

Pecyn Dogfen Gyhoeddus

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



CS/NG

Dydd Iau, 18 Tachwedd 2021

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

At: Cyng David Wisinger (Cadeirydd)

Cynghorwyr: 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 a Owen Thomas

Annwyl Syr / Fadam

RHYBUDD O GYFARFOD ANGHYSBELL
PWYLLGOR CYNLLUNIO
DYDD MERCHER, 24AIN TACHWEDD, 2021 am **1.00 PM**

Yn ddiffuant,

Robert Robins
Rheolwr Gwasanaethau Democraidd

Sylwch: Bydd hwn yn gyfarfod dros y we. Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

R H A G L E N

1 **YMDDIHEURIADAU**

2 **DATGAN CYSYLLTIAD**

3 **SYLWADAU HWYR**

4 **COFNODION** (Tudalennau 5 - 8)

I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 27 Hydref 2021.

5 **EITEMAU I'W GOHIRIO**

6 **ADRODDIADAU'R PRIF SWYDDOG (CYNLLUNIO A'R AMGYLCHEDD)**

Mae adroddiad y Prif Swyddog (Cynllunio, Amgylchedd ac Economi) yn amgaaedig.

ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) AR GYFER Y PYLLGOR CYNLLUNIO 24 TACHWEDD 2021

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<u>Ceisiadau sy'n cael eu hadrodd er penderfyniad (A= adroddiad er cymeradwyaeth, R= adroddiad er gwrthodiad)</u>		
6.1	062344	062344 - C - Cais aminellol - Datblygiad preswyl arfaethedig yn Wrexham Signs Ltd, Pughs Yard, Ffordd Hawarden, Caergwrle (Tudalennau 9 - 26)
6.2	060824	060824 - C - Cais llawn- Newid defnydd o amaethyddol i ddefnydd marchogaeth, gan gynnwys ardal newydd i farchogaeth ceffylau a seilwaith cysylltiol, er mwyn creu canolfan therapi ceffylau a marchogaeth yn Fferm Greenhill, Bryn Celyn, Treffynnon (Tudalennau 27 - 46)
6.3	062921	062921 - C - Cais llawn - Datblygiad preswyl newydd arfaethedig ar gyfer 2 annedd 3 ystafell wely gyda lle parcio cysylltiedig ac amwynder ar dir ger "Trigfa", 6 Bryn Road, y Fflint (Tudalennau 47 - 60)
<u>Materion Cyffredinol</u>		
6.4		Materion Cyffredinol - Stuart Body - Gorchymyn Cadw Coed Rhif 337 yn 36 Parc Wepre, Cei Connah (Tudalennau 61 - 68)

Sylwch y gall fod 10 munud o egwyl yn y cyfarfod hwn os yw'n para fwy na dwy awr

Nodyn Gweithdrefnol ar redeg cyfarfodydd

Bydd y Cadeirydd yn agor y cyfarfodydd ac yn cyflwyno eu hunain.

Bydd nifer o Gynghorwyr yn mynychu cyfarfodydd. Bydd swyddogion hefyd yn mynychu cyfarfodydd i gyflwyno adroddiadau, gyda swyddogion Gwasanaethau Democrataidd yn trefnu a chynnal y cyfarfodydd.

Gofynnir i bawb sy'n mynychu i sicrhau bod eu ffonau symudol wedi diffodd a bod unrhyw sain gefndirol yn cael ei gadw mor dawel â phosib.

Dylai'r holl feicroffonau gael eu rhoi "ar miwt" yn ystod y cyfarfod a dim ond pan fyddwch yn cael eich gwahodd i siarad gan y Cadeirydd y dylid eu rhoi ymlaen. Pan fydd gwahoddedigion wedi gorffen siarad dylen nhw roi eu hunain yn ôl "ar miwt".

Er mwyn mynegi eu bod nhw eisiau siarad bydd Cynghorwyr yn defnyddio'r cyfleuster 'chat' neu yn defnyddio'r swyddogaeth 'raise hand' sy'n dangos eicon codi llaw electronig. Mae'r swyddogaeth 'chat' hefyd yn gallu cael ei ddefnyddio i ofyn cwestiynau, i wneud sylwadau perthnasol ac yn gyfle i'r swyddog gynghori neu ddiweddarau'r cynghorwyr.

Bydd y Cadeirydd yn galw ar y siaradwyr, gan gyfeirio at aelod etholedig fel 'Cynghorydd' a swyddogion yn ôl eu teitl swydd h.y. Prif Weithredwr neu enw. O bryd i'w gilydd mae'r swyddog sy'n cynghori'r Cadeirydd yn egluro pwyntiau gweithdrefnol neu'n awgrymu geiriad arall ar gyfer cynigion er mwyn cynorthwyo'r Pwyllgor.

Os, a phan y cynhelir pleidlais, mi fydd y Cadeirydd yn egluro mai dim ond y rheiny sy'n gwrthwynebu'r cynnig/cynigion, neu sy'n dymuno ymatal a fydd angen mynegi hynny drwy ddefnyddio'r swyddogaeth 'chat'. Bydd y swyddog sy'n cynghori'r Cadeirydd yn mynegi os bydd y cynigion yn cael eu derbyn.

Os oes angen pleidlais fwy ffurfiol, bydd hynny yn ôl galwad enwau – lle gofynnir i bob Cynghorydd yn ei dro (yn nhrefn yr wyddor) sut mae ef / hi yn dymuno pleidleisio.

Yng nghyfarfodydd Pwyllgorau Cynllunio a Chyngor Sir mae amseroedd siaradwyr yn gyfyngedig. Bydd cloch yn cael ei chanu i roi gwybod i'r siaradwyr bod ganddyn nhw funud ar ôl.

Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4

PLANNING COMMITTEE **27 OCTOBER 2021**

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 27 October 2021

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Mike Allport, 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

APOLOGY: Councillor Bernie Attridge

IN ATTENDANCE:

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

26. DECLARATIONS OF INTEREST

On Agenda item 6.2 (061842), Councillor Gladys Healey said that, following legal advice relating to her representations in the report, she would be speaking only as local Member and would not take part in the vote.

27. 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 Council's website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4991&LLL=0>

28. MINUTES

The minutes of the meeting held on 29 September 2021 were confirmed as a correct record, as moved and seconded by Councillors Richard Lloyd and Ted Palmer.

RESOLVED:

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

29. ITEMS TO BE DEFERRED

No items were recommended for deferral.

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

RESOLVED:

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

31. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

(The meeting started at 1pm and ended at 3.35pm)

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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 27 OCTOBER 2021

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
060696	Gwernymynydd Community Council	Outline Application for 28 dwellings at land at Llys Newydd, Ruthin Road, Gwernymynydd	Victoria Norman, Community Councillor, spoke against the application.	That planning permission be refused for the reasons set out in the report, in accordance with the officer recommendation.
061842	Hope Community Council	Full application - Change of use of land for 2 traveller pitches to include 2 no. amenity block / dayrooms (part retrospective) at land near 'Brier Lodge', Rhyddyn Hill, Caergwrle, Wrexham, Flintshire	Dale May, local resident, spoke against the application. Trevor Mennell, the Agent, spoke in support of the application. Councillor Gladys Healey, as local Ward Member, spoke against the application but did not vote.	That planning permission be refused, against the officer recommendation, on the following grounds: (i) impact on the open countryside and (ii) outside the settlement boundary.
063320	Saltney Town Council	Advertisement Consent - Erection and display of a freestanding 48-sheet sized digital LED advertisement at St. David's Retail Park, High Street, Saltney	Barrie Gregory, Town Councillor, spoke against the application.	That planning permission be refused, against the officer recommendation, on the following grounds: (i) distraction at busy crossroads compromising safety of motorists/pedestrians (ii) detrimental impact on neighbours and surrounding town state (iii) lack of need for sign which does not benefit local businesses.

Tudalen 7

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
063104	Connah's Quay Town Council	Full Application - Erection of an advanced gasification plant and associated development at land off Weighbridge Road, Deeside Industrial Estate	Howard Jones, the Agent, spoke in support of the application.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer recommendation.

Eitem ar gyfer y Rhaglen 6.1

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24th November 2021**

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

SUBJECT: **OUTLINE – PROPOSED RESIDENTIAL DEVELOPMENT**

APPLICATION NUMBER: **062344**

APPLICANT: **WREXHAM SIGNS LTD**

SITE: **PUGHS YARD, HAWARDEN ROAD, CAERGWRLE, LL12 9BB**

APPLICATION VALID DATE: **18th MARCH 2021**

LOCAL MEMBERS: **COUNCILLOR D HEALEY**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **CALL IN REQUEST BY CLLR HEALY DUE TO SCALE OF THE DEVELOPMENT AND ISSUES ASSOCIATED WITH ACCESS FROM AND EGRESS TO THE HIGHWAY.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The application consists of an outline planning application with all matters reserved for residential development on approximately 0.19ha of land. The application is sought for the approval of the principle of the development. Matters relating to appearance, access, landscaping, layout and scale are all reserved for future consideration.

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

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

Conditions:

1. Time limit
2. Drawings
3. Site access
4. Construction means of access
5. Access visibility splay
6. Parking and turning of vehicles
7. Garages
8. Details of layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads
9. Surface water prevention onto the highway
10. Construction Traffic Management Plan
11. No development to commence until a foul water drainage scheme for the site has been submitted to and approved
12. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
13. Finished Floor levels
14. Land contamination assessment to be submitted and agreed. Remediation to be submitted, agreed and undertaken if required.

Advisory Notes:

15. Highways
16. Welsh Water

3.00 CONSULTATIONS

3.01 Local Member Cllr D Healey

Called the application to planning committee due to the scale of the development and issues associated with access from and egress to the highway.

3.02 Hope Community Council

Expresses support in principle with a preference for 6 houses rather than the proposed 7. However, concerns were raised on the following:

- i. Further major development within the LDP
- ii. Over development of site
- iii. Highways issues – this development is on the bend in the road. The present traffic in and out is low level. This proposal would mean significantly increased traffic throughout the day and weekends.

- iv. Overlooking neighbouring properties.
- v. Parking issues - only sufficient per household for residents (2-3 spaces per house). No other parking provided.
- vi. Loss of local businesses/employment.

3.03 Dwr Cymru/Welsh Water

The development proposes to discharge foul flows to the public sewerage system. DCWW have advised that Hope Waste Wastewater Treatment Works has a phosphate permit and the capacity to accommodate foul flows from the proposed development of 7 dwellings.

If planning permission is to be granted Welsh Water request two conditions (Conditions 11 & 12) and advisory notes to be attached to ensure no detriment to existing residents, the environment and to Welsh Water's assets.

3.04 Highways Development Control

Recommend conditions. The highways authority consider that the provision of an access road designed and built to adoptable standards is justified given the development could potentially serve up to 7 houses. They note that a minimum width service strip/verge will be required.

At the reserved matters phase, vehicular access plans onto internal roads should include appropriate visibility splays of 2.4 x 43m. They note that the visibility of plot 1 should be improved however, note that this site plan is indicative only at this stage.

3.05 Natural Resources Wales

NRW recommend FCC should only grant planning permission if the following requirement is met. Otherwise, they would object to this planning application.

Requirement – Foul drainage – site to be connected to the mains sewerage system

3.06 Community and Business Protection

No objections in principle to this application. Advises that as the site is a former industrial estate and there is potential for the presence of historical contamination and as such requests that a condition requiring assessment be imposed.

3.07 Conservation

Raises no objection to the principle of the development. The Conservation Officer notes that this application seeks only approval of the principle of development and notes that all details provided are purely indicative. Has expressed reservations in respect of the form and scale of development but appreciates that these matters will be addressed at Reserved Matters stage.

3.08 Sustainable Drainage Approval Body (SAB)
No representations received at time of writing.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification.

No representations received at time of writing.

5.00 SITE HISTORY

5.01 041453
Erection of an industrial workshop.
Approved 4th July 2006.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
Policy STR1 New Development
Policy STR4 Housing
Policy STR8 Built Environment
Policy GEN1 General requirements for development
Policy GEN2 Development inside settlement boundaries
Policy HE1 Development Affecting Conservation Areas
Policy AC13 Access and Traffic Impact
Policy AC18 Parking Provision and New Development
Policy HSG1 New Housing Development Proposals
Policy HSG3 Housing on Unallocated Sites within Settlement Boundaries
Policy HSG8 Density of Development
Policy EM6 Protection of Employment Land

6.02 Supplementary Planning Guidance
SPGN No. 2 Space around dwellings
SPGN No. 7 Conservation Areas
SPGN No. 11 Parking Standards

6.03 National Planning Policies
Planning Policy Wales (PPW) Edition 11 (Feb 2021)
Future Wales the National Plan 2020-2040

7.00 PLANNING APPRAISAL

7.01 Introduction
This is an outline application with all matters reserved for subsequent approval, proposing the demolition and removal of existing industrial buildings on the site and the redevelopment of the site for residential purposes.

7.02 Site Description

The site is located within the settlement boundary of Hope, Caergwrle, Abermorduu and Cefn Y Bedd and abuts the open countryside and Caergwrle Conservation Area to the north. The surrounding area within the settlement boundary is predominantly comprised of residential properties that demonstrate a mixture of architectural styles. The topography of the area is largely flat.

The application site consists of 6 existing commercial units in Use Class E (Commercial, Business and Service use). Access to the site is taken to the east via Hawarden Road (A550).

7.03 Proposed Development

This outline application seeks approval of the principle of the demolition and removal of existing industrial buildings on the site and the redevelopment of the site for residential purposes.

7.04 As all matters of details are Reserved for future consideration, indicative details are provided which suggest the site could accommodate up to 7No. 3 bedrooomed dwellings in a mix of detached and semi-detached dwellings.

7.05 Main Issues

- Principle of the development;
- Impact on heritage assets;
- Impact upon drainage; and
- Neighbouring living conditions.

7.06 Principle of Development

The proposed development is located within the settlement boundary of Hope, Caergwrle, Abermorduu and Cefn Y Bedd, a category B settlement as defined in the Flintshire Unitary Development Plan. In such locations, the principle of general market housing on unallocated sites is acceptable under Policy HSG3 where it would cumulatively result in more than 15% growth. However, monitoring growth levels are no longer applicable as the plan period of the Unitary Development Plan has now expired. The market dwellings proposed are considered a windfall site within the settlement boundary and comply with HSG3.

7.07 In addition to Policy HSG3, STR1 considers residential development in category B settlements to be acceptable where they do not result in tandem development or overdevelopment in relation to the character of the site and surrounding area. This is the main consideration in relation to this application.

7.08 Albeit indicative, the supporting plans demonstrate that the application site can provide space for up to 7no. dwellings with associated parking and amenity space. As such, there is little concern that the proposal would result in an overdevelopment of the site.

- 7.09 Given the location of the site in a Category B there is no objection to the principle of residential development on this site. The Conservation Officer has suggested that the scheme is reduced to 6 dwellings. However, it is considered that the principle of 7no. dwellings is acceptable in the settlement boundary.
- 7.10 The application site is considered to be in an accessible and sustainable location as public transport options are within reasonable walking distance. For example, approximately 130m south of the site access point there is a bus stop servicing connections to Wrexham and Mold (no.27/29). Caergwrle train station is located approximately 290m north of the site and offers services to Wrexham and Bidston.
- 7.11 Whilst the principle of residential development at this site is considered acceptable and in accordance with STR1 and HSG3 consideration must be given to the loss of employment floorspace.
- 7.12 The site is currently operated as a business use (Use Class B1) with approximately 501sq.m of employment floorspace.
- 7.13 It is noted that the Site is not located within an area allocated for General Employment nor is it within a Development Zone or Principle Employment Area. However, policy EM6 refers to the Protection of Employment Land such as this site. EM6 states that *the establishment of non-employment or retail uses on existing or allocated employment land and buildings will only be permitted where:*
- a. *No other suitable site is available for the development proposed;*
 - b. *The site or building is no longer considered to be suitable for employment purposes;*
 - c. *It would not result in an unacceptable reduction in the supply and range of employment sites in the area; or*
 - d. *The proposal would bring about the removal or satisfactory relocation of a non-conforming and potentially polluting use from the site or building.*
- 7.14 Additionally, this policy adds that *“It is important to maintain an adequate supply of B1, B2 and B8 employment land and buildings in the Plan area. Its loss can result in a cumulative reduction in local job opportunities, forcing people to travel further in search of work and harm existing business linkages and support networks. This policy aims to prevent the loss of employment land for uses such as housing and retail which can be located elsewhere.”*
- 7.15 *“However, the policy recognises that there will be circumstances where it would be unreasonable to prevent other uses or development. A number of criteria would need to be satisfied such as the availability of other suitable sites for the proposal and whether the existing site or building is still considered to be suitable for*

employment uses given factors such as its location, accessibility, size, configuration and condition. A further criterion is whether the loss of the site or building would harm the ability of the locality or settlement to attract employment development due to a lack of a range of sites or premises. A final scenario is where the existing use of the site or building is 'nonconforming' or 'potentially polluting' i.e. it has the potential to, or already is, harming the amenity of local residents or land uses or the environment through noise pollution, traffic level or other impact. In such cases, the removal or relocation of the nonconforming use to a suitable site, enabled by an alternative use, may bring about overall benefit."

- 7.16 This development would result in a loss of approximately 501sq.m of Use Class B1 employment floorspace. No justification for the loss of the employment floorspace has been submitted within this application nor has any information been provided as to why the site is no longer considered suitable for this use, or that there are other suitable sites elsewhere.
- 7.17 It is however, considered that the loss of this employment floorspace would not result in an unacceptable reduction in the supply and range of employment sites in the area (criterion C of policy EM6). The loss of 500sq.m is considered negligible and not a detrimental impact on the existing range and supply of employment sites.
- 7.18 Furthermore, as the applicant is also the owner of the existing business, Wrexham Signs, it is assumed that either an alternative premises has been found or the business is no longer viable.
- 7.19 Therefore, the principle of losing the employment floorspace provided on this site is not unacceptable under policy EM6 of the Flintshire Unitary Development Plan.
- 7.20 In conclusion, the principle of the loss of employment floorspace and introduction of residential development at this site is considered acceptable and in accordance with EM6, STR1 and HSG3.

Heritage Assets

- 7.21 The Conservation Officer advises that the proposed development site is adjacent to the boundary of the Caergwrle Conservation Area and on the lower slopes of the land, which is surmounted by Caergwrle Castle, a Grade I Listed building and Scheduled Ancient Monument. The Officer has reviewed the proposal and consider that the indicative layout does not reflect the traditional building plot pattern in the area but instead is designed to maximise the number of units the site can support.
- 7.22 The Conservation Officer states that the number of units should be reduced to create a lower building density. It is suggested that 6 dwellings rather than 7 would be preferable and would have less of

an impact on the setting of the conservation area and would better correspond with the neighbouring area.

- 7.23 This application is submitted in outline and therefore scale of the development at this stage is indicative only..
- 7.24 The officer also states that it would be preferable if elevations with windows, doors and elevational treatments were included within this submission. Whilst indicative, the supporting plans demonstrate how the site could potentially be developed. The layout, scale and design are reserved for future consideration; therefore, elevations are not requirement at this stage.
- 7.25 Subject to the implementation of the conservation officers' comments and concerns, i.e. reducing the number of dwellings to 6, it is considered that the principle of the residential development would not adversely impact the heritage assets and would comply with HE1 and HE2.
- 7.26 Drainage
It is not indicated how surface water would be discharged from the site. However, this issue is addressed via the SUDs process. The applicant advises that foul drainage would however connect to the mains sewer. An indicative drainage layout (ref: W164/005 Rev A) has been submitted and consultation has been carried out Natural Resources Wales (NRW) and Dwr Cymru/Welsh Water.
- 7.27 Dwr Cymru/Welsh Water (DCWW) state that there is no public sewer to the front of the site on Hawarden Road. The applicant is proposing to connect to an unchartered sewer and DCWW require additional information. DCWW have advised that that Hope Wastewater Treatment Works (WwTW) has a phosphate permit and has capacity to accommodate foul flows from the proposed development.
- 7.28 Welsh Water recommend that if consent is due to be granted two conditions to prevent hydraulic overloading of the sewerage system should be attached. The first condition requires the submission of a foul water drainage scheme and the second states that no surface water shall be allowed to connect directly or indirectly to the public sewerage network.
- 7.29 NRW require further information regarding foul drainage and protected species. The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC).
- 7.30 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority

must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

- 7.31 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20th January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:
- 7.32 Any development connecting to a public wastewater treatment works must show that the permit has phosphate conditions in place and the sewerage undertaker has confirmed that there is capacity to treat the additional wastewater and the additional phosphate from the proposed development.
- 7.33 As stated above, DCWW have confirmed that Hope WwTC has capacity to accommodate foul flows from the development and also has a phosphate licence.
- 7.34 After receiving further advice from the applicant, and with due regard to NRW's published advice, I am able to conclude that the development is not likely to have a significant effect on the SAC. NRW therefore has no objection to the proposal.
- 7.35 Neighbouring Living Conditions
It is of fundamental importance that the living conditions of the surrounding can be safeguarded.
- 7.36 It is considered that the orientation of the site relative to the existing properties on Hawarden Road (A550) would not result in there being a direct interface relationship between the majority of properties.
- 7.37 Plot 2 would be positioned to the rear of Alvordor, Hawarden Road. The side elevation of plot 2 would be approximately 15m from the rear elevation of Alvordor. SPGN 2 Space Around Dwellings outlines the minimum separation distances that are applied to residential properties. Where a habitable room is facing a flank wall, a minimum distance of 12 metres is applied.
- 7.38 Subject to the east elevation of plot 2 being a flank wall, the 15m separation distance between the rear elevation of Alvordor is unlikely

to cause undue impact on the living conditions of the existing and future occupiers in the form of overlooking and loss of privacy.

- 7.39 Additionally, the rear elevation of plot 3 would directly face the rear elevation of Hazelmere on Pughs Yard. The distance between the two rear elevations would be approximately 30m. In line with SPGN 2, a minimum of 22 metres is applied between two facing habitable rooms. Given the indicative distance between the two rear elevations it is unlikely that the development would result in overlooking and loss of privacy.
- 7.40 It is considered that the indicative design and layout can demonstrate appropriate separation distances. However, these matters will require further assessment at the reserved matters stage.

8.00 CONCLUSION

- 8.01 The application proposes the erection of up to 7no. dwellings at Pugh's Yard, Hawarden Road.
- 8.02 Given that the surrounding neighbourhood is made up of semi-detached and detached dwellings, the provision of 7no. 3-bedroom dwellings on what is presently an industrial site would better accord with the character of the area. Additionally, the proposed residential development located within a Category B settlement boundary is considered acceptable.
- 8.03 Furthermore, consideration has been given to the loss of employment floorspace, and demolition of the existing commercial units. It is concluded that given the location of the site and subject to the reasons why the current occupiers no longer require the site are submitted within the reserved matters phase, the principle of this loss is acceptable under policy EM6 of the Flintshire Unitary Development Plan.
- 8.04 Given the proximity to the conservation area the design of these dwellings should be carefully considered to protect the setting of the Conservation Area and comply with policy and planning guidance.
- 8.05 In conclusion this application relates to outline consent for up to 7 homes. The design of these homes can be discussed at reserved matters phase. At this time, the principle of residential development is acceptable at this location.
- 8.06 The application is therefore recommended for approval.
- 8.07 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.

