

Pecyn Dogfen Gyhoeddus

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



CS/NG

19 Hydref 2022

Sharon Thomas 01352 702324
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At: Cyng Richard Lloyd (Cadeirydd)

Cynghorwyr: Mike Allport, Bernie Attridge,
Chris Bithell, Helen Brown, Paul Cunningham,
Adele Davies-Cooke, Carol Ellis,
Gladys Healey, Dave Hughes, Paul Johnson,
Richard Jones, Hilary McGuill, Ted Palmer,
Mike Peers, Dan Rose ac Antony Wren

Annwyl Syr / Fadam

RHYBUDD O GYFARFOD ANGHYSBELL
PWYLLGOR CYNLLUNIO
DYDD MERCHER, 26AIN HYDREF, 2022 am 1.00 PM

Yn gywir

Steven Goodrum
Rheolwr Gwasanaethau Democraidd

Sylwch: Bydd hwn yn gyfarfod dros y we. Gofynnwyd i siaradwyr cyhoeddus a hoffent gyfarch y Pwyllgor yn Gymraeg neu Saesneg. Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd y ffrydio byw yn dod i ben pan fydd unrhyw eitemau cyfrinachol yn cael eu hystyried. 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 31 Awst 2022.

5 EITEMAU I'W GOHIRIO

6 MAE ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)

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

ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) AR GYFER Y PYLLGOR CYNLLUNIO 26 HYDREF 2022

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
Ceisiadau sy'n cael eu hadrodd er penderfyniad (C = Cymeradwyaeth, G = Gwrthod)		
6.1	FUL/000011/22 - C	Ailddatblygu ac estyniad i hen safle Melin Bapur UPM Shotton yn cynnwys 82 hectar o adeiladau newydd ffatri bapur a pheiriannau prosesu, a thirlunio cysylltiedig, swyddfeydd, mynediad a pharcio ym Melin Bapur Shotton, Weighbridge Road, Glannau Dyfrdwy. (Tudalennau 9 - 24)
6.2	061722 - C	Mae'r cynnig yn gofyn i gael ad-drefnu'r safle presennol yn drefniant llai mewn dull "Clos" a fyddai'n galluogi defnydd mwy effeithiol o'r gofod sydd ar gael yn barod. Y bwriad yw gosod 9 o garafanau statig ychwanegol ar y safle, heb yr angen i ehangu tu hwnt i ffiniau presennol y safle yn Ewloe Barn Wood, Magazine Lane, Ewlo. (Tudalennau 25 - 42)
6.3	062820 - G	Adeiladu 130 o anheddau yn cynnwys byngalos, tai a rhandai dau lawr gyda mynediad eu hunain, ffordd fynediad newydd, gwaith allanol cysylltiol a thirlunio ar dir wrth ymyl 1 Liverpool Road, Ewlo. (Tudalennau 43 - 62)
6.4	062760 - C	Defnyddio tir i gadw carafanau ar gyfer pwrpas preswyl, a ffurfio ystafelloedd dydd sengl a phâr ar ardal arwyneb caled yn Sisters Yard, Ffordd yr Orsaf, Sandycroft. (Tudalennau 63 - 76)
6.5	FUL/000358/22 - C	Trawsnewid hen dy cyhoeddus i greu 11 rhandy yn 315, Stryd Fawr, Cei Connah. (Tudalennau 77 - 90)
6.6	063335 - G	Dymchwel yn rhannol yr annedd bresennol a datblygiad preswyl yn cynnwys 7 annedd sengl a ffyrdd a gwaith draenio cysylltiedig yn Foxfield, Fagl Lane, Yr Hôb. (Tudalennau 91 - 102)

6.7	FUL/000143/22 - G	Lleoliad parhaus o Adeilad Symudol i'w ddefnyddio fel cyfleusterau newid ategol yn Theatr Fach Hawkesbury, Mill Lane, Bwcle. (Tudalennau 103 - 114)
6.8	LBC/000351/22 - G	Cais Adeilad Rhestredig - Lleoliad parhaus o Adeilad Symudol i'w ddefnyddio fel cyfleusterau newid ategol yn Theatr Fach Hawkesbury, Mill Lane, Bwcle. (Tudalennau 115 - 126)

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 **31 AUGUST 2022**

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 31 August 2022

PRESENT: Councillor Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Helen Brown, Paul Cunningham, Carol Ellis, Gladys Healey, Dave Hughes, Paul Johnson, Richard Jones, Hilary McGuill, Ted Palmer, Mike Peers, Dan Rose and Antony Wren

ALSO PRESENT:

The following attended as local Members:

Councillor Gillian Brockley - Agenda item 6.1 (061368)

Councillor Gina Maddison - Agenda item 6.2 (063910)

Councillors Glyn Banks and Marion Bateman attended as observers

APOLOGY: Councillor Adele Davies-Cooke

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

14. DECLARATIONS OF INTEREST

On agenda item 6.1 (061368), Councillors Hilary McGuill and Ted Palmer both declared a personal and prejudicial interest as board members of NEW Homes and withdrew from the meeting prior to the debate.

On the same item, Councillor Bernie Attridge declared a personal interest as he had been contacted by objectors on more than three occasions.

15. 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 item on the Council's website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=5227&Ver=4&LLL=0>

16. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) advised that no items were recommended for deferral.

17. MINUTES

The minutes of the meeting held on 6 July 2022 were confirmed as a correct record, as moved and seconded by Councillors Chris Bithell and Mike Peers.

RESOLVED:

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

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

RESOLVED:

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

19. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

None.

(The meeting started at 1pm and ended at 3.05pm)

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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>

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
-	-	General Matters - Shotton Paper Mill Development of National Significance Local Impact Report - Request for Delegated Authority to Respond	-	That the Council's Local Impact Report, and accompanying recommendations, and suggested conditions for the Shotton Paper Mill Development of National Significance be delegated to officers in consultation with local Members (Connah's Quay Wepre and Connah's Quay Central).

Eitem ar gyfer y Rhaglen 6.1

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26TH OCTOBER 2022**

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

SUBJECT: **REDEVELOPMENT AND EXPANSION OF FORMER UPM SHOTTON PAPER MILL SITE COMPRISING 82 HECTARES OF NEW PAPER FACTORY BUILDINGS AND PROCESSING PLANT AND ASSOCIATED LANDSCAPING, OFFICES, ACCESS AND PARKING**

APPLICATION NUMBER: **FUL/000011/22**

APPLICANT: **SHOTTON MILL LTD**

SITE: **SHOTTON PAPER MILL, WEIGHBRIDGE ROAD DEESIDE,**

APPLICATION VALID DATE: **12th MAY 2022**

LOCAL MEMBERS: **CLLR BERNIE ATTRIDGE**
CLLR DEBBIE OWEN
CLLR ROZ MANSELL

TOWN/COMMUNITY COUNCIL: **CONNAHS QUAY TOWN COUNCIL**

REASON FOR COMMITTEE: **SITE EXCEEDS SIZE OF SCHEME OF DELIGATION**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the redevelopment and expansion of former UPM Shotton Paper Mill site comprising 82 hectares of new paper factory buildings and processing plant and associated landscaping, offices, access and parking at Shotton Paper Mill, Weighbridge Road Deeside.

- 1.02 Due to the scale and type of development as proposed this application falls within Schedule 2 of the Environmental Impact Assessment Regulations (EIA).
- 1.03 The scale of the proposal is significant with site area of 82 hectares of development and building heights ranging from between 5 metres to a maximum of 42 metres for the Paper mill. The development will have a striking visual presence and will be visible from a wide area. A comprehensive Landscape Visual Impact Assessment has been completed and the Council concurs with its findings.
- 1.04 The application is recommended for approval subject to the conditions outlined below and financial contributions towards the delivery of a footway/ cycleway along the frontage of Weighbridge Road connecting to NCN 568, the preparation of the Traffic Regulation Order and installation of an extension to the double yellow lines onto part of the Weighbridge Road frontage.

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

- 2.01 Financial contributions made via an upfront payment towards the delivery of a footway/ cycleway along the frontage of Weighbridge Road connecting to NCN 568, the preparation of the Traffic Regulation Order and installation of an extension to the double yellow lines onto part of the Weighbridge Road frontage.
- 2.02
1. Time limit for commencement.
 2. Compliance with the approved plans.
 3. Submission of contaminated land assessments and remediation.
 4. Submission of contaminated land verification report.
 5. Unidentified contamination.
 6. Submission of Construction Environmental Management Plan (CEMP).
 7. No infiltration of surface water drainage into the ground without prior approval.
 8. Submission of a Biosecurity Risk Assessment and Method Statement.
 9. No surface water from any increase in the roof area entering the public sewerage system.
 10. Discharge of trade effluent into the public sewerage system
 11. Submission of a Biodiversity Enhancement and Management Scheme.
 12. Submission of a reptile mitigation scheme.
 13. Submission of a Landscape and Ecological Management Plan (LEMP).
 14. Landscaping maintenance period.
 15. Means of access in accordance with plans.

16. Submission of detailed plans for means of access.
17. Means of access shall be completed to specification.
18. Access visibility splay to agreed specification.
19. Access visibility splay shall be made available and free from obstruction in perpetuity.
20. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles.
21. Facilities shall be provided and retained within the site for the parking / storage of bicycles.
22. Positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided.
23. Submission of a Construction Traffic Management Plan.
24. Submission of a Full Travel Plan and Transport Implementation Strategy (TIS).
25. Submission of a photographic condition survey of the highway network.
26. Submission of a detailed scheme for footpath/cycleway improvements subject to a S278 agreement.
27. Submission of details of the proposed pipe bridge over Weighbridge road.

3.00 CONSULTATIONS

3.01 Local Members

No response's at the time of writing.

Connahs Quay Town Council

No response at the time of writing.

Highways Development Management

No objection to the proposed development subject to the imposition of a conditions and financial contributions to secure mitigation and improvements.

The financial contributions will be made towards the delivery of a footway/ cycleway along the frontage of Weighbridge Road and connecting to NCN 568, the preparation of the Traffic Regulation Order and installation of an extension to the double yellow lines onto part of the Weighbridge Road frontage.

Environmental Health

No objection to the proposed development subject to the imposition of a condition that requires the submission of a comprehensive contaminated land assessment and remediation.

Forestry Officer

No objection to the proposed development subject to the imposition of a condition that requires the submission of a comprehensive Landscape and Ecological Management Plan (LEMP)

Ecologist

No objection to the proposed development subject to the imposition of conditions that requires the submission of a reptile mitigation scheme and a Biodiversity Enhancement and management scheme

Economic Development

Business Development is supportive of the above proposals which will create 850 new jobs and safeguard 190 existing jobs and generate significant economic investment to Flintshire.

Welsh Water/Dwr Cymru

No objection to the proposed development subject to the imposition of conditions in relation to water entering the public sewerage system

Wales & West Utilities

No objection to the proposed development subject to an advisory note regarding WWU infrastructure in the area.

SP Energy

No objection to the proposed development subject to an advisory note regarding SP Energy infrastructure in the area.

Network Rail

No objection to the proposed development subject to an advisory note regarding Network Rail infrastructure in the area.

Natural Resources Wales

No objection to the proposed development subject to the imposition of conditions in relation, Water Quality / Pollution Prevention, Groundwater and Land Contamination, and Biosecurity.

Welsh Government Transport

No objection to the proposed development, conflict with the Flintshire corridor scheme have been resolved.

Airbus

No objection to the proposed development.

4.00 PUBLICITY

- 4.01 Press Notice and Site Notice and Neighbour Notification undertaken. No responses received at the time of writing.

5.00 SITE HISTORY

- 5.01 The site consists of a paper mill which has been subject to numerous planning consents since opening in 1983. Certain operations are

continuing at the Site even though newsprint production has ceased. Recent planning applications include:

- FUL/000010/22 – Application for piling of the paper machine associated with the redevelopment and expansion of former UPM Shotton Paper Mill Site – Approved 9th August 2022
- 063522 – Prior Approval demolition of existing building for redevelopment – Prior Approval not required 29th September 2021

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR2: Transport and Communications

STR3: Employment

STR7 – Natural Environment

STR10: Resources

GEN1 – General Requirements for Development

GEN5: Environmental Assessment

D1 – Design Quality, Location & Layout

D2 – Design

D3 – Landscaping

D4 Outdoor Lighting

EM1: General Employment Land Allocations

EM3 - Development Zones and Principal Employment Areas

EM7: Bad Neighbour Industry

TWH1 – Development Affecting Trees & Woodlands

L1 – Landscape Character

WB1 – Species Protection

WB2 – Sites of International Importance

WB3 – Statutory Sites of National Importance

WB5: Undesignated Wildlife Habitats

WB6: Enhancement of Nature Conservation Interests

AC1: Facilities for the Disabled

AC2 Pedestrian Provision and Public Rights of Way

AC3 Cycling Provision

AC4 Travel Plans for Major Traffic Generating Developments

AC8 Buses

AC13 – Access & Traffic Impact

AC18 – Parking Provision & New Development

EWP12 – Pollution

EWP13 – Nuisance

EWP14 – Derelict and Contaminated Land

EWP17 – Flood Risk

Adopted Supplementary Planning Guidance

SPGN No. 8 – Nature Conservation and Development

SPGN No 3 – Landscaping

SPGN No 4 – Trees and Development

SPGN No 8 – Nature Conservation and Development
SPGN No. 11 – Parking Standards
SPGN No 29 – Management of Surface Water for New
Development

National

Planning Policy Wales Edition 11, February 2021
Future Wales – The National Plan 2040
Building Better Places (2020)
TAN 5: Nature Conservation & Planning
TAN 11: Noise
TAN 12: Design
TAN 15: Development and Flood Risk
TAN 18: Transport
TAN 21 – Waste
TAN 23 - Economic development

7.00 PLANNING APPRAISAL

Location

- 7.01 The overall Site comprises the operational Shotton Mill paper manufacturing facility, formerly owned and operated by UPM (the Main Site) together with adjoining vacant brownfield land (the Expansion Site, also known as the A4 land)
- 7.02 The Site is situated within the Deeside Industrial Park close to the Dee Estuary. The Dee Estuary is subject to a number of national and European wildlife designations. The Site is located within the Wrexham & Deeside National Growth Area.
- 7.03 The Site lies to the south of the A548 dual carriageway, with access to the A548 being via a local distributor road that serves the Deeside Industrial Park. The development includes the land lying between the operational paper mill and the A548.
Vehicular access to the Site is from a roundabout junction on the A548 via Weighbridge Road forming part of the Deeside Industrial Park. The A548 dual carriageway links to the A55.
- 7.04 The surrounding area of the Deeside Industrial Park is occupied by a number of large-scale manufacturing and energy generation facilities.

Proposed Development

- 7.05 The proposed development comprises a major new paper production facility. The Paper Mill will produce paper for containerboard (paper reels), containerboard (flat sheets), cardboard containers (boxes), and tissue products.

- 7.06 The proposals will utilise some of the existing built development on site. Some buildings will be retained and used for a different purpose and are discussed below. The existing buildings and plant that would be retained are primarily concerned with the reception, cleaning and preparation for use as feedstock of raw recycled paper, and energy generation. In addition, exiting plant will be relocated to make way for new development.
- 7.07 New development with the main paper mill site will consist of:
- Paper Machine Building will have four floors and will house the Paper Machine and other plant and machinery, along with officers and control rooms
 - Corrugating Machine Building will house the Corrugating Machine and is the largest proposed building on the Site
 - New Warehouse and Dispatch Area
 - Starch Process and Storage Building
 - Effluent Treatment Facility
 - Old Corrugated Cardboard Recycling Building
- 7.08 New development within the expansion site will consist of:
- Tissue Machine Buildings comprising of three parallel, identical buildings producing jumbo rolls of tissue.
 - Reel Storage Building
 - Pulp Storage Building
 - Converter Building
 - Finished Goods Warehouse
- 7.09 In addition, number of other structures are required to support the main site operations:
- 8 x Tanks (35 metres high);
 - 2 x Tanks (20 metres high);
 - 3 x Weighbridge ;
 - 3 x Gatehouses; and
 - 3 x Truck Driver WC.

Main Planning Considerations

- 7.10 The main planning considerations are:
- Principle of development
 - Landscape, Visual and Arboricultural Impact
 - Noise and Vibration
 - Contaminated Land
 - Ecology
 - Air Quality
 - Waste
 - Hydrology and Flood risk
 - Traffic & Transport
 - Heritage

Principle of development

- 7.11 The site lies within a Principal Employment Area / Deeside Development Zone by virtue of policy EM3 of the adopted UDP. The northern half of the site is also allocated for employment development by virtue of EM1.10. As such the propose redevelopment and expansion is considered acceptable in principle.

Within the Deposit LDP, the site is still located within the Principal Employment Area (PE2). However, the previous employment allocation of the expansion land has not been carried over into the LDP as the Employment Land Study, which formed part of the Plans evidence base, identified that the site was held for expansion space, rather than being available for freestanding employment proposals.

Landscape, Visual and Arboricultural Impact

- 7.12 The application is supported by an Landscape and Visual Impact Assessment comprising of Chapter 7 of the Environmental Statement (ES). The application is also supported by an Arboricultural Report
- 7.13 The Tree Constraints Plans show the extent of existing tree cover on and adjacent to the Main Site and Expansion Site and mainly comprise of 'Category C' trees (93%) of limited arboricultural merit. The remainder of the trees are 'Category B' specimens that are of merit but not significant in terms of the criteria in BS5837:2012, otherwise they would be Category A.
- 7.14 The individual trees and small groups of trees are dwarfed by the scale of the built existing development and only where trees are present in large groups are they significant enough to compete as structural landscape elements. Paragraph 3.2 of the Arboricultural Report refers to G30, G31 and W3 as being notable arboricultural features and Category B. The woodland, W3, provides screening around the Eiregrid Converter Station and will not be affected by the proposed development. G30 and G31 comprise of a landscape and wildlife corridor along Weighbridge Road and are to be substantially retained within the proposed layout and will become more important as a landscape corridor separating the built development on the Main Site and Extension Site.
- 7.15 Chapter 7.9 of the LVIA predicts that the development's impact on landscape character would be minimal as a result of existing industrial development.
- 7.16 In terms of visual effects the LVIA acknowledges that the development under consideration will have a 'Major adverse effect' at

Viewpoint K, on receptors (motorists) using the A548 during the construction and operational phases. It is stated that receptors at Viewpoint B (Burton Mere) are likely to experience a 'Moderate effect on visual amenity during operations' but this is due to the operation of the CHP plant that is subject to a separate Development of National Significance application.

- 7.17 Taking into account the scale of development the proposal would result in limited tree felling. The retention and augmentation of the critical tree groups along the north of the Extension Site and at the edge of the Existing Development along the north of Weighbridge Road will help screen and break up the development.
- 7.18 As such is it considered that the proposed visual impact of the development would be acceptable, subject to a the imposition of a planning condition that requires the submission of a comprehensive Landscape and Ecological Management Plan (LEMP) for the site and third party land used for mitigation. This would bolster the existing landscaping, in particular providing further screening to viewpoints B and K.

Contaminated Land

- 7.19 The proposed development site has an extensive history of potentially contaminative land uses and within the ground in an area adjacent to Weighbridge Road, included within the proposed site, is a Permeable Reactive Barrier (PRB), installed during the 1990s to remediate and prevent contamination of groundwater. The PRB is associated with contamination attributable to hydrocarbon contamination and an historical steel works which once operated at/adjacent to the proposed development site. It is also understood that a part of the site has been used to dispose wastes in the past and may be landfill.
- 7.20 It will be necessary to secure the assessment and remediation of land contamination by condition. The condition would need to secure land contamination assessments prior to the commencement of the development and remediation works prior to the first use or occupation of the development.
- 7.21 Taking all the above into consideration, the concerns relating to contaminated land can be dealt with via the imposition of conditions, As such is it considered that the proposed development is compliant UDP planning policy EWP 12 and EWP14.

Ecology

- 7.22 The Dee Estuary SSSI/SPA/Ramsar/SAC is just to the north of the application site while the River Dee SSSI/SAC over 1km to the south and west. The Dee Estuary is designated for its wintering bird populations (SPA/Ramsar site) and for its estuarine habitats (SAC).

The River Dee SSSI/SAC is primarily designated for its migratory fish e.g. Atlantic Salmon but also for Otter. The Shotton Lagoon and reed beds SSSI is 230m to the south west and Burton Mere and Wetlands RSPB reserve (includes Inner Marsh Farm SSSI) is some 900m to the north, both contribute towards breeding and wintering bird populations of the Dee Estuary and form part of the Dee Estuary SPA and Ramsar designations. The application is supported by Baseline Ecological Report

- 7.23 Chapter 10 of the ES provides the baseline ecological conditions at Shotton Paper Mill and provides an evaluation of the ecological resources that occur within the site or have potential to be affected by operations within it. The chapter describes in detail the potential ecological impacts resulting from the proposed scheme and describes the mitigation and avoidance measures that are required to reduce the magnitude of these effects.
- 7.24 Desktop studies and field surveys have been carried out in 2021 and 2022. The ecological assessment has identified residual impacts of habitat loss and fragmentation upon open mosaic habitat and reed beds of up to county value that cannot be ameliorated in the short-term. The expansion land is characterized by open mosaic habitat and neutral grassland. Common lizards have been recorded on site and reptile avoidance and mitigation measures are proposed
- 7.25 The landscape plan sets out habitat restoration and new planting to ensure connections around the perimeter of the site are maintained e.g. commuting routes for bats. A small proportion of the Open Mosaic habitat will be reinstated/recreated along the northern boundary of expansion land. Reed bed loss from within the existing development will be recreated at lagoon 3 and woodlands to the west of the site will be managed to improve structural and species diversity.
- 7.26 The CEMP will include Biodiversity Management with details of tree and hedgerow protection, any invasive species management, species and habitats protection, avoidance and mitigation measures during construction. A specific Biodiversity Management Plan will also be prepared to cover specific construction impacts as well as the long term establishment and management of habitats created and will presumably link to the Landscape Masterplan and the proposed species specific mitigation strategies
- 7.27 In addition to those measures to avoid impacts on the designated site features, the submission of a reptile mitigation scheme and a Biodiversity Enhancement and management scheme are also secured via condition.
- 7.28 Taking all the above into consideration, the ecological concerns can be dealt with via the agreement measures along with the imposition

of conditions, As such is it considered that the proposed development is compliant UDP planning policies WB1-6.

Air Quality

- 7.29 The application is accompanied by an Air Quality Assessment which reviews the effects of the proposed development on air quality (arising from combustion processes, traffic and construction dust) and odour on the receiving environment surrounding the Site. In summary, the FCA shows that the risks and consequences of flooding are manageable to an acceptable level. The operational phase impacts from the development combustion are considered to be negligible. Monitoring of the effects during the construction phase would be incorporated into the conditioned Construction Environmental Management Plan (CEMP)

Waste

- 7.30 The proposed development has been designed to optimise the use of recycled materials and minimise waste generated on-site. The proposed development would make efficient and effective use of existing recycling and energy recovery infrastructure in particular the biomass Plant, the MRF, and the paper and card recycling buildings to complement the new paper processing plant. The proposal make a contribution to national and local objectives in moving the management of waste up the waste hierarchy, away from landfill.

