

Pecyn Dogfen Gyhoeddus

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



CS/NG

Dydd Mercher, 24 Awst 2022

Sharon Thomas / 01352 702324
sharon.b.thomas@flintshire.gov.uk

At: Cyng Richard Lloyd (Cadeirydd)

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

Annwyl Syr / Fadam

RHYBUDD O GYFARFOD ANGHYSBELL
PWYLLGOR CYNLLUNIO
DYDD MERCHER, 31AIN AWST, 2022 am **1.00 PM**

Yn gywir

Steven Goodrum
Rheolwr Gwasanaethau Democraidd

Sylwch: Bydd hwn yn gyfarfod dros y we. Gofynnwyd i siaradwyr cyhoeddus a hoffent gyfarch y Pwyllgor yn Gymraeg neu Saesneg. Bydd y cyfarfod yn cael ei ffrydio'n fyw ar wefan y Cyngor. Bydd y ffrydio byw yn dod i ben pan fydd unrhyw eitemau cyfrinachol yn cael eu hystyried. Bydd recordiad o'r cyfarfod ar gael yn fuan ar ôl y cyfarfod ar <https://flintshire.publici.tv/core/portal/home>

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

R H A G L E N

1 YMDDIHEURIADAU

2 DATGAN CYSYLLTIAD

3 SYLWADAU HWYR

4 COFNODION (Tudalennau 5 - 10)

I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 6 Gorffennaf 2022.

5 EITEMAU I'W GOHIRIO

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

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

ADRODDIAD Y PRIF SWYDDOG (CYNLLUNIO, AMGYLCHEDD AC ECONOMI) AR GYFER Y PYLLGOR CYNLLUNIO 31 AWST 2022

Rhif yr eitem	Cyfeirnod y Ffeil	DISGRIFIAD
<u>Ceisiadau sy'n cael eu hadrodd er penderfyniad (C = Cymeradwyaeth, G = Gwrthod)</u>		
6.1	061368 - C	Newid Defnydd Tir At Ddefnydd Preswyl (Cymuned Teithwyr Sipsiwn) Y Safle I Gynnwys Un Garafán Statig, Un Garafán Deithiol, Peiriant Trin D?r A Pharcio I Ddau Gar Gydag Wyneb Caled Ac Isadeiledd Cysylltiedig Ar Y Tir Ar Ochr Ashwood House, Church Lane, Ewlo (Tudalennau 11 - 28)
6.2	063910 - C	Cais Llawn Ar Gyfer Newid Defnydd Tir Ar Gyfer Lleoli Carafanau Gwyliau Ym Mwthyn Woodbank, Mostyn Road, Gronant (Tudalennau 29 - 40)
<u>Materion Cyffredinol</u>		
6.3		Materion Cyffredinol - Adroddiad Ar Yr Effaith Leol A Geir Datblygiad O Arwyddocâd Cenedlaethol Melin Bapur Shotton - Cais Am Ymateb Gan Yr Awdurdod Dirprwyedig (Tudalennau 41 - 46)

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

Nodyn Gweithdrefnol ar redeg cyfarfodydd

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

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

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

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

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

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

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

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

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

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

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 4

PLANNING COMMITTEE **6 JULY 2022**

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 6 July 2022

PRESENT: Councillor Richard Lloyd (Chair)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Helen Brown, Adele Davies-Cooke, Gladys Healey, Dave Hughes, Paul Johnson, Richard Jones, Hilary McGill, Ted Palmer, Mike Peers, Dan Rose, Linda Thew, and Antony Wren

APOLOGIES: Councillor Paul Cunningham

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

08. DECLARATIONS OF INTEREST

Councillor Hilary McGill declared a personal interest on item 6.2 – (061368) Change of use of land to residential (Gypsy Traveller Community), the site to contain one static caravan, one touring caravan, a water treatment plant, and parking for two cars with associated hardstanding and infrastructure at land side of Ashwood House, Church Lane, Aston Hill, Ewloe, Deeside, CH5 3BF. Councillor McGill said she was a board member of New Homes and New Homes had an interest in land adjacent to the site.

Councillors Bernie Attridge and Ted Palmer also declared a personal interest on item 6.2 – (061368) as they had been contacted numerous times by objectors to the application.

09. LATE OBSERVATIONS

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

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4999&Ver=4&LLL=0>

10. MINUTES

The minutes of the meeting held on 15 June 2022 were submitted.

Accuracy:

Councillor Richard Lloyd was Chair at the meeting but had been recorded as Vice-Chair in the Chair under the attendance item.

Councillor Ted Palmer said he was present at the meeting and asked that his attendance be recorded.

Subject to the above amendments the minutes were confirmed as a correct record, as moved and seconded by Councillors Hilary McGuill and Paul Johnson.

RESOLVED:

That subject to the above amendments the minutes be approved as a true and correct record.

11. ITEMS TO BE DEFERRED

The Chief Officer (Planning, Environment & Economy) recommended that agenda item number 6.2 – (061368) Change of use of land to residential (Gypsy Traveller Community), the site to contain one static caravan, one touring caravan, a water treatment plant, and parking for two cars with associated hardstanding and infrastructure at land side of Ashwood House, Church Lane, Aston Hill, Ewloe, Deeside, CH5 3BF, be deferred until a later date. The Chief Officer recommended that the application be deferred following a late submission on behalf of objectors being received following the publication of the agenda. The submission raised matters which could not be safely addressed prior to the Committee considering the report

Councillor Chris Bithell moved the proposal and this was seconded by Councillor Mike Peers. On being put to the vote, the item was deferred.

RESOLVED:

That agenda item number 6.2 – (061368) Change of use of land to residential (Gypsy Traveller Community), the site to contain one static caravan, one touring caravan, a water treatment plant, and parking for two cars with associated hardstanding and infrastructure at land side of Ashwood House, Church Lane, Aston Hill, Ewloe, Deeside, CH5 3BF, be deferred.

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

RESOLVED:

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

13. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

None.

(The meeting started at 1.00 pm and ended at 2.41 pm)

.....
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 6 JULY 2022

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
064256	Buckley Town Council	Full application for dormer loft conversion with single storey extension at 26 Muirfield Road, Buckley	A statement of objection was read out on behalf of Margaret Walters, a local resident.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer's recommendation.
061368 Tudalen 8	Hawarden Community Council	Change of use of land to residential (Gypsy Traveller Community). The site to contain one static caravan, one touring caravan, a water treatment plant and parking for two cars with associated hardstanding and infrastructure at land side of Ashwood House, Church Lane, Aston Hill, Ewloe, Deeside CH5 3BF		That the item be deferred due to a late submission on behalf of objectors being received following the publication of the agenda..
064316	Buckley Town Council	Full Application - Conversion of existing residential property to form 7 bedroom HMO	Lisa Walsh, the applicant, spoke in support of the application. A statement of objection was read out on behalf of Paula Watterson, a local resident.	That planning permission be refused, against the officer's recommendation, for the following reasons: <ul style="list-style-type: none"> • inadequate parking • potential impact on local surrounding due to displaced parking; and • inadequate amenity space

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
061388	Buckley Town Council	Outline application – redevelopment of former Buckley police station Including demolition of existing building and erection of 9 new building apartments and associated parking with all matters reserved except for access, layout and scale.	A statement of objection was read out on behalf of Councillor Carol Ellis, local ward Member.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer’s recommendation, and the following additional condition: <ul style="list-style-type: none"> • materials to be submitted and agreed

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.1

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **31st AUGUST 2022**

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

SUBJECT: **CHANGE OF USE OF LAND TO RESIDENTIAL (GYPSY TRAVELLER COMMUNITY). THE SITE TO CONTAIN ONE STATIC CARAVAN, ONE TOURING CARAVAN, A WATER TREATMENT PLANT, AND PARKING FOR TWO CARS WITH ASSOCIATED HARDSTANDING AND INFRASTRUCTURE.**

