

Gareth Owens LL.B Barrister/Bargyfreithiwr  
Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraidaidd



To: Cllr David Wisinger (Chairman)

CS/NG

Councillors: Chris Bithell, Derek Butler, David Cox,  
Ian Dunbar, Carol Ellis, David Evans, Jim Falshaw,  
Veronica Gay, Alison Halford, Ron Hampson,  
Patrick Heesom, Ray Hughes, Christine Jones,  
Richard Jones, Richard Lloyd, Billy Mullin,  
Mike Peers, Neville Phillips, Gareth Roberts and  
Owen Thomas

3 October 2012

Tracy Waters 01352 702331  
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Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 10TH OCTOBER, 2012** at **1.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

### **A G E N D A**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 1 - 16)

To confirm as a correct record the minutes of the meeting held on 5<sup>th</sup> September 2012.

- 5 **ITEMS TO BE DEFERRED**

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6 **REPORTS OF HEAD OF PLANNING**

The report of the Head of Planning is enclosed.

**REPORT OF HEAD OF PLANNING**  
**TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 10<sup>th</sup> OCTOBER 2012**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u></b>		
6.1	049981 - A	Full Application - Erection of Kelsterton Converter Station comprising valve halls, a control building and a spares building together with outdoor electrical equipment and associated infrastructure, security fencing, landscaped areas and habitat creation at Connah's Quay Power Station, Kelsterton Road, Connah's Quay (Pages 17 - 34)
6.2	049756 - A	Retrospective Application - Change of use from agricultural land to touring caravan and camping facility with ancillary buildings/structures at Fron Farm, Rhesycae Road, Hendre (Pages 35 - 46)
6.3	049803 - A	Full Application - Change of Use from Agricultural to Caravan Park with 27 No. Spaces Including the Conversion of Barn into Residential and Agricultural Shed into Campsite Facilities, Demolition of Existing Outbuildings, Formation of an Access, Construction of Three Fishing Pools, Parking and Ancillary Works at land opposite Stamford Way Farm, Stamford Way, Ewloe (Pages 47 - 62)
6.4	049812 - A	FULL APPLICATION - Siting of 18 No. static caravans at Pennant Park Golf Club, Saithfynnon, Whitford (Pages 63 - 72)
6.5	049694 - A	Full Application - Erection of a Protective Net Barrier at Mold Golf Club, Cilcain Road, Pantymwyn (Pages 73 - 78)
6.6	050014 - A	Full Application - Erection of a single 5kW domestic-scale micro wind turbine at Moss Giel, Calcoed Lane, Babell (Pages 79 - 86)
6.7	050016 - A	Full Application - Placement of a telecoms mast for a period of six months at Telephone Masts, Bridge Street, Shotton (Pages 87 - 92)

Item No	File Reference	DESCRIPTION
<b><u>Appeal Decision</u></b>		
6.8	048550	APPEAL BY J.T. HEWITT & SON LIMITED AGAINST FLINTSHIRE COUNTY COUNCIL'S DECISION TO REFUSE AN APPLICATION FOR FULL PLANNING PERMISSION FOR 8 NO. DWELLINGS AT A BUILDERS YARD, MAUDE STREET, CONNAH'S QUAY (Pages 93 - 98)



## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE** **5 SEPTEMBER 2012**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held on County Hall, Mold on Wednesday, 5 September 2012

### **PRESENT: Councillor: D.E. Wisinger (Chairman)**

Councillors: R.C. Bithell, D. Butler, D. Cox, I. Dunbar, C.A. Ellis, D. Evans, J. Falshaw, A.M. Halford, P.G. Heesom, C.M. Jones, R.B. Jones, R. Lloyd, M.J. Peers, N. Phillips, W.O. Thomas

### **SUBSTITUTIONS:**

Councillor: D.I. Mackie for V. Gay, C.A. Thomas for R. Hughes and P. Shotton for W. Mullin

### **APOLOGY:**

Councillor H.G. Roberts

### **ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillor R. Johnson – agenda item 6.1. Councillor C. Hinds – agenda items 6.2 and 6.3.

The following Councillors attended as observers:

Councillors: M. Bateman, H. Brown and G. Hardcastle

### **IN ATTENDANCE:**

Head of Planning, Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Team Leader, Senior Planners, Democracy & Governance Manager and Committee Officer

## **56. DECLARATIONS OF INTEREST**

Councillor I. Dunbar declared a personal interest in the following application due to applicant being a friend of the family:-

### **Agenda item 6.3 - Full Application – Erection Of A Dwelling At Land Side Of Talossamme, Abbots Lane, Penyffordd (049790)**

Councillor N. Phillips declared a personal interest in the following application due to being related to the applicant:-

### **Agenda item 6.4 - Full Application – Alterations To An Existing Agricultural Access On Land At Llinegr Hill, Ffynnongroyw (049849)**

Councillors I. Dunbar, C.A. Ellis and C.A. Thomas declared a personal interest in the following application due to being related to employees of Airbus:-

**Agenda Item 6.7 - Full Application – Additional Use Class B1 In Existing Buildings At British Aerospace Airbus Limited, Chester Road, Broughton (049821)**

Councillor M.J. Peers declared a personal and prejudicial interest in the following application due to family members being employees of Airbus:-

**Agenda Item 6.7 - Full Application – Additional Use Class B1 In Existing Buildings At British Aerospace Airbus Limited, Chester Road, Broughton (049821)**

Councillor D.I. Mackie declared a personal interest in the following application as he lived near the application site:-

**Agenda item 6.8 - Outline Application Seeking Approval Of Access And Scale – Erection Of Detached Dwelling At Earlscroft, Aston Hill, Ewloe (048746)**

**57. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting.

**58. MINUTES**

**Accuracy**

Councillor M.J. Peers referred to the fifth line of the second paragraph on page 20 and suggested that the words 'at the late observations stage' be added after the word 'received'.