Hydrology and Flood risk

- 7.31 The site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note (TAN) 15: Development & Flood Risk (2004). According to the Flood Map for Planning (FMfP), the site lies marginally within the Flood Zone 2 and Flood Zone 3 (Sea) outlines.
- 7.32 The application is accompanied by a Flood Risk Assessment which reviews the risk of flooding posed to the site from various sources. In summary, the FCA shows that the risks and consequences of flooding are manageable to an acceptable level.
- 7.33 The proposed development design includes a number of incorporated mitigation measures that reduce the risk posed to the water environment and also provide betterment against the previous operational. With the implementation of the mitigation measures no significant residual effects to the water environment, including both the Shotton Lagoon and Reedbeds and the Dee Estuary, are considered likely.

Traffic & Transport

- 7.34 A Transport Assessment and Travel Plan support the application and have considered the impact of the development on three junctions. It has compared the historic use of the site with the expected impact of the proposed development of the site to provide a net impact on each of the junctions.
- 7.35 The supporting documents show that the impact of the development on the local highway network are not insignificant but are within the expected level for the industrial area. The Transport Assessment also concludes that proposed development of the site has the opportunity to provide an improvement in accessibility of the area with the development improvements to the active travel modes in the area, and to provide an employment opportunity and economic gain to the area and should be encouraged. A number of sustainable travel measures will be implemented to ensure the impact of the development is mitigated.
- 7.36 The proposed mitigation and improvements fall within the ownership of the applicant, highways land and land owned by Flintshire County Council. The proposed measures will be secured via in imposition of conditions and a contribution by means of an upfront payment.

Heritage

- 7.37 The application site is not directly adjacent to any Listed Buildings or historic parks and gardens. The scale of this development is such that consideration of any negative impact upon assets further afield must be deliberated.
- 7.38 The applicant has undertaken a Historic Environment Desk-based Assessments which identified no historic assets that were at risk of harm to their significance as a result of changes to setting due to the proposed development. In all cases, the intervening distances and lack of any material intervisibility between the historic assets within 2 km of the Site negated the potential for the proposed development to adversely affect their significance. Aside from this lack of intervisibility, the historic assets within proximity to the Site are either directly connected to the industrial heritage of Connah's Quay or have been present within its development as an industrial town for much of the modern historical period.
- 7.39 Taking all the above into consideration the impact of the proposed new paper mill is not felt to give rise to any significant impact on the setting of historical assets close to the site.

8.00 CONCLUSION

- 8.01 This application seeks planning permission for the redevelopment and expansion of Shotton Paper Mill to provide a new modernised paper mill facility. The development consists of 82 hectares of new paper factory buildings and processing plant along with associated landscaping, offices, access and parking.
- 8.02 The scale and nature of the proposal is such that the development falls within Schedule 2 of the EIA regulations.
- 8.03 The application site is located within Deeside Industrial Park and benefit from an existing use as a paper mill, along with an allocation for further industrial development.
- 8.04 Construction and operational phases of the development could give rise to environmental impacts. The application is supported by comprehensive studies and evidence to prove that subject to appropriate mitigation there will be no noticeable impact arising from the development.
- 8.05 Whilst the scale of the development cannot be underestimated, particularly the building heights, the site lies within existing industrial units and within the context of Deeside Industrial Park. Careful incorporation of design choices and layout will minimise any impact on the wider landscape or historical assets.
- 8.06 For the reasons outlined above it is considered that the proposal satisfies planning policy and I therefore recommend that planning permission is granted subject to the imposition of conditions and financial contributions as set out within paragraph 2.01 of this report.
- 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.

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

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

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

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

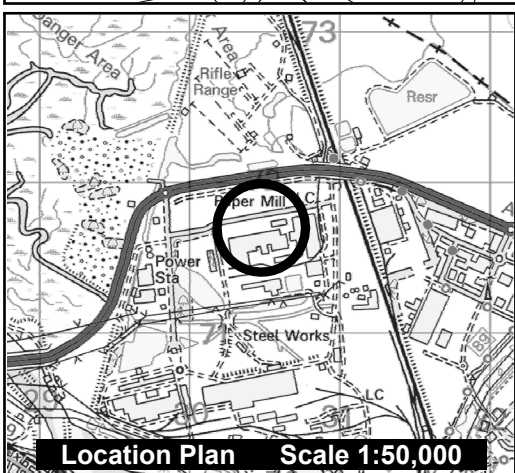
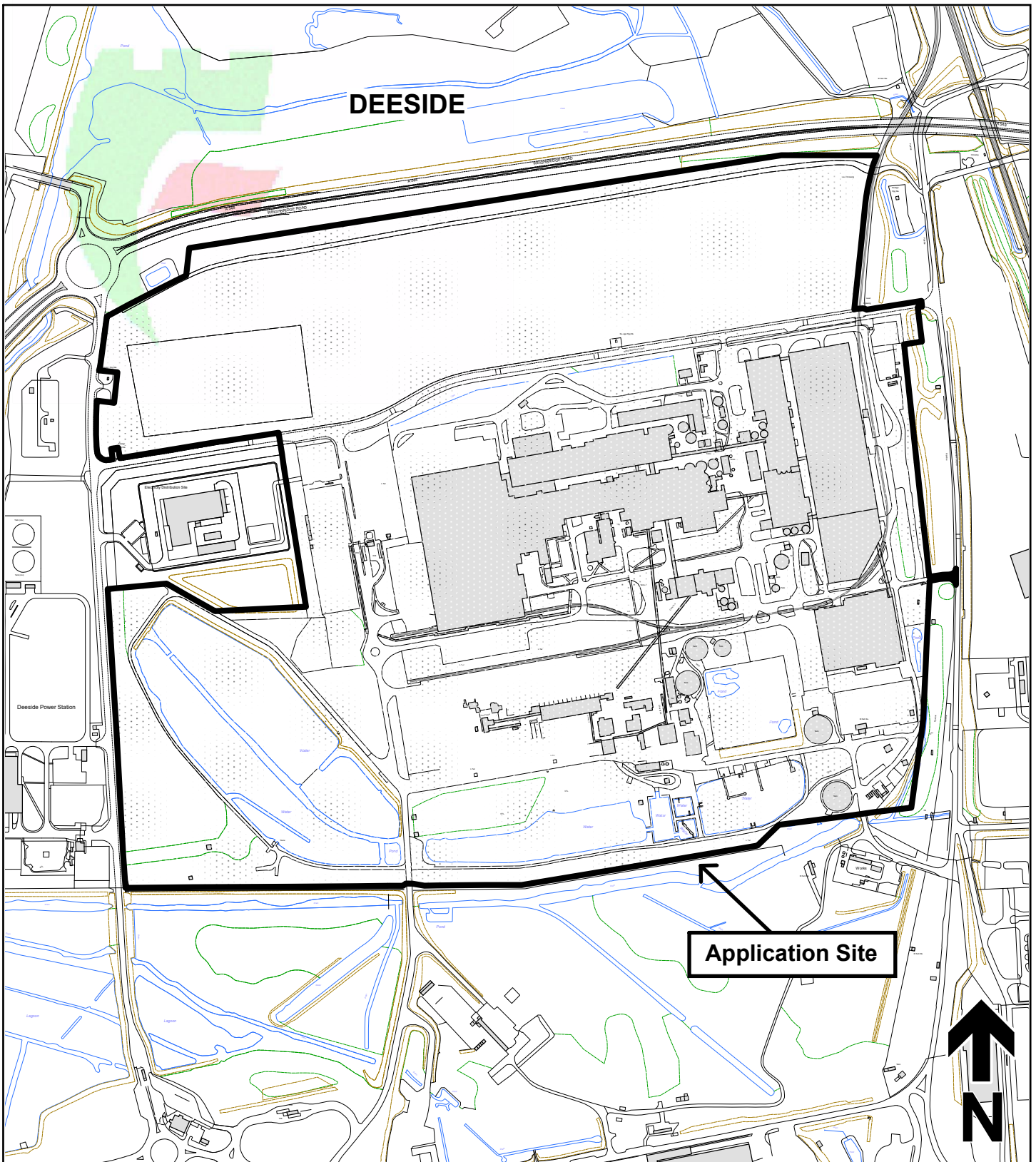
Responses to Consultation




Responses to Publicity

Contact Officer: Daniel McVey

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	<p>Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>
Legend	<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, 2022.</p>
	<p>Planning Application Site</p>
	<p>Adopted Flintshire Unitary Development Plan Settlement Boundary</p>
Tudalen 23	
Map Scale	1:7000
OS Map ref	SJ 3071
Planning Application	FUL/000011/22

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.2

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26th OCTOBER 2022**

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

SUBJECT: **FULL APPLICATION PARTLY IN RETROSPECT FOR THE RECONFIGURATION OF EXISTING APPROVED GYPSY TRAVELLER SITE TO ALLOW AN ADDITIONAL 9 STATIC CARAVAN PITCHES AT MAGAZINE LANE, EWLOE, FLINTSHIRE, CH5 3FA**

APPLICATION NUMBER: **061722**

APPLICANT: **MR MARTIN ROONEY**

SITE: **MAGAZINE LANE, EWLOE, FLINTSHIRE, CH5 3FA**

APPLICATION VALID DATE: **17TH DECEMBER 2020**

LOCAL MEMBERS: **COUNCILLOR D MACKIE**
COUNCILLOR L THOMAS

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 A Full planning application partly in retrospect for the reconfiguration of existing gypsy traveller site to allow an additional 9 static caravan pitches within the approved boundaries of the existing site at Magazine Lane, Ewloe.

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

- 2.01
1. Time Limit
 2. In accordance with approved plans.
 3. No more than 14 pitches on the site and on each of the 14 pitches no more than 2 caravans, only one of which shall be static.
 4. The site shall not be occupied by any persons other than gypsies and travellers as defined in the Housing (Wales) Act 2104
 5. Touring caravans not to be used as overnight sleeping accommodation
 6. No vehicle over 3.5 tonnes to be parked or stored on site.
 7. No commercial activities shall take place on the land, including the storage of materials.
 8. Details of proposed means of disposal of foul drainage

3.00 CONSULTATIONS

3.01 Local Member Councillor D Mackie

I note that there has been previous correspondence about this site and in particular that an agreement had been reached that a planning application would be submitted to regularise the planning situation on this site. I should be grateful if you would let me know if this application is in connection with that agreement. Enforcement issues on land outside of the application site raised. No further comments received.

Local Member Councillor L Thomas

I am assured that the application uses the existing site and that everything is contained on the original site. Also that if approved, everything complies in accordance with the approved plans. I therefore do not raise any objections.

Hawarden Community Council

Objection. Concerns over the amount of entrances on Magazine Lane and an increase in number of cars accessing area.

Community and Business Protection

No adverse comments to make regarding this proposal.

Highways Development Control

The proposed development is likely to generate some additional traffic movements on lanes that are less than ideal but increases in the number of movements will be at a low and modest level. Subject to the restrictions proposed in paragraph 2.5 and 2.6 of the submitted Planning Statement i.e. no traffic generating future extension of the site and for use by the existing residents and their families, no highway objection to this application. The full response is contained within main body of report.

Housing Strategy

The Flintshire Gypsy and Traveller Accommodation Assessment (final report) April 2016 refers to an unmet accommodation need over the Plan Period for 19 additional pitches. The Flintshire Housing Strategy states ones of its priorities is *“To provide the right type of accommodation for the Gypsy and Traveller community through: Ensuring the need for residential pitches are met in Flintshire working with the community.”*

The application is to reconfigure the existing site from 5 pitches to 14 pitches, which would negate the need to expand into the green belt land which runs adjacent to existing site. This includes communal areas which reflect Welsh Government best practice. In principle Housing Strategy supports this application.

The Councils Resettlement Coordinator has raised no objections based on policy advice. The requirement for additional pitches on the existing site and its boundaries will meet the needs of the extended family of the applicants.

Leisure

We have no comments to make on this planning application.

Education

No concerns raised.

Natural Resources Wales

We have no objection to the proposed development as submitted. Full response contained within the main body of the report.

Dwr Cymru/Welsh Water

Having assessed the proposal, we note it is proposed to discharge surface water run-off into a sustainable drainage system. However, the method of foul disposal is unknown. As of the 7th January 2019 this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with Flintshire County Council, as the relevant SuDS Approval Body (SAB). Please note, DCWW is a statutory consultee to this application process and would provide comments on any SAB proposals.

In light of the above and given the omission of a detailed drainage plan/ layout, we would kindly request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes included with the consultation response are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

25 letters of objection received which are summarized as follows:

- Increase in traffic and impact on highway safety
- Impact on green barrier and character and appearance of the area
- Insufficient local school places
- Enforcement issues on site
- Anti-social behaviour (not a planning issue)

5.00 SITE HISTORY

5.01 **057352** – Proposed alterations to previously approved day centre on plot 3 of new caravan site. Approved 27.09.17

054322 – Proposed individual vehicular access points for plots 2, 3, & 4 of previously consented gypsy site. Refused. Allowed on appeal 08.12.16

054095 – Proposed new vehicular access to serve plot 5 only of previously consent gypsy site. Refused. Allowed on appeal 08.08.16

052190 – Application for the approval of details reserved by condition 12 (hard and soft landscaping) attached to planning permission ref: 050463. Approved 13.06.14

052189 – Application for the approval of details reserved by condition 9 (visibility splays) attached to planning permission ref:050463. Approved 06.06.14

052188 – Application for the approval of details reserved by condition 8 (means of access) attached to planning permission 050463. Approved 06.06.14

050463 - Use of land for the stationing of caravans for the residential purpose for 5No. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retaining existing stables. Refused. Allowed on appeal 10.04.14.

049152 - Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use and retention of existing stables. Refused. Dismissed on appeal 08.10.12.

047896 - Change of use of land for the stationing of caravans for the residential purpose for 5no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and retention of existing stables. Refused 12.01.12.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 New Development
STR2 Transport and Communications
STR4 Housing
STR7 Natural Environment
STR8 Built Environment
GEN1 General Requirements for Development
GEN3 Development in the Open Countryside
GEN4 Green Barriers
D1 Design Quality, Location and Layout
D2 Design
L1 Landscape Character
D3 Landscaping
HSG14 Gypsy Sites
AC13 Access and Development
AC18 Parking Provision and New Development

Supplementary Planning Guidance Notes (SPGN)

SPGN No.3 Landscaping

SPGN No.11 Parking Standards

National Policy and Guidance

Welsh Government Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'
Planning Policy Wales Edition 11 (February 2021)
Future Wales 2020 - 2040

7.00 PLANNING APPRAISAL

7.01 Site Description

The application site is located to the south-west of Magazine Lane, running parallel to the A55. Agricultural land lies to the north, east and south and an area of woodland adjoins the site to the north-west. The site sits outside any recognised settlement boundary in an open countryside location and is within the Green Barrier as defined in the Flintshire Unitary Development Plan. The site is however relatively close to the settlements of Ewloe and Northop Hall. Planning permission was granted on appeal following a Public Inquiry in April 2014 for a gypsy traveller site consisting of 5 static caravan pitches, day/utility rooms and associated access, and since the original approval an additional 4 access points have been approved and added to the site creating 1 access to each of the 5 plots.

7.02 Proposed Development

The application proposes to reconfigure the existing site, to create an additional 9 caravan pitches within the boundaries of the approved site, to provide accommodation for residents already living on site. The proposed pitches will be reconfigured within the existing plots 1-5, increasing the total number of pitches from 5 to 14. Plots 1, 2, 4 and 5 are proposed to provide 3 pitches on each plot, with each pitch comprising a total of 3 static caravans with two parking spaces and 1 tourer to each static caravan. Plot 3 provides two pitches each of which are proposed to provide 2 static caravans with two parking spaces and 1 tourer to each caravan as well as a day room. There are two unauthorised static caravans on plot 5 which form the retrospective elements of this application.

7.03 Principle of Development

The starting point with regard to whether the principle of the proposal is acceptable is Policy HSG14 of the Flintshire Unitary Development Plan. Policy HSG14 acknowledges the requirement for the development plan to make adequate provision for the

accommodation needs of gypsy and traveler families and is a criteria-based policy designed to judge applications such as this as need arises.

- 7.04 Advice contained within Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites' that post-dates the adoption of the UDP, in light of which criterion a. and b. of policy HSG14 are outdated, on the basis that this criteria would be unduly restrictive to the choices available to Gypsies and Travellers. However, the other criteria of Policy HSG14 are still relevant. These criteria accord with the Circular in that they essentially seek to assess the suitability of the location of the proposed additional pitches by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first. That said, the Circular goes on to state that 'Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries'.
- 7.05 The above criteria not only apply to the provision of new Gypsy and Traveller sites but is also relevant when looking at the provision of new Gypsy and Traveller pitches within existing sites or on extensions to existing sites.
- 7.06 This is also compliant with policy GEN3 of the UDP, which allows for appropriate development outside settlement boundaries, and also aligns with the fact that there is an existing permitted site in this location, that the LDP seeks to allow a modest expansion to via policy HN8.
- 7.07 The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. More recently, Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites which reflects provisions contained in the Housing (Wales) Act 2014, to ensure that local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system.
- 7.08 It is worth noting that UDP policy HSG14 predates the 2014 Act as well as Circular 005/2018, both of which place a different emphasis on assessing applications for Gypsy and Traveller sites, and the UDP did not identify specific sites to contribute towards the identified need.
- 7.09 Whilst the LDP has a similar criteria-based policy (HN9) to the UDP, it is now nearing the end of its Examination which has resulted in its two criteria a. and b. being deleted as they do not accord with the guidance in the above Circular. This change has recently been

consulted on as part of the LDP Matters Arising Changes Consultation and attracted no representations for the Inspector to consider.

- 7.10 The above criteria required a proven need for a Gypsy and Traveller site to be demonstrated, as well as there being no suitable alternatives elsewhere. Welsh Government raised this matter in their representations to the LDP Examination Inspector, highlighting that the Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for Gypsies and Travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The Circular clearly states that criteria-based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites. As these are also the first two criteria in UDP policy HSG14 they are no longer valid considerations, as previously discussed, and cannot be taken into account.
- 7.11 The Council has an approved Gypsy and Traveller Accommodation Assessment (2016) (GTAA) that is still extant for the purposes of the LDP Examination evidence base and for Development Management purposes. This shows need for 19 additional pitches over the Plan Period. In addition, the LDP has made suitable site-specific provision under policy HN8 to meet this need, made via site allocations as extensions to three existing Gypsy and Traveller sites, one of which is Council owned and the others in private ownership. This application site is one of those allocated extension sites, providing an additional 9 pitches, as set out in part of the Council's evidence to the LDP Examination in Public, and in the Matters Arising Changes.
- 7.12 Notwithstanding the issue of compliance with circular 005/2018 for policy HN9 of the LDP as set out above, suitable provision to meet the level of need in the GTAA has therefore been identified in the LDP via policy HN8 and the allocations it proposes that include the application site.
- 7.13 In terms of the weight that Members should attach to the LDP, firstly the Council approved the Plan as sound and capable of being adopted when it agreed in September 2020 for it to be submitted for Examination in Public, with this site proposed as an allocation. That decision and the various governance processes that led up to that point meant that on a number of occasions Members and various formal committees have had the opportunity to scrutinise the Plan and specific proposals including the allocation of the application site. This also includes considering the responses received to formal public consultation on the Deposit Plan which were duly considered, but which did not change the Council's view that the allocation was

appropriate, albeit with changes proposed to locate additional pitches within the existing site rather than an extension at the side.

- 7.14 As part of the Examination of the LDP a specific hearing session was held by the Inspector to discuss the provision for Gypsy and Travellers development in the LDP. No evidence was submitted to that session relating to objections to this site from the local community, and no community-based objectors appeared at the hearing session to raise any points of concern to the Inspector. The Council specifically noted in its evidence to the Inspector the fact that an application had been submitted in relation to increasing the number of pitches within the existing site and stated that this was positive evidence that the site was available, viable and deliverable. This is a clear requirement of PPW11 and the Development Plans Manual, which confirm that sites allocated in development plans should be viable and capable of being delivered. The Inspector raised no issues or concerns at the session in relation to this site and has not sought any further information following the hearing session.
- 7.15 The application is in line with the proposals in the LDP for this site and the proposed development is not of a scale that goes to the heart of the Plan. As such there cannot be an issue of prematurity as there is complete alignment in terms of the principle of development between the application before Members, and the proposal to expand this existing Gypsy and Traveller site in the LDP.
- 7.16 To summarise in terms of LDP context therefore, the Council promoted the present application as evidence of the intention to develop and contribute towards the identified need for pitches. The Inspector raised no issues or concerns with this site or the Council's submitted evidence. The scale and location of the LDP expansion to the existing site has also already been considered by the Council in approving its LDP for submission, and also at the Examination where no issues were raised.
- 7.17 Paragraph 7 of Circular 005/2018 advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals, the guidance reference a 'Wales of cohesive communities'. Paragraph 8 goes on to advise that 'Housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities'. In particular the guidance requires that '...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community'.
- 7.18 Paragraph 12 recognises that 'Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage'. Paragraph 14 explains that the Housing (Wales) Act 2014 places a

legal duty upon local authorities to ensure 'that accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met'.

7.19 This is the position that the Council is now in having followed the guidance above in identifying suitable and sustainable provision for Gypsy and Travellers in the LDP. Given the position that the LDP has reached and where there is no conflict between it and this application (or the adopted UDP, subject to the outdated criteria as explained above), it is the firm advice of officers that the allocation of this site to accommodate 9 additional pitches in the LDP can be given significant weight in the positive determination of this application.

7.20 It is considered that the application is compliant with the relevant policies in the Flintshire Unitary Development Plan, and both meets the specified criteria set out in the circular in relation to sustainable development for Gypsy and Travellers and also clearly aligns with the Council's intentions to allow additional pitches on the existing site in this location via the allocation in the LDP. The proposal offers the opportunity for growth within the family units on site by promoting an appropriate location for a permanent home, whilst also providing good connectivity to the local communities and the facilities they offer. The site is close to the edges of two villages, Ewloe and Northop Hall which are category B settlements in the adopted UDP. The site is relatively sustainable for new development given the availability of services and facilities and also the proximity to other settlements in Flintshire.