APPLICATION NUMBER: **061368**

APPLICANT: **JAMES DORAN**

SITE: **LAND SIDE OF ASHWOOD HOUSE, CHURCH LANE, ASTON HILL, EWLOE, DEESIDE, CH5 3BF**

APPLICATION VALID DATE: **04/06/2020**

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

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

REASON FOR COMMITTEE: **CLLR REQUEST – HIGHWAYS SAFETY, NEED, AND VISUAL IMPACT**

SITE VISIT: **UNDERTAKEN ON 4th JULY**

1.00 SUMMARY

1.01 This is a full application for the Change of use of land to provide 1 Gypsy Traveller Pitch at Land Side of Ashwood House, Church Lane, Aston Hill, Ewloe, Deeside, CH5 3BF

The main planning issues are considered to be:

- i. Principle of Development

- ii. Best Interests of the Child
- iii. Adequacy of Access
- iv. Character and Appearance
- v. Living Conditions
- vi. Ecology

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

2.01 Conditions to include:

- 1. Time Limit on commencement
- 2. In accordance with approved plans
- 3. Occupation restricted to Gypsies and Travellers as defined by para 2 of Circular 005/2018
- 4. No more than 1no static pitches to be on site
- 5. Details of static units to be submitted and approved
- 6. No caravan to be brought on site until hard /soft landscaping scheme has been submitted and approved
- 7. Submission and implementation of landscaping scheme
- 8. No caravans / materials to be stored within 3m of site boundaries
- 9. Details of external lighting to be submitted and approved
- 10. Parking / turning facilities to be provided /retained
- 11. No commercial activities shall take place on the site.

3.00 CONSULTATIONS

3.01 **Cllr Helen Brown** raised the following points:

- 1. Church Lane is un-adopted and extra vehicles will have a detrimental impact on the already substandard road surface
- 2. There's no unmet need within Flintshire, we currently have 14 sites within Flintshire and there are currently 2 separate planning applications to extend sites in Hope and in Ewloe. We believe there is a full planning application for the Holywell area. Also, the council will be extending its own site in Queensferry by up to 30 plots
- 3. The design is not in keeping with the other properties within the area
- 4. The point of access at Church Lane, the nearest public highway is via an unmade and un-adopted track, it's substandard at the junction layout to serve as a means of access for any further developments.

Cllr Gillian Brockley made no comment at the time of writing.

Hawarden Community Council - Supports the objections made by Cllr Brown.

Highways Development Management – The additional information provided by the Agent confirms their view that the proposal will not result in a significant increase in use of the access from Aston Hill by vehicular traffic. Therefore, on the basis that the existing equestrian use is limited to a personal permission associated with the residential use, as the Highway Authority confirm that they have no objection to the proposal and that they do not wish to make a further recommendation on highway grounds. The Highways Development Manager has no objection subject to the imposition of a condition limiting the commercial use of the existing stable building, for use sole for the occupiers of the site. This condition has been included within section 2.01 above’

Housing Strategy – The Flintshire Gypsy and Traveller Accommodation Assessment (final report) April 2016 refers to an unmet accommodation need over the Plan Period for 19 additional pitches.

The Flintshire Housing Strategy states ones of its priorities is “To provide the right type of accommodation for the Gypsy and Traveller community through: Ensuring the need for residential pitches are met in Flintshire working with the community””

Housing Strategy supports this application in principle as there is unmet need for gypsy/traveller pitches within Flintshire. The Council’s Gypsy Traveller Liaison Officer has not had any previous contact with this applicant so little is known about them or whether they have any local connection or long term intentions to reside in the area.

Rights of Way – Public Footpath 25 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Ecology – Agrees with the conclusions of the Ecological Report submitted that the site itself has little ecological value and the interest is limited to the hedgerow boundaries and their connectivity to other habitats. The lack of habitat within the site means it is does not have value for protected species such as great crested newts and the stable block does not have potential for nesting birds or roosting bats.

The ecological management recommendations are generally acceptable particularly planting of native species such as hawthorn to bolster the existing boundary hedges, which will benefit nesting birds, although I would also recommend that soil is graded back against the steep banks where the existing roots have been exposed.

Since the site has low value for great crested newts and other amphibians I would avoid the installation of amphibian fencing which could result in further degradation of the hedgerow and to be effective

requires constant maintenance and needs to surround a site. If needed reasonable avoidance measures can be undertaken during construction. As recommended, the hedgerow corridors should be maintained as dark features and any lighting minimized.

In line with WG policy, Biodiversity enhancements need to be incorporated into the scheme. The enhancements recommended here namely bird and bat boxes and insect hotels are minor but reasonable for the scale of the proposal. However, their value will ultimately depend on the hedgerow enhancement and subsequent management and continued grazing within the paddock.

Welsh Water/Dwr Cymru – No objection to the proposed private water treatment works

Natural Resources Wales – Do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018) therefore do not have any comment to make on the proposed development. Note that the ecological report submitted in support of the above application (Phase 1 Ecology Survey, Andrassy Ecology and Land Restoration, Undated) has concluded that there is not a reasonable likelihood of protected species being present. We advise that you seek guidance from your Authority's ecologist on the findings of the report.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

Welsh Government Department for Economy and Infrastructure – Welsh Government as highway authority for the A494 trunk road does not issue a Direction in respect of this application.

Airbus – Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with their safeguarding criteria.

Clwyd Powys Archaeological Trust – Confirm that there are no archaeological implications for the proposed development at this location. The site is close to a former tramroad which lies to the south of the application boundary and will not be affected. The site

has already been heavily top soiled and ground levels altered for the existing building on this site and the access.

4.00 PUBLICITY

4.01 This application was advertised by way of Site Notices and Neighbour Notification letters to the nearest properties. In response to the public consultation exercise; the application received 95 letters of objection and 103 letters of support. In addition, a planning consultant acting on behalf of a number of local residents has submitted a number of responses including technical highways statements and legal comments from a barrister. The comments are summarised below:

Highway safety and inadequate access

In response to the original application and subsequent additional information, three Technical Note have been submitted by SCP on behalf of residents. They raise the following:

The acceptability of this access is a critical planning issue. The applicant's Access Review makes extensive reference to the guidance contained in Manual for Streets in suggesting that a more flexible approach should be taken to visibility requirements. In particular however SCP highlight that this guidance is applicable to "roads in built up areas where actual or design speeds are 60km/h (37mph) or below". A speed survey was undertaken by SCP of vehicles passing Church Lane along Old Aston Hill and 85th percentile speeds of 40.14mph was recorded for southbound traffic, with 40.44mph was recorded for northbound traffic. There is no evidence submitted by the applicant in respect of vehicle speeds.

Harm to the Open Countryside

The proposed developed does not accord with any of the listed exceptions and therefore must be considered contrary to FUDP policy GEN3. It is considered that the proposed development would have an unacceptable impact on the open countryside and is clearly contrary to FUDP policy GEN3. The Applicant has provided no evidence at all to demonstrate that this development is required in an open countryside location outside of the settlement boundary.

Gypsy and Traveller site policies and the lack of demonstrable need for the development

FUDP policy HSG14 criterion 1, which requires demonstrable need to be evidenced, is not satisfied. We would therefore expect a detailed update of the need and supply of gypsy and traveller pitches to be made available by the Council in order to inform the determination of this application.

Unsustainable location

It is apparent that the proposed development site is not sustainably located. Church Lane itself is lacking in footways and, given the absence of a northward footway alongside Old Aston Hill, the lack of pedestrian crossing here is a material safety concern. In any event the site is not close to services and amenities. These are generally beyond the 800m / 10 minute walking distance seen in Manual for Streets¹ as required for walkable neighbourhoods. The nearest primary school is located at Ewloe Green around 1.2 km away and the nearest secondary school is further still at around 1.6km away. Apart from the Church nearby all other facilities are at distances that are likely to leave dependant on car travel. As such the proposed development cannot be considered to be sustainably located.

