

FLINTSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
COMMITTEE DATE: 6TH SEPTEMBER 2017
THIRD PARTY SPEAKERS

Agenda No.	Application Number	Development / Location	Speaker	For	Against
6.1	056694	Land at Hawarden Road, Penyffordd.	Mr. M. Krassowski (Agent)	√	
			Councillor A. Wight Penyffordd Community Council		√
6.2	057185	Land adjacent to Bryneithin, Gorsedd.	Mr. P. Erasmus (Applicant)	√	
6.5	057084	Pentre House, Chester Road, Pentre.	Mr. N. Gittins (Applicant)	√	

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PLANNING COMMITTEE
COMMITTEE DATE: 6TH SEPTEMBER 2017
LATE OBSERVATIONS

Agenda No.	Application Number	Location	Consultee / Date Received	Observations
6.1	056694	Hawarden Road, Penyffordd.	<ol style="list-style-type: none"> 1. Date received 31.8.2017 and 4.9.2017 from Penyffordd Community Group 2. Date received 4.9.2017 from local resident 3. Date received 5.9.2017 from local resident 4. Date received 4.9.2017 from local resident 	<p>I have noted that the comments collectively raise the following points. The responses to these issues or points at which these are addressed within the committee report are appended in bold and brackets thereafter :-</p> <ol style="list-style-type: none"> 1. 31 metres of hedgerow will be lost and more lost during construction; (This issue is addressed in Para's 7.40 – 7.44 inc.) 2. The education contribution won't help the lack of school places and children will have to attend different schools which has an impact on community cohesion; <u>(This issue is addressed in Para 7.23c & 7.59 – 7.72 inc.)</u> 3. There is a lack of local health services/infrastructure to service the development and this is a planning issue that should be taken into account and it is insufficient to simply say this is the responsibility of the health board. (Para 7.73 addresses this point. However, the comment offered in relation to this matter by objectors provides no empirical evidence in respect of the impact that the proposed development would have upon such services. Accordingly, this perception can be afforded little weight in the planning balance. Members will also recall that a new healthcare building, providing doctors, dental and local health board services approved on land at Rhyddyn Hill in Hope is now complete and those services are now in place to serve the community.) 4. The wildlife survey is inadequate; (This issue is addressed in Para's 7.43 – 7.44 inc.) 5. Prematurity, given the adjacent site is a candidate site; (This issue is addressed in Para's 7.10 – 7.12 inc.)

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6.1	056694	Hawarden Road, Penyffordd.		<p>6. No reference to the other applications submitted for residential development in Penyffordd, which misses the wider context of development in the community; (The recent development context is referenced at Para's 7.17, 7.24 & 7.27)</p> <p>7. There is no reference to the fact the settlement is a category B settlement in the UDP with an expected 8-15% growth during the plan period; There is no direct reference to this because the UDP is well beyond its end date and as such the policies relating to housing supply (including settlement growth) no longer apply. In addition, there was never an 'expectation' that any settlement would achieve its growth band as these were indicative only, rather than an absolute target. This is consistently supported by Inspectors in their decision making and has been the consistent approach of officer's determining applications.</p> <p>8. The affordable housing element should be for the benefit of the community and not elsewhere in Flintshire; (This issue is addressed in Para's 7.23c & 7.54 – 7.55 inc.)</p> <p>9. The site history section of the report is not accurate as the site, together with the adjacent site was considered and dismissed for housing allocation during the UDP inquiry; (This section is correct. There is no previous planning application history relevant to this site. The comment in respect of the consideration of this site as part of the UDP inquiry is incorrect. This site was not considered by the Inspector during Inquiry sessions and did not feature in her final report upon the UDP.)</p> <p>10. It is not made clear that the UDP is still the development plan and the proposal should be in accordance with the plan; (This issue is addressed in Para's 7.7 – 7.10 inc. The key test missing from this statement in applying an extant but time expired plan is ..."unless material considerations dictate otherwise". A</p>

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6.1	056694	Hawarden Road, Penyffordd.		<p>lack of housing land supply is such a consideration and TAN1 advises this should be given “significant weight” in such circumstances.)</p> <p>11. There is no reference to the letter from Lesley Griffiths AM in February 2017 clarifying interpretation of TAN1; (This issue is addressed in Para 7.29)</p> <p>12. Lack of infrastructure to service the development generally, e.g. the road network cannot cope. (This issue is addressed in Para’s 7.45 – 7.53 inc in respect of highway and drainage infrastructure.)</p> <p>A point referenced by The Penyffordd Action Group highlights that no decisions have been referred to since the letter from Lesley Griffiths AM in February this year clarifying interpretation of TAN1. In support of this point, the representation refers to 3 appeal decisions (Llay, Rhosrobin (both in Wrexham County Borough) and Northop).</p> <p>In the case of the Rhosrobin appeal, the appointed Inspector identified that the issues of lack of 5 year housing supply and the sustainability merits of the proposals do not outweigh the need to protect the green barrier from inappropriate development. In that case therefore, the context is materially different to that which is before Members as this application does not relate to development within a green barrier.</p> <p>In the case of the Northop appeal, The Inspector noted the arguments in respect of lack of a 5 year housing land supply and the claimed sustainability of the proposals but concluded that the loss of Grade 2 agricultural land and the impact of the proposals upon the character and appearance of the open countryside in this location were such that harm would be occasioned to counter the weight of support for the proposal which would otherwise be derived from the</p>

