference to all the dwellings being 2 No storey in height. This recognises that as part of any reserved matters application that it will be necessary to consider a mix of house types on the site given its topography and relationship to existing dwellings at this location. The parameters of scale provided indicate that the dwellings are proposed to be 8-16m wide, 8 -11m in depth and 5 – 8m in height. This range in the scale of the proposed units would it is considered be acceptable and help to assimilate the development into the site and wider surroundings.
- #### Living Conditions
- 7.08 Of particular importance in consideration of this application, is ensuring that the privacy of the occupiers of the proposed dwellings and those existing dwellings adjacent to the site are safeguarded as part of the proposed development. Whilst recognising that the site layout submitted carries limited weight in the assessment process, it does take into account the relationship of proposed dwellings to existing development confirming that it is possible to design a layout meeting adequate interface separation distances having regard to Supplementary Planning Guidance Note 2 – Space About Dwellings.
- #### Play Provision
- 7.09 Planning policy SR5 and Supplementary Planning Guidance note 13 seek to ensure that any new residential development schemes of two or more units take into account the need for the provision of sufficient open space or if the scheme is below 25 No units that there is a contribution secured to facilitate the provision /enhancement of existing recreational facilities in the locality.

7.10 As in this case and based on the proposed density of development there would be no on-site recreational provision. The development would however require the payment of a commuted sum of £1100 per dwelling, and Leisure Services ( AURA ) have specified that the monies would be used to enhance toddler play provision at The Nurseries, Play Area, Flint

#### Education

7.11 Planning policy IMP1 and Supplementary Planning Guidance Note 23 requires the impact of development on any existing school capacity to be taken into account given the potential impact on these existing facilities.

7.12 As a result primary and secondary school formula multipliers have been applied to assess the impact on both Gwynedd Primary School and Flint High School. This confirms that :-  
a) there is a requirement for a secondary school educational contribution of £55,407 based on the potential construction of 18 No dwellings

7.13 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.14 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.

7.15 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

7.16 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into respect of the leisure / educational contributions requested and am satisfied that on application of the tests set out above the contributions would satisfy these requirements.

Access

7.17 As previously referenced all matters including the proposed access to the site itself, are reserved for subsequent approval. Whilst the objections to the development on highway grounds are noted, consultation on the aspect of the development has been undertaken with the Highway Development Control Manager in order to assess the adequacy of the existing highway network in proximity to the site and acceptability /feasibility of designing a road layout given its topography.

7.18 It has been confirmed that there is no objection to the principle of development from a highway perspective, subject to the imposition of conditions as outlined in paragraph 2.00 of this report.

Trees / Ecology

7.19 Consultation on the application has been undertaken with the Council's Tree Officer on the details submitted as part of the application which includes an Arboricultural Impact Assessment undertaken in accordance with BS5837.

7.20 The Tree Officer acknowledges that the site layout currently submitted is for illustrative purposes only and would need to be revisited as part of any reserved matters application to ensure the retention of a number of trees of amenity value within the site. It is however considered that these trees can be retained whilst achieving the development of up to 18 No units, with the landscaping of the site and retention of key landscape features being secured by the imposition of a condition in the event of outline planning permission being obtained.

7.21 In addition the Council Ecologist raises no fundamental objection to the development having regard to the Ecological Appraisal submitted as part of the application. It is however recommended that any permission be subject to the imposition of a condition requiring the undertaking of bat emergence surveys between April- September and reptile surveys with appropriate mitigation where required.

7.22 Other Matters

Third parties have raised objections regarding the possible impact of development on the remains of a World War II air raid shelter. located within the south eastern corner of the site. The illustrative

site plans shows this to be located/retained within one of the proposed residential curtilage areas –although as previously referenced this carries limited weight in the assessment process. Clwyd Powys Archaeological Trust ( CPAT ) who have been consulted on the application recognise at this stage of the application process the status of the site layout but do consider that there is a need to undertake a survey of the remains to establish its long term suitability for retention and preservation. This can be secured through the imposition of a condition in the event of outline permission being granted.

7.23 In addition to the above, there are 2 No existing definitive footpaths in proximity to the site namely :-  
i) Footpath 78 – this runs from Bryn Road to Northop Road, outside but adjacent to the sites northern boundary  
ii) Footpath 79 – this runs from Northop Road in an approximate 45 degree south westerly direction, from a spur into the site to an existing cul de - sac head at Bryn Road

7.24 A number of concerns have been received from residents regarding the potential linkage of the site to Northop Road, utilising the existing footpaths, the concerns of which are duly noted. Whilst it is considered at officer level that improved pedestrian connectivity to existing facilities is to be welcomed from a sustainability perspective, there are no specific proposals at this stage, as the site layout carries limited weight in assessment process. This would need to be secured through the imposition of a condition and evaluated at reserved matters stage in the event of outline planning permission being obtained.

7.25 The adequacy of the drainage system to serve the proposed development has been the subject of consultation with Dwr Cymru/Welsh Water who raise no objection subject to the imposition of a condition to secure a satisfactory scheme of foul drainage at reserved matters stage.

## **8.00 CONCLUSION**

This outline application seeks to establish at this stage the principle of development only of the site for a total of up to 18 No dwellings. Although an illustrative site layout has been submitted, this carries limited weight in the assessment process other than to confirm that it would be possible to develop the site for the scale of development proposed whilst meeting relevant development management considerations.

No objections have been received from a highway, ecological, landscape, or conservation perspective, and it is therefore recommended that permission be granted subject to the completion of a legal obligation and imposition of conditions as referenced in paragraph 2.00 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.

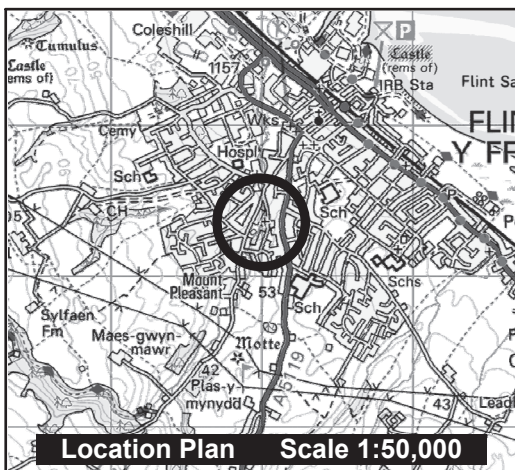
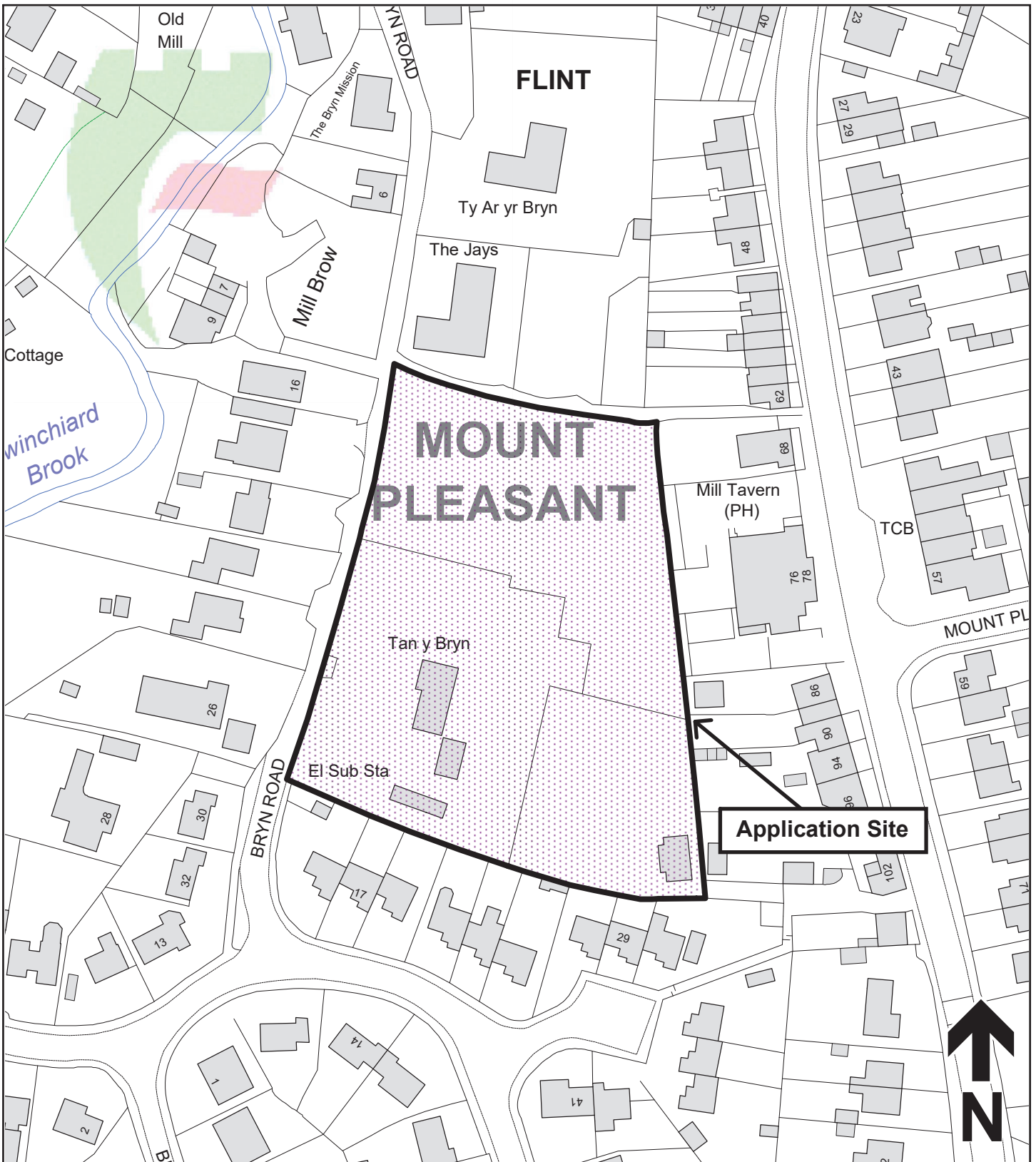
#### **LIST OF BACKGROUND DOCUMENTS**

