

Pecyn Dogfen Gyhoeddus

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



At: Cyng David Wisinger (Cadeirydd)

CS/NG

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

31 Hydref 2018

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

Annwyl Syr / Fadam

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal yn **SIAMBR Y CYNGOR, NEUADD Y SIR, YR WYDDGRUG CH7 6NA** am **DYDD MERCHER, 7FED TACHWEDD, 2018** am **1.00 PM** i ystyried yr eitemau a ganlyn.

Yn ddiffuant

Robert Robins
Rheolwr Gwasanaethau Democraidd

HYSBYSIAD GWEDDARLLEDU

Bydd y cyfarfod hwn yn cael ei ffilmio a'l ddarlledu'n fyw ar wefan y Cyngor. Bydd y cyfarfod cyfan yn cael ei ffilmio oni bai fod eitemau cyfrinachol neu wedi'u heithrio dan drafodaeth.

Yn gyffredinol ni fydd y manau eistedd cyhoeddus yn cael eu ffilmio. Fodd bynnag wrth i chi ddod i mewn i'r Siambr, byddwch yn cydsynio i gael eich ffilmio ac i'r defnydd posibl o'r delweddau a'r recordiadau sain hynny ar gyfer gweddarlledu a/neu ddibenion hyfforddi.

Os oes gennych chi unrhyw gwestiynau ynglŷn â hyn, ffoniwch aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

RHAGLEN

1 **YMDDIHEURIADAU**

2 **DATGAN CYSYLLTIAD**

3 **SYLWADAU HWYR**

4 **COFNODION** (Tudalennau 5 - 10)

I gadarnhau, fel cywir gofnodion y cyfarfod ar 3 Hydref 2018.

5 **EITEMAU I'W GOHIRIO**

6 **ADRODDIADAU'R (CYNLLUNIO, AMGYLCHEDD AC ECONOMI)**

Mae adorddiad y Prif Swyddog (Cynllunio, Amgylchedd ac Economi) yn amgaeedig.

**ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) –
AR GYFER Y PYLLGOR CYNLLUNIO 7 TACHWEDD 2018**

| Rhif yr eitem | Cyfeirnod y Ffeil | DISGRIFIAD |
|--|-------------------|---|
| <u>Ceisiadau sy'n cael eu hadrodd er penderfyniad (A = adroddiad er cymeradwyaeth. R = adroddiad er gwrthodiad)</u> | | |
| 6.1 | 058311 - A | 058311 A - Cais Llawn - Cynnig lleoli 26 carafán gwyliau sefydlog, ynghyd â thirwedd ychwanegol ac atodol yng Nghlwb Golf Parc Pennant, Mertyn Downing Lane, Maes Pennant, Treffynnon. (Tudalennau 11 - 20) |
| 6.2 | 058733 - A | 058733 A - Cais Llawn - Estyniad i barc gwyliau presennol i ganiatáu ar gyfer symud carafanau teithiol a statig wedi eu cymeradwyo i hwyluso gwelliannau i gynllun y parc presennol ynghyd â chreu ardal ar gyfer 6 safle glampio a gwaith tirlunio pellach ar Barc Carafanau Barlows, Ffordd Pen y Cefn, Caerwys. (Tudalennau 21 - 32) |
| 6.3 | 058359 - A | 058359 A - Cais Llawn - Newid defnydd o dir i safle carfanau teithiol/pebyll, yn yr Old Tavern, Llannerch-y-môr, Treffynnon. (Tudalennau 33 - 42) |
| 6.4 | 058296 - A | 058296 A - Cais Llawn - Codi 30 o randai 2 ac 1 ystafell wely (dros 55) a 3 t? (cyfanswm y rhaglen yn 100% o dai fforddiadwy), mynediad cysylltiol a pharcio, yn cynnwys dymchwel t? cyhoeddus blaenorol Boars Head Inn, Ffordd Treffynnon, Ewlo. (Tudalennau 43 - 60) |
| 6.5 | 058229 - A | 058229 A - Cais Llawn - Codi 14 o anheddau a gwaith cysylltiedig yn Withen Cottage a Cheshire Lane, Ffordd Alltami, Bwcle. (Tudalennau 61 - 78) |
| 6.6 | 058254 - A | 058254 A - Cais Llawn - Codi llety mewn cysylltiad â chanolfan hyfforddi c?n adar yn Gaer Go, Cefn Road Cilcain. (Tudalennau 79 - 86) |
| 6.7 | 058806 - A | 058806 A - Cais Llawn - Gosod arâe paneli solar ar do Aston WPS, Church Lane, Aston. (Tudalennau 87 - 98) |

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4

PLANNING COMMITTEE

3RD OCTOBER 2018

Minutes of the meeting of the Planning Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 3rd October 2018.

PRESENT: Councillor David Wisinger (Chair)

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

APOLOGY: Councillor: Carol Ellis.

IN ATTENDANCE:

Chief Officer (Planning and Environment); Service Manager - Strategy; Team Leader – Planning; Senior Planner; Planners; Solicitor and Team Leader – Committee Services.

32. DECLARATIONS OF INTEREST

Councillor Peers, following advice from the Solicitor, declared a personal and prejudicial interest in agenda item number 6.1 – Full Application – Erection of 14 No. Dwellings and Associated Works at Within Cottage and Cheshire Lane, Alltami Road, Buckley as he was Chair of Governors at Mountain Lane Primary School. He said he would speak for three minutes and leave the room before the debate and vote.

33. LATE OBSERVATIONS

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

<http://committeemeetings.flintshire.gov.uk/documents/s51372/Late%20Observations.pdf?LLL=0>

34. MINUTES

The draft minutes of the meeting held on 5th September 2018 were submitted and confirmed as a correct record.

RESOLVED:

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

35. ITEMS TO BE DEFERRED

None were recommended from officers.

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

RESOLVED:

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

37. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were 7 members of the public and one member of the press in attendance.

(The meeting started at 1.00pm and ended at 2.40 p.m.)

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Chairman

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

PLANNING COMMITTEE ON 3RD OCTOBER 2018

| ITEM NO | TOWN/ COMMUNITY COUNCIL | SITE/PROPOSAL | THIRD PARTY SPEAKERS / ACTION | RESOLUTION |
|---------|-------------------------------|---|---|--|
| 058229 | Buckley Town Council | Full application – Erection of 14 No. dwellings and associated works at Within Cottage and Cheshire Lane, Alltami Road, Buckley | Mr J Stones spoke against the application. | DEFERRED to seek clarity of the plans. |
| 058434 | Cilcain Community Council | Full application – Renovation and change of use of a former shop premises to create a one bedroom holiday let and garden area at Post Office, Ffordd y Llan, Cilcain | Mr G Jones spoke against the application. Mr S Richards, the applicant, spoke in support of the application. | That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendation. |
| 058669 | Flint Town Council | Change of use from B1 office use to C4 use. Proposed 20 bedroom house of multiple occupation at 64 Chester Street, Flint | Mr M Lakhani, the applicant, spoke in support of the application. | That planning permission be granted subject to the conditions set out in the report and in line with the officer recommendations. Furthermore, planning permission was granted with a condition that there would be an enclosed bin storage on site. |
| 04128 | | Application to discharge a Section 52 Agreement relating to planning permission ref: 190/86 restricting occupancy of proposed dwelling at Plas Hafod Hotel, Hafod Road, | | That the existing Section 52 Agreement be discharged as the agreement serves no useful purpose in requiring limited occupation by employees of the hotel only. |

Tudalen 9

| ITEM NO | TOWN/ COMMUNITY COUNCIL | SITE/PROPOSAL | THIRD PARTY SPEAKERS / ACTION | RESOLUTION |
|---------------------|---|---------------|----------------------------------|------------|
| | | Gwernymynydd | | |
| APPEALS | | | NOTED | |
| Tudalen 8 057541 | Appeal by Mr G Wood against the decision of Flintshire County Council to refuse planning permission for the use of 1 No. existing caravan (unit 2) for deputy manager permanent occupation at Dunkasons Caravan Park, Mostyn Road, Gronant – DISMISSED | | | |
| 057774 | Appeal by Mr P Miltiades against the non-determination by Flintshire County Council of the outline application for the | | | |

| ITEM NO | TOWN/ COMMUNITY COUNCIL | SITE/PROPOSAL | THIRD PARTY SPEAKERS / ACTION | RESOLUTION |
|---------|---|---------------|----------------------------------|------------|
| | erection of A3 unit (food and drink) and construction of new and replacement car parking at Ewloe Post Office, The Highway, Hawarden - ALLOWED | | | |

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.1

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH NOVEMBER 2018**

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

SUBJECT: **PROPOSED SITING OF 26 STATIC HOLIDAY CARAVANS TOGETHER WITH ADDITIONAL AND SUPPLEMENTAL LANDSCAPING AT PENNANT PARK GOLF CLUB, MERTYN DOWNING LANE, MAES PENNANT, HOLYWELL.**

APPLICATION NUMBER: **058311**

APPLICANT: **MR ROBIN JONES AND MR IAN JONES**

SITE: **PENNANT PARK GOLF CLUB**

APPLICATION VALID DATE: **01/06/2018**

LOCAL MEMBERS: **CLLR P HEESOM**

TOWN/COMMUNITY COUNCIL: **MOSTYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCHEME OF DELIGATION AND AT THE MEMBERS REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks planning permission for the siting of 26 no. static caravans together with additional landscaping on land adjacent to Pennant Park Golf Club, Whitford, Holywell. The main issues for consideration in this application are the principle of development at this location, the potential visual impact on the open countryside, impact on residential amenity and access.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

2.01 Conditions:

1. Time limit on commencement of development
2. In accordance with plans
3. Development to be restricted to holiday accommodation only and not for permanent residential occupation
4. Prior to siting of any caravans full details of elevations and floor plans to be submitted for LPA approval
5. Prior to siting of any caravans full details of materials of construction to be submitted for LPA approval
6. Permitted development rights removed
7. Scheme of hard and soft landscaping to be agreed
8. Landscape management scheme to be submitted and agreed prior to occupation
9. Parking and turning facilities to be made available within the site prior to commencement of use
10. Footpath and bridleway to be kept free of obstruction during development works

3.00 CONSULTATIONS

3.01 Local Member – Cllr P Heesom

Requests planning committee for the following reasons:

- The proposals accordance with policies safeguarding the proposed access and egress with designated emergency access provision in view of its proposed use.
- The proposed development in view of a considerable number of already approved but unused sites already available at the site
- The proposals visual impact in an exposed rural location from the main viewpoints in the area.

Mostyn Community Council

Expressed concern that the proposal is overdevelopment in an area of open countryside where polices are designed to severely limit any overbearing harm to the open countryside and its intrinsic character and appearance.

Highways DC

Given that the golf club membership is currently well below the permitted level, no objection has been raised subject to a condition regarding the parking and turning of vehicles.

Pollution Control

No Objection to the proposal provided a number of licencing requirements are included as a note on any consent

Public Rights Of Way

Public Bridgeway's No. 112 and 6 abut the site. The development appears to require a new access onto public Bridgeway no.6. The applicant should contact the Public Rights of Way section prior to the commencement of any physical works to discuss the safety of public Bridgeway users during the construction phase.

Economic Development

Supports the proposal.

Dwr Cymru/Welsh Water

Raises no objection to the proposal, however requests an advisory note to be added to any consent

Natural Resources Wales

No objection to the proposal

Clwyd Powys Archaeological Trust

No Objection

The Ramblers Association

Public Bridgeway's No. 112 and 6 abut the site and development appears to require a new access onto public Bridgeway no.6. There is a potential for an increase in vehicles and conflict with walkers using the footpath.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

No Responses at the time of writing

5.00 SITE HISTORY

5.01 99/1013 – Erection of a two storey clubhouse.
Approved 15.11.99

01/1301 – Change of use to stewards accommodation. Approved
4.2.02

035905 – Extension to clubhouse.
Approved 24.7.03

038988 – Siting of 15 No. timber clad caravans & associated roads.
Approved 19.8.05

049812 – Siting of 18 no. static caravans.
Refused 2.11.12. Appeal Allowed 21.1.14

55928 – Re-layout of 18no. caravans previously approved.

Approved 19.10.16

056376 – Siting of 14no. additional twin unit timber clad lodges(Caravans) with associated landscape planting.

Approved 30.3.17

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development within the Open Countryside

Policy T4 – New Static Caravans and Chalet Holiday Sites

Policy STR6 – Tourism

Policy AC13 – Access and Traffic Impact

6.02 Planning Policy Wales

Technical Advice Note 13: Tourism.

6.03 It is considered the proposal generally complies with the above planning policies.

7.00 PLANNING APPRAISAL

7.01 The application site and its surroundings

Pennant Park Golf Club is located outside the settlements of Whitford and Carmel, within the open countryside. The application site is a parcel of land immediately adjoining Pennant Park Golf Club and is within the same ownership. The application site measures approximately 0.96 hectares and comprises of an existing field to the rear of a property known as Cae Coch Farmhouse, which is also in the ownership of the golf club and adjacent to a previously approved site for 18 caravans. In order to gain access to the application site, it is proposed to create a new access onto the existing private road accessing Cae Coch Farmhouse to link up with the existing highway network at Saith fynnon. The site has the benefit of existing mature hedgerows and trees which will effectively shield the proposed development from distant views.

7.02 The golf club has an existing caravan facility for 28 units to the east which were granted consent in 2005 and 2017, with a further 18 units to the north which were granted consent in 2014 on appeal.

7.03 Proposed Development

The proposal involves the change of use of the existing field to the rear of Cae Coch Farm for the siting of 26 no. caravans for holiday use. The site measures approximately 0.96 hectares and rises upwards from the road. The site plan shows the plots to be laid out in two rows of single units with four larger units located within each corner. A new access is to be created on the private track to the existing farmhouse which also serves 18 static caravans. Parking for

one vehicle will be formed alongside each unit.

- 7.04 The boundaries of the site already benefit from existing mature planting and this would be enhanced by significant landscaping to provide additional screening. Indicative details including elevations and floor plans have been proposed showing the type and scale of caravan which would be sited on each lot. As these details are indicative, details -are to be agreed with the Local Planning Authority prior to any units being sited. The existing lane is proposed to facilitate vehicular access with a new point of access being created onto the site.
- 7.05 The Main Issues
The main issues for consideration in this application are the principle of development at this location, the potential visual impact on the open countryside, impact on residential amenity and access.
- 7.06 Policy
The site is located in an area of open countryside in the adopted UDP where policies seek to strictly control new development. It is not governed by any landscape or green barrier designation. Planning Policy Wales is supportive of tourism proposals in principle and this approach is supplemented by FUDP Policy STR6 which is generally permissive of schemes which enhance tourism within the county.
- 7.07 Policy GEN3 of the FUDP sets out the types of development which may be acceptable within the open countryside and criterion g) refers to development related to tourism and recreation. In physical terms the proposed development is viewed in connection with the long established golf course and this type of development is in principle acceptable subject to (amongst other things) there being no unacceptable impact on the social, natural and built environment.
- 7.08 Policy T4 FUDP contains further detailed advice which states that outside of Talacre, Gronant and Gwespyr area, static holiday caravan or chalet sites are permissible provided that development satisfactorily accords with criteria (a) to (e) of the policy. This sets out matters relating to scale, landscape, nature conservation and accessibility of development. There are no statutory landscapes or nature conservation designations affecting the site and the acceptability of the proposal on the highway network has been addressed by the Highways Officer.
- 7.09 Scale
The scale of the proposal, together with the number, siting, layout of units and circulation roads are appropriate to the characteristics of the site and locality. It is considered that with careful management of the existing landscape and topography and the agreement of a suitable scheme of supplementary planting, that the scale of the proposals are acceptable and will not have a detrimental impact on

the characteristics of the locality.

7.10 Landscape Impact

Although the site is located within the open countryside, it is not governed by any landscape or green barrier designation. The application site is located at a lower level than the existing main highway networks and has the benefit of established screening by way of mature vegetation. The development is not visible from the main highway networks and approaching roads due to the undulating land and existing established areas of woodland. The details submitted as part of the application show that the siting of the proposed caravans has been carefully considered and by utilising the existing topography of the site along with a proposed landscape scheme to ensure the proposal sits appropriately into the surrounding landscape. Furthermore, the materials of construction will be controlled via detailed submission to the Local Planning Authority for approval prior to the site coming into use. I am therefore satisfied that subject to a suitable condition requiring a landscape and management plan for the site together with the approval of materials, the proposals can be successfully assimilated into the landscape without causing a detrimental visual impact on the locality.

7.11 Highways Safety

The site benefits from an existing access which already serves an existing caravan site. The site is well located in terms of the existing golf course facility and also to a range of tourism attractions in the wider area and as such is considered to amount to a sustainable location for tourism accommodation.

7.12 The local highway authority is of the view that the existing access arrangements to the site are considered acceptable and therefore offer no objection to the proposal subject to the imposition of a suitable condition requiring that facilities should be provided and retained within the site for the parking and turning of vehicles prior to the development being brought into use. The site is also crossed by Public Bridleways No. 112 and 6. The Rights of Way Officer has stated that these appear unaffected by the development and has no objection to the proposals subject to the bridleways being kept free from obstruction during the course of development works.

7.13 Impact on Amenity

The proposal would not have a significant adverse impact on the amenity of nearby residents, other users of nearby land / property or the community in general. The rural location of the site is such that it has very little in terms of shared boundaries with residential properties. The closest dwellings are located to the north with one dwelling 40m to the north east and a further dwelling 130m to the north west. It is considered that the additional landscaping proposed at the boundaries will serve to safeguard any impact on amenity of those occupiers.