Landscape harm

Church Lane has a quiet rural feel. There is currently a wooden stable building on site, which is relatively small at 10m long by 3.9m wide, a total of 39sqm. There are no details available of the proposed extent of hardstanding, but the static caravan alone would comprise around 6m by 14m, a total of 84sqm. The proposed development would therefore greatly increase the built footprint and would extend built development out further into the open countryside. FUDP policy D3 Landscaping states that new development will be required to include a hard and soft landscaping scheme and sets out a range of key considerations applying. The accompanying text advises "Good landscaping is an essential component of successful development". The application does not include a landscape plan. The application is therefore contrary to policy D3 – Landscaping.

Impact on protected species

The application is not accompanied by a tree survey / ecological report and therefore it is not possible to be clear on the likely ecological impacts. These reports should be provided. In their absence, the LPA cannot lawfully engage with the relevant statutory and planning policy tests, regarding European protected species, such as Great Crested Newts.

Loss of amenity for residents including privacy and overlooking issues

There are a number of windows in the adjacent dwelling which have an outlook facing towards the application site. This will lead to a loss of privacy for the existing dwelling.

Hynet

WPS have responded on behalf of Liverpool Bay CCS/Hynet stating there is a conflict between the land proposed for this application and

the proposed Order Limits for the HyNet Carbon Dioxide Pipeline which is classed as a Nationally Significant Infrastructure Project (NSIP) and is currently undertaking final consultation on some limited design changes and will be subject to a Development Consent Order (DCO) application in Autumn 2022. WPS have met with the applicant to discuss the proposed pipeline route and we will continue engagement to attempt to resolve the overlap between the developments. However, the development applied for would be situated within the pipeline corridor in land which will be required for construction, and within the area where surface development will need to be restricted throughout the life of the pipeline in order to protect and to maintain access to the pipeline.

5.00 SITE HISTORY

5.01 032791 – Outline erection of a dwelling – refused 17.09.2001

037998- outline erection of a dwelling- refused 21.10.2004

057618 - Erection of a stable block and tack room – granted 24.11.2017

058130 - Non material amendment to planning permission ref:057618 – Granted 13.03.2018

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG14 – Gypsy Sites

Policy WB1 - Species Protection

Policy WB6 - Enhancement of Nature Conservation Interests

Additional Guidance

Planning Policy Wales (PPW) – Edition 11

Future Wales Development Plan 2020-2040

Technical Advice Note 6 – Planning for Sustainable Rural Communities

Technical Advice Note 12 – Design

Technical Advice Note 18 – Transport

Circulars

Designing Gypsy and Traveller Sites May 2015.

7.00 PLANNING APPRAISAL

Introduction

- 7.01 This full application proposes the change of use of approximately 0.05 hectares of land adjacent to Land Side of Ashwood House, Church Lane, Aston Hill, Ewloe, for the siting of 1 No Gypsy/Traveller pitch and associated development..

Site Description

- 7.02 The site is located adjacent to the settlement boundary of Ewloe between the A494 and Old Aston Hill. Access into the site would be from the existing gateway off Church Lane, which is a private road off Old Aston Hill. The access is already in use in connection with the stable building on site.
- 7.03 The site currently consists of an area of hardcore, with a stable building sited along the north west boundary. The site is bounded by fencing and intermittent hedgerows.

Proposed Development

- 7.04 The application is for the siting of one pitch. The pitch would have a space for a static caravan, a touring caravan and hardstanding for two vehicles. The agent has confirmed that the applicant and the proposed occupants are members of the Gypsy Traveller community. It is proposed that the pitch would be occupied by a mother and son related to the applicant.

Main Planning Considerations

- 7.05 It is considered that the main issues to be taken into account in determination of this application include:
- i. Principle of Development
 - ii. Best Interests of the Child
 - iii. Adequacy of Access
 - iv. Character and Appearance
 - v. Living Conditions
 - vi. Ecology

Principle of Development

- 7.06 The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for

pitches is met. More recently Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Show people Sites which reflects provisions contained in the Housing (Wales) Act 2014, to ensure local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system.

- 7.07 Flintshire Unitary Development Plan Policy HSG14 also acknowledges the requirement for development plans to make adequate provision for the accommodation needs of gypsy families, but this policy predates the 2014 Act as well as Circular 005/2018, both of which place a different emphasis on assessing applications for Gypsy and traveller sites. The LDP has a similar criteria based policy to the UDP, and having been through the LDP Examination has resulted in its two criteria a. and b. being deleted as they do not comply with the guidance in the above Circular.
- 7.08 As these criteria relate to the need to demonstrate a proven need for a Gypsy and Traveller site, as well as there being no suitable alternatives elsewhere, and as these are also the first two criteria in UDP policy HSG14 they are no longer valid considerations and cannot be taken into account. Welsh Government raised this matter in their representations to the LDP Examination Inspector, highlighting that the Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for gypsies and travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The Circular clearly states that criteria based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites.
- 7.09 The Council has an approved Gypsy and Traveller Accommodation Assessment (2016) that is still extant for the purposes of the LDP Examination evidence base and for Development Management purposes. This shows a plan period need for 19 additional pitches. In addition the LDP has made suitable site specific provision to meet this need, made via site allocations as extensions to three existing Gypsy and Traveller sites, 1 of which is Council owned and the others in private ownership. None of these allocations have yet been confirmed by the LDP Examination Inspector and neither do they have planning permission, although applications are under consideration for the two privately owned sites, and a further application is being prepared for submission on the Council owned site.
- 7.10 Suitable provision to meet this level of identified need has therefore been identified in the LDP in compliance with the requirements of PPW, however this does not mean that newly arising need such as that presented in this application should not be considered favourably. Circular 005/2018 states that criteria based policies are

required in development plans, to cater for what is in effect new or windfall demand for pitches, and the UDP and LDP have similar criteria based policies to cater for such newly arising need.

- 7.11 Paragraph 7 of the Circular advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals the guidance reference a *‘Wales of cohesive communities’*. Paragraph 8 goes on to advise that *‘Housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities’*. In particular the guidance requires that *‘...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community’*. Paragraph 12 recognises that *‘Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage’*.
- 7.12 Paragraph 14 explains that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure *‘that accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met’*. Paragraph 36 explains that *‘when identifying sites the planning authority should work with the Gypsy and Traveller Community’*. Paragraph 37 explains that *‘issues of site sustainability are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks’*.
- 7.13 Whilst the Circular advice supersedes criterion a. and b. of policy HSG14 of the UDP, on the basis that this would be unduly restrictive to applications such as this, the other UDP policy criteria are still relevant. These are in line with the Circular and essentially seek to assess the suitability of the location of the proposed gypsy and traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first. That said, the Circular goes on to state that *‘Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries’*
- 7.14 The circular itself provides expanded guidance at paragraph 37 in respect of the sustainability of sites and the site should be assessed in this context. Whilst not an exhaustive list, the items to consider when assessing whether or not a site is suitable includes:
- opportunities for growth within family units; the promotion of peaceful and integrated co-existence
 - between the site and the local community;
 - access to health and education services;

- access to utilities including water, waste water disposal and waste collection services;
- access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);
- suitable nearby or on-site safe play areas;
- contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments;
- not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in
- line with guidance contained in TAN 15, given the particular vulnerability of caravans; and
- regard for areas designated as being of international, national and local importance for biodiversity and landscape

7.15 This is a site which is on the edge of a Category B settlement and close to a category A settlement. It sits within one of the key urban areas in North Wales and within the National Growth Area. It is approx. 1.5km from the school and shop in Aston along with Deeside Community Hospital. The site is approx. 1.1km from Ewloe Green Primary School and Ewloe Coop. Other facilities and services are both available both within Aston and Ewloe.

7.16 A new Active Travel pedestrian and cycling link has recently been completed along the northbound carriageway of the A494 from the Ewloe roundabout northwards towards Queensferry etc. This can be accessed at the end of Old Aston Hill and via Footpath 25 which allows for a links to a network of routes. A regular bus runs along Old Aston Hill linking to the nearest supermarket.