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

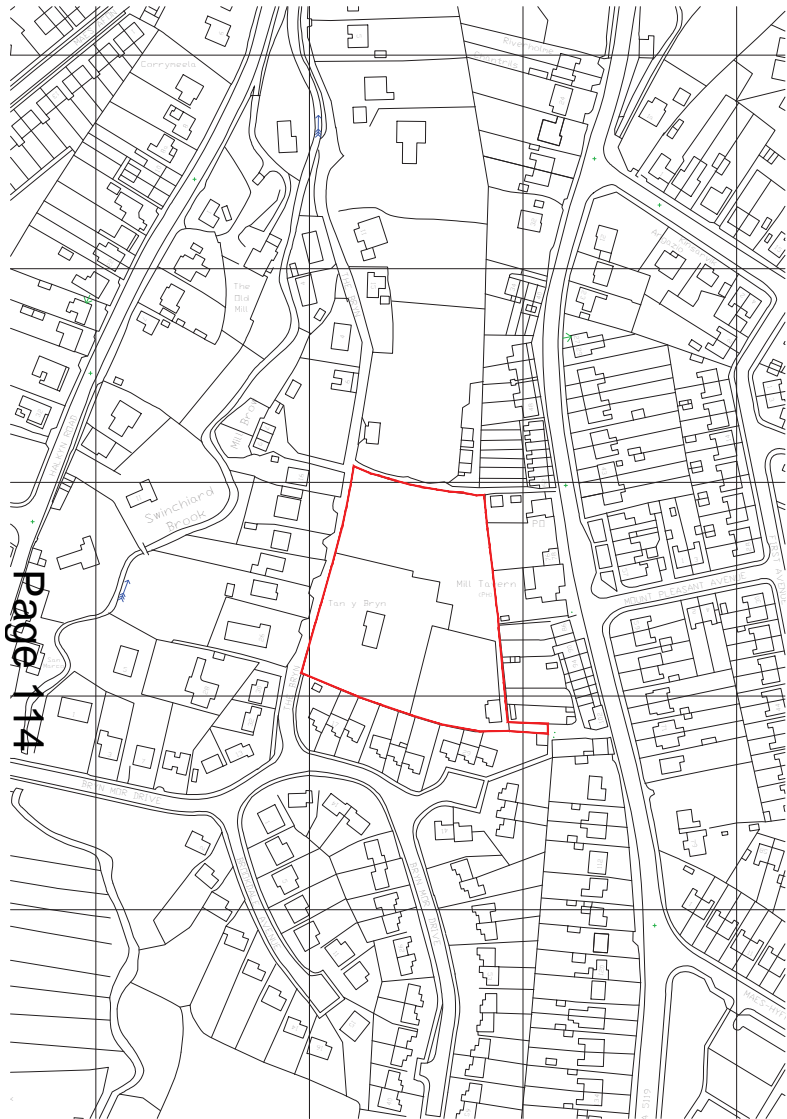
**Contact Officer:** Robert Mark Harris  
**Telephone:** 01352 703269  
**Email:** robert.m.harris@flintshire.gov.uk

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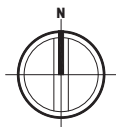




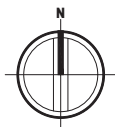
<p><b>Sir y Fflint</b> Flintshire COUNTY COUNCIL</p>	<p>Planning, Environment &amp; Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>						
	<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Planning Application Site</li> <li> Adopted Flintshire Unitary Development Plan Settlement Boundary</li> </ul>	<p>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2021.</p> <table border="1"> <tr> <td>Map Scale</td> <td>1:1250</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 2472</td> </tr> <tr> <td>Planning Application</td> <td><b>60699</b></td> </tr> </table>	Map Scale	1:1250	OS Map ref	SJ 2472	Planning Application
Map Scale	1:1250						
OS Map ref	SJ 2472						
Planning Application	<b>60699</b>						



Page 114



Location Plan - 1:1250



Block Plan - 1:500

The Contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is to be notified to Jig before proceeding with the work.

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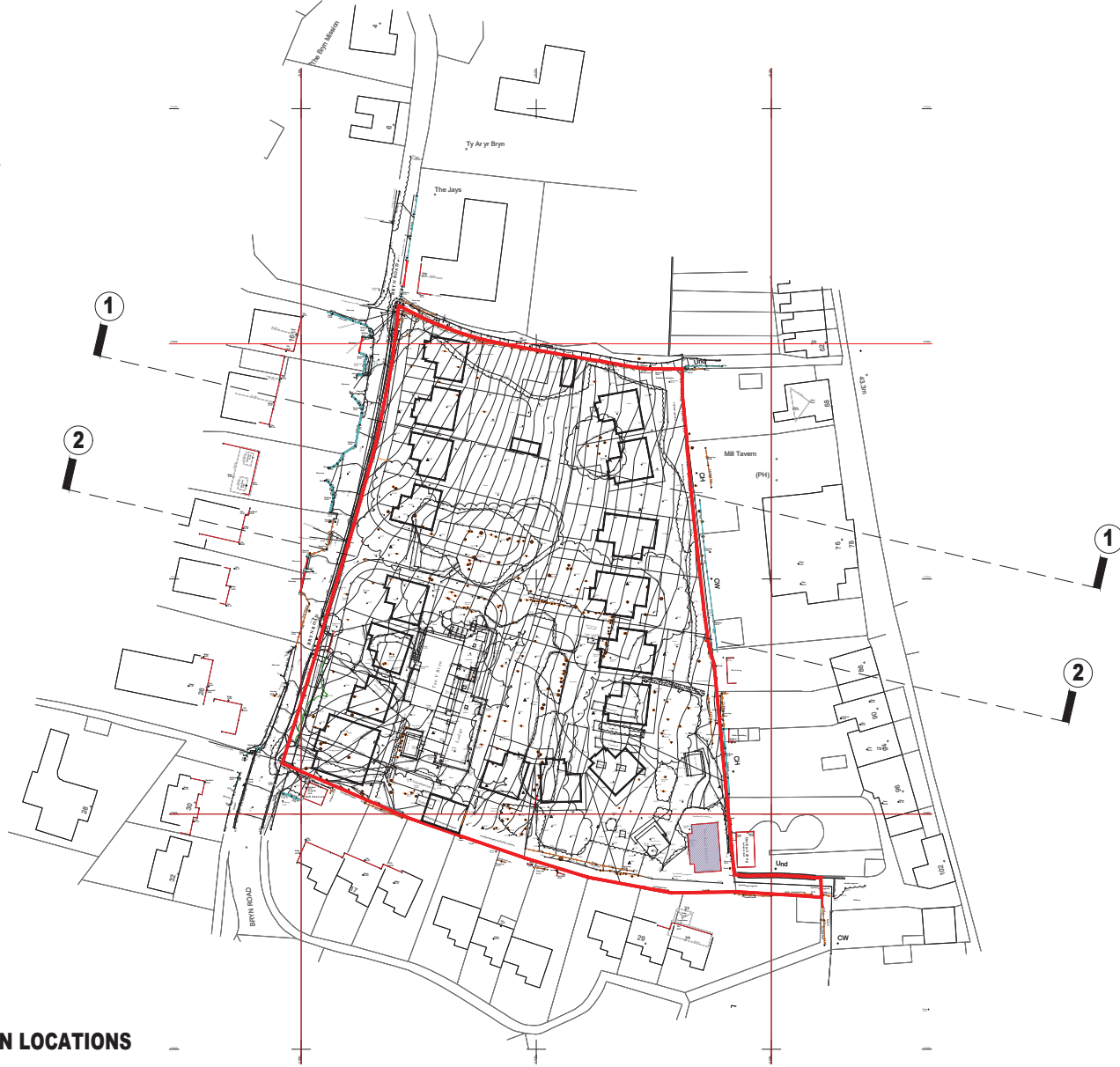
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Revisions	Date	Drawn	Checked
1	15/07/18	JW	AW
2	21/11/18	JW	AW

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Project: Proposed Residential Development At Tan y Bryn, Bryn Road, Flint, Flintshire, CH6 5HU			
Client:	Mr & Mrs N Wallace		
Drawing title:	Location Plan & Block Plan		
Scale:	1:1250	1:500	1:250
Drawn:	JW	AW	AW
Date:	Feb. 18	Jig/1557/18	AW
Checked:	JW	AW	AW



**SITE SECTION LOCATIONS**

The Contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is to be notified to Jig before proceeding with the work.