- 8.08 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.
- 8.09 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.10 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

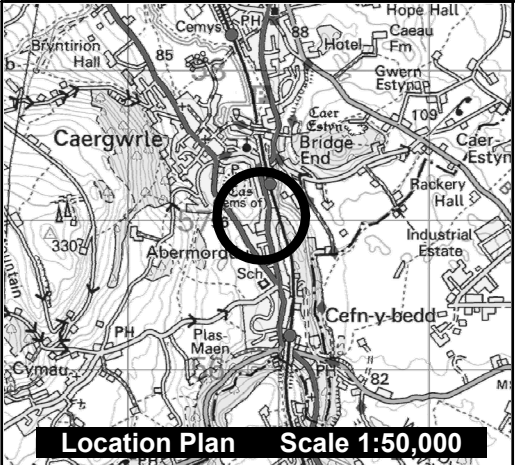
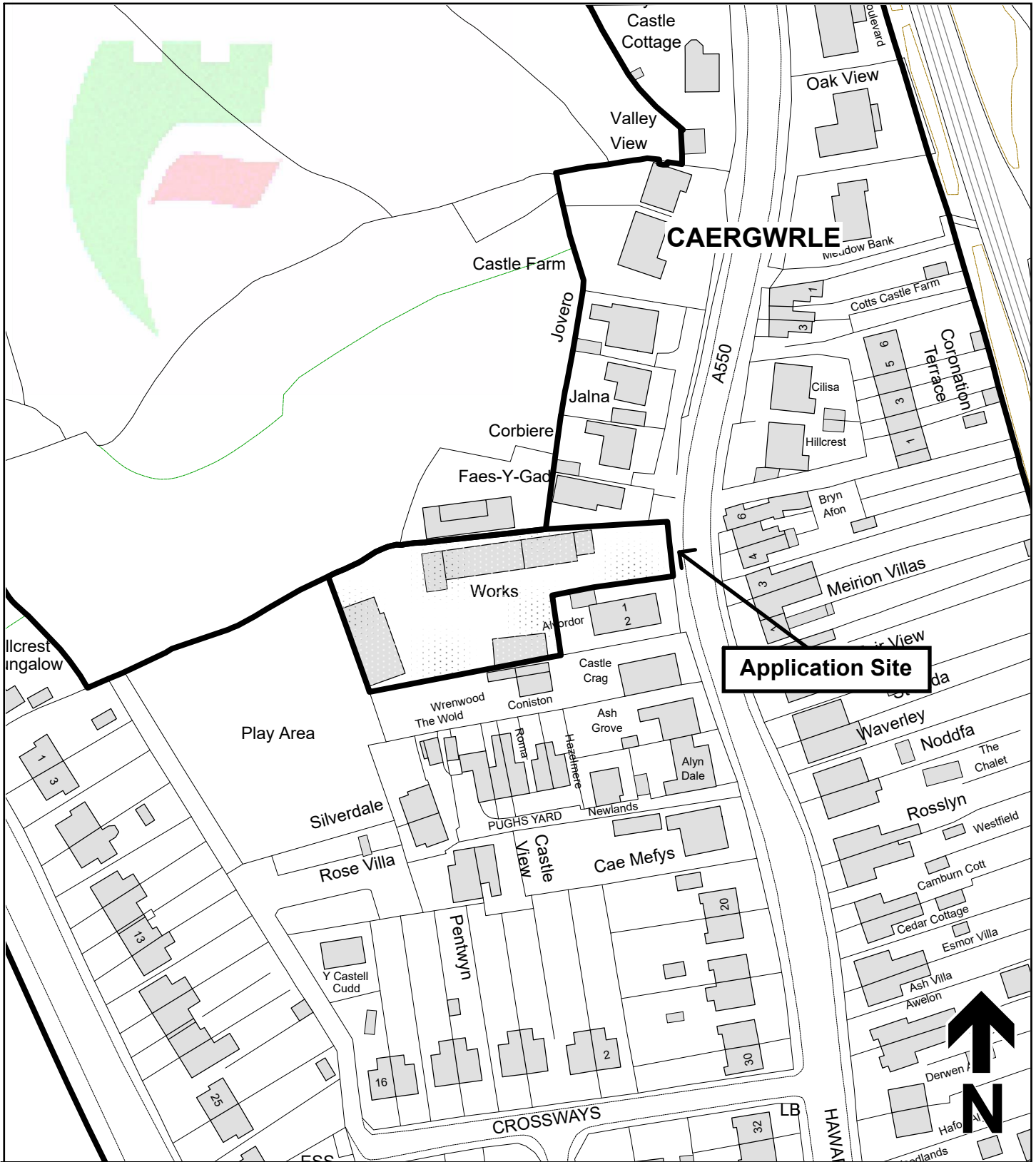
- Application form
- Design and Access Statement (written by blueprint architectural services. Dated: 17th December 2020)
- Existing Section & Site Plan – dwg.no: - W164/001
- Site & Location Plan – dwg.no:- W163/003
- Highways Plan – dwg.no: - W164/004
- Indicative Drainage Layout – dwg.no: - W164/005 (Sept 2021)
- Typical Elevations – dwg.no: - W164/005 (Dec 2020)
- Ecological Impact Assessment at Land at Hawarden Road, Caergwyle. – ref: HAW260221


Contact Officer: David Glyn Jones

Telephone: 01352 703 281

Email: david.g.jones@flintshire.gov.uk

Mae'r dudalen hon yn wag yn bwrpasol







**Sir y Fflint
Flintshire
COUNTY COUNCIL**

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

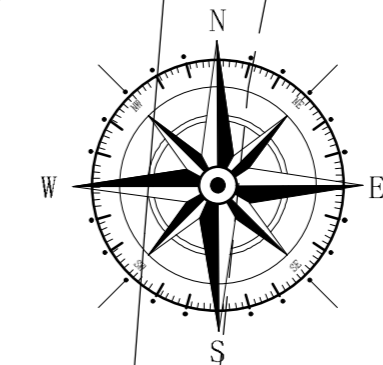
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Map Scale	1:1250
OS Map ref	SJ 3056
Planning Application	62344



Tudalen 22

Faes-Y-Gad



Tudalen 23



KEY

- Assumed location of main public drain
- - - Indicative foul drainage
- ▒ Proposed permeable driveways
- - - Surface water drainage
- Surface crates

Building Parameter	Minimum (mm)	Maximum (mm)
Depth	8500	9000
Width	5200	11250
Height	7725	7910

Rev	Date	Detail	Initial

Project:
Proposed Residential Development at:
Land at Hawarden Road,
Caergwrlle,
Flintshire, LL12 9BB

Title: Planning: Indicative Drainage layout
Scale: (A2) 1:200

Drawn By: D.J.Edwards
Date: Sept 2021

Drawing No: W164/005
Sheet: 1 of 1



partner LABC
Office 3K4,
Redwither Business Tower,
Wrexham. LL13 9XT
Tel: 01978 356500
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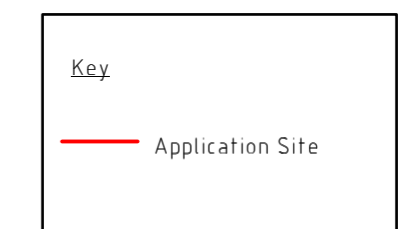
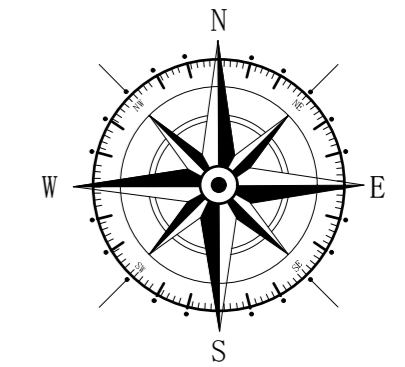
Key
— Application Site

Site Plan 1:200



Section Z-Z 1:150

Point	Level
A	10.000
B	10.039
C	10.114
D	10.244
E	10.223
F	10.334
G	10.476
H	10.415
I	10.832
J	11.115



Site Plan 1:200

Rev	Date	Detail	Initial

Project:
Proposed Residential
Development at:
Land at Hawarden Road,
Caergwrle,
Flintshire, LL12 9BB

Title:
Existing Section
Site Plan

Scale: (A2)
1:150 #
1:200

Drawn By:
J Felgate

Date:
Feb 2020

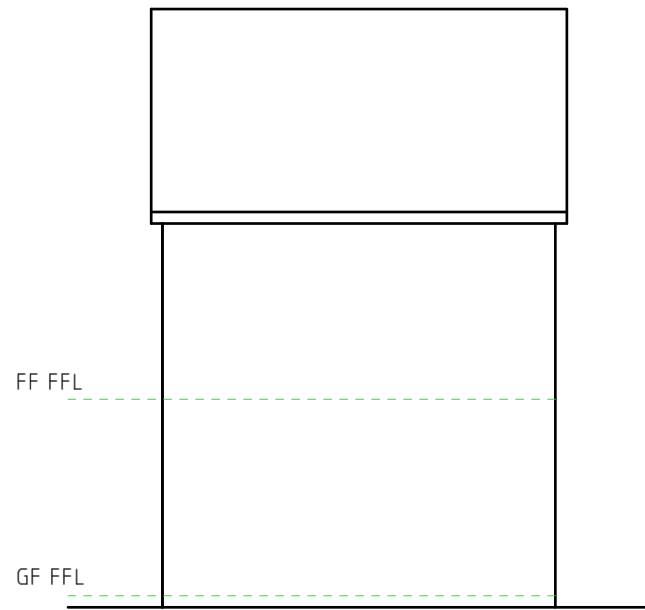
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W164/001

Sheet:
1 of 1

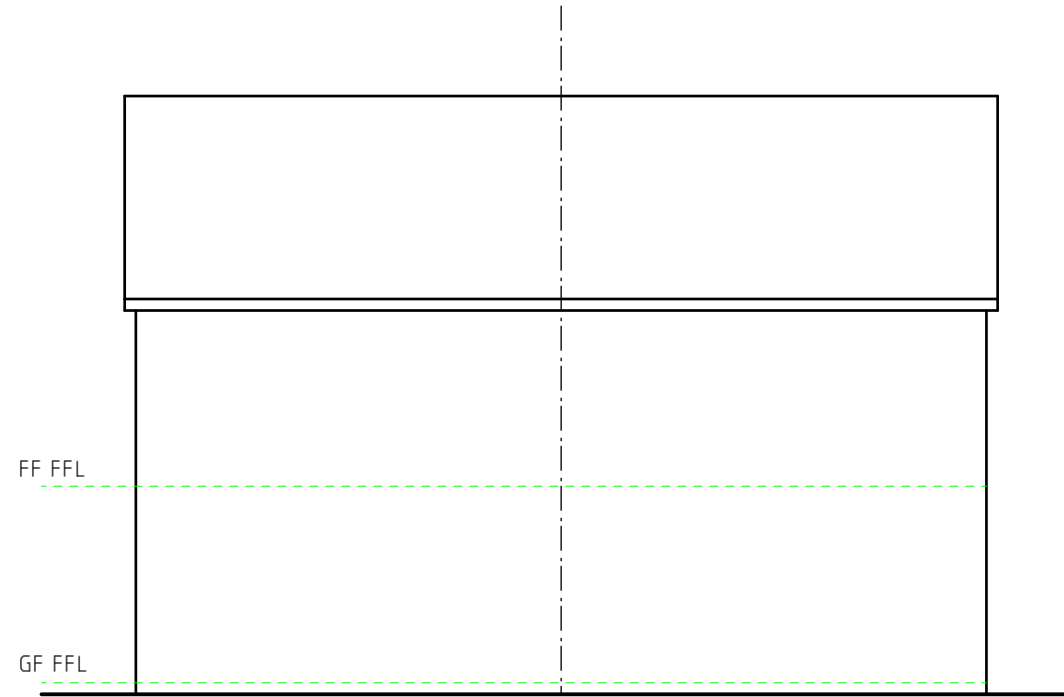
blueprint
architectural services

partner
LABC

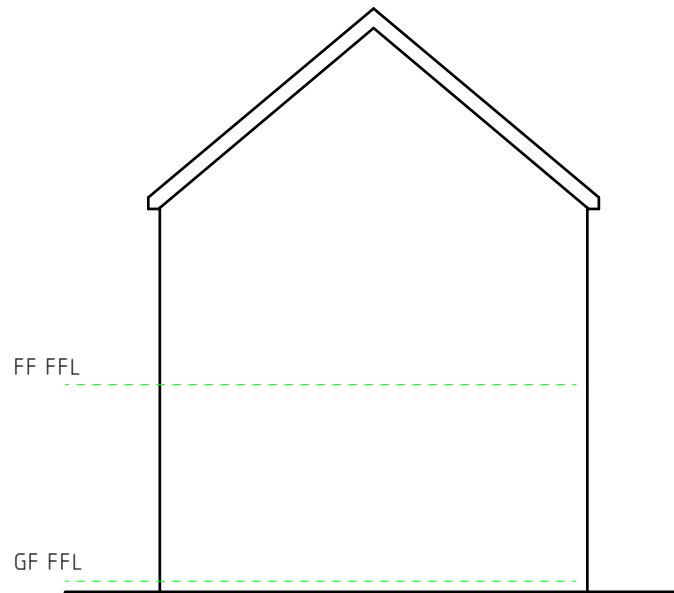
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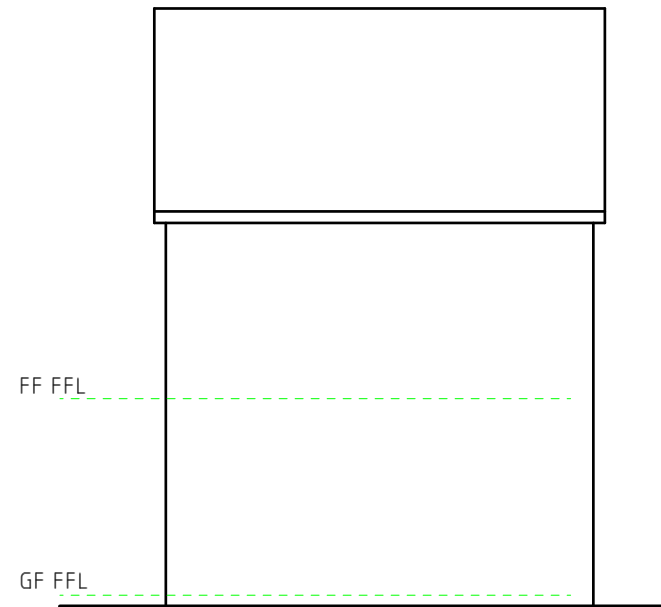
Plot 1



Plots 2-5



Plot 6



Plot 7

Rev	Date	Detail	Initial

Project:
Proposed Residential
Development at:
Land at Hawarden Road,
Caergwrle,
Flintshire, LL12 9BB

Title:
Planning: Typical
Elevations

Scale: (A3)
1:100

Drawn By:
D.J.Edwards

Date:
Dec 2020

Drawing No:
W164/005

Sheet:
1 of 1



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Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.2

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24th NOVEMBER 2021**

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

SUBJECT: **FULL APPLICATION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURE TO EQUESTRIAN, INCLUDING OUTDOOR RIDING ARENA, LUNGING PEN, STABLES, TACK ROOMS AND HORSE WALKER IN RETROSPECT, AND THE PROPOSED ADDITION OF A ROOF COVER OVER THE EXISTING OUTDOOR ARENA AND THE ESTABLISHMENT OF AN EQUINE THERAPY AND RIDING CENTRE AT GREENHILL FARM, BRYN CELYN, HOLYWELL**

APPLICATION NUMBER: **060824**

APPLICANT: **MS DIANE ROBERTS**

SITE: **GREENHILL FARM, BRYN CELYN, HOLYWELL, CH8 7QF**

APPLICATION VALID DATE: **19TH MAY 2021**

LOCAL MEMBERS: **MRS R DOLPHIN**

TOWN/COMMUNITY COUNCIL: **HOLYWELL TOWN COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT - SITE AREA OVER 1HA**

SITE VISIT: **NONE REQUIRED**

1.00 SUMMARY

1.01 This is a full planning application made partly in retrospect to regularise the change of use of land from agriculture to equestrian, and facilities which include an outdoor riding area, lunge (ground work) pen, 25 stables, tack rooms and horse walker. The application

also proposes new facilities comprising of a roof cover over the existing outdoor arena and the establishment of an equine therapy and riding centre at Green Hill Farm, Bryn Celyn, Holywell.

The application is considered acceptable in policy terms and will have no detrimental impact on the living conditions of neighbours within the locality, the highway or on the character and appearance of the area.

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

Conditions

- 2.01
1. In accordance with approved details
 2. Operational hours
 3. Scheme for external lighting
 4. Parking and turning of vehicles
 5. Burning of waste prohibited

3.00 CONSULTATIONS

3.01 Local Member Mrs R Dolphin

I agree to determination under delegated powers but would like to point out the road to this farm, either through Tan y Felin, or Bryn Celyn Lane is unsuitable. So I would ask highways to look seriously at the application.

Holywell Town Council

The Council had no objection to this application, but requested consideration be given to signage to be erected in the immediate vicinity.

Highways Development Control

No objection to the proposal.

Community and Business Protection

No adverse comments to make regarding this proposal.

4.00 PUBLICITY

4.01 PAC, Site Notice & Neighbour Notification

PAC

No responses received during Pre-Application Consultation.

Neighbours

No responses received at the time of writing.

5.00 SITE HISTORY

5.01 041049 - Provision of sole vehicular access – Allowed on appeal
25/05/07

037220 – Retention of access – refused 07/10/04

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 New Development
STR2 Transport and Communications
STR3 Employment
STR7 Natural Environment
STR8 Built Environment
STR10 Resources
STR11 Sport, Leisure and Recreation
GEN1 General Requirements for Development
GEN3 Development in the Open Countryside
D1 Design Quality, Location and Layout
D2 Design
L1 Landscape Character
AC1 Facilities for the Disabled
AC2 Pedestrian Provision and Public Rights of Way
AC3 Cycling Provision
AC13 Access and Traffic Impact
AC18 Parking Provision and New Development
RE1 Protection of Agricultural Land
RE4 Small Scale Rural Enterprises
SR1 Sports, Recreation or Cultural Facilities
SR2 Outdoor Activities
EWP12 Pollution
EWP13 Nuisance

National Planning Policies

Future Wales Plan 2020-2040
PPW11 (February 2021)
TAN6 Planning for Sustainable Rural Communities

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application made partly in retrospect to regularise the change of use of land from agriculture to equestrian, and facilities which include an outdoor riding area, lunge (ground work) pen, stables, tack rooms and horse walker. The application also proposes new facilities comprising of a roof cover over the existing outdoor arena, and the establishment of an equine therapy and riding centre at Green Hill Farm, Bryn Celyn, Holywell.

7.02 Site Description

The application seeks retrospective consent to change the use of Greenhill Farm from agricultural to equestrian along with facilities comprising outdoor riding arena, lunge pen, stables, tack rooms and horse walker and the proposed roof cover over the existing riding arena and the establishment of an equine therapy and riding centre.

7.03 The site has been used for equestrian use in the form of livery services for a number of years and structures have been erected over the course of that time. The applicant wishes to regularise the unauthorised use and structures and seek consent to further develop the site into a sustainable business to provide riding lessons and equine therapy for adults with learning difficulties and individuals with mental health.

7.04 The application site is situated within an open countryside location, just outside of the Greenfield settlement boundary as defined in the Flintshire Unitary Development Plan. The site is located near to a number of residential properties and is accessible by various modes of transport, situated just off the main transport routes and is located a relatively short distance from Holywell Town Centre.

7.05 The application site consists of a farm house, stables, horse walker, small exercise arena, large outdoor riding arena, tack rooms and land in excess of 2.5Ha, all in equestrian use.

7.06 Proposed Development

The existing development on site comprises a large outdoor riding arena with shredded carpet fibre surface enclosed with kick board and post and rail fencing, measuring an area of 30 x 30 metres, a post and rail enclosed lunging pen, 25no. stables with associated tack rooms and a covered horse walker.

7.07 The new elements proposed within this application comprise a steel frame and profile sheet roof cover over the existing large outdoor arena, providing an indoor riding facility. It is noted on site that the outdoor arena is lit by floodlight, however the proposed roof covering will necessitate artificial lighting especially during winter months, therefore indoor lighting in replace of the existing flood lights will be installed. The new element together with the existing facilities on site will support the establishment of the site as an equine therapy and riding centre. The total number of horses to be stabled on site is 25, however the applicant does also have 2 donkeys which graze the land, all of which have access to sufficient grazing included as part of the change of use of land.

7.08 Furthermore, it is understood that the site has been operating as a small scale livery business during this period, which has provided employment opportunities to locals including students. The livery service is restricted to Part and Full livery, as such full care and

welfare of the horse(s) is the responsibility of the business owner, with horse owners only visiting to exercise their horse at certain times.

7.09 Main Issues

The main issues are considered to be the impact of the development upon the character and appearance of the open countryside location, impact on the living conditions of neighbouring residents and impact on the highway.

7.10 Principle of Development

The site is located outside of the settlement boundary and the proposals relate to equestrian use which is generally acceptable in rural locations. Policy GEN3, Criterion J permits development where it is essential to have an open countryside location, rather than being sited elsewhere and Policy RE4 states that it is accepted that the re-use of brownfield land or buildings may not always be possible and in such circumstances new small scale development on greenfield sites adjacent to the settlement boundary may be permitted, provided that the proposed use is one which by its very nature is dependent upon a rural location.

7.11 The site is shown on the Welsh Government Predictive Agricultural Land Classification Map as grade 3b which is considered to have moderate yields of cereals, grass and lower yields of other crops. In accordance with Policy RE1 and national guidance in PPW11, a relatively small amount of development on Grade 3b agricultural land is considered acceptable as this does not represent the best and most versatile agricultural land. Notwithstanding this, given the nature of the use, and as the land will continue to be grazed and managed accordingly, should the use cease, the land would be capable of being put back into agricultural use. As such, the loss of this small area of land, 2.5 ha is not considered to cause detriment to the agricultural industry

7.12 In principle, equestrian uses are recognised as a countryside activity and by virtue require a rural location. Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming practices and the rural ethos, and in recent years have become successful farm diversification enterprises. Whilst the FUDP does not have a specific policy relating to equestrian development, policy SR1 and SR2 are considered to be of most relevance. The proposal also reflects the positive approach PPW11 places upon rural diversification.

7.13 Policy SR1 criterion C states that proposals for sports, recreation or cultural facilities will be permitted provided that in the open countryside they involve small scale buildings and/or ancillary development necessary to carry out the recreational or sporting activity and criterion D states that in all cases, the facility is accessible

to the local population by a variety of means of travel other than the private car.

7.14 Policy SR2 confirms that outdoor activities will be permitted where in the case of riding centres the County Council is satisfied that there are suitable and convenient bridleways for riding in the vicinity; and the site is accessible by a choice of modes of travel other than the private car.

7.15 The principle of the proposal is therefore acceptable as the site is located just outside of the Greenfield settlement boundary and is located a short distance from Holywell Town Centre, where access to the site is available by various modes of transport other than by private car, and the use is suitable for the open countryside location with riding facilities available on the applicants own land in accordance with policy GEN3, RE1, RE4, SR1 and SR2 of the FUDP.

7.16 Character and Appearance

The application site is located in an open countryside location. The site does however have existing built development nearby in the form of housing on three sides, to the north, east and south. It is therefore not entirely rural in character and the appearance of the site assimilates well with the built environment on three sides.

7.17 The majority of the structures proposed in the application are already present on the land, which form the retrospective elements. Only the roof cover over the existing riding arena is proposed to be built, along with the use of the site as a commercial equine therapy and riding centre. The existing and proposed structures are located near to each other, in a complex to the west of the main farm house. Their scale, appearance and materials are fairly typical for an equestrian use and appear suitable in the open countryside location. Policy SR2 criterion 1 states that outdoor activities will only be permitted where the activity proposed is of a type, scale and intensity that would not unacceptably harm the character and appearance of the site and its surroundings. The proposed use of the site and the structures that are already in place are not considered to have an adverse effect on the character and appearance of the open countryside location. The proposed roof cover over the existing riding arena will be constructed using a steel portal frame, profile sheet roof with roof lights and Yorkshire board above a brick plinth. Solar PV panels are proposed on the roof, and can be seen on a number of agricultural type buildings within the local and wider area. The structure is similar in scale, style and materials to an agricultural building and is therefore considered appropriate to the locality.

7.18 Living Conditions of Neighbouring Residents

No objections or concerns have been raised by local residents, and the highway authority has not raised any objections to the proposed

access to the site from the existing access off Tan Y Felin, a residential estate road to the north of the site.

7.19 There are a small number of properties within close proximity to the land comprising the application, though noted the main yard and focus of the equestrian activity is detached from any such properties. Bryn Glas and Dee View is the closest and most immediate neighbour to Greenhill Farm, however both the applicant's pre-application consultation and the Local Planning Authority's formal consultation has received no representation from the occupants. In addition, the formal consultation also included the advertisement of a site notice as the area has a number of well used public footpaths, again, the LPA has not received representations in response to this application.