7.21 Best Interests of Children

As the residents of the site include children the proposal has been assessed with due regard to their best interests. The Best Interests of the Children is a primary consideration for this application. Across the entire site, there are 17 children under the age of 18 who live permanently on the site and out of those 17 children, some attend local schools not too far from the site. 6 children attend Edward Morgan Primary School in Shotton and 3 children attend Connah's Quay High School. The benefits of enabling the provision of a stable and secure environment is a material consideration in the planning balance. This has been accepted by planning inspectors with due regard to the rights to respect for family and private life as identified in Article 1 and Article 8 of Protocol 1 of the European Convention on Human Rights.

7.22 It is acknowledged that children live, and would continue to live on the site were permission to be granted, and the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well-being of the children. There is also a

national and international obligation under article 3(1) of the United Nations Convention of the Rights of the Child (UNCRC) “In all actions concerning children, whether undertaken by public or private or social welfare institutions, courts or law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” These considerations are therefore a primary material consideration in the determination of this application. If the application is approved then the applicant, their family and the families of those living on site will all have a settled base allowing them to meet the educational/health needs of the children. I therefore consider that the best interests of the children would be best served by having sufficient accommodation on the existing site.

7.23 Access and Highways

There are 5 existing approved access points to the site, one to each of the 5 plots. The application proposes no changes to the existing access arrangements, however there are a greater number of parking spaces being considered as part of the proposals. The number of proposed spaces are in line with parking standards for residential properties in that 2 spaces are required to be provided for a 2 or 3 bedroom property. The number of spaces are thus considered acceptable.

7.24 Following consultation, the Highway Authority have commented that the road giving access to the site is considered unsuitable to accommodate a significant increase in the number of traffic movements. The Inspector at the Public Inquiry into application 054322 considered and dismissed objections on highway safety and amenity grounds. The “less than ideal” nature of the road was recognised but the inspector decided that the impact of development generated traffic would be no worse than that of the large vehicles currently using the lanes. The Inspector also decided that any increase in vehicle movements would be “low level and modest” and that under such circumstances Circular 30/2007 stated that proposals should not be rejected on highway grounds. The assessed speeds and volume of traffic using Magazine Lane were substantially below the thresholds required by “Quiet Lanes” and shared pedestrian/vehicular use of the lane was considered appropriate.

7.25 Paragraphs 2.5/2.6 of the Planning Statement submitted with the current application suggest that the proposed re-development is required to accommodate the growing needs of existing residents and that the proposed re-development will remove the requirement for a site extension as originally set out in the Deposit LDP allocation.

7.26 Furthermore a Crash Map review of accident history identifies that there have been no recorded traffic accidents on Green Lane, Magazine Lane or Pinfold Lane since the inquiry in July 2012. The roads giving access to the site are considered unsuitable to serve significant increases in traffic generation due to limited width, restricted forward visibility, restricted junction visibility (Pinfold Lane/Chester Road) and lack of adequate pedestrian provision however I consider the highway implications of the proposed site re-development fall within a similar category to that previously considered at inquiry. The proposed development is likely to generate some additional traffic movements on lanes that are less than ideal but increases in the number of movements will be at a low and modest level. Subject to the restrictions proposed in paragraph 2.5 and 2.6 of the submitted Planning Statement i.e. no traffic generating future extension of the site and for use by the existing residents and their families, the Highway Authority propose no highway objection to this application.

7.27 Character and Appearance

The earlier application for 5 static caravans consisted of 5 spacious plots and though the density of development on the site will increase through the addition of 9 further pitches, it is considered that the plots are spacious enough to accommodate the additional caravans. The addition of further caravans on the site for residential occupation will provide a more efficient use of land, without having to consider extending further into the wider open countryside and green barrier which is what was originally being considered within the LDP. Additional pitches within the existing site will negate the requirement for an extension during the life of the LDP.

7.28 The site's development under the original permission was in effect in conflict with its designation as a green barrier in the UDP, but the appeal Inspector at the time deemed there to be overriding exceptional circumstances in granting planning permission. Whilst an extension to the site was originally proposed in the LDP on the basis of the previous decision and that the harm to the Green Barrier had already been caused, changes to national policy on development in Green Barriers in PPW plus the specific needs of the families already living on site, have resulted in a change to the proposed means of providing more pitches at this site via the LDP.

7.29 Of direct relevance to this is also the fact that this application has been with the Council for some time and has been material to the consideration of the most appropriate way to make additional provision via the LDP Examination, where no objectors to the proposed expansion appeared or submitted evidence. The Examination also considered and agreed in principle that the existing site and location for the expansion of this existing use, no longer

fulfilled one of the key principles of designating green barriers, which is to maintain openness. In recognition of this the Matters Arising Changes resulting from the LDP Examination recommended removal of the site from the green barrier by virtue of MAC135. Following the public consultation on the MACs there are no representations to MAC135 for the Inspector to consider.

7.30 The site is situated away from any direct neighbours. The closest dwelling on Green Lane, leading onto Magazine Lane is located approximately 270m away to the south east. Another two dwellings are located after this and further dwellings are located on Mold Road backing onto Green Lane. The main interactions from the site would come from vehicular use of Green Lane, which as stated above is considered to be acceptable. The site boundaries are relatively well screened and a landscaping condition was applied as part of the earlier application for 5 pitches, thus it not considered necessary to condition this again. The earlier landscaping scheme is sufficient to soften the effects of the proposals on the open countryside location and overall the effect of additional buildings on the site will be minimal and will not adversely affect the character and appearance of the area over and above the existing development and infrastructure.

7.31 Whilst the expansion of the site would increase the numbers of pitches from 5 to 14, the number of caravans are still considered to be appropriate for the size of the site and is not considered to be out of proportion to the nearby settled community.

7.32 Notwithstanding the above, there are residential properties in the vicinity of the site and I consider that the condition previously placed on the site prohibiting commercial activity shall also be applied to this application for the avoidance of doubt.

7.33 Living Conditions of Occupiers

As noted above there are no direct neighbours to the application site and the nearest properties on Green Lane are a significant distance away. Due to the additional pitches proposed for existing residents already living on the site, the increase in traffic would be minimal and has been assessed above. There would therefore be no adverse impact on the living conditions of neighbouring occupiers from additional properties on this site.

7.34 Numerous complaints have been received in regards to antisocial behavior and crime relating to occupants on the site, however this is not a matter which can reasonably be controlled by the planning process.

7.35 The living conditions of the occupiers has been assessed on the existing site and it is considered that there is sufficient distance between caravans to avoid any adverse effect and a degree of amenity space associated with the residential use of the site which raises no concerns. Fencing was also installed as part of the previous permission to reduce the impact of noise from the A55 on the residents of the site.

7.36 Drainage

The site contains private water treatment tanks which serve the static caravans currently on site and were installed as part of previous applications as it was deemed an unreasonable cost to connect to the public sewer. These tanks have been operating under capacity ever since installation and it has been confirmed that each tank has capacity for 15 adults and there are 4 tanks installed across the existing 5 plots. A fifth tank is expected to be installed when plot 1 becomes habitable.

7.37 NRW have noted that they expect the existing treatment tanks to have sufficient capacity to cope with the proposed expansion on site, but if required, larger capacity tanks could be installed as required and this could be addressed and enforced by condition. Having considered the further information shared with NRW, no further concerns are raised regarding this matter. However, if a private drainage solution is to be progressed, the Applicant will need to apply for an Environmental Permit from NRW.

7.38 Planning Enforcement

The Council are aware of some planning enforcement issues which do not form part of this planning application, relating to the existing site and on land outside of the boundaries of the application site. Planning enforcement matters will be addressed separately and should not prejudice this current application.

8.00 CONCLUSION

The policy context for this site is fully supportive of the development proposed. The need for the pitches represented by this application is shown in the GTAA and for this reason the site has been allocated within the emerging LDP as the remodeling of an existing residential Gypsy site. The proposal represents the modest intensification of an established site and is in accordance with the Council's policies

regarding this type of development, as well as national planning guidance.

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.

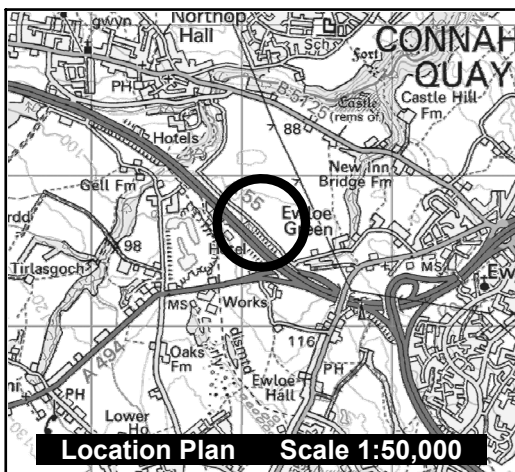
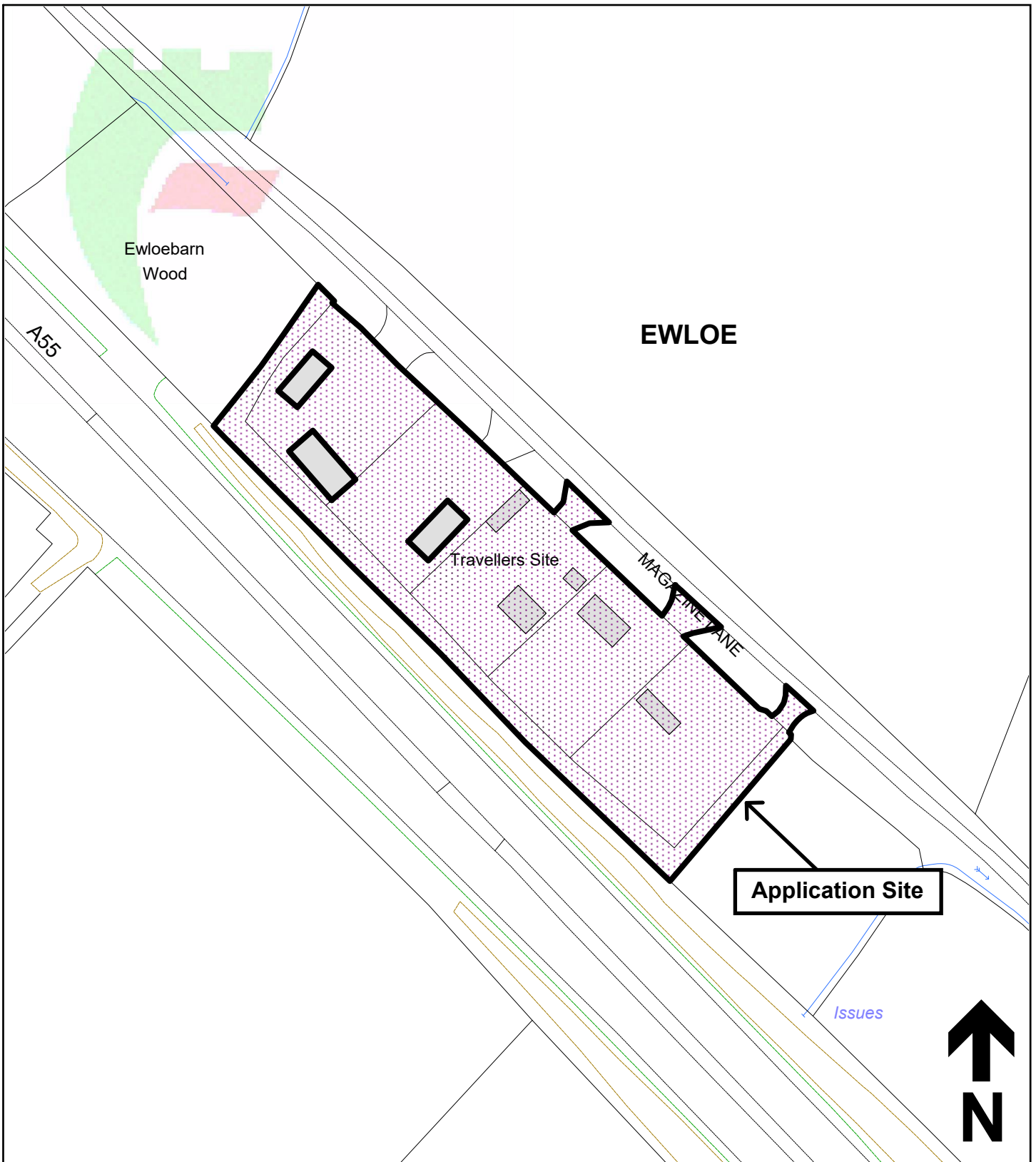
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

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

Mae'r dudalen hon yn wag yn bwrpasol



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 2866
Planning Application	61722

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.3

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY 26TH OCTOBER 2022**

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

SUBJECT: **062820 - FULL APPLICATION - ERECTION OF 130NO DWELLINGS COMPRISING BUNGALOWS, HOUSES AND TWO STOREY APARTMENTS WITH OWN ACCESS, NEW ACCESS ROAD, ASSOCIATED EXTERNAL WORKS AND LANDSCAPING AT LAND ADJACENT TO 1 LIVERPOOL ROAD, EWLOE**

APPLICATION NUMBER: **062820**

APPLICANT: **LANE END DEVELOPMENTS CONSTRUCTION LTD**

SITE: **LAND ADJACENT TO 1 LIVERPOOL ROAD, EWLOE**

APPLICATION VALID DATE: **13TH APRIL 2021**

LOCAL MEMBERS: **COUNCILLOR H BROWN**
COUNCILLOR G BROCKLEY

TOWN/COMMUNITY COUNCIL: **HAWARDEN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF DEVELOPMENT**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the erection of 130 no dwellings comprising bungalows, houses and two storey apartments with own access, new access road, associated external works and landscaping at land adjacent to 1 Liverpool Road, Ewloe

Please note that the Welsh Government as highway authority for the A494 trunk road directs that planning permission is not granted at this time as insufficient information has been submitted with regards to matters raised by through the consultation process. As such should Members be mindful to grant

planning permission then this issue must be satisfactorily addressed before any such permission can be issued.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01

1. The proposal would result in an inappropriate form of development in the open countryside which does not relate well to the existing pattern of development in the area and would result in an uncharacteristic form of development which does not integrate well with the existing built form and vernacular. The applicant is seeking to justify development in an inappropriate location by proposing 100% affordable housing, but this does not make an inappropriate location acceptable. It is considered that the proposal represents an illogical and inappropriate extension to the settlement which would be contrary to Policies STR1, STR7, GEN1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.
2. In the opinion of the Local Planning Authority the proposal represents a significant and unjustified loss of best and most versatile agricultural land contrary to policies GEN1 and RE1 of the Flintshire Unitary Development Plan.
3. In the opinion of the Local Planning Authority the proposal, given the density proposed as well as shortfall in amenity space provision represents overdevelopment of the site and results in a development which fails to reflect the characteristics of the locality and the principles of positive place making contained in Section 2 of Planning Policy Wales (PPW) Edition 11 and contrary to policies GEN1, D1 and HSG8 of the Flintshire Unitary Development Plan.
4. The development proposal is located within easements for Utilities assets and as a result would unacceptably impact upon existing drainage infrastructure. As such the development is contrary to GEN1 and EWP16 of the Flintshire Unitary Development Plan.
5. In the opinion of the Local Planning Authority insufficient information has been provided with regard to detailed drainage proposals for the infiltration basin to demonstrate it does not have the potential to affect the A494 Trunk Road. As such the proposal is contrary to policy GEN1 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

- ### **3.01 Local Member(s)**
- Councillor G Brockley
Councillor H Brown:

Request a site visit and to refer to planning committee. This site is not within local plan. There is a likelihood of great crested newts on site, there has been no full ecological survey undertaken, the settlement of Ewloe has

already maxed for growth and is 20% above, Acoustic work was undertaken during lockdown so will not give a true reflection.

There would be a detrimental impact on the public footpath on site, there is no capacity at any local high schools and very limited at junior schools. There is no housing need to meet the 130 proposed dwellings

Hawarden Community Council: No response received

Community and Business Protection: No response received

Housing:

Identified Housing Need:

The demand for affordable housing in Flintshire is demonstrated by the Local Housing Market Assessment and Flintshire Council’s housing waiting lists.

Local Housing Market Assessment (LHMA) Update 2018 (Final report (addendum) Feb 2020)

The LHMA for Flintshire identifies an annual shortfall of 238 affordable units.

The assessment recommends a need for the following property types:

- 1/2 bedroom (45.6%)
- 3 bedroom (28.3%)
- 4+ bedroom (12%)
- Older persons stock (14.1%)

And this should be split between the following tenures:

- Social rented (30%),
- Intermediate rent (30%)
- Affordable ownership (40%)

General Needs Housing – Ewloe (SARTH 1/6/21)

Social Rent

1 & 2 bed bungalows	1 bed flat	2 bed flat	2 bed house	3 bed house	4 bed house
1 bed- 24 2 bed- 20	224	59	126	35	27

Specialist Housing – Ewloe (Specialist Housing Register 4/5/21)

Social Rent

1 bed bungalow	2 bed bungalow	3 bed bungalow	4 bed bungalow
2	2	5	1

Affordable Housing Register – Tai Teg:

Affordable Rent

Ewloe area

Tai Teg (Demand by Area- Rental)

1 & 2 bed bungalow	1 bed flat	2 bed flat	2 bed house	3 bed house	4+ bed house
Nil	Nil	4	10	13	2

Low Cost

Home

Ownership

Ewloe area

Tai Teg (Demand by Area- Rental)

1 & 2 bed bungalow	1 bed flat	2 bed flat	2 bed house	3 bed house	4+ bed house
Nil	1	Nil	8	12	Nil

*Information as at 10/6/21 Tai Teg waiting list

Housing Strategy Comments:

This planning application is for 130 dwellings and being progressed by Lane End and being proposed as a solely affordable housing development. It is noted the proposed development may not be considered as suitable in planning policy terms. The site is adjacent to the settlement, greenfield and historically agricultural in nature and a development of this size would have a significant impact on the local area.

Highways Development Control: There is no highway objection to this proposed development however the submitted details fail to adequately address inadequacies in the pedestrian and cycle linkages between the site and local community facilities. In addition, the location of the site entrance is likely to compromise use of the existing bus stop; relocation and provision of improved bus stop infra-structure is required. The further consideration and provision of sustainable travel infra-structure should be covered by a condition imposed as part of any planning consent.

Pedestrian/cycle access from the site to Old Aston Hill, Church Lane or onto the facilities adjacent to the A494 have been discussed however there could be some difficulties with delivery. Church Lane carries public footpath

Hawarden 25 but no other higher access rights and gradients from the northern end of the site toward the A494 appear excessive.

Subject to the provision of Active Travel connections, the layout of roads and parking facilities within the development site appear appropriate.

Highways (RoW): Public Footpath No. 25 crosses the site. The applicant must contact the Rights of Way Section before proceeding with any works. The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before design implementation. The surface of the rights of way must not be disturbed without lawful permission and development over the line of the public right of way must not commence until any necessary diversion or extinguishment has been lawfully authorized under the appropriate legislation

Natural Resources Wales: We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the suggested conditions to the permission relating to protected species, biosecurity and land contamination and if you include the following documents within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Dwr Cymru/Welsh Water: At present we are unable to support the application and therefore object until such time as the assets have been accurately located and the proposed site plan have been amended to reflect the assets crossing and required easements.

Welsh Government – Land Use Planning Unit: The Department considers that the potential loss of BMV agricultural land is significant and unjustified for the following reasons: -

The Department considers the proposed development to have significant agricultural implications (TAN6, Annex B5). It is not allocated for development under the UDP or the proposed LDP. The allocation, if granted, would raise significant questions regarding the soundness of the proposed Flintshire LDP in terms of BMV agricultural land national planning policy application (PPW 3.58 and 3.59). The recent progress of developing the proposed LDP identifies sufficient land to deliver the required growth. The proposed LDP has considered the losses of BMV agricultural land in allocations for the whole plan, over the plan period (*LDP Background Paper 9 Minimising the Loss of BMV Agricultural Land*). This site has not been considered for allocation and therefore has not been considered as part of that process. In recent years the Authority has permitted housing developments on lower grade land. A number of non-BMV sites have been put forward within the un-adopted LDP. Lower grade agricultural land is available and the planning statement conflicts with PPW.

The Applicant has not applied BMV agricultural land national planning policy (PPW 3.58 and 3.59) in justifying overriding need and application of the sequential test

Welsh Government- Trunk Roads Agency: The Welsh Government as highway authority for the A494 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application. The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The applicant must provide detailed drainage proposals for the infiltration basin to demonstrate it does not have the potential to affect the A494 Trunk Road.

Clwyd Powys Archaeological Trust: Having consulted all available resources via the Clwyd-Powys Historic Environment Record, I can confirm there are no known archaeological sites within the development plot and no features recorded within the immediate surrounding area to trigger an archaeological interest. Historic mapping, LiDAR data or aerial photography are devoid of any significant features and the construction of the large reservoir and the A494 on the land immediately adjacent to the plot is likely to have already disturbed the ground to a certain extent here. We therefore have no objections to this proposal.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

36 no. objections received which can be summarised as follows:

- Contrary to policy
- Insufficient local infrastructure
- Rural character of site
- Ecology
- Noise and Pollution from A494
- Local Flooding
- Lack of local transport
- Traffic impact on St David's roundabout
- Proximity to landfill site
- Loss of neighbouring amenity
- Unsustainable nature of development

5.00 SITE HISTORY

5.01 No relevant site history

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1- General Requirements for Development
GEN3- Development in the Open Countryside
AC13- Access and Traffic Impact
AC17- Safeguarded Routes
AC18- Parking Provision and New Development
RE1- Protection of Agricultural Land
SR5- Outdoor Play Space and New Residential Development
MIN8- Protection of Minerals Interests
HSG4- New Dwellings in the Open Countryside
HSG11- Affordable Housing in Rural Areas

Supplementary Guidance Notes

SPGN2- Space Around Dwellings
SPGN3- Landscaping
DPGN4- Trees and Development
SPGN8- Nature Conservation and Development
SPGN9- Affordable Housing
SPGN10- New Housing in the Open Countryside
SPGN11- Parking Standards
Draft SPGN13- Outdoor plan space and New Development
SPGN23- Development Contributions to Education

National Planning Policies:

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation

7.00 PLANNING APPRAISAL

7.01 Site Description

The site is located outside of the settlement boundary for Ewloe, although it does not form part of the designated Green Barrier. The site is bounded on its southern side by the A494 trunk road, and on its northern boundary by the residential properties on Old Aston Hill/Liverpool Road. It is located

between the two elements of Ewloe settlement boundary bisected by the trunk road.

7.02 Proposed Development

This is a full application for the erection of 130 dwellings comprising bungalows, houses and two storey apartments with own access, new access road, associated external works and landscaping at land adjacent to Liverpool Road, Ewloe.

7.03 Main Issues

The main issues are considered to be the principle of development, the potential loss of agricultural land, the impact of the development upon the trunk road, and upon neighbouring amenity and the character of the area including placemaking.