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Revisions

Revised	Date	By	Checked

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<b>Project</b>		Proposed Residential Development At Ton y Bryn, Bryn Road, Flint, Flintshire, CH6 5HU																
<b>Client</b>	Mr & Mrs N Wallace																	
<b>Drawing title</b>	Site Sections 1.1 & 2.2																	
<b>Scale</b>	1:500 (A1)	<table border="1"> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>																
<b>Drawn</b>	CR	Jig/1557/18																
<b>Date</b>	MARCH 20		AL(0)2															
<b>Checked</b>	JRJ																	

**GENERAL NOTATION**

ALTHOUGH SUBMITTED IN OUTLINE, THE APPLICATION IS ACCOMPANIED BY A FORMAL DESIGN & ACCESS STATEMENT PREPARED BY PLANNING, WHICH SETS OUT A NUMBER OF DESIGN PRINCIPLES AND AN ANALYSIS OF THE SITE TO ENSURE KEY ELEMENTS OF THE INDICATIVE PROPOSAL, THE INDICATIVE LAYOUT DEMONSTRATES THE POTENTIAL APPLICATION SITE COULD OFFER WITH A MIX OF SINGLE/SPLIT LEVEL, AND 2 STOREY DWELLINGS AND WITHIN THE SITE CONSTRAINTS INCLUDING THE LAYOUT OF THE ACCESS ROAD SERVING THE DWELLINGS. IT IS ENVISAGED THE FINAL SCHEME WILL INCORPORATE A MIXTURE OF DWELLINGS AS BEFORE DESCRIBED, WITH INGLE/SPLIT LEVEL DWELLINGS TO THE UPPER SECTIONS OF THE APPLICATION SITE. DUE CONSIDERATION WILL BE DETERMINED THROUGH THE RESERVED MATTERS APPLICATION SPECIFIC TO THE DETAILED APPEARANCE OF THE PROPOSED DWELLINGS AND INCLUDING THE PLOT LOCATIONS. THE RANGE, SCALE AND GENERAL PARAMETERS OF THE PROPOSED DWELLINGS WILL BE CONSIDERED SUITABLY THROUGH THE RESERVED MATTERS APPLICATION AND TO REFLECT THE SURROUNDING AREA AND THE TOPOGRAPHY, WHILE ALSO CONSIDERING THE ADJACENT DWELLINGS AS WILL BE REQUIRED, APPROPRIATE CUT AND FILL WILL BE UNDERTAKEN TO AVOID AN INADEQUATE AMOUNT OF SPLIT LEVEL HOUSING AND TO TAKE INTO CONSIDERATION MAINTAINING THE AMENITY OF THE ADJACENT DWELLINGS TO THE APPLICATION SITE. THE CURRENT SUGGESTED SCHEME DEMONSTRATES HOW THE PROPOSAL COULD BE POSITIVELY INTEGRATED WITHIN THE EXISTING CONSTRAINTS, WHILE PRESERVING THE AMENITY OF NEIGHBOURING PROPERTIES. THIS ILLUSTRATIVE PLAN ANNOTATED THUS SHOWN HAS BEEN DESIGNED WITH SHARED ARRANGEMENTS, GIVING PRIORITY TO THE SAFETY OF PEDESTRIANS AND THE LIKE WHERE APPROPRIATE WITH PRIVATE AND COMMUNAL CAR PARKING SO CAUSED WITHIN THE DWELLINGS' DESIGNATED PLOTS ETC.

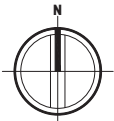
**GENERAL TYPE PARAMETERS**

(RESERVED FOR FUTURE CONSIDERATION – REFER TO DESIGN & ACCESS STATEMENT)

THE ILLUSTRATIVE SCHEME DWELLING TYPE PARAMETERS ARE NOTED AS FOLLOWS AND ARE PRESCRIPTIVE ONLY AND SUBJECT TO THE FORMAL RESERVED MATTERS PLANNING APPLICATION MADE FOLLOWING THE GRANTING OF OUTLINE APPROVAL:

- THE LOWER LIMIT FOR HEIGHT = 5M
- THE UPPER LIMIT FOR HEIGHT = 8M
- THE LOWER LIMIT FOR WIDTH = 8M
- THE UPPER LIMIT FOR WIDTH = 16M
- THE LOWER LIMIT FOR LENGTH = 9M
- THE UPPER LIMIT FOR LENGTH = 11M

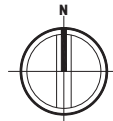
THE SCALE OF THE DWELLINGS IS SUGGESTED TO BE CONSIDERATE IN ALL CIRCUMSTANCES TO SURROUNDING DWELLING AND SO NOT TO COMPROMISE THE AMENITY SPACE AND GENERAL SPACE ABOUT DWELLING CRITERIA. THE DEVELOPMENT WILL INTEGRATE WELL AND BE PROPORTIONATE TO ADJACENT DWELLINGS. IT IS INTENDED IN ALL INSTANCES THAT THE PROPOSED SCALE OF THE DEVELOPMENT WILL NOT BE PROMINENT, VISUALLY DOMINANT AND WILL NOT COMPROMISE THE CHARACTER OF BRYN ROAD, MASSING WILL BE PROPORTIONATE TO PLOT SIZES AND RESPECTFUL OF THE PARAMETERS SET BY ADJACENT DWELLINGS.



**ILLUSTRATIVE SITE LAYOUT**



**ILLUSTRATIVE SITE VISIBILITY/ACCESS**



**KEY**

- GRASSED AREAS – BY BRITISH SEED HOUSES MAX A2 TO OPEN AREAS AND FRONT/REAR LAWNS
- GRASSED AREAS – BY BRITISH SEED HOUSES MAX A2 TO ORNAMENTAL FRONT/REAR VERGES
- FRONT, REAR & SIDE PAVED AREAS TO PLOTS
- PROPOSED SITE ACCESS OFF BRYN ROAD
- TYPICAL DWELLING
- PEDESTRIAN ACCESS TO EXISTING FOOTPATH
- EXISTING AIR RAID SHELTER TO BE RETAINED IN PERPETUITY OF THE DEVELOPMENT
- TARMAC FINISH TO ALL VEHICULAR AREAS
- FORMER ACCESS TO BE RETAINED WITHIN SITE/PLOT OWNERSHIP IN PERPETUITY

The Contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is to be notified to JIG before proceeding with the work.

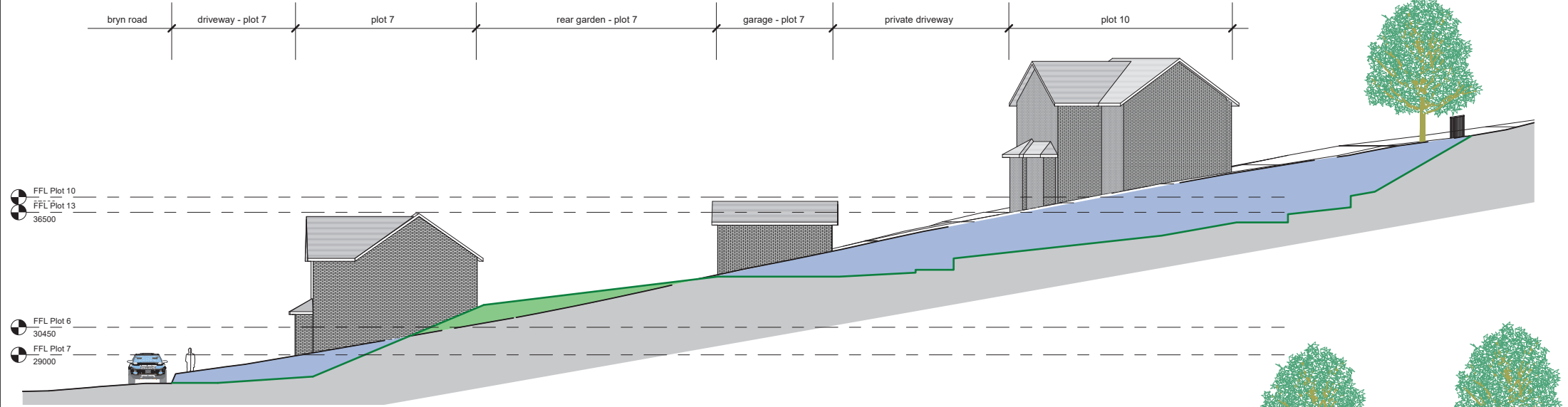
Where an item is covered by drawings to different scales, the larger scale drawing is to take precedence. Do not scale drawings, figured dimensions are to be worked to in all cases.