Councillor Peers also referred to the third line of the second paragraph on page 21 and suggested that the words 'this was' be deleted and replaced with the words 'the proposed extension was'.

**Matters arising**

Following a comment from Councillor C.A. Thomas on bullet point 8 on page 7 about the establishment of a management company for the open space areas and whether the site could be offered for adoption to the Council, the Democracy & Governance Manager said that the transfer of land to the Council could not be legally required. Councillor Thomas said that it was of great concern to Members and spoke of two sites where the establishment of a management company had not worked.

**RESOLVED:**

That subject to the foregoing, the minutes be approved as a correct record and signed by the Chairman.

**59. ITEMS TO BE DEFERRED**

The Head of Planning advised that deferment of the following application was recommended:

**Agenda item 6.5 - Full application – Siting of 18 no. static caravans at Pennant Park Golf Club, Saithfynnon, Whitford (049812) - to allow for consultation with Whitford Community Council.**

On being put to the vote, consideration of the application was deferred.

**RESOLVED:**

That application 049812 be deferred.

**60. VARIATION OF CONDITION NO. 15 ATTACHED TO PLANNING PERMISSION REF 046595 CROES ATTI, CHESTER ROAD, OAKENHOLT (049425)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The Development Manager detailed the background to the report and the site history. He reminded Members that the outline planning permission was still extant and that the reserved matters approved in July 2008 included the complete road system to serve the site, including the access onto Prince of Wales Avenue. The separate reserved matters approval for 132 dwellings, granted in 2012, was the one to which Condition 15 applied. He referred to the Traffic Impact Assessment that had been requested and which had been assessed by an independent Transport Consultancy and it was the opinion of Planning and Highways officers that any highway reason for the condition could not be sustained. This left the amenity reason which again could not be sustained in the opinion of officers. The Development Manager drew the attention of Members to the late observations sheet, advising that if condition 15 should be removed that a Section 106 obligation be required, to restore the need for the highway contribution regarding traffic calming on Prince of Wales Avenue.

Mr. J. Yorke spoke against the application to remove the barrier. He said that the Committee had agreed to put the barriers in place and added that nothing had changed since that decision. He commented on the Traffic Impact Assessment and referred to an email from 2004 which indicated that Prince of Wales Avenue was not fit for purpose as an access for the site. He spoke of other sites which had barriers in place to prevent rat runs being created and said that if the barriers were removed this would allow traffic to bypass the traffic problems in Flint and use Prince of Wales Avenue as a rat run. He felt that Anwyl Homes Limited had not thought about the safety of the

residents of Prince of Wales Avenue and he urged Members to refuse the application to maintain the safety of residents.

Mr. S. Goodwin, the agent for the applicant, spoke in support of the application. He said that the introduction of the barriers had been imposed by the Committee against officer recommendation and added that it was contrary to the outline permission which had been granted. He said that the section 106 agreement and the development brief required three points of access to the site and included Prince of Wales Avenue as one of the access points. He indicated that it was intended to start on site within the next few months and there were no highway or amenity grounds to maintain condition 15. Mr. Goodwin said that the objectors had indicated that they did not want to hold up the development of the site, but added that they kept putting obstacles forward which did not allow work to commence.

Councillor R.C. Bithell proposed the recommendation to vary condition 15 which was duly seconded. He said that three access points had been required at the outline application stage so that the traffic would be divided to the three points. He said that the traffic problems would be increased if there were only two access points and that the accesses should be restored as had been originally intended. The evidence before Members was that Prince of Wales Avenue could take the traffic which would be generated and that the Impact Assessment had been considered by an independent Transport Consultancy. Councillor D. Cox supported the comments of Councillor Bithell and said that he felt that the objectors would like to see the whole application scrapped and started again which would not happen.

The local Member, Councillor R. Johnson, spoke against the proposal to remove the barrier as she felt that it was putting the safety of the residents in Prince of Wales Avenue at risk. She commented on the two schools and the old people's home situated on the road and said that the A548 needed addressing but not at the expense of Prince of Wales Avenue. The original permission had a barrier in place with less houses on the site and she felt that it did not make sense to double the number of houses and remove the barrier and she queried why the matter was being debated at all.

Councillor P.G. Heesom said that the levels of traffic which would be created if the barrier was removed would create a disamenity for the residents and added that in his view, the number of vehicles would be unbearable. He referred to paragraph 6.03 in relation to the development brief and said that at the time that the decision was made, the development brief had not been approved. He also referred to the memo from Chris Kay in 2004 which indicated that Prince of Wales Avenue was inappropriate as an access route for the site. There were no driveways on Prince of Wales Avenue which resulted in on street parking and Councillor Heesom said that for others to say that extra traffic generated by the removal of the barrier would not cause harm was incorrect. He felt that the request to vary the condition should be refused so that the barrier could remain.



Councillor R.B. Jones referred to paragraph 7.01 where the detail behind condition 15 was reported. He said that he had seen nothing to change his mind and that his view was that the barrier should remain.