7.04 Principle of Development

The site is outside a recognised settlement boundary, where the presumption is usually against such a form of development, in accordance with policy HSG4 of the Flintshire Unitary Development Plan. In this case, however, the proposal is for an 100% affordable scheme, and as such can be judged as an affordable housing exception scheme adjoining an existing settlement. As such the policy with the most relevance is HSG11.

7.05 This policy specifies that any such scheme will only be permitted where:

- a. *there is evidence of genuine local need for such provision;*
- b. *there are no suitable alternative sites or properties within settlement boundaries to meet the need;*
- c. *schemes abut settlement boundaries and form logical extensions to settlements, avoiding ribbon and fragmented development and incorporating suitable boundary treatment and landscaping measures;*
- d. *the scale, design, and layout of the proposed development are sympathetic and appropriate to the size and character of the settlement, and reflects the scale of need identified; and*
- e. *houses will remain affordable in perpetuity for those in need, managed by a housing association, the County Council, a bone fide trust or similar organisation.*

7.06 Planning Policy Wales 11 (PPW11) supports the principle of affordable housing exception sites to meet the needs of local people but it goes on to state that such sites must meet all the other criteria against which a housing development would be judged, including the national sustainable placemaking outcomes in section 2 of PPW11.

7.07 Returning to the development plan, the main consideration is whether the proposal accords with the requirements of the policy and in particular criteria b and d; that there are no suitable alternative sites or properties within settlement boundaries to meet the need, and that the scale, design and layout of the proposal is sympathetic and appropriate to the size and character of the settlement.

7.08 The site subject to this application was a candidate site EWL007 for the LDP. At the time it was considered that this proposal was not a viable or suitable prospect despite the fact that it wasn't in the Green Barrier, but white land outside settlement boundary. When the Local Planning Authority published the Deposit LDP the Council's response to the submission of this site as a candidate site was as follows:

7.09 *'Despite the urban context for the site, it has the character and appearance of a swathe of open countryside between existing ribbon development and the A494(T). There are concerns about accessing the whole of the site and uncertainty also exists in terms of the multiple ownerships of the site and possible implications for delivery. Welsh Government has now announced its intention with regards to a new link road to the A55, rather than improvements to the A494(T). Nevertheless, it is unclear whether land will still need to be safeguarded for any future road improvements. In this context it would be prudent to retain the site as a future option, rather than seeking small piecemeal developments'.*

7.10 During the consultation on the Plan representations were received whereby Lane End objected to the Plan and sought its allocation for housing. The Council's full response to this representation was as follows:

"Not accepted. The site may not be actively used at present but Welsh Government has provided information which identifies a predicted loss of 0.28ha of grade 2 and 5.85ha of grade 3A. In the absence of a site-specific survey to determine the actual quality of the agricultural and whether it represents BMV it is not considered appropriate to allocate the site.

It is acknowledged that the site lies adjacent to the A494(T) and has arms of built development to the north and west. However, the site has a sense of openness and has the appearance and character of open countryside. The site was promoted for development in the form of an omission site in the UDP and the Inspector commented 'Although the land is separated from open countryside it is open in character' and that 'The settlement boundary in this area reflects the existing built development and forms a strong and defensible boundary. The land is generally open in character and it is not necessary to include this area within the settlement boundary'.

CPAT has identified that the site overlies the line of the former Ewloe Railway and may require prior assessment.

The northern part of the site also lies within a 250m boundary of landfill sites at Sea View Farm.

The submission is lacking in terms of detail as to how various constraints including noise, air pollution, vehicular access, ecology and trees would impact on the suitability and capacity of the site for residential development. The submission also lacks an indicative or schematic layout to indicate the broad principle of how 140-180 units would be accommodated on the site.

The Council has accepted that Ewloe is a sustainable location for growth given the allocation of land between Holywell Rd and Green Lane. Nevertheless, the objection site is not considered to be necessary or appropriate to be allocated.

It is unclear why the objector is referencing the potential phasing of development on the site yet elsewhere is claiming the site could be fully built out in just 2 years.

The submission provides no detail as to the proposed access arrangements. The candidate site submission explains that access will be improved at Bali Hai and 1 Ferry Hill off Old Aston Hill at the western extreme of the site and at Holly House and Moorwood off Old Aston Hill at the north eastern edge of the site. The candidate site submission also refers to a new 'A' road alongside the A494(T) which is not considered to be feasible or acceptable.

Highways Development Management Officers consider that i) Church Lane is unsuitable to serve additional development and ii) there is limited opportunity for access onto Old Aston Hill and that will restrict the layout of junctions and ultimately the number of dwellings.

The proposed development appears to involve the acquisition and demolition of up to four existing dwellings as part of access arrangements which will surely have an impact on the viability and deliverability of the site.

7.11 The Council has allocated a site for housing at Ewloe which is considered to be a sound allocation. That allocation has a preferred developer on board, is viable and deliverable and sustainable and will deliver affordable housing. The LPA assessment of the candidate site identified a number of concerns and these will need to be considered as part of the assessment of this application. I note that Housing Strategy colleagues have provided details of need but a significant proportion of this need will be accounted for by the housing allocation in the Deposit Plan in Ewloe.

7.12 The application site is located to the south of Old Liverpool Road in Ewloe, in an area outside the settlement boundary and between existing residential development and the Trunk Road. The area around Old Liverpool Road is somewhat of an anomaly, being a historic development spur set apart from the rest of Ewloe by the intervening trunk road. The area of agricultural land subject to this application creates a buffer between the existing housing and the highway, and I do not consider this to be a logical rounding off of the settlement.

7.13 Due to the scale of the proposal, I do not consider that site falls within the scope of small-scale affordable housing exceptions schemes which is the main thrust of policy HSG11. In addition, given the scale of affordable provision already made in Ewloe and committed to in the LDP, I consider that the stance regarding the unacceptability of the development of this site is unchanged from that given in response to representations received during the LDP process.

7.14 Given that there is a suitable alternative site, in the form of the LDP allocated site, and that this scheme does not represent a logical rounding off of the settlement I do not consider that the proposal meets the requirements of policy HSG11 or represents positive place making. I do not consider that a valid case has been made to justify such a large exception scheme in the face of existing planned provision for affordable housing in this settlement. It is therefore inappropriate development contrary to the policies of the Flintshire Unitary Development Plan.

7.15 Loss of Agricultural Land

The Predictive Agricultural Land Classification (ALC) Map (2019), gives the site as Grade 2 and 3a. Under Planning Policy Wales (paragraph 3.58) this is defined as Best and Most Versatile (BMV) agricultural land.

7.16 The application has been supported by the submission of an ALC Survey Report (Ref: 1861/1 Land off Liverpool Road, Ewloe – 28th July 2021) which Welsh Government have confirmed can be accepted as an accurate reflection of the land quality on the site. This report confirms that the proposed application site, if approved, would **involve the loss of 5ha of Best and Most Versatile (BMV) agricultural land** (1.6ha ALC grade 2, 3.4ha subgrade 3a).

7.17 The Welsh Government Soil Policy and Agricultural Land Use Policy department have objected to the proposal and consider that the potential loss of BMV agricultural land is significant and unjustified for the following reasons: -

- The Department considers the proposed development to have significant agricultural implications (TAN6, Annex B5). It is not allocated for development under the UDP or the proposed LDP. The allocation, if granted, would raise significant questions regarding the soundness of the proposed Flintshire LDP in terms of BMV agricultural land national planning policy application (PPW 3.58 and 3.59).
- The recent progress of developing the proposed LDP identifies sufficient land to deliver the required growth.
- The proposed LDP has considered the losses of BMV agricultural land in allocations for the whole plan, over the plan period (*LDP Background Paper 9 – Minimising the Loss of BMV Agricultural*

Land). This site has not been considered for allocation and therefore has not been considered as part of that process.

- In recent years the Authority has permitted housing developments on lower grade land. A number of non-BMV sites have been put forward within the un-adopted LDP. Lower grade agricultural land is available and the planning statement conflicts with PPW.
- The Applicant has not applied BMV agricultural land national planning policy (PPW 3.58 and 3.59) in justifying overriding need and application of the sequential test

7.18 It should be noted that this issue has been highlighted on a number of occasions, not least during the LDP process and as a response to the developers Pre-Application Consultation exercise, yet no information has been advanced to support the development in spite of the advice, nor is there any mention of this fundamental issue in the Planning Statement.

7.19 With reference to policy RE1 of the Flintshire Unitary Development Plan, development which would result in the loss of agricultural land of grades 1,2 or 3a will only be permitted where there is an identified overriding need, where the development cannot be accommodated on derelict, non-agricultural or lower grade agricultural land or where available lower grade land has an environmental value or designation that outweighs the agricultural consideration. This policy is in accordance with the relevant advice concerning the best and most versatile agricultural land in Planning Policy Wales 11 (para 3.58-3.59). As such the proposal is contrary to policy RE1 of the Flintshire Unitary Development Plan.

7.20 Design, Layout and Neighbouring amenity

In accordance with the aforementioned criteria d. of policy HSG11, the scale, design, and layout of the proposed development should be sympathetic and appropriate to the size and character of the settlement. It is noticeable that the proposed density is far greater than the surrounding residential properties on Old Aston Hill, adding to the concerns about a lack of positive place making. The Planning Statement identifies the net density on site, taking into account just the developable areas, of 37.79 dwellings per hectare. Policy HSG8 in the Flintshire Unitary Development Plan suggests a density of 30 dwellings per hectare in category A and B settlements, although the policy acknowledges that local character and site location should be taken into account when appraising the suitability of a suggested density. It is acknowledged that higher density developments can represent a far more efficient use of land. The danger is, however, that higher density development can lead to overdevelopment, which would have a detrimental impact on the scheme as a whole. An example of where this appears to have influenced the layout to the detriment of the placemaking objectives of the site is the location of the Public Open Space, which is positioned at the far North Eastern extreme of the site which I would suggest negatively impacts upon its useability as it offers poor surveillance

and supervision for people wanting to allow children to use this facility and should be located centrally on the site.

- 7.21 The plots across the site generally have a small amount of rear amenity area, and in many cases fail to meet the minimum prescribed garden depths and volumes in SPGN2- Space Around Dwellings, although dwelling to dwelling interface distances are generally complied with. This general shortfall is indicative of the overdeveloped nature of the proposal. Where density is simply increased in order to maximise the amount of development on a site without proper consideration of the adequacy of the design, amenity and space about dwellings, then the principle of positive place making has not been considered. Simply because the proposal is for 100% affordable does not mean that the LPA should consider favourably a development that falls well below the minimum standards of layout and amenity, that would normally be applied to all other forms of residential development.
- 7.22 Given the high density proposed as well as the shortfall in the provision of amenity areas it is considered that the proposal represents overdevelopment of the site and results in a development which fails to reflect the characteristics of the locality and is therefore contrary to policies GEN1, D1 and HSG8 of the Flintshire Unitary Development Plan.
- 7.23 Welsh Water have advised that the development site is crossed by trunk watermains and adjoins Aston Service Reservoir. In accordance with the Water Industry Act 1991, we advised that no operational development will be permitted within the easements of these assets when measured 20 metres either side of the centreline of the assets. This affects plots 66-71 as well as a SUDs feature which appear to be located within the easements of the trunk main. As such the layout is considered unacceptable and this area must be left free of development. The impact of this will increase density further elsewhere on the site, further exacerbating impacts of the development onto the character of the locality.
- 7.24 Highways and Access

Highways Development Control have assessed the proposal and raise no objections in principle to the scheme from a highways perspective, however they note that submitted details fail to adequately address inadequacies in the pedestrian and cycle linkages between the site and local community facilities. In addition, the location of the site entrance is likely to compromise use of the existing bus stop; relocation and provision of improved bus stop infra-structure is required. These amendments to the scheme are required in order for the proposal to improve Active travel arrangements and improve the sustainable travel credentials of the location. Highways Development Control have opined that these inadequacies could be overcome by the imposition of a condition on any planning consent. In addition, given the scale of this proposal the impact of this development and other planned development, such as the LDP allocations in this area, should be considered with regard to traffic impact upon Ewloe roundabout.

7.25 Given the site proximity to the A494 Trunk road Welsh Government have been consulted on the application. They consider that the submission is inadequate for the following reasons.

- 1) The Welsh Government believe traffic flows on the A494 are returning to pre-covid baselines. The applicant should carry out traffic counts on the A494/St David's roundabout to verify the figures provided in the Transport Assessment taking account for seasonal and AM/PM peak variances.
- 2) The applicant must consider a direct surfaced link from the development onto the A494 shared use path in accordance with the Active Travel (Wales) Design Guidance.

7.26 Furthermore, they have advised that more information is required with regards to detailed drainage proposals for the infiltration basin to demonstrate it does not have the potential to affect the A494 Trunk Road.

7.27 In the absence of this requested information the Welsh Government as highway authority for the A494 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

7.28 As this information has not been provided, I consider that this issue forms another reason for refusal.

7.29 Ecology and Trees

The application has been supported by a preliminary ecological appraisal. This appraisal demonstrates that the site has relatively high ecological value for several species and mitigation will be required to compensate for any lost habitat should development be allowed.

7.30 The native hedges, scattered trees and woodland all have some potential for foraging and emigration corridors for amphibians/reptiles, bats and hedgehogs. These areas support a range of invertebrates, which provides a good food-source for birds and for foraging bats. The rubble pile, soil banks, fallen trunks and stumps in the woodland provides some potential for amphibians/reptiles as resting places/hibernacula. The trees, hedges and scrub provide potential for nesting birds. The semi-improved grassland has potential for foraging badgers, but little potential for foraging and emigrating amphibians/reptiles, as the grass has been grazed to a short swathe by the horses, which would leave these species vulnerable to predators.

7.31 The survey found that the dried-out pond has little potential for GCN and other amphibians, as there is no water remaining and the encroaching sedge and grass vegetation has developed across a significant area of the pond. None of the hedges on site qualify as 'important' with regards to the

Hedgerow Regulations 1997, made under Section 97 of the Environment Act 1995 which came into effect 1 June 1997.

- 7.32 The survey concludes that by using mitigation to compensate for loss of habitat, implementing Reasonable Avoidance Methods (RAM) and providing biodiversity enhancements, the proposed development should have no detrimental effect on the favourable conservation status of bats, great crested newts and other amphibians, reptiles, badgers or other mammal species. I consider this assessment to be sound and were planning permission to be granted for development of this site then conditions would be required to safeguard suitable mitigation and reasonable avoidance measures. This would ensure compliance of the proposal with Flintshire unitary development plan policies WB1 and WB6.
- 7.33 The arboricultural report demonstrates that some hawthorne specimens are to be removed from a Category A group of trees, although the Oaks in this group are to be retained. This appears to be a reasonable compromise. In general, the provision for ecological and arboricultural assets on site is acceptable.
- 7.34 Noise
- Given the application site location close to the A494 Trunk Road a Noise Impact assessment has been prepared and submitted in support of the application.
- 7.35 The potential effects of noise were assessed with reference to current guidance, namely the Planning Policy Wales (Ed. 11), TAN11, and British Standard BS8233:2014. A sound level survey was conducted at the site, including measurements of road traffic noise from the A494 which was used to calibrate the noise propagation model.
- 7.36 The results of the sound propagation modelling indicate that the proposed site falls predominantly within Noise Exposure Categories B or C for daytime periods and night-time periods. As such, a detailed Acoustic Design Statement (ADS) has been provided to demonstrate how adverse impacts of noise will be mitigated and minimised and which clearly demonstrates that a significant adverse noise impact will be avoided.
- 7.37 Mitigation measures proposed, in particular the use of acoustic screening to the site as well as a glazing and ventilation strategy, resulted in suitable internal sound level levels being achieved in all plots across the site.
- 7.38 It should be noted that with regards to outdoor amenity, the assessment indicates that the majority of external amenity spaces would be below the upper guideline value of 55 dB LAeq,16h. However, the assessment identified 34 plots in which at least 50% of the allocated private garden space would exceed the upper guideline value.

7.39 In my view this demonstrates that the location of the site has less than ideal properties and the road noise would be a significant detrimental factor to the amenity of residents at least in some of the plots across the site. I do not recommend that this is taken forward as a reason for refusal, but it is indicative of the general unsuitability of the site.

7.40 The prevailing air quality of the application site has also been assessed and it has been found that the site does not present any concerns in terms of air quality, although it is noted that there are air quality concerns locally as a result of traffic on the Trunk Road.

7.41 Planning Obligations

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'.

7.42 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.

7.43 As part of any planning permission the LPA would require a legal agreement to be attached to the permission to include developer contributions to education, public open space requirements, future maintenance of private shared surface areas, as well as potential contributions for maintenance and management of wildlife areas, if required. It would also be necessary for the legal agreement to secure the tenure of the units as affordable, in perpetuity. From examining the local planning history the pooled contributions thresholds have not been exceeded with regards to relevant play areas and applicable local schools. As such and in accordance with the CIL regulations it appears that the LPA can request these contributions through a legal agreement if required.

7.44 At the time of writing the report I have not received consultation responses from Leisure or from Education in order to be able to give the relevant commuted sums that would be requested. As the recommendation before you is one of refusal, I do not consider that this would be relevant at this stage, although should the Committee be mindful to approve the application contrary to the recommendation then these matters would need to be identified and agreed in order for the Section 106 Agreement to be entered into.

8.00 CONCLUSION

8.01 Whilst the application has been advanced on the grounds of its affordable housing credentials linked to local need, the lack of a housing land supply and the broadly sustainable nature of the location on the edge of a settlement of Category B in the Flintshire Unitary Development Plan, there are fundamental matters of principle that the proposal fails to comply with. Principally this is the unjustified loss of high-quality agricultural land as a result of the development, as well as the loss of an area of open countryside, with resultant detrimental impacts upon the character and appearance of the area, contrary to the general development principles of the development plan. There are also concerns over a number of smaller technical issues.

8.02 Given the above I consider that the proposal represents inappropriate development in an open countryside location that would unacceptably harm the character and appearance of the area as well as result in the loss of high-quality agricultural land, contrary to the relevant policies in the Flintshire Unitary Development Plan, and I recommend accordingly.

8.03 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.

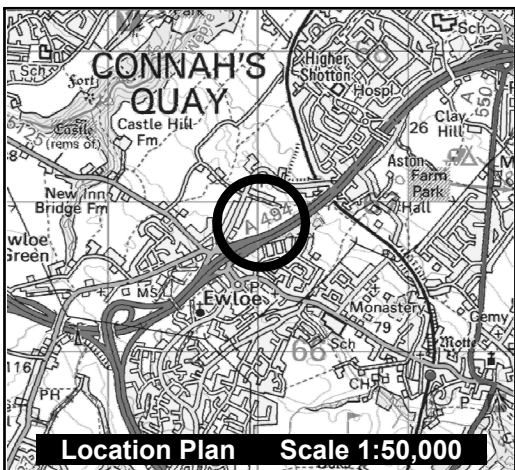
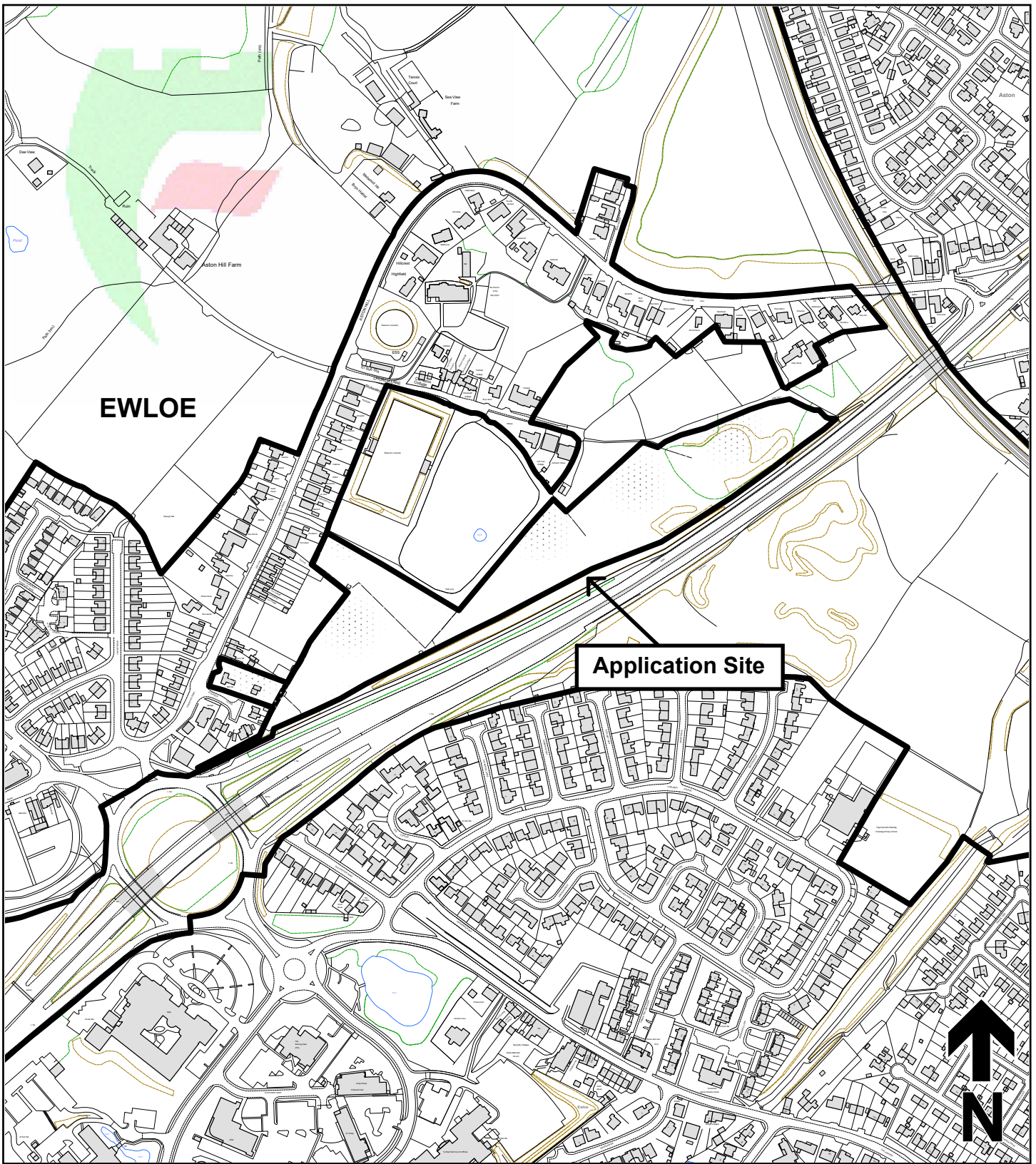
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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: James Beattie
Telephone: 01352 703262
Email: james.beattie@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 1:5000

OS Map ref SJ 3066

Planning Application **62820**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.4

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26th OCTOBER 2022**

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

SUBJECT: **FULL APPLICATION- THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES, AND THE FORMATION OF HARDSTANDING AND DETACHED AND SEMI- DETACHED DAYROOMS AT "SISTERS YARD", STATION ROAD, SANDYCROFT, DEESIDE, FLINTSHIRE**

APPLICATION NUMBER: **062760**

APPLICANT: **MR JAMES YOUNG**

SITE: **SISTERS YARD, STATION ROAD, SANDYCROFT**

APPLICATION VALID DATE: **26TH MARCH 2021**

LOCAL MEMBERS: **COUNCILLOR C JONES**
COUNCILLOR D SELVESTER

TOWN/COMMUNITY COUNCIL: **QUEENSFERRY COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES- FOR MEMBERS TO ASSESS IMPACT OF PROPOSAL ON LOCALITY**

1.00 SUMMARY

- 1.01 This is a full application for the use of land for the stationing of caravans for residential purposes, and the formation of hardstanding and detached and semi- detached dayrooms at "Sisters Yard", Station Road, Sandycroft, Deeside, Flintshire

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

- 2.01
1. Time limit on commencement
 2. In accordance with approved details
 3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 2 of Welsh Government Circular 005/2018.
 4. Submission of full foulwater drainage scheme
 5. No surface water to be allowed to enter public system
 6. Full details of boundary wall to be submitted and approved

3.00 CONSULTATIONS

3.01 Local Member(s)

Councillor Christine Jones: Requests Committee determination and a committee site visit

Councillor Dale Selvester: No written response

Queensferry Community Council: No response

Welsh Water/Dwr Cymru: Requests that suggested conditions and advisory notes are included with any permission

Natural Resources Wales: We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

Approved Document: Flood Consequence Assessment, Land at Sisters Yard, Sandycroft, Betts Hydro, Ref: HYD568_SISTER.YARD_FCA, July 2022

Please note, without the inclusion of this document we would object to this planning application.