7.17 I consider that the site meets the specified criteria listed as the proposal represents development on a site in an appropriate sustainable location, on the edge of a settlement, in close proximity to a range of facilities and with access to bus transport links on a key distributor route within Flintshire.

7.18 The advice and guidance within this Circular provides the framework when determining this types of planning application. In my view the principle of this development is acceptable with due regard to all relevant National and Local policies and advice. The site represents a sustainable location, appropriate for the level of development proposed and in addressing a specific housing need.

Best Interests of the Child

7.19 As the residents of the site will include a child, the proposal has been assessed with due regard to their best interests. The agent has advised that there is one child currently aged 13 who will occupy the proposed site. This child requires access to regular schooling and is in need of constant medical care. The child currently lives their mother

and they do not have a pitch of their own. They are currently sharing a pitch with another family, which is only considered to be a temporary solution for their accommodation needs.

- 7.20 It is considered that the proposal would offer a permanent base which would offer consistent access to education and health care which would be in the best interests of the child. The benefits of enabling the provision of a stable and secure environment is a material consideration of significance in the planning balance. It has been accepted by planning inspectors with rights to respect for family and private life as identified in Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights.
- 7.21 It is acknowledged that a child would live on the site were permission to be granted, and the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well - being of the children. There is also a national and international obligation contained in article 3(1) of the United Nations Convention on the Rights of the Child (UNCRC) "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"
- 7.22 These considerations are material in the assessment process the implications of the applicant /family of having a settled base for educational /health needs of the children needing to be considered and weighed in the balance as a primary consideration. In these circumstances the best interests of the children would be best served by occupation of the site.

Adequacy of Access and Parking

- 7.23 Consultation on the application has been undertaken with the Highway Development Control Manager who, in progression of the application, has sought additional information to ensure that there is no impact on the adopted highway.
- 7.24 The additional information provided by the Agent confirmed the Highways Officers view that the proposal will not result in a significant increase in use of the access from Aston Hill by vehicular traffic. The site currently has permission for an unrestricted equation use which could result in 8 vehicle movements per day. This is comparable to residential trip rates which can vary significantly between 4 and 10 movements per day.
- 7.25 Objections have been received relating to a previous application for residential development of the site being refused on highways grounds in 2001. During the course of previous consultations for other proposed development off Church Lane, Highway consultation

responses have made a specific distinction that any increase in use of the access is unacceptable. However, these comments were offered pre 2007 before the relaxation of guidance in Manual for Streets and TAN18. The additional information provided by the Agent confirms that the proposal will not result in a significant increase in use of the access from Aston Hill by vehicular traffic.

- 7.26 Therefore, on the basis that the existing equestrian use is limited to a personal permission associated with the residential use, the Highway Authority, take the view that the proposed development will not result in a significant increase in the use of the access, and confirm that they have no objection to the proposal and that I do not wish to make a further recommendation on highway grounds.

Character and Appearance

- 7.27 Policy HSG14 (c) sets out that a gypsy and traveller site can only be permitted where there is natural screening or the site can be screened. The more recently published advice in the Circular sets out that sites should not be deliberately heavily screened as this gives rise to a sense of separation.
- 7.28 The site benefits from established screening to the north and west of the site, with the boundary to the east consisting of a post and rail fence. The proposal seeks to improve all boundary treatments with both hard and soft landscaping. Whilst some details have been submitted it is considered that a comprehensive landscaping scheme should be secured via condition and submitted prior to commencement of development.

Living Conditions

- 7.29 "Designing Gypsy and Traveller Sites 2015", establishes the framework for the design /layout of sites, although it does reference that this guidance is aimed at Local Authority owned or leased traveller sites. As previously indicated the site the subject of this application is promoted in a private capacity but the site layout proposed does use the basis of this guidance in designing the layout and provision of associated facilities.
- 7.30 The amended plans submitted show the location of the static and touring caravan in relation to the boundary of Ashwood House. Whilst there is no direct interface relationship between the dwelling and proposed static unit the proposal is in accordance with the above guidance a stand-off of at least 3m from the associated curtilage boundaries
- 7.31 The proposed caravan is located away from the boundary with Ashwood House, a two storey detached dwelling, and an enhanced boundary treatment could be secured by condition to introduce

additional screening along this common site boundary which would help to safeguard the living conditions of both existing residents and proposed occupants at this location. These can be secured by the imposition of conditions if Members are mindful to grant permission for the development. This ensures that the criterion E of Policy HSG14 is met.

Ecology

- 7.32 The application is supported by an Ecological Report which concludes the site has little ecological value and the interest is limited to the hedgerow boundaries and their connectivity to other habitats. The lack of habitat within the site means it does not have value for protected species such as great crested newts. The stable block does not have potential for nesting birds or roosting bats. The application has been subject to consultation with the County Ecologist.
- 7.33 The ecological management recommendations are generally acceptable particularly planting of native species such as hawthorn to bolster the existing boundary hedges, which will benefit nesting birds. Since the site has low value for great crested newts and other amphibians the Ecologist would not recommend the installation of amphibian fencing which could result in further degradation of the hedgerow and to be effective requires constant maintenance and needs to surround a site. As recommended, the hedgerow corridors should be maintained as dark features and any lighting minimized.
- 7.34 In line with WG policy, Biodiversity enhancements need to be incorporated into the scheme. The enhancements recommended here namely bird and bat boxes and insect hotels are minor but reasonable for the scale of the proposal. In light of the above it is considered that the proposal complies with policy WB1 and WB4 subject to the inclusion of appropriate conditions as outlined above.

Hynet North West Energy Project

- 7.35 The proposal falls within the proposed Development Consent Order limit for the Hynet North West energy project. Given the footprint and type of development, the impact is a relatively minor intrusion into the Development Consent Order limit. It is considered that it is unlikely to have a significant impact on the Hynet North West project.

8.00 CONCLUSION

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

- 8.02 Subject to controls over the siting of the pitch and boundary treatment associated with the proposal which can be secured by conditions, I consider the proposal is acceptable and therefore recommend accordingly.