Councillor A.M. Halford queried why building on the site had not commenced even though approval for the site had been granted for some time. She concurred that she did not think it was correct to overturn the decision without further evidence and that the barrier was proposed to protect the safety of the residents. Councillor D. Butler disagreed and felt that condition 15 should be removed. Councillor M.J. Peers referred to an estate in Buckley which had barriers between the two parts and said that in this case the decision to include the barrier had been made by the Committee and that it could be clearly seen that the removal would create a rat run. He said that the proposal in the report did little to protect the amenity of the residents and that in his opinion, the Committee should stick to its original decision. Councillor C.A. Thomas was concerned that the report did not contain any information on the impact the removal of the barrier would have on the occupants of the care home, the educational facilities or the impact on amenity. Councillor C.A. Ellis said that she would not support the recommendation. She commented on an application in her ward where the Committee had required barriers, contrary to the officers' recommendation, to protect the residents and school children. She felt that the removal of the barriers in this case would set a precedent.

In response to the comments made, the Development Manager said that the development brief in place at the outline planning permission stage included three points of access to allow the traffic to be shared. This was a legitimate application to allow the development to proceed in that manner and the applicants would appeal the decision if they were not successful. The site Cllr Peers had referred to in Buckley had been designed in two sections with bollards in between, but this site had not been designed in the same way. Whereas Members had indicated that they wanted the development to go ahead he advised that it had been assessed on the basis of the three points of access and that it would not work without all three. The Senior Highways Engineer confirmed that this was also the Highways view.

The Planning Strategy Manager confirmed that it was a long standing site which was to be developed on the basis of three points of access. He referred to some of the comments made by members regarding effect on amenity and suggested that only using two points of access would have a greater impact on the residents in those areas.

The Democracy & Governance Manager responded to the comments made and said that the applicant was entitled to put in the application before the Committee. He said that evidence was important and that if the application went to appeal, the inspector would look for evidence and that there would be a risk of costs being sought against the Council due to lack of evidence. He referred to a recent similar appeal at Mold where the effect of additional traffic on the amenity of residents had been cited and in which case costs had been awarded against the Council. Councillor P.G. Heesom asked

if the e-mail from Chris Kay referred to earlier could be used as evidence. Following comments from Members referring to recent Member training, the Democracy & Governance Manager quoted from the relevant costs circular and explained how opinion evidence was only allowed from experts in Court proceedings. He explained that the Council's current officers did not share the opinion of Chris Kay.

In summing up, Councillor Bithell said that some schools had been mentioned as being at risk if the bollards were removed but the school on the A548, which would suffer additional traffic if the bollards remained had not been raised, which he felt was inconsistent. He felt that the effect on the amenity could not be upheld in an inquiry and that the Authority's Highways officers and the independent traffic consultants had said that the condition 15 could not be maintained. He said that the evidence to remove the barrier was strong which Members needed to bear in mind.

On being put to the vote, the proposal to vary condition 15 and impose the section 106 agreement was LOST. A proposal was then received from Councillor Heesom to retain the bollards which was duly seconded. On being put to the vote, the proposal was CARRIED.

**RESOLVED:**

That the request to vary condition 15 be refused.

**61. RENEWAL OF OUTLINE PLANNING PERMISSION 045547 TO ALLOW THE ERECTION OF A DWELLING AT LAND SIDE OF TALOSSAMME, ABBOTS LANE, PENYFFORDD (049792)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 3<sup>rd</sup> September 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and drew Members' attention to the late observations sheet and the changes to the recommendation. Planning permission had been granted on appeal in 2009 and as the circumstances had not significantly changed, the recommendation was for approval of renewal of the outline permission. The inspector at the appeal had requested that the dwelling be single storey and Welsh Water, the Environment Agency and the Inspector had not raised any concerns about drainage.

Mr. D. Owen spoke against the application. He said that the application did not comply with the Unitary Development Plan (UDP) and that it was an extreme case of tandem development. The reduction in the garden space would diminish the amenity of neighbouring properties and the building of the four bedroom dwelling would exacerbate the drainage problems. He

felt that the proposal would only benefit the applicant and urged the Committee to support the UDP and refuse the application.

Mr. N. Price, the applicant, spoke in support of the application. He said that the application had been granted on appeal in 2009 and that as nothing had changed since then, that the application should be approved today. There had been problems with sewerage in the past but referred to correspondence from Welsh Water which indicated that they had no objections to the foul flow going into the public sewer. The width of the driveway was adequate for use by emergency vehicles and he hoped that the Committee would approve the application.

Councillor P.G. Heesom proposed the officer's recommendation for approval with additional condition which was duly seconded. The additional condition suggested was for an adequate screening scheme so that the dwelling would not be overbearing on neighbouring properties.

The local Member, Councillor C. Hinds, spoke against the application. She said that the previous application had been refused by Committee but had been overturned by the Inspector, which she felt was an insult to those who had backed the refusal. She felt that the proposal was not in keeping with the other properties in the area. The owners of Graigwen were not able to use their front door during periods of heavy rain so the access from their property would be onto the driveway for the proposed new dwelling, which she felt would be dangerous. She raised concerns about the drainage issues and said that she had evidence that there were significant problems with sewerage around the development site which had been ongoing for a number of years. Councillor Hinds asked that the application be deferred to allow for the completion of remedial works in the area by Welsh Water before the work on the development could be commenced.

The Head of Planning reminded Members that some of the comments by Councillor Hinds related to the next application on the agenda for the same site and that those should not be considered in their determination of this application.

Councillor M.J. Peers said that he was mindful of the decision by the Inspector and that the only option open to Members was to approve the renewal with the stated conditions to lessen the impact on neighbouring residents. Councillor R.B. Jones suggested that condition 5 from application 049790 – agenda item 6.3 (foul flows only permitted to discharge to the 150 mm public combined sewer in Abbots Lane) be included on this application.