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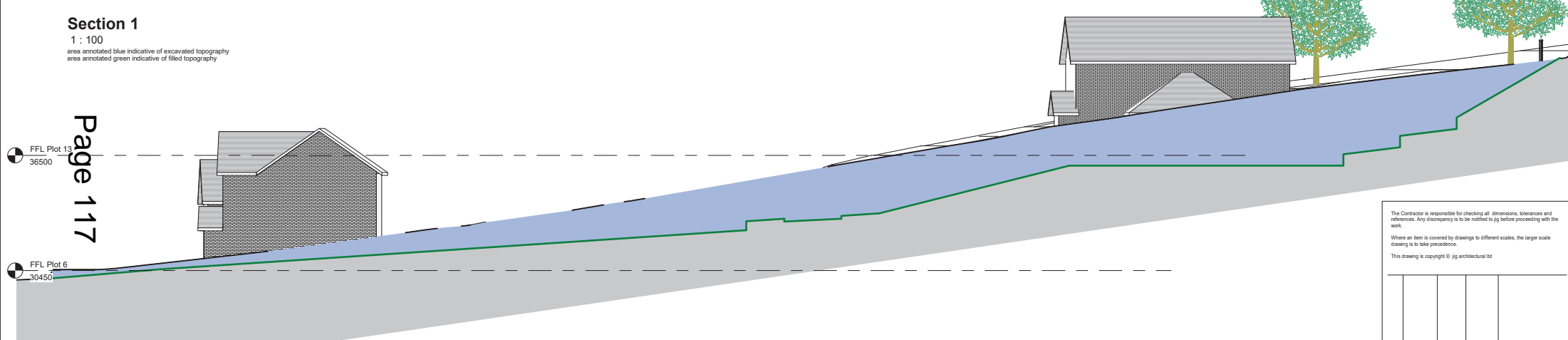
Revision	Date	Drawn	Checked
1	14.02.19	JW	JW
2	10.06.19	JW	JW
3	03.08.19	JW	JW
4	23.11.19	JW	JW
5	10.02.20	JW	JW
6	14.02.20	JW	JW
7	19.02.20	JW	JW
8	26.02.20	JW	JW
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16	10.03.20	JW	JW
17	10.03.20	JW	JW
18	10.03.20	JW	JW

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Project		Proposed Residential Development At Tan y Bryn, Bryn Road, Flint, Flintshire, CH7 5HU	
Client	Mr & Mrs N Wallace	Author	JW
Drawing title	Preliminary Site Plan	Drawn	JW
Scale	1:500, 1:200, A4	Date	Feb. 19
Checked	JW	Plot	AL(0)1



**Section 1**  
1 : 100  
area annotated blue indicative of excavated topography  
area annotated green indicative of filled topography



**Section 2**  
1 : 100  
area annotated blue indicative of excavated topography  
area annotated green indicative of filled topography

adaptable road access - 5m = 1 in 12 - (1 in 15 thereafter)

**CARRIAGEWAY SURFACING**  
WEARING COURSE: 40MM THICK HOT ROLLED ASPHALT (DESIGN MIX) BS 594 PART 1: 1992, TABLE 3 COL. 3/2 50 PEN BINDER.  
BASE COURSE: 40MM THICK DENSE MACADAM TO DOT SPEC. CL 6.5 BS 4987 PART 1: 2000 PEN BINDER  
ROAD BASE: 70MM DENSE MACADAM (100 PEN) TO DOT SPEC. CLAUSE 803.  
SUB-BASE: 300MM THICK IN ACCORDANCE WITH CBR TESTING.  
CONCRETE FOR KERBS AND EDGINGS TO BE S11 MIX.  
KERBS AND EDGINGS TO COMPLY WITH BS 7283 PART 1.  
CAPPING LAYERS NOT REQUIRED BASED ON CBR TEST RESULTS.

**VEHICULAR CROSSINGS**  
D/RCP KERBS SET IN 25MM ABOVE CHANNEL AND LAID ON 450 X 200MM 1:3:6 CONCRETE FOUNDATION. CRUSHED STONE HARDCORE BASE 200MM UNDER CROSSINGS.  
WEARING COURSE OF 20MM THICKNESS DENSE BITUMEN MACADAM COMPLYING WITH BS 4987 CLAUSE 7.6 200 PEN 6MM NOM SIZE AGGREGATE ROCK TYPES 1, 7 ONLY.  
BASE COURSE OF 100MM THICK DENSE BITUMEN MACADAM 20MM NOM. COMPLYING WITH CL 6.5 BS 4987 PART 1: 200 PEN BINDER OF BS 4987. ROCK TYPES OT 1 - 8 ONLY.  
FOUNDATION OF 100MM MINIMUM CONSOLIDATED GRANULAR SUB-BASE TYPE 1 COMPLYING WITH CLAUSE 803 WELSH OFFICE SPECIFICATION FOR ROADS AND BRIDGE WORKS.

**FOOTWAY CROSSING**  
WEARING COURSE: 20MM THICK, 8MM DENSE WEARING COURSE TO BS 4987 PART 1.  
BASE COURSE: 60MM THICK DENSE BITUMEN MACADAM TO DOT SPEC. CLAUSE 906. 20MM NOM. SIZE AGGREGATE.  
SUB-BASE: 100MM SUB-BASE MATERIAL TO DOT SPEC. CLAUSE 803 TO BE INCREASED TO 150MM THICK AT VEHICULAR CROSSINGS.

**GENERAL NOTES.**  
KERBS TO BE MANUFACTURED TO STANDARDS OF BS 7283 PART 1.  
KERBS TO BE LAID ON 100MM DESIGNATION (ii) HORTKAT ON PREPARED FOUNDATION. ALTERNATIVELY LAY KERBS ON WELL COMPACTED BED OF SANDRY CONCRETE. MAX. 35 SLUMP. ALL IN ACCORDANCE WITH BS7283 PART 2.  
CONCRETE TO BE S11.  
ALL CARRIAGEWAY, FOOTPATH AND PEDESTRIAN CROSSING TO BE IN STRICT ACCORDANCE WITH WREXHAM COUNTY BOROUGH COUNCIL SUPPLEMENTARY GUIDE TO DESIGN BULLETIN 32 - RESIDENTIAL ROADS AND FOOTPATHS.

**GENERAL - CTD.**  
ALL TRAFFIC SIGNS AND ROAD MARKINGS ARE TO COMPLY WITH THE REQUIREMENTS OF THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS (STATUTORY INSTRUMENT NO. 3113.2002), THE SPECIFICATION FOR HIGHWAYS WORKS AND ARE TO BE PROVIDED IN ACCORDANCE WITH ADVICE GIVEN IN THE TRAFFIC SIGNS MANUAL.  
THE GIVE WAY MARKINGS WHERE APPLICABLE ARE TO BE PROVIDED AT THE JUNCTION OF THE MAIN ROAD AND RESIDENTIAL SERVICE ROAD TO THE DWELLINGHOUSES. ENSURE THAT THE LAYOUT OF THE GIVE WAY MARKING IS AS PER THE TRAFFIC SIGN MANUAL AND THAT THE GIVE WAY TRIANGLE IS 3750MM LONG.  
SIGNS TO BE POSITIONED IN OR ADJACENT TO THE FOOTWAY; MOUNTED AT 2100MM TO UNDERSIDE OF SIGNFACE. SIGNS ELSEWHERE MOUNTED AT 1200MM MINIMUM MOUNTING TO BE 500MM ABOVE GROUND LEVEL TO UNDERSIDE OF SIGNFACE.  
ALL FOUNDATIONS TO POSTS TO BE IN STRICT ACCORDANCE WITH BS 873.  
ALL POSTS POSITIONED IN FOOTWAYS TO ALLOW A CLEARANCE OF MINIMUM 1200MM TO KERB EDGE.

STREET NAMEPLATES TO BE BLACK LETTERING, SIZE AND STYLE TO BE CONFIRMED; WITH WHITE CLASS 2 REFLECTIVE BACKGROUND COVERED WITH PROTECTIVE OVERLAY FILM. ALL STREET SIGNAGE TO BE MOUNTED 500MM ABOVE EXTERNAL GROUND LEVEL TO UNDERSIDE OF SIGN.  
ALL ROAD MARKINGS SHALL BE SCORED APPLIED REFLECTIVE THERMOPLASTIC CLASS A MATERIAL AND TO BE IN STRICT ACCORDANCE WITH HIGHWAYS AUTHORITY REQUIREMENTS.  
WHERE NECESSARY, PROVIDE A NO THROUGH ROAD SIGN AT HEAD OF JUNCTION OF NEW RESIDENTIAL ROAD.  
WHERE A BILINGUAL EQUIVALENT TO THE ESTATE NAME HAS BEEN SPECIFIED UNDER PLANNING REQUIREMENTS, ORDER OF LANGUAGES SHALL BE WELSH ABOVE ENGLISH. (TO BE APPROVED).  
NEW ESTATE SIGNAGE TO BE SUPPORTED WITH 2ND 60MM DIAMETER GALVANISED STEEL POSTS IN 400MM X 400MM X 600MM DEEP 1:3:6 MIX CONCRETE FOUNDATION.  
SIGNAGE TO BE POSITIONED TO BACK OF FOOTWAY AND TO BE CLEARLY VISIBLE TO PASSING MOTORISTS TRAVELLING IN EITHER DIRECTION ALONG BRYN ROAD ADJACENT TO NEW RESIDENTIAL ROAD.