7.20 No adverse comments have been noted by pollution control and no complaints have been received by planning enforcement for the retrospective elements of the application or for the existing use of the site. Due to the existing use and no previous complaints received, no objections from highways or from pollution control it is considered that there will be no adverse impact on the living conditions of neighbouring occupiers.

7.21 Highway

Additional information was requested by the Highway Authority in order to assess the highway implications for the proposed use. It has been confirmed that the Tan Y Felin estate road will be used as the primary access and a total of 12 vehicles are estimated to travel to and from the site daily, which incorporates both the retrospective and newly proposed elements of the application. This number is however likely to be lower. Users of the stables and livery will not attend the site each day due to some horses being on part or full livery and some being turned out between April to November rather than stabled. Daily sessions will be held onsite concurrently, with 3-4 staff members attending per day who will usually travel in via minibus with some users of the site. The mini bus will be stored off site when not in use. The equivalent of 6.5 full time staff will be employed on site.

7.22 The site is also located not too far from Holywell Town Centre and is located near to main public transport routes, making it accessible by various modes of travel. Highways have confirmed that they raise no objections to the proposals.

8.00 CONCLUSION

It is considered that the proposal is in accordance with the relevant development plan policies and no objections have been received. I therefore 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.

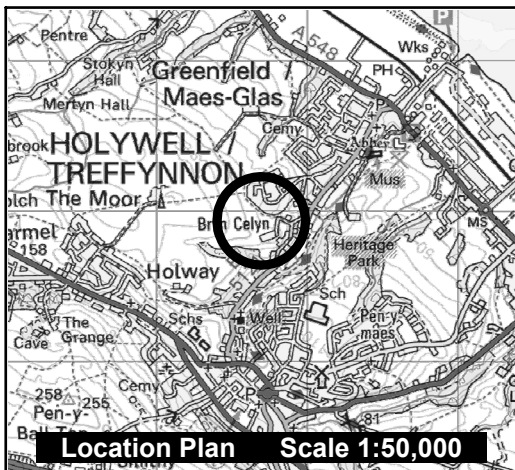
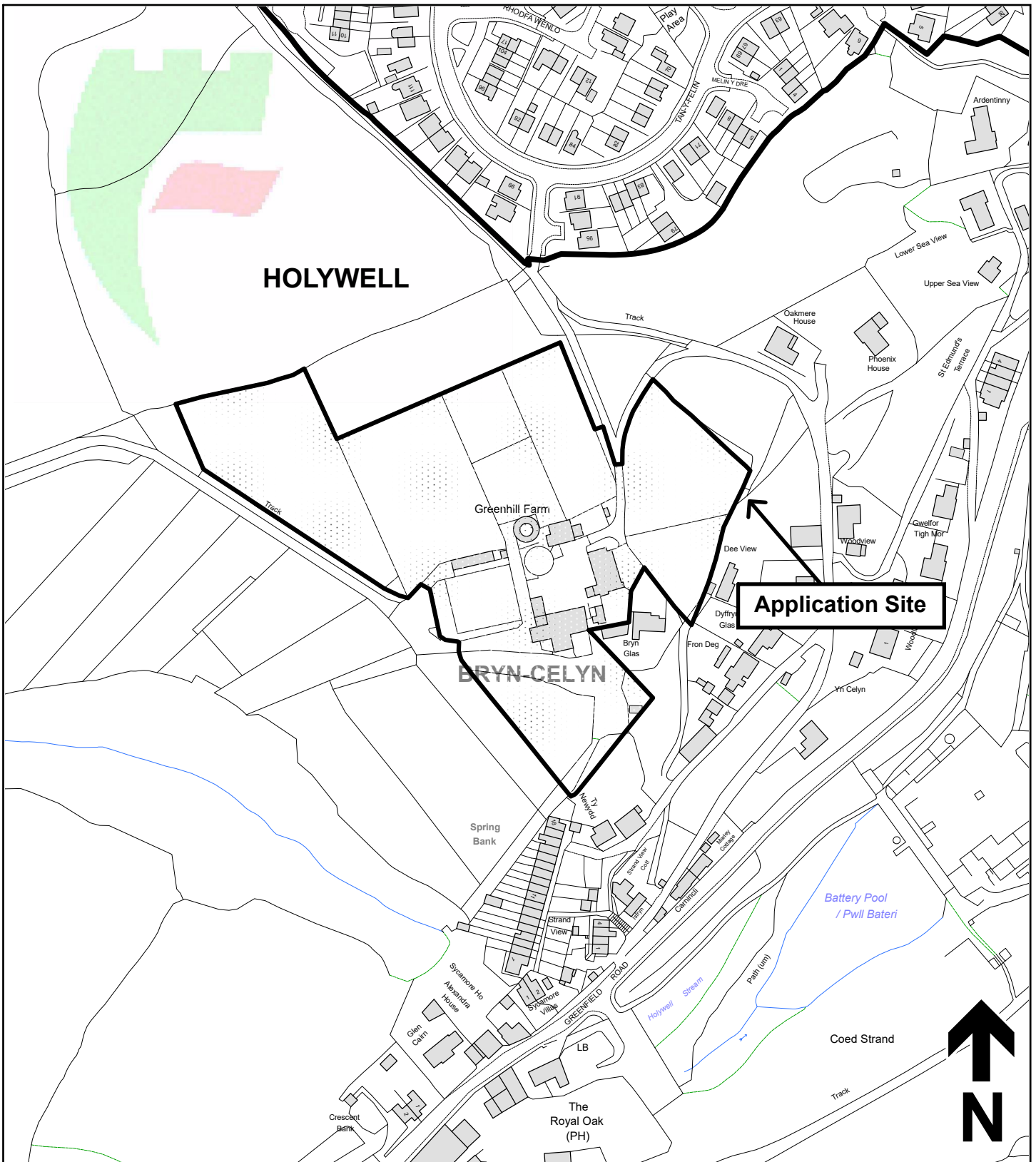
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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: Alison Dean
Telephone: 01352 702012
Email: alison.dean@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 1:2500

OS Map ref SJ 1876

Planning Application **60824**

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REV	DATE	NOTES
C	25.09.20	Issued for planning.

KEY

 ASSUMED SITE BOUNDARY

LOCATION PLAN

PROJECT:
Green Hill Farm, CH8 7QF

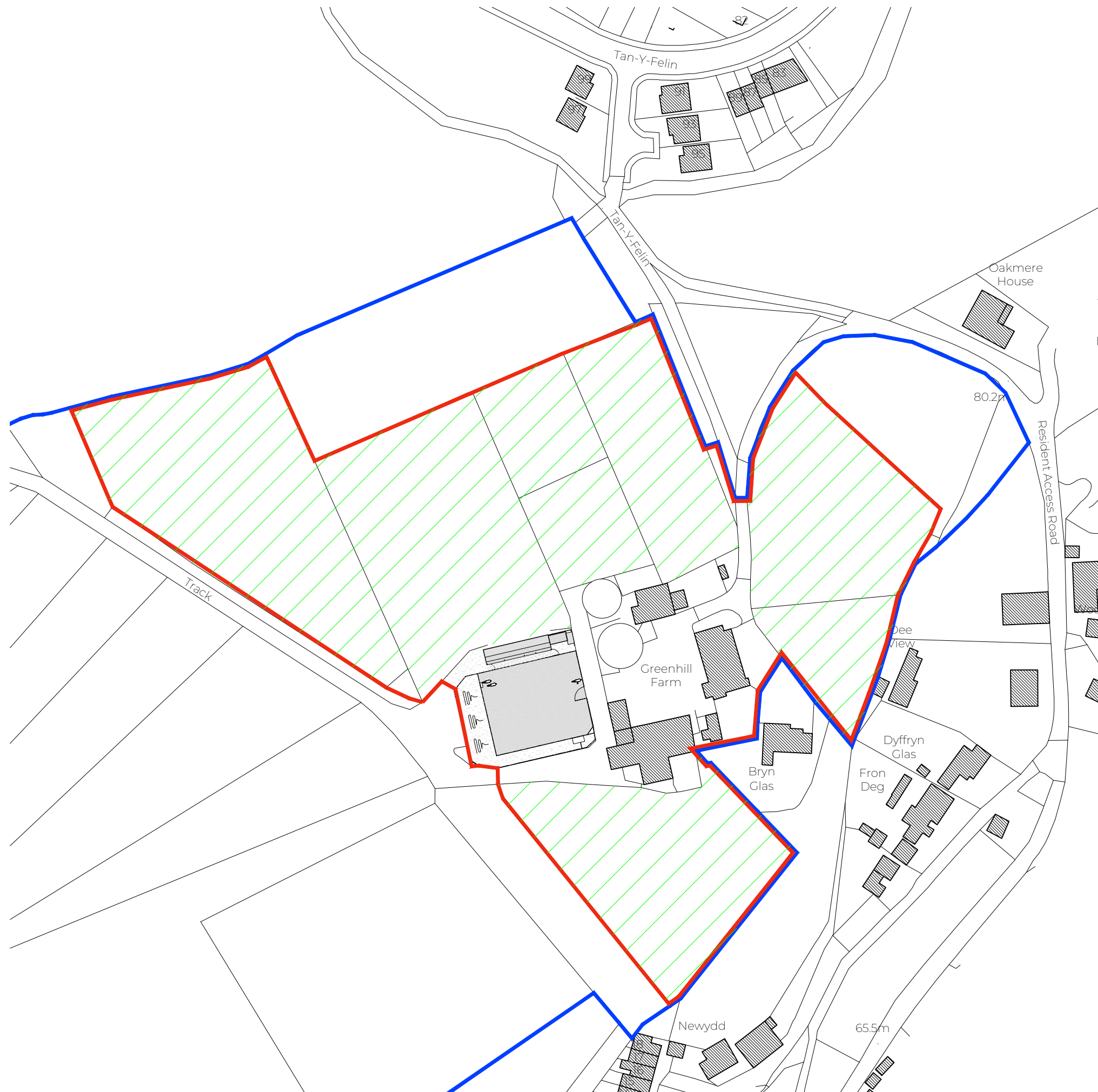
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Location Plan

DRAWN/APPROVED BY: AD/DD DATE: 25.09.2020

DRAWING NO: 90_2019_LP REVISION: C

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REV	DATE	NOTES
C	25.09.20	Issued for planning.

KEY

 ASSUMED SITE BOUNDARY



LOCATION PLAN

PROJECT:
Green Hill Farm, CH8 7QF

DRAWING TITLE:
Proposed Location Plan

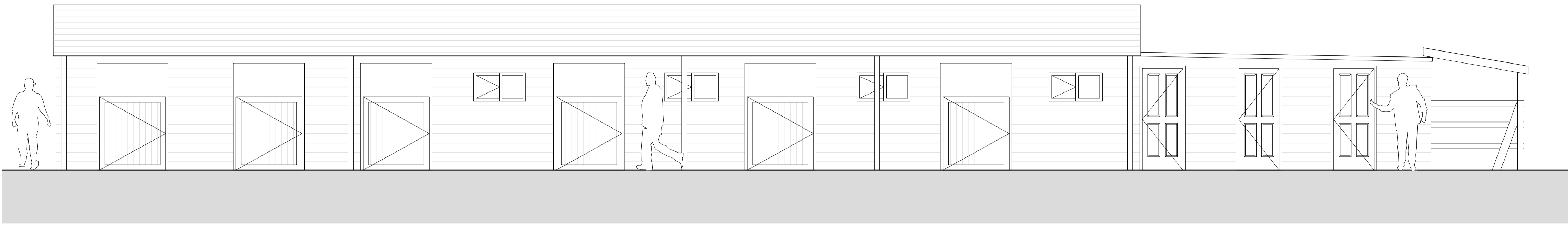
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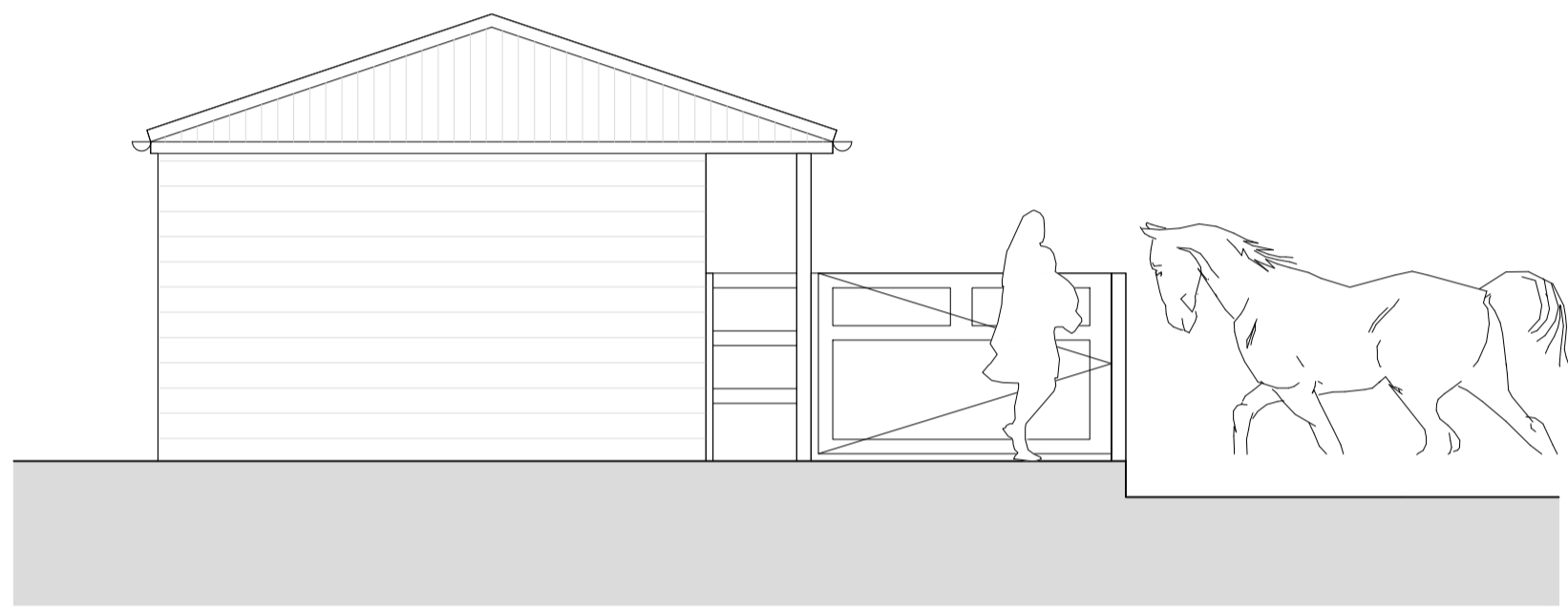
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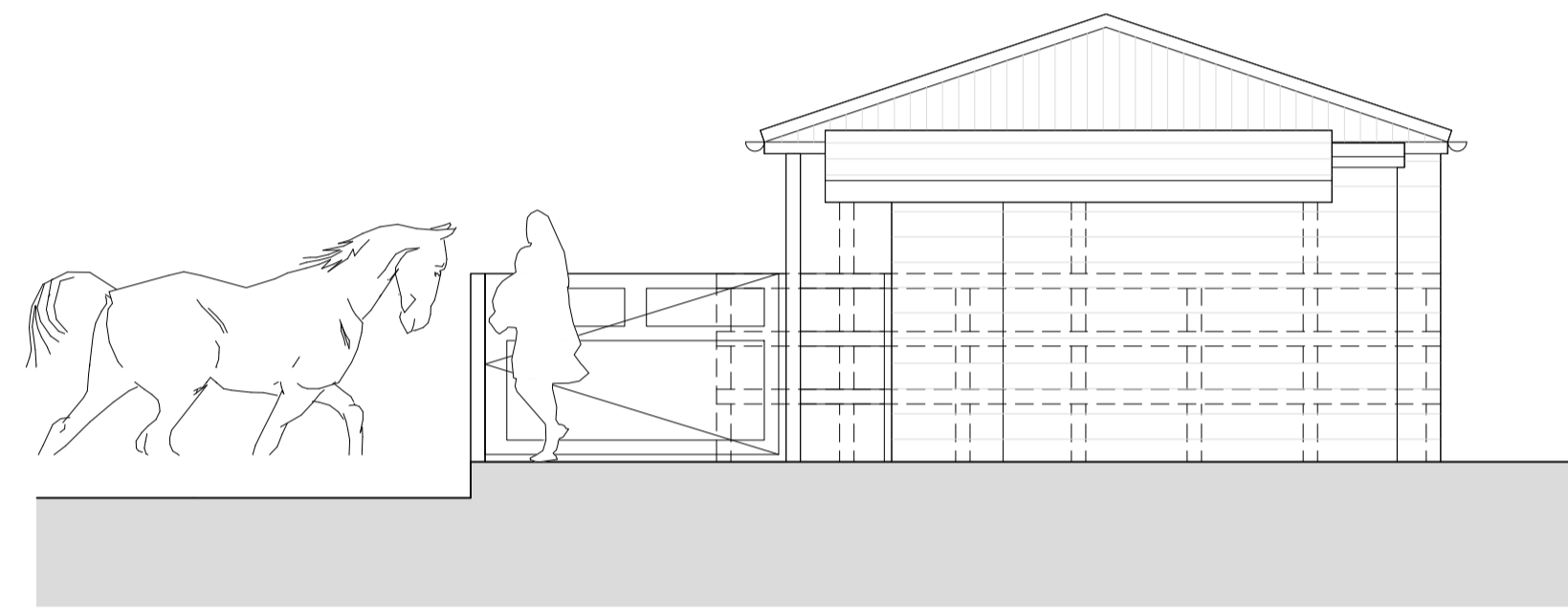




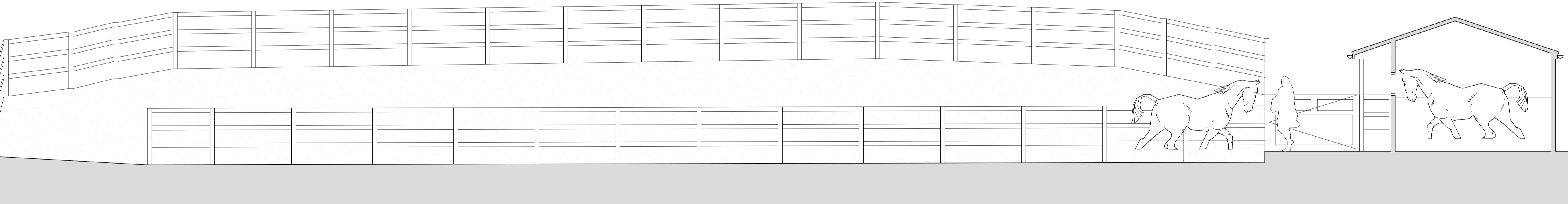
EXISTING STABLES FRONT ELEVATION 1:50 @ A1



EXISTING STABLES SIDE ELEVATION 1:50 @ A1



EXISTING STABLES SIDE ELEVATION 1:50 @ A1



EXISTING STABLES ARENA SECTION 1:50 @ A1

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REV	DATE	NOTES
A	19.11.19	Issued for client comment only.

MEASURED SURVEY

PROJECT:
Green Hill Farm, CH8 7QF

DRAWING TITLE:
Existing Elevations and Site Section

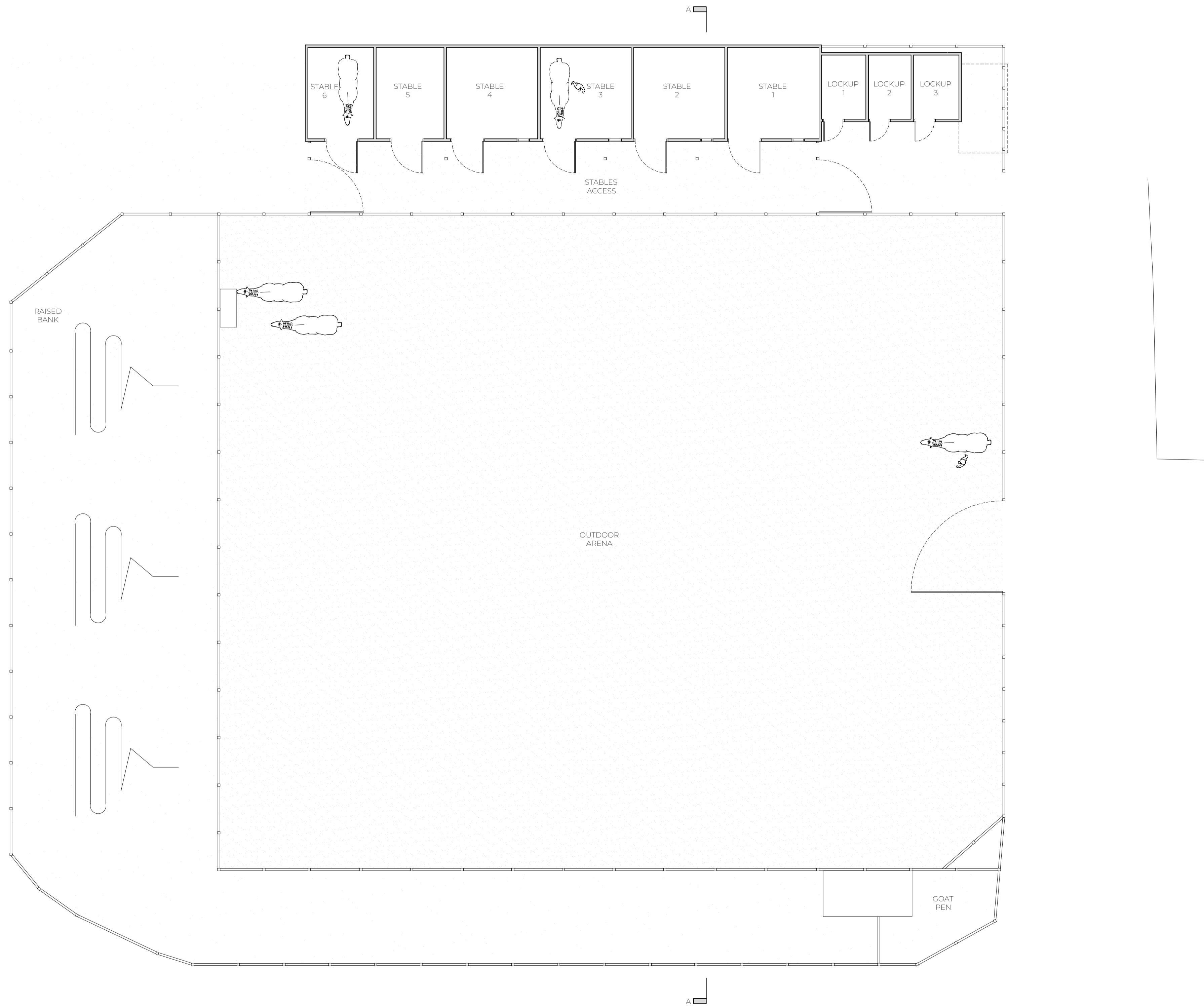
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DRAWING NO: 90_2019_02 REVISION: A

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PROPOSED RIDING ARENA & STABLES LAYOUT 1:100 @ A1

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REV	DATE	NOTES
A	19.11.19	Issued for client comment only.