4.00 PUBLICITY

4.01 Neighbour Notifications

1 letter of objection received which is summarised as follows:

- Houses more appropriate for site
- Highways safety
- Anti-social behaviour issues

5.00 SITE HISTORY

- 5.01 054442- The use of land for the stationing of caravans for residential purposes, and the formation of hardstanding and detached and semi-detached dayrooms- Refused on Flood Risk Grounds 17/11/2020

6.00 PLANNING POLICIES

- 6.01 **Flintshire Unitary Development Plan**
STR1 New Development
GEN1 General Requirement for Development
D2 Design
HSG14 Gypsy Sites
AC 13 Access and Development
EWP17 Flood Risk

National Policy and Guidance

- Welsh Government Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'
- Planning Policy Wales Edition 11 (February 2021)
- Future Wales 2020 - 2040

7.00 PLANNING APPRAISAL

7.01 Site

- 7.02 The site subject of this planning application is located on Station Road, Sandycroft between two residential properties with commercial properties behind. Access to and from the site is taken via an existing vehicular access onto Station Road. The site is located within the settlement boundary for Sandycroft in the Flintshire Unitary Development Plan.

7.03 Proposal

The proposed development would involve the change of use of previously developed land for use as a family traveller site of 3 pitches. Each pitch would consist of 1 static home, 1 trailer caravan and 1 utility/day room. The site is currently being used as a travellers site although the development as proposed has not been implemented and this application is not being applied for in retrospect.

- 7.04 The definition of 'Gypsies and Travellers' is contained within section 108 of the Housing (Wales) Act 2014. Gypsies and Travellers means:
(a) Persons of a nomadic habit of life, whatever their race or origin, including –

- (i) Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and
- (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
- (b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

7.05 I can confirm that it is considered that the applicant and their family meet this definition and this will furthermore be controlled by condition.

7.06 A previous proposal for a similar development, reference 054442, was refused in November 2020 as it had not been proved that the site would accord with the advice in TAN15- Flood Risk and Development.

7.07 Principle

The site lies within the settlement boundary of Sandycroft which is a category B settlement in the Flintshire Unitary Development plan. The plan provides guidance on this form of development in Policy HSG14 and this is the primary development plan policy to consider in regard to the principle of this development. This policy acknowledges the requirement for the development plan to make adequate provision for the accommodation needs of Gypsy and Traveller families.

7.08 Advice contained within Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites', in light of which criterion a. and b. of policy HSG14 are outdated, on the basis that these criteria would be unduly restrictive to the choices available to Gypsies and Travellers. However the other criteria of Policy HSG14 are still relevant. These criteria accord with the Circular in that they essentially seek to assess the suitability of the location of the proposed Gypsy and Traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first.

7.09 The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. More recently, Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites which reflects provisions contained in the Housing (Wales) Act 2014, to ensure that local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system.

7.10 It is worth noting that UDP policy HSG14 predates the 2014 Act as well as Circular 005/2018, both of which place a different emphasis

on assessing applications for Gypsy and Traveller sites, and the UDP did not identify specific sites to contribute towards the identified need.

- 7.11 Whilst the LDP has a similar criteria based policy to the UDP (HN9), it has now been through the LDP Examination which has resulted in its two criteria a. and b. being deleted as they do not accord with the guidance in the above circular.
- 7.12 The above criteria required a proven need for a Gypsy and Traveller site to be demonstrated, as well as there being no suitable alternatives elsewhere. Welsh Government raised this matter in their representations to the LDP Examination Inspector, highlighting that the Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for gypsies and travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The Circular clearly states that criteria based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites. As these are also the first two criteria in UDP policy HSG14 they are no longer valid considerations, as previously discussed, and cannot be taken into account.
- 7.13 Suitable provision to meet this level of identified need has therefore been identified in the LDP, however the plan has yet to be adopted and this is a material factor in the consideration of the need and provision presented by this application. In any event, circular 005/2018 states that criteria based policies are required in development plans, to cater for what is in effect new or windfall unidentified demand for pitches, and the UDP and LDP have similar criteria based policies.
- 7.14 Paragraph 7 of the Circular advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals the guidance reference a 'Wales of cohesive communities'. Paragraph 8 goes on to advise that 'Housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities'. In particular the guidance requires that '...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community'.
- 7.15 Paragraph 12 recognises that 'Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage'. Paragraph 14 explains that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure 'that accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met'.

- 7.16 Paragraph 36 explains that ‘when identifying sites the planning authority should work with the Gypsy and Traveller Community’. Paragraph 37 explains that ‘issues of site sustainability are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks’.
- 7.17 Whilst the Circular advice supersedes criterion a. and b. of policy HSG14 of the UDP, on the basis that this would be unduly restrictive to applications such as this, the other UDP policy criteria are still relevant. These are in line with the Circular and essentially seek to assess the suitability of the location of the proposed gypsy and traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first, as is the case with the application site.
- 7.18 The circular itself provides expanded guidance at paragraph 37 in respect of the sustainability of sites and the site should be assessed in this context. Whilst not an exhaustive list, the items to consider when assessing whether or not a site is suitable includes:
- opportunities for growth within family units;
 - the promotion of peaceful and integrated co-existence between the site and the local community;
 - access to health and education services;
 - access to utilities including water, waste water disposal and waste collection services;
 - access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);
 - suitable nearby or on-site safe play areas;
 - contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments;
 - not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in line with guidance contained in TAN 15, given the particular vulnerability of caravans; and
 - regard for areas designated as being of international, national and local importance for biodiversity and landscape
- 7.19 I consider that the site meets the specified criteria, and specifically it provides good connectivity to the local communities and the facilities they offer. The site is within the settlement boundary for Sandycroft, which is a category B settlement in the adopted UDP. It is a sustainable location for new development given the availability of services and facilities and also proximity to other settlements in Flintshire, and Deeside specifically.
- 7.20 The advice and guidance within this circular provides the framework when determining this types of planning applications. In my view the

principle of this development is acceptable with due regard to all relevant National and Local policies and advice.

7.21 Interests of children

The benefits of enabling the provision of a stable and secure environment is a material consideration in the planning balance. This has been accepted by planning inspectors with due regard to the rights to respect for family and private life as identified in Article 1 and Article 8 of Protocol 1 of the European Convention on Human Rights. Furthermore the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well-being of the children.

7.22 There is also a national and international obligation continued in article 3(1) of the United Nations Covention of the Rights of the Child (UNCRC)

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

7.23 These considerations are therefore usually a primary material consideration in the site assessment. In this instance, however, the applicant has not advanced this information as they do it consider it necessary to divulge personal information given that the principle of the proposal is acceptable in policy terms. As such the application should be determined solely on its planning merits.

7.24 Flooding

In relation to Welsh Government guidance relating to development and flood risk within Technical Advice Note 15 (TAN15), the proposed use is classed as highly vulnerable development. The NRW's Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 which indicates it is in a defended floodzone. Whilst this does not preclude development, TAN15 does require a flood consequences assessment to be carried out and also that the justification tests set out in the TAN are met.

7.25 The development proposal is for a three pitch traveller site. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Further to the discussion regarding the principle of development earlier in this report it is considered that the development in this location is justified as it accords with the strategic and policy aims of the development plan in reference to meeting the needs of Gypsy and Travellers for sites.

- 7.26 The application has been supported by an updated FCA and Hydraulic Assessment (HA) (Flood Consequence Assessment, Land at Sisters Yard, Sandycroft, Betts Hydro, July 2022). Natural Resources Wales (NRW) have been consulted on this document in order to give the LPA technical advice on the acceptability of the consequences in the event of flooding in accordance with Appendix 1 of TAN15.
- 7.27 The FCA shows that the risks and consequences can be managed to an acceptable level. The FCA has been updated to refer to the worst-case breach location for the site, which is a breach at Pentre. In the 0.5% Annual Exceedance Probability (AEP) breach event with an allowance for climate change, the flood level expected at the site is 5.66m AOD, resulting in flood depths of up to 0.76m at the site. The FCA proposes to mitigate this flood risk by raising the entire site to a level of 5.70m AOD, which would be 40mm above the design flood level. We are satisfied that this mitigation measure would ensure that the development proposal complies with the requirements of Section A1.14 of Technical Advice Note (TAN) 15.
- 7.28 The FCA has also clarified the situation in respect to fluvial flood risk posed by Broughton Brook. Sections 5.1.5 and 5.1.6 of the FCA state that no flooding of the site is expected from Broughton Brook, including in the 1% AEP and 0.1% AEP blockage events with an allowance for climate change. This is supported by the proposed scenario modelling outputs provided in the HA (Appendix F) which show no flooding of the site in these scenarios.
- 7.29 The FCA contains some additional depth difference maps which demonstrate the impact of the proposals on flood risk elsewhere, in the 0.1% AEP breach event with an allowance for climate change. The model outputs (Figure 4 in the FCA) indicate that generally, the proposal is not expected to increase flood risk elsewhere beyond the tolerable limit of 5mm. The FCA states that there are some small areas of higher increases of up to 20mm to some existing industrial areas that already flood to a depth of between 0.5 to 1.0 metres. Whilst the proposal does not strictly comply with the requirements of A1.12 of TAN15 due to the small area of increased flood depth beyond tolerable limit, given the isolated scale and nature of this increase, this is considered to be acceptable and NRW raise no objection on this point.
- 7.30 In respect to Section A1.15 of TAN15, the FCA identifies a flood level of 5.78m AOD for the 0.1% AEP breach event with an allowance for climate change. Considering the proposed land raising to a level of 5.70m AOD, flooding of the site would be limited to a depth of 80mm in this event, which is within the tolerable conditions for flood depth as outlined in table A1.15. To conclude, NRW are satisfied that the FCA has adequately addressed their previous concerns and that potential flood risk can be successfully managed. As such the

proposal complies with Flintshire Unitary Development Plan Policy EWP17.

7.31 Drainage

The proposed drainage solution for the site is to dispose of foul flows via the public sewerage system and surface water through a sustainable drainage system. Welsh Water have raised no objections to this drainage solution in principle.

7.32 The surface water drainage is subject to SAB approval and must be sought separately to any planning consent.

7.33 As a foul water public sewerage connection is available and Welsh Water have raised no objection to such a connection, I consider that the principle of drainage for this development is acceptable. For the sake of clarity, I consider that it would be necessary to request that details of a full drainage scheme are required as a condition to any approval, as set out in Welsh Waters consultation response.

7.34 Local Amenity

The site layout has been undertaken with due consideration to the advice and standards contained within 'Planning for Travellers Sites March 2012'. This is DCLG guidance for England however it is largely consistent with advice contained within the Welsh Government Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites' as well as the guidance document 'Designing Gypsy and Traveller Sites Guidance, May 2015.'

7.35 The site is of a sufficient size to comfortably accommodate the caravans and utility blocks in a circular arrangement around the central access. This circular arrangement is noted within the guidance as helping to facilitate a feeling of community and is considered to be appropriate to small site such as this. It is noted in the guidance that it is important that empty areas are not left on the site, and I consider that the proposal makes good use of the available space whilst allowing for adequate separation of the caravans and buildings on site for both privacy and safety. A 1.5-metre-high brick wall is proposed for the site frontage. This will provide a measure of privacy for the site residents. A condition is suggested requiring the submission of full details of this wall to ensure that its design is appropriate for the streetscene.

7.36 There are residential properties to either side of the application site, approximately 10 and 8 metres from caravans at the nearest points. Caravans are located off the boundary, and it is considered that due to the appropriate level of occupation proposed on the application site, as well as the siting of the caravans on the site and proposed boundary treatments there would be no particular adverse impacts

upon the amenity of the neighbouring residents. Adherence to the FCA would require a raising of the ground level by approximately 400mm. This is considered to be acceptable and unlikely to have an impact upon neighbouring amenity.

7.37 Whilst there are industrial uses within the locality of the site, which will generate noise, no concerns have been raised by Public Protection with regard to potential noise impact upon residents of the site. There is an appropriate distance of separation between the caravans on the application site and neighbouring industrial sites. I consider that the amenity of residents of the proposal site is acceptable, and the proposal will not result in a loss of amenity to neighbouring residents.

7.38 Other Matters

A third party has raised concerns on the grounds of the safety of the site access, as well as existing issues of anti-social behaviour.

7.39 No objection has been received from the Highways Authority, and it is noted that the proposal utilises an existing site access.

7.40 The objection does not make clear whether the anti-social behaviour listed is attributable to the site or whether this is wider local issues, however this matter is not a material planning consideration.

8.00 CONCLUSION

The use of the site as a Gypsy and traveller site is acceptable in principle and will help to meet a currently outstanding need for traveller sites across the County. The applicant has demonstrated that the site is now flood risk compliant. The site layout is acceptable and will not give rise to any adverse impacts upon local amenity or living conditions. There are no objections with regards to drainage, access or other technical matters. The proposal is acceptable, and I recommend accordingly.

8.01 Other Considerations

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

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

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

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

LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: James Beattie
Telephone: 01352 703262
Email: james.beattie@flintshire.gov.uk

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.5

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26th October 2022**

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

SUBJECT: **Conversion of former redundant public house to form 11no apartments**

APPLICATION NUMBER: **00358/22**

APPLICANT: **Chris Walsh**

SITE: **315, High Street, Connah's Quay, Flintshire, CH5 4DP**

APPLICATION VALID DATE: **16th August 2022**

LOCAL MEMBERS: **Councillor Attridge and Councillor Owen**

TOWN/COMMUNITY COUNCIL: **Connahs Quay Town Council**

REASON FOR COMMITTEE: **Local Councillor refer to the planning committee and a site visit for the following reasons:
Serious highway concerns and parking, concerns regarding the disposal of waste from the apartments, inappropriate development in an area with excessive flats apartments and HMOs.**

SITE VISIT: **Not required**

1.0 SUMMARY

This application seeks permission for the conversion of former redundant public house (Hare and Hounds) to form 11no self-contained apartments at 315, High Street, Connah's Quay, Flintshire, CH5 4DP.

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

2.0 Conditions

1. Time limit on commencement
2. In accordance with approved plans

3. Enhanced double glazing
4. Surface water

3.0 CONSULTATIONS

3.01 Local Member: Cllr Attridge: Serious highway concerns and parking, concerns regarding the disposal of waste from the apartments, inappropriate development in an area with excessive flats apartments and HMOs, Serious ASB in the same area including 2 murders even NWP tell me weekly that no more flats are needed in this location.

Cllr Owen: No representation received at the time of writing.

3.02

Connahs Community Council: No response at the time of writing.

3.03

Highways Development Control: No objection.

3.04

3.05 Community & Business Protection: No objections in principle to this application. One condition to be attached regarding to enhanced double glazing to the bedroom/living rooms windows with a view of the High Street.

3.06 Welsh Water/Dwr Cymru: No objection however attached conditions and Advisory Notes to any granted planning permission.

3.07 Natural Resources Wales: No objection to the proposed development as submitted and advises to provide advice on protected species.

North Wales Fire and Rescue Authority: The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

Housing and Communities: No objection. This application (11 additional homes) would assist with meeting the growing need and undersupply of housing in the Connahs Quay area for single people and couples of working age.

4.0 PUBLICITY

Press Notice, Site, Notice, and Neighbour Notification: No representations received at the time of writing.

5.0 SITE HISTORY

- 5.0 **042918** - Retrospective application for the erection of a timber pergola, decked area with balustrading and erection of new fence and gate to storage area. – **Approved 14/05/2007**

6.0 PLANNING POLICIES

6.1 Flintshire Unitary Development Plan

- STR1 New Development
- GEN1 General Requirements for Development
- GEN2 Development Inside Settlement Boundaries
- D1 Design Quality, Location and Layout
- D2 Design
- AC13 Access and Traffic Impact
- AC18 Parking Provision and New Development
- HSG3 Housing on Unallocated Sites Within Settlement Boundaries
- S11 Retention of Local Facilities

Supplementary Planning Guidance

- SPGN2 Space Around Dwellings
- SPGN11 Parking Standards
- Draft SPGN13 Outdoor plan space and New Development
- SPGN24 Retention of Local Facilities

National Planning Policies

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation.

7.0 PLANNING APPRAISAL

- 7.01 This application seeks permission for the conversion of former redundant public house (Hare and Hounds) to form 11no self-contained apartments at 315, High Street, Connah's Quay, Flintshire, CH5 4DP.

7.02 Site Description

The application site is a redundant Public House which ceased trading as of February 2022. The building has been constructed from brick walls supporting pitched timber framed roof sections covered with slate. The application site is located on the south side of the A548 (High Street) within the settlement boundary of Connah's Quay. In addition to the pub building facing High Street, it includes land to the rear of the building to the rear of dwellings fronting Chapel Street and a block of flats at Chapel Court. The surrounding area consists of a mixture of residential and commercial units with Browns Furniture Warehouse being located

immediately to the north west of the site. Buildings to the west of the site have been demolished and redeveloped for residential purposes.

7.03 The main vehicular access to the property is directly from High Street into the car park/service area that runs along the frontage of the Hare & Hounds and the adjoining furniture store. There is a secondary access from Chapel Street to the rear of property although this has not been used for public access. The car parking area in front of the building has space for six cars.

7.04 Proposed Development

Permission is sought for the conversion of former redundant public house to form 11no self-contained apartments. The proposal seeks to provide accommodation over 4 floors (ground and three floors above) it is proposed to convert the entire building into 11 self-contained apartments with 8 of them being 1 bed and 3 apartment being 2 bedroom. The apartments are split three per floor from ground level to the second floor with two apartments on the third floor. The apartments are designed to meet the requirements of the affordable housing market.

7.05 There are no additional windows proposed on any elevations just alterations and the two windows to the front and rear fourth level are sought to be slightly enlarged. The proposal includes enhanced double glazing to the bedroom/living rooms windows with a view of the High Street shall be installed to achieve a minimum sound reduction of around 34dB(A). In double glazed windows a typical specification is e.g.10/12/6.4mm. Roof- to be fixed where necessary with materials to match existing Windows and doors- UPVC Walls- Front brickwork elevation to be repainted, rendered elevations to be repaired where necessary and painted to client's requirements.

7.06 Furthermore, Swift nesting boxes are sought to be installed to High Street elevation (high under eaves to be unobtrusive). A minimum of 4 to be installed, 2on each elevations. Boxes to be built to the following dimensions: Top 400mm x 230mm x 12mm Front 320mm x 170mm x 12mm Base 296mm x 170mm x 12mm, Back 400mm x 170mm x 12mm Sides 170mm x 170mm x 12mm Battens 170mm x 50mm x 12mm. Internal floor area = 0.050 sq m Internal volume =0.0085 cu m

7.07 A bin store is sought to be located to the rear of the property on the rear boundary which seeks to be 3.4m x 3.4m.

7.08 The Main Issues

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

1. the principle of the development in planning policy terms,
2. the effects upon the visual appearance and character of the area
3. the effects upon the amenities of adjoining residents
4. the effects upon the highway

7.09 Principle of Development

The site is located within the settlement boundary for Connahs Quay, a category A settlement, as identified within the Flintshire Unitary Development Plan/ The conversion does not create tandem development or overdevelopment, does not conflict with the aims of the UDP.

Policy STR1 States that new development will be:

- a) generally located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location;
- b) required to incorporate high standards of design which are appropriate to the building, site and locality, maximise the efficient use of resources, minimise the use of non-renewable resources and minimise the generation of waste and pollution;
- c) required to create a safe, healthy and secure environment and protect standards of residential and other amenity;
- d) required to respect community identity and social cohesion including the adequacy and accessibility of community facilities and services;
- e) required to respect physical and natural environmental considerations such as flooding and land stability;
- f) required to minimise or negate pollution to air, water and land; and
- g) assessed in terms of a precautionary approach whereby development proposals that would have a significant and uncertain environmental, social, economic or cultural impact, will be refused, in the absence of the best available information which proves that the impact can be negated or mitigated through proper risk control measures.

The proposal is considered to comply with the criteria set out in STR1.

7.10 HSG3 Housing on Unallocated Sites Within Settlement Boundaries

On unallocated sites within settlement boundaries, new housing, the change of use of non-residential buildings to dwellings, the renovation or replacement of existing dwellings, and infill development will be permitted provided that:

- a) in category C settlements it is the renovation or replacement of an existing dwelling or it is to meet proven local needs and cumulatively does not result in over 10% growth since 2000.
- b) in category B settlements it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need, and

- c) where a housing development is acceptable in principle in category A, B and C settlements:
 - i) it does not result in tandem development or overdevelopment in relation to the character of the site and surrounding area;
 - ii) it does not conflict with the UDP housing provision for the County over the Plan period; and
 - iii) the proposal complies with policy GEN1.

The site is located within Category A settlement and is considered to comply with criteria i-iii.

7.11

As the proposal will lead to the loss of a public house Policy S11 applies and states that development which will lead to the loss of a shop, post office or public house or other building which performs a social as well as an economic role will be permitted only where:

- a) similar facilities exist in the neighbourhood or village which are equally as conveniently accessible to local residents; or
- b) where this is not the case, the property has been advertised at a reasonable price for sale or lease in its existing use for a period of at least one year without success.