1) TRAFFIC SIGNS AND ROAD MARKINGS SHALL COMPLY IN EVERY RESPECT WITH THE REQUIREMENTS OF AND BE PROVIDED IN ACCORDANCE WITH THE ADVICE GIVEN IN...  
2) TRAFFIC SIGNS (WELSH & ENGLISH LANGUAGE PROVISIONS) REGULATIONS AND GENERAL DIRECTIONS  
3) SPECIFICATION FOR HIGHWAYS WORKS.  
4) TRAFFIC SIGNS MANUAL.

The Contractor is responsible for checking all dimensions, tolerances and references. Any discrepancy is to be notified to Jig before proceeding with the work.  
Where an item is covered by drawings to different scales, the larger scale drawing is to take precedence.  
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No.	Made by	Date	Checked	Description

**JIG Architects** RIBA Chartered Practice

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Client	Project
Owner	Project
Project Name	Project number
1557/18	Sheet Name
Typical Site Sections	Revision
Sheet Number	Revision
A100	
Date 26.05.20	Scale 1:100 A1
Drawn by CGR	Checked by JRJ

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **21<sup>ST</sup> JULY 2021**

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

**SUBJECT:** **FULL APPLICATION – CHANGE OF USE OF LAND FOR 4 NO GYPSY/TRAVELLER PITCHES AND 1 NO COMMUNAL AMENITY BLOCK /DAYROOM**

**APPLICATION NUMBER:** **060591**

**APPLICANT:** **MR S LOCKE**

**SITE:** **LAND ADJACENT TO TY DWR BUNGALOW TAN LAN FFYNONGROYW HOLYWELL CH8 9UU**

**APPLICATION VALID DATE:** **16<sup>TH</sup> OCTOBER 2019.**

**LOCAL MEMBERS:** **COUNCILLOR MR G BANKS**

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST IN ORDER TO ASSESS THE PRINCIPLE OF DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This full application proposes the change of use of approximately 0.14 hectares of land adjacent to Ty Dwr Bungalow, Tan Lan, Ffynongroyw, Holywell, for the siting of 4 No Gypsy / Traveller pitches and 1 No communal Amenity Block, Dayroom.
- 1.02 Progression of the application has been delayed pending :- i )the submission of a Flood Consequences Assessment (FCA) given the

sites location within a C1 Flood Zone ii) re-consultation on amended plans informed by the FCA, and iii) clarification on the personal circumstances of the applicant and wider family. The FCA has been considered by Natural Resources Wales (NRW), the conclusions of which are referenced in this report.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS**

- 2.01
- 1 Time Limit on commencement
  - 2 In accordance with approved plans
  - 3 Occupation restricted to Gypsies and Travellers as defined by para 2 of Circular 005/2018
  - 4 No more than 4 static pitches to be on site
  - 5 Details of static units to be submitted and approved
  - 6 Materials to be used in construction of day room to be submitted and approved
  - 7 No caravan to be brought on site until hard /soft landscaping scheme has been submitted and approved
  - 8 Timescale for implementation of landscaping scheme
  - 9 No caravans / materials to be stored within 3m of site boundaries
  - 10 No windows to be introduced into eastern elevations of static caravans relative to site boundary with Ty Dwr Bungalow
  - 11 Details of external lighting to be submitted and approved
  - 12 Details of formation of site access to be submitted and approved
  - 13 No other works associated with development of the site to commence until access has been completed in accordance with approved plans.
  - 14 Positive means to prevent surface water run off onto highway to be submitted and approved.
  - 15 Parking / turning facilities to be provided /retained
  16. Site and Finished Floor Levels of static units to be submitted and approved.
  17. No commercial activities shall take place on the site.

**3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor G Banks  
Request site visit and Planning Committee determination in order to consider the principle of development, the impact on existing properties and potential flooding of the site

Llanasa Community Council

Object on the following grounds

- Site is at risk from flooding
- Question whether the site has ever been used for storage purposes
- Proposal would represent overdevelopment of the site



- Proposal would be out of character with existing development

#### Highway Development Control

No objection subject to the imposition of conditions in respect of access, surface water run - off and provision or retention of parking and turning facilities

#### Community and Business Protection

No objection in principle. Attention drawn to Model Standards 2008 for the creation of caravan sites in Wales

#### Welsh Water/Dwr Cymru

Confirm that capacity exists within the public sewerage network for the receipt of domestic foul flows from the development only.

#### Natural Resources Wales

Following the submission of a Flood Consequences Assessment (FCA) raise no objection to the development subject to control over site and caravan floor levels

### **4.00 PUBLICITY**

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

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

- Detrimental impact on character of site and surroundings
- Proposal would lead to overdevelopment
- Community use or houses on the site would be more beneficial to residents in the locality
- Increased traffic generation
- Potential flooding

### **5.00 SITE HISTORY**

#### 5.01 None relevant

### **6.00 PLANNING POLICIES**

#### 6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping  
Policy AC13 – Access and Traffic Impact  
Policy AC18 – Parking Provision and New Development  
Policy HSG14 – Gypsy Sites  
Policy EWP17 – Flood Risk

Additional Guidance

Planning Policy Wales ( PPW ) – Edition 11  
Future Wales Development Plan 2020-2040  
Technical Advice Note 6 – Planning for Sustainable Rural Communities  
Technical Advice Note 12 – Design  
Technical Advice Note 15 – Development and Flood Risk  
Technical Advice Note 18 – Transport

Circulars

Designing Gypsy and Traveller Sites May 2015.  
Circular 005/2018 – Planning for Gypsy Traveller and Showpeople Sites

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This full application proposes the change of use of approximately 0.14 hectares of land adjacent to Ty Dwr Bungalow, Tan Lan, Ffynongroyw, Holywell, for the siting of 4 No Gypsy/Traveller pitches and 1 No communal Amenity Block/Dayroom.

7.02 Site Description

The site the subject of this application is located on the southern side of the Coast Road (A548) between an existing property Ty Dwr Bungalow and North Wales Holiday Home Sales Centre. It is located outside of but approximately 0.3km to the west of the settlement boundary of Ffynongroyw. The site is therefore considered to be in the open countryside.

7.03 Proposed Development

The application is for the siting of 4 No pitches. Each pitch would have a space for a static, a touring caravan and hardstanding for 2 No vehicles. It is proposed that the pitches would be occupied as follows:

Pitch 1

The applicant, his wife and 2 daughters

Pitch 2

The applicant's son, his wife and their 3 children

Pitch 3

The applicant's daughter, her partner and their 3 children

Pitch 4

The applicant's nephew, his partner and their child

- 7.04 In addition it is proposed to erect a separate single storey building measuring approximately 15m x 8m x 4.7m (high) for use as an amenity block /dayroom. Amended plans submitted and informed by the Flood Consequence Assessment (FCA) propose that this building would be sited parallel to the common site boundary with North Wales Holiday Homes Sales Centre and be constructed having facing brickwork external walls and a concrete tile roof.
- 7.05 Main Planning Considerations  
It is considered that the main issues to be taken into account in determination of this application include
- i) Principle of Development
  - ii) Best Interests of the Child
  - iii) Adequacy of Access
  - iv) Character and Appearance
  - v) Living Conditions
  - vii ) Flooding
- Principle of Development
- 7.06 The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. More recently Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites which reflects provisions contained in the Housing ( Wales ) Act 2014, to ensure local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system.
- 7.07 Flintshire Unitary Development Plan Policy HSG14 also acknowledges the requirement for development plans to make adequate provision for the accommodation needs of gypsy families, but this policy predates the 2014 Act as well as Circular 005/2018, both of which place a different emphasis on assessing applications for Gypsy and traveler sites. Whilst the LDP has a similar criteria based policy to the UDP, it is still subject to the findings of the LDP Examination which has resulted in its two criteria a. and b. being deleted as they do not comply with the guidance in the above circular.
- 7.08 As these criteria relate to the need to demonstrate a proven need for a Gypsy and Traveler site, as well as there being no suitable alternatives elsewhere, as these are also the first two criteria in UDP policy HSG14 they are no longer valid considerations and cannot be taken into account. Welsh Government raised this matter in their representations to the LDP Examination Inspector, highlighting that the Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for gypsies and

travelers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The Circular clearly states that criteria based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites.

- 7.09 The Council has an approved Gypsy and Traveller Accommodation Assessment (2016) that is still extant for the purposes of the LDP Examination evidence base and for Development Management purposes. This shows a plan period need for 19 additional pitches. In addition the LDP has made suitable site specific provision to meet this need, made via site allocations as extensions to three existing Gypsy and Traveller sites, 1 of which is Council owned and the others in private ownership. None of these allocations have yet been confirmed by the LDP Examination Inspector and neither do they have planning permission, although applications are under consideration for the two privately owned sites, and a further application is being prepared for submission on the Council owned site.
- 7.10 Suitable provision to meet this level of need has therefore been identified in the LDP, however the plan has yet to be adopted and this is a material factor in the consideration of the need and provision presented by this application. In any event, circular 005/2018 states that criteria based policies are required in development plans, to cater for what is in effect new or windfall demand for pitches, and the UDP and LDP have similar criteria based policies.
- 7.11 Paragraph 7 of the Circular advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals the guidance reference a 'Wales of cohesive communities'. Paragraph 8 goes on to advise that '*Housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities*'. In particular the guidance requires that '*...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community*'. Paragraph 12 recognises that '*Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage*'.
- 7.12 Paragraph 14 explains that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure 'that accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met'.
- 7.13 Paragraph 36 explains that '*when identifying sites the planning authority should work with the Gypsy and Traveller Community*'. Paragraph 37 explains that 'issues of site sustainability are

important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks’.