Other Considerations

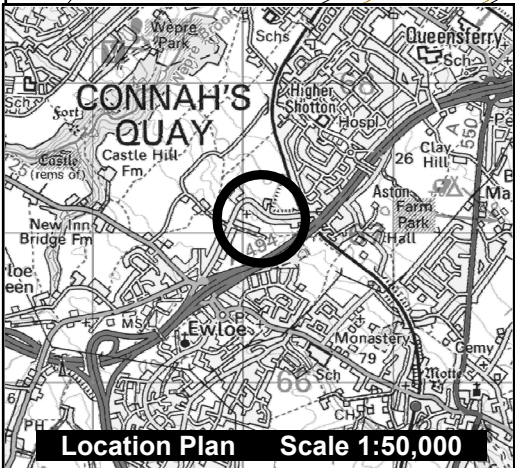
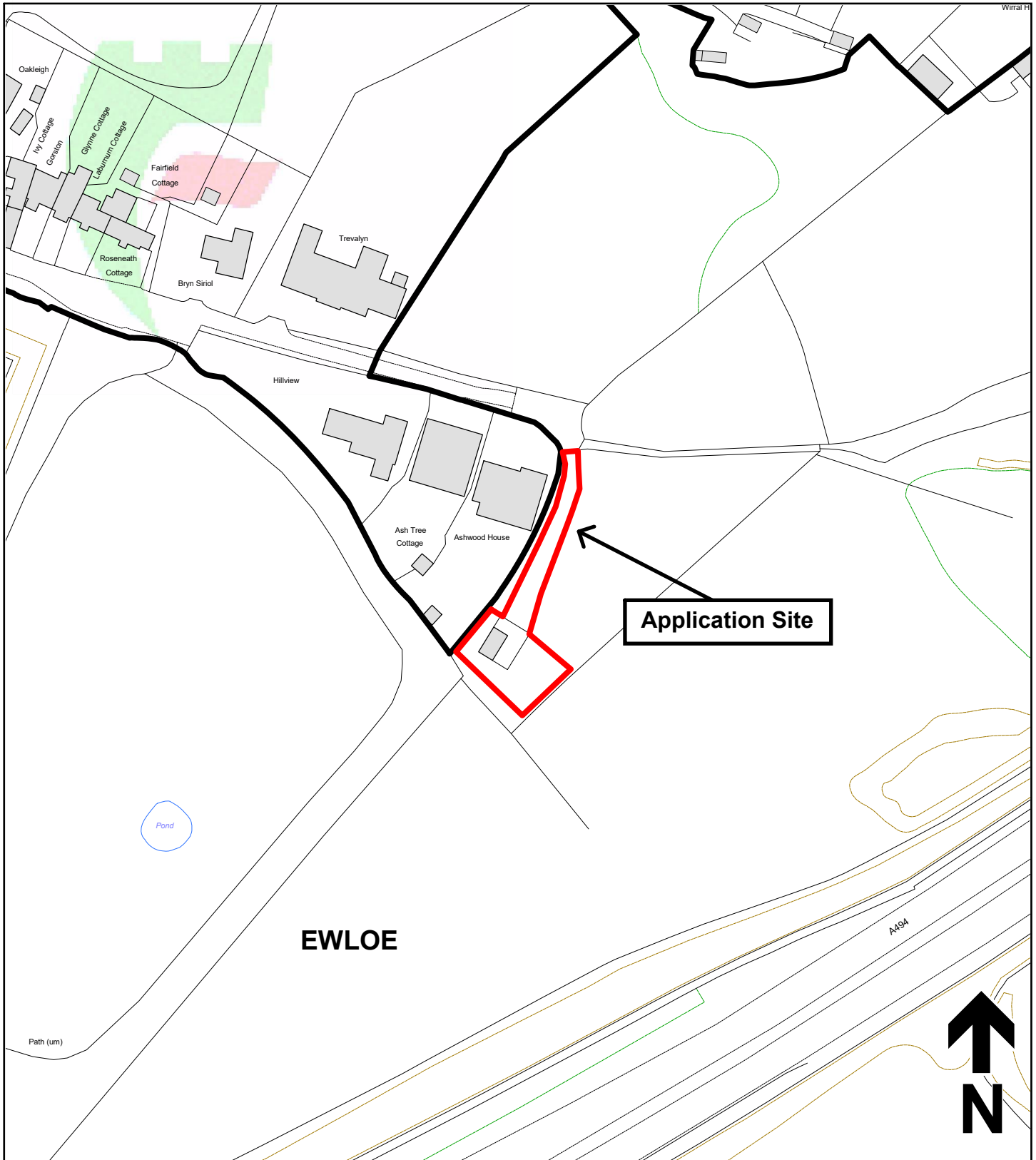
- 8.03 The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.04 The Council has acted in accordance with the Human Rights 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.
- 8.05 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.06 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

Mae'r dudalen hon yn wag yn bwrpasol



	<p>Planning, Environment & Economy, Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF. Chief Officer: Mr Andrew Farrow</p>						
	<p>This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2021.</p>						
<p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary 	<table border="1"> <tr> <td>Map Scale</td> <td>1:1250</td> </tr> <tr> <td>OS Map ref</td> <td>SJ 3066</td> </tr> <tr> <td>Planning Application</td> <td>61368</td> </tr> </table>	Map Scale	1:1250	OS Map ref	SJ 3066	Planning Application	61368
Map Scale	1:1250						
OS Map ref	SJ 3066						
Planning Application	61368						

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.2

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **31st AUGUST 2022**

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

SUBJECT: **FULL APPLICATION – CHANGE OF USE OF LAND FOR THE SITING OF HOLIDAY CARAVANS**

APPLICATION NUMBER: **063910**

APPLICANT: **MR & MRS D KNOWLES**

SITE: **LAND ADJOINING WOODBANK COAST ROAD GRONANT FLINTSHIRE**

APPLICATION VALID DATE: **17/12/21**

LOCAL MEMBERS: **COUNCILLOR G MADDISON**
COUNCILLOR G BANKS

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN CONCENS ON ACCESS GROUNDS, THE PROLIFERATION OF HOLIDAY ACCOMMODATION IN THE LOCALITY AND REQUIREMENT TO ASSESS THE PROPOSAL RELATIVE TO THE BACKGROUND HISTORY, AND POLICY FRAMEWORK.**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application proposes the change of use of approximately 0.6 hectares of land on the southern side of the A548 Coast Road, Gronant, for the siting of caravans for holiday accommodation purposes.

- 1.02 Amended plans have been received in the progression of the application proposing a reduction in the number of units from 11 to 7, on which further consultation has been undertaken.

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

- 2.01
1. Time Limit on Commencement
 2. In accordance with approved plans
 3. Materials to be submitted and approved
 4. Occupation of caravans for holiday accommodation purposes only
 5. Register of occupation to be kept available to the Local Planning Authority
 6. Site/Finished Floor Levels to be submitted and approved
 7. No development including site clearance to commence, until a detailed hard & soft landscaping scheme incorporating supplementary planting has been submitted and approved.
 8. Implementation of landscaping scheme
 9. Details of external lighting to be submitted and approved
 10. Details of vehicular footway crossing to be submitted and approved
 11. Facilities to be provided for the parking and turning of vehicles
 12. Positive means to prevent the run off of surface water onto the highway to be submitted and approved
 13. No development including site clearance to commence until a Woodland Management Plan has been submitted and approved
 14. Foul water only to connect into public sewerage system
 15. Connection point to existing public sewerage system to be made

3.00 CONSULTATIONS

3.01 **Local Members**

Councillor G Maddison – Request site visit and Planning Committee determination, given concerns about overdevelopment for holiday accommodation purposes in the area and increase in vehicular movements associated with the development.

Councillor G Banks – Request site visit and Planning Committee determination to assess the proposal having regard to planning history, and policy framework.

Llanasa Community Council – Object on the following grounds:

1. Access
2. Flooding
3. Lay-By

The lay-by in front of the site is flooded for approximately 8 months of the year. Access to the busy coast road would be affected by traffic entering and leaving the site. The installation of caravans on the site would increase the risk of flooding.

Highway Development Control – No objections, recommend that any permission includes conditions in respect of access, parking / turning and surface water run-off.

Community and Business Protection – No adverse comments

Dwr Cymru/Welsh Water – Advise that only foul drainage from the development shall discharge into the public sewerage system. Request connection point to the main public sewerage system be made at SJ09833522.

Council Ecologist – Following the submission of an Ecological Assessment, raise no objection subject to the imposition of conditions in respect of lighting and woodland management

Natural Resources Wales – No objection following the submission of an Ecological Assessment, which confirms there is no potential impact on protected species on site. Provided pollution prevention guidelines are adhered to, there will be no impact on The Dee Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar located approximately 20m and 840m to the north of the site.

Council Forestry Officer – Following the submission of a Tree Survey undertaken in accordance with BS5837, raise no objection subject to the imposition of conditions in relation to supplemental planting and woodland management.

4.00 PUBLICITY

4.01 Neighbour Notifications

20 letters of objection have been received, the main points of which can be summarised as follows:

1. detrimental impact on highway safety
2. proliferation of holiday accommodation uses within the locality
3. detrimental impact on the character of the site and wider surroundings
4. lack of security presence or on - site management proposed which will impact on the living conditions of occupiers of nearby dwellings.