In response to comments made, the officer confirmed that the proposed additional condition could be included on this application, that soakaways would be in place for the surface water and that a condition could also be included for screening. Councillor Heesom asked that the local Members be consulted over the wording of the proposed conditions.

**RESOLVED:**

That planning permission be granted subject to the:-

- (a) conditions detailed in the report of the Head of Planning;
- (b) removal of conditions 8 and 9 and the introduction of a new condition 8 as detailed in the late observations;
- (c) inclusion of condition 5 from application 049790 – agenda item 3 (foul flows only permitted to discharge to the 150 mm public combined sewer in Abbots Lane); and
- (d) inclusion of a condition for screening.

**62. FULL APPLICATION – ERECTION OF A DWELLING AT LAND SIDE OF TALOSSAMME, ABBOTS LANE, PENYFFORDD (049790)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 3<sup>rd</sup> September 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting. Councillor I. Dunbar, having earlier declared an interest in the application, left the meeting prior to its discussion.

The officer detailed the background to the report and said that the additional dwelling would not lead to any significant flooding in the area. The proposed height and distance from other properties were sufficient to not cause any loss of light. Permitted development rights would be removed so the Authority would have control over future changes to the property to protect local residents. It was considered that the dwelling would not have a detrimental impact and that Welsh Water had no objections to the scheme.

Mr. D. Owen spoke against the application saying that as this was a new application it could be dealt with differently. It was an extreme case of tandem development which was contrary to the Unitary Development Plan (UDP). He spoke of the front door of Graigwen which could not be used in bad weather and the safety issue that this would cause for small children. He felt that the problems with drainage would be exacerbated by the dwelling and that the development would have a detrimental impact on other residents because of the obtrusive gable ends which he felt should be reduced. He urged the Committee to refuse the application but added that if they were minded to approve it, that they reduce the size of the dwelling.

Mr. D. Evans, the applicant, spoke in support of the application. He said that provision had been made for soakaways which would exclude all rainwater from the drain and said that the driveway was wide enough for emergency vehicles to use if required. He had endeavoured to meet design

guidelines and the application complied with the UDP and with the decision of the Inspector for a single storey dwelling.

Councillor C.A. Thomas proposed deferment of the application, which was duly seconded. She was unhappy with the comments of Welsh Water as the local engineer had been called out a number of occasions due to significant problems in the area. She felt that they were only taking into account that it was a single dwelling and were not considering the problems which were already occurring in the area. Councillor A.M. Halford supported deferment due to the problems of drainage and the safety of the children in the neighbouring property.

Councillor R.B. Jones felt that deferment could not be supported as the previous application had been approved. Councillor Peers asked if it was possible to determine the application but to impose a condition that no work was to commence on the site before the required work was completed by Welsh Water. Councillor D. Cox asked if an end date had been provided for the completion of the works by Welsh Water. Councillor R.C. Bithell proposed that a 'Grampian Style' condition be imposed.

The Head of Planning said that he was not certain what a deferment would achieve. He confirmed that a 'Grampian Style' condition could be included and explained that this would require the approval and implementation of a scheme prior to commencement of the development.

Councillor R.C. Bithell proposed that the application be approved with the inclusion of a 'Grampian Style' condition, which was duly seconded. Councillor Thomas said that she had proposed deferment to request a letter from the local water engineer to indicate that the problems had been rectified before the development could commence.

On being put to the vote, the proposal to defer the application was LOST. A vote was then taken on Councillor Bithell's proposal to approve the application with the inclusion of a 'Grampian Style' condition and this was CARRIED.

**RESOLVED:**

That planning permission be granted subject to the:-

- (a) inclusion of a 'Grampian Style' condition;
- (b) conditions detailed in the report of the Head of Planning; and
- (c) removal of conditions 11 and 12 and the introduction of a new condition 11 as detailed in the late observations.

**63. FULL APPLICATION – ALTERATIONS TO AN EXISTING AGRICULTURAL ACCESS ON LAND AT LLINEGR HILL, FFYNNONGROYW (049849)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 3<sup>rd</sup> September 2012. The usual consultations had been undertaken and the responses received detailed in the report.

The officer detailed the background to the report explaining that the proposal was to upgrade the existing agricultural access to highway standard agricultural access requirements, thus improving it in terms of highway safety.

Mr. W. Jones spoke against the application. He said that this was the fifth in a series of applications, all of which had been refused and dismissed on appeal. He said that this was a special landscape area and to alter the access would detract from the character of the site. The removal of the hedge would have a detrimental impact and he believed that this application did not comply with policy GEN1 of the Unitary Development Plan (UDP). The existing entrance had been used for a significant number of years and he urged Members to refuse the application.

Mr. P. Eyton-Jones, the agent for the applicant, spoke in support of the application. He commented on the difficulty in accessing the land through the current access due to the steep drop in the land and said that this access would improve the safety aspect. He said that some of the objections indicated that the land was to be developed but he said that this was not the case in the current application, which he urged Members to approve.

Councillor W.O. Thomas proposed the recommendation for approval which was duly seconded. He felt that the current access was dangerous and said that the proposal would improve the access to the site.

Councillor R.C. Bithell said that he understood the comments of the objectors but that this application was only to improve the access to the field and that what might happen in the future could not be taken into account. Councillor P.G. Heesom spoke of concerns on the current access and added that the perceived future use was not a material consideration. Councillor C.A. Thomas asked for confirmation that the County Ecologist had been consulted on the proposal.