- 7.14 Whilst the Circular advice supersedes criterion a. and b. of policy HSG14 of the UDP, on the basis that this would be unduly restrictive to applications such as this, the other UDP policy criteria are still relevant. These are in line with the Circular and essentially seek to assess the suitability of the location of the proposed gypsy and traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first. That said, the Circular goes on the state that ‘Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries’
- 7.15 The circular itself provides expanded guidance at paragraph 37 in respect of the sustainability of sites and the site should be assessed in this context. Whilst not an exhaustive list, the items to consider when assessing whether or not a site is suitable includes:
- *opportunities for growth within family units;*
  - *the promotion of peaceful and integrated co-existence between the site and the local community;*
  - *access to health and education services;*
  - *access to utilities including water, waste water disposal and waste collection services;*
  - *access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);*
  - *suitable nearby or on-site safe play areas;*
  - *contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments;*
  - *not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in line with guidance contained in TAN 15, given the particular vulnerability of caravans; and*
  - *regard for areas designated as being of international, national and local importance for biodiversity and landscape*
- 7.16 I consider that the site meets the specified criteria listed as the proposal represents development on a site in an appropriate sustainable location, in close proximity to a range of facilities and with access to bus and rail transport links on a key distributor route within Flintshire.
- 7.17 The advice and guidance within this circular provides the framework when determining this types of planning applications. In my view the principle of this development is acceptable with due regard to all relevant National and Local policies and advice. The site represents

a sustainable location, appropriate for the level of development proposed and in addressing a specific housing need. There is no issue of prematurity given the position with provision in the LDP which is yet to be adopted, as applications for Gypsy and Traveller Sites do not go to the heart of the plan or raise issues of more than local significance in terms of the LDP Strategy. In any event, the advice in the Circular is clear that each proposal should be considered on its individual merits.

Best Interests of the Child

- 7.18 As the residents of the site will include children the proposal has been assessed with due regard to their best interests.
- 7.19 The agent has advised that there are a total of 8 No children between the ages of 1 -17 who require access to regular schooling and are in need of constant medical care. Whilst the 17 year old has been able to access state education over a period of time, it is understood that the children aged 4 & 5 have received private home schooling on an infrequent basis due to the transient nature of the family.
- 7.20 Although the other 5 No children are of pre-school age, they will soon be in need of pre-school education and shortly will be in need of more regular education. The agent has also advised that the lack of a permanent base has meant that family members have had to live apart for a significant period of time for work/family reasons which has impacted on gaining access to educational facilities.
- 7.21 It is considered that the proposal would offer the consistent access to education and health care which would be in the best interests of the children. The benefits of enabling the provision of a stable and secure environment is a material consideration of significance in the planning balance. It has been accepted by planning inspectors with rights to respect for family and private life as identified in Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights.
- 7.22 It is acknowledged that children would live on the site were permission to be granted, and the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well - being of the children. .
- 7.23 There is also a national and international obligation contained in article 3(1) of the United Nations Convention on the Rights of the Child ( UNCRC )

*"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"*

7.24 These considerations are material in the assessment process the implications of the applicant /family of having a settled base for educational /health needs of the children needing to be considered and weighed in the balance as a primary consideration. In these circumstances the best interests of the children would be best served by occupation of the site.

Adequacy of Access and Parking

7.25 Consultation on the application has been undertaken with the Highway Development Control Manager who in progression of the application, has sought confirmation on the need to ensure that there is no impact on the adopted highway /position of a highway manhole drain located adjacent to the site frontage.

7. 26 As a result it has been confirmed that the details submitted are acceptable from a highway perspective, and it is recommended that any permission includes conditions in respect of access, surface water run-off and the provision and retention of parking and turning facilities within the site.

Character and Appearance

7.27 Policy HSG14 (c) sets out that a gypsy and traveller site can only be permitted where there is natural screening or the site can be screened. The more recently published advice in the Circular sets out that sites should not be deliberately heavily screened as this gives rise to a sense of separation. The site is not particular naturally screened other than on the rear site boundary, and to help reduce the visual impact of development and provide some privacy to existing occupiers of the adjacent property and occupiers of the site, there would be a requirement to introduce additional a mix of hard and soft boundary screening on the boundaries which can be secured by condition if Members are mindful to grant permission.

Living Conditions

7.28 Designing Gypsy and Traveller Sites 2015, establishes the framework for the design /layout of sites, although it does reference that this guidance is aimed at Local Authority owned or leased traveller sites.

7.29 As previously indicated the site the subject of this application is promoted in a private capacity but the site layout proposed does use the basis of this guidance in designing the layout and provision of associated facilities.

7.30 The amended plans submitted propose the siting of 3 of the 4 caravans in proximity to the boundary relative to Ty Dwr Bungalow with an associated raising of site levels as informed by the FCA. (See paragraphs 7.32 -7.34 ) Whilst there is no direct interface relationship between the dwelling and proposed static units the

propose in accordance with the above guidance a stand-off of 3m from the associated curtilage boundaries and a 6 m separation between units to safeguard living condition / meet fire regulation standards.

- 7.31 The proposed caravans are orientated so there are no habitable windows relative to the boundary with Ty Dwr Bungalow and there is enhanced boundary treatment introduced along this common site boundary with this property that this would help to safeguard the living conditions of both existing residents and proposed occupants at this location. These can be secured by the imposition of conditions if Members are mindful to grant permission for the development. This ensures that the criterion E of Policy HSG14 is met.

#### Flooding

- 7.32 The site lies partly with a Zone C1 as defined by the Development Advice Map ( DAM ) referred to under Technical Advice Note ( TAN ) 15 – Development and Flood Risk. This is defined as an area of the floodplain which are developed and served by significant infrastructure including flood defences.
- 7.33 The development proposal would increase the land use vulnerability of the site to “highly vulnerable” in accordance with Figure 2 of TAN15. Given the nature of the proposals and sites Zone C1 designation, a Flood Consequences Assessment ( FCA ) has been submitted to seek to show that the risks associated with the potential flooding of the site and impacts elsewhere can be acceptably managed.
- 7.34 The submitted FCA concludes that given the sloping topography of the site, that the frontage site levels would need to be increased above those at Ty Dwr Bungalow by approximately 300mm to 6.4m AOD with the floor levels of the caravan set to approximately 6.8 AOD. Whilst this is acceptable to Natural Resources Wales ( NRW ) this has resulted in the layout being amended from that initially submitted. Given the proposed gradients this requires the re-positioning of the proposed amenity block to adjacent to the site boundary with the Wales Holiday Home Sales Centre and the re-siting of 2 of the static caravans to the sites western boundary relative to Ty Dwr Bungalow. The impact of this change to the layout has been addressed in further detail in paragraphs 7.25. – 7.31 of this report.

#### 8.00 **CONCLUSION**

This report seeks to address a range of issues of relevance to both statutory consultees and third parties subsequent to the consultation exercise undertaken.



The application has been considered having regard to the relevant Central and Local government planning policy framework and advice, it being my view that there are significant material considerations weighing in favour of the proposal and no planning policy grounds on which to oppose the principle of development at this location.

Whilst there is no objection from the Highway Development Control Manager, or Natural Resources Wales, I consider the specific development management consideration to be taken into account focuses on the potential impact of development on the living conditions of occupiers of nearby properties and specifically Ty Dwr Bungalow which shares a common site boundary with the application site. Subject to controls over the siting of pitches, site levels and boundary treatment associated with the proposal which can be secured by conditions, I consider the proposal is acceptable and therefore recommend accordingly.