The proposal complies with criteria 'a'. Other public houses such as The Ship is located 0.06 miles away and Custom House which is 0.4 miles away.

7.12

With regards to access, Policy AC13 states that development proposals will be permitted only if:

- a) approach roads to the site are of an adequate standard to accommodate the traffic likely to be generated by the development without compromising public safety, health and amenity; and
- b) safe vehicular access can be provided by the developer both to and from the main highway network.

The proposal complies with criteria 'a' and 'b' set out in Policy AC13.

7.13

Similarly, Policy AC18 states that all new development, including changes of use, must provide appropriate parking in accordance with Flintshire County Council Parking Standards, which will be applied as a maximum. Reduced requirements may be applied where:

- a) it is located in a town centre;
- b) it lies within 300 metres of existing public car parks which have sufficient spare capacity and are accessible by all users;
- c) on site parking is not required by the development;
- d) the developer has entered into an agreement with the Local Planning Authority to contribute a commuted sum equivalent to the current cost of provision of non-operational parking spaces; and

- e) alternative provision is made for the use of public transport, cycling and walking, or other arrangements such as formal car sharing or private bus services;
- f) provided that surrounding residential or other areas would not suffer from an increase in on-street parking.

However, over generous parking can prevent higher density development, and may deter the use of more sustainable forms of travel. Further assessment of access and highways is discussed within a separate section below.

The proposal complies with criteria 'a, e, f'. A detailed assessment of access and highways is discussed in a separate section below.

7.14

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

7.15

In addition to the above policies consideration has been given to the guidance with regards to space around dwellings contained in Supplementary Planning Guidance Notes 2.

7.16

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

7.17

Housing

Housing and Prevention Services colleagues have confirmed that there is significant demand for housing in Flintshire as evidenced through a large increase in applicants accepted onto the Councils Common Housing Register, particularly for smaller affordable accommodation. The number of eligible applicants on the Council's Common Housing Register has increased significantly (71% up) over the last few years (approx. 1400 @ March 2020 – approx. 2400 October 2022). When considering all applicants on the Common Housing Register with a 1 bed need between the age of 18yrs – 59yrs Housing colleagues advise that there are presently 997 eligible applicants in need of housing. Of those applicants aged 18yrs – 59yrs who have identified Connahs Quay as an area for rehousing, there are 397 applicants (October 2022). Connahs Quay is one of the highest demand areas for 1 bed accommodation in Flintshire.

7.18

Housing colleagues have also confirmed that within the private rented sector across the County and including Connah's Quay, local lettings agents report a huge shortage of properties and high levels of competition as soon as properties come onto the market. Pre-covid,

agents received an average of five enquiries per day for each new property. It is now commonplace for agents to receive 60 to 80 enquiries per property. Housing have confirmed that this application (11 additional homes) would assist with meeting the growing need and undersupply of housing in the Connahs Quay area for single people and couples of working age.

7.19

Access and Highways

As part of the application a highways statement was provided. There are no proposed changes to the existing access. Adequate parking provision are required and the application sets out there would be 6 spaces provided at front of the building.

7.20

For apartments, section C3 of SPGN no.11 suggests a maximum permitted parking level of one car park space per unit plus one space per two units for visitors. This would be a maximum provision of 17 spaces for the proposed development. This assessment does not however take into account the nature of tenure or location of the property which both have significant impact on parking demand.

7.21

The site is in a central location in close proximity to local community facilities including rail and bus services, retail, employment and education. There are several bus stops along the high street and the nearest train station in Shotton is 0.9 miles away. Local pedestrian and cycle facilities make Active Travel viable options. Highways were consulted as part of the application process and raise no concerns or objections to the proposal.

7.22

Ecology

As part of the application protected species survey and bat activity survey was submitted. The building was subjected to an internal and external survey on the 8th July 2022, the weather conditions were clear and dry.

7.23

The results from the survey state that no visible evidence of bats was found anywhere in or around the structure of the building that could be safely accessed, no droppings, feeding remains, staining, marking etc. There are some small roof voids probably no more than a metre high above some of the upper rooms and these have no access with sealed ceilings. Other sections that are not rooms can be accessed and these were generally full of dense hanging cobwebs.

7.24

However, due to come some exposed sections of roof to the rear a bat emergence survey was recommended to confirm any presence/absence for the building. The bat emergence survey was carried out and concludes that no bats at all were observed exiting the pub and only one or two single pipistrelle bats were observed in the area. The first bat appeared to fly in from a north-east direction possibly from the far side of the road.

7.25

With regards to birds, there was evidence of birds nesting in the chimney structures and there is also some potential access for birds at the rear where the roof felt has fallen away below the roof overhang. The high nature of the building would be attractive to swifts which are a declining species. Four woodstone swift boxes will be installed under the eaves on the east elevation as shown below, these boxes should be marked on the submitted building plans. All breeding birds are protected under Section 1(1) and 1(2) of the Wildlife and Countryside Act 1981, as amended. This makes it an offence to damage, disturb, or obstruct access to nests during the bird breeding season (generally March to September).

Natural Resources Wales have been consulted as part of the application process and raise no objections to the proposal.

7.26

Scale of Development

The proposal does not seek to extend the property but to incorporate 11 apartments over four floors with 8 apartments being 1 bed and 3 apartments being two bedrooms. The mix is consistent with the Local Housing Market Assessment which the broad level identified need indicates the greater single need is one and two bedroom properties (45.6%). The HMO and Flat Developer Advice Note advises that adequate amenity space is required and accessible to all residents and that is of a high quality, well designed and fit for purpose. There should be a minimum of 20m² of amenity space per flat. Amenity space of 20 m² of amenity space per flat would equate to 220m² for the 11 apartments, the land at the rear equates to over 330m² that can be used for quality amenity and therefore complies with policy relating to the HMO and Flat Developer Advice Note. Overall, the proposal is deemed subsidiary in scale.

7.27

Character and Appearance

In terms of appearance, the proposal is sought to utilise similar materials to the existing dwelling. There are no external alterations proposed as part of the application. Therefore the proposal is in-keeping with the character of the existing property. There is no predominant design or character within the area. The proposal has been designed to be sympathetic to the existing property and is considered to be compliant with the provision of policies GEN1, and D2 of the Flintshire Unitary Development Plan.

7.28

Living Conditions

The property is positioned between 2 No existing properties Browns Furniture and No. 22 Chapel. Properties 5-13 chapel Street are located to the North West of the side with No. 1-21 Chapel Court to the rear of the property. The impact of the living conditions of the occupiers of these properties is of fundamental importance in consideration of this application having regard to planning policy and Supplementary Planning Guidance 2 – Space Around Dwellings.

7.29

No representations have been received from the occupiers of neighbouring properties, however this does not waiver the need to assess the proposal in terms of the potential impact towards such.

7.30

There are no additional windows proposed as part of the application. With regards to No. 5-13 (odd numbers). The separation distances are 21m or more complying with the separation distances required are set out in SPGN2. With regards to the property at No. 22 Chapel Court the application site is positioned slightly forward of No. 22. Therefore, there are no concerns with regards to loss of privacy. The separation distance between the application property and the block of flats at 1-21 Chapel Court is 24m at its closest therefore, meeting the required separation distances. Overall, it is considered that the proposal will not negatively impact the living conditions of the surrounding neighbours.

7.31

Other Matters

The Local Councillor has raised objections regarding the proposal including, serious highway concerns and parking. The proposal seeks to utilise the existing six parking spaced to the front of the application site. Due to the central location of the site and the close proximity to facilities and public transport highways have not raised any concerns to the proposal. An additional concern is regarding the disposal of waste from the apartments. A bin store has been provided at the rear of the property to appropriately store all rubbish within allocated bins within the store room. A further concern relates to inappropriate development in an area with excessive flats apartments and HMOs. There is considered to be a shortage and the proposal meets the housing needs for the area. The site is considered to be an appropriate use of an existing building. Finally, a concern is raised regarding a serious ASB in the same area including 2 murders, this is not a planning matter nor relates to the development of flats.

8.0 CONCLUSION

To conclude, the proposal provide sufficient amenity space for the number of units. The proposal provides a sufficient amount of parking and is located within a central location in close proximity to public transport and active travel. The proposal has been designed sympathetically using matching materials and would not have a detrimental impact on the character of the surrounding area.

Given the location of the development, and with due regard to the relevant planning policies and to considerations of sustainability this site is considered to be an appropriate location for this form of development.

I recommend accordingly.

8.1 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no

significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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

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

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

LIST OF BACKGROUND DOCUMENTS

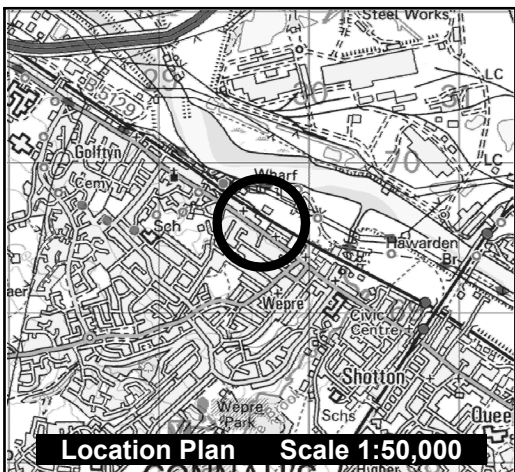
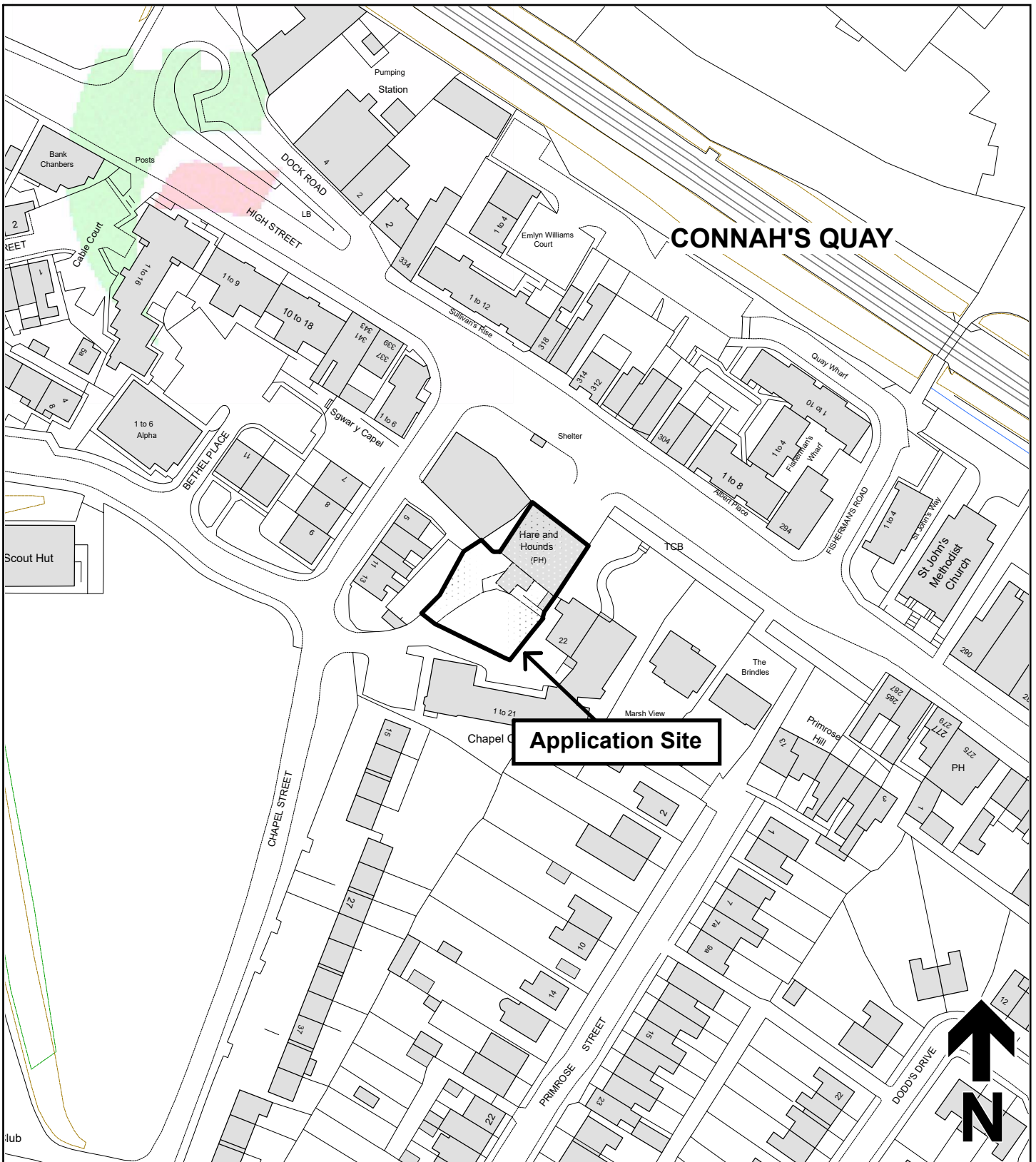
- Planning Application & Supporting Documents
- National & Local Planning Policy
- Responses to Consultation
- Responses to Publicity




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Mae'r dudalen hon yn wag yn bwrpasol



 <p>CYNGOR Sir y Fflint Flintshire COUNTY COUNCIL</p>	<p>Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>						
	<p>Legend</p> <ul style="list-style-type: none">  Planning Application Site  Adopted Flintshire Unitary Development Plan Settlement Boundary 	<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, 2022.</p> <table border="1"> <tr> <td>Map Scale</td> <td>1:1250</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 2969</td> </tr> <tr> <td>Planning Application</td> <td>FUL/000358/22</td> </tr> </table>	Map Scale	1:1250	OS Map ref	SJ 2969	Planning Application
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OS Map ref	SJ 2969						
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Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.6

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **26th OCTOBER 2022**

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

SUBJECT: **FULL APPLICATION- PART DEMOLITION OF EXISTING DWELLING AND RESIDENTIAL DEVELOPMENT COMPRISING OF 7 DETACHED DWELLINGS AND ASSOCIATED ROADS AND DRAINAGE WORKS**

APPLICATION NUMBER: **063335**

APPLICANT: **GOWER HOMES**

SITE: **LAND AT "FOXFIELD", FAGL LANE, HOPE, WREXHAM, FLINTSHIRE**

APPLICATION VALID DATE: **14th APRIL 2022**

LOCAL MEMBERS: **COUNCILLOR MS G HEALEY**

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

REASON FOR COMMITTEE: **COUNCILLOR REQUEST- LEVEL OF PUBLIC INTEREST**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for Part demolition of existing dwelling and residential development comprising of 7 detached dwellings and associated roads and drainage works at Land at "Foxfield", Fagl Lane, Hope, Wrexham, Flintshire

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

- 2.01 1. In the opinion of the local planning authority it has not been demonstrated that the development would not lead to an increase in phosphate levels in the River Dee and Bala Lake SAC, with a resultant significant impact on the protected site. As such it is considered that the development is contrary to policies WB2 and EWP16 of the Flintshire Unitary Development Plan as well as advice contained within Planning Policy Wales 11 regarding Water Quality and the protection of SACs.

3.00 **CONSULTATIONS**

- 3.01 **Local Member: Councillor G Healey**: I would like this application to be determined by committee because of the high level of public interest in it.

Hope Community Council: strongly object to the proposal due to:

- Overdevelopment of plot out of character with neighbouring development
- Impact on neighbouring properties including cemetery
- Impact of wildlife on site
- Increased traffic and resulting highways safety issues

Community and Business Protection: No adverse comments to make regarding this proposal.

Highways Development Control: Recommend that any permission shall include suggested conditions

Leisure:. In accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £1,100.00 per dwelling in lieu of onsite POS.

The payment would be used to enhance toddler play facilities at The Willows Play Area. Working with Planning Policy, we have considered previous pooled contributions and we confirm that the pooled contributions thresholds have not been exceeded with regards to The Willows Play Area

Education: It is the intention of Education and Youth to seek Developer contributions:

Primary School: Ysgl Bryn Estyn £12,257.00

Secondary School: Castell Allun High School £18,469.00

Ecology: There are no designated sites adjacent to the site but it is within 300m of the River Alyn with farmland with trees and tall hedgerows in between and just over 300m to GCN ponds in the north.

The presence of trees and open water within the locality increases the chance of a bats roost being present but the buildings to be demolished are single storey, well maintained with low potential. A scheme of Reasonable avoidance measures for bats during demolition would suffice.

The shrubs and trees and particularly the boundary hedge also have potential for nesting birds and the proximity to known GCN sites means there is potential for GCN to be present on site so appropriate reasonable avoidance measures for GCN during site clearance would be required.

Biodiversity enhancements in line with WG policy would need to be incorporated into the new buildings, for example bat and bird boxes.

Further guidance within the Supplementary Planning Guidance on Nature Conservation and Development available online:
<https://www.flintshire.gov.uk/en/PDFFiles/Planning/Adopted-SPGNs/SPGN-No-8.-Nature-Conservation-and-Development.pdf>

Designated Sites and Phosphates

There are no designated sites but the application site is close to the River Alyn a tributary of the River Dee designated as an SSSI and SAC primarily for migratory fish but also otter. While it is not directly affected, all developments now need to consider phosphate pathways and a potential increase in levels within the River Dee Special Areas of Conservation (SAC) to ensure there are no impacts.

To demonstrate that adverse effect on site integrity (River Dee SAC) can be ruled out, the LPA will need to be ensure that the extant environmental permit for the Hope STW meet the updated phosphate compliance.

Regarding the additional information provided: Kingdom Ecology Protected Species report 8th Jan 2022

Phase I habitat survey and recommendations are acceptable.

Bat emergence surveys were undertaken Aug & Sept 2021 – 1 Common Pipistrelle emerged from small gap in SW facing gable of garage both visits. Mitigation proposed is acceptable namely reasonable avoidance measures and bat boxes to be built into new houses. The proposed bat boxes should be incorporated into the design plans to guarantee installation.

Natural Resources Wales: Continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further consideration is required regarding foul drainage.

Dwr Cymru/Welsh Water: Note the developer proposes to dispose of foul flows via the public sewerage system and discharge surface water run-off into a sustainable drainage system. However, no drainage details have been provided.

As of the 7th January 2019 this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer

engage in pre-application consultation with Flintshire County Council, as the relevant SuDS Approval Body

(SAB). Please note, DCWW is a statutory consultee to this application process and would provide comments on any SAB proposals.

DCWW advise that Hope WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority.

In light of the above and given the omission of a detailed drainage plan/ layout, request that if minded to grant Planning Consent for the above development that suggested Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

9 Letters of Objection received which can be summarised as follows:

- Traffic Congestion
- Local Flooding issues
- Impact upon Cemetery
- Overdevelopment
- Overbearing upon landscape
- Impact upon local facilities

1 Letter of Support

5.00 SITE HISTORY

5.01 018029- Outline application for residential development- Refused 24/8/89 Appeal Dismissed 27/2/90

6.00 PLANNING POLICIES

6.01 **Flintshire Unitary Development Plan**

- STR1 New Development

- STR4 Housing
- GEN1 General Requirements for Development
- GEN2 Development Inside Settlement Boundaries
- TWH1 Development Affecting Trees and Woodlands
- TWH2 Protection of Hedgerows
- WB2 Sites of International Importance
- AC13 Access and Traffic Impact
- AC18 Parking Provision and New Development
- HSG3 Housing on Unallocated Sites Within Settlement Boundaries
- EWP16 Water Resources

Supplementary Planning Guidance

- SPGN2 Space Around Dwellings
- SPGN11 Parking Standards
- SPGN 13 Public Open Space
- SPGN 23 Developer Contributions to Education
-

National Planning Policies:

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation

7.00 PLANNING APPRAISAL

7.01 Proposed Development

This is a Full application for the Part demolition of existing dwelling and residential development comprising of 7 detached dwellings and associated roads and drainage works at "Foxfield", Fagl Lane, Hope, Wrexham, Flintshire

7.02 Site Description

The application site is Foxfield, Fagl Lane, Hope. This site is within the settlement boundary for Hope in the Flintshire Unitary Development Plan. The site is currently the garden area for the property known as 'Foxfield' which is located centrally on the site. To the east of the site is a Cemetery.

7.03 The Main Issues

The main issues are considered to be:

- The principle of development
- Drainage and phosphates
- Impact of the development on the character and appearance of the area
- Access and highways issues
- Ecological issues

7.04 Principle of Development

The application site lies within the settlement boundary of Hope in the Flintshire Unitary Development Plan. Hope is a category B settlement and there is a presumption in favour of residential development in these areas. In principle this is considered to be an acceptable windfall development on a previously developed site.

7.05 Phosphates and drainage

Following a wastewater pre-development enquiry with Welsh Water carried out by the applicants, they are proposing to discharge into the public foul sewer network in Fagl Lane approximately 200m west of the site boundary. The levels do not allow for a gravity connection from the site so a foul pumping station will be required within the development proposals. This pumping station is located to the front of the site.

7.06 The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. NRW have also issued updated Planning Advice which gives specific advice in respect of foul drainage arrangements for new developments

7.07 The application site is close to the River Alyn, a tributary of the River Dee designated as an SSSI and SAC primarily for migratory fish but also otter. While it is not directly affected, all developments now need to consider phosphate pathways and a potential increase in levels within the River Dee Special Areas of Conservation (SAC) to ensure there are no impacts.

7.08 The developer has put forward the case that given the small number of new dwellings proposed, taken together with a relatively small amount of development in the local area in recent years, the increased phosphate load is negligible and will not have a significant impact upon the riverine SACs.

7.09 As per the Planning Advice of NRW, a Habitat Regulations Assessment was carried out to ascertain whether this development is likely to increase phosphorus inputs to a SAC. The outcome of this assessment is that the impact of the development is uncertain and a significant impact on the SAC cannot be ruled out. Without this certainty the proposal does not accord with policies WB2 and EWP16 of the Flintshire Unitary Development Plan.

7.10 Impact upon the character and appearance of the area

The development is arranged in a fairly linear patterns, with 7 additional dwellings, and the existing dwelling 'Foxfield' arranged around a central access road which culminates in a hammer head at its southwestern end. Two dwellings are located facing the access road at this southwestern end of the site, one dwelling is located to the north of the access road, and the remaining 5 (Including the existing dwelling) are located to the south of the access road. Due to this orientation the majority of the new dwellings are located away from existing housing.

7.11 Further to discussions held with the Case Officer following the initial submission of the scheme the proposal has been redesigned with the deletion of one of the proposed dwellings and a site redesign to ensure that the new dwellings have sufficient garden depths and are sensitive to perceived overlooking of the adjacent Cemetery site. The dwellings that back onto this facility are located at a slightly lower level to the Cemetery and as a result of the 11 metre garden depths and retention of the existing boundary screening I do not consider that they will unacceptably impact users of the Cemetery by being overly intrusive. There is no direct overlooking from any of the proposed dwellings onto existing neighbouring properties.