5.00 SITE HISTORY

5.01 059986 – Use of land for the siting of holiday caravans
Refused 16/7/19

061115 – Use of land for the siting of holiday caravans
Refused 18/6/21

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 -D1 Design Quality, Location and Layout
- Policy - D2 Design
- Policy - D3 Landscaping
- Policy - L1 Landscape Character
- Policy - WB1 Species Protection
- Policy - WB2 Sites of International Importance
- Policy - WB3 Statutory Sites of National Importance
- Policy -AC13 Access and Traffic Impact
- Policy - AC18 Parking Provision and New Development
- Policy -T4 New Static Caravans and Chalets Holiday Sites

Supplementary Planning Guidance

- Supplementary Planning Guidance Note 3 - Landscaping
- Supplementary Planning Guidance Note 4 – Trees and Development
- Supplementary Planning Guidance Note 8 – Nature Conservation and Development

National Planning Policies:

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 12- Design
- Technical Advice Note 13 – Tourism
- Technical Advice Note 18 - Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application which seeks permission to change the use of land to allow for the siting of 7 No holiday caravans on land adjoining Wood Bank, Coast Road, Gronant.

7.02 The site is currently vacant, the land unmanaged, with the majority of the site heavily overgrown and the fencing along the northern boundary is in a poor state of repair. It is located within the open countryside as defined in the Flintshire Unitary Development Plan.

7.03 The application site amounts to approximately 0.6 ha in area and is located along the A548 Coast Road, abutting an existing layby, with the northern boundary bound by post and rail fencing, fronting the site. The boundaries to the east, south and west of the site are heavily confined by well-established mature trees and hedgerows, with the land steadily rising to the south, as such the site is situated in a prominent position within the existing landscape. There is currently no access onto the application site from the layby or from the public highway.

7.04 The fields opposite the development site are within the Dee Estuary Site of Special Scientific Interest (SSSI) Special Protection Area (SPA) /Ramsar designated for the wintering bird populations and the Dee Estuary Special Area of Conservation (SAC) is some 840 m from the site but no SAC features (primarily estuarine and dune habitats) are affected.

7.05 Planning History

By way of the background planning history at this location a recent application for the siting of 19 No caravans, was refused under 061115 in June 2021, for the following reasons:-

- 1. The proposal would represent overdevelopment of the site which would be detrimental to both the character of the site and its wider surroundings. This is contrary to Planning Policy Wales (PPW) – Edition 11, together with criterion b of Policy STR6, criterion a of Policy GEN1, criteria a, b, c & e of Policy D1, Policy D2, Policy L1 and criterion a of Policy T4 of the Flintshire Unitary Development Plan.*
- 2. In the absence of a Tree Survey undertaken in accordance with BS5837, it is not possible to confirm the impact of the proposed development on key landscape features within the site and on its boundaries. This is contrary to Planning Policy Wales (PPW) – Edition 11, criterion c of Policy GEN1, and Policy TWH1 of the Flintshire Unitary Development Plan; in addition to Supplementary*

*Planning Guidance Note 3 – Landscaping and Supplementary
Planning Guidance Note 4 – Trees and Development*

3. *The proposal would result in a net loss in biodiversity provision given the scale of development proposed and limited opportunity for new planting within the site. This is contrary to Planning Policy Wales (PPW) – Edition 11; Technical Advice Note 5 – Nature Conservation and Planning; criterion c of Policy STR7, criterion c of Policy GEN1, and WB1 of the Flintshire Unitary Development Plan together with Supplementary Planning Guidance Note 8 – Nature Conservation & Development.*
4. *In the absence of confirmation of the proposed site access widths and gradients, it is not possible to confirm that a satisfactory access can be secured to serve the proposed development at this location. This is therefore contrary to criterion e Policy GEN1 and criterion b of Policy AC13 of the Flintshire Unitary Development Plan.*

7.06 Proposed Development

The amended plans submitted as part of this current application propose the erection of a total of 7 No caravans on the site, with the formation of a new vehicular access off the lay –by referenced in paragraph 7.03 and associated works. The caravans would be sited around an internal access road with turning head on the lower part of the site, with a number of trees /ground cover requiring removal and ground regraded to facilitate the siting of the caravan bases.

- 7.07 The application has been supplemented by a Tree Survey undertaken in accordance with BS5837 and Ecological Assessment, which help to aid consideration of the application

Main Planning Considerations

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

- i. the principle of development
- ii. scale/design/form
- iii. impact on trees /woodland
- iv. impact on ecology
- v. adequacy of access
- vi. impact on living conditions of occupiers of nearby residential properties
- vii. flooding

7.09 Principle of development

Consideration of the application is principally undertaken having regard to Policy T4 of the Flintshire Unitary Development Plan. This states that development of new static holiday caravan or chalet sites will be permitted where:

- a. The scale of the proposal together with the number, siting and layout of units, circulation roads and service buildings is appropriate to the characteristics of the site and locality
- b. the scheme incorporates substantial internal and structural landscaping
- c. the proposal would not have a significant adverse impact on features or areas of landscape, nature conservation or historic value
- d. where appropriate, easily accessible from the local highway network and is accessible by a choice of modes of travel, particularly by foot, cycle or public transport; and
- e. 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.

These issues are addressed below

7.10 Scale / Form / Design

The proposed number of caravans on the site has been reduced to 7 from the 19 units proposed in the previous application 06115. This reduced scale of development combined with firstly, the introduction of smaller clusters of caravans in a less regimented form and secondly the retention of key trees within the site with supplementary planting provides for a more fluid layout which would be sympathetic to the site and surroundings. As a result this would overcome concerns previously expressed in relation to refusal reason 1 of 061115.

7.11 Impact on Trees / Woodland

The Council's Tree Officer has advised that following submission of a Tree Survey as part of the application, that there is no objection to the proposed development subject to the imposition of conditions to secure additional structural planting and woodland management. As a result this would overcome the concerns in respect of reason for refusal 2 of 061115.

7.12 Impact on Ecology

Consultation on the application has been undertaken with Natural Resources Wales (NRW) and the Council's Ecologist recognising the potential impact of development on the site itself, and its proximity to the Dee Estuary SSSI/SPA/Ramsar and the Dee Estuary Special Area of Conservation some 500m from the site.

7.13 Following the submission of an Ecological Assessment as part of this current application, NRW and the Council Ecologist raise no objection to the application subject to the imposition of conditions in respect of lighting and woodland management. As a result this would overcome the concerns in respect of reason for refusal 3 of 061115.

- 7.14 Adequacy of Access
Consultation on the details submitted has been undertaken with the Highway Development Control Manager, who raises no objection to the principle of development being served from the existing highway network in capacity terms. In addition and following the submission of additional information in relation to site levels and gradients as part of this application there is no objection subject to the imposition of conditions in respect of access, parking /turning and surface water run-off. As a result this would overcome reason for refusal 4 of 061115.
- 7.15 Impact on Living Conditions
It is important to ensure that the living conditions of occupiers of existing residential properties located in proximity to the site are safeguarded. The nearest residential properties to the site are Woodbank and Birchill located approximately 30m and 44m respectively to the west, although they are screened from the site by existing landscaping. A property Rose Villa is located approximately 75m to the north west on the north side of the A548.
- 7.16 Consultation on the application has been undertaken with the Council's Pollution Control Officer, who has raised no objection to the development given the separation distances from the site to existing properties. There is however considered to be a requirement to control external lighting associated with the development, which can be secured by condition.
- 7.17 Flooding
Concerns have been raised regarding potential flooding associated with the development given its topography. The site is not located within a Flood Zone and no issues have been raised by Natural Resources Wales to this effect. The drainage proposals associated with a development would need to be taken into account / addressed in the event of a scheme being supported.
- 7.18 Other Matters
In addition and whilst concerns have also been raised regarding the proliferation of holiday caravan sites along the A548, the planning policy framework and in particular Policy T4 does allow consideration to be given to the establishment of new sites, subject to compliance with the criteria as referenced in paragraph 7.09 of this report.
- 7.19 The controls / restrictions to further holiday accommodation within the locality, principally relate to the landscape on the north side of the A548. Here the character is more open and in closer proximity to the coastal sand dune system, around Talacre, Gronant and Gwespyr, which have been extensively affected by caravan site development.

8.00 **CONCLUSION**

The reduction in caravan numbers /amended site layout as proposed, offers an acceptable and sympathetic form of development at this location. The application satisfactorily addresses the 4 reasons for refusal forming application 061115, in that it would provide for an acceptable scale of development, and now safeguard key trees / woodland, ecological habitat and provide for a satisfactory access. It is therefore recommended that planning permission be granted subject to the imposition of conditions as referenced in paragraph 2.00 of this report.

