

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **12<sup>th</sup> DECEMBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **CAR PARK PROVISION, ACCESS ROAD AND STRUCTURES FOR USE IN CONJUNCTION WITH PROPOSED ALLOTMENT FACILITIES**

**APPLICATION NUMBER:** **049765**

**APPLICANT:** **HAWARDEN COMMUNITY COUNCIL**

**SITE:** **LAND AT UPPER ASTON HALL LANE, HAWARDEN, DEESIDE**

**APPLICATION VALID DATE:** **15/05/2012**

**LOCAL MEMBERS:** **COUNCILLOR HELEN BROWN**  
**COUNCILLOR G HARDCASTLE**

**COMMUNITY COUNCIL:** **HAWARDEN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **TO ASSESS THE IMPACT OF THE DEVELOPMENT IN RELATION TO ADJOINING DWELLINGS**

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

**1.00 SUMMARY**

1.01 This planning application is for the provision of car parking spaces, access road and structures in connection with use of the site for proposed allotment facilities and community orchard. Planning permission is not required for the allotments, only the parking spaces, road and associated structures.

1.02 The land is owned by Flintshire County Council, which has agreed a 20 year lease to the Community Council from May 2012. The land was a sand and gravel pit, filled many years ago and is now mainly scrub.

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

- 2.01
1. Time limit.
  2. In accordance with plans.
  3. Landscape implementation.
  4. No surface water to connect to public sewerage system.
  5. Land drainage run-off not to discharge to public sewerage system.
  6. Timing of works to avoid bird breeding season.
  7. Submission of reasonable avoidance measures to safeguard reptiles and enhance terrestrial habitat.
  8. No storage of materials other than by prior permission from LPA.

**3.00 CONSULTATIONS**

- 3.01 Local Members  
Councillor G Hardcastle agrees to determination under delegated powers.

Councillor Helen Brown declares an interest as Member of Hawarden Community Council; Chairman of Community and Environment Committee and member of Allotment Holders Working Group.

Hawarden Community Council  
No comments as the community council is the applicant.

Head of Assets and Transportation  
No observations regarding public footpaths or bridleways. No objection on highway grounds.

Head of Public Protection  
No objections

Welsh Water/Dwr Cymru  
Recommends conditions.

Environment Agency  
Low environmental risk therefore standard advice.

Airbus  
No objections.

Countryside Council for Wales  
No objections subject to conditions.

**4.00 PUBLICITY**

#### 4.01 Site Notice and Neighbour Notifications

In response to the application objections were received from 10 local residents on the following grounds:

- Green Barrier
- Highway safety and lack of footways
- Additional traffic on busy road
- Security risks for nearby properties
- Fire hazard, especially from bonfires
- Impact on privacy of nearby occupiers; overlooking, overshadowing
- Impact on character and appearance of the area
- Affects on habitats and trees
- Loss of rural area and loss of view over it
- Quality of application
- Processing of the application
- Loss of public rights of way and access
- Probity, claiming relationship between the parties concerned
- Keeping of livestock
- Loss of use of rear garden gates into application site.

4.02 In response to re-consultations on additional information regarding cycle stands, gates, sheds and revised site plan 8 objections were received on the same grounds as above.

4.03 A third consultation exercise was carried out in connection with a revised description of the application to include the 'structures' and to make it clear the application does not include the allotments. 5 objections were received on similar grounds.

#### **5.00 SITE HISTORY**

5.01 00/1/00171 – permission granted in March 2000 for environmental improvement works including importation of soil material prior to tree planting as part of further phased development of Ewloe cutting.

This applies to the southern part of the current application site.

5.02 01/1/00884 – permission granted in November 2001 for change of use of existing scrub land to domestic garden at the rear of 53 – 63 Upper Aston Hall Lane.

This applies to land along the south eastern boundary of the current application site. It represents extensions to the rear gardens of those houses fronting Upper Aston Hall Lane. It is on land outside the current application site.