- 7.14 In terms of the impact in the community in general, no objection have been received to the proposed development. As there are no abutting residential properties, it is considered that any noise generated from the site would not be detrimental on the local residents. Similarly, the Highways Officer has raised no concerns with regards to the adequacy of the access road which serves the development or the users of the footpath or the bridleway which cross the site. It is therefore considered that the development will not be detrimental to amenity.

8.00 CONCLUSION

- 8.01 The proposals overall creates a development with low density of high quality tourism accommodation. A sympathetic scheme of additional landscaping will serve to ensure the proposed development is well integrated into the wider landscape. The scheme serves to meet the increasing expectations which visitors have of the North Wales Tourism industry and in this part of the County, this sector is a significant employer. Accordingly, I consider that subject to the conditions set out in paragraph 2 of this report, Planning Permission should be granted.

8.02 Other Considerations

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

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

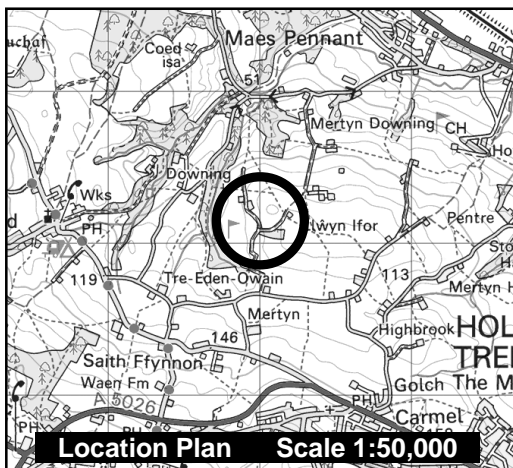
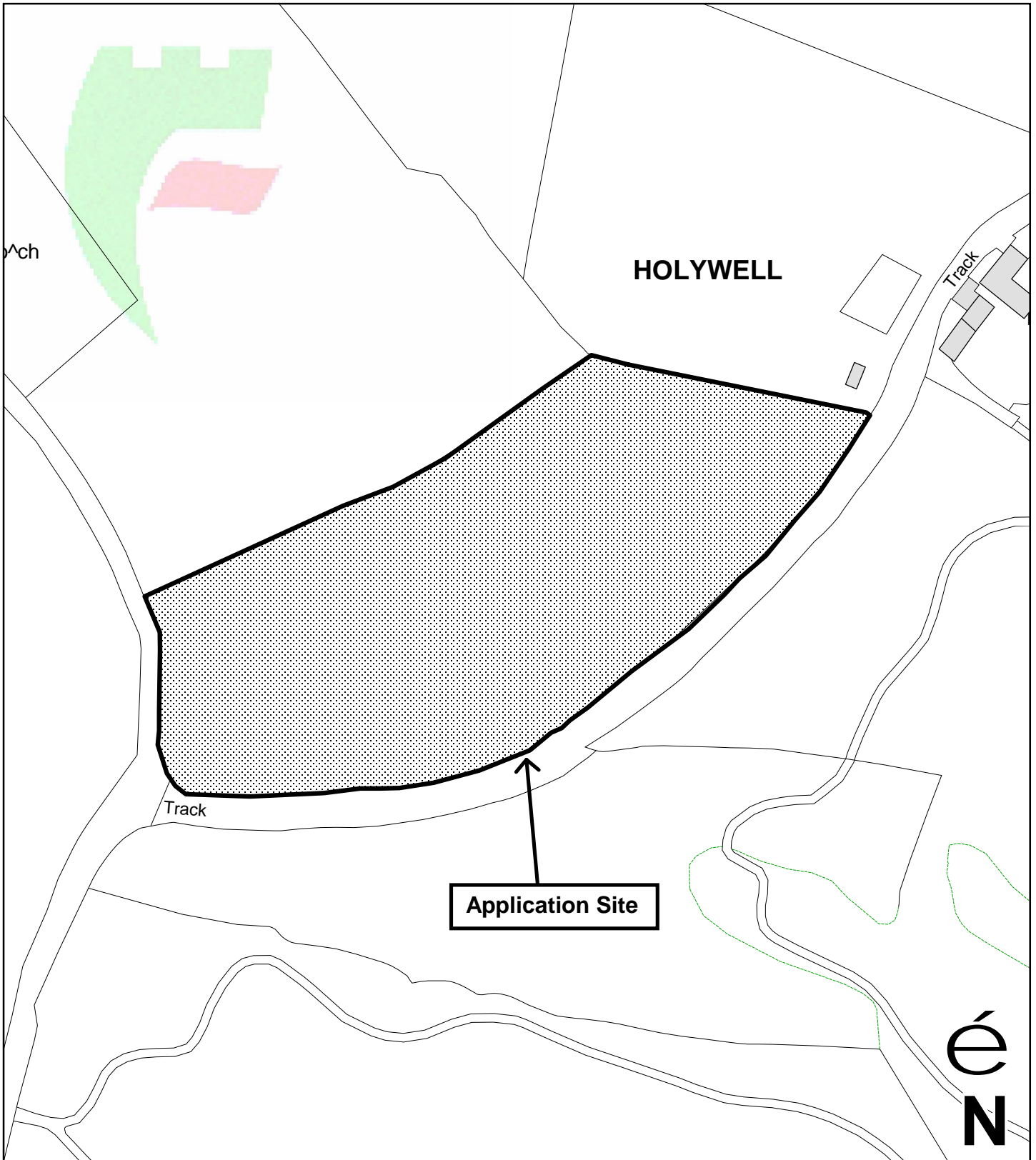
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

- 8.05 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
Telephone: 01352 703266
Email: Daniel.McVey@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 1678 |
| Planning Application | 58311 |

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.2

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7th NOVEMBER 2018**

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

SUBJECT: **PROPOSED EXTENSION OF EXISTING HOLIDAY PARK TO ALLOW FOR THE RELOCATION OF APPROVED STATIC AND TOURING CARAVANS TO FACILITATE IMPROVEMENTS TO THE LAYOUT OF THE EXISTING PARK TOGETHER WITH THE CREATION OF AN AREA FOR 6 GLAMPING PITCHES AND ADDITIONAL LANDSCAPING AT BARLOWS CARAVAN PARK, PEN Y CEFN ROAD, CAERWYS**

APPLICATION NUMBER: **058733**

APPLICANT: **COED MAES MYNAN ESTATES LTD**

SITE: **BARLOWS CARAVAN PARK, PEN Y CEFN ROAD, CAERWYS**

APPLICATION VALID DATE: **17/07/2018**

LOCAL MEMBERS: **T JONES**

TOWN COUNCIL: **CAERWYS TOWN COUNCIL**

REASON FOR COMMITTEE: **OUTSIDE OF SCHEME OF DELEGATION**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This application is for the extension of an existing holiday park to allow for the relocation of approved static and touring caravans to facilitate improvements to the layout of the existing park together with the creation of an area for 6 glamping pitches and additional landscaping. The main issues for consideration in this application are the principle of development at this location, the potential visual impact on the open countryside, impact on residential amenity, access, and impact on the adjacent Area of Outstanding Natural Beauty.

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

2.01 Conditions:

1. Time limit on commencement of development
2. In accordance with plans
3. Development to be restricted to holiday accommodation only and not for permanent residential occupation
4. Prior to siting of any caravans full details of elevations and floor plans to be submitted for LPA approval
5. Prior to siting of any caravans full details of materials of construction to be submitted for LPA approval
6. Permitted development rights removed
7. Scheme of hard and soft landscaping to be agreed
8. Landscape management scheme to be submitted and agreed prior to commencement
9. Parking and turning facilities to be made available within the site prior to commencement of use
10. Footpath and bridleway to be kept free of obstruction during development works
11. Details of any external lighting to be submitted and agreed prior to commencement

3.00 CONSULTATIONS

3.01 Local Member - Cllr T Jones

Has seen the documents in the pre application public consultation and has no fundamental objections to the proposed development

Caerwys Town Council

Supports the application for the following reasons:

1. The submitted reports seem to be professional and comprehensive, and they answer many of the question the Town Council might have asked.
2. The development of the business will enhance the area, both for the business itself and for the local economy, and improve the outlook for the future.

Highways DC

No objection to the proposal subject to conditions.

Public Rights of Way

Footpath No 2 and 1 in the community of Caewys abuts the site but is unaffected by the development. The path must be protected and free from interference during construction.

Pollution Control

No Objection to the proposal.

Dwr Cymru/Welsh Water
No objection to the proposal

Natural Resources Wales
NRW does not object to the proposal. However they have requested an advisory note in relation to the existing sewage treatment plant.

Clwydian Range and Dee Valley AONB
No objection subject to conditions regarding landscaping and the proposed materials.

Ramblers Cymru
Makes the following comments on the proposal:

- The increase in touring vans on this narrow track may interfere with walkers - we would ask that a verge is provided for walkers. Adequate passing bays need to be provided here and on narrow approach road to accommodate modern (large - size) touring caravans.
- The landscape impact of the development needs to be carefully assessed from both local and more distant higher viewpoints in the AONB to the west. Substantial boundary screening should be required by condition at an early stage.
- The public footpaths should be clearly marked out and kept available for the public - and also so park residents can use them to enjoy the countryside and walk into Caerwys village to access services

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification
No responses received at the time of writing

5.00 SITE HISTORY

5.01 11/1458 Use of land as caravan site
Approved 20.10.61

497/68 Use of land as caravan site
Approved 13.01.68

11/3461 Use of land as a site for touring caravans, adjoining Barlows Caravan Park
Approved 23.05.73

19/4599 Proposed increase in number of caravans from 263 to 305
Approved 02.09.80

37/96 Certificate of Lawful Use - Use of area of land as touring

caravan site without compliance with condition 3 of consent ref:
11/3461 dated 23.05.73
Approved 20.08.97

037821 Variation of condition to allow for an extended holiday
occupation from 1st March in any one year to 14th January in the
following year
Approved 24.08.04

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy GEN1 – General Requirements for Development
Policy GEN3 – Development within the Open Countryside
Policy T5 – Extensions of Existing Static Caravan and Chalet
Holiday Sites
Policy STR6 – Tourism
Policy AC13 – Access and Traffic Impact

Planning Policy Wales
Technical Advice Note 13: Tourism.

It is considered the proposal generally complies with the above
planning policies.

7.00 PLANNING APPRAISAL

- 7.01 The Site & Surroundings
Barlows Caravan Park has planning consent and a Site Licence for
305 static holiday caravans and 90 touring caravans over
approximately 35 ha with the planning application site area amounts
to approximately 6.1 ha. The site is located 1km north west of
Caerwys Town Centre, 3km south of the A55 Expressway and 1.6km
east of the Clwydian Range and Dee Valley Area of Outstanding
Natural Beauty. The site is accessed via two footpaths and two
existing points of vehicular access.
- 7.02 The northern boundary is defined by a well maintained hawthorn
hedge, while the western, saunter and eastern boundaries are
defined by post and wire fences. The site currently consists as mainly
open pastures with a small number of caravans located on the
eastern edge of the site.
- 7.03 The topography within the site falls from the north to the centre of the
site, then rises again to the south This topographic effectively screens
the majority of the site from the public footpath to the south. Views
from the north of obstructed by the mature hedgerow growing along
the highway boundary.
- 7.04 The site is located on a country road near the historic town of Caerwys

which includes a designated conservation area and a large number of listed buildings. It is also located some distance away from the parkland and garden of Bryn Gwyn Hall which is included in Cadw's register of Landscapes, Parks and Gardens of Special Historic Interest in Wales

7.05 The Proposal

This application seeks consent to extend the western boundaries of the park to allow for the relocation of static and touring caravans which will facilitate improvements to the layout of the existing static holiday caravan park over time. The application can be summarised as follows:

- a) Relocation of 50 static holiday caravans;
- b) Relocation of 90 touring caravan pitches with hardstanding pitches;
- c) 6 "glamping" pitches;
- d) Demolition of existing toilet/amenity block;
- e) Siting of new toilet/amenity building

7.06 This application relates to the upgrading of the entire site; including both static and touring areas. The layout of the static area of the park is historic; there having been no major changes to this layout since the development was approved. The static area requires modernising, including larger pitches and wider spacing between units, which will undoubtedly result in the loss of caravans.

7.07 The 50 relocated static caravans will benefit from larger pitches which measure approximately 12.8m x 4.26m (42ft x 14ft) whilst attaining at least 7m spacing between units. The density of development will amount 22.7 caravans per hectare which represents a low density. Furthermore, the redevelopment of the existing site will result in larger plots and in turn the density of the existing development will be reduced.

7.08 It is envisaged that once the existing static element of the park has been developed to accommodate larger plots, the overall number of static caravans will reduce to approximately 220. Even with the proposed relocated 50 static caravans, this represents a reduction in numbers from 305 to 270.

7.09 The existing touring caravan provision will be relocated to the adjoining field to the west which amounts to approximately 2.67 ha and will accommodate 90 touring pitches. Each pitch has been designed to accommodate a touring caravan and awning, whilst also maintaining no less than 6m spacing between pitches. The density of development on this section of the site is 33 touring pitches per hectare with the low density design allowing for greater landscaping and amenity around the site and between pitches.

7.10 The toilet/amenity block on the touring element of the site is an

express requirement of the Site Licence. The external area of this building will measure 14m x 8m and 5m to the pitch of the roof. The 6 'glamping' pitches are to be located within the northern touring element of the park.

7.11 The Main Issues

The main issues for consideration in this application are the principle of development at this location, the potential visual impact on the open countryside, impact on residential amenity, access, and impact on the adjacent Area of Outstanding Natural Beauty.

7.12 Principle of Development

Policy T5 of the FUDP permits extensions to existing caravan sites where they meet a number of criteria. These will be addressed in turn below.

- 7.13 *a) any increase in the number of standings or units is marginal.
b) any physical extension of the site is modest.*

The application seeks to relocate 50 No. pitches upon the site. The site currently consists of and has consent for 305 with the total overall caravans following redevelopment to reduce to approximately 270. The existing caravan site extends to some 35 hectares in area with the proposed extension seeking to add a further 6.1 hectares which amounts to a 17% increase. The site is well screened on all boundaries and is proposed to be the subject of further supplementary planting in these areas which will only serve to reinforce these boundaries.

- 7.14 *c) the scheme incorporates substantial internal and structural landscaping.*

The site has established hedgerow boundaries to the northern boundaries and additional boundary planting is proposed. This issue is discussed in greater detail separately below in my assessment of landscape impact.

- 7.15 *d) the proposal involves improved on site facilities.*

The static area of the existing site requires modernising, including larger pitches and wider spacing between units, which will undoubtedly result in the loss of caravans. The proposal allows for the reduction in overall site density along with additional toilet facilities.

- 7.16 *e) the proposals would not have a significant adverse impact upon existing residential amenity or the community in general.*

The proposed site lies within an area of open countryside with the nearest dwellings being some 100 metres to the North and West. I do

not consider, given these degrees of separation, coupled with the significant screening which intersperse these distances, that the proposals will give rise to adverse impacts upon amenity.

Highways Safety

7.17 The main entrance to Barlows Caravan Park is located approximately 800 metres from the B5122 via a C Class road. Whilst it is envisaged that this entrance will be retained as the principal access into the park, it is also proposed to utilise the entrance to Blorant Farm for touring caravans which is some 450 metres to the west of the main entrance.

7.18 Taking into account the existing use of both the primary and secondary access, Highways Development Management have raised no objection to the proposal subject to a condition to provide parking and turning facilities prior to the use commencing

Impact on Residential Amenity.

7.19 Whilst the nearest residential properties are over 100m from the proposed development, both the primary and secondary means of access are shared with these dwelling. Given that the application does not propose an increase in the number of static or touring caravans, it is considered that there will be no material change from the existing use.

7.20 In terms of visual impact from the proposed development, both the existing and proposed boundary treatments will obscure the majority of the development from view.

Landscape Impact

7.21 The site is located near to the historic town of Caerwys which includes a designated conservation area and a large number of listed buildings. It is also located some distance away from the parkland and garden of Bryn Gwyn Hall which is included in Cadw's register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

7.22 The existing static caravan park is well integrated into the local landscape and is screened by mature trees and woodland, but the current proposal involves a significant extension of the site into open land which is much more prominent when viewed from the AONB. However, with the extensive landscaping proposed these impacts can be mitigated. The proposed landscaping scheme involving new hedgerows and tree planting, which should comprise native local species, will help break up views of the site, but the AONB committee is of the view that deeper, more substantial blocks of tree planting are required along the south and south-west facing boundaries. The AONB committee also recommend that conditions be attached to ensure that all landscaping is in place prior to the use commencing.

7.23 To further reduce visual impact, the AONB committee would recommend that any new static caravans should be finished in recessive colours (e.g. environmental green or timber finishes) with dark grey roofs. Further details of any external lighting are also required to ensure that the lighting scheme is designed to conserve the AONB's dark skies.

7.24 It is noted that the documents suggest that existing seasonal use conditions should be amended to allow all year round use, but the AONB committee would recommend that the existing limits on seasonal use for the touring area should not be extended. In addition, suitable conditions should be attached to ensure that the caravans are used for holiday purposes only, including appropriate arrangements for monitoring compliance. The recommendations of the AONB committee can be dealt with via a number of conditions outlined in section 2 above with specific reference to conditions 4,5,7,8, and 11.

7.25 In terms of impact upon both heritage assets, given that there is an established holiday park use currently on the site and that the proposed development is a significant distance away from both the Caerwys Conservation Area and the gardens of Bryn Gwyn Hall, it is considered that it will not have an adverse impact upon either heritage assets and therefore will comply with policies HE1, HE2, HE5 of the Flintshire Unitary Development Plan.