8.01 **Other Considerations**

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

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

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

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

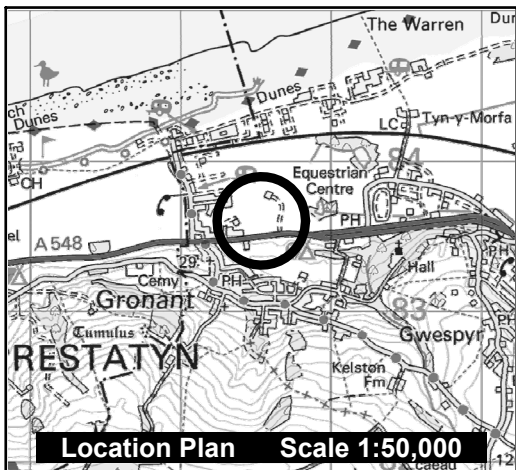
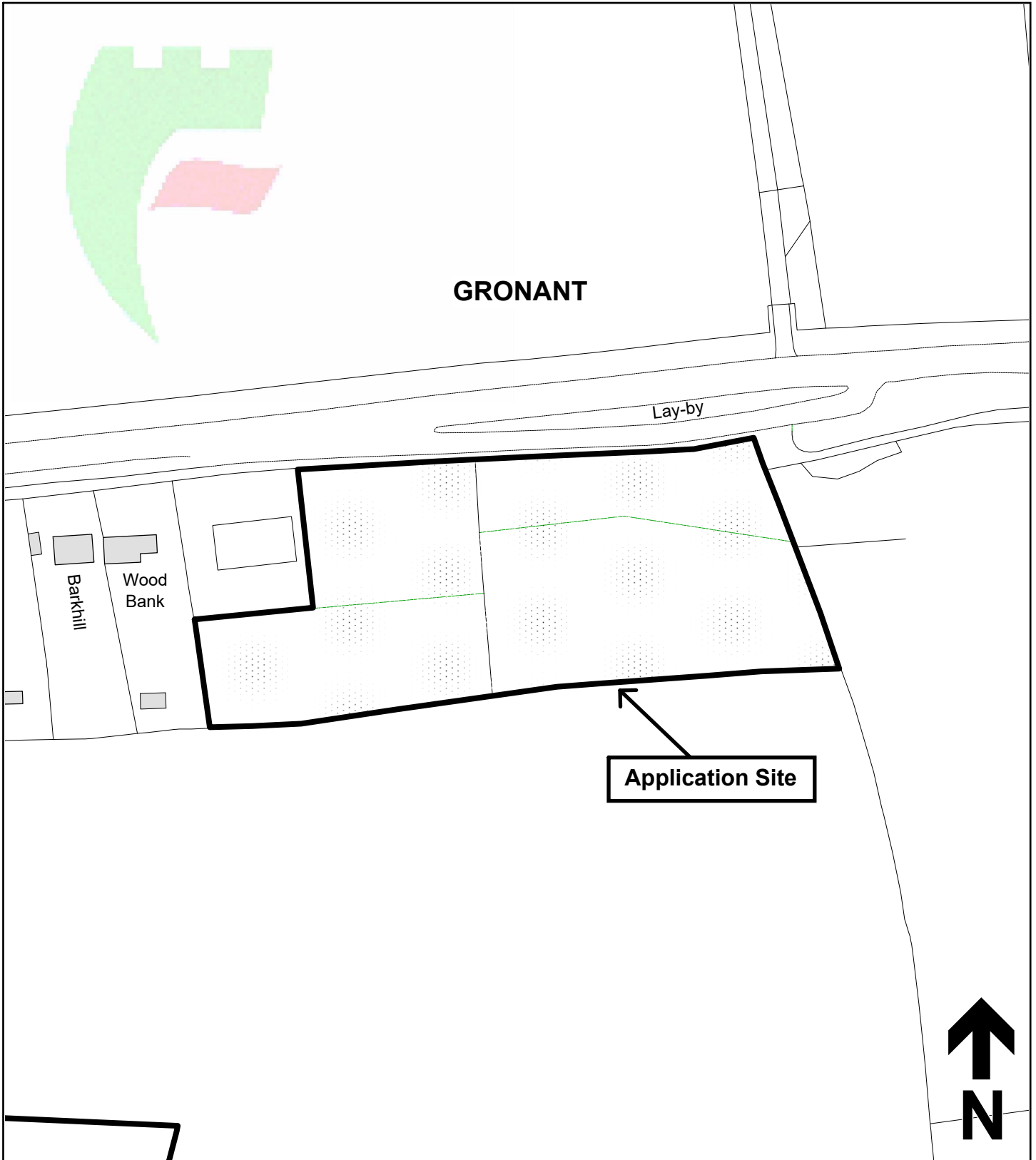
LIST OF BACKGROUND DOCUMENTS

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

Contact Officer: Robert Mark Harris



Telephone: 01352 703269

Email: Robert.M.Harris@flintshire.gov.uk



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

This plan is based on Ordnance Survey Material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100023386. Flintshire County Council, 2022.

Map Scale 1:1250

OS Map ref SJ 0983

Planning Application **63910**

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 6.3

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 31 AUGUST 2022**

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

SUBJECT: **GENERAL MATTERS – SHOTTON PAPER MILL DEVELOPMENT OF NATIONAL SIGNIFICANCE LOCAL IMPACT REPORT - REQUEST FOR DELEGATED AUTHORITY TO RESPOND**

1.00 APPLICATION

- 1.01 The application for the Shotton Paper Mill Development of National Significance (DNS) has been submitted to the Welsh Ministers for examination. The Government's Planning and Environment Decisions Wales (PEDW) has written to the County Council to confirm applications intention to submit.
- 1.02 Once the application has been formally submitted to PEDW and registered as a valid DNS application, Flintshire County Council will be required to submit a Local Impact Report, and will be invited to make formal representations on the application within five weeks of the notification of the valid application.
- 1.03 This report seeks delegated authority from the Planning Committee to submit the Council's Local Impact Report, and provide representations at officer level on behalf of Flintshire County Council.
- 1.04 The request for delegated authority is required, so that the representations can be made at an Officer level, in consultation with the local Ward Members, in response to the DNS consultation by PEDW, in the timescales set out within the Regulations, and without the need to return to Planning Committee for a formal resolution to agree the content and representations of the Local Impact Report

2.00 RECOMMENDATION

- 2.01 That the Council's Local Impact Report, and accompanying recommendations, and suggested conditions for the Shotton Paper Mill Development of National Significance be delegated to officers in consultation with local members (Connah's Quay Weper and Connah's Quay Central)

3.00 APPLICATION VALID DATE

3.01 Notice of a proposed application for a DNS was submitted to the Welsh Ministers on 16th September 2021, and this allows for submission with 12 months of that date. Following submission, PEDW have up to 42 days to validate the application. Should the application be considered a valid application, the Council will have 5 weeks to respond to the consultation by PEDW from the application valid date.

4.00 PURPOSE OF REPORT

4.01 The report seeks delegated authority to respond to the anticipated consultation by PEDW on the Shotton Paper Mill Development of National Significance, at an Officer level. To provide the required Local Impact Report, and any necessary relevant representation, and suggested conditions and obligations that may be required.

4.02 Due to the limited timescales prescribed within the Development of National Significance (Wales) Regulations 2016 to make a response to the PEDW consultation, it is considered necessary to raise the matter at Committee to seek a resolution from Planning Committee to permit officers to respond to the consultation on behalf of the Council.