In response to comments made, the officer said that the previous applications had been refused on policy grounds and that that this proposal complied with policy. He confirmed that the County Ecologist had been consulted.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.

**64. FULL APPLICATION – SUBSTITUTION OF 9 HOUSE TYPES AT LAND AT FIELD FARM LANE, BUCKLEY (049712)**

The Committee considered the report of the Head of Planning in respect of this application which had been the subject of a site visit on 3<sup>rd</sup> September 2012. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and said that amended plans had been received from the applicant as a result of concerns of officers and residents. He highlighted paragraph 7.09 where it was reported that the proposed changes would comply with Council's Planning Guidance on Space Around Dwellings.

Ms. A. Snook, the agent for the applicant, spoke in support of the application. She explained that the request for changes in the house type was in response to market demands and would not result in an increase in the number of plots on the site. She added that new house types were not being introduced as the house types proposed were already on other parts of the site. On the concerns which had previously been raised about drainage, Ms. Snook said that work had been completed and added that the applicant had contributed £100,000 to the cost of the works. The application complied with planning policy and she requested that the Members approve the application.

Councillor A.M. Halford proposed the recommendation for approval which was duly seconded. She raised concern about a lack of enforcement when 22 families had moved into the site before the drainage issue had been completed and queried whether there were any conditions relating to the ransom strip.

The local Member, Councillor C.A. Ellis, spoke against the application, as she felt that the proposal would result in an extensive change and would have a detrimental impact on the properties Dovecote, The Chimneys and Field Farm as the orientation of the dwellings would change. She had been told the drainage issues had been addressed but spoke of the 22 properties which had been occupied before the upgrade had been completed. She felt that the enforcement issues were yet to be resolved. Councillor Ellis asked for clarification on legend H36 which was included in the original planning permission and whether it had been included in application 046845. There would be significant changes to the amenity of the occupants of The Chimneys if this application was approved and she felt that it would set a precedent for the rest of the site.

Councillor C.A. Thomas suggested that a condition be included about the hours of working as residents had indicated that work commenced on the site at 7.30am on Saturday mornings. Councillor Halford indicated that she would include this in her proposal to approve the application.

In response to comments made, the officer said that it was acknowledged that the layout was significantly different to what had previously been approved but that the changes resulted in the dwellings following the building line of what was already in place. The drainage issues had been resolved and the proposal was recommended for approval. He confirmed that he would make enquiries about legend H36 and would let Councillor Ellis know.

Councillor R.B. Jones commented on the affordable housing element and asked whether this would be affected by the substitution of the house types. The officer responded that there was no requirement for affordable housing in the outline application which had been approved in 2004. He added that the application did not change the mix of what was originally proposed.

In summing up, Councillor Halford said that the proposal was to approve the application including the additional condition reported in the late observations. She added that discussions were needed between Councillor Ellis and the officer about Legend H36 and asked that she be provided with a written response about the lack of enforcement action on the 22 houses commented on earlier.

**RESOLVED:**

That planning permission be granted subject to the additional condition reported in the late observations, the requested condition about hours of working and subject to the conditions detailed in the report of the Head of Planning.

**65. FULL APPLICATION – ADDITIONAL USE CLASS B1 IN EXISTING BUILDINGS AT BRITISH AEROSPACE AIRBUS LIMITED, CHESTER ROAD, BROUGHTON (049821)**

The Committee considered the report of the Head of Planning in respect of this application. The usual consultations had been undertaken and the responses received detailed in the report. Councillor M.J. Peers who had earlier declared an interest in the application, left the meeting prior to its discussion.

The Development Manager introduced the item, referring to an earlier application which had been the subject of a site visit in view of concerns over traffic and residential amenity. He pointed out that on the current application access was onto the airfield site and that a condition was proposed preventing use of the private road onto Manor Lane. Councillor P.G. Heesom proposed the recommendation for approval which was duly seconded.

**RESOLVED:**

That planning permission be granted subject to the conditions detailed in the report of the Head of Planning.



66. **APPLICATION FOR OUTLINE PLANNING PERMISSION SEEKING APPROVAL OF ACCESS AND SCALE – ERECTION OF DETACHED DWELLING AT EARLSCROFT, ASTON HILL, EWLOE (048746)**

The Committee considered the report of the Head of Planning in respect of this application. Additional comments received since the preparation of the report were circulated at the meeting.

The officer detailed the background to the report and referred Members to the late observations where an amendment to the recommendation in paragraph 7.01 was reported.

Councillor R.C. Bithell felt that the money should be held by the Authority as he felt that there was an increased risk of the money going missing if it was held by the applicant. In response, the Head of Planning said that a significant amount of work had been undertaken on Section 106 agreements and that there were now mechanisms in place to ensure that the money would be accounted for.

Councillor A.M. Halford proposed the recommendation to vary the requirements of the Section 106 Agreement which was duly seconded.

**RESOLVED:**

That the resolution in respect of the provisions of the Section 106 agreement relating to the site be amended to allow for the commuted sum in lieu of on site affordable home provision to be delivered in the manner set out in the report.

67. **APPEAL BY REDROW HOMES NW AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEVELOPMENT PROPOSED IS THE ERECTION OF 45 NO. DWELLINGS AND ASSOCIATED GARAGES AND PARKING, INCLUDING THE PROVISION OF 4 NO. AFFORDABLE UNITS AND DEMOLITION OF CURRENT OUT-BUILDINGS AT LAND AT OVERLEA DRIVE, HAWARDEN (048032)**

The Head of Planning and the Planning Strategy Manager commented on key points within the Inspector's decision letter, particularly with regard to the flexible approach to affordable housing. Councillor C.A. Thomas referred to the play area and highlighted paragraph 6.03 and suggested that for future applications, play provision in a more central part of the site be considered. Councillor P.G. Heesom felt that more information was required on the affordable housing element.