MEASURED SURVEY

PROJECT:
Green Hill Farm, CH8 7QF

DRAWING TITLE:
Proposed Riding Arena & Stables Layout (Retrospective)

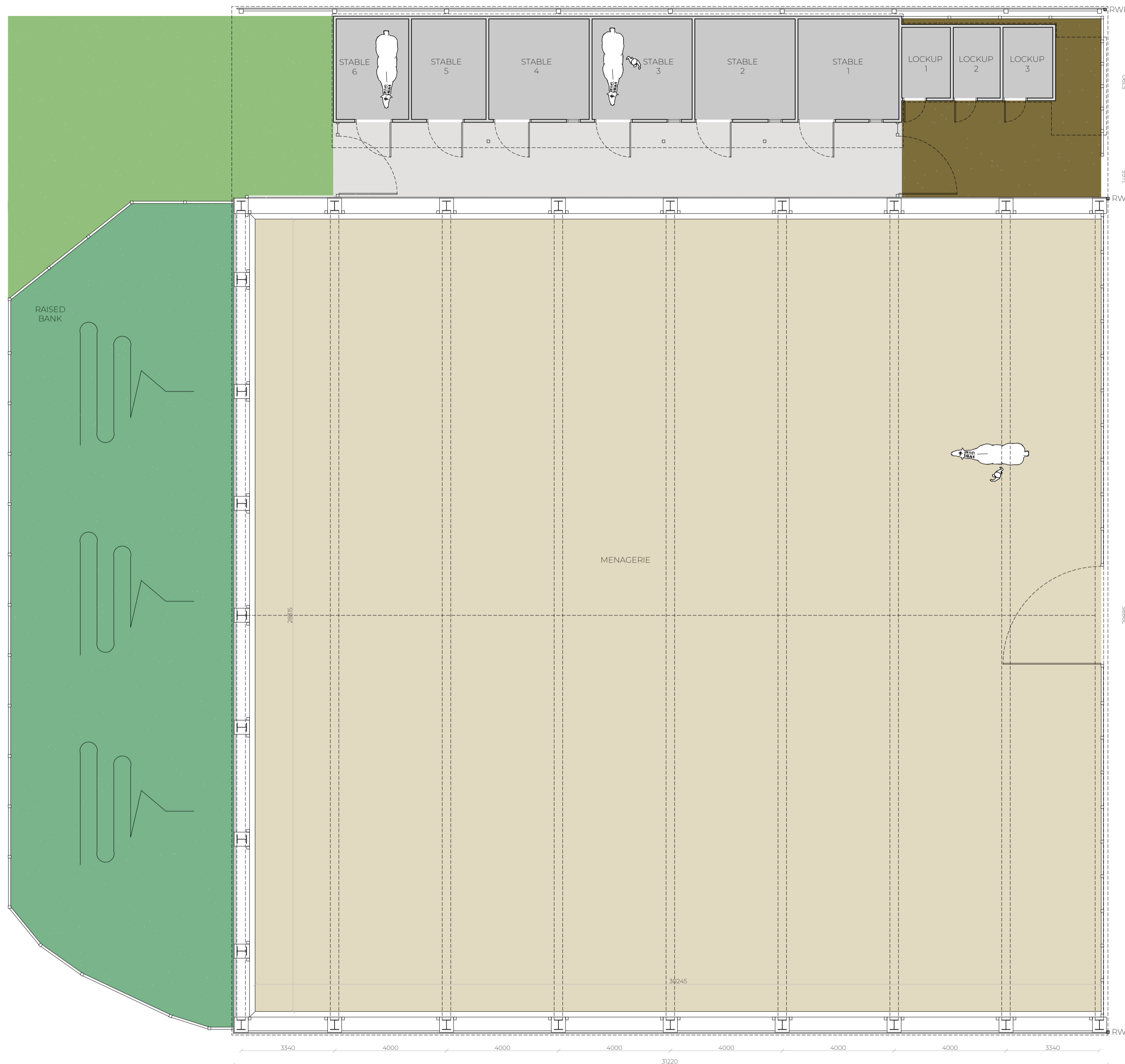
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DRAWING NO: 90_2019_01 REVISION: A

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PROPOSED RIDING ARENA & STABLES LAYOUT 1:100 @ A1

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REV	DATE	NOTES
A	27.11.19	Issued for client comment only.
B	16.12.19	Issued for client comment only.
C	26.02.20	Dimensions added.

CONCEPT DESIGN

PROJECT:
Green Hill Farm, CH8 7QF

DRAWING TITLE:
Proposed Riding Arena Site Plan

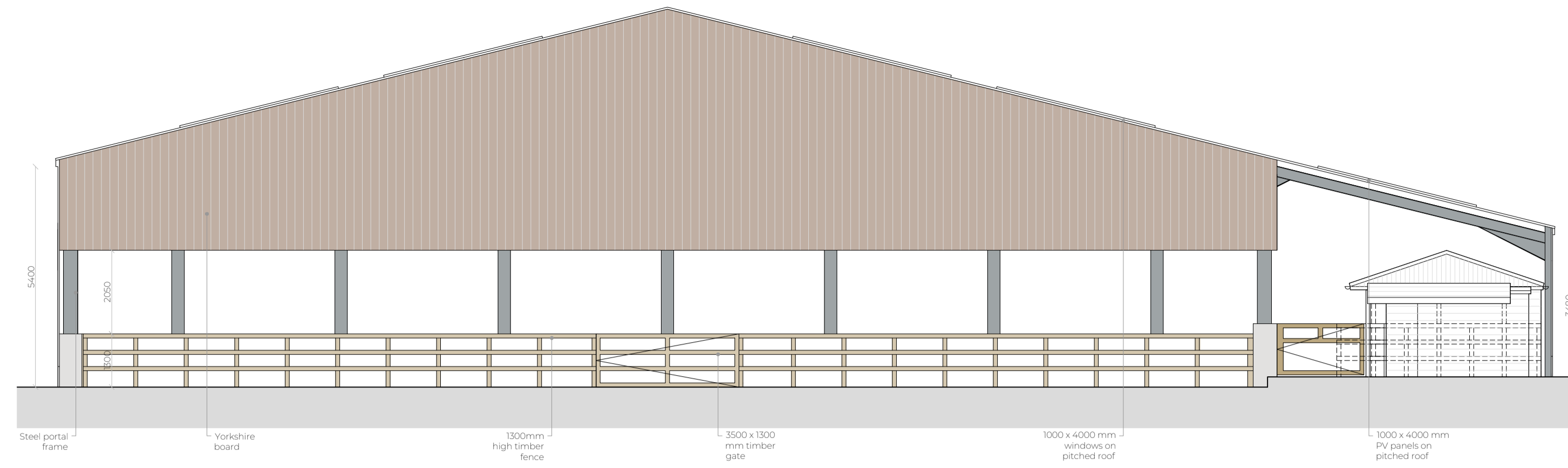
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DRAWING NO: 90_2019_03 REVISION: C

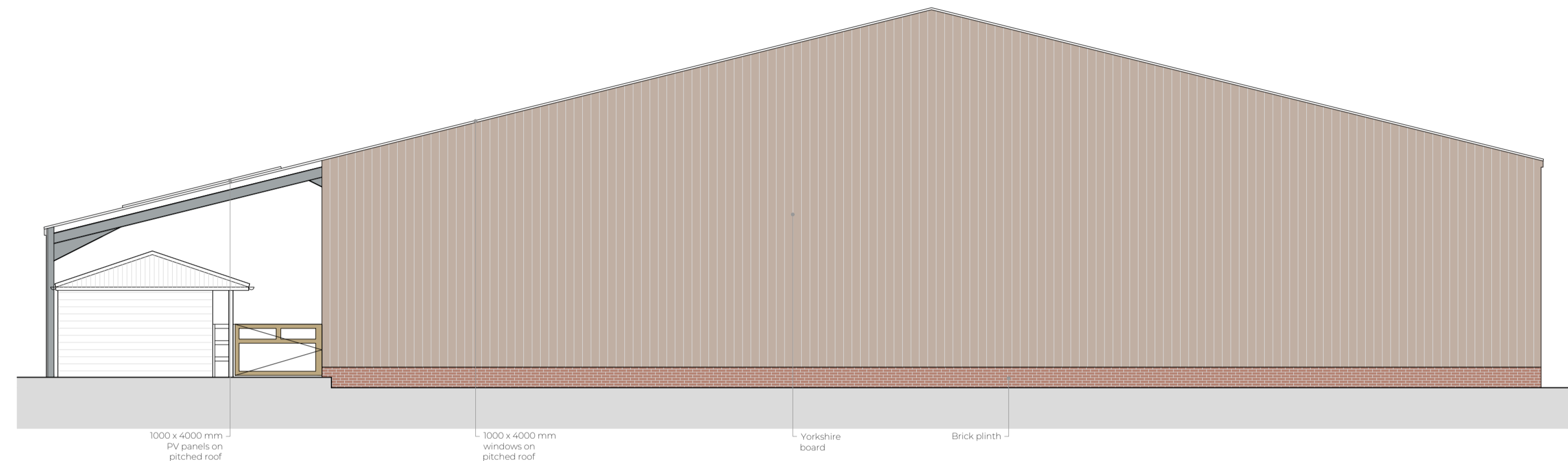
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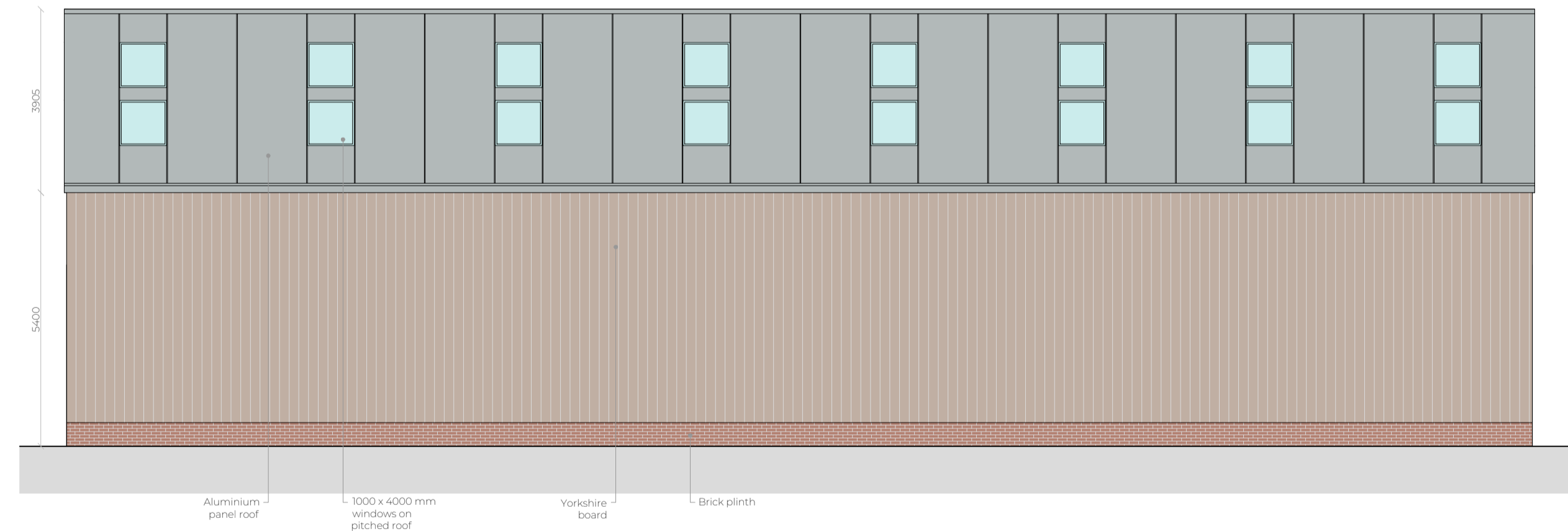




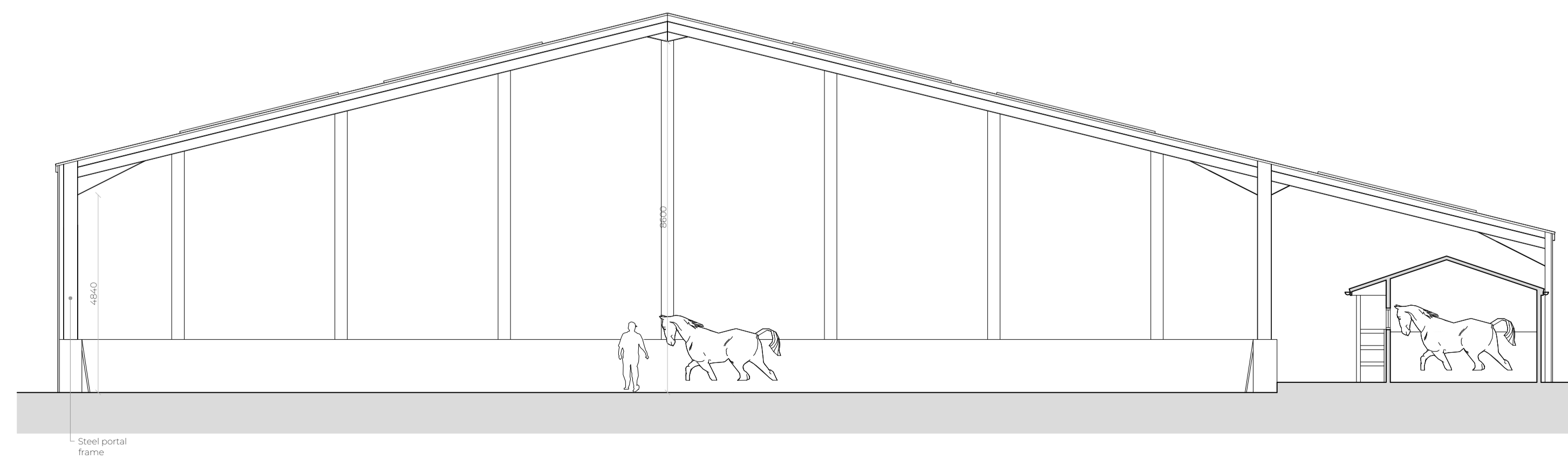
PROPOSED INDOOR ARENA FRONT ELEVATION 1:100 @ A1



PROPOSED INDOOR ARENA REAR ELEVATION 1:100 @ A1



PROPOSED INDOOR ARENA SIDE ELEVATION 1:100 @ A1



PROPOSED INDOOR ARENA SECTION 1:100 @ A1

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REV	DATE	NOTES
A	27.11.19	Issued for client comment only.
B	16.12.19	Issued for client comment only.
C	26.02.20	Dimensions added.

CONCEPT DESIGN

PROJECT:
Green Hill Farm, CH8 7QF

DRAWING TITLE:
Proposed Cover Over Existing Riding Arena Elevations

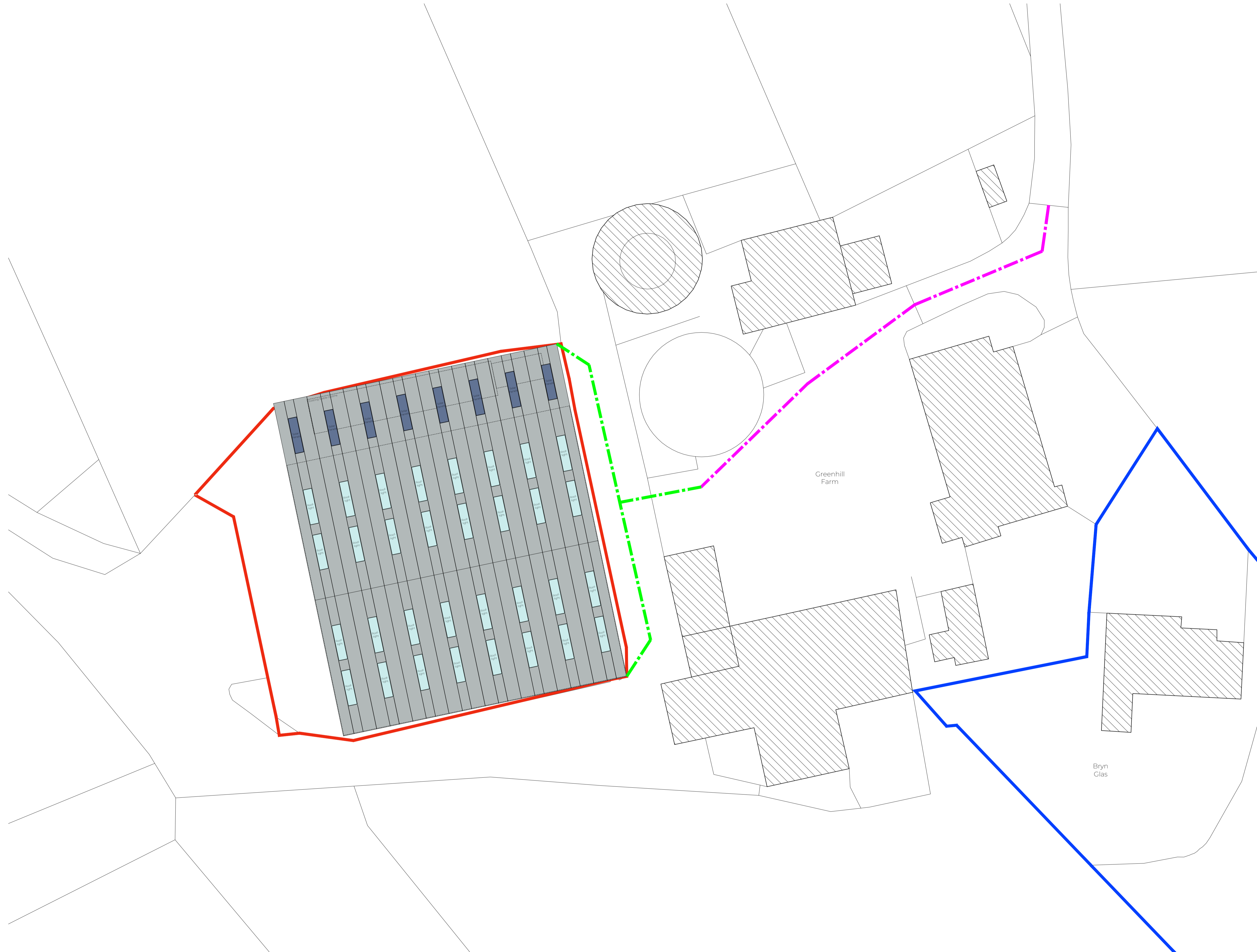
DRAWN/APPROVED BY: AD/DD DATE: 26.02.2020

DRAWING NO: 90_2019_05 REVISION: C

SDA ARCHITECTURE

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info@sdaarchitecture.com
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- KEY:
- Assumed Site Boundary
 - Menagerie Boundary
 - - - Assumed Existing Drainage
 - - - Proposed Drainage Run

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REV	DATE	NOTES
A	14.01.20	Issued for client comment only.

CONCEPT DESIGN

PROJECT:
Green Hill Farm, CH8 7QF

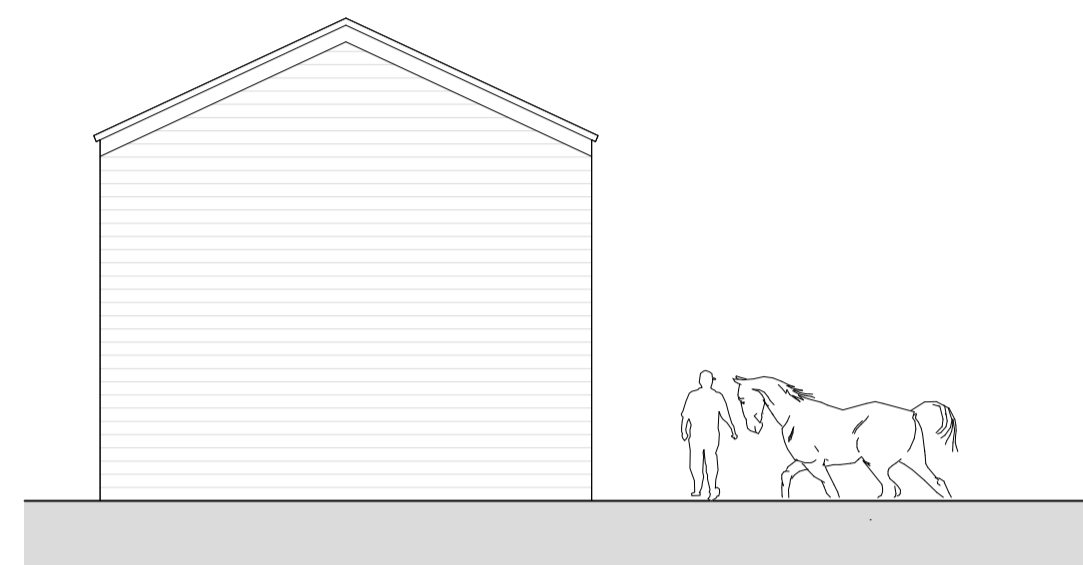
DRAWING TITLE:
Proposed Site Drainage Plan

DRAWN/APPROVED BY: AD/DD DATE: 14.01.2020

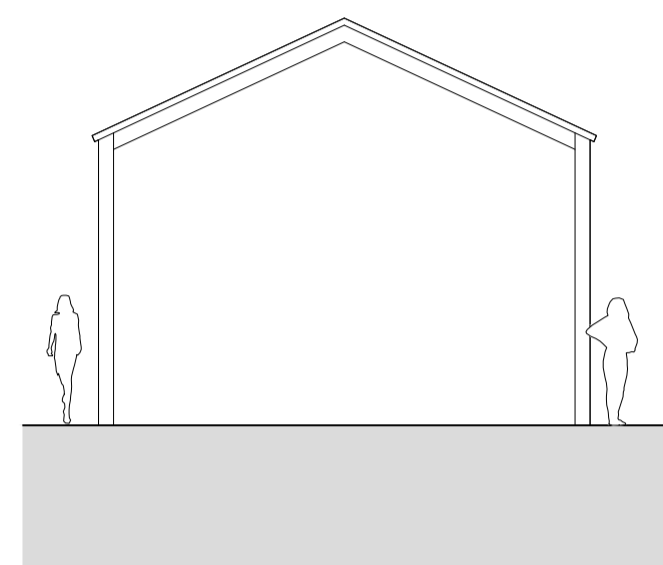
DRAWING NO: 90_2019_06 REVISION: A



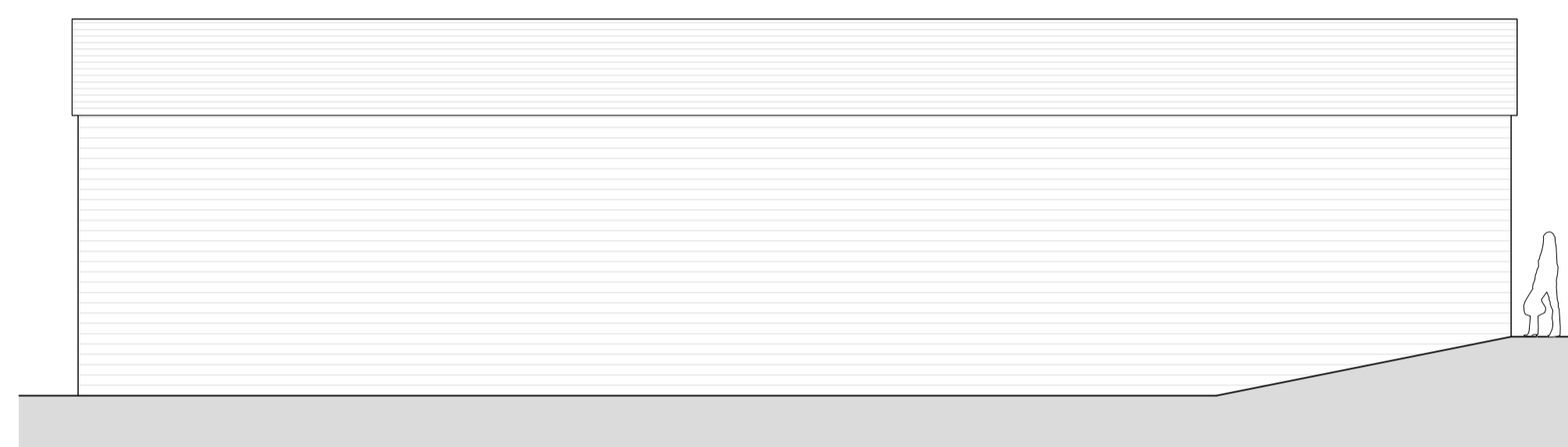
EXISTING FLOOR PLAN 1:100 @ A1



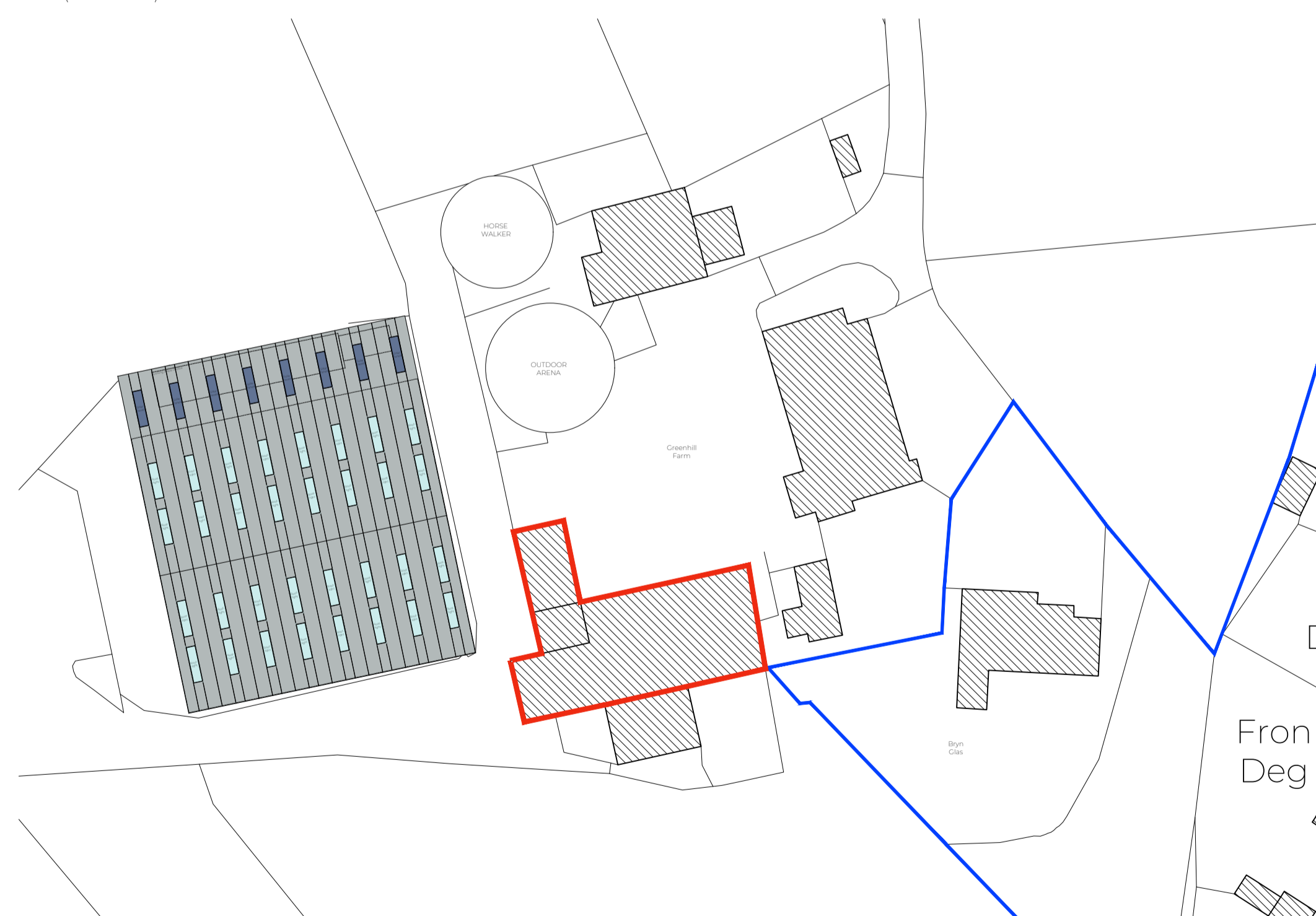
EXISTING FRONT ELEVATION 1:100 @ A1 (EAST)