7.12 The proposed house types are detached, and of brick and tile construction. The existing housing in the locality is mixed although whilst there are some other house types including single storey dwellings the types of housing that is typically found in close proximity to the application site tends to be detached and either of a brick or rendered finish. The proposed dwellings is similar in style to those constructed on Tudor Close, across Fagl Lane from the application site. I consider them to be appropriate for use in this location.

7.13 Access and Highways

The site is located on Fagl Lane, a classified highway. As such it is a road designed to carry volumes of traffic. It is not considered that a development of this scale will unacceptably impact upon highways safety. Highways development control have raised no objection to the proposal and requested conditions should planning permission be agreed to ensure that the internal road and access point are constructed to appropriate standards.

7.14 Ecology

The site consists of modern, well maintained buildings and garden, predominantly mown grass with shrubs and occasional trees and a mature hedgerow next to the Cemetery. There are no designated sites adjacent to the site but it is within 300m of the River Alyn with farmland with trees and tall hedgerows in between and just over 300m to GCN ponds in the north.

7.15 The presence of trees and open water within the locality increases the chance of a bats roost being present but the buildings to be demolished are single storey, well maintained with low potential for roosting bats. Bat emergence surveys were undertaken in Aug & Sept 2021 and show that 1 Common Pipistrelle emerged from small gap in SW facing gable of garage on both visits. Mitigation proposed is acceptable, namely reasonable avoidance measures and bat boxes to be built into new houses. The proposed bat boxes should be incorporated into the design plans to guarantee installation.

7.16 The shrubs and trees and particularly the boundary hedge also have potential for nesting birds and the proximity to known GCN sites means there is potential for GCN to be present on site so appropriate reasonable avoidance measures for GCN during site clearance would be required.

7.17 Biodiversity enhancements in line with WG policy would need to be incorporated into the new buildings, for example bat and bird boxes. Other details such as species proposed for hedges and ornamental shrubs can be included on the landscape plan and can be conditioned.

7.18 It is considered that from an ecological point of view the proposal is acceptable, although some design changes to incorporate the bird and bat boxes into the building designs are suggested, but this could be secured by condition.

7.19 Planning Obligations

The infrastructure and monetary contributions that can be required from a planning application through a S106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

- 7.20 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.
- 7.21 Leisure services have advised that in accordance with Planning Guidance Note No.13 POS provision, the Council should be seeking an off-site contribution of £1,100.00 per dwelling in lieu of onsite Public Open Space.
- 7.22 The payment would be used to enhance toddler play facilities at The Willows Play Area. Working with Planning Policy, they have confirm that the pooled contributions thresholds have not been exceeded with regards to The Willows Play Area.
- 7.23 Education and Youth Services have confirmed that it would be their intention to seek developer contributions to relevant schools as set out in their response in section 3.0 of the report. Castell Allun High School has reached their threshold for pooling contributions but the request would be in relation to a specific project. It is considered accordance with the CIL regulations the LPA can request the above contributions through a legal agreement.

8.00 CONCLUSION

In principle the proposal represents an acceptable windfall development within a settlement boundary. There are no unacceptable impacts upon local amenity, ecology, or as a result of highways issues. Notwithstanding this, it has not been demonstrated, that the development would not have a significant impact upon local River SACs as a result of phosphates. As such I recommend that the proposal is refused for the reason outlined in paragraph 2.01.

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.

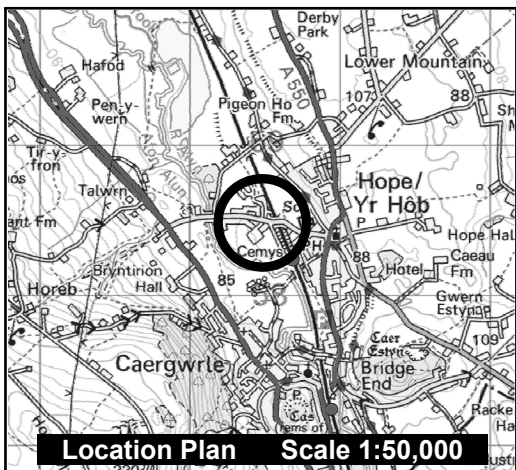
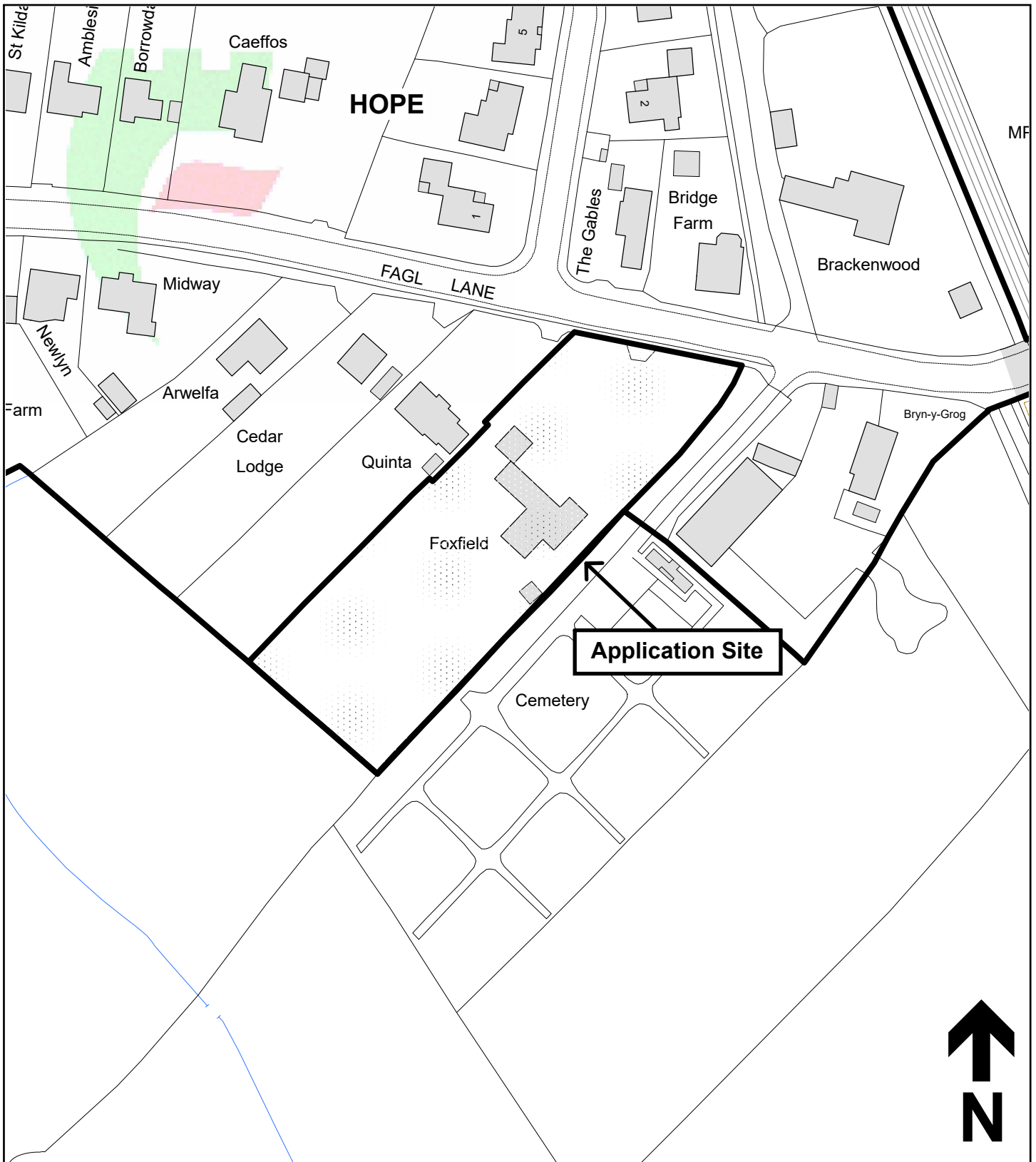
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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

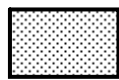
Contact Officer: James Beattie
Telephone: 01352 703262
Email: james.beattie@flintshire.gov.uk



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3058

Planning Application **63335**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.7

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 26 OCTOBER 2022**

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

SUBJECT: **FULL APPLICATION FOR THE CONTINUED SITING OF PORTABLE BUILDING FOR USE AS ANCILLARY CHANGING FACILITIES , BUCKLEY**

APPLICATION NUMBER: **FUL/000143/22**

APPLICANT: **BUCKLEY THEATRE CLUB**

SITE: **HAWKESBURY LITTLE THEATRE, MILL LANE, BUCKLEY**

APPLICATION VALID DATE: **16-AUG-2022**

LOCAL MEMBERS: **COUNCILLOR C ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 The application seeks consent for the continued and permanent siting of a portacabin for use as changing room facilities in connection with the Hawkesbury Little Theatre.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. It is the opinion of the Local Planning Authority that the continued siting of the portacabin in its current position would be harmful to the character and appearance of the site, contrary to Policies D1 and D2 of the Flintshire Unitary Development Plan.

2. Owing to the proximity of the portacabin to the adjacent dwelling, the impact upon living conditions is considered to be harmful and as such the proposal fails to satisfy criteria d) of Policy GEN 1 of the Flintshire Unitary Development Plan.
3. The Local Planning Authority considers that the continued siting of the portacabin would adversely affect the existing character and appearance of the Hawksbury Little Theatre, which is a curtilage listed building. It is also considered that it will adversely affect the architectural and historical setting of the grade II listed Hawkesbury Hall contrary to planning policy HE2 of the Flintshire Unitary Development Plan

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ellis requests committee determination

3.02 Buckley Town Council

No observations

3.03 Highways Development Control

The Highway Authority confirm that they have no objection to the proposal and do not wish to make a recommendation on highway grounds. Attach Supplementary Notes.

3.04 Community & Business Protection

A detailed objection to this application on the grounds of light and noise impact as summarised below;

- The separating distance across the track access between the portable building and the nearest residential premises is really quite small. The potential impact and thus harm is potentially detrimental to the private amenity and the use and enjoyment of the residential premises immediately adjacent.
- Artificial light nuisance/pollution is of concern. There is a door, window and lights installed on the exterior of the buildings which are all potential sources of light nuisance. Artificial light from within the building could also be obtrusive and shine out through an open door, window etc and over the short separating gap into the neighbouring residential property. Habitable rooms have been identified facing the portable building in the residential premises adjacent.
- People noise is a further consideration. Noise and activity associated with performers and from actors accessing the changing facilities, would be potentially disruptive and loud for residents living in the property opposite. The duration and

timings of the use hours of the changing facilities is likely to vary, but could extend quite late into the evenings and even into night time hours (classed as after 11pm). Weekend use would not be immune either. Sources of noise could expand to include loud door shutting/door slamming, people talking and loudly on mobile phones, smokers' talking etc. There would also be potentially noise breakout from within the building if it were not adequately sound insulated. Given the adjacency there are further matters around privacy for both the residents and for those using the changing facilities. It is not considered that conditions could overcome these challenges.

3.05 Conservation Officer

The Conservation Officer has submitted a detailed objection to the application. The objection is summarised below:-

- The proposed extension differs to the previous traditional built extension in-so-much that it is essentially a portable cabin sited along the building with a new infill structure to connect the two parts.
- The current proposal differs in design and form to the listed and curtilage listed building particularly in terms of materials and the unorthodox flat roof;
- It is considered that the proposed rectangular box extension does not fit comfortably onto the existing gable elevation of the theatre. It appears to be too wide and out of scale for the existing elevation which it virtually conceals.
- The proposal will essentially extend the footprint of the building further back on the site which would have an adverse impact upon the adjacent Hawkesbury Hall, as the new extension would be sited directly in front of part of the hall's rear elevation.

It is considered that the proposal would adversely affect the existing character and appearance of the Hawksbury Little Theatre, which is a curtilage listed building. It is also considered that it will adversely affect the architectural and historical setting of the grade II listed Hawkesbury Hall, thereby failing to preserve and enhance the historic environment and specifically safeguarding the character of the historic buildings. .

4.00 PUBLICITY

4.01 Press Notice and Site Notice and Neighbour Notification
1no. representation received. Objection Summary:-

1. overlooking and loss of privacy
2. loss of light and overshadowing
3. impact on visual amenity
4. poor design and location
5. risk of creating a precedent
6. impact on the setting of a listed building
7. contravention of national and local planning policies
8. over development of the site

5.00 SITE HISTORY

5.01 032658

Partial demolition and extension to form toilets and kitchen - Approved 30/7/01

036374

Extension to theatre – Approved – 22.10.03

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Siting of portacabin approved 14.9.04

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Variation of condition No.1 attached to planning permission ref: 038122 (Renewal to allow siting of portacabin) - Approved 8.9.05

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Renewal of planning permission ref. 040052 for the siting of a Portacabin - Approved 5.9.06

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47930

Renewal of planning permission ref: 046614 to retain portacabin to rear of building for a further 12-month period – Approved 8.11.10

049157

Renewal of planning permission ref: 047930 to retain portacabin to rear of building for a further 12-month period - Approved – 14.12.11

050330

Renewal of planning permission ref: 049157 for the retention of a Portacabin- Approved 6.2.13

051680

Renewal of planning permission ref: 050330 for the retention of a portacabin approved – 3.3.14

053243

Renewal of planning permission ref: 051680 for the retention of a Portacabin – Approved 16.4.15

055164

Renewal of planning permission ref: 053243 for siting of portacabin- approved 6.2.13

051680

Renewal of planning permission ref: 050330 for the retention of a portacabin Approved – 3.3.14

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN 1 – General Requirements for Development
Policy GEN 2 – Development inside settlement boundaries
Policy D1 - Design Quality, Location and Layout
Policy D2 – Design
Policy HE2 - Development affecting Listed Buildings and their Settings

- 6.02 Supplementary Planning Guidance (SPGN)
LPG Note 6 – Listed Buildings

- 6.03 National Planning Policies
Planning Policy Wales – Edition 11 (Feb.2021)
Technical Advice Note 12 – Design
Technical Advice Note 24 – The Historic Environment

Future Wales: The National Plan 2040 (FWP 2040)
It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary

planning guidance remain broadly consistent with these changes to legislation

7.00 PLANNING APPRAISAL

7.01 Site Description

Hawkesbury Little Theatre is located off Mill Lane Buckley and is a long-standing community facility, previously used as a community centre. The building itself is Curtilage Listed within the confines of the Grade II Listed Hawkesbury Hall, although the two premises are in different ownership. Hawkesbury Hall, after a period of restoration is now occupied as a single dwelling house. The theatre building is 'hut' like in appearance, having a brown brick wall which is clad in vertical metal sheeting. Comprising a pitched roof of concrete tile finish, the buildings' curtilage listed association is thought to have originated from its connection to Hawkesbury Hall which was listed for its early C19 origins and important historic associations with Jonathan Catherall.

7.02 Proposal

The application seeks permission for the continued and permanent siting of a flat roof portacabin which is used as changing rooms, ancillary to the theatre use. The portable building is located at the northwest side of the Theatre. It is separated from the listed Hawkesbury Hall, but less than a 4 metre distance. The portacabin extends the full width of the existing theatre, and contains a window and door at either end, together with two high level windows to the side elevation. It is painted cream in colour and provides 4 additional security lights.

7.03 Considerations

The main issues in considering the application are:

- Character and Appearance
- Impact on living conditions
- Impact upon adjacent Listed Building

7.04 Character and Appearance

Policy D1 Design Quality, Location and Layout states that all development must incorporate good standards of design. When the proposed development is considered against the criteria in policy D1, it is difficult to identify where it would comply with any of those criteria, given its temporary and utilitarian design, and also set in context of its surroundings and relationship to the listed and curtilage buildings

- 7.05 The portacabin which has been sited on the west side of the existing curtilage listed theatre is of a flat-roof design which is not reflective of the existing pitched roof shape of either the curtilage theatre building, or the adjacent Hall. It contains low quality fenestration, which is not reflective of, nor in keeping with the character of the existing curtilage listed premises or adjacent listed dwelling. The window style is significantly different from those located at the adjacent Hawkesbury Hall.
- 7.06 I do not consider that the location of the proposed structure makes best use of the site or represents positive place making, in that there are potentially preferential locations for its siting elsewhere, for example to the roadside elevation, that would lessen the impact upon the character and appearance of the site and historic assets, but these have not been considered as part of the proposal.
- 7.07 The siting of the structure does not create a positive and attractive building alignment or frontage, creating a conflict with the respective form of the existing theatre building and adjacent listed dwelling. I note that a link has been formed between the existing theatre and the changing room facilities which has a breeze block and corrugated metal finish with a sloped roof where it faces Hawkesbury Hall. There is no paint or facing brickwork applied at the plinth of this section which contributes to the poor and disjointed external appearance. The painted exterior of the portacabin is beginning to show signs of a peeling and I note the storage of non-theatre related material underneath the portacabin.
- 7.08 A series of temporary consents have been granted for the siting of the portacabin for use as changing rooms for almost 20 years, and I understand that its current positioning is to allow direct access from the dressing room to the rear of the stage. This being said, I consider that continually renewing temporary permissions for a building which is not acceptable as a permanent addition in this location is not appropriate particularly given the number of times that this has been done. Whilst recognising the use of the main building as a theatre and the community benefits that are associated with this use, the flexibility applied in the planning balance by the LPA in renewing the temporary consent over such a period of time has now been exhausted. The significant change in circumstances is the restoration of the listed Hall and its residential use.
- 7.09 Where temporary consents are issued, the Local Planning Authority can retain a degree of control over the appearance of the building and monitor the situation in terms of visual impact, however if consent is given for the permanent retention of the changing rooms as now applied for, the portacabin will continue to deteriorate in condition and whilst the temporary consents given have enabled the theatre company to have the changing facility they required until now, ample time has also passed for the Buckley Theatre company

to consider and explore the erection of a permanent, well designed and suitably located structure which would have a less harmful visual impact. Paragraph 2.6 of TAN 12 states that design which is inappropriate in its context, as this is, or which fails to grasp opportunities to enhance the character, quality, and function of an area, should not be accepted, as these have detrimental effects on existing communities.

7.10 Impacts upon Living Conditions

The Little Theatre is located within 4m of the adjacent dwelling Hawkesbury Hall. The planning history of the Hall illustrates that it obtained a change of use to residential with the building now used as a theatre being in situ.

7.11 I note that as approved, the elevation of the theatre facing Hawkesbury Hall did not contain any windows which offered a degree of protection against overlooking. The siting of the portacabin introduces both a window and door which is located directly outside a window of Hawkesbury Hall. Traditionally, the room which this window serves would have been an entrance hall however having conducted a site visit and entered the dwelling, I can confirm it is now being used as a living room, which is categorised as a habitable room. The loss of privacy occurring is harmful to the living conditions afforded to the adjacent dwelling and therefore the proposal fails to satisfy the aims of Policy GEN 1 of the Unitary Development Plan.

7.10 Comments from the third-party objector have made reference to the advice contained in Supplementary Planning Guidance note 2 – Space around Dwellings. Fundamentally, this guidance is aimed at establishing separation distances between habitable rooms in dwellings, and as a commercial property does not contain habitable rooms the principles of the SPG cannot therefore be applied. That said, the windows contained within a commercial premises can impact upon the living conditions afforded to adjacent dwellings and the effect is still assessed against the relevant planning policies listed above. Owing to the short distance between the end elevation of the portacabin (4 metres) and the opposing habitable room of Hawkesbury Hall, there is an obvious overbearing impact and detrimental loss of privacy occurring. Having a higher floor level, users of the changing rooms are able to view directly down and into the adjacent window at Hawkesbury Hall, via the glazed window and door of the changing room. I have seen photographic evidence of multiple persons congregated outside of the changing room door which can only be viewed as intrusive and harmful to living conditions at the Hall.

7.11 Additionally, a security light has been placed over the door which emits light into Hawkesbury Hall at night-time. This light pollution is further exacerbated by the addition of three more security lights on

the portacabin, having a cumulative and unacceptable effect on the living conditions afforded to the adjacent dwelling. Criteria d) of Policy GEN 1 states that the development should not have a significant adverse impact on the safety and amenity of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution. In conjunction with my assessment above, and the detailed objection received from the Community and Business Protection colleagues, I conclude that the impact of the continued siting of the portacabin in its current position would be detrimental to the living conditions afforded to the occupiers of the adjacent Hawkesbury Hall, contrary to Policy GEN 1

7.12 Impact upon Listed Building

Policy HE2 Development Affecting Listed Buildings and their Settings states that any development affecting listed buildings or their settings, including internal or external alterations or change of use will be permitted only where:

- there is no adverse effect on the building's special architectural or historic character and appearance and the setting of a listed building;
- it can be demonstrated that the loss of, or damage to its historic fabric is unavoidable, has been minimised and that works which would result in the loss of, or which would conceal parts of a listed building, and which contribute to its interest, will be recorded by a photographic or drawn survey; and
- a change of use of a listed building or structure would increase the likelihood of the survival of the building and where alterations do not harm its character or special interest.

7.13 Having regard to the detailed objection received from the Conservation Officer, with which I wholly concur, it can only be concluded that the continued and permanent siting of the portacabin would adversely impact upon the special and historic character of the both the Grade II listed dwelling and curtilage listed theatre. The application does not adequately demonstrate how the development minimises damage to the fabric of the theatre building nor is there adequate justification for the concealing of part of the curtilage listed building with such a poorly designed and temporary structure. The proposal would have an unacceptable and harmful impact upon the curtilage listed theatre and adjacent listed building, failing to satisfy the requirements of policy HE 2 of the Unitary Development Plan.

8.00 CONCLUSION

In conclusion, it is recognised that the siting of the portacabin has been deemed acceptable for a number of years by a flexible

application of the planning balance. I consider however that ample time has passed to allow the Buckley Theatre Company to consider the erection of a permanent and appropriately designed extension to the existing building to cater for their requirements. The development as proposed is detrimental to the character and appearance of the area, harmful to the living conditions of adjacent occupiers and impacts unacceptably upon the historic and architectural merit afforded to the curtilage listed building and adjacent grade II listed dwelling.

The proposal fails to satisfy the requirements of Policies D1, D2, GEN 1 and HE 2 of the Flintshire Unitary Development Plan and accordingly I recommend that the application is REFUSED and the portacabin be removed..