In response to a comment from Councillor M.J. Peers on paragraph 6.01, the Head of Planning said that the wording was the interpretation of the inspector. He added that the appeal decision would be referred to Planning Protocol Working Group for discussion.

**RESOLVED:**

That the decision of the inspector to allow the appeal be noted.

**68. APPEAL BY MR. L WARD FOR THE REFUSAL OF PLANNING PERMISSION FOR VARIATION OF CONDITION NO. 2 ATTACHED TO PLANNING PERMISSION REF. 045753 TO ALLOW FOR 12 MONTH HOLIDAY SEASON AT CAERWYS CASTLE CARAVAN PARK, CAERWYS HILL, CAERWYS (049192)**

The Head of Planning advised that officers had written to the inspector about the decision which had been reached. He highlighted in particular the substitute condition 2 suggested by the Inspector which the Head of Planning felt would cause great practical difficulties in enforcing. The decision of the Inspector also referred to the view of local Members being swayed by third parties in the reaching of the decision but the Head of Planning indicated that this application had been determined by delegated powers and had therefore not been considered by Committee.

In response to a query from Councillor D. Butler, the Senior Planning Officer explained that a response was still awaited to the letter which had been sent to the Inspector.

Councillor R.C. Bithell suggested that a letter be sent to the Minister to make him aware of the concerns which had been raised.

**RESOLVED:**

- (a) That the decision of the inspector to allow the appeal be noted; and
- (b) That a letter be sent to the Minister to raise the concern of Members on the decision made by the Inspector.

**69. APPEAL BY MR. C. RIDGWAY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RETROSPECTIVE APPLICATION FOR THE RETENTION OF A BUILDING FOR USE AS AN OFFICE ANCILLARY TO THE MAIN DWELLING AT CALEDFWLCH, FFORDD PENTRE BACH, NERCWYS (049211)**

The Development Manager detailed the background to the appeal, whereby the building was initially submitted as a single storey garage but had been laid out as a suite of offices with space at first floor level. He said that the Inspector had decided the building was acceptable in visual terms but conditioned that it be ancillary to the main dwelling, which it was unlikely to be. He added that it made it difficult for enforcement as once the building was used as an office it would have to be monitored to decide if a change of use had occurred.

**RESOLVED:**

- (a) That the decision of the inspector to allow the appeal be noted; and
- (b) That this decision be included in the letter to be sent to the Minister.

**70. DURATION OF MEETING**

The meeting commenced at 1.00 pm and ended at 4.12 pm.

**71. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were 13 members of the public and 2 members of the press in attendance.

.....  
**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **10<sup>TH</sup> OCTOBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION - ERECTION OF KELSTERTON CONVERTER STATION COMPRISING VALVE HALLS, A CONTROL BUILDING AND A SPARES BUILDING TOGETHER WITH OUTDOOR ELECTRICAL EQUIPMENT AND ASSOCIATED INFRASTRUCTURE, SECURITY FENCING, LANDSCAPED AREAS AND HABITAT CREATION AT "CONNAH'S QUAY POWER STATION", KELSTERTON ROAD, CONNAH'S QUAY, DEESIDE**

**APPLICATION NUMBER:** **049981**

**APPLICANT:** **NATIONAL GRID**

**SITE:** **"CONNAH'S QUAY POWER STATION", KELSTERTON ROAD, CONNAH'S QUAY, DEESIDE**

**APPLICATION VALID DATE:** **24.07.2012**

**LOCAL MEMBERS:** **CLLRS P. SHOTTON & P. MACFARLANE**

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

**REASON FOR COMMITTEE:** **MAJOR DEVELOPMENT, SCALE, HEIGHT, NOISE LEVELS**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 The proposal is a full planning application for erection of converter station comprising valve halls, a control building and a spares building together with outdoor electrical equipment and associated infrastructure including security fencing, landscaped areas and habitat creation at "Connah's Quay Power Station", Kelsterton Road, Connah's Quay, Deeside. The converter station will link the Scottish and English/Welsh electricity transmission networks via a Western

Voltage Direct Current (HVDC) subsea cable. The converter station will allow for electricity to be converted from direct currents to alternating current for onwards transmission onto the existing electricity network and also would allow for a two way flow between. The Western (HVDC) link will increase cross-border transmission capacity on the GB Transmission System and support the continued development of renewable energy generation in line with Government and European targets. The issues for consideration are the principle of development/planning policy context, impacts on adjacent residential amenities, visual impacts, highways, ecology and drainage.