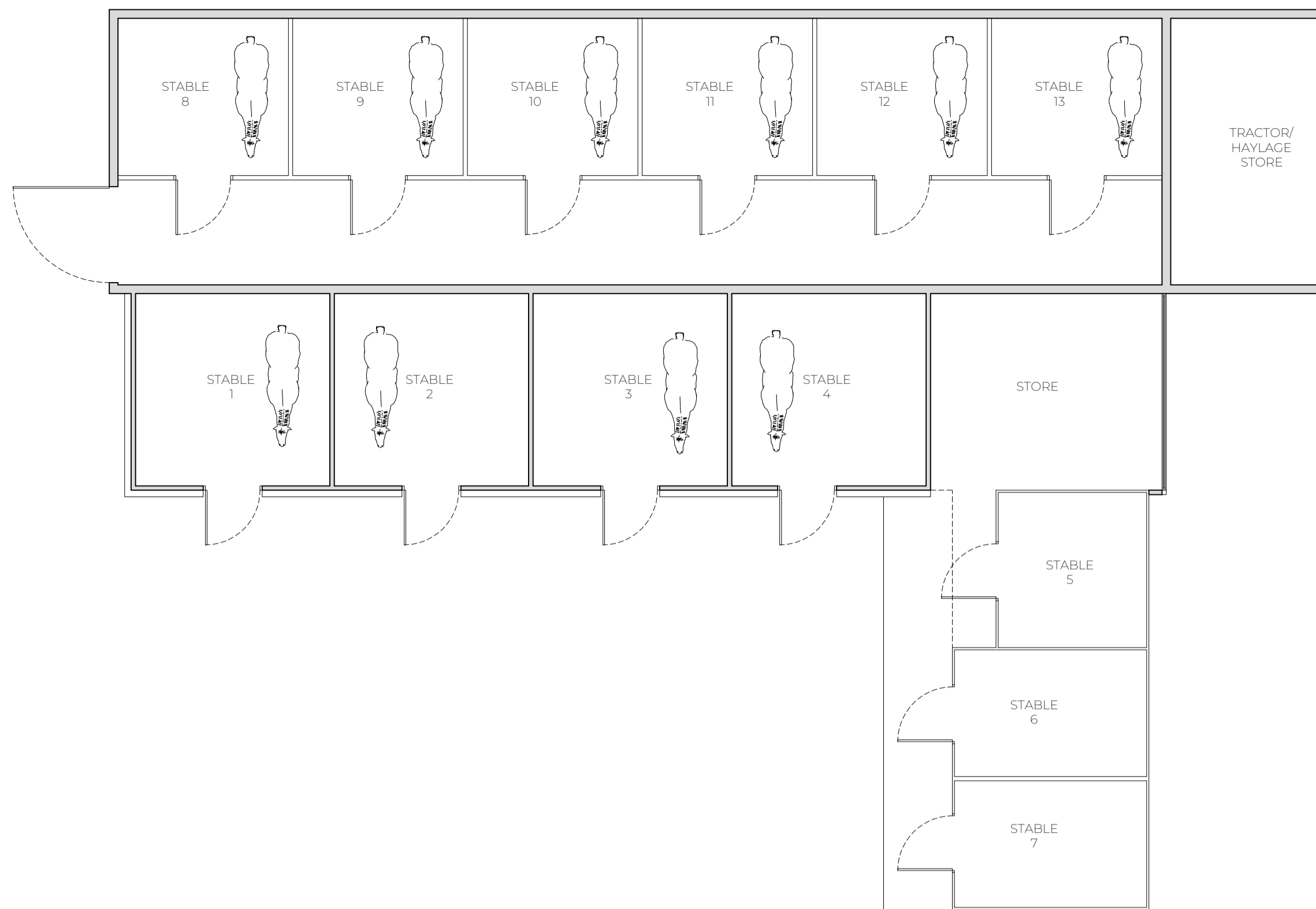
EXISTING REAR ELEVATION 1:100 @ A1 (WEST)



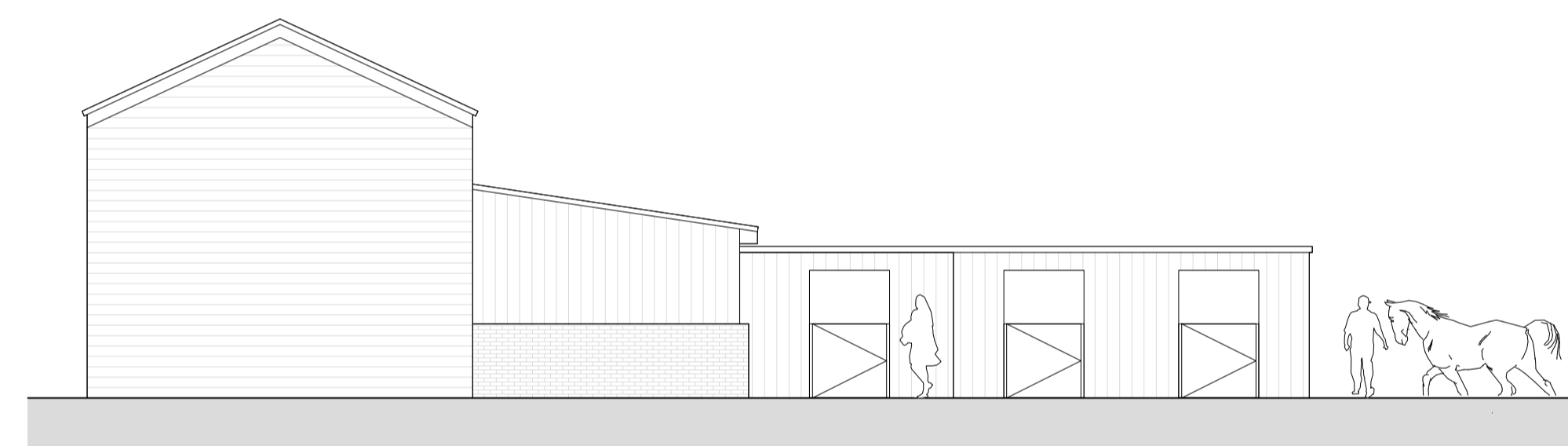
EXISTING SIDE ELEVATION 1:100 @ A1 (NORTH)



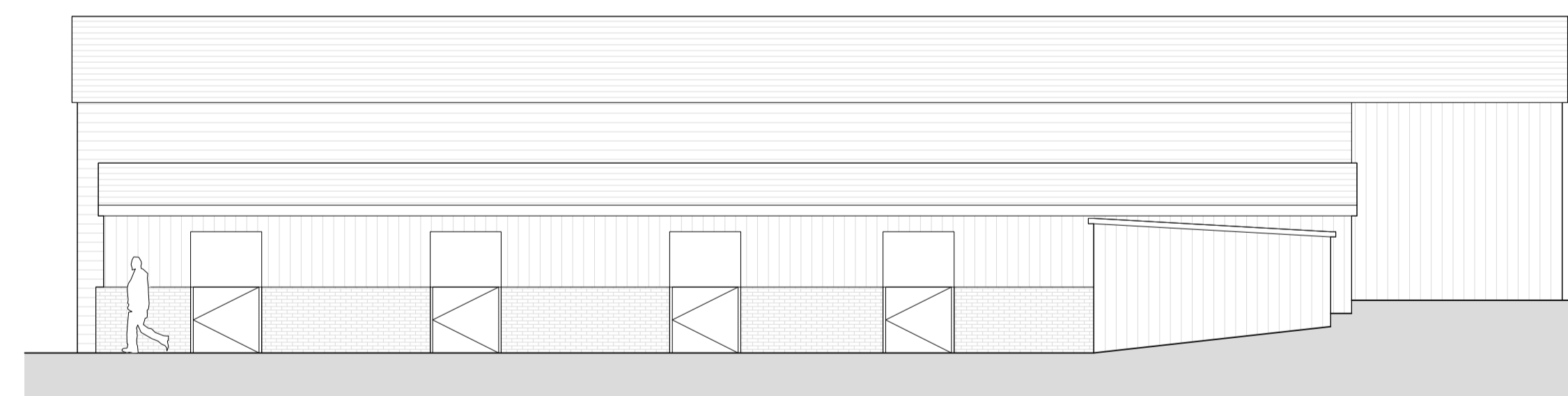
PROPOSED LOCATION PLAN 1:500 @ A1



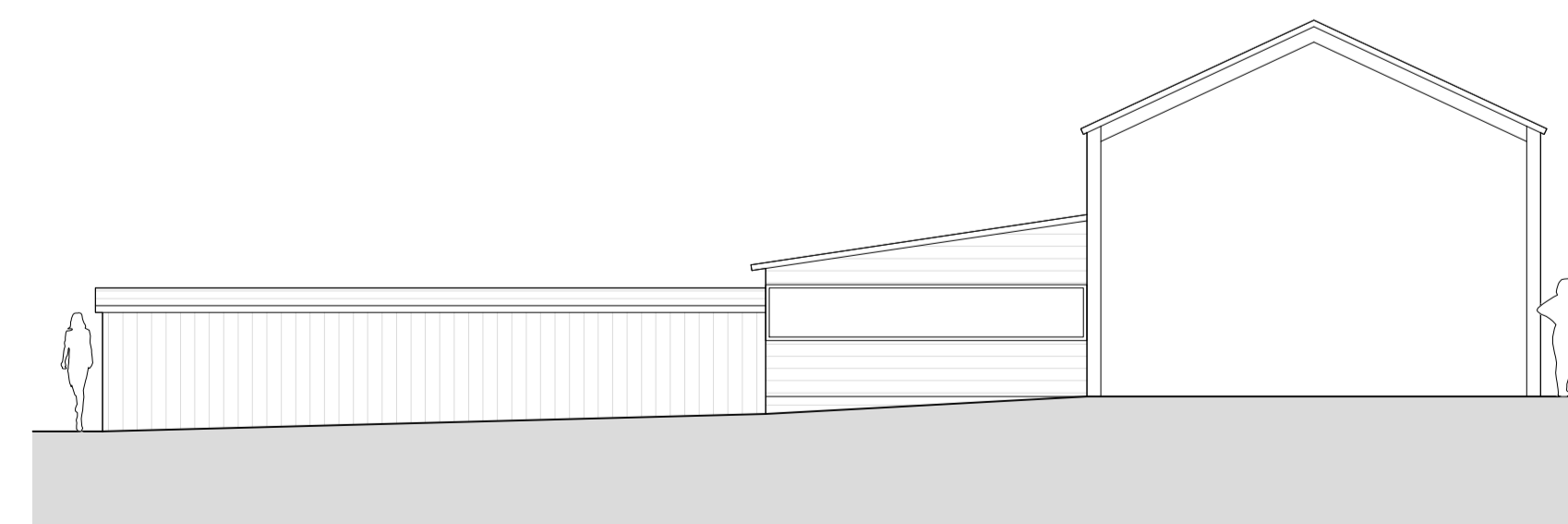
PROPOSED FLOOR PLAN 1:100 @ A1



PROPOSED FRONT ELEVATION 1:100 @ A1 (EAST)



PROPOSED SIDE ELEVATION 1:100 @ A1 (NORTH)



PROPOSED REAR ELEVATION 1:100 @ A1 (WEST)

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REV	DATE	NOTES
A	22.06.20	Issued for client comment only.

PLANNING APPLICATION

PROJECT:
Green Hill Farm, CH8 7QF

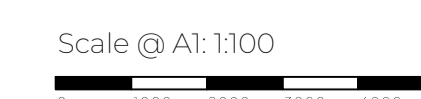
DRAWING TITLE:
Proposed Stable & Store
(Retrospective)

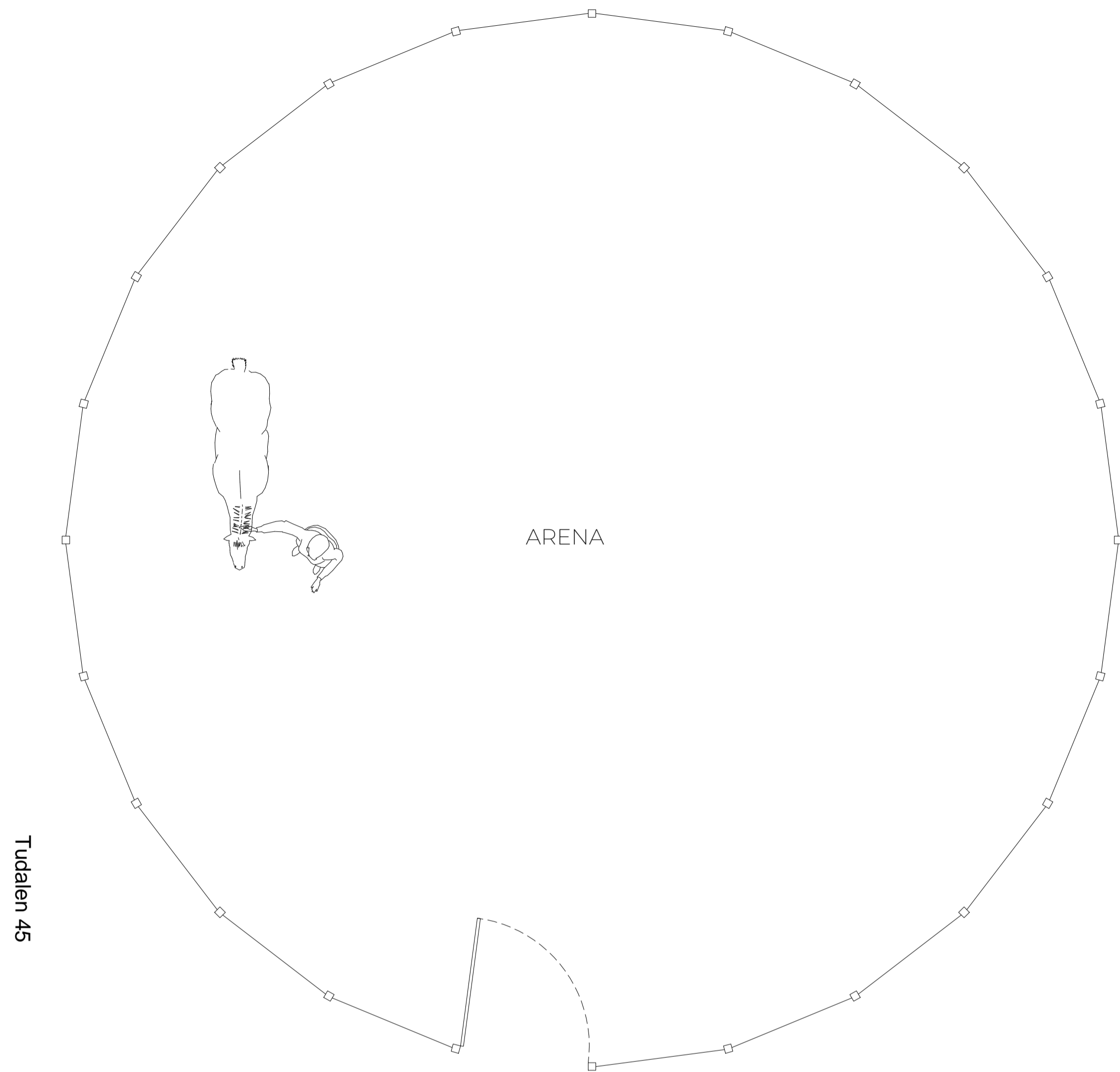
DRAWN/APPROVED BY: AD/DD DATE: 22.06.2020

DRAWING NO: 90_2019_07 REVISION: A

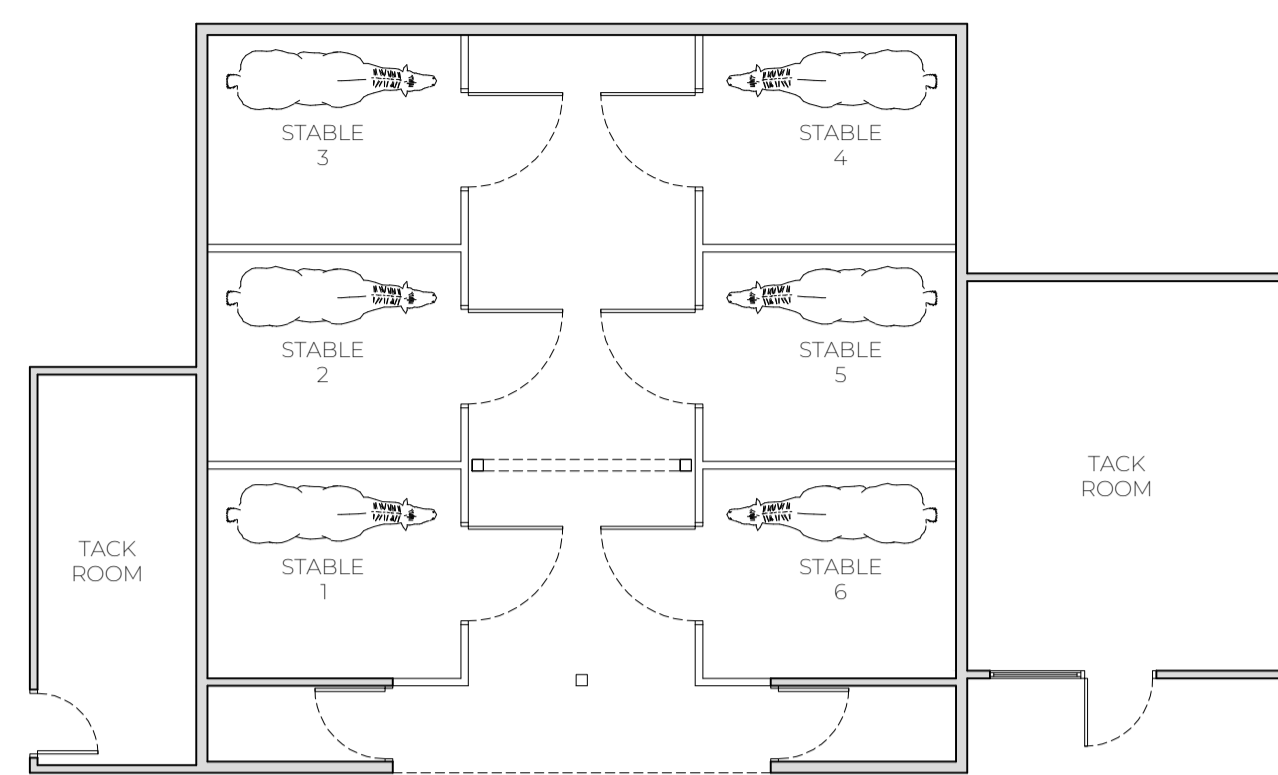
SDA ARCHITECTURE

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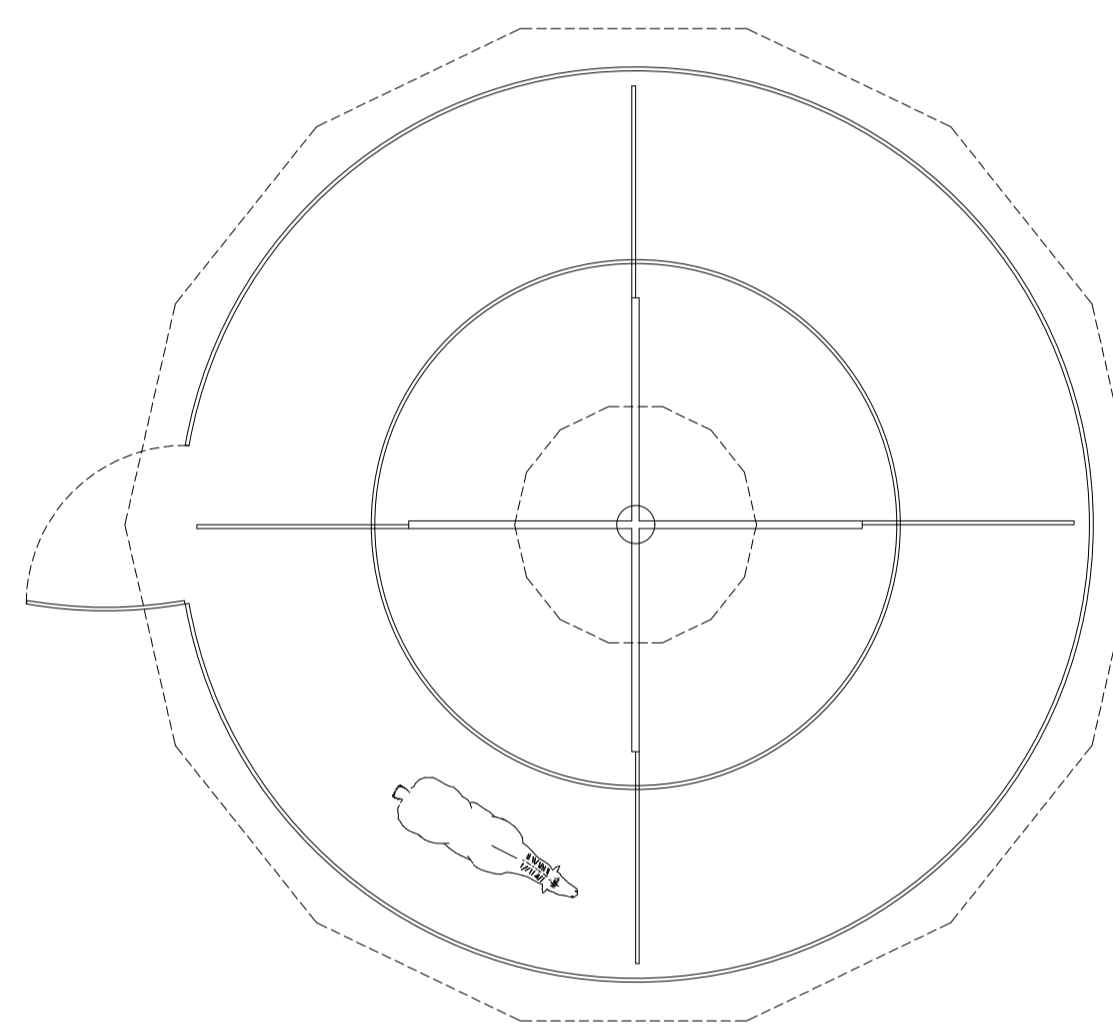