#### 8.01 Other Considerations

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

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

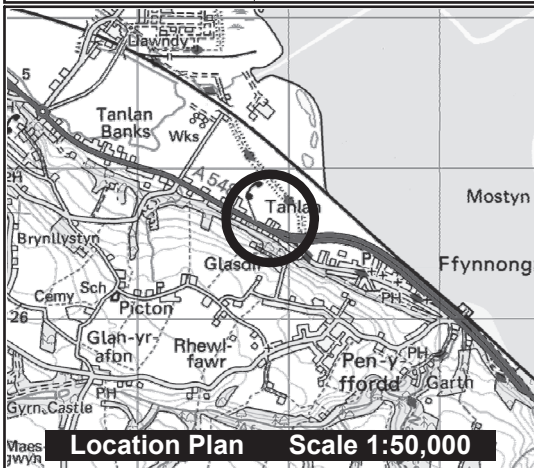
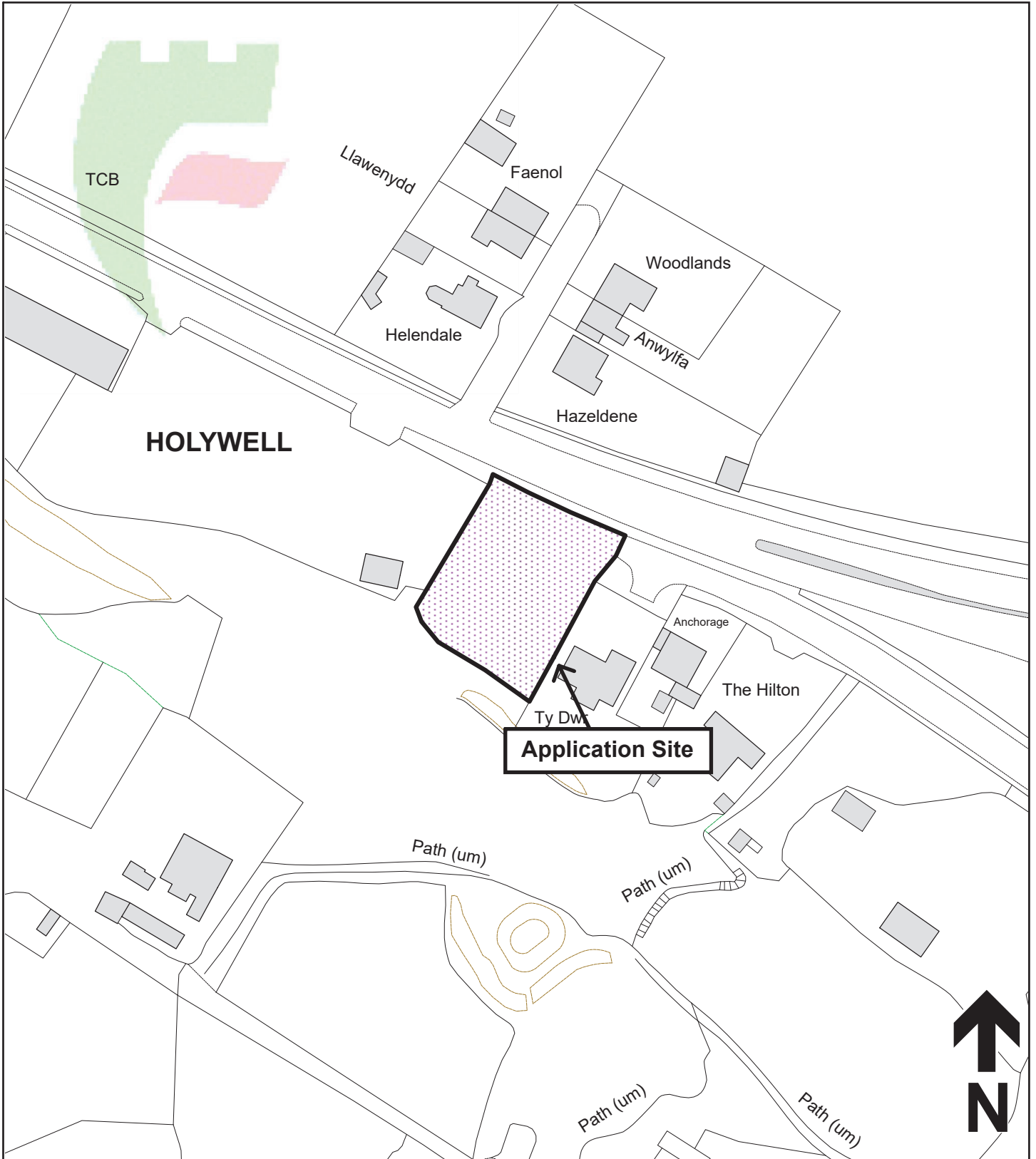
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

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



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

**Contact Officer:** Robert Mark Harris  
**Telephone:** 01352 703269  
**Email:** [robert.m.harris@flintshire.gov.uk](mailto:robert.m.harris@flintshire.gov.uk)



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

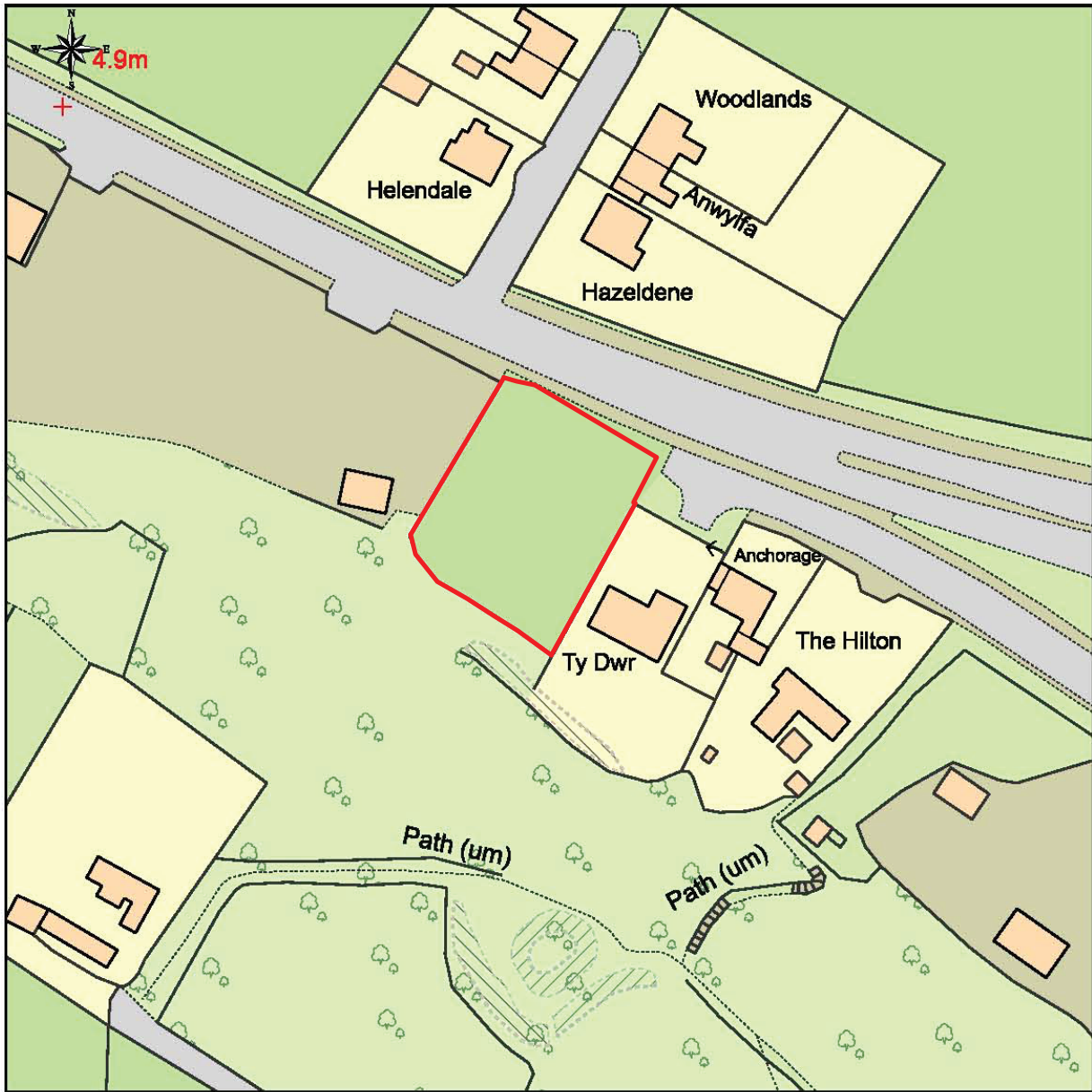
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Map Scale 1:1250

OS Map ref SJ 1282

Planning Application **60591**

# Location Plan



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0m 20m 40m 60m 80m 100m

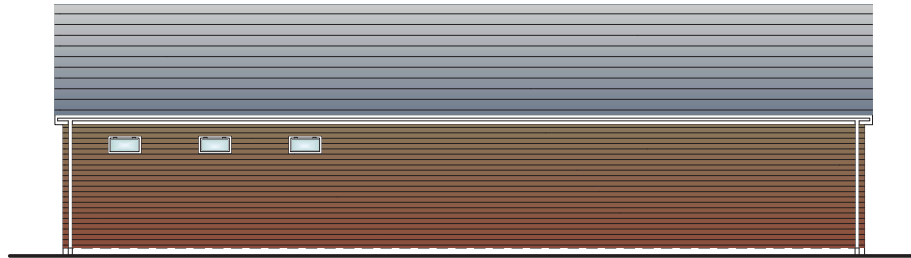
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71191 / Locke