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

- 2.01 The proposed development is recommended for planning permission subject to the following conditions,
1. Five year time limit.
  2. In accordance with approved plans.
  3. Foul and surface water to be drained separately.
  4. No surface water to connect to public sewerage system unless otherwise approved by Local Planning Authority.
  5. Land drainage run-off not permitted to discharge to public sewerage system.
  6. No development to commence until a scheme approved for comprehensive/integrated drainage of the site showing foul, surface and land drainage and a strategy for containment of any operational spillages of oil.
  7. All buildings to be located at 7.49 AOD and safe access routes from site at 7.30 AOD as indicated at Section 6.2 of the FCA.
  8. Flood emergency response plan as per section 6.2 of the FCA.
  9. Traffic Management Plan to be submitted for approval setting out site access/egress arrangements, delivery routes/times, emergency vehicle routes.
  10. Submission and approval of contamination strategy and all remedial works.
  11. Prior to commencement of development, details to be submitted for approval of the surface treatment, boundary treatment and lighting of the All Wales Coastal Path and Sustrans Route, which runs along the southern boundary of the site and to include a timeframe for implementation. Any implemented route, shall thereafter be exclusively retained for this purpose.
  12. Hours of operation to be submitted and approved.
  13. Lighting requirements of overall site to be submitted and approved and to include the use of timers and/or motion sensors.
  14. Noise attenuation scheme to include minimum construction noise and operational noise and noise monitoring.
  15. Implementation of hard and soft landscaping scheme and to include long term management of mitigation land adjacent to

- the River Dee and also to make provision for otter habitat.
16. Details for a scheme indicating hard and soft landscaping works and/or any necessary land profiling and to include advanced nursery stock and the timing of such works.
  17. Submission/approval of an Environmental Management Plan.
  18. Development to be carried out in accordance with mitigation works as stated at Table 17-1 of the submitted Environmental Report (excluding D13).
  19. Prior to commencement of development details shall be submitted indicating barriers to stop wildlife gaining access to the construction site and restriction of construction activities/machinery to specific areas.
  20. Any material imported onto the site shall be submitted for approval to confirm that it contains no contaminants.
  21. Confirmation of the timing of works in regards to nesting birds and mitigation if necessary.
  22. The existing conifer trees adjacent to the southern boundary of the site to be retained and incorporated into an overall landscape plan for the site.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

##### Cllr. P. Shotton

Requests application be referred to Planning Committee and there be a Committee Site Inspection due to strong concerns over height and noise levels and also states residents would prefer converter located onto the north side of river.

##### Cllr. P. MacFarlane

Requests the application be referred to Planning Committee and there be a Committee site inspection due to the proposal being a major development and there are considerable local concerns surrounding the application. Has been advised that due to the proximity of his home to the site he has a "prejudicial interest" in the application.

##### Adjacent Member

##### Cllr. J.B. Attridge

Agrees to determination under delegated powers

##### Connahs Quay Town Council

Reiterates its support for local residents objections on the grounds of scale and size together with the potential for noise pollution should the development take place

##### Head of Assets and Transportation

No objections

Environment (Rights of Way)

Public footpaths 27 & 28 which run through/adjacent to the site are going to be the subject of diversion orders

Network Rail

No objection in principle

Civil Contingencies Manager

No comments or objections

SP Powersystems

Note to applicant advising of need to contact SPPS to identify the location of plant/apparatus

Civil Aviation Authority

No specific comment

The Coal Authority

Draw applicants attention to an informative note

Countryside Council for Wales

Not likely to have an adverse effect on national heritage interests.  
Does not object

Dwr Cymru/Welsh Water

Advisory notes.

Wales and West Utilities

Draw attention to recorded apparatus in the area.

Airbus Health and Safety Executive Hawarden Installation Directorate

Does not advise on safety grounds against the granting of planning permission.

Clwyd Badger Group

Ask that mitigation be included to allow for loss of foraging by planting of trees and shrubs to provide fruit and to allow some ground foraging around the development when it is completed.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

The proposed development has been advertised by way of press and site notices and neighbour letters/e mails.

Four letters of objection have been received which can be summarised as follows,

- Concerned over the high risks due to dust pollution and noise



pollution during construction or operation.

- Concerned about light pollution
- Concerned that development works would be carried out on contaminated land where harmful materials reside such as asbestos
- Due to proximity of adjacent residential property no type of mitigation could protect residential amenity
- Questions why the converter station can't be located to the north side of the river Dee
- Questions the accuracy of the submitted environmental reports

## **5.00 SITE HISTORY**

- 5.01 The site was formerly the Connah's Quay Coal Fired Power Station which operated up to 1982 before being demolished in 1992.

### **049136**

Outline application for the erection of converter station comprising a maximum 3 No. building units housing specialist electrical equipment and associated works on land at "Connahs Quay Power Station".  
Refused on 17<sup>th</sup> February 2012 for the following reasons,

"The proposed development close to residential development would, due to its noise and visual impacts, be potentially detrimental to the residential/visual impacts, be potentially detrimental to the residential/visual amenities of the area."

This decision is now the subject of an appeal which is to be heard by way of public inquiry which is scheduled to be heard on the 12<sup>th</sup>-14<sup>th</sup> December.

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy GEN1 - General Development Control Requirement  
Policy D1 - Design Quality  
Policy D2 - Location and Layout  
Policy D3 - Building Design  
Policy EM1 - Employment Uses  
Policy EM6 - Protection of Employment Land  
Policy EWPF16 - Flood Risk  
Policy AC18 - Parking Provision and New Development  
Policy CF9 - Development of Utilities  
Policy L3 - Green Spaces  
Policy WB2 - Sites of International Importance  
Policy WB3 - Statutory Sites of National Importance  
TAN5 - Nature Conservation and Planning  
TAN8 - Planning for Renewable Energy  
TAN12 - Design

TAN15 - Development and Flood Risk

TAN18 - Transport

TAN22 - Planning For Sustainable

Planning Policy Wales 2012

The proposal would generally comply with the above policies and advice

## **7.00 PLANNING APPRAISAL**

### **7.01 Proposed Development with General Overview and Site Description**

The proposal is a full planning application for erection of converter station comprising valve halls, a control building and a spares building together with outdoor electrical equipment and associated infrastructure including security fencing, landscaped areas and habitat creation at "Connah's Quay Power Station", Kelsterton Road, Connah's Quay, Deeside.