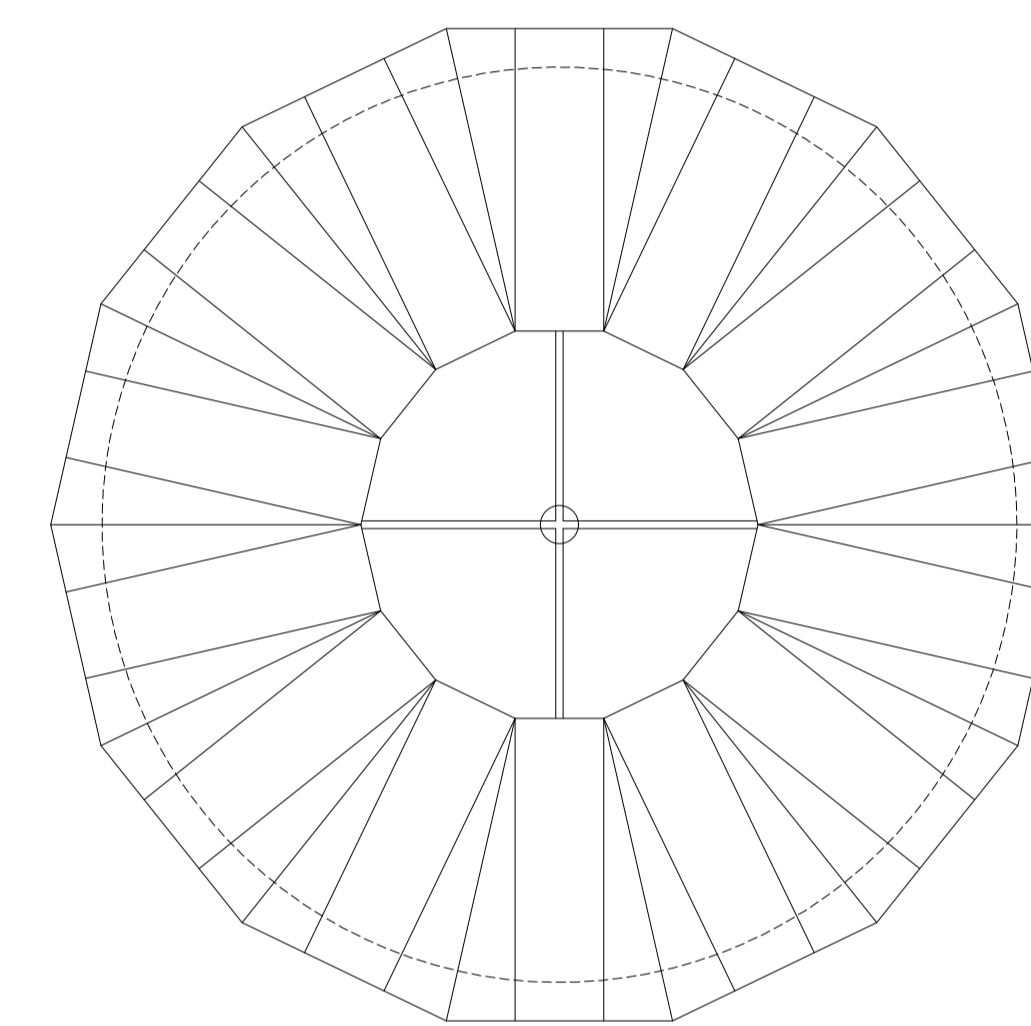
PROPOSED OUTDOOR ARENA FLOOR PLAN 1:100 @ A1



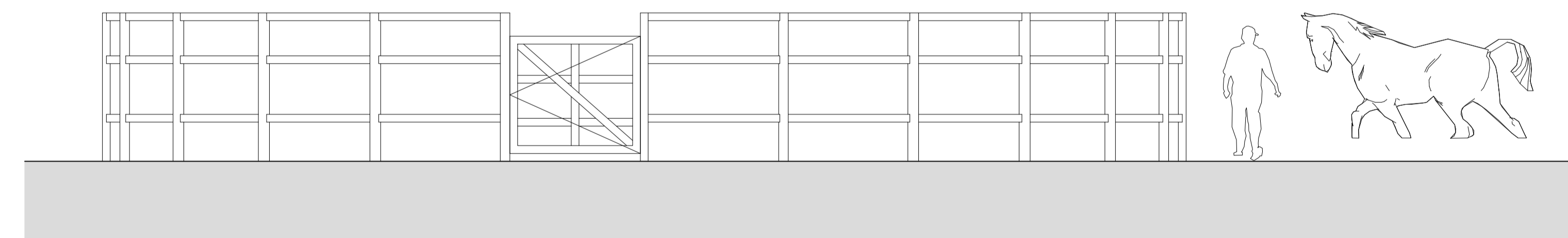
PROPOSED STABLES & TACK ROOM PLAN 1:100 @ A1



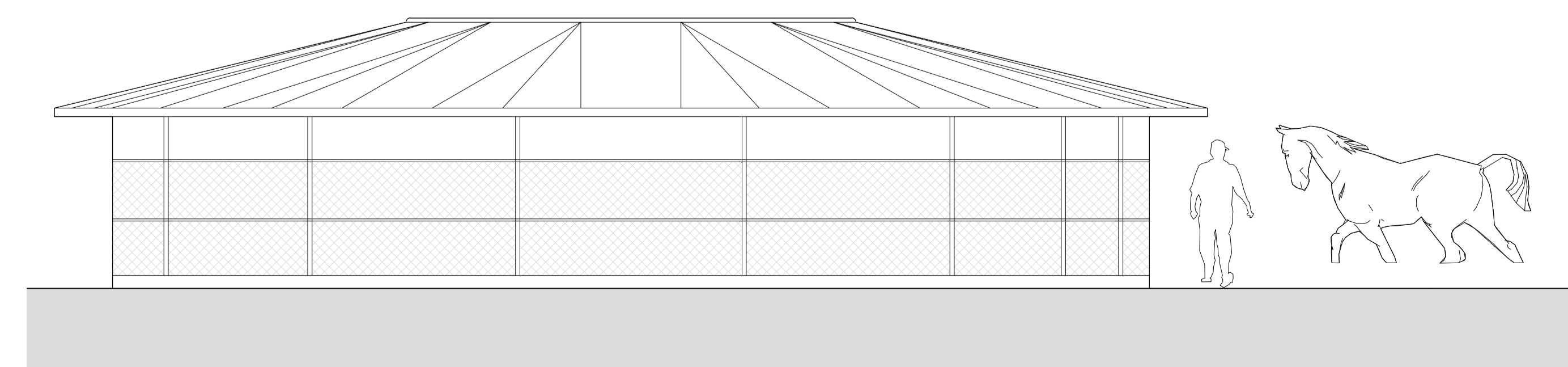
PROPOSED HORSE WALKER FLOOR PLAN 1:100 @ A1



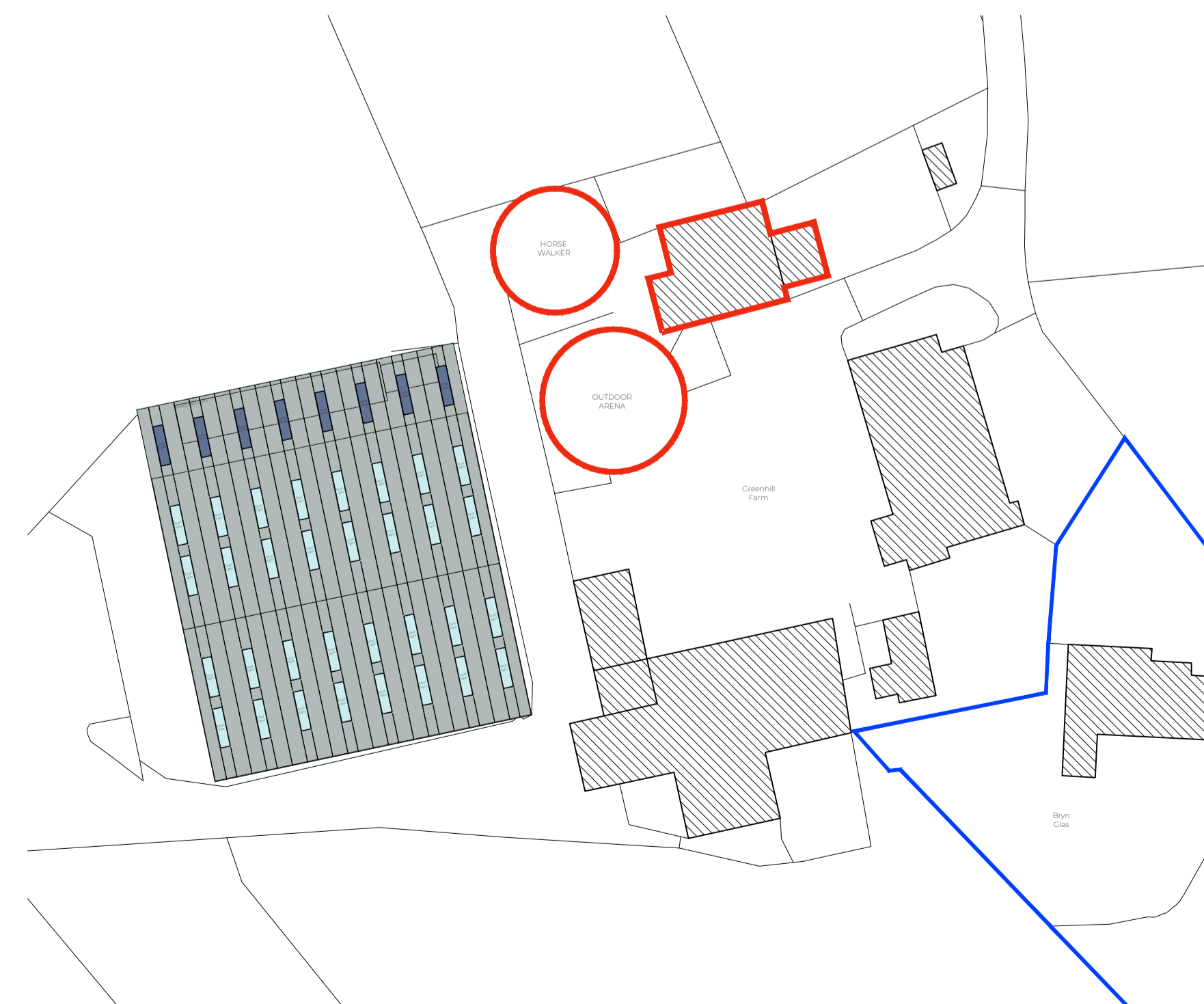
PROPOSED HORSE WALKER ROOF PLAN 1:100 @ A1



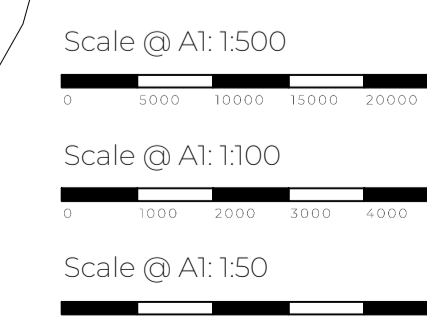
PROPOSED OUTDOOR ARENA TYPICAL ELEVATION 1:50 @ A1



PROPOSED HORSE WALKER TYPICAL ELEVATION 1:50 @ A1



PROPOSED LOCATION PLAN 1:500 @ A1



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REV	DATE	NOTES
A	22.06.20	Issued for client comment only.

PLANNING APPLICATION

PROJECT:
Green Hill Farm, CH8 7QF

DRAWING TITLE:
Proposed Horse Walker and Lunge Pen Plans, Elevations & Site Plan (Retrospective)

DRAWN/APPROVED BY: AD/DD DATE: 22.06.2020

DRAWING NO: 90_2019_08 REVISION: A

SDA ARCHITECTURE

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Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.3

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **24TH NOVEMBER 2021**

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

SUBJECT: **FULL APPLICATION – PROPOSED ERECTION OF 2 No 3 BED DWELLINGS WITH ASSOCIATED PARKING AND AMENITY.**

APPLICATION NUMBER: **062921**

APPLICANT: **DANTOM MERSEYSIDE LTD**

SITE: **LAND ADJACENT TO TRIGFA, 6 BRYN ROAD, FLINT, FLINTSHIRE CH6 5HJ**

APPLICATION VALID DATE: **28TH APRIL 2021**

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

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN CONCERNS ABOUT IMPACT ON HIGHWAY NETWORK.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full planning application proposing the erection of 2 no. detached 3 bedroom dwellings on land adjacent to an existing dwelling Trigfa, 6 Bryn Road, Flint. The application has been resubmitted following withdrawal of a previous application in February 2021, reference no. 061356 for 3 no. dwellings on the site. The application was withdrawn, following officer concerns about over-development.

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

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

- Payment of £1100 per dwelling in lieu of onsite public open space, to improve toddler play provision at The Nurseries, Play Area, Flint.

Conditions

1. Time limit on commencement
2. In accordance with approved plans
3. Materials to be submitted and approved
4. Site and Finished Floor Levels (FFL) to be submitted and approved.
5. Details of boundary treatment onto Bryn Road to be submitted and approved
6. Construction Traffic Management Plan (CTMP) to be submitted and approved.
7. No discharge of surface / land drainage into public sewerage network

If the obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the committee resolution, the Head of Planning be given the delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 Local Members

Councillor D Cox

No response received at the time of writing.

Councillor M Perfect

Request site visit and Planning Committee determination in order to assess the impact of development on the existing highway network.

Flint Town Council

No response received at the time of writing.

Highways Development Control

No objection subject to the imposition of conditions in respect of highway boundary treatment and the submission of a Construction Traffic Management Plan.

Public Rights of Way

No public footpaths are affected by the proposed works.

Community and Business Protection

No adverse comments to make.

Welsh Water/Dwr Cymru

Recommend that any permission includes a condition to prevent the discharge of surface water /land drainage into the public sewerage network.

Leisure Services (AURA)

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

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification:

2 no. Letters of objection received, which express concerns over the adequacy of the highway network to serve further development at this location.

5.00 SITE HISTORY

5.01 049010 – Outline – Development of 2 No dwellings. Approved 10/11/2011

052853 - Variation of condition 2 attached to planning permission 049010 to allow further time period for the submission of reserved matters. Refused 16/5/2016 – Legal obligation for the payment of a Leisure Commuted Sum not completed.

061356 – Proposed erection of 3 No 3 bedroom dwellings with associated parking and amenity. Withdrawn 23/2/21

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 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 Planning Guidance Note 2 – Space Around Dwellings
Supplementary Planning Guidance Note 4 – Landscaping
Supplementary Planning Guidance Note 11 – Parking Standards
Planning Guidance Note 13 – Open Space Requirements

National Planning Policies

Planning Policy Wales (PPW) – Edition 11
Future Wales Development Plan 2020-2040
Technical Advice Note 12 – Design
Technical Advice Note 18 – Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application proposing the erection of 2 no. detached 3 bedroom dwellings on land adjacent to an existing dwelling Trigfa, 6 Bryn Road, Flint. The application has been resubmitted following withdrawal of a previous application in February 2021, reference no. 061356 for the erection of 3 no. dwellings on the site. The application was withdrawn, following officer concerns about over-development.

7.02 Site Description

The site the subject of this application amounts to approximately 0.8 hectares in area. It is located within the settlement boundary of Flint as defined in the Flintshire Unitary Development Plan.

7.03 It comprises an area of land on the western side of Bryn Road, Flint that is located to the south of an existing dwelling Trigfa (6 Bryn Road) east of 7 & 8 Bryn Road and north of 16 Bryn Road. On the eastern side of Bryn Road, opposite the application site is a split level detached bungalow named “The Jays” the topography is such that the living accommodation within the bungalow is set approximately 3.5 m higher than Bryn Road.

7.04 Proposed Development

The plans submitted as part of this application propose the erection of 2 no. detached 3 bedroom dwellings, also of a split level design. The front elevations of the dwellings would be 2 storey in height, consistent with that of the adjacent property Trigfa. As the topography of the site slopes steeply in a westerly direction, it is proposed that the rear elevations are 3 storey incorporating a basement level.

7.05 It is proposed that the dwellings are constructed having facing brick external walls and slate roofs. Vehicular access to serve the proposed units is proposed from a shared access point at the southern end of the site nearest to 16 Bryn Road.

7.06 Each dwelling would benefit from rear and side gardens, with off road parking for 2 vehicles.

7.07 Main Planning Considerations

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

- Principle of development
- Character and appearance
- Living conditions
- Adequacy of access.
- Leisure Contributions

These issues are addressed in further detail below:

7.08 Principle of Development

As indicated the site is located within the settlement boundary of Flint as defined in the Flintshire Unitary Development Plan and has previously had the benefit of outline planning permission for 2 no dwellings on the site under planning application 040910 as approved in 2011. The principle of development on the site is therefore well established subject to relevant development management considerations.

7.09 Character and appearance

A previous application for the development of the site for 3 no. dwellings was withdrawn in 2021 following officer concerns, which at the time considered the proposal represented overdevelopment. As such, the scheme has been reduced to 2 no. dwellings, which can be more suitably accommodated within the site and the density being more reflective of the existing pattern of development in the surrounding area.

7.10 Whilst there are a variety of house types in the locality, the house type proposed is not uncommon in built up residential areas, lending itself to suit the scale and form of the site, its topography and the interactions with existing development. Indeed it is not too dissimilar to that approved in 2011 under the outline consent, albeit the details provided were indicative.

7.11 The 2 storey frontage proposed is reflective of the adjacent property Trigfa and helps to maintain the character of the street scene on the western side of Bryn Road, this being the active frontage. However, the rear elevations of the properties would be 3 storey to

accommodate the change in site levels. The 3 storey aspect to the rear would not be immediately visible from the streetscene as to disturb the pattern sequence of development along the frontage, but would assimilate into the locality when viewed from a westerly direction given the natural fall in the land profile. As such, the design and appearance of the proposed house type is considered to be acceptable in this location.

7.12 Living Conditions

A significant factor in the consideration of this application is to ensure that the living conditions of the occupiers of the proposed dwellings and those existing dwellings in proximity to the site are safeguarded as part of the proposed development having regard to Supplementary Planning Guidance Note 2 – Space Around Dwellings (SPGN2).

7.13 The site layout and orientation of the proposed dwellings would not result in any direct interface relationship with existing properties on the western side of Bryn Road namely Trigfa, and Nos 7, 8 & 16 Bryn Road.

7.14 The frontage of the proposed dwelling on the southern part of the site (plot 2) would however be approximately 10.5 m at its closest point with the garage facilities associated with The Jays that are accessed off Bryn Road. It's proposed siting within the plot would result in there being approximately 17m to the main frontage elevation of this existing bungalow which given the topography at this location is set approximately 3.5m above road level. As there are no main habitable windows within this existing bungalow which would have a direct interface relationship with the proposed dwelling on plot 2, it is considered that there would be no adverse impact on the living conditions of the occupiers of the existing or that of the proposed dwellings. As a result, the requirement for a separation distance of 21m, as referenced in SPGN2, is not triggered.

7.15 The proposed dwellings on plots 1 & 2 would have garden depths of approximately 11m and 20 m and associated garden areas of approximately 120m² and 160m² respectively. This is in excess of the 70m² that is referenced within SPGN2 to serve a 3 bed dwelling, and the site layout and positions within the application site are considered acceptable having regard to the character of existing development at this location.

7.16 Adequacy of Access

Although there are objections from third parties regarding the impact of the proposal on the highway network, the Highway Authority considers that there is no objection to the scale of development proposed. The technical details relating to the formation of the access have been assessed and subject to the imposition of conditions in relation to the boundary treatment relative to Bryn Road and the need for a Construction Traffic Management Plan during the

development phase the proposal is considered acceptable in highways terms.

7.17 Leisure Contribution

Consultation on the application has been undertaken with Leisure Services (AURA) who have requested the payment of a commuted sum of £1100 per dwelling. The monies are proposed to be used to enhance toddler play provision at The Nurseries Play Area, Flint.

7.18 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'.

7.19 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.

7.20 While the Authority does not yet have a charging schedule in place, 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.

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

8.00 CONCLUSION

In conclusion it is my view that this revised application is acceptable, representing a scale and form of development that is sympathetic to the character of the site and wider surroundings. The design and siting of the proposed units helps to maintain the sense of enclosure along Bryn Road whilst safeguarding the living conditions of occupiers of existing dwellings, in particular The Jays opposite the site.

- 8.01 There is no objection from the Highway Authority and the scheme is considered acceptable in accordance with planning policy and supplementary planning guidance.

Accordingly I recommend that planning permission be granted subject to the S.106 Legal Agreement and conditions as set out in paragraph 2.01 of this report.