8.00 CONCLUSION

8.01 The scale of the extension should be balanced against the overall benefits attributed to this scheme. The proposals overall creates a development with less density allowing for an enhanced scheme of landscaping. A sympathetic scheme of additional landscaping serves to ensure that both the proposed and existing development are well integrated into the wider landscape. The scheme serves to meet the increasing expectations which visitors have of the North Wales Tourism industry and in this part of the County, this sector is a significant employer. Accordingly, I consider that subject to the conditions set out in paragraph 2 of this report, Planning Permission should be granted.

8.02 Other Considerations

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

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

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

8.05 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

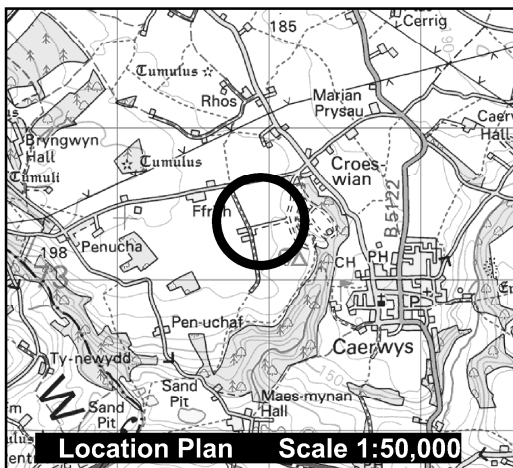
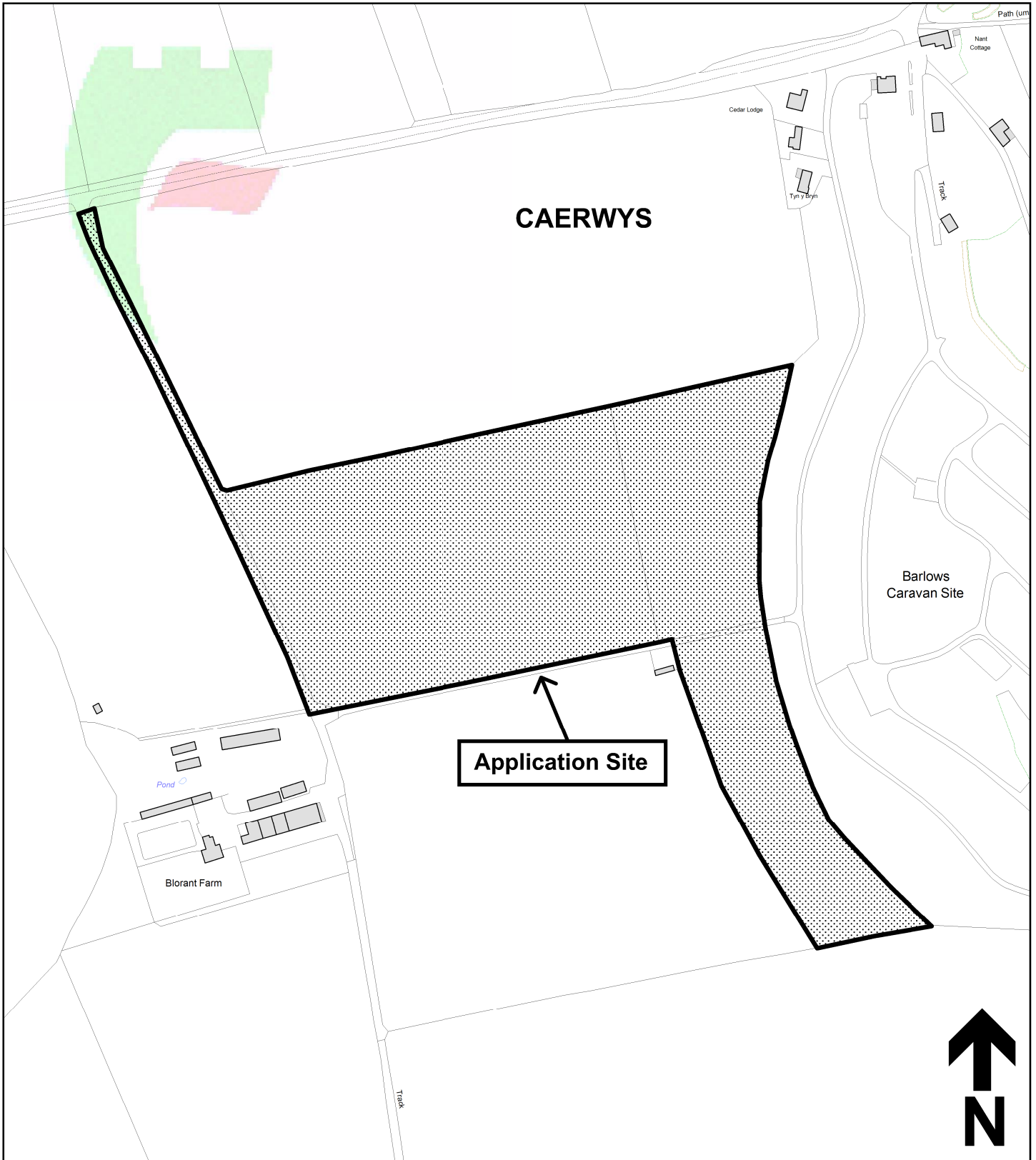
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

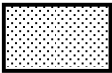

Contact Officer: Daniel McVey
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Email: Daniel.McVey@Flintshire.gov.uk

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 | 1:3000 |
| OS Map ref | SJ 1173 |
| Planning Application | 58733 |

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Eitem ar gyfer y Rhaglen 6.3

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH NOVEMBER 2018**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE FROM LAND TO TOURING CARAVAN/TENT SITE AT OLD TAVERN, LLANERCH-Y-MOR, HOLYWELL**

APPLICATION NUMBER: **058359**

APPLICANT: **MRS K RONEY**

SITE: **THE OLD TAVERN, LLANERCH-Y-MOR, HOLYWELL**

APPLICATION VALID DATE: **13TH APRIL 2018**

LOCAL MEMBERS: **CLLR P HEESOM**

TOWN/COMMUNITY COUNCIL: **MOSTYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **OVER SCHEME OF DELIGATION AND AT THE LOCAL MEMBERS REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks planning permission for the change of use of land for the siting of 55 no. touring caravan pitches with services and additional landscaping on land to the rear of The Old Tavern, Llanerch-y-mor, Holywell. The main issues for consideration in this application are the principle of development at this location, the potential visual impact on the open countryside, impact on residential amenity and the listed building, flood risk, and access.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

2.01 Conditions:

1. Time limit on commencement of development
2. In accordance with plans
3. Development to be restricted to holiday accommodation only and
4. Not for permanent residential occupation
5. No storage of caravans
6. Scheme of hard and soft landscaping to be agreed
7. Landscape management scheme to be submitted and agreed
8. Siting, layout and design of the means of access to be submitted and agreed
9. The proposed access shall have a visibility of 2.4m x 120 in both directions
10. Visibility splays shall remain free from obstructions
11. Facilities shall be provided for the parking and turning of vehicles
12. Positive means to prevent run off of surface water shall be submitted and agreed
13. Details of the play area / beer garden are to be submitted and approved
14. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

3.00 CONSULTATIONS

3.01 Local Member – Cllr P Heesom

Request planning committee for the following reasons:

- The proposals accordance with policies safeguarding the proposed direct access and egress on to the main distributor route the A548 east and west, with designated emergency access provision in view of its proposed use.
- The proposals compliance with policies on the camping and occupying of contaminated land
- The proposed use in the immediate proximity of a graded listed building.

Mostyn Community Council

No response at the time of writing

Highways DC

No objection to the proposal subject to the conditions outlined above in section 2

Pollution Control

No objection to the proposal however requests an advisory note informing the application of the requirement to carry out fire risk assessments.

Dwr Cymru/Welsh Water

No objection subject to conditions

Natural Resources Wales

Given that the flood risks at the site are likely to be low, Natural Resources Wales have no flood risk objections to the development proposals.

CPAT

No objection to the proposal.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, and Neighbour Notification

Two letters have been received which raises the following points

- Proposal should include secure fencing and screening
- Proposal should be for touring caravans solely and not permeant pitches

5.00 SITE HISTORY

5.01 057846 - Change of used of land to touring caravan/tent site.
Withdrawn

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR6 – Tourism

Policy GEN1 – General Development Considerations

Policy GEN3 – Development Outside Settlement Boundaries

Policy T6 – Touring Caravan sites

Policy T7 – Camping Sites

Policy AC13 – Access and Traffic Impact

6.02 Planning Policy Wales

Technical Advice Note 13: Tourism.

6.03 It is considered the proposal generally complies with the above planning policies.

7.00 PLANNING APPRAISAL

7.01 The Proposals

The applications seeks planning permission for a change of use to a touring caravan and camping facility with ancillary buildings/structures at The Old Tavern, Llanerch-y-mor, Holywell. The proposed development is further detailed as follows:

- The site extends to approx. 2.1 hectares
- Would accommodate up to 55 pitches with 50 of these on hard standing
- One service block would be provided for showering/toilet facilities together with disposal points
- The applicant has submitted a revised plan indicating a reduced area for the proposed pitches near to the listed building

7.02 The sites consists of the car park to the existing public house along with an area with 3no. static caravans. The remainder of the site has previously been used for a number of unlawful uses, however the site has not been cleared and therefore reverted to agricultural land.

7.03 Principle of Development

The application site is located in open countryside as defined in the adopted UDP where policies seek to strictly control new development. The site has no national or local landscape designation.

7.04 It is considered the main issue to be assessed in relation to the proposal is the principle of development in this location, impact upon the adjacent listed building and detailed matters relating to impacts on residential amenity, visual amenity, and effect on the local highway network.

7.05 Planning Policy Wales sets out objectives for tourism and these seek to encourage sustainable tourism development with additional detailed guidance on touring caravan proposals contained in TAN13 on Tourism. Policy STR6 of the adopted UDP provides the strategic context and allows for development which enhances tourism in the county, whilst Policy GEN3 sets out development which may be acceptable in such locations and criterion g includes tourism.

7.06 Policy T6 of the FUDP contains further detailed advice in relation to touring caravan sites. This policy is permissive of new touring caravan sites but only where:

- The proposal would not have a significant adverse impact on the amenity of others
- The scale of the proposal is appropriate to the characteristics of the site and the locality
- The proposal would not have an adverse impact on features or areas of landscape, nature conservation or historic value

- The schemes incorporates substantial integral and structural landscaping
- It is close proximity to and can be easily accessible from the local highway network
- It is used for touring caravan purposes and any touring caravans are removed from the site for periods when not in use
- Any essential service buildings that are needed can be provided within existing buildings or appropriately sited and well-designed small new buildings.

7.07 Policy T7 of the FUDP permits tent camping sites provided that the proposal occupies an inconspicuous or well screened site or can be assimilated into the landscape; any essential service buildings can be appropriately provided and there would be no adverse impact upon landscape or nature conservation interests.

7.08 In principle the proposed development is considered to accord with national policy advice and the policies in the adopted UDP in regards to tourism development i.e. it is permissible development subject to the impacts detailed later in this report being assessed as acceptable.

7.09 Impact upon Listed Building

The application site lies behind and to the side of a Grade II listed building, Yr Hen Dafarn which is located to the south of the A548 coast road in a semi-rural location. The building was listed in 1962 and is an early building dating from the late 16th or early 17th century. Whilst the proposal does not involve alterations to the listed building itself, it does impact on its setting, wrapping around two sides of the curtilage to the listed building and on the setting of the listed building in a wider landscape context.

7.10 The existing static caravans are proposed to be moved further away from the listed building, the number of plots on the northern part of the site (to the west of the listed building) has been reduced and a play area / green space is proposed adjacent to the beer garden in this location instead. These alterations are a significant improvement on the initial scheme and reduce the impact on the setting of the listed building, although from a distance there will still be an impact and therefore the landscaping scheme will be an important element.

7.11 In summary the Conservation Officer is of the opinion that, although the scheme will have an impact on the setting of the listed building in the wider landscape, this can be acceptably mitigated by an appropriate landscaping scheme and the relocation of the existing static caravans further away from the listed building. This along with the amendment of the proposal to remove 5 pitches is considered to reduce the impact on the listed building sufficiently.

7.12 Scale

The scale of the proposal, together with the number, siting, layout of units and circulation roads are appropriate to the characteristics of the site and locality. It is considered that with careful management of the existing landscape and topography along with the agreement of a suitable scheme of supplementary planting, that the scale of the proposals are acceptable and will not have a detrimental impact on the characteristics of the locality.

7.13 Landscape Impact

Although the site is located within the open countryside, it is not governed by any landscape or green barrier designation. The application site is located on a slighting sloping site which raises to the rear of the site. The site benefits from established screening by way of mature vegetation along with the public house. The development site is not visible from the majority of the main highway networks other than the existing access. The proposed utility block is reasonably modest in scale and appropriate for the site and its setting due to the existing manmade and natural screening. I am therefore satisfied that subject to a suitable condition requiring a landscape and management plan for the site, the proposals can be successfully assimilated into the landscape without causing a detrimental visual impact on the locality.

7.14 Highways Safety

Highways Development Management are satisfied that subject to appropriately worded conditions, outlined in section 2 above, the development would not be detrimental to highway safety.

7.15 Flood Risk

The Old Tavern building and entrance to the proposed development is partially located within C1 and located within tidal flood extents of Flood Zone 2. The proposed caravan / tent pitches are to be sited on land elevated above the tidal flood plain and so tidal flood risks to the development, over its development lifetime, are likely to be low.

7.16 There is an un-named watercourse running along the western edge of the application. The limited Flood Consequences Assessment submitted in support of the application considers that the flood risks to the development from this source is considered low. The updated surface water flood map, which could be used to interpret potential fluvial flood outlines from the ordinary watercourse, indicates that potential flood waters are likely to be routed in a north westerly direction away from the development site.

7.17 Given that the flood risks at the site are likely to be low, Natural Resources Wales have no flood risk objections to the development proposals.

8.00 CONCLUSION

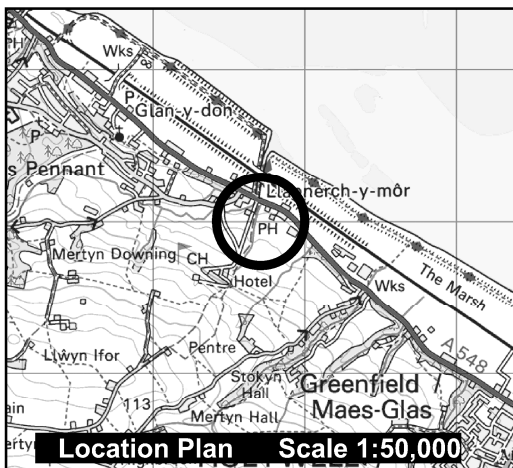
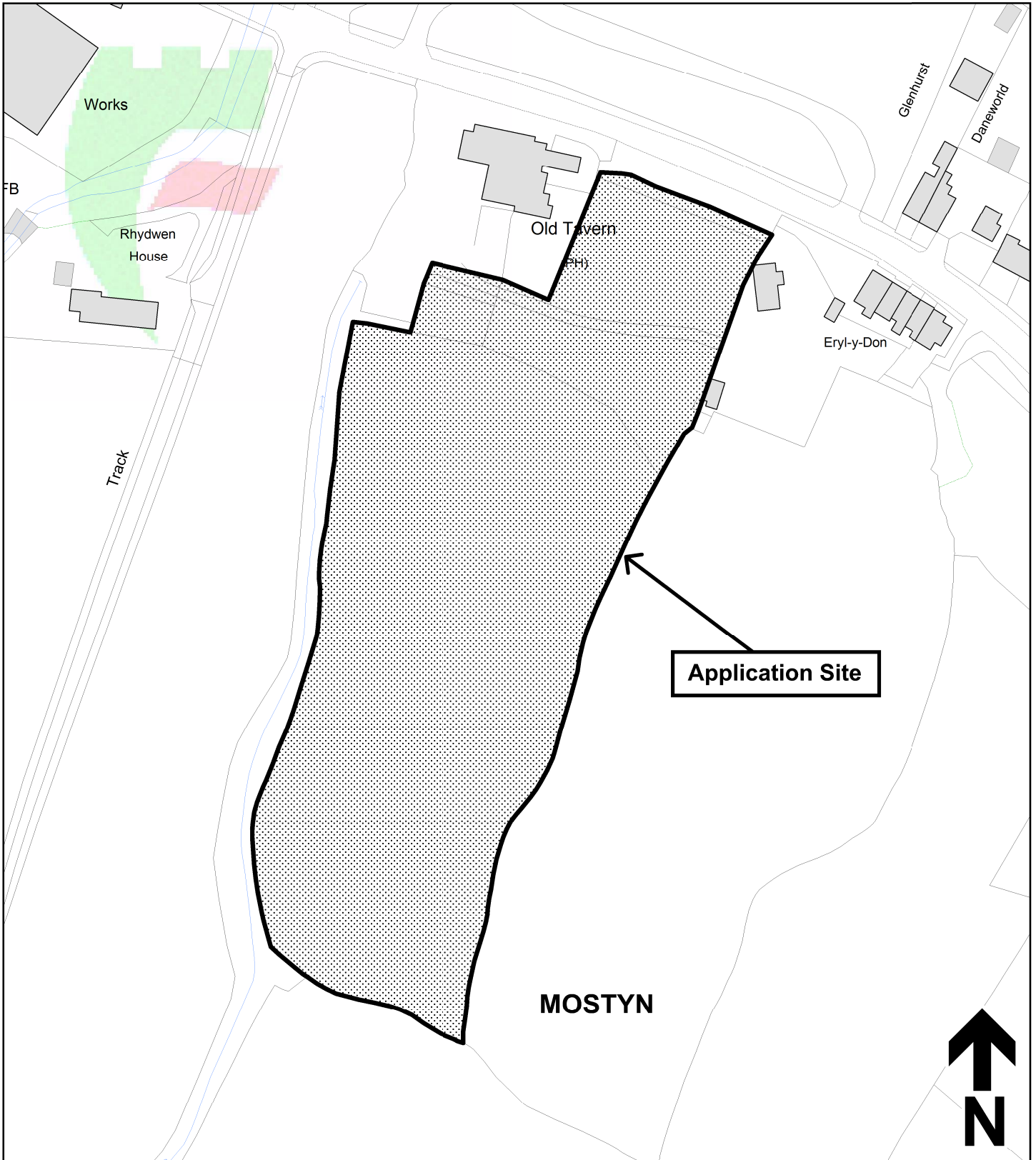
- 8.01 The proposals overall creates a development of high quality tourism accommodation. A sympathetic scheme of additional landscaping will serve to ensure the proposed development is well integrated into the wider landscape and mitigate any impacts upon the adjacent listed building. The scheme serves to meet the increasing expectations which visitors have of the North Wales Tourism industry and in this part of the County, this sector is a significant employer. Accordingly, I consider that subject to the conditions set out in Section 2 of this report Planning Permission should be granted.
- 8.02 Other Considerations
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.03 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.05 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: Mr D McVey
Telephone: 01352 703266
Email: Daniel.McVey@Flinshire.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 | 1:1500 |
| OS Map ref | SJ 1779 |
| Planning Application | 58359 |

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.4

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH NOVEMBER 2018**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 30 NO. 2 AND 1 BEDROOM APARTMENTS (OVER 55'S) AND 3 NO. HOUSES (TOTAL SCHEME 100% AFFORDABLE HOUSING), ASSOCIATED ACCESS AND PARKING, INCLUDING DEMOLITION OF FORMER PUBLIC HOUSE AT BOARS HEAD INN, HOLYWELL ROAD, EWLOE.**

APPLICATION NUMBER: **058296**

APPLICANT: **ANWYL CONSTRUCTION GROUP IN CONJUNCTION WITH PENNAF HOUSING GROUP**

SITE: **FORMER BOARS HEAD INN
HOLYWELL ROAD
EWLOE
FLINTSHIRE
CH5 3BS**

APPLICATION VALID DATE: **5TH APRIL 2018**

LOCAL MEMBERS: **COUNCILLR D I MACKIE
COUNCILLOR MS J AXEWORTHY**

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

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

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the demolition of a former public house and residential development of 30 no. 2 and 1 bedroom apartments, and 3 no. houses, associated access and parking. The development

is an 100% affordable scheme. The main issues are considered to be the design of the proposal and its impact upon the character and appearance of the locality, as well as issues of Noise, access and parking.