8.01 Other Considerations

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

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

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

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

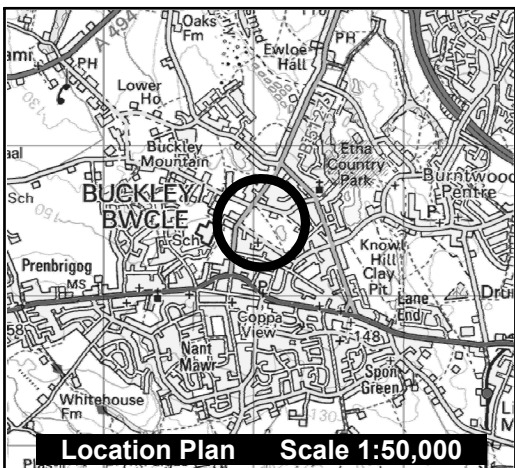
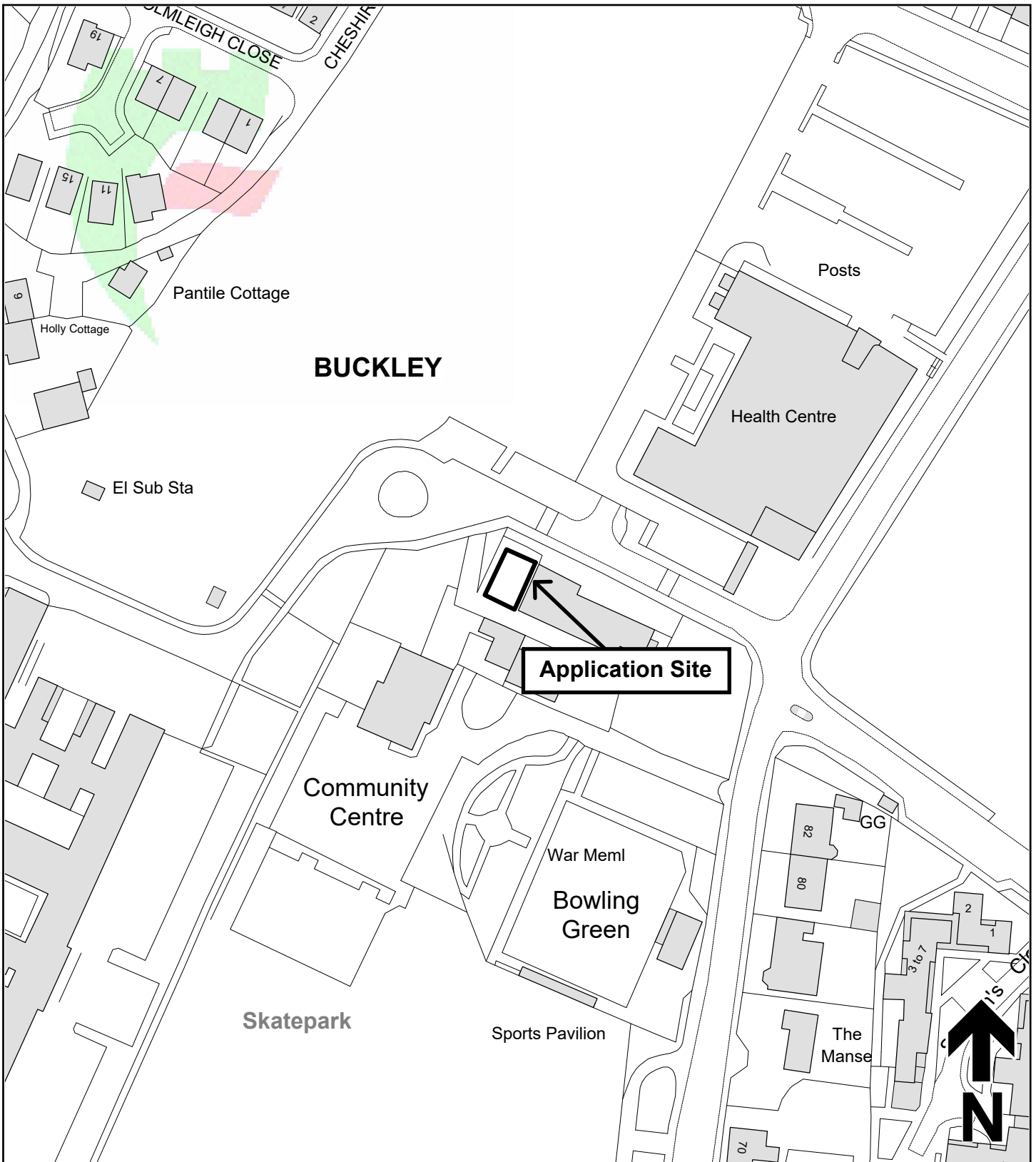
LIST OF BACKGROUND DOCUMENTS




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

Contact Officer: Jenni Perkins

Telephone: 01352 703327

Email: jenni.perkins@flintshire.gov.uk



	Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow	
	<p>Legend</p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</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, 2022.</p>		<p>Map Scale 1:1250</p> <p>OS Map ref SJ 2764</p> <p>Planning Application FUL/000143/22</p>

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.8

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 26 OCTOBER 2022**

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

SUBJECT: **LISTED BUILDING APPLICATION FOR SITNG OF PORTABLE BUILDING FOR USE AS ANCILLARY CHANGING FACILITIES AT HAWKESBURY LITTLE THEATRE, MILL LANE, BUCKLEY**

APPLICATION NUMBER: **LBC/000351/22**

APPLICANT: **BUCKLEY THEATRE COMPANY**

SITE: **HAWKESBURY LITTLE THEATRE, MILL LANE , BUCKLEY**

APPLICATION VALID DATE: **16th AUGUST 2022**

LOCAL MEMBERS: **COUNCILLOR ELLIS**

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

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 The application seeks listed building consent for the continued and permanent use of a portacabin for use as ancillary changing rooms, at Hawkesbury Little Theatre, Buckley

2.00 RECOMMENDATION: TO REFUSE LISTED BUILDING CONSENT FOR THE FOLLOWING REASONS

2.01 It is considered that the continued siting of a portacabin in this position would adversely affect the existing character and appearance of the Hawksbury Little Theatre, which is a curtilage listed building. It is also

considered that it will adversely affect the architectural and historical setting of the grade II listed Hawkesbury Hall , contrary to planning policy HE2 of the Flintshire Unitary Development Plan.

2.02 It is the opinion of the Local Planning Authority that the proposal fails to preserve and enhance the historic environment and does not ensure that the character of historic buildings is safeguarded from an extension that would compromise a building's special architectural and historic interest, contrary to Policy HE 2 of the Flintshire Unitary Development Plan.

3.00 CONSULTATIONS

3.01 Local Member
Councillor Ellis requests committee determination

3.02 Buckley Town Council
No observations

3.03 Highways Development Control
The Highway Authority confirm that they have no objection to the proposal and do not wish to make a recommendation on highway grounds. Attach Supplementary Notes.

3.04 Community & Business Protection
A detailed objection to this application on the grounds of light and noise impact as summarised below;

- The separating distance across the track access between the portable building and the nearest residential premises is really quite small. The potential impact and thus harm is potentially detrimental to the private amenity and the use and enjoyment of the residential premises immediately adjacent.
- Artificial light nuisance/pollution is of concern. There is a door, window and lights installed on the exterior of the buildings which are all potential sources of light nuisance. Artificial light from within the building could also be obtrusive and shine out through an open door, window etc and over the short separating gap into the neighbouring residential property. Habitable rooms have been identified facing the portable building in the residential premises adjacent.
- People noise is a further consideration. Noise and activity associated with performers and from actors accessing the changing facilities, would be potentially disruptive and loud for residents living in the property opposite. The duration and timings of the use hours of the changing

facilities is likely to vary, but could extend quite late into the evenings and even into night time hours (classed as after 11pm). Weekend use would not be immune either. Sources of noise could expand to include loud door shutting/door slamming, people talking and loudly on mobile phones, smokers' talking etc. There would also be potentially noise breakout from within the building if it were not adequately sound insulated. Given the adjacency there are further matters around privacy for both the residents and for those using the changing facilities. It is not considered that conditions could overcome these challenges.

3.05 Conservation Officer

The Conservation Officer has submitted a detailed objection to the application. The objection is summarised below:-

- The proposed extension differs to the previous traditional built extension in-so-much that it is essentially a portable cabin sited along the building with a new infill structure to connect the two parts.
- The current proposal differs in design and form to the listed and curtilage listed building particularly in terms of materials and the unorthodox flat roof;
- It is considered that the proposed rectangular box extension does not fit comfortably onto the existing gable elevation of the theatre. It appears to be too wide and out of scale for the existing elevation which it virtually conceals.
- The proposal will essentially extend the footprint of the building further back on the site which would have an adverse impact upon the adjacent Hawkesbury Hall, as the new extension would be sited directly in front of part of the hall's rear elevation.
- It is considered that the proposal would adversely affect the existing character and appearance of the Hawksbury Little Theatre, which is a curtilage listed building. It is also considered that it will adversely affect the architectural and historical setting of the grade II listed Hawkesbury Hall, thereby failing to preserve and enhance the historic environment and specifically safeguarding the character of the historic buildings.

3.06 Society for the Protection of Ancient Buildings

No response received

3.07 Ancient Monument Society
No response received

3.08 The Victorian Society
No response received

3.09 Clwyd Powys Archaeological Trust
No response received

3.10 The Royal Commission on the Ancient and Historical Monuments
No response received

3.11 The Georgian Group
No response received

4.00 PUBLICITY

4.01 Press Notice and Site Notice and Neighbour Notification
1no. representation received. Objection Summary:-

1. overlooking and loss of privacy
2. loss of light and overshadowing
3. impact on visual amenity
4. poor design and location
5. risk of creating a precedent
6. impact on the setting of a listed building
7. contravention of national and local planning policies
8. over development of the site

5.00 SITE HISTORY

5.01 **032658**
Partial demolition and extension to form toilets and kitchen - Approved 30/7/01

036374
Extension to theatre – Approved – 22.10.03

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Siting of portacabin approved 14.9.04

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Variation of condition No.1 attached to planning permission ref: 038122 (Renewal to allow siting of portacabin) - Approved 8.9.05

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Renewal of planning permission ref: 046614 to retain portacabin to rear of building for a further 12-month period – Approved 8.11.10

049157

Renewal of planning permission ref: 047930 to retain portacabin to rear of building for a further 12-month period - Approved – 14.12.11

050330

Renewal of planning permission ref: 049157 for the retention of a Portacabin- Approved 6.2.13

051680

Renewal of planning permission ref: 050330 for the retention of a portacabin approved – 3.3.14

053243

Renewal of planning permission ref: 051680 for the retention of a Portacabin – Approved 16.4.15

055164

Renewal of planning permission ref: 053243 for siting of portacabin- approved 6.2.13

051680

Renewal of planning permission ref: 050330 for the retention of a portacabin Approved – 3.3.14

6.00 PLANNING POLICIES**6.01 Flintshire Unitary Development Plan**

- Policy GEN 1 – General Requirements for Development

- Policy GEN 2 – Development inside settlement boundaries
- Policy D1 - Design Quality, Location and Layout
- Policy D2 – Design
- Policy HE2 - Development affecting Listed Buildings and their Settings

6.02 Supplementary Planning Guidance (SPGN)

- LPG Note 6 – Listed Buildings

6.03 National Planning Policies

- Planning Policy Wales – Edition 11 (Feb.2021)
- Technical Advice Note 12 – Design
- Technical Advice Note 24 – The Historic Environment
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation

7.00 PLANNING APPRAISAL

7.01 Site Description

Hawkesbury Little Theatre is located off Mill Lane Buckley and is a long-standing community facility, previously used as a community centre. The building itself is Curtilage Listed within the confines of the Grade II Listed Hawkesbury Hall, although the two premises are in different ownership. Hawkesbury Hall, after a period of restoration is now occupied as a single dwelling house. The theatre building is 'hut' like in appearance, having a brown brick wall which is clad in vertical metal sheeting. Comprising a pitched roof of concrete tile finish, the buildings' curtilage listed association is thought to have originated from its connection to Hawkesbury Hall which was listed for its early C19 origins and important historic associations with Jonathan Catherall.

7.02 Proposal

The application seeks permission for the continued and permanent siting of a flat roof portacabin which is used as changing rooms, ancillary to the theatre use. The portable building is located at the northwest side of the Theatre. It is separated from the listed Hawkesbury Hall, but less than a 4 metre distance. The portacabin extends the full width of the existing theatre, and contains a window and door at either end, together with two high level windows to the side elevation. It is painted cream in colour and provides 4 additional security lights

Considerations

- 7.03 The main issue in considering this application is:
- Impact upon Character and Appearance of the curtilage listed Theatre and adjacent Listed Building
- 7.04 Character and Appearance
Policy D1 Design Quality, Location and Layout states that all development must incorporate good standards of design. When the proposed development is considered against the criteria in policy D1, it is difficult to identify where it would comply with any of those criteria, given its temporary and utilitarian design, and also set in context of its surroundings and relationship to the listed and curtilage buildings
- 7.05 The portacabin which has been sited on the west side of the existing curtilage listed theatre is of a flat-roof design which is not reflective of the existing pitched roof shape of either the curtilage theatre building, or the adjacent Hall. It contains low quality fenestration, which is not reflective of, nor in keeping with the character of the existing curtilage listed premises or adjacent listed dwelling. The window style is significantly different from those located at the adjacent Hawkesbury Hall.
- 7.06 I do not consider that the location of the proposed structure makes best use of the site or represents positive place making, in that there are potentially preferential locations for its siting elsewhere, for example to the roadside elevation, that would lessen the impact upon the character and appearance of the site and historic assets, but these have not been considered as part of the proposal.
- 7.07 The siting of the structure does not create a positive and attractive building alignment or frontage, creating a conflict with the respective form of the existing theatre building and adjacent listed dwelling. I note that a link has been formed between the existing theatre and the changing room facilities which has a breeze block and corrugated metal finish with a sloped roof where it faces Hawkesbury Hall. There is no paint or facing brickwork applied at the plinth of this section which contributes to the poor and disjointed external appearance. The painted exterior of the portacabin is beginning to show signs of a peeling and I note the storage of non-theatre related material underneath the portacabin.
- 7.08 A series of temporary consents have been granted for the siting of the portacabin for use as changing rooms for almost 20 years, and I understand that its current positioning is to allow direct access from the dressing room to the rear of the stage. This being said, I consider that continually renewing temporary permissions for a building which is not acceptable as a permanent addition in this location is not appropriate particularly given the number of times that this has been

done. Whilst recognising the use of the main building as a theatre and the community benefits that are associated with this use, the flexibility applied in the planning balance by the LPA in renewing the temporary consent over such a period of time has now been exhausted. The significant change in circumstances is the restoration of the listed Hall and its residential use.

7.09 Where temporary consents are issued, the Local Planning Authority can retain a degree of control over the appearance of the building and monitor the situation in terms of visual impact, however if consent is given to for the permanent retention of the changing rooms as now applied for, the portacabin will continue to deteriorate in condition and whilst the temporary consents given have enabled the theatre company to have the changing facility they required until now, ample time has also passed for the Buckley Theatre company to consider and explore the erection of a permanent, well designed and suitably located structure which would have a less harmful visual impact. Paragraph 2.6 of TAN 12 states that design which is inappropriate in its context, as this is, or which fails to grasp opportunities to enhance the character, quality, and function of an area, should not be accepted, as these have detrimental effects on existing communities.

7.10 Impact upon Listed Building

Policy HE2 Development Affecting Listed Buildings and their Settings states that any development affecting listed buildings or their settings, including internal or external alterations or change of use will be permitted only where there is no adverse effect on the building's special architectural or historic character and appearance and the setting of a listed building;

- it can be demonstrated that the loss of, or damage to its historic fabric is unavoidable, has been minimised and that works which would result in the loss of, or which would conceal parts of a listed building, and which contribute to its interest, will be recorded by a photographic or drawn survey; and
- a change of use of a listed building or structure would increase the likelihood of the survival of the building and where alterations do not harm its character or special interest.

7.11 Having regard to the detailed objection received from the Conservation Officer, with which I wholly concur, it can only be concluded that the continued and permanent siting of the portacabin would adversely impact upon the special and historic character of the both the Grade II listed dwelling and curtilage listed theatre. The application does not adequately demonstrate how the development minimises damage to the fabric of the theatre building nor is there adequate justification for the concealing of part of the curtilage listed building with such a poorly designed and temporary structure. The proposal would have an unacceptable and harmful impact upon the curtilage listed theatre and adjacent listed building, failing to satisfy

the requirements of policy HE 2 of the Unitary Development Plan. The Building with limited detail accompanying the application as to how the fabric of the building will be preserved in the long term. The proposal therefore fails to satisfy the requirements of Policy HE 2 of the Unitary Development Plan

- 7.12 Paragraph 1.29 of Technical Advice Note 24 states that the local planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use. In this case, the Conservation Officer has given detailed comments which clearly identifies why the development is not suitable in its current position and how the proposal fails to preserve and enhance the historic environment. The development does not ensure that the character of historic buildings is safeguarded from an extension that would compromise a building's special architectural and historic interest. Subsequently, the proposal is contrary to Welsh Government Planning Policy Wales objectives for the conservation and improvement of the historic environment.

8.00 CONCLUSION

In conclusion, it is recognised that the siting of the portacabin has been deemed acceptable for a number of years by a flexible application of the planning balance. I consider however that ample time has passed to allow the Buckley Theatre Company to consider the erection of a permanent and appropriately designed extension to the existing building to cater for their requirements. The development as proposed is detrimental to the character and appearance of the area, harmful to the living conditions of adjacent occupiers and impacts unacceptably upon the historic and architectural merit afforded to the curtilage listed building and adjacent grade II listed dwelling.

The proposal fails to satisfy the requirements of Policies D1, D2, GEN 1 and HE 2 of the Flintshire Unitary Development Plan and accordingly I recommend that the application is REFUSED and the portacabin be removed.

NOTE – Should Members be minded to approve this application, a report will be required to be sent to CADW detailing why the proposal is acceptable in relation to the impacts of the proposed development on the heritage assets.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no

significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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

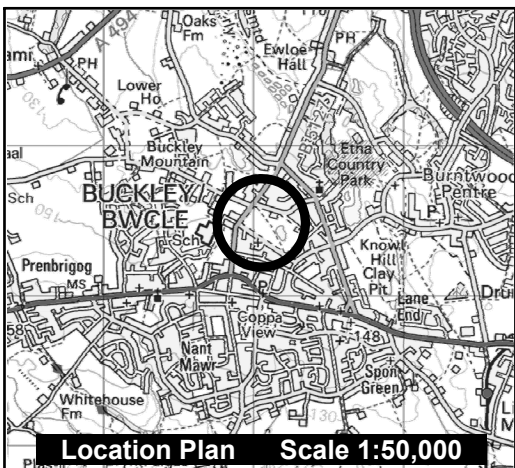
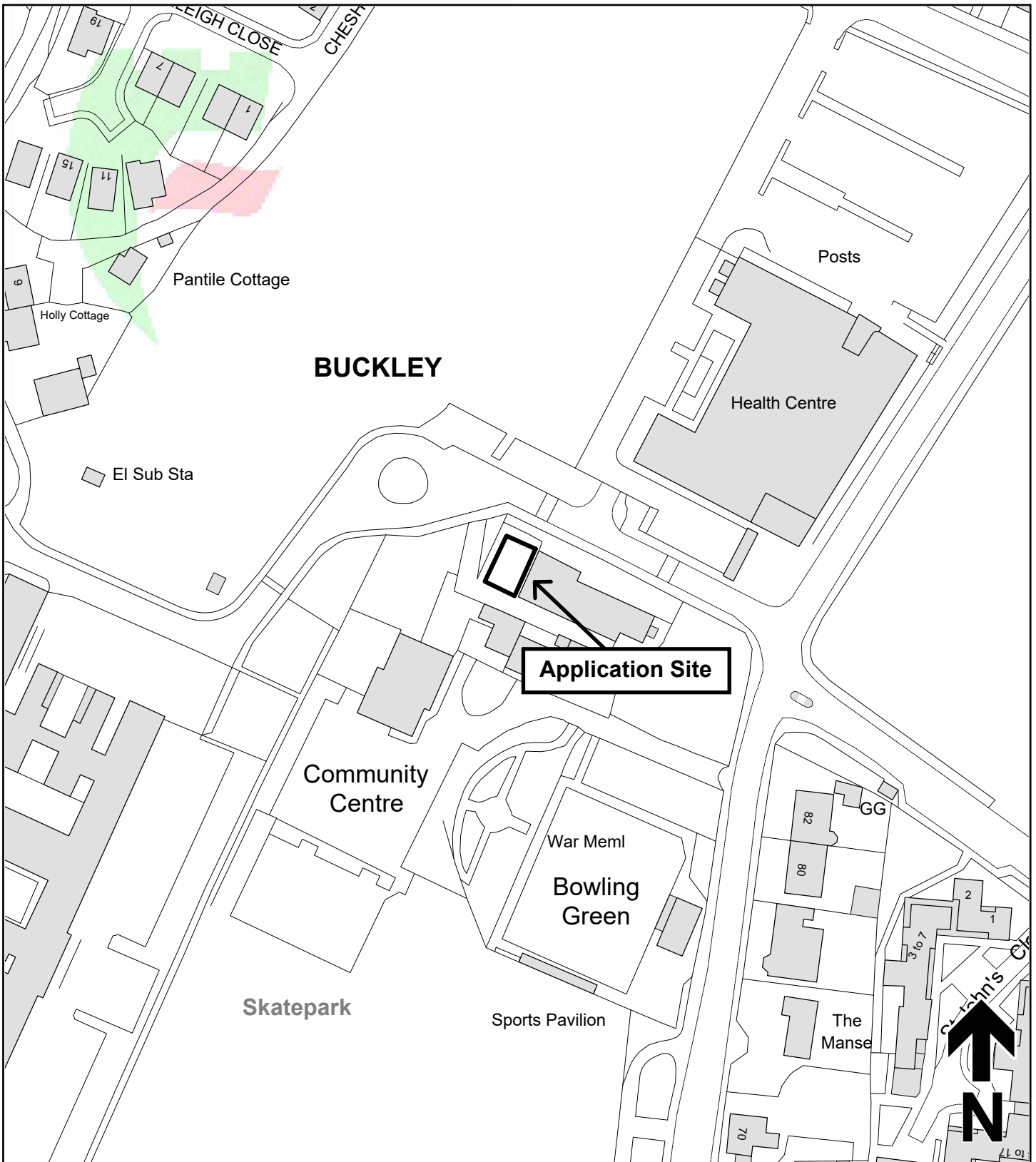
The Council has had due regard to its public sector equality duty under the Equality Act 2010.




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

LIST OF BACKGROUND DOCUMENTS

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

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	Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow	
	<p>Legend</p> <p> Planning Application Site</p> <p> Adopted Flintshire Unitary Development Plan Settlement Boundary</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, 2022.</p>
	Map Scale	1:1250
	OS Map ref	SJ 2764
	Planning Application	LBC/000351/22

Mae'r dudalen hon yn wag yn bwrpasol