8.02 Other Considerations

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

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

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

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

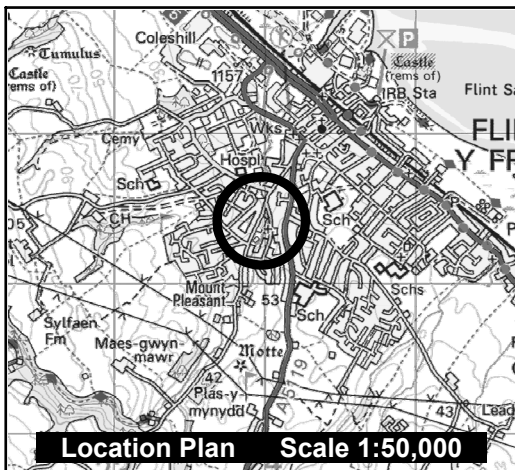
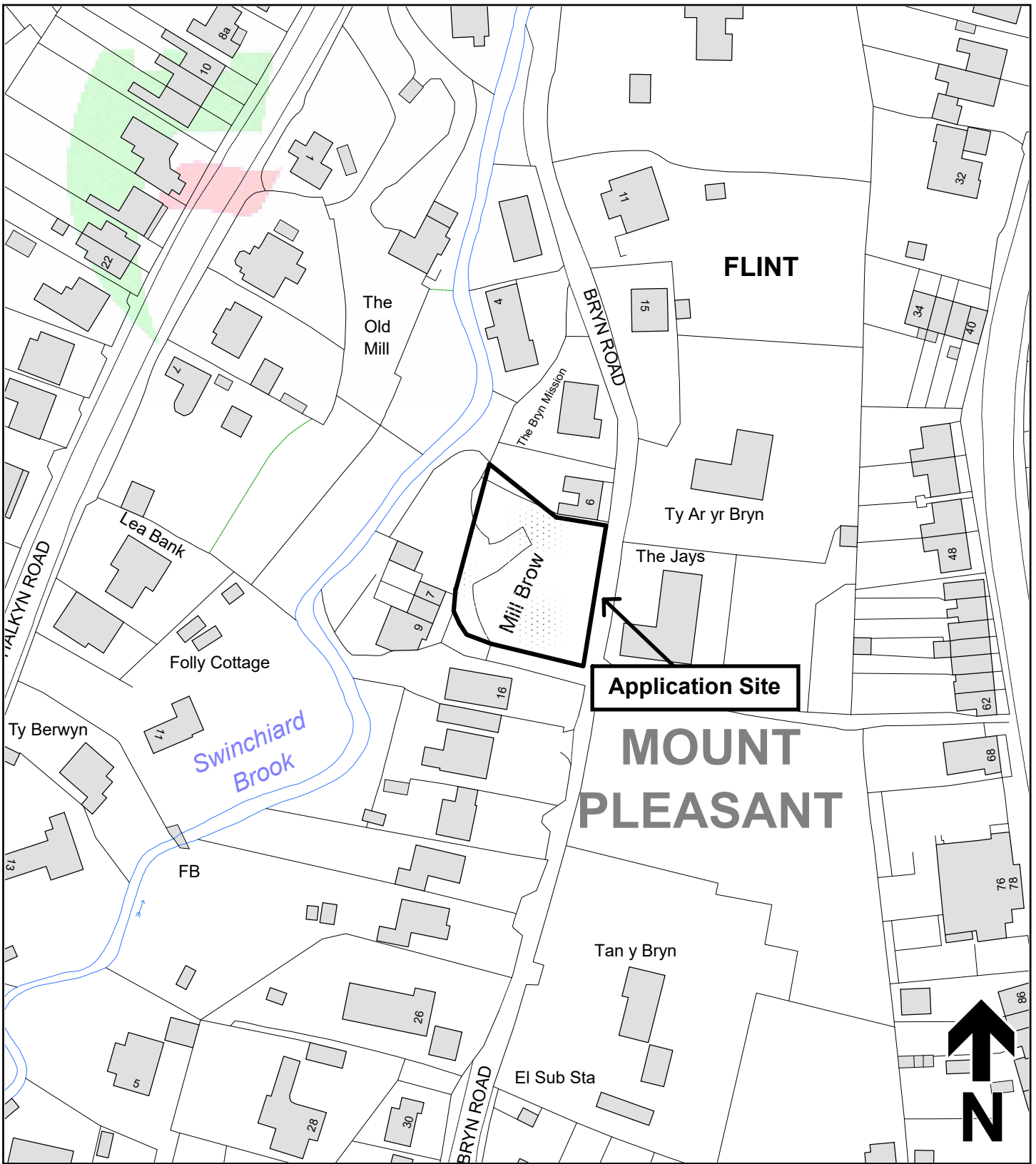
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Robert Mark Harris

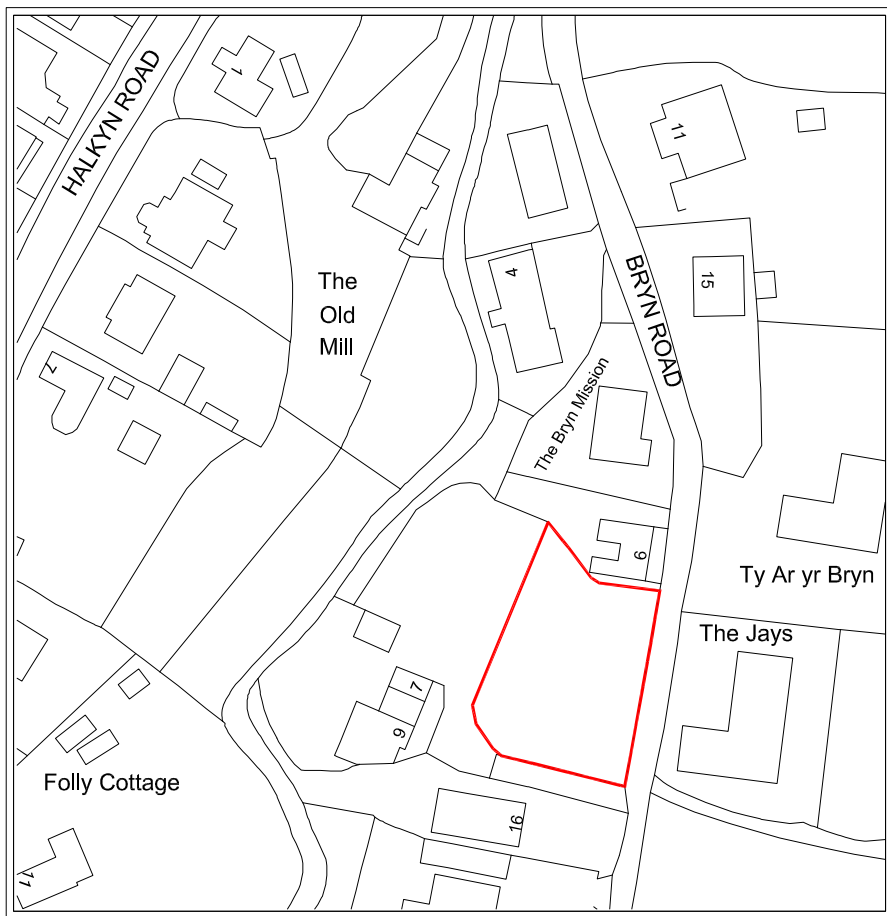
Telephone:

Email:



	<p>Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>						
	<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>						
<p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary 	<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>62921</td> </tr> </table>	Map Scale	1:1250	OS Map ref	SJ 2472	Planning Application	62921
Map Scale	1:1250						
OS Map ref	SJ 2472						
Planning Application	62921						

NOTES
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SITE LOCATION PLAN

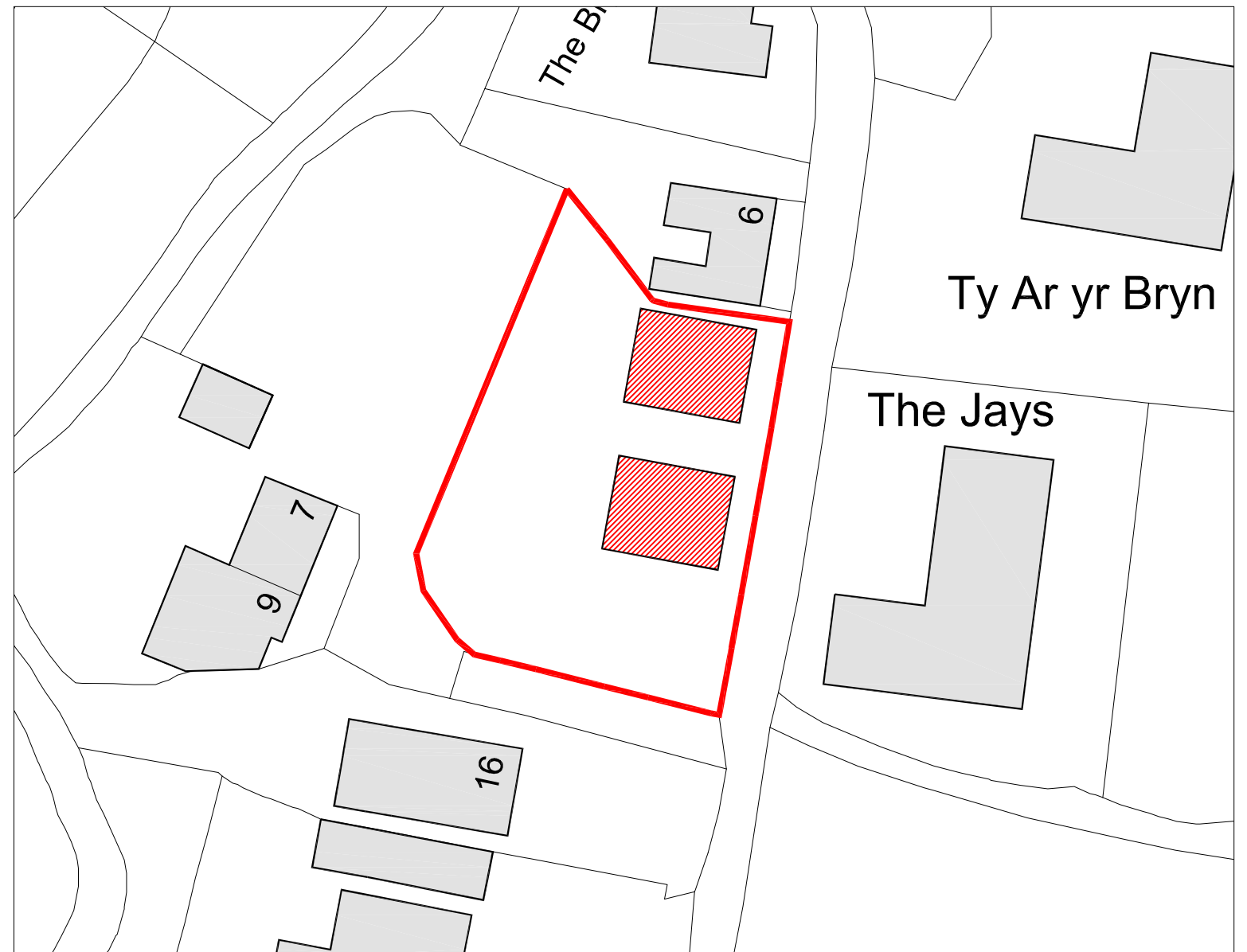
1:1250



Site boundary



Tudalen 56



PROPOSED BLOCK SITE PLAN 1:500

Rev	Comments	Date
*	*	*

DMC
 ARCHITECTURE & DESIGN
 info@dmcdesign.co

PROJECT
 Proposed Residential Development
 Land adjacent to No.6 Bryn Road,
 Bryn Road, Flint

DRAWING TITLE
 Location Plan & Block Plan

STATUS
PLANNING

DRAWN	CHECKED	DRAWING NO.	REV.
DMc	*	126_L-01	*
SCALE @A3	1:500/1250		
DATE	May/20		

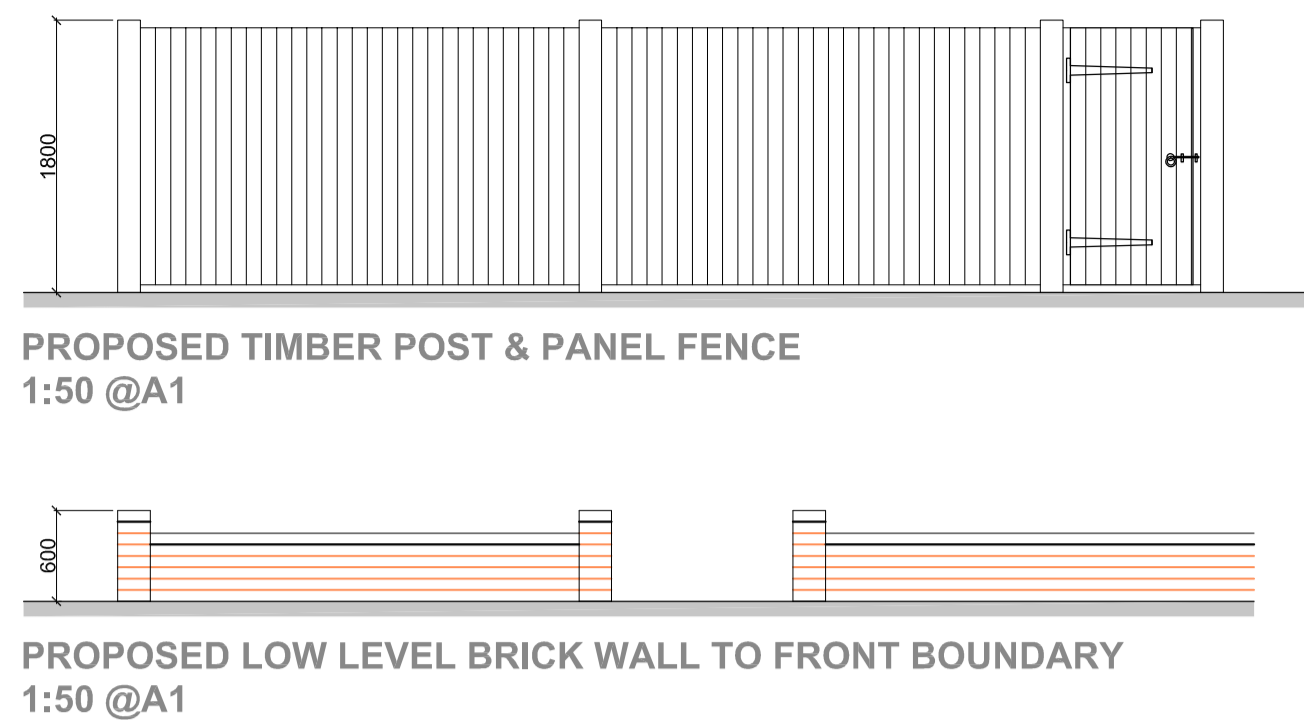
NOTES
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NOTE:
 For design purposes, all proposed floors to dwellinghouse shown as indicated on site plan

PLOT 1 - Ground Floor
PLOT 2 - Ground Floor

NOTE: PARKING PROVISION
 Existing Parking = 0
 Proposed Parking
 2no. spaces per each 3 bed dwelling
 = 4no. new parking spaces

NOTE: HOUSING PROVISION
 Proposed Market Housing =
 2no. 3bedroom detached properties



- KEY**
- GROUND FINISHES**
- Front boundary - Marshalls Mistral or similar approved textured granite aggregate sett paving 120 x 160 x 60/80mm silver grey
 - Access paths to side & rear patios. Exposed aggregate concrete pavers 600 x 600 Marshalls Saxon
 - Permeable Tarmac (Grey) to new vehicular access driveway & parking
- BOUNDARY FINISHES**
- 1800mm high close boarded timber post fence
 - Gate - 2100mm high solid timber panel gate
 - Low front boundary wall - facing brick & stone coping
- TREES**
 Root protection areas and construction exclusion zone shown are to be read in conjunction with and in strict accordance with Indigo Surveys AIA Management report ref: 20258
- Tree / Shrubs Removed
- PLANTING**
- Proposed trees & low level planting shown indicatively on site plan and details / specification to be agreed with local authority
 - Lawn areas to be high quality turf. Laid onto 150mm minimum depth topsoil as per specification
- ACCESS**
- Pedestrian Access
 - Vehicular Access
 - Vehicular visibility splay at 2.4m
 No obstruction with the visibility splay in excess of 1.0m in height above the nearside channel level.
 - Pedestrian visibility splay at 5m x 5m
 No obstruction to visibility in excess of 600mm in height above the nearside channel level.

Rev	Comments	Date
E	Site plan amended for revised 2no. proposed houses	03/21
D	Car parking spaces altered to ensure reversing space	11/20
C	Sweepth path for reversing car demonstrated on plan	11/20
B	General amendments and notes added.	11/20
A	Amendments to access incorporated and notes endorsed to suit local authority requirements.	11/20

DMC
 ARCHITECTURE & DESIGN
 info@dmcdesign.co

PROJECT
 Proposed Residential Development
 Land adjacent to No.6 Bryn Road
 Bryn Road, Flint

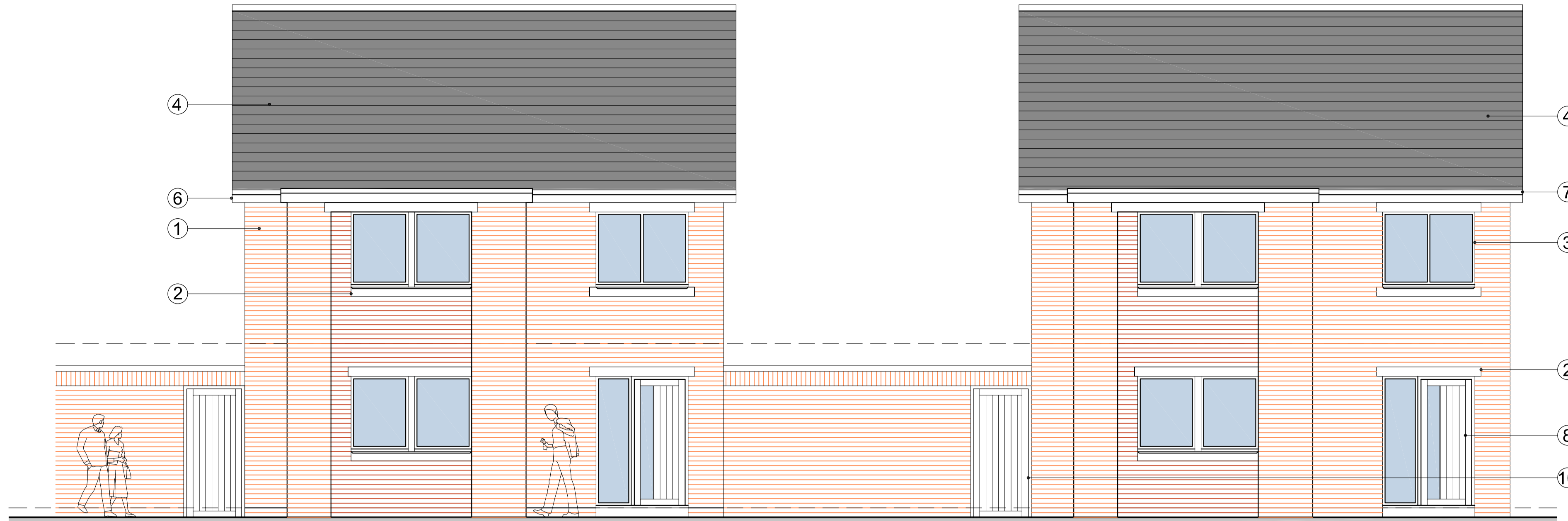
DRAWING TITLE
 Proposed Site Plan

STATUS
 PLANNING

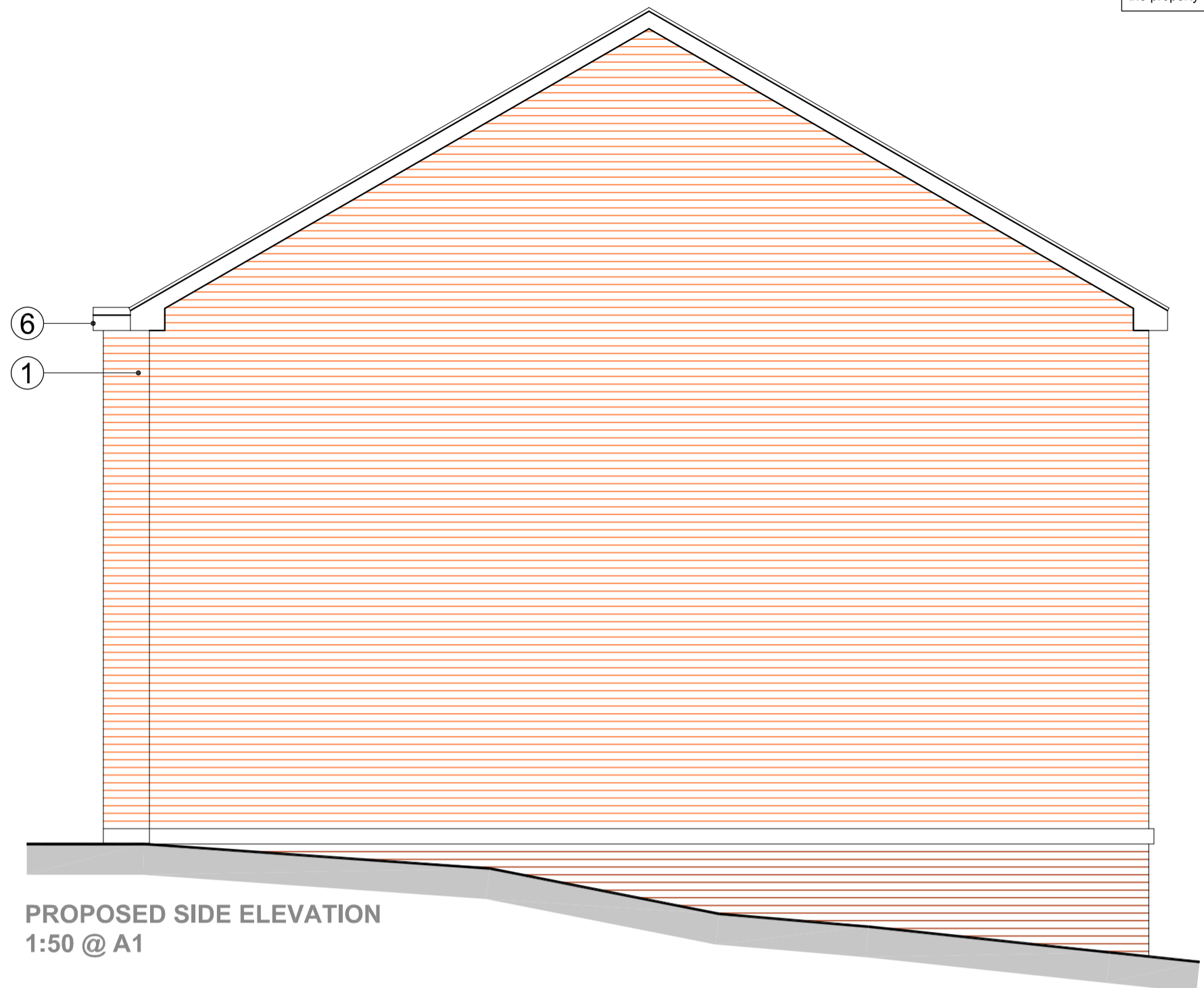
DRAWN	CHECKED	DRAWING NO.	REV.
DMC	*	126_SP-01	E
SCALE @A1	1:100		
DATE	May/20		

PROPOSED SITE PLAN
 1:100 @ A1

NOTES
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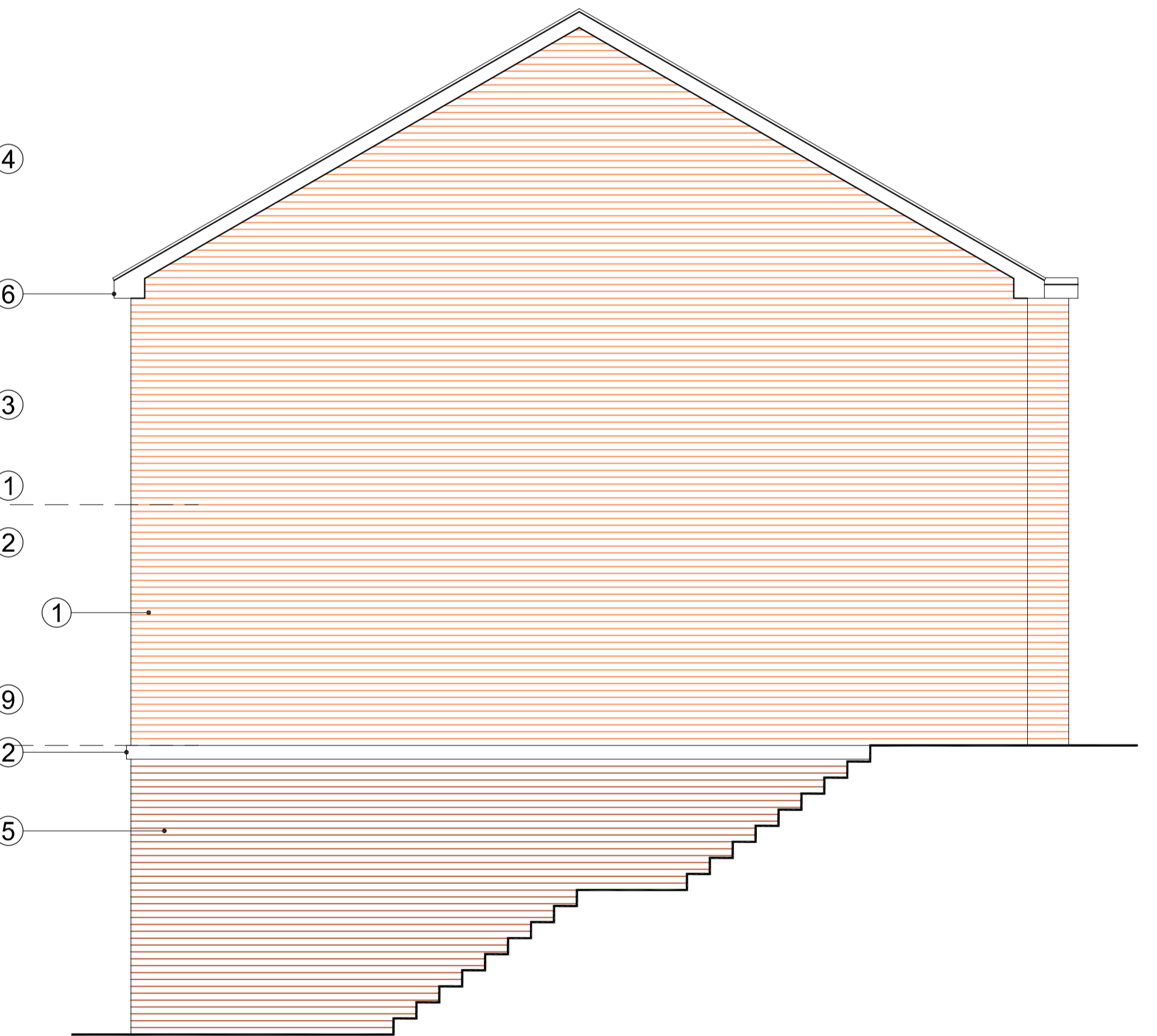
PROPOSED FRONT ELEVATION
 1:50 @ A1