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

2.01 The conditional planning permission be granted subject to the applicant either entering into a Section 106 Obligation or Unilateral Undertaking to provide the following:

- Payment of £1,100 per dwelling in lieu of on-site public open space provision. The payment will be used to enhance existing POS in Sheridan Avenue Play Area.
- To secure the Affordable housing provision in perpetuity. The S.106 agreement will control that the scheme is 100% affordable with the precise means, methods and tenures to be specified within the S.106

Conditions

1. Time Limit
2. In accordance with Approved Plans
3. Material samples to be submitted and approved
4. Landscaping scheme and Implementation
5. Finished floor Levels to be submitted and approved prior to development
6. A programme of building recording and analysis shall be submitted to CPAT and the LPA prior to demolition of the public house.
7. A drainage scheme for the disposal of foul, surface and land water including an assessment of the potential for the disposal of surface and land water by sustainable means, to be submitted and thereafter implemented.
8. A suitable scheme of enhanced double/secondary glazing should be submitted for approval
9. Demolition work shall not take place during the breeding bird season
10. Submission of detailed scheme for the relocation and improvement of the adjacent bus stop
11. Siting, layout and design of means of access to be in accordance with submitted scheme
12. Existing site access permanently closed when new access brought into use.
13. Proposed access onto Old Mold Road to have a visibility splay of 2.4m x 43m in both directions
14. The stated visibility splays at the proposed point of access shall be made available and kept free from all obstruction for the duration of site construction works.

15. Facilities to be provided and retained within the site for the parking of vehicles in accordance with submitted scheme.
16. A 1.8m wide footway shall be provided along the site frontage
17. Positive means to prevent the run off of surface water onto the highway shall be provided in accordance with details to be submitted
18. The legally defined right of way must be marked out on site in strict accordance with the definitive map. There is to be no unlawful obstruction of the recorded public right of way.
19. No development shall take place until a construction traffic management plan has been submitted to and approved in writing by the LPA
20. Implementation of remedial works and/or mitigation measures as identified within the Mining Investigation report.
21. A Travel Plan shall be submitted to the LPA and approved in writing prior to commencement of work
22. No demolition to be undertaken during bird nesting season

3.00 CONSULTATIONS

3.01 Local Member Councillor D Mackie

- Scale and massing of building at significant crossroads
- Lack of on street parking in vicinity. Full requirements of SPG11 should be met.
- Building should be reduced to two storeys to reduce negative impact and allow for sufficient parking on site
- Existing congestion problems in area.

Councillor J Axeworthy

- Compromise of existing rights of way
- Parking locally already an issue, exacerbated by inadequate parking for development
- Any development at this location should consider reconfiguration of road junction with the addition of one or more pedestrian crossings.

Hawarden Community Council

HCC Members have concerns about this development being inappropriate, not keeping in with the character of surrounding buildings and too many properties on the site with limited parking facilities. Members also sought assurances around housing need that would need to be “evidenced” together with ensuring the development meets the LDP requirements. Members have no objection to the principle of development on the site but request that any development fits into the surrounding area and that the junction off Liverpool Road is improved. It was suggested that a roundabout

or traffic lights at this location be also considered.

The development is unsightly and visibility at the junction is severely compromised. Members would prefer a two-storey development as opposed to the three storey proposals. The pavement that runs alongside the development is very narrow and requires widening as part of any development at this site.

Highways DC

- Through route provided dispenses with the need for additional on-site vehicle turning provision. Both roads are subject to 30mph speed restrictions and minimum visibility splays of 2.4mx43m should be provided in both directions; provision of these minimum distances appears practical.
- SPGN11 specifies a maximum parking standard of 1 carpark space per unit plus 1 per 3 units for visitors for a development of flats that are to be restricted to elderly person occupation; it would appear that this figure would be appropriate to use for the proposed development. 30 no. apartments at 1.3 spaces per apartment would equate to a maximum provision of 40 spaces.; 30 no. spaces are proposed, a shortfall of 10 no. below maximum. The proposed 2 no. spaces for each of the house is in line with the SPGN. The SPGN acknowledges that a provision lower than the maximum level may be acceptable but any shortfall needs to be justified in terms of the availability of sustainable travel opportunities and low reliance on private car ownership/use. It is accepted that there are local employment, retail, education and public transport opportunities
- The proposed development is likely to generate increased pedestrian movements and increased reliance on the use of public transport. There is an existing, signed, bus stop on the site frontage; this provision needs to be improved to include a shelter, raised boarding kerbs and road markings.
- Development proposals indicate that the bus stop is to be re-located; a scheme for relocation and improvement is required but can be covered by condition.
- Flintshire County Council operate a kerbside bin collection policy; further advice should be obtained from colleagues in the Streetscene department regarding the need and location of bin stores.
- Intensity of use of the access will necessitate a review of street lighting. Any redundant footway crossings will need to be reinstated.

Pollution Control

No objections in principle. However, the site is in close proximity to a busy road. Brief noise readings taken in this area indicate that the site is within Noise Exposure Category (NEC) B/C during the daytime under the Welsh Guidance Technical Advice Notes 11. This means that specific measures are necessary to protect the amenity of the future occupiers of the premises. Accordingly, requests conditions relating to the need for an enhanced glazing scheme to be submitted and agreed.

Rights of Way

There are no affected footpaths or bridleways in the vicinity therefore no observations made.

Housing Strategy Manager

It is considered desirable that new housing development incorporates a reasonable mix of house types and sizes, including affordable housing (i.e. intermediate and social rented). The application proposes to develop 30no. 1 and 2 bed apartments for over 55s and 3no.houses (2no. 2bed and 1no. 3bed) in Ewloe as a 100% affordable housing scheme.

In terms of evidence of housing need in Ewloe, the Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 246 affordable units. The LHMA identifies a need for primarily 1 bed (14%), 2 bed (31.6%), and 3 bed (28.5%), split relatively evenly between Social rented (56.2%) and intermediate (43.8%) tenures;

Based on the current social housing register demand for 1bed and 2bed flats / houses and 3bed houses is as follows:

| No. of beds | Total on register for Ewloe | Under 55 | Over 55 |
|-------------|-----------------------------|----------|---------|
| 1 bed | 37 | 17 | 20 |
| 2 bed | 21 | 19 | 2 |
| 3 bed | 14 | 14 | - |

Public Open Spaces Manager

In accordance with Planning Guidance Note No. 13 - POS Provision, the Council should be seeking payment of £1,100 per dwelling in lieu of on-site provision. The payment would now be used to enhance existing POS in Sheridan Avenue Play Area. Advises that previous pooled contributions have been considered and thresholds have not been exceeded with regard to Sheridan Avenue.

Ecology

A bat and bird survey (2015) was undertaken on a previous scheme on the site. No evidence was found, and the building due to its

location (built up and well lit) is not considered of high potential for bats, but it does have opportunities for nesting birds.

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

Welsh Government (Highways)

The Welsh Government as highways authority for the A494 trunk road does not issue a direction in respect of this application.

Welsh Water/Dwr Cymru

The proposed development site is crossed by a 150mm diameter foul raising main public sewer. Accordingly Dwr Cymru/Welsh Water requests a conditions securing an easement of 3 metres either side of the centre line of this pipe.

The developer has indicated that foul flows are to be disposed of via the public sewerage system and surface water is set to be drained via a sustainable urban drainage system. These drainage arrangements are acceptable in principle. Dwr Cymru/Welsh Water requests that conditions and advisory notes are attached to any grant of planning permission.

Natural Resources Wales

Without prejudice to the assessment undertaken by Flintshire County Council, NRW consider that mitigation proposals are in this case likely to be required for the purposes of addressing indirect impacts on the SAC, including those associated with potential in combination increases in recreational pressures and disturbance/predation of wildlife. Suggests a condition requiring the submission and implementation of a scheme to address indirect impacts from the development on the SAC.

Clwyd Powys Archaeological Trust

The Boars Head public house is recorded on the Historic Environment Record as PRN17882 and is believed to be 19th century in date. No other archaeological potential is identified within the rest of the development area.

As the development will completely demolish the public house which is a building of local architectural and historical interest, requests that a condition requiring a full record of the buildings current layout, structural history, fabric and fittings is undertaken before it is demolished. This record should equate to a Level 3 (Historic England equivalent) archaeological building survey.

The Coal Authority

Considers that the applicant has fully assessed the risk to the development from the coal mining legacy affecting the site (as per

requirement of the Planning Policy Wales paragraph 13.9). Requests the imposition of a planning conditions which requires the implementation of the remedial works and/or mitigation measures as identified within the Mining Investigation report prepared by NKC Geotech Ltd, Ref: 1309 (dated 16 November 2017).

Based on all information submitted in support of this planning application, the Coal Authority withdraws its holding objections subject to the imposition of a condition to secure the above.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

5 letter of objection received

- Overbearing development in relation to the surrounding area
- Over development of site
- Issues of overlooking and loss of privacy, over shadowing
- Highways safety, inadequacy of parking, introducing more traffic to already busy highway
- Adequacy of local drainage provision
- Noise issues
- Loss of historical property

5.00 SITE HISTORY

5.01 052158 - Outline application for residential development.
Approved 22nd July 2016

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 – Housing

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 – Housing on Unallocated Sites within settlement boundaries

HSG8 - Density of Development

HSG10- Affordable housing within Settlement Boundaries

SR5 - Outdoor Playing Space and New Residential Development

S11 - Retention of Local Facilities

EWP13 – Nuisance

EWP14 – Derelict and Contaminated Land

EWP15 – Development of Unstable Land

7.00 PLANNING APPRAISAL

7.01 Proposal

This is a full application for the erection of a three storey apartment block comprising 30 no. 1 and 2 bed units alongside 2 no. 2–bed semi detached houses and 1 no. 3-bed detached house. The scheme is to be 100% affordable. The apartment block is to cater for over-55s to address an identified local need for housing for an ageing population.

7.02 Site Description

The application site is the former Boars Head public house and its associated car parking. It is situated on the corner of Holywell Road and Old Mold Road at a key road junction which forms its eastern and southern boundaries. The former public house building remains and is situated in the eastern corner of the site. It is a two storey white render building which has been extended and altered incrementally over the years. The land to the west of the former pub is partially hardstanding and was used as car parking with some over grown areas to the north and north east.

7.03 To the north of the site are the residential properties of Nyth Bach a bungalow and Melville a two storey property. To the west of the application site is a two storey dwelling known as Oak Royd. It should be noted that outline planning permission for 4 no. dwellings was granted in January 2017 under planning reference 056028 on the site of the dwelling known as Oak Royd.

7.04 Principle of Development

Ewloe is a Category B settlement within the adopted UDP. Formal monitoring of the growth rates of Category B settlements ended as of 1st April 2015. Ewloe is a sustainable settlement with a range of facilities and services and access to public transport. Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development would be permitted in Category B settlements where it did not conflict with the planned housing provision for the County, as set out in the UDP, and does not conflict with Policy GEN1. It also identified that development which would result in growth over 15% during the plan period would be required to meet a recognised local need. However, as the plan period has now passed, so too has the period for monitoring in respect of Policy HSG3.

7.05 The development of this previously developed site in this location would be in accordance with the principles of Planning Policy Wales in terms of complying with the principles of sustainable development. The area is predominantly residential in nature with a mixture of some commercial uses with the social club, local shops and a car auction in close proximity.

- 7.06 The bringing forward of such windfall sites is consistent with the strategic aims of the UDP and the UDP Inspector's conclusions in relation to housing in that housing development should be primarily directed towards such settlements. Members will be also be aware that the granting of windfall sites such as this will assist the council in maintaining a supply of housing land as it moves towards the completion of its Local Development Plan. The principle of residential development is therefore acceptable.
- 7.07 There is a building on the site which was the former Boars Head public house. The loss of the building in policy and architectural terms was dealt with as part of the outline consent. The building can therefore be demolished as part of any proposed scheme. The site is a prominent location on a busy road junction and therefore needs a landmark development of architectural merit.
- 7.08 Concern was raised at the pre-application stage about the height and massing of the building and the relationship with the proposed bungalows and the adjacent dwellings. The site is very open and it is considered that there is an opportunity to have a well designed landmark building. Due to the site context it was considered that a contemporary design could be appropriate.
- 7.09 The proposed apartment building is therefore designed along these lines. The main portion of the building occupies the location of the former Coaching Inn. Along Mold road the three storey height of the building is softened by careful use of materials which break up the massing of the building. The use of brick as well as rendered features pick up architectural elements of the locality whilst retaining the contemporary feel of the building.
- 7.10 Design and impact upon local amenity
The proposed apartment building is a three storey block located close to the Old Mold Road boundary of the site, with the building located on the footprint of the former public house, extending onto areas that was previously a hardstanding parking area.
- 7.11 The site occupies a prominent location and it was considered at pre-application stage that the development allowed the opportunity for a landmark building with a contemporary design. In this way a distinctive local landmark will be replaced by a building that in itself adds to the distinctiveness and building quality of the local area.
- 7.12 The proposed building is proposed to have a brick and white rendered primary element located on the position of the former public house. The remaining building is to be faced in brick, with the use of blue and red facing brick breaking up the massing of the elevation and creating a visually interesting elevation. Use of dark grey fenestration continues the contemporary appearance of the building.

- 7.13 Whilst the proposed building is of a modern design that is not necessarily representative of the general character of the area it is considered that this is an opportunity to introduce a building with a greater quality of design than is typical of the area. Within the local vicinity the larger non-residential buildings are of a utilitarian design with little architectural merit. The building occupies a prominent location and it is considered an appropriate location for such a landmark building.
- 7.14 There are a variety of designs in the locality but no particular local vernacular. There is a mix of development in the form of commercial units and residential dwellings, particularly on Holywell Road, where there is a row of shops and a large car auctions building. On Old Mold road opposite the site there is a take away and the Sports and Social club, which is a large single storey flat roofed building set within a large area of car parking.
- 7.15 Concern has been raised over the massing of the building, being a three storey flat roofed building located close to the footway of Mold Road. This is undoubtedly a prominent building in the streetscene. but for the reasons discussed above the design is considered to be acceptable. The premises adjacent to the site on the Mold Road elevation are commercial properties located in positions set back from the highway. I consider that through the use of quality design much of the impact of the building is mitigated, with the choice of materials and fenestration details providing a visual break. Due to the orientation of the proposed building away from adjacent residential properties I consider that the buildings scale and massing is acceptable in this location and would not adversely impact upon the character and appearance of the area or neighbouring amenity. As has been mentioned previously it has been identified that this site is suitable for a landmark building.
- 7.16 There are two residential properties to the north of the site, known as 'Nyth Bach' and 'Melville'. The proposed car park lies between the dwellings and the proposed apartment block, and the northern boundary of the site will be screened. The distance between the apartment block building and these properties is in excess of 20 metres. I do not consider that the proposed building will adversely affect these properties from either overshadowing or through a loss of privacy.
- 7.17 The three two storey dwellings located on the western end of the site, which consists of one no. 3 bedroom detached property and a pair of 2 bedroom semi-detached properties, are of a brick and tile construction which is characteristic in style of developments in the locality. Given their orientation on the site they will not cause any adverse impacts upon the streetscene or upon neighbouring residential amenity.