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan Policies

GEN1 General Requirements for Development  
GEN 3 Development in Open Countryside  
GEN 4 Green Barriers

Planning Policy Wales

TAN 16 Sport Recreation and Open Space

## **7.00 PLANNING APPRAISAL**

### Introduction

- 7.01 This full planning application seeks permission for car parking spaces, access road and structures to be used in association with proposed allotments. The site is located outside the settlements of Ewloe, Hawarden and Aston, in open countryside. It is within the Hawarden – Mancot Green Barrier. The site lies to the west of Upper Aston Hall Lane. It is to the rear of 6 houses at numbers 53–63 Upper Aston Hall Lane and rear of 12 & 14 The Ridgeway.

### Site Description

- 7.02 The application site amounts to 0.35 ha (0.86 acre) of undulating vacant land which could be described as scrub. It forms part of a larger area of unused land, including a disused railway line. There is an existing access, with dropped kerb, between numbers 51 & 53 Upper Aston Hall Lane. This has an overhead barrier and locked gate.

### Proposed Development

- 7.03 The application is made by Hawarden Community Council and is accompanied by a Design and Access Statement; photographs; details of the Sheffield cycle stands, sheds and gates; Specification for Access, Car Parking and Ancillary Works; and Habitat and Protected Species Assessment. The proposal includes:
1. Alteration to the access road to provide a 5.5m wide carriageway, surfaced in tarmac.
  2. Pedestrian and vehicle gates across the access road, to provide security.
  3. 11 parking spaces including 2 disabled spaces.
  4. 3 Sheffield cycle stands.
  5. 18 timber sheds, in two rows of 9.
  6. Pedestrian gate between the timber sheds providing access to the allotments.
  7. 1.5m wide footpath from site entrance through site, adjacent to orchard.

- 7.04 The supporting information says Hawarden Community Council has established a need for allotments. There are over 40 potential members of an allotment committee, actively seeking grant aid to further the setting up of the allotments and community orchard.
- 7.05 Edible hedges will be planted along the north western and south eastern sides of the application site, together with a 1.2m high plastic coated chain link fence inside the newly planted hedge. These will secure the allotments from stray animals and protect produce. The existing height restriction barrier across the entrance will be removed. There will be a small amount of cut and fill (to a maximum of about 1.5m) in the area of the proposed access drive and parking, to provide a level surface.
- 7.06 Although not part of the application, for completeness it is appropriate to mention that the size of each allotment will be determined by community needs ranging from 130sq.m. to about 40sq.m. A community orchard will be planted on land south of the access road.
- 7.07 The site of the proposed allotments is located on land adjacent to an historical landfill site and the extent of the wastes disposed is not known. Therefore the Head of Public Protection requested an investigation to identify the nature and extent of contamination and to assess potential risks to human health. The Land Contamination Assessment concluded that there are no contamination risks and the Head of Public Protection confirms the situation to be satisfactory. Again, this does not form part of the application as it relates to the allotments.

#### Policies and Principles

- 7.07 The main issues in consideration of this proposal are the impact of the development on residential amenity; the impact on the character and appearance of the open countryside; whether it is appropriate development in the Green Barrier and the highway situation. These issues are covered by UDP policies GEN1, GEN3 and GEN4.
- 7.08 The proposal complies with Policy GEN1 'General Requirements for Development' because the siting, scale, design, layout, use of space, materials and landscaping would fit in with the site and surroundings. Access to the proposed development is via an existing vehicular access, between houses fronting the main road. The proposed access road would lead straight between the houses to the car park. The cycle stands would be adjacent to the car park. The sheds would be along one side of the car park. Additional planting is proposed, plus boundary fencing.
- 7.08 The design and layout of the development takes account of personal and community safety through the segregation of pedestrians and vehicles through the site. Additional gates help security of the site.