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6.1	056694	Hawarden Road, Penyffordd.		<p>housing land supply and sustainability arguments. Such harm cannot be demonstrated in this case.</p> <p>In the case of the Llay decision, Members should note that this was an appeal recovered for the determination of the Welsh Ministers as the proposal was of a scale meeting the recovery criteria (more than 150 dwellings and a site in excess of 6 hectares in area). This case is therefore of a fundamentally different scale to the application proposals before Members. Furthermore, in ALLOWING the appeal, the Inspector identified that the shortfall in the supply of housing, in the context of an LDP in its early stages, was a significant material consideration of sufficient weight to justify departing from the development plan. In addition, the Inspector concluded that the proposal did amount to sustainable development, having regard to the sustainability principles as set out in Planning Policy Wales.</p> <p>This decision is consistent therefore with the application of local and national planning policies and the overall planning balance, as set out in this report. The conclusion drawn in that case, on the balance of the arguments, appears to provides support for the recommendation before Members, rather than providing support for the objector's position.</p> <p><u>Chief Officer (Planning & Environment)</u> Advises Members that confirmation has been received from the Planning inspectorate that a non-determination appeal has been accepted. Advises the start date of the appeal process to be 31.8.2017 and confirms that a 28 day 'dual jurisdiction' period runs from that date. Advises that the appeal will be determined via the written representations method.</p>

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6.2	057185	Land Adjacent Bryneithin, Gorsed.	Highways Development Control – Received 30 th August 2017.	No additional information has been received from the applicant to address the highways outstanding concerns therefore recommendation of highways officer is the increased use of the access onto the highway resulting from the proposed development, would by reason of the limited visibility from and of emerging vehicles be detrimental to highway safety.
6.2	057185	Land Adjacent Bryneithin, Gorsed.	Cadw Welsh Government – Received 31 st August 2017.	<ul style="list-style-type: none"> • The application area is located in close proximity to Scheduled Monument FL075 Y Gorsedd and Round Barrows. • This designated site is in two parts. FL075(a) Large Bronze Age and FL07(b) and another Bronze Age round barrow. • Scheduled Monument FL075a is located in open space clearly visible in winter from the road with the nearest buildings being Pen yr Orsedd 9.5 m away and Bryn Eithin 21m away – with the indicative position of the application some 15.5m away. It is likely that it will block or significantly screen views of the scheduled monument from the road and will enclose it further. • Thus the proposed development is likely to have an impact on the setting of the monument, which is a material consideration in the determination of this application, but given that the current application is in outline, it is not possible to determine the scale of this impact. • The current application does not include sufficient information for us to provide advice on this material consideration – Consequently we recommend that you request that the application provides more details of the proposed development; along with an

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				assessment of its impact on the setting of the Scheduled Monument – prepared in accordance with Welsh Government’s Best Proactive Guidance Setting of Heritage Assets in Wales (2017).
6.2	057185	Land Adjacent Bryneithin, Gorsed.	Applicant – received 28 th June 2017 (Supporting Planning Statement)	<p>Personal circumstances case:-</p> <p>Background information:-</p> <ul style="list-style-type: none"> • Applicants approaching their 80’s, find it a burden to maintain present garden and house. • Proposed plot would enable family member accommodation to enable family support to the applicant to remain in their current home.
6.3	057070	18 Moorfield Road, Hawarden.		<p>TYPOGRAPHICAL ERROR Paragraph 1.01 should read 18 Moorfields Road, Hawarden.</p> <p>TYPOGRAPHICAL ERROR Paragraph 7.04 should read ‘The lack of a similar extension on surrounding dwellings does not itself create a reason for refusal’.</p> <p>AMENDMENT The title for paragraph 7.07 should read ‘Other Matters’.</p>
6.3	057070	18 Moorfield Road, Hawarden.	Third Party Comments	5 further letters of objection have been received reiterating concerns outlined within Paragraph 4.01 of the report.
6.6	057278	1 William Close, Penyffordd.		<p>For clarification. The penultimate sentence of Paragraph 7.03 of Agenda item 6.6 (ref. 057278) reads:</p> <p>“As such I consider the proposal to be more in keeping with the character of the locality than the existing dwelling and therefore although the proposal would be a substantial increase the location.”</p>

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				<p>This should read:</p> <p>As such I consider the proposal to be more in keeping with the character of the locality than the existing dwelling and therefore although the proposal would be a substantial increase in floor area, it is an appropriate development in this location.</p>