- 7.18 Housing Need and Affordability
The proposal is 100 % affordable and being promoted by a social landlord. Policy HSG10 in the Unitary Development Plan states that Where there is a demonstrable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing housing proposals
- 7.19 There is a clear and identified need for over 55 social housing within the social housing register. Whilst the Housing Manager has specified a preference for General need provision the proposal has been designed on the basis of meeting the identified over 55s need.
- 7.20 It is considered that whilst a general need is the preferred option, the provision of over 55 affordable units, which meets an identified need in the locality, is compliant with Policy HSG10 in the Unitary Development Plan.
- 7.21 Historic Environment
The current building is recognised by the Royal Commission for Ancient and Historic Buildings in Wales as a particular rare and early type of purpose-built inn with later alterations that includes a Thomas Telford style front extension to collect tolls from the adjacent road. Despite the apparent historic interest Cadw would not offer protection by listing the building on the grounds that it had been considered for listing some years earlier. Previous permissions of site have established that the principle of demolishing the building is acceptable.
- 7.22 In light of the historic interest in the building, which would be completely demolished, it is considered that it would be appropriate to require, via condition, a Level 3 (Historic England Equivalent) archaeological building survey to be undertaken and the subsequent survey to thereafter be lodged with the Local Planning Authority and Clwyd Powys Archaeological Trust.
- 7.23 Access and Parking
The proposed development is served by accesses off both Old Mold Road and Holywell road. This creates a through road and dispenses with the need for additional on-site vehicle turning. Both roads are subject to a 30mph speed restriction and minimum visibility splays of 2.4x 43m appear achievable in both directions.
- 7.24 SPGN 11 specifies a maximum parking standard of 1 space per unit plus 1 per 3 units for visitors for developments of flats that are restricted to elderly person occupation. This would equate to a figure of 1.3 spaces per apartment, a maximum provision of 40 no. spaces would therefore be required. The SPGN acknowledges that a provision of lower than the maximum level may be acceptable but must be justified in terms of the availability of sustainable travel options and a low reliance on private car use. Whilst it is accepted

that there are local employment, retail, education and public transport options, the development should be supported by a Travel Plan. I consider that a condition requiring the submission of the same can be imposed to ensure that sustainable travel opportunities are utilised by the development to offset the lower than maximum standard of parking provided.

7.25 There is an existing signed bus stop on the site frontage. Development proposals indicate that the stop is to be re-located and it is considered that a scheme for this relocation as well as for improvement in terms of a shelter, raised boarding kerbs and road markings, is required and I propose that this is conditioned. Details of proposed bin stores, including their location, are also proposed to be conditioned.

7.26 The proposed access and parking arrangements are considered to be acceptable, subject to the suggested condition.

7.27 Noise

The site is adjacent to Liverpool Road and the Holywell Road junction and close to the A494/A55 Ewloe roundabout which are included in the Noise Action Plan for Wales which looks at amongst other things the noise from busy roads. The calculated data for this road indicates that parts of the site will be within Noise Exposure Category (NEC) B/C during the daytime and possibly the night time under the Welsh Government Technical Advice Notes 11.

7.28 A Noise Assessment has been undertaken in support of the application. The assessment shows that with suitable details such as acoustic glazing, conditioned on the development the noise levels can be mitigated to within levels deemed acceptable within TAN11. Consultation with Pollution Control has established that this is an appropriate approach to this issue.

7.29 Welsh Water Sewer

The proposed development site is crossed by a 150mm diameter foul rising main public sewer. Dwr Cymru/Welsh Water have rights of access to its apparatus at all times and as such require an easement of 3 metres either side of the centreline of the pipe. The applicant may apply to divert this rising main under Section 185 of the Water Industry Act 1991. Until a diversion is applied for a condition requiring the easement should be applied to protect the integrity of the public sewer.

7.30 Dwr Cymru/Welsh Water have confirmed that the proposed drainage provision, namely foul flows to be disposed of via the public sewerage network and surface water drainage to be drained via a sustainable urban drainage system, is acceptable in principle. There are no problems envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. However, a condition

will be imposed requiring the full details of the drainage scheme to be submitted and thereafter implemented following approval by the Local Planning Authority.

7.31 Ecology

Previous applications and pre-application discussions on site have identified that whilst the site was not considered to be of high potential for bats, being in a built up and within a well lit area, there were opportunities for nesting birds to be using the building. A previously submitted bird and bat survey confirmed this. It is therefore recommended that no demolition work should take place during bird nesting season, unless suitable checks are undertaken, and I propose a condition to this effect.

7.32 The site is located within 800m of the boundary of the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) This site supports an important population of great crested newts. Whilst it is not considered that the proposal would have direct impacts upon the SAC concerns have been raised by Natural Resources Wales over possible indirect impacts from the development. With this in mind NRW propose that a condition is imposed that requires a scheme to be submitted and implemented to address indirect impacts from the development on the SAC. Any mitigation scheme would need to be proportionate to the distance between the application site and the SAC.

7.33 I am concerned that the imposition of such a condition may not satisfy the tests required in relation to the imposition of conditions. I am particularly concerned that, given the degree of separation between the site and the SAC, the imposition of the suggested condition may be viewed to be unreasonable as I do not consider that it reasonably relates to the site and the proposals for which permission is sought.

7.34 I am content that concerns in respect of ecology at the site are adequately addressed via the condition outlined in paragraph 7.31, above and therefore conclude that the development would not unacceptably impact upon the favourable conservation status of locally recorded protected species.

7.35 Mining history

The application site falls within the Coal Authority's defined Development High Risk area. This means that within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority records indicate that there is a recorded mine entry within 20m of the boundary with a zone of influence which extends into the application site. This means the mine entry could be located on the application site.

7.36 The planning application is accompanied by a Mining Investigation report which has been prepared by NKC Geotech Ltd. This report has been informed by existing geological and mining information together

with the results from intrusive site investigations, undertaken with the written consent of the Coal Authority.

7.37 The exact location of the recorded mine entry has been established and appropriate recommendations have been made that the shaft will be fully remediated in accordance with measures identified in the report. These remediation measures can be required by imposing a suitable planning condition. The Coal Authority consider that the submitted information demonstrates that the site will be safe, stable and suitable for development.

7.38 Public Open Space

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'.

7.39 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. These require that an obligation must;

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.

7.40 In accordance Planning Guidance Note no. 13 Public Open Space provision, the Council should be seeking payment of £1,100 per dwelling in lieu of on-site provision to enhance existing POS in the community. Specifically the payment would be used to enhance existing public open space in Sheridan Avenue Play Area, within the locality of the site.

7.41 Education

The majority of the development is 1 or 2 bed flats for Over-55s. In accordance with Supplementary Planning Guidance No. 23: Developer Contributions to Education both developments for over-55s and 1 bed dwellings or apartments are exceptions to the provision of school places.

7.42 The remaining 3 dwellings are under the threshold of 5 dwellings before contributions are sought in accordance with the SPG.

8.00 CONCLUSION

In conclusion it is my view that the proposal complies with policy. Accordingly, I recommend that planning permission be granted

subject to the imposition of conditions within paragraph 2.01 of this report, and the completion of a legal agreement.

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.

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

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

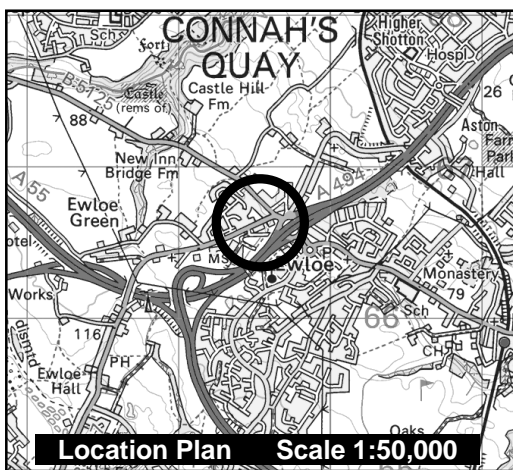
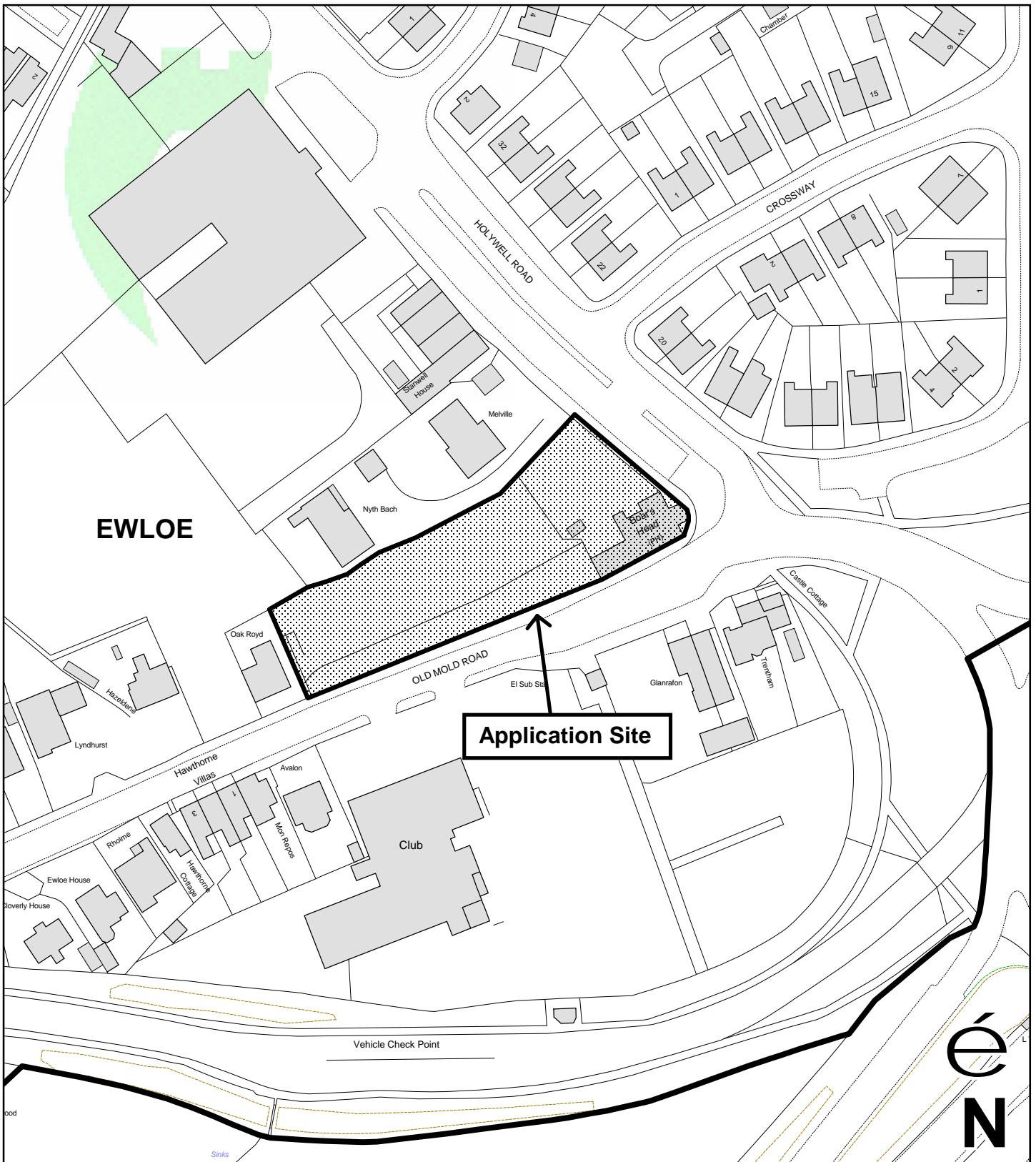
8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

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



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 2966 |
| Planning Application | 58296 |

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.5

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH NOVEMBER 2018**

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

SUBJECT: **FULL APPLICATION – ERECTION OF 14 NO DWELLINGS AND ASSOCIATED WORKS AT WITHIN COTTAGE & CHESHIRE LANE, ALLTAMI ROAD, BUCKLEY**

APPLICATION NUMBER: **058229**

APPLICANT: **QUATREFOIL HOMES**

SITE: **WITHIN COTTAGE & CHESHIRE LANE, ALLTAMI ROAD, BUCKLEY.**

APPLICATION VALID DATE: **16TH MARCH 2018**

LOCAL MEMBERS: **COUNCILLOR MRS C A ELLIS**

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

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO SCHEME OF DELEGATION AND IMPACT ON PUBLIC RIGHT OF WAY AND HIGHWAY**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This is a full application for the proposed erection of 14 no. dwellings and associated works at land adjacent Withen Cottage and Cheshire Lane, Alltami road, Buckley.
- 1.02 This report was deferred from the July 18th 2018 Planning Committee due to concerns raised at the Planning Committee site visit in relation to access over third party land. This matter has now been clarified.
- 1.03 This report was further deferred from the 3rd October 2018 Planning Committee as Members required further clarity with regard to the

plans showing the site access, and in order to incorporate the late observations received into body of the committee report. These matters are discussed within the main body of the report under the paragraph titled 'Access'.

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

2.01 The conditional planning permission be granted subject to the applicant either entering into a Section 111 agreement with the Council, prior to the grant of planning permission, requiring them to enter a Section 106 Agreement when they become the owner of the land, to cover the following obligations.

- Payment of £1,100 per dwelling in lieu of on-site provision. The off-site contribution would be used to enhance existing public open space in the community; namely the Skatepark in Buckley. The contribution shall be paid upon 50% occupation or sale of the dwellings hereby approved;

And

- Payment of £2,500 towards mitigating the indirect impacts due to in combination pressures on the Special Area of Conservation (SAC).

Conditions

1. Time commencement
2. In accordance with approved details
3. Material samples
4. Existing and Finished floor levels
5. Only foul water shall be allowed to discharge to the public sewerage system
6. Surface water drainage scheme to be submitted
7. Detailed layout, mans of traffic calming and signing, surface water drainage, street lighting and construction of internal estate road to be submitted
8. Footpath 22 improvement scheme including staggered barriers
9. Front of garages set back minimum of 5.5m
10. Positive means provided to prevent surface water runoff onto highway
11. Submission of Construction Management Plan
12. Foundation design of properties either side of mine shaft to be submitted and approved prior to their implementation
13. Reasonable Avoidance measures GCN
14. Biosecurity risk assessment
15. Ecological compliance audit
16. Contaminated land report.

17. Landscaping scheme
18. A scheme of Tree root protection measures to be submitted and implemented prior to development
19. Construction method statement with regards to vegetation clearance and protected species ecological avoidance measures.
20. No new openings to be created in the western elevation of the dwelling located on plot 6, identified in green on the attached plan.
21. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy and planning guidance requirements relating to public open space provision.
22. No development shall commence unless and until a scheme has been submitted and agreed that satisfies the policy requirements relating to the indirect effects of the development upon the nearby Special Area of Conservation.

3.00 CONSULTATIONS

3.01 Local Member Councillor C A Ellis

Requests committee determination and a site visit due to the impact of the development on public right of way and on highways

Buckley Town Council

The Council recommends refusal for the following reasons:

- The application indicates the closure of footpath 22 and no alternative route is indicated.
- Without an alternative there are health and safety concerns for pedestrians accessing the School and Health Centre.
- Narrowness of road impinges on the ability of emergency vehicles and refuse collection to access the development.
- Increased traffic Alltami Road, closeness of access to accesses of other recent developments
- Ignores requirements placed on the developments at end of Muirfield road where bollards were required to provide safety for pedestrians. No bollards indicated on development
- Adjacent to SSSI and would affect biodiversity of site.
- Impact upon neighbouring residential amenity- loss of light and privacy
- Impact on the character and appearance of the area.
- Impact upon community facilities

Highways DC

This proposal is an extension of an earlier development site which is still under construction; roads within that development have not yet been completed to adoptable standard. Extension of the existing road will require alterations to the existing kerbs and verge.

The access road linking between the two phases crosses the line of the public footpath no.22, a route that is used to gain access to the school. This crossing is identified on the layout drawing which appears to include provision of a ramped crossing and staggered barriers; the layout as proposed is not appropriate but provision of an acceptable layout could be controlled by condition. Footpath 22 is unlit and only partially surfaced, the development will lead to increased pedestrian use and consideration should be given to improvements.

Recommends the imposition of conditions and advisory notes upon should planning permission be granted.

Public Rights of Way

Public Footpath No.22 in the community of Buckley crosses the site where the entrance to the site is proposed from the recent development off Cheshire Lane. The proposed new entrance crosses a popular public footpath known locally as 'Tucky Lane', which is used for access to Buckley Sports Centre and Elfed High School by pupils.

The proposals for the temporary diversion of the section of Public Footpath No. 22 between Alltami Road and the Elfed High School site is acceptable. Where Public Footpath No. 22 cross the access road, It is requested that staggered barriers (to the approved highways regulations) are installed near the crossing point as part of improvement works to the whole section of the footpath.

Pollution Control

It is requested that a condition requiring a phase 1 land contamination assessment is imposed to identify and consider potential risks associated with land contamination either to, or as a result of, the development.

Public Open Space Manger

The Council should seek £1,100 per dwelling in lieu of on-site provision, off-site contribution will be used to enhance existing public open space at the Skatepark, Buckley.

Head of Lifelong Learning

To clarify to members the Capital Projects and Planning Manager of the Education and Youth Services is consulted on the planning application. All figures set out below are provided by the Capital Projects and Planning Manager not by Development Management. The Education and Youth Services service have been consulted again following comments received at Planning Committee and the response from the Capital Projects and Planning Manager are set out below.