- 7.09 The Habitat and Protected Species Assessment does not raise any issues in terms of the proposals having adverse impacts on the natural environment and this is confirmed by the Countryside Commission for Wales.
- 7.10 Although local residents are concerned about the proposals, the development would not have a significant adverse impact on their safety or amenity. There will be an increase in the use of the land through it being developed for allotments and the associated comings and goings of the holders. However 11 car parking spaces are unlikely to generate significant volumes of traffic to cause undue noise and disturbance, especially as use is limited to between dawn and dusk.
- 7.11 The proposals provide appropriate, safe and convenient access for pedestrians, cyclists, persons with disabilities and the parking spaces are suitably located. The traffic likely to be generated is capable of being accommodated within the existing highway network and no objection is raised by the Head of Assets and Transportation.
- 7.12 The site is on the edge of Hawarden which is well served by public transport, pedestrian and cycling routes and is therefore sustainable.
- 7.13 There are no drainage, land stability, contamination or flooding issues.
- 7.14 The proposal complies with Policy GEN 3 'Development in the Open Countryside' because it is related to the leisure and recreational use of the land for allotments and there will be no material adverse impact on the social, natural or built environment. It is a development which is appropriate to the open countryside.
- 7.15 The proposal complies with Policy GEN 4 Green Barriers as it will not unacceptably harm the open character and appearance of the green barrier. The proposal would not contribute to the coalescence of settlements. The site is naturally well screened from the road due to differences in levels and substantial landscaping. Existing trees and hedges would remain.
- 7.16 TAN16 says allotments are important green spaces in urban and rural areas, and their cultivation can contribute to sustainability, provide opportunities for leisure, exercise and healthy food, improve biodiversity and encourage interaction between different groups in the community. In accordance with the provisions of the Smallholdings and Allotments Act 1908, local authorities and town and community councils are under an obligation to provide sufficient plots for residents where they believe there is a demand for allotments. Authorities should ensure that statutory allotments within their areas are properly protected, promoted and managed and are sufficient to meet the demands of local residents wishing to cultivate them. In

particular, all such sites should include a suitable element of wildlife habitat. The importance of combined allotment/compost/wildlife sites is likely to increase, particularly where the density of residential development rises.

### Visual Impacts

- 7.17 The site comprises undulating ground with a general fall in levels towards the north and north west. The entrance and access drive will be visible from Upper Aston Hall Lane. The proposed development will be visible from the backs of dwellings fronting Upper Aston Hall Lane and from The Ridgeway. It is considered that the proposed development will not have a materially adverse impact on the visual amenities of the area, especially with the introduction of additional hedges.

### Residential Impacts

- 7.18 Concerns are raised by some local residents about the impact of the proposed development on their residential amenities, particularly in relation to noise, disturbance and intrusion on privacy. The proposed access road will be used by cars, pedestrians and cyclists gaining access to the proposed allotments. This route will be open from dawn until dusk. It is unlikely that the volume of traffic will be sufficient to materially adversely impact on the amenity of adjacent residents.
- 7.19 The distance between the nearest house on Upper Aston Hall Lane and the proposed timber sheds is approximately 12metres. The rear boundaries of the houses on Upper Aston Hall Lane are marked by close boarded timber fencing approximately 1.8 m high. It is considered that the use of the sheds in connection with the allotments will not materially adversely affect the amenities currently enjoyed by nearby residents. Some residents have objected on grounds of security, impact on privacy, keeping of livestock, and loss of use of rear garden gates into application site. These are not planning matters.

### Highway Issues

- 7.20 Some local residents have raised issues of the increase in traffic, highway safety and lack of footways on Upper Aston Hall Lane. These matters have been taken into consideration and no objections are raised by the Head of Assets and Transportation.

## **8.00 CONCLUSION**

- 8.01 The proposed development is considered acceptable in principle and detail and is recommended for permission subject to conditions.

In considering this planning application 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.

**Contact Officer: Miss S Cunliffe**  
**Telephone: 01352 703254**  
**Email:**