5.00 THE PROPOSAL

5.01 The DNS application covers a proposed Combined Heat and Power (CHP) Facility which would provide an additional 60MWe power as well as heat to Shotton Mill, and would be located within the existing Paper Mill. The CHP facility is part of a wider redevelopment and expansion proposal, which does not, in itself, fall within the DNS process. The wider redevelopment and expansion of Shotton Paper Mill (Ref: FUL/000011/22) is currently under consideration through the submission of a Planning Application and will be brought for consideration of the planning committee in due course.

5.02 The proposed CHP process would use gas-fired boilers using gas drawn from the national grid or from on-site processes. CHP is a highly efficient process that captures and utilises the heat that is a by-product of the electricity generation process. The proposed CHP plant is intended to achieve 80% efficiency. As a consequence of the high efficiency of energy generation, based on the ratio of fuel usage to power generated, the proposed plant would qualify under the Government's Good Quality CHP scheme. Such CHP is considered to provide 'low carbon' energy as it produces substantially lower greenhouse gas emissions than conventional fossil fuel power generation.

5.03 There is a requirement for an additional 60MWe of power for the proposed paper production facilities, together with steam which is an integral part of the paper manufacturing process. The existing

biomass CHP production at the Main Site will be retained; this will generate 18.5 MWe generation capacity.

- 5.04 The proposed new CHP Facility would be located on the Main Site, close to the existing biomass CHP facility. The draft arrangement of the proposed CHP facility would comprise four parallel lines of gas turbine and heat recovery steam generator and /or steam turbine combination. The use of multiple units allows the paper production process to maximise operational flexibility and efficiency.

6.00 THE SITE LOCATION

- 6.01 The overall Site comprises the operational Shotton Mill paper manufacturing facility, formerly owned and operated by UPM (the Main Site) together with adjoining vacant brownfield land (the Expansion Site also known as the A4 land).

- 6.02 The Site is situated within the Deeside Industrial Park close to the Dee Estuary. The Dee Estuary is subject to a number of national and European wildlife designations. The Site is located within the Wrexham & Deeside National Growth Area, about 12 km from Chester and 20 km from Liverpool.

- 6.03 The Site lies to the south of the A548 dual carriageway, with access to the A548 being via a local distributor road that serves the Deeside Industrial Park. A plot of land lying between the operational paper mill and the A548, known as the A4 land, is included within the wider proposals as allocated employment land.

7.00 MATERIAL PLANNING CONSIDERATIONS

- 7.01 The main issues associated with the proposal include:

- Landscape and visual Impact
- Ecology and Nature Conservation
- Cultural Heritage and Archaeology
- Built Conservation
- Contaminated Land
- Air and Noise Impact

- 7.02 Preliminary developer lead consultation has taken place with both internal and external statutory consultees. The application will be supported by pre application consultation report which will summarise these preliminary view and address the areas of concern raised.

- 7.03 Further examination of the above issues will take place with internal consultees following formal receipt of the application.

8.00 RECOMMENDATIONS

- 8.01 That the Council's Local Impact Report, and accompanying recommendations for the Shotton Paper Mill Development of National Significance be delegated to officers in consultation with local members (Connah's Quay Weper and Connah's Quay Central)

LIST OF BACKGROUND DOCUMENTS

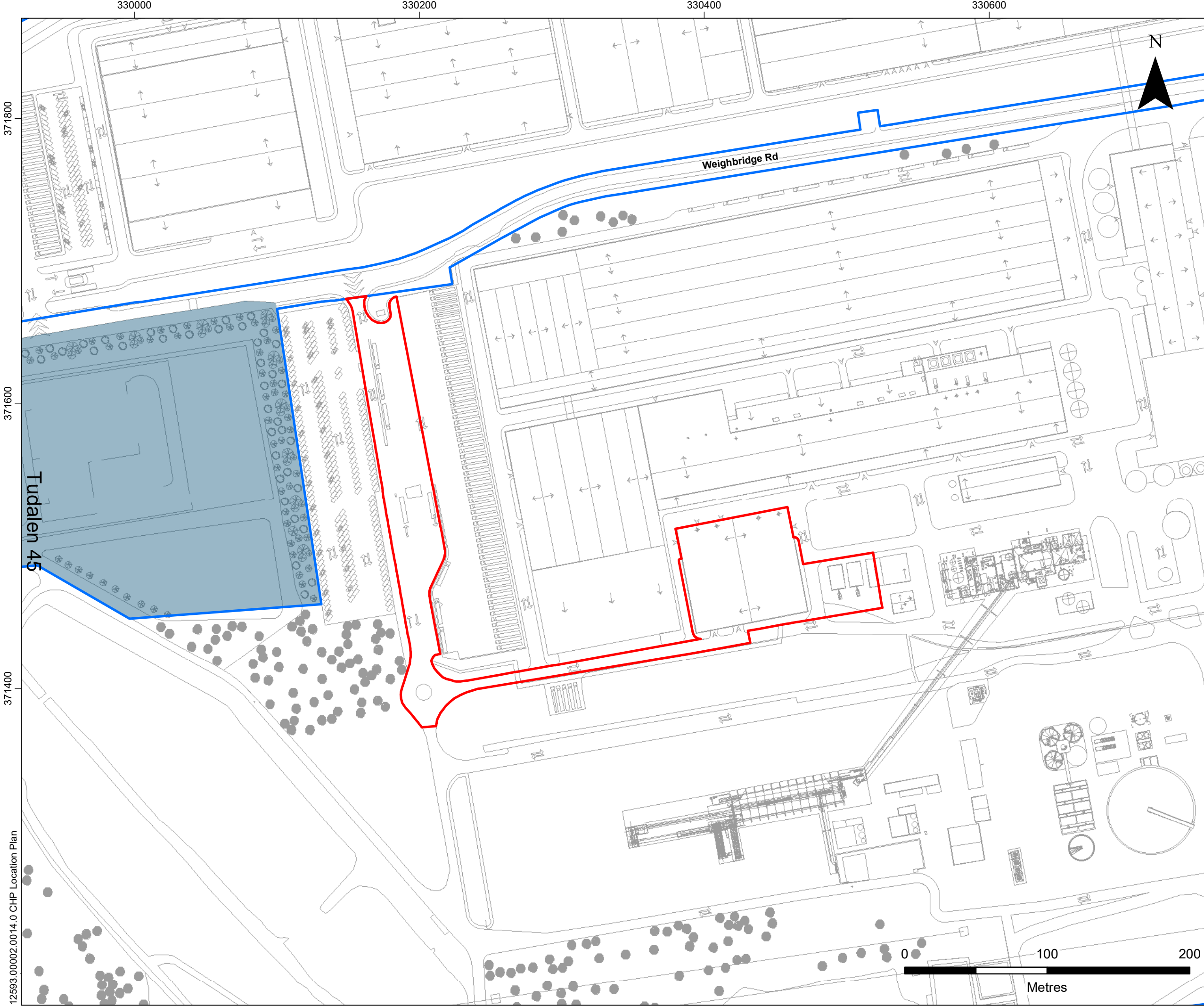
Draft DNS Application & Supporting Documents

<https://shottonmillconsultation.co.uk/welsh-government>

Contact Officer: Daniel McVey

Telephone:01352 703266

Email: Daniel.mcvey@flintshire.gov.uk



NOTES
 1. Basemap provided by Client.
 Figure Reference: SHOTTON-ST-001 R.13

LEGEND

- CHP Site Boundary
- Additional Land under the Applicants Ownership
- Area Owned by the Applicant but Not Part of Application

12593.00002.0014.0 CHP Location Plan

REV	DATE	REMARKS	Drawn	Reviewed	Approved
1	18/03/2022	Issued for Consultation	NJG	DD	AD



SLR

8th FLOOR, QUAY WEST
 MEDIACITY UK
 TRAFFORD WHARF ROAD
 MANCHESTER
 M17 1HH
 T: 01618 727564
 www.slrconsulting.com

EREN SHOTTON PAPERMILL
PLANNING APPLICATION
CHP LOCATION PLAN

SHOTTON-LPCHP-001

Scale 1:2,500 @ A3 Date MARCH 2022



Mae'r dudalen hon yn wag yn bwrpasol