The affected schools are:

Primary School: Mountain Lane C.P. School

Current NOR (@ January 2018) 406 (excluding Nursery)

Capacity (@ January 2018) 409 (excluding Nursery)

No. Surplus Places: 3

Percentage of Surplus Places: 0.73%

Secondary School: Elfed High School

Current NOR (@ January 2018) is 745

Capacity (@ January 2018) is 1037

No. Surplus Places is 292

Percentage of Surplus Places is: 28.1%

Formula

The figures are arrived at from a combination of formula application and practical experience, informed by sufficiency criteria. The formula reads:

Primary School Pupils

School capacity 409 x 5% = 20.45 (21)

409 – 21 = 388

The 'trigger point' for contributions is therefore 388 pupils

(No. of units) 14 x 0.24 (primary formula multiplier) = 3.36 (3)

Actual pupils 406 + 3 (from the multiplier) = 409. The trigger for contributions would therefore be met.

(No. of pupils generated) 3 x £12,257 per pupil (Building Cost multiplier) = £36,771.

Therefore the contribution requirement would be £36,771. It is suggested that the contributions would be spent on Security Adaptations required to accommodate the additional children.

Secondary School Pupils

School capacity of 1037 x 5% = 51.85 (rounded up or down) 52

1037 - 52 = 985

The 'trigger point' for contributions is therefore 985 pupils

(No. of Units) 14 x 0.174 (secondary formula multiplier) = 2.43 (2)

Actual pupils 745 + 2 (from the multiplier) = 747. The trigger for contributions would not therefore be met and therefore there is no contribution requirement in relation to secondary schools.

County Ecologist

Requests a scheme of reasonable avoidance measures and mitigation to be conditioned to avoid harm to GCN, also recommends financial mitigation by way of a S.106 Agreement.

Welsh Water/Dwr Cymru

Requests conditions and advisory notes attached to any permission.

Natural Resources Wales

Do not object to proposal subject to the imposition of conditions regarding measures to safeguard amphibians and GCNs, a Biosecurity Risk Assessment and Ecological Compliance Audit.

Clwyd Badger Group

Concerned over impact on Badgers, care should be given when clearing scrub.

Coal Authority

Contents and conclusions of the Mining Investigation Report are broadly sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for proposed development.

No objection to the proposed development subject to the imposition of a condition to secure foundation design of the dwellings either side of the identified shaft.

Clwyd Powys Archaeological Trust

No objection to the proposed development.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

49 Letters of objection

- Safety issues, in particular concerning public footpath 22
- Ecology
- Loss of hedgerows
- Overdevelopment of Alltami road
- Impact upon local infrastructure
- Overlooking onto existing houses, loss of privacy and overshadowing.
- Developers circumventing affordable housing requirement by stealth (two phased development)
- Concern over loss of footpath
- Increased traffic
- Mis-sold properties
- Danger to pedestrian safety
- Noise pollution

- Possible encroachment on third party land
- Submitted plans incorrect

5.00 SITE HISTORY

5.01 051567- Outline- Erection of 5 no. dwellings Refused 9th September 2014

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR 4 – Housing

STR 8 – Built Environment

STR 10 - Resources

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

HSG3 - Housing on Unallocated Sites within Settlement Boundaries

HSG8 - Density of Development

HSG 9 – Housing Mix and Type

HSG 10 – Affordable Housing within settlement boundaries

SR5 - Outdoor Playing Space and New Residential Development

EWP14 - Derelict and Contaminated Lane

EWP17 - Flood Risk

Local/Supplementary Planning Guidance Notes

LPGN 2 - Space around dwellings

LPGN 4 - Trees and Development

LPGN 9 - Affordable Housing

LPGN 11 - Parking Standards

LPGN 13 - Open Space Requirements

National Policy and Guidance

Planning Policy Wales Edition 9 November 2016

Technical Advice Note 1 : Joint Housing Availability Studies

Technical Advice Note 11: Noise

Technical Advice Note 12 : Design

Technical Advice Note 18 : Transport

The proposal is considered to be in accordance with the above development plan policies and planning guidance.

7.00 PLANNING APPRAISAL

7.01 The Proposal

This is a full application for the erection of 14 no. dwellings, and associated works at land adjacent to Withen cottage and Cheshire Lane. The proposal includes;

- 4 No 3 bedroom houses and
- 10 No 4 bedroom houses.

7.02 The site is within the settlement boundary of Buckley as defined within the Flintshire Unitary Development Plan.

7.03 Principle of development

The application site lies within the settlement boundary of Buckley, which is a category A settlement in the Flintshire Unitary Development Plan. Policy GEN2 identifies a presumption in favour of the development of such sites but noted that in the case of unallocated 'windfall sites' there are limitation imposed via policy HSG3.

7.04 Policy HSG3 directs that upon unallocated sites within settlement boundaries, new housing development would be permitted in Category A settlements where it does not conflict with Policy GEN1. It also identified that development should not result in growth over the UDP housing provision for the plan period. As the UDP is outside of the plan period this stipulation does not apply. The proposal is acceptable in principle and can be judged on its own planning merits.

7.05 Main Issues

The main issues relevant to the determination of this application are considered to be issues of access and the public rights of way, ecology, coal mining legacy and the impact of the proposal on the character and appearance of the area and living conditions of neighbouring occupiers.

7.06 Access

The proposed development intends to gain access from an earlier development at Cheshire Lane, extending the road across an existing public footpath. The road within the earlier development is currently not finished to adoptable standard, although this is the intention. The proposed road layout within the site is considered to be acceptable. This estate road will also be constructed to adoptable standards.

7.07 Concerns have been raised with regard to the alignment of the access road from the Homeleigh development. It has been shown that it is possible to achieve the proposed access arrangement without interfering with third party land, which was the issue that the original concern raised. Conditions will be imposed to ensure that the proposed access arrangements are constructed to an adoptable

standard. Highways development control have rigorously checked the submitted details, as well as the as built development adjacent to the site are satisfied that the proposed access arrangements are acceptable, that they do not interfere with third party land and that adoptable standards can be achieved for the access and internal road layout. As such there are no Highway objection to the proposal.

- 7.08 The existing footpath 22, which the access into the site would cross, is a route to schools and consideration must be given both to an alternative route for the duration of the construction, the layout of the crossing point, and the improvement of the footpath. The footpath is currently poorly lit and surfaced and an improvement between the estate road and the school will enhance this link. Alterations to the kerbs and verge of the existing road will also be required to provide the link. The crossing point is to be located on a raised table which will assist in identifying this point to motorists as well as tempering speeds.
- 7.09 Negotiations have been undertaken between the developer, the Rights of Way and other Council departments and it is considered that an acceptable temporary alternative can be provided. Details of this can be secured via the suggested condition and thereafter be implemented prior to the commencement of any work. Once the temporary footpath is no longer required the land will be reinstated to its original condition, including the replanting of any hedges affected.
- 7.10 Questions were raised in previous Committee meeting regarding the safe use of existing private drives in particular due to vehicles which may reverse onto the estate road, and possible onto the raised table. This would not be an unusual situation and does not give rise to any particular road safety issues, or specific issues relating to the safe use of the public footpath.
- 7.11 It is therefore considered that the proposed access to the development is acceptable, subject to the imposition of conditions to ensure that the required standard is achieved. This will include the submission and approval of a Construction Management Plan.
- 7.12 Impact upon the character and appearance of the locality
The site lies to the south of Alltami road, with residential areas to the north, east and west and an all-weather football pitch, part of the Elfed High School complex, to the south. The site is currently used as grazing land. Residential properties to the north and west are typically large detached properties set within generous plots. The new development to the east, to which this proposal links, is of a higher density, with a mix of detached and semi-detached two storey dwellings, this site is clearly distinct and delineated from the application site by the existing hedgerows and line of footpath 22.

The proposed dwellings are of a style that is appropriate to the

- 7.13 locality. Materials are shown as a mixture of brick and brick and render. This is considered to be suitable in principle and the materials to be used in the external surfaces of the dwellings proposed shall be conditioned to be submitted for approval prior to their use.
- 7.14 The site area is approximately 0.7 Ha and as 14 dwellings are being proposed the density can therefore be calculated as being 20 dph. The linear nature of the site at its access point, which excludes some areas from development to allow for an adequate internal road system to serve the development, should be taken into account when considering this proposal. Whilst policy HSG8 would usually seek a density of 30 dwellings per hectare on unallocated sites within Category A settlements the policy also requires development to reflect the characteristics of the site and surrounding area, and to make adequate provision for privacy and space around dwellings. Concerns have been raised regarding impacts of the proposed dwellings on the amenity and privacy of existing neighbouring properties. If the density of the site was increased it is my opinion that the development would not be characteristic of the prevailing density of existing development abutting the site, and there would be concerns over interface distances and adequate amenity provision being inadequate, which would unacceptably harm neighbouring amenity.
- 7.15 I consider that the 14 proposed dwellings, which represents a density of 20 dwellings per hectare, represent an acceptable density in this location considering the requirements of policy HSG8 of the Unitary Development Plan and taking into account the character and appearance of the locality, providing ample amenity space and interface distances between the proposed dwellings and the existing neighbouring dwellings.
- 7.16 When taking into account constraints on the site, including the need to protect existing ecological interests and due to the mining legacy on the site, the proposal represents an efficient use of the land which also integrates into the prevailing pattern of development in the immediate locality.
- 7.17 Impact on living conditions of neighbouring occupiers and future occupiers
Supplementary Planning Guidance Note 2: Space Around Dwellings provides guidance to achieving adequate levels of residential amenity and to ensure that no adverse impacts upon existing amenity arise from proposals for new dwellings.
- 7.18 Due to the slightly lower density of development on site, to reflect the character of the surrounding area, the proposed dwellings are able to achieve the minimum standards prescribed by the supplementary guidance. A general amenity space of 80m² is achieved for all proposed dwellings. This exceeds the minimum for 3 bedroom

dwellings and higher by 10m2. Garden depths, particularly where close to boundaries with existing dwellings adjacent to the site, comply with the prescribed distances within the guidance. Similarly interface distances ensure that the distances between windows are compliant with supplementary planning advice and I do not consider that the proposal would give rise to any adverse overlooking issues or significant negative impacts upon existing neighbouring amenity.

Ecology

7.19 The site lies in close proximity to the Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and is directly adjacent to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI). The SAC supports a nationally important population of great crested newts. It is therefore important that the Local Planning Authority are sure, beyond reasonable scientific doubt, that the proposed development will not adversely affect the integrity of the SAC.

7.20 Similarly the SSSI contains a nationally important population of great crested newts and an assemblage of other amphibian species. Various amphibians have been found on land contiguous with the boundary of the application site. It would therefore be necessary to impose a condition requiring the implementation of amphibian mitigation and reasonable avoidance measures to the satisfaction of the Local Planning Authority.

7.21 It is considered by the Natural Resources Wales that the site will be used by the relevant species for foraging, dispersal and or sheltering purposes but that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the great crested newt populations provided that suitable conditions are imposed.

7.22 Suitable and appropriate mitigation will entail the implementation of Reasonable Avoidance Measures (RAMs) such as the erection of a 1-way amphibian fence, together with the clearance of individual working areas.

7.23 It is considered that relevant to the proposal is the biosecurity of the site particularly concerning invasive non-native species (INNS). As such I consider that it would be appropriate to impose a condition requiring the submission and implementation of a Biosecurity Risk Assessment, which will include appropriate measures to control INNS on site as well as measures to prevent INNS being introduced on site for the duration of the construction and implementation of the proposal.

7.24 It is also considered, given the ecological sensitivity of the site, that it would be appropriate to impose a condition requiring the submission of an Ecological Compliance Audit, to provide evidence

demonstrating that the implementation of the proposal will accord with the provisions of planning and other statutory consents.

7.25 Apart from the potential of the site for GCN, there is also some potential for Badgers within the dense scrub and vegetation clearance will therefore need to be undertaken with this in mind as recommended within submitted Ecological report. A Construction method statement is recommended within the Ecological report and should be conditioned.

7.26 The mature trees on the site have the potential as bat roosts and the hedgerows and field will provide foraging habitats. The submitted tree report recommends the retention of the majority of trees on site. A condition will be imposed for root protection measures to be agreed and put in place prior to development starting. Providing these conditions are attached it is considered that the Council has discharged its duty as competent authority in relation to the Habitats Regulations during the consideration of this development.

Coal Mining Legacy

7.27 The application site falls within the Coal Authority's defined Development High Risk area as there are coal mining features and hazards within the site due to historic mining activity.

7.28 A Mining Investigation Report accompanied the application. This report outlines the intrusive site investigation works that have taken place over the site, and concludes that shallow mine workings do not affect the proposed development. Furthermore the report states that the recorded mine entry within the site was fully treated to NCB specifications in 1975. This mine entry is not to be built upon. This approach follows the general precautionary principle adopted by the Coal Authority.

7.29 The Coal Authority are satisfied with the findings of the Mining Investigation Report and that this report meets the requirements of Planning Policy Wales in demonstrating that the application is, or can be made, safe and stable for the proposed development.

7.30 I recommend that conditions are imposed regarding foundation design to mitigate against any residual ground movement associated with the treated mine shaft. In principle, however, I consider that it has been demonstrated that the mining legacy of the site causes no significant impediment to the proposed development.

7.31 Given the history of historic mining it is also considered appropriate to impose a condition requiring a Phase 1 desk study to be carried out to identify any possible contaminants on the land. If any are subsequently found it would be necessary for further investigation to be carried out and appropriate mitigation implemented. It is considered that this can be controlled by condition.

Public Open Space

7.32 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'.

7.33 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.

7.34 No Public Open Space (POS) provision is provided on site by the development. In accordance with Planning Guidance Note 13- Public Open Space provision, it is considered that the Council should seek commuted sum payment in lieu of on site provision, which would enhance existing POS in the community. Specifically money would be payable for the enhancement of the Skatepark in Buckley. Thresholds from previous contributions have not been exceeded with regard to the Skatepark and it is considered that a sum of £1,100 per dwelling is appropriate.

Education

7.35 In terms of a requirement for contributions towards education infrastructure and provisions within the county, I am advised that the application of the above guidance would indicate a need for contributions towards the nearest primary school, Mountain Lane C.P School as this school has a sub 5% surplus capacity. However, the Council has already secured 5 contributions towards the capacity at this school, as set out in the table below.

| Planning reference | Site address | Date of Agreement | Amount |
|--------------------|----------------------|-------------------|---------------------|
| 047722 | Knowle Lane | 22/01/2013 | £17,500 |
| 046545 | Hillcrest Drury Lane | 01/10/2013 | £10,500 |
| 047624 | Alltami Road | 29/10/2013 | £21,000 |
| 047900 | Ewloe Hall Motors | 19/03/2013 | Outline Application |
| 050804 | Brunswick Road | 19/07/2013 | £24,514 |

- Accordingly, any further requests towards the same end would not be in compliance with the Community Infrastructure Regulations 2010 and therefore, by virtue of Reg.123, The

Local Planning Authority may not make any further requests for S.106 contributions for the same purpose at this school.

- I have not been informed of any projects at the School which it would be reasonable in terms of scale and kind to the development to seek an obligation.
- There is no requirement for a contribution towards secondary school capacity as the nearest secondary school, Elfed School, has 28.1% surplus spaces.

The LPA cannot therefore consider a Section 106 agreement in respect of education capacity at Mountain Lane C.P School.

- 7.36 Having regard to the principles in relation to S.106 Agreements set out within Welsh Office Circular 13/97 'Planning Obligations', that such obligations should only be sought where without the same the
- 7.37 Local Planning Authority would not grant planning permission, it falls to be considered whether the proposals ought therefore to be refused in the light of the implications of CIL.

- 7.38 Clearly, in relation to educational contributions towards primary school places at Mountain Lane C.P School, the development proposals bring about an adverse impact which cannot now be mitigated by a further Section 106 contribution. I have therefore considered whether or not, weighing all matters into the balance and exercising my planning judgement, I should recommend that this application should be refused given that there is an adverse impact at Mountain Lane C.P School which cannot be mitigated by way of a Section 106 contribution.

- 7.39 I am mindful that, save the issue in relation to primary education contributions, all other matters are acceptable on the assessment of their planning merits in all other respects. Nonetheless, there is an impact arising from the proposals which cannot be mitigated by a Section 106 obligation and this will adversely impact upon the capacity of Mountain Lane C.P School. The impact therefore needs to be weighed against the matters set out above, and in light of CIL.

- 7.40 The proposals, upon the application of the formula within LPG23 indicate that 3 pupils are expected to be generated from the development to attend this school which presently has 406 pupils on the roll. The proposals would therefore increase the pupils on roll to 409. The school has an actual capacity of 409. The school currently has a capacity of only 0.73% and the extra pupils generated by this proposal would result in the school being at maximum capacity. Therefore, in planning policy terms, the proposed development is in conflict with Policy IMP1 of the UDP.

However, having considered all the other matters set out in this report, I am of the view that, whilst finely balanced, and when taking into account the lack of housing land supply, the particular impact that

7.41 would arise as a result of this proposed development does not outweigh the benefit of the provision of housing upon this windfall site.

Other Matters

7.42 The site has previously been investigated for archaeology relating to the nearby former Charles Pryce Pottery. The evaluation trenches did not reveal any structures relating to the pottery and it is clear from the archaeological investigations that the pottery buildings did not extend onto the development site.

7.43 The site lies completely within Zone A on the Development advice maps accompanying TAN15: Development and Flood Risk. Zone A is considered to represent little or no flood risk. Insufficient detail has been provided regarding the disposal of surface water and I consider that it would be appropriate to impose a condition requiring the submission of a surface water drainage design to be approved prior to the commencement of work and thereafter implemented.

7.44 Objections have been received alleging that this site has been developed by stealth in order to avoid making a contribution to the any local affordable housing need. There is no evidence to support the allegation and the application submitted has to be considered on its own merits.

7.45 Further objections have been made that community facilities do not exist which can support the development. No evidence has been submitted to support this view and therefore very little weight may be attributed to it in the overall planning balance.