PROPOSED SIDE ELEVATION
 1:50 @ A1



PROPOSED REAR ELEVATION
 1:50 @ A1



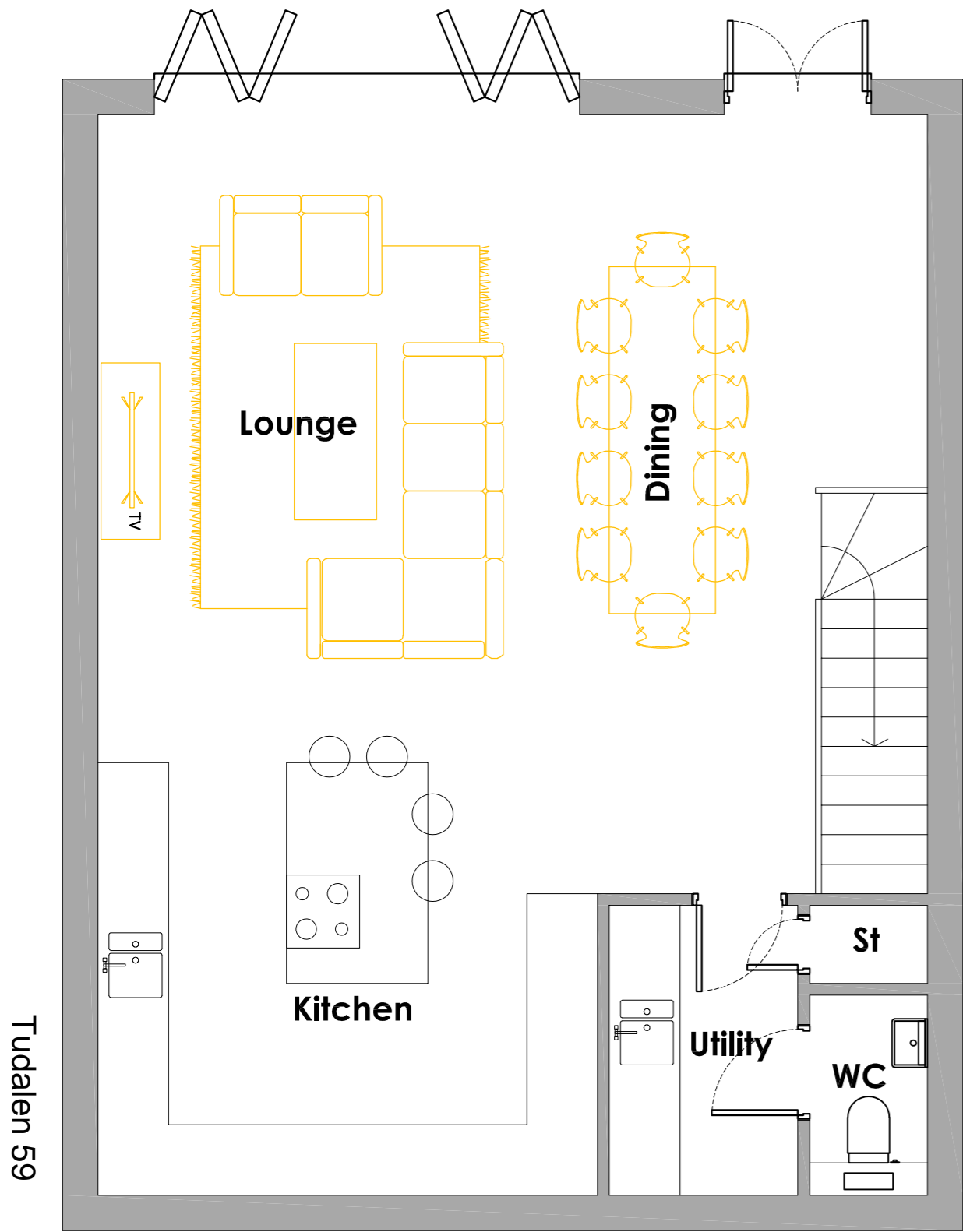
PROPOSED SIDE ELEVATION
 1:50 @ A1

KEY

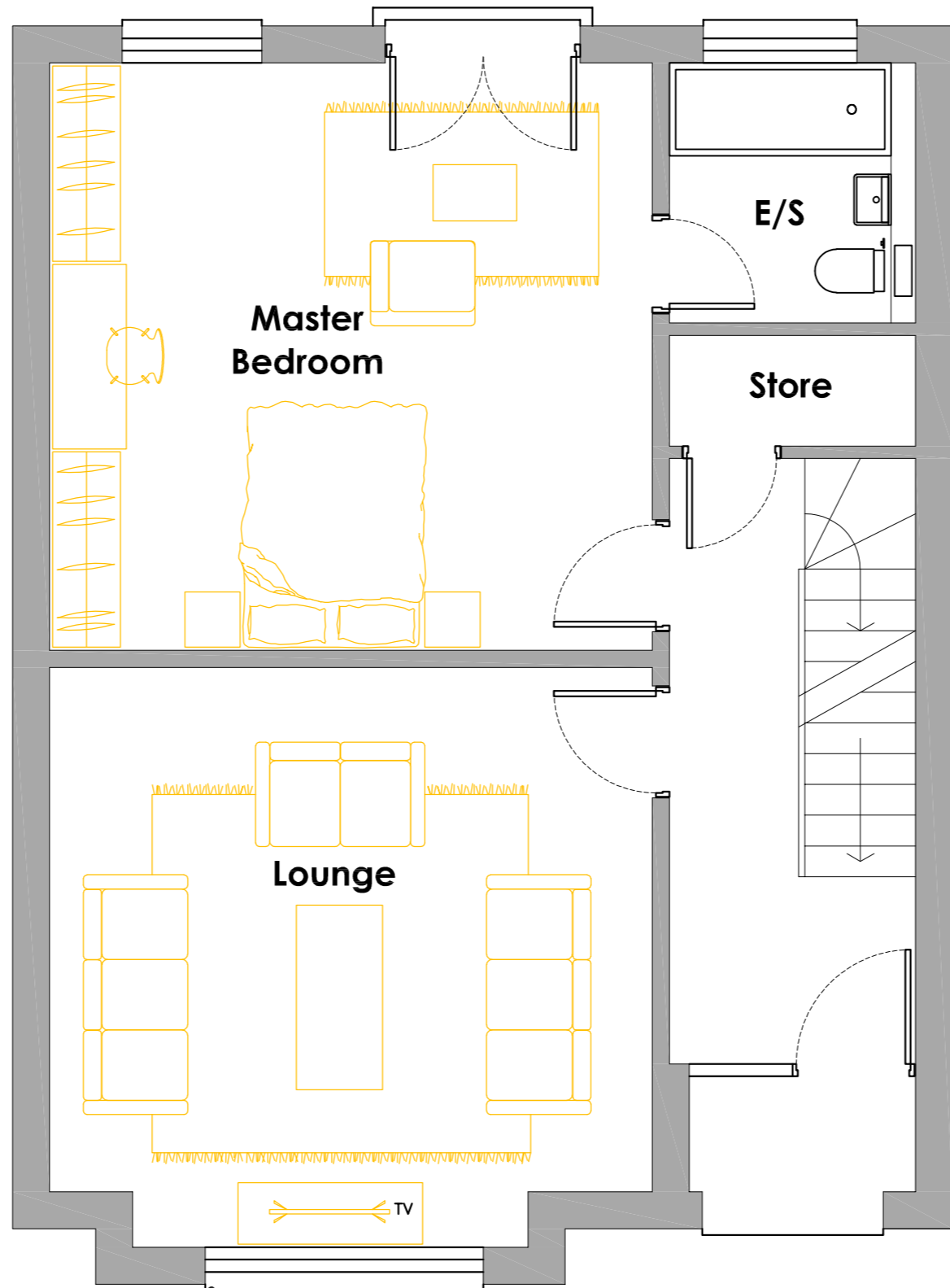
① Facing brickwork - Hatherway Brindle (Wienberger)	⑥ White UPVC Fascia Board
② Stone Cill / Head	⑦ UPVC Rainwater Goods - Black
③ Grey UPVC Windows/Doors	⑧ Glazed Panel Composite Door
④ Slate Roof Tiles - Grey	⑨ Juliette Balcony - Stainless Steel Black
⑤ Contrasting Brickwork Facing	⑩ Solid Panel Timber Door

Rev	Comments	Date
DMC		
ARCHITECTURE & DESIGN		
info@dmcdesign.co		
PROJECT Proposed Residential Development Land adjacent to No.6 Bryn Road Bryn Road, Flint		
DRAWING TITLE Proposed Elevations		
STATUS PLANNING		
DRAWN DMC	CHECKED *	DRAWING NO. 126_P-02
SCALE @A1 1:50	DATE May/20	REV. *

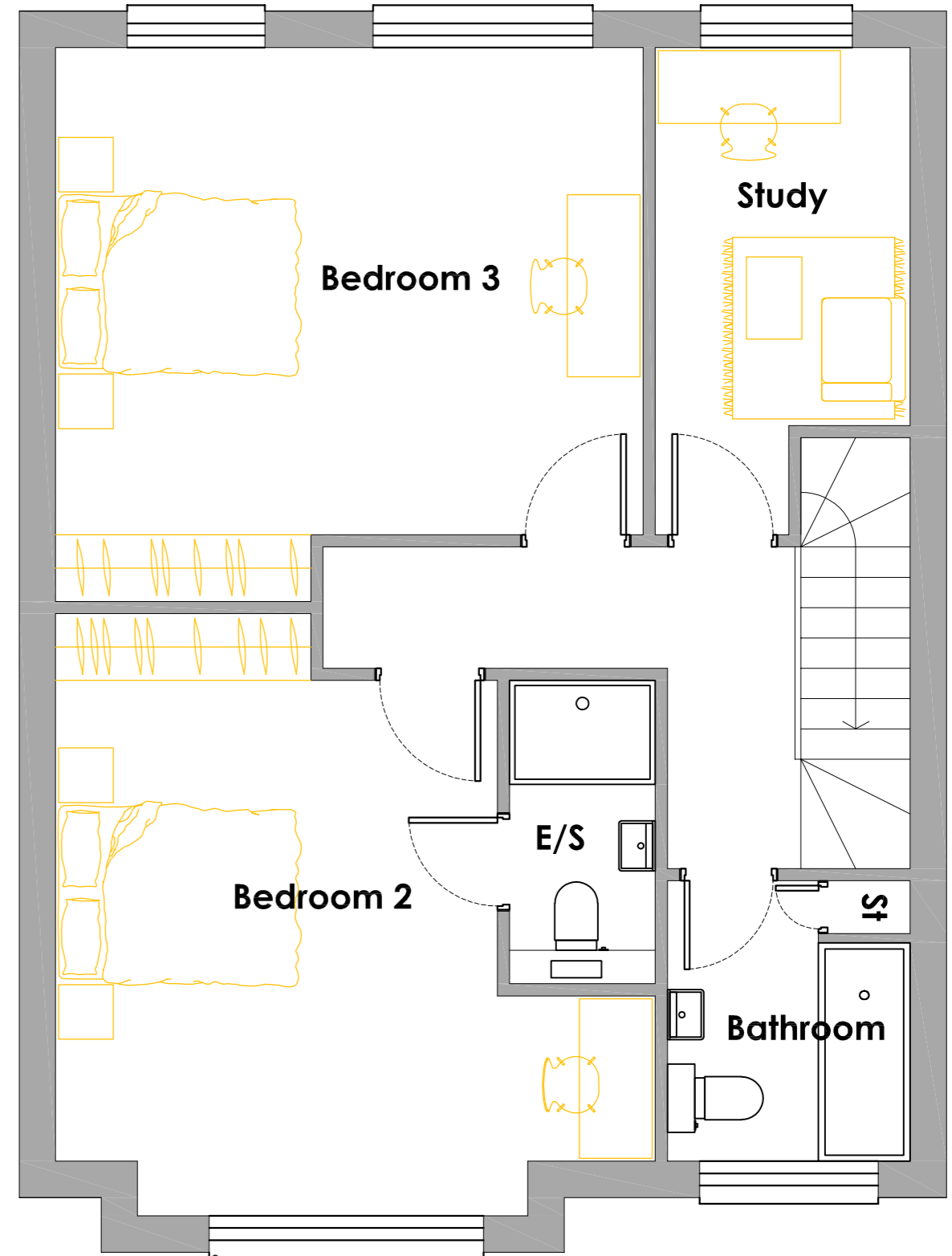
NOTES
 All dimensions to be checked on site. DMC Ltd. accepts no responsibility for any unauthorised amendments to the drawing and does not permit unauthorised copying of the drawing. This drawing is copyright and remains the property of DMC Ltd. unless otherwise agreed.



PROPOSED LOWER GROUND FLOOR PLAN
 1:50 @A2



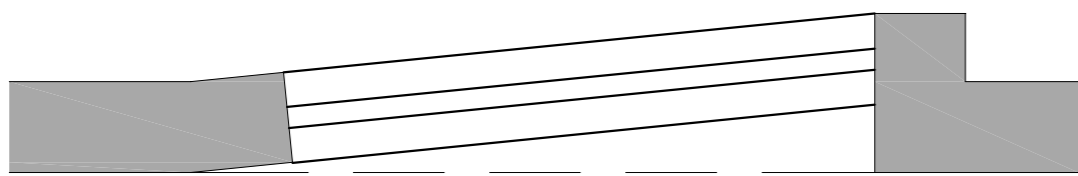
PROPOSED GROUND FLOOR PLAN
 1:50 @A2



PROPOSED FIRST FLOOR PLAN
 1:50 @A2

Refer to Proposed Window Check detail for splayed windows

Window Reveal Detail



Rev	Comments	Date
*	*	*

DMC
 ARCHITECTURE & DESIGN
 info@dmcdesign.co

PROJECT
 Proposed Residential Development
 Land adjacent to No. 6 Bryn Road
 Bryn Road, Flint

DRAWING TITLE
 Proposed Plans

STATUS
 PLANNING

DRAWN DMc	CHECKED *	DRAWING NO. 126_P-01	REV. *
SCALE @A2 1:50			
DATE MARCH/21			

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.4

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 24 NOVEMBER 2021**

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

SUBJECT: **GENERAL MATTERS - TREE PRESERVATION ORDER NO. 337 AT 36 WEPRE PARK, CONNAH'S QUAY**

1.00 PURPOSE OF REPORT

- 1.01 In response to a request by the owner/occupiers of 36 Wepre Park, Connah's Quay a provisional Tree Preservation Order (TPO) has been made under delegated powers.
- 1.02 The affected parties have been formally notified of the provisional TPO and given the opportunity to object to it. (If they so wish, interested parties can also submit representations in support of the TPO).
- 1.03 On occasions, where objections are made and they are not later withdrawn, it is necessary for them to be reported to committee for consideration. The report states the reasons for the objections, the officer's responses and other relevant factors in consideration of the matter.
- 1.04 It is recommended that the provisional TPO is confirmed and therefore remain in force.

2.00 REPORT

- 2.01 On 14th July 2021 the Council made the above provisional Tree Preservation Order (TPO) affecting a single mature oak tree along the rear boundary of the property. The TPO was made in response to a request by the owner/occupiers of the property who considered that the tree is a prominent and attractive feature in the area that merited protection, especially because it is situated on a boundary and branches over neighbouring land had been removed.
- 2.02 In response to the making and service of the provisional TPO the council has received an objection from a neighbour at 17 Richmond Road.

The reasons for the objection are summarised below:-

1. The tree is not at 36 Wepre Park it is in the property of 17 Richmond Road.
2. There was no consultation by the occupants of 36 Wepre Park prior to the application for the TPO.
3. I have strived to maintain the tree in an environmentally pleasant and safe condition. When I bought the property the tree was completely overgrown with ivy which I removed although some remains in the upper crown. Many branches are therefore rotten and potentially dangerous. I consulted a tree specialist and was going to have these branches removed. I trust that now the Council is responsible for the tree it will be maintained.
4. The tree causes a loss of sunlight and a dangerous environment due to falling dead branches. In winter months, due to the formation of moss beneath the tree it becomes slippery underfoot. This is especially dangerous to aged people living in 15 and 17 Richmond Road and children. These dangerous environments would have been addressed prior to the implementation of the preservation order.
5. At present, the tree is not in a safe environmentally friendly condition and needs imminent maintenance I therefore trust that this will be implemented should this preservation order be carried out.

2.03 In response to the reasons for the objection the following comments are made:-

1. The boundary fence around the trunk of the tree means it appears to be growing within the garden of 36 Wepre Park rather than 17 Richmond Road. When serving provisional TPOs the Council is required to notify interested parties but does not have to ascertain who actually owns a tree subject to a provisional TPO. The interested parties have been duly notified and it is not the Council's role, when making provisional TPOs, to arbitrate over land ownership.
2. The request for the TPO was submitted by the occupiers of 36 Wepre Park and it would have been up to their discretion, whether or not, to advise a neighbour of their request to the Council. Regardless, the provisional period for TPOs allows objections and other representations to be made to the Council.
3. If the TPO on the oak tree is confirmed it would not prevent work being carried out in accordance with good arboricultural

management. A TPO is a designation on land that restricts works to trees without the Local Planning Authority's consent. A tree afforded protection by a TPO is still the owner's responsibility.

4. An inspection of the tree has been undertaken from both gardens and the mature oak is healthy without any major defects. There is nothing to indicate the tree is dangerous and/or requires urgent maintenance. The crown contains minor dead wood which is not unexpected given the species and age of the tree. The dead wood could be removed by agreement with the council and the tree owner if necessary. The shade caused by the tree is minimal because it only overhangs the end of the garden. A tree is a living organism that supports a variety of associated plant and animal species including moss. Where moss is causing the ground to become slippery this can be removed or treated and does not outweigh the considerable amenity afforded by the oak tree.

2.04 The Council has received nine representations supporting the provisional TPO, including ones made by Cllr Martin White (Local Member for Wepre, Connah's Quay) and Jack Sargeant MS. The representations mention the benefits the oak tree provides and the need to protect the wider environment.

2.05 If TPO 337 (2021) is not confirmed by 14th January 2022 the provisional TPO will lapse and the oak tree will no longer be protected.

3.00 RECOMMENDATIONS

3.01 Notwithstanding the objection it is considered that the mature oak tree is healthy, affords significant amenity and is clearly worthy of protection, especially when the representations in support of the tree are taken into account.

That Tree Preservation Order No. 337 (2021) 36 Wepre Park, Connah's Quay is confirmed without modification.

LIST OF BACKGROUND DOCUMENTS

TPO request

Provisional TPO No.337 made 14th July 2021

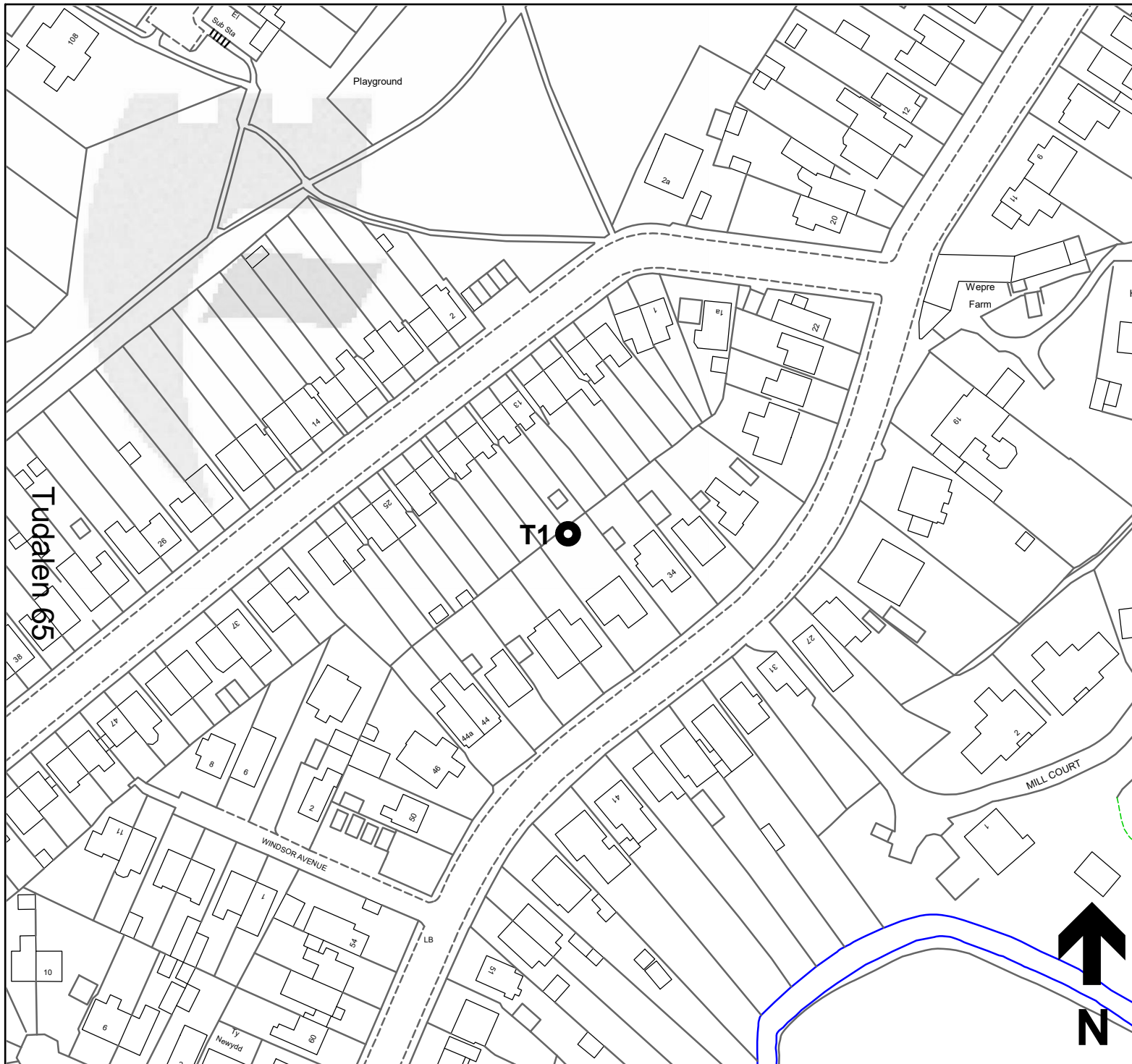
Emails of Objection 11th August and 2nd September 2021

Representations in support of TPO

Contact Officer: Stuart Body

Telephone: 01352 703264

Email: stuart.body@flintshire.gov.uk



Map referred to in the
FLINTSHIRE COUNTY COUNCIL
Community of Connah's Quay
Tree Preservation Order
No. 337 (2021)
36 Wepre Park, Connah's Quay

Signed:

Chairman of the Council

Signed:

Legal Services Manager/
Chief Officer (Governance)

Date:

Scale 1:1250
OS Map SJ 2968



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

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Tudalen 66



Tudalen 67

Mae'r dudalen hon yn wag yn bwrpasol