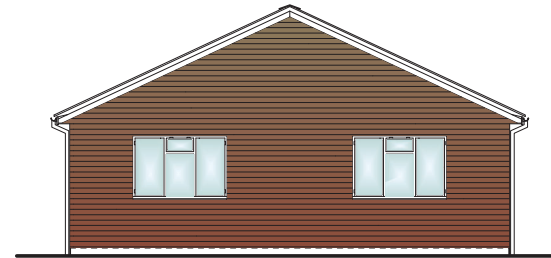
Location Plan

Easting - 312864  
Northing - 382560





South East Elevation



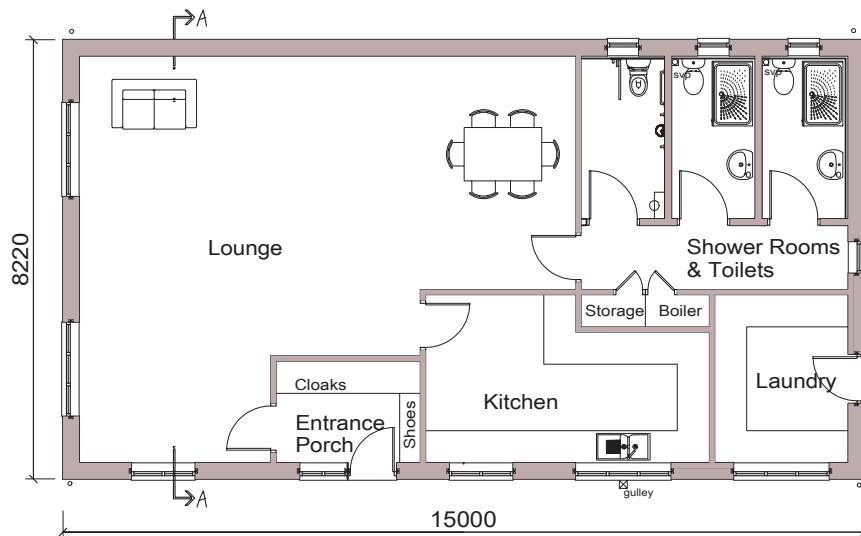
North East Elevation



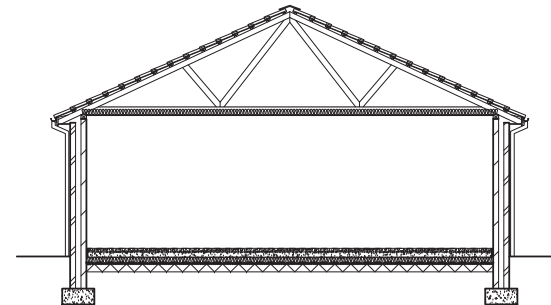
North West



South West Elevation



48' x 27' Amenity Block / Day Room Floor Plan



Section A-A

NOTES:  
All dimensions must be checked on site and not scaled from this drawing.

Client

Mr S Locke

Job Title

Change of use to a Gypsy / Traveller Site for 4 no. Pitches and Communal Amenity Block / Dayroom on land at Tanlan  
Easting:- 312864  
Northing:- 382560

Drawing Title

Amenity Block  
Floor Plan And  
Elevations

Scale 1:100 A3

Date OCTOBER 2019 Drawn by T.M.

Drq No.	Rev
71191:1002	-

Trevor Mennell Planning  
Planning & Architectural  
Consultants

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Bayston Hill | Shrewsbury |  
Shropshire | SY3 0EH



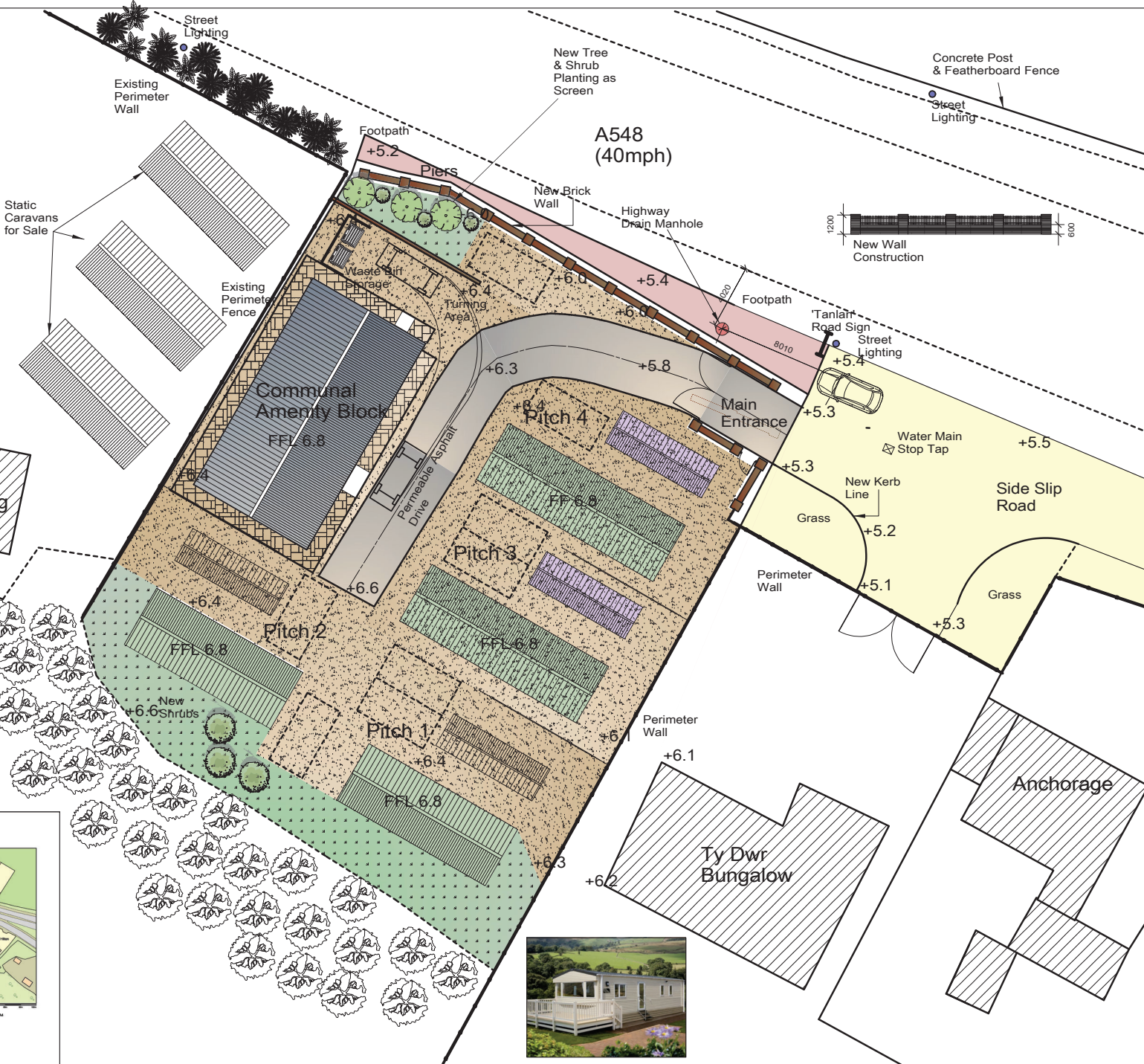
North Wales  
Holiday Home  
Sales Centre

Static Caravans  
for Sale

Page 134

Office  
Building

Existing  
Woodland



Typical Static Chalet  
(Mobile Homes Act 2013)

NOTES:  
All dimensions must be checked on site and not scaled from this drawing.

Rev. A - 6th January 2020  
Amended Adopted Highway Boundary  
Rev. B - 17th June 2020 - Proposed Levels  
Rev. C - 12th May 2021 - Re-positioned Statics & Highway Drain

	1 no. static caravan and 1 no. touring caravan / pitch
	Gravel Area
	Extent of Adopted Class 'A' Highway
	Paved Area
	Extent of Adopted Unclassified Highway
	Grass Area
	+ Proposed Site Levels

Client  
Mr S Locke

Job Title  
Change of use to a Gypsy / Traveller Site for 4 no. pitches and Communal Amenity Block / Dayroom on land at Tanlan  
Easting- 312864  
Northing- 382560

Drawing Title  
**Proposed Illustrative Block Plan**

Scale 1:250 A3

Date OCTOBER 2019 Drawn by T.M.

Drg No. 71191:1001	Rev C
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Trevor Mennell Planning & Architectural Consultants  
The Gables | Kendricks Bank | Bayston Hill | Shrewsbury | Shropshire | SY3 0EH

## Statement from Local Resident

I'm a resident living close to the proposed application and believe this traveller site will cause many problems for myself and my neighbours, who have chosen this area for its peacefulness and privacy. We believe this loss of privacy and disruption for months from the proposed Romany gypsy site, with the expected noise impact from building works, heavy goods vehicles and constant site visitors will have a huge Impact on the character, privacy and appearance of this quiet area, adding that an additional 17+ people will be coming and going and 8+ proposed cars and all the additional traveller visitors that will descend to the site is unacceptable. Under the "Planning and Compulsory Purchase Act 2004 paragraph 14 and paragraph 25" both state". When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites do not dominate the nearest settled community.". This proposed site will most certainly dominate the 4 current private residents. The local planning authority should also consider that that the applicant has claimed to be of Romany Gypsy background and live a nomadic lifestyle and therefore will be often travelling and not at the proposed development permanently. There is a current problem, as several caravans are frequently dumped on the road from this site, blocking access to our homes. I believe given their statement, the Locke Family do not require a second permanent place of residence so I strongly object to this work being given any approval.

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