8.00 CONCLUSION

In conclusion it is my view that the proposal complies with policy. Satisfactory provision can be made for the public footpath for the duration of the construction of the development. Ecological impacts can be mitigated and protected on site. There are no objections from any of the statutory consultees.

Accordingly, I recommend that planning permission be granted subject to the imposition of conditions within paragraph 2.01 of this report, and the completion of a legal agreement.

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.

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

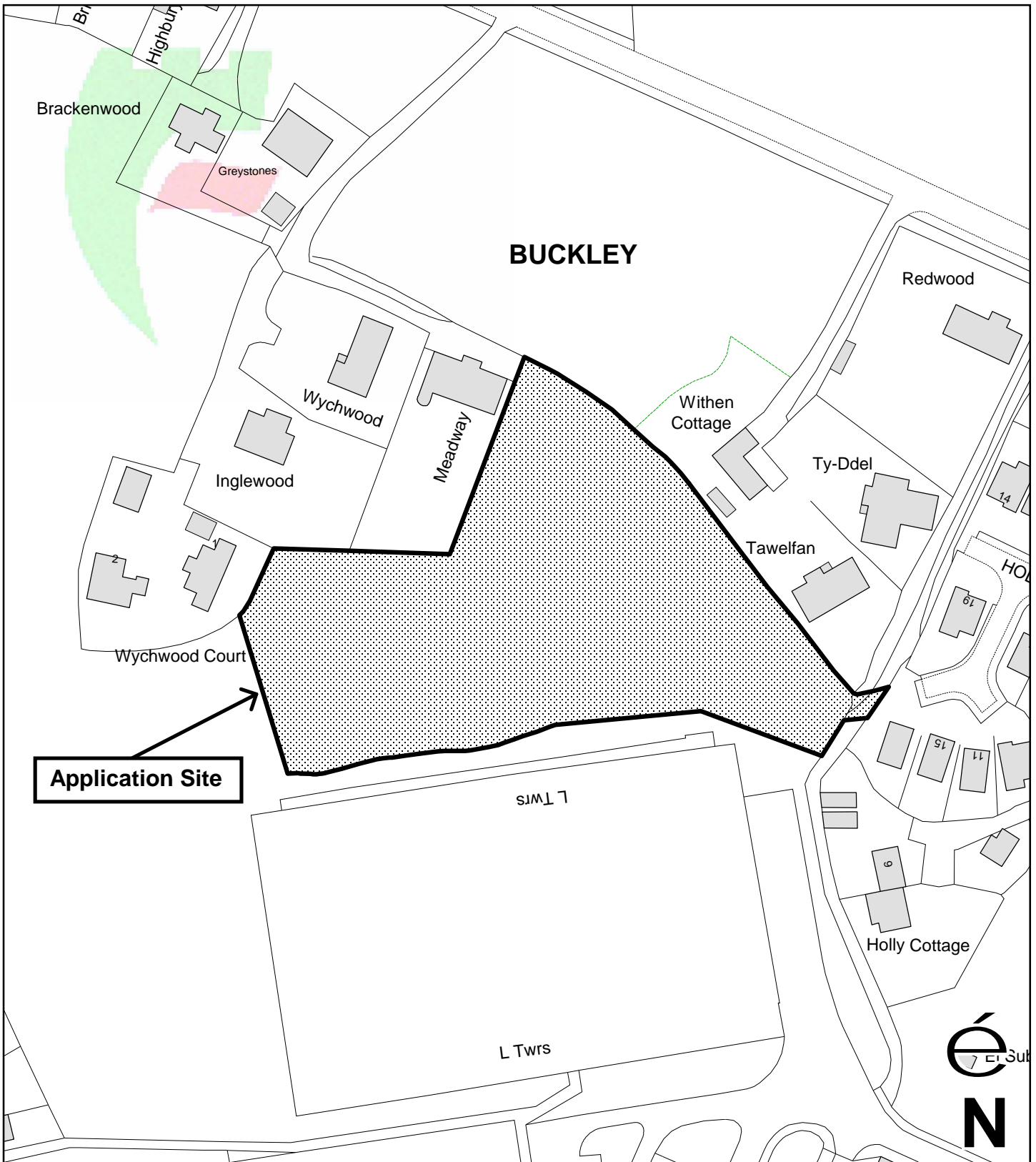
8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.04 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.

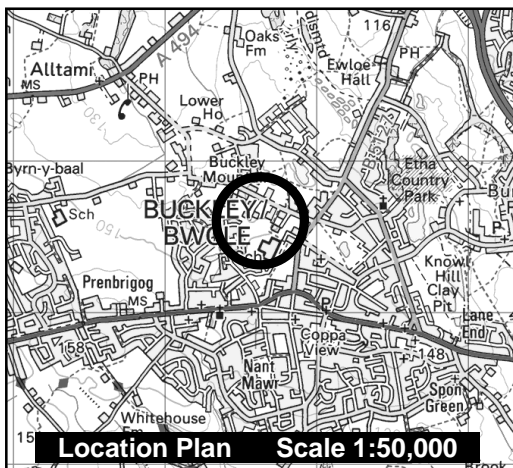
LIST OF BACKGROUND DOCUMENTS

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



Application Site





Location Plan Scale 1:50,000



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

Legend

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

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| Map Scale | 1:1250 |
| OS Map ref | SJ 2764 |
| Planning Application | 58229 |

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.6

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH NOVEMBER 2018**

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

SUBJECT: **FULL APPLICATION- ERECTION OF ACCOMODATION IN ASSOCIATION WITH GUN DOG TRAINING CENTRE AT LAND ADJACENT CAER GO, CEFN ROAD, CILCAIN**

APPLICATION NUMBER: **058254**

APPLICANT: **MR & MRS D & A SKIDMORE**

SITE: **CAER GO, CEFN ROAD CILCAIN**

APPLICATION VALID DATE: **21st MARCH 2018**

LOCAL MEMBERS: **CLLR OWEN THOMAS**

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

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST NON COMPLIANCE WITH HOUSING POLICY**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the erection of holiday accommodation in association with a Gun Dog training centre, at Land adjacent to Caer Go, Cefn Road, Cilcain. It is considered that the main issues are the acceptability of the proposal in principle, and the impact of the development upon the character of the locality, upon the nearby AONB and upon the adjacent designated protected sites.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,

SUBJECT TO THE FOLLOWING:-

2.01 Conditions:

1. Time Limits
2. In accordance with approved details
3. Holiday occupancy
4. Lighting Scheme to be submitted and approved
5. Detailed scheme to be submitted regarding the drainage close to protected sites
6. Landscaping scheme and implementation
7. Restriction on permitted development rights

3.00 CONSULTATIONS

3.01 Local Member

Councillor Owen Thomas

Requests committee determination as his preliminary views are that the proposal is contrary to HSG4 New Dwellings in Open Countryside

Cilcain Community Council

If the proposal contravenes Flintshire's planning policy for sporadic development in the countryside, then the community council objects to the proposal.

Pollution Control

No adverse comments

Highways DC

No objection

Clwydian Range and Dee Valley AONB

The joint committee notes that the site is outside the AONB and is relatively well screened by existing mature vegetation. The development will not have a significant impact on the AONB and, subject to the planning authority being satisfied of the rural enterprise case and the need for what is effectively a new dwelling in open countryside, the AONB committee has no observations to make on the application in principle. However, the AONB committee emphasises the importance of maintaining the existing vegetation which encloses the site and screens views from the AONB to the west. In addition, this is a dark area of countryside and the AONB committee would recommend that further details of external lighting are required to ensure that the AONB's dark sky is protected.

Natural Resources Wales

Should only grant permission if condition relating to package treatment plant and soakaway is applied to permission

4.00 PUBLICITY

4.01 Site, Notice, Neighbour Notification

No responses received

5.00 SITE HISTORY

5.01 47170- Outline - Erection of a detached environmentally sustainable eco-home.
Refused 30/03/2010

47566- Outline – Erection of a detached environmentally sustainable dwelling.
Refused 22/07/2010

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

| | | |
|-------------|---|--------------------------------------|
| Policy STR1 | - | New Development |
| Policy STR6 | - | Tourism |
| Policy STR7 | - | Natural Environment |
| Policy GEN1 | - | General Requirements for Development |
| Policy GEN3 | - | Development in the Open Countryside |
| Policy L1 | - | Landscape Character |
| Policy L2 | - | Area of Outstanding Natural Beauty |
| Policy AC13 | - | Access and Traffic Impact |
| Policy RE4 | - | Small Scale Rural Enterprises |
| Policy T1 | - | Tourist Attractions |
| Policy T3 | - | Self-Catering Tourist Accommodation |

7.00 PLANNING APPRAISAL

7.01 Proposal

The proposal is for the erection of holiday accommodation in connection with an existing gun dog training centre at land adjacent to Caer Go, Cefn Road, Cilcain.

7.02 The site is located in an area of open countryside outside of the settlement boundary for Cilcain in the Flintshire Unitary Development Plan. The site lies close to the Alyn Gorge Caves Geological Conservation Review Site , Alyn Valley Woods and Alyn Gorge Caves SSSI and the Alyn Woods SAC

7.03 The proposal was subject to pre-application advice. Whilst there were some initial reservations expressed as the lawfulness of the Gun dog training use was queried, but once this was established then the general advice received was positive subject to the imposition of appropriate conditions.

7.04 Principle of development

Whilst there is no specific policy context for the dog training enterprise within the Development Plan, generally the policies in the UDP are supportive of the principle of rural diversification proposals. In this regard, Policies T1- Tourist Attractions and T3- Self Catering Tourist Accommodation appear to be those most directly relevant to the proposal.

- 7.05 Policy T1- Tourist Attractions, relates to new or existing tourist attractions. Whilst the Gun Dog training use that this holiday accommodation will be associated with is not a tourism use as such, it does have capacity to bring people to the area should this proposal be deemed to be acceptable. The introduction of holiday accommodation will allow for people outside of the area to use the dog training facility as well as take advantage of the amenities of the area.
- 7.06 With regard to Policy T3- Self Catering Tourist Accommodation. The presumption in favour of new self-catering tourist accommodation is for the extension to existing tourist accommodation facilities or the conversion of suitable existing buildings, subject to various criteria. Whilst this proposal represents the erection of a new building rather than the reuse of an existing building, as there are no suitable buildings on the site, it meets all criteria for development, being appropriate in terms of scale, type and character to the location and setting. Will not have significant adverse impacts on the amenity of nearby residents, and the community in general. The impact of the proposal upon areas of the landscape and nature conservation are discussed further in this report.
- 7.07 The adjacent site operates as a gun dog training centre. At present their clients are not able to stay on or close to the site as the only accommodation close by to the site are 2 B&B rooms at Caer Go itself. It is considered that the provision of the holiday accommodation subject to this application will enhance the use of the site in addition to offering high quality holiday accommodation for the Cilcain area.
- 7.08 Objections have been raised that the proposal represents planning by stealth to circumvent the presumption against new dwellings in the open countryside, due to previous applications made on the adjacent site. The application has been clearly made for holiday accommodation linked to an existing commercial enterprise. As such it is considered that the tourism policies of the Flintshire Unitary Development Plan applies, and not the housing policies. The retention of the dwelling as a unit of holiday accommodation can be controlled by the imposition of conditions. It is considered that the proposal would be a positive asset to local tourism as well as to the viability of the existing business.
- 7.09 Design and impact upon the character and amenity of the locality

The proposed building is single storey and arranged in a linear 'L' shape. It provides 4 bedrooms as well as self-contained facilities. The building is to be constructed of feather edged larch boarding with reclaimed natural slate roof. The building does bear characteristics of a converted barn and I consider that this design approach is suitable for the location without appearing as a pastiche. It is a bespoke design for the location that is appropriate to the locality.

7.10 The site is well screened and given the sporadic nature of development in the locality it is not considered that any adverse impacts upon neighbouring amenity will arise from the development.

7.11 To ensure the impact upon the landscape and character of the locality is acceptable I proposed that a landscaping scheme is conditioned to be approved and thereafter implemented prior to development.

7.12 AONB

The site lies outside, but close to, the boundary of the Clwydian Range and Dee Valley AONB. The site is well screened on its boundaries and it is not considered that the proposal would negatively impact upon the AONB. To ensure compliance with the AONB dark sky designation a lighting scheme will be conditioned.

7.13 Impact of proposal upon protected sites

Given the proximity of the site to the SSSI and SAC Natural Resources Wales requested further information to demonstrate that the proposed package treatment plant to deal with foul sewerage. On the receipt of this information the objection was withdrawn. Given the sensitive nature of the site further details are required prior to the application of a permit from NRW. These details will be controlled by imposition of a condition.

7.14 Other issues

Highways comments were received as part of the pre-application process. No objections have been raised with regard to the highways implications of the proposal.

8.00 CONCLUSION

The proposal represents acceptable development in the countryside and as such I recommend that the proposal is approved subject to the conditions outlined above.

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.

8.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is

necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

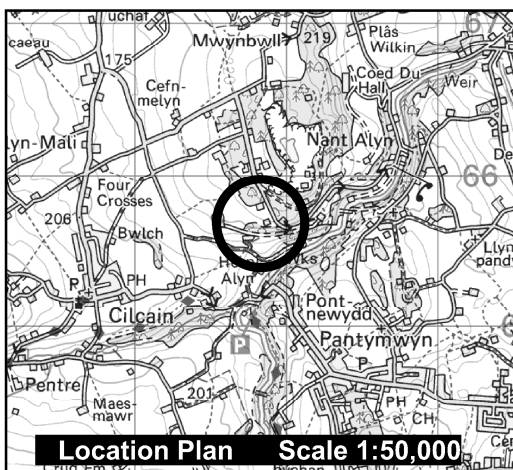
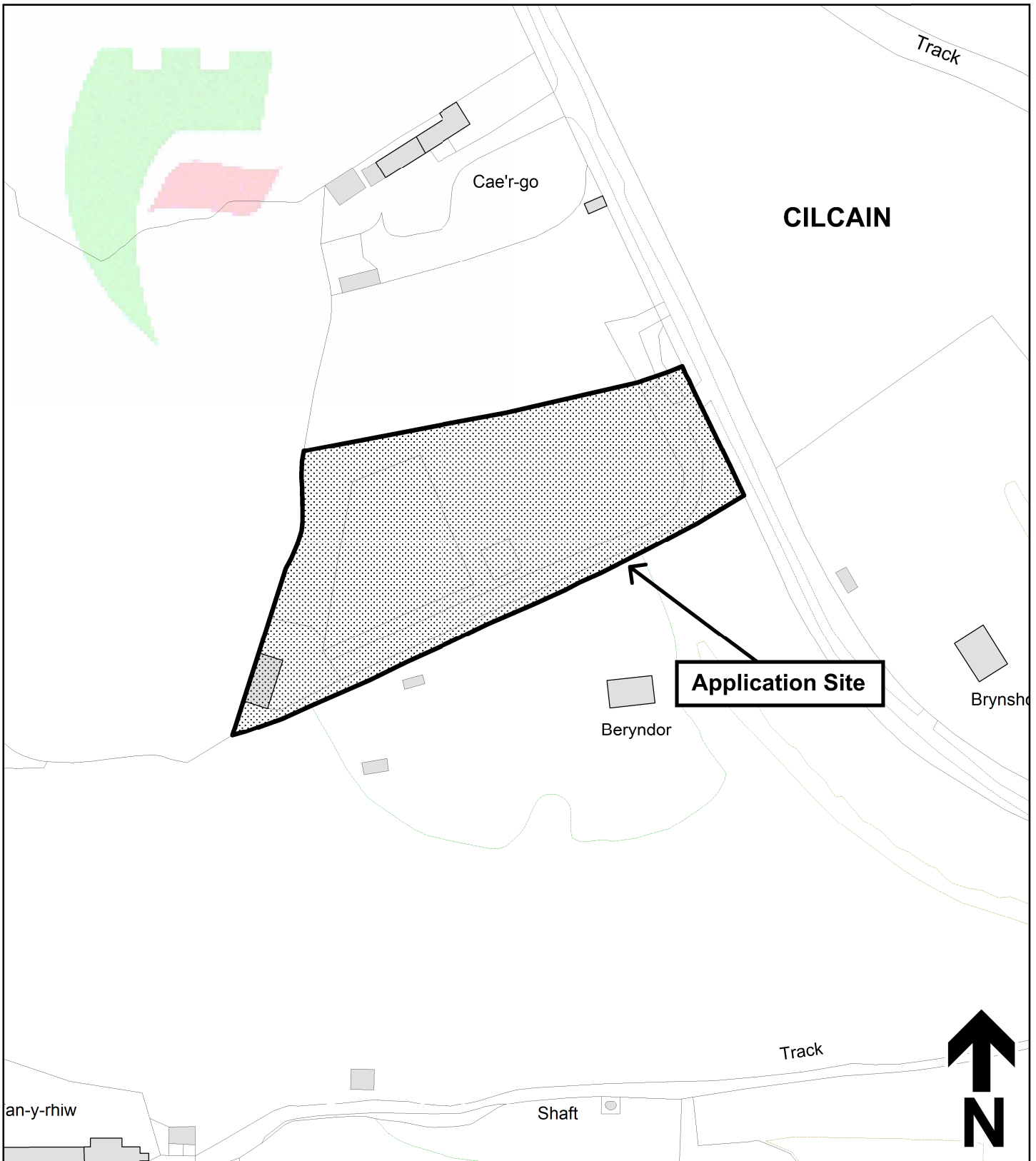
8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.04 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.

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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

Tudalen 85

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Map Scale 1:1250

OS Map ref SJ 1865

Planning Application **58254**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.7

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH NOVEMBER 2018**

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

SUBJECT: **FULL APPLICATION – INSTALLATION OF A ROOF-MOUNTED SOLAR ARRAY AT ASTON WPS, CHURCH LANE, ASTON**

APPLICATION NUMBER: **058806**

APPLICANT: **DWR CYMRU WELSH WATER**

SITE: **ASTON WPS, CHURCH LANE, ASTON**

APPLICATION VALID DATE: **10TH SEPTEMBER 2018**

LOCAL MEMBERS: **COUNCILLOR MS H. BROWN**
COUNCILLOR G. HARDCASTLE

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

REASON FOR COMMITTEE: **MEMBERS REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This application is for the installation of a roof mounted solar array at the existing Dwr Cymru/Welsh Water Pumping Station at Aston, Church Lane, Aston. The main issues to be considered are the principle of the development, the effects upon the landscape, the highway, aircraft and wildlife implications, the effects upon the adjacent listed building, the effects upon the amenities of the adjoining properties and the health and safety implications. All these issues are considered acceptable and have significant environmental benefits and is thus to be welcomed.

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

- 2.01
1. Time limit on commencement.
 2. In accord with approved details.
 3. Submission and approval of construction traffic management plan.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Ms H. Brown

Refers this application to Planning Committee and also request a site visit for the reasons of access, glint and glare, visual impact, health impact statement requested and proximity to resident's homes.

Councillor G. Hardcastle

Refers this application to Planning Committee and also request a site visit for the reasons of access, glint and glare, visual impact, health impact statement requested and proximity to resident's homes.

Hawarden Community Council

Objection – Concerns expressed – No site notices erected, impact to local resident's health, visual impact to area, closeness to Hawarden Airport and effect of glare to air traffic.

Head of Highways (DC)

Recommends that any permission to include a suggested condition.

Head of Public Protection

No adverse comments to make regarding this proposal. At 68 dBA within the existing plant room the inverters will not be audible at the nearest properties so their amenity will not be significantly detrimentally affected.

Environment – Highways – Rights of Way

Public Footpath 25 abuts the site but is unaffected by the development. The path must be protected and free from interference from the construction.

Clwyd-Powys Archaeological Trust

No archaeological implications for the development at this location.

Natural Resources Wales

Does not object to the proposal. In our opinion, the proposal is not likely to adversely affect any protected species.

Airbus

The proposed development does not conflict with safeguarding criteria. Therefore have no aerodrome safeguarding objection to the proposal.

4.00 PUBLICITY

4.01 Site Notice & Neighbour Notification

12 letters of objection received. The grounds of objection are summarised as follows:-

- Location is very close to residential properties and elevated significantly panels will be an eyesore compared to current landscaped grass.
- Potential issue with reflection from panels into adjacent property windows.
- Potential electrical noise from solar inverters which are not silent and located to residential properties.
- Scale of panels is massive. Produce a very considerable energy surplus to run the water management function at the site. Would modify the status usage of site to that of a commercial electricity generating station. Turn it into an 'industrial' location.
- Set a precedent for any future applications.
- Too many vehicles using this section of Old Aston Hill making a danger to pedestrians and drivers.
- Church Lane in poor state. Rural, single road with a dangerous junction – how will it manage with extra construction traffic?
- Has surface water run off been assured to prevent collapse and flooding?
- Detrimental impact of glare on aircraft safety.
- Impact of vibration onto residential properties.
- Impact upon local wildlife. There is a protected pond in the field approximately 25 m away.
- Whenever work is carried out on the reservoir there is a problem with rats.

5.00 SITE HISTORY

5.01 02/1857

Construction of extension to covered, treated water service reservoir. Granted 2nd November 1993.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development.

STR7 – Natural Environment.

STR8 – Built Development.
GEN1 – General Requirements for Development.
GEN3 – Development in the Open Countryside.
D1 – Design Quality, Location & Layout.
D2 – Design.
D3 – Landscaping.
L1 – Landscape Character.
WB1 – Species Protection.
HE2 – Development Affecting Listed Buildings & Their Settings.
AC12 – Airport Safeguarding Zone.
AC13 – Access & Traffic Impact.
EWP1 – Sustainable Energy Generation.
EWP5 – Other Forms of Renewable Energy Generation.
EWP12 – Pollution.
EWP 13 – Nuisance.

SPGN No. 3 – Landscaping.
SPGN No. 8 – Nature Conservation & Development.

National

Planning Policy Wales (PPW) Edition 9 November 2016.
Technical Advice Note 5, Nature Conservation & Planning (2009).
Technical Advice Note (TAN) 8: Renewable Energy (2005).
Technical Advice Note (TAN) 12: Design (2016).
Technical Advice Note (TAN) 23: Economic Development (2014).
Technical Advice Note (TAN) 24: The Historic Environment (2017).

In terms of the National Planning Policy Context, it is clear that there is a positive approach taken by the Welsh Government to renewable energy having regard to the issue of global warming and climate change. The clear message of both Planning Policy Wales and the Flintshire Unitary Development Plan is that renewable energy proposals should be permitted unless there are unacceptable impacts on landscape, nature conservation, amenity etc.

7.00 PLANNING APPRAISAL

7.01 Site Description & Proposals

The site comprises of the grassed roof of buried tanks of the Dwr Cymru Welsh Water Aston Water Pumping Station, Church Lane, Aston.

7.02 The roof is currently approximately 3.7 m above ground level with grass banks upon all four sides. There are existing steel cabinets located on the roof which are approximately 0.5 m and 1 m in height.

7.03 Approximately 20 m to the west of the site lie the rear boundaries of the properties that are situated in a row on this part of old Aston Hill and 30 m on the opposite side of Church Lane to the north lie other residential properties. To the south and east lies agricultural land.

- 7.04 The proposals involve the erection of a 357/KW/R solar array, covering 4025 m² of the roof of the WPS land comprises of 1050 panels. The highest point of the array will be 0.30 m and will be at an angle of 15°. There will also be ballast blocks placed underneath the panels. The inverters will be placed within the existing plant room on site under the solar array. It will have an operational life of approximately 25 years.
- 7.05 The baseload of the site means a minimum of 77% of the power will be consumed on site. The additional capacity will depend on weather conditions, time of day and DCWW operational requirements. The system has been designed for the energy to be consumed on site as much as possible as it is not financially viable to install systems that are supplying the grid.
- 7.06 Issues
The main issues to be considered within the determination of this application are the principle of the development in planning policy terms, the effects upon the character and appearance of the area, the highway, aircraft and wildlife implications, the effects upon the setting of listed building the effects upon the amenities of the adjoining residents and the health & safety implications.
- 7.07 Principle of Development
The site lies outside of the settlement boundary of Ewloe and within open countryside as defined by the Adopted Flintshire Unitary Development Plan. Due to this location and the nature of the proposals policies GEN3, EWP1 – Sustainable Energy Generation and EWP5 – Other Forms of Renewable Energy Generation (Other than Wind Turbines) apply.
- 7.08 Policy GEN3 relates to development in the open countryside and in criterion (J) allows other development which his appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere.
- 7.09 For the reasons detailed below the proposals are considered appropriate to the open countryside and are required in this location as the Aston WPS is located here.
- 7.10 Both policies EWP1 and EWP5 provide a presumption in favour of renewable energy schemes such as solar, subject to them meeting the details matters of them not having an unacceptable effect on their surroundings in terms of landscape, highways, aircraft safety, nature conservation, setting of listed buildings and amenities of adjoining residents.
- 7.11 Given the above, it is considered that the development is acceptable in principle in planning policy terms.

- 7.12 Visual Appearance & Character of the Area
The solar array will cover a large area and will be placed upon the grass roof of the tanks which is approximately 3.7 m in height. However, each panel will only be 0.299 m in height, 0.99 m in length, 0.04 m deep, at a shallow angle of 15° within rows 0.5 m apart. There are existing structures located on the roof and existing built development in close proximity to the site.
- 7.13 Given the above, it is considered that the proposals will not have a significant increased detrimental impact upon the character and appearance of the area in this location.
- 7.14 Highways
Access to the solar array will make use of the existing access into the WPS from Church Lane.
- 7.15 Once operational it is anticipated that there will be 2-3 visits to the site per year for works including cleaning the panels, maintenance and ad hoc checks. Therefore visits during the operational phase will be light with small vans or cars being used would not significantly affect the local road network.
- 7.16 During the construction phase there will be a greater volume of traffic using the access and network. However, both the access and network is considered adequate for the delivery of components into the site for the development without any need for upgrading works. These increased traffic movements to the site will be short term and considered not to significantly adversely affect the network or those using it.
- 7.17 Given the above, the Head of Highways Development Control raises no objection to the proposals subject to a construction management plan being submitted and approved prior to any works being undertaken should planning permission be granted.
- 7.18 Aircraft Safety
AIRBUS have been consulted in the interests of establishing whether the proposals would give rise to adverse effects upon Aerodrome Safeguarding at Hawarden Airport as a consequence of glint and glare. AIRBUS have assessed the development against the safeguarding criteria and have identified that it does not conflict with safeguarding criteria and as a result they have no safeguarding objection.
- 7.19 Ecology
The solar array will utilise an area of intensively maintained amenity grassland. The ground conditions offer little opportunity in terms of flora with low habitat value. On site conditions are not noted to be favourable to protected or sensitive species with no recorded on site designation. During the construction period, good practice guidance

will be followed to minimise impact and displacement effects.

- 7.20 Given the above and with no vegetation removal, site clearance or levelling works required it is considered that the proposals will not have a significant detrimental impact to the biodiversity or ecology local to the area or within the wider impact.
- 7.21 Surface Water Drainage
On site ground conditions will negate the need to install further tracks throughout the array, with run-off remaining possible. Rainfall or snow falling on the solar panels will run off directly to the ground and infiltrate the permeable ground beneath or run-off to the nearby drain.
- 7.22 Given the above it is considered that the array will not significantly detrimentally effect the drainage on the site. In addition, no vegetation or earthworks are to be removed as part of the development further limiting on site impact.
- 7.23 Impact upon Listed Building & Settings
The nearest listed building to the site is that of the Church of the Holy Spirit which is Grade II and located approximately 100 m to the north. Between the site and the listed building is part of the Church Road and properties along this part.
- 7.24 Given the distance, intervening uses, and nature, size and position of the proposals it is considered that they will not have an adverse impact on the listed building's special architectural or historic character and appearance and the setting.
- 7.25 Amenities of Adjoining Occupiers
The properties most likely to be affected by the proposal 'lie within a row to the west of the site on Old Aston Hill and those on Church Lane to the north. Those on the western side are located approximately 30 m away and those to the north 35 m away.
- 7.26 The railings will be anodised aluminium and all the panels Q-Cell with an anti-glare finish. The inverters will be located within the existing plant room onsite underneath the solar array.
- 7.27 The majority of the properties upon the western side of the proposed have this rear boundary as hedgerows or fences. What they will see of the proposals will be from their first floor windows and will be the side elevation of the panels 0.299 m high, 0.992 m in length, 0.041 m deep at angle of 15° and within rows 0.5 m apart.
- 7.28 The inverters will be placed within the existing plant room on site under the solar array and have a noise output of 68 dBA.
- 7.29 The properties to the north lie on the opposite side of Church Road and the front of them face the road and then the walling/hedgerow of

the northern boundary of the site, there again, the view they will have of the proposals will be from their front first floor windows and will see the rear elevation of the panels. Given the above distance away of the proposals, their size and nature, it is considered that there will not be a significant detrimental impact upon the amenities of the adjoining residents in terms of obtrusiveness, glint, glare and noise.

7.30 Other Matters

Health & Safety

The Health & Safety Executive lists the potential risks from solar energy as exposure to toxic chemicals and metals (e.g., cadmium – a known carcinogen) during solar panel manufacture, disposal and recycling, falls from height during installation of panels on roofs and manual handling issues. Given that the proposals involve no manufacture on site and are ground based, there are no operational risks relating to the operation of the panels.

7.31 As of April 2018 there were over 840,000 UK homes with photovoltaic panels installed, largely thanks to the stimulation of the market by the Government led Feed-in-Tariff scheme. Solar arrays have been installed on a commercial scale in schools, hospitals and care homes. It is unlikely the Government would back a scheme with any operational risks in such highly sensitive locations. This site does not represent a sensitive location/

7.32 In contrast Public Health England's report on the effect of air pollutions states "Committee on the Medical Effects of Air Pollutants (COMEAP) estimated that long term exposure to air pollution had an effect equivalent to 29,000 deaths a year in the UK in 2008". Fossil Fuels are a major contributor to air pollution, part of the incentive to transition to a low-carbon economy is to reduce the health impact of energy production. This proposal assists in the transition to a low carbon economy.

8.00 CONCLUSION

8.01 It is considered for the reasons above that the proposals will have a positive benefit upon the environment and are thus to be welcomed.

8.02 Other Considerations

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

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

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

8.05 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

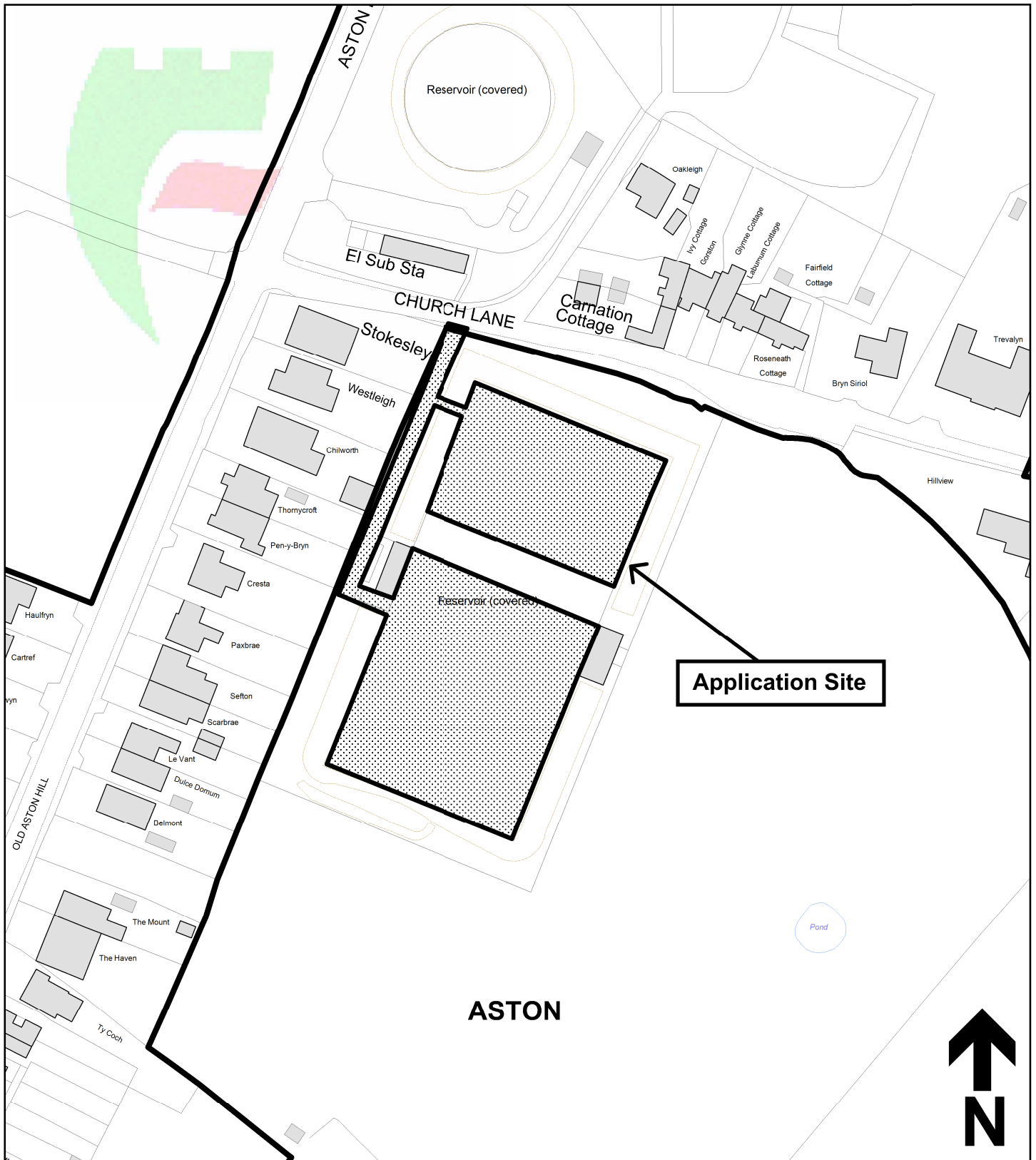
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

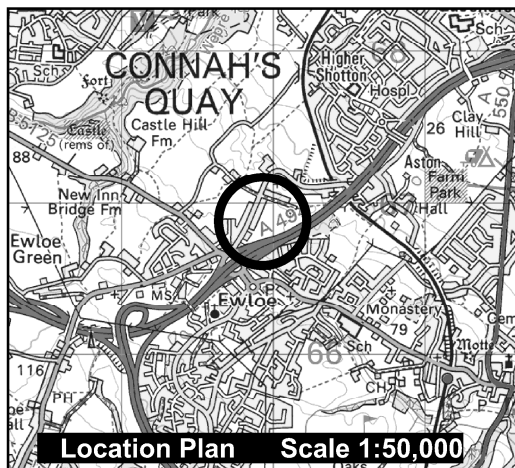
Contact Officer: Alan Wells
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Application Site

ASTON



Location Plan Scale 1:50,000



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

Chief Officer: Mr Andrew Farrow

Legend



Planning Application Site



Adopted Flintshire Unitary
Development Plan
Settlement Boundary

Tudalen 97

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Map Scale 1:1250

OS Map ref SJ 2966

Planning Application **58806**

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