### **7.02 The application is further detailed as follows:**

- Valve Hall/DC Buildings, control building and spare parts store. Approx. internal floor area of 7143 sq.m. ranging in height from approx. 10 metres to 25 metres. The proposed buildings are linked as one unit, are contemporary in design and would utilise primarily metal cladding for the roof/walls and brick plinths
- Converter transformers. Steps AC voltage back up for onward transmission, following its conversion from DC in the valve hall. The transformer units are sited outdoors and are contained within fire and acoustic walls.
- Landscaped mounding to approx. 4.5 metres high to the southern/eastern boundary adjacent to the railway line, additional landscaping/ecological buffer and wetland creation to the eastern/northern boundaries
- Noise walls. Three in total. To the southern boundary will be 12 metres high. The northern wall will be 10 metres high and there will be a 15 metre high wall to the rear of the spare parts building.
- SUDS compliant drainage system including filtration trenches, soakaway, oil interceptors and oil sump tanks.
- Access. The proposed access for the site is indicated as via a private road onto Kelsterton road opposite the athletics track. The proposed temporary access during construction works is indicated via a private road which links further along to the west onto the A548 Chester Road past the Connah's Quay Power Station access road.

### **7.03 The application is accompanied by a Design and Access Statement, Planning Statement, Environmental Reports, Flood Consequences Assessment, and a Tree Survey. Members should be aware that any onshore cables linking the proposed development to off shore cables do not require formal planning permission and are not being**

considered as part of the application.

7.04 The Government has set ambitious targets to increase renewable energy generation and to combat climate change. In order to achieve this major reinforcements of the current transmission system are proposed with the Western Voltage Direct Current (WHVDC) link being one such reinforcement. The WHVDC will connect the electricity transmission network in Scotland with England and Wales by subsea HVDC cable. At present the electricity transmission system between Scotland and England is operating at full capacity. The WHVDC link will increase cross border transmission capacity and support the continued development of renewable energy generation in line with the UK and European targets. The WHVDC link comprises a converter station and substation at Hunterston in North Ayrshire which will connect to the existing system and be transmitted via subsea and underground cables to a converter station at Connah's Quay where the electricity would be converted from DC to AC for onwards transmission onto the existing electricity network.

7.05 The applicant studied potential sites across the Dee Estuary area with the majority of sites being discounted for reasons including visual impact, contamination, impacts on existing industrial uses and being adjacent to the SSSI. The considered sites are detailed as follows,

Site 1 – The proposed application site

Site 2 – Vacant E.ON land to the west of the existing Connah's Quay power Station on the southern banks of the river Dee

Site 3- Deeside Industrial Estate .Vacant land located on the north of the river Dee

Site 4 – Vacant land within the UPM Paper Mill site

Site 5 – Birkenhead Junction East, vacant land Deeside Industrial Estate

Site 6 – Agricultural land forming part of the former RAF Sealand Airfield

Site 7 – Vacant land on Deeside Industrial Estate

Site 8 – Vacant land to the north of Deeside Industrial Estate

Site 9 – Vacant land to the west of Deeside Industrial Estate adjacent to the Dee Estuary

7.06 The application site was chosen as the best option to develop the converter station due to it being a former power station site and considered in keeping with the existing adjacent land uses which include electricity generation and transmission and will be seen in the context of the wider industrial area. The site would require the shortest length of AC cable to connect the converter station to the adjacent Deeside substation, minimising the River Dee cable crossing requirements and potential to affect the River Dee and Estuary protected sites.

7.07 The application site is previously developed land where prior to its

demolition in the 1990's stood the former Connah's Quay coal fired power station. The site is located to the south of the new Flintshire Bridge and covers an area of approximately 17 hectares. To the north and east of the site is the River Dee, to the north west is an existing substation (beyond which is Connah's Quay power station). The site is bounded to the south by the main north Wales railway line beyond which are residential properties and a public open space which fronts onto Kelsterton Road/Church Street.

- The applicant maintains the revised design reduces the built footprint of the valve halls / ancillary building by over half from approximately 17550m<sup>2</sup> to 6400m<sup>2</sup> which significantly reduces the scale of the valve halls.
- Height of the valve halls has been reduced from 30m to a maximum of 25m.
- The valve halls are separated by a lower height link building to provide a break in the roof line and built frontage to the south western elevation facing Connah's Quay.
- A building of significant architectural merit has been designed to respond to the character of traditional built form within Connah's Quay.
- The previously refused outline planning permission referred to at paragraph 5 of this report was accompanied by an Outline Design Framework (ODF). At that time the applicant has not clarified the exact design of the converter station and as a result the ODF indicated the maximum possible parameters in regards to its design / layout.
- Outdoor electrical equipment / noise walls have been developed to a greater level of detail which shows a maximum height of 18m.

7.08 The applicant maintains the previously refused design in the outline planning application and the current design differ as follows:

- Height, scale and massing of the valve halls have been considerable reduced in comparison to the original ODF.
- Current application will have electrical equipment reducing in height from 12-15 metres with the exception being two gantry towers at 23.5m. The height of the noise walls are primarily between 10-12m which are within the parameters of the ODF.
- Acoustic walls along the south western boundary facing Connah's Quay will be 12m high and are designed to have a minimal visual impact with the top 2metres, being constructed in a transparent material, with the walls having graded colour tones and vertical timber boarding to provide a contrasting element to create visual interest.
- Woodland planting within the landscape buffer along the south western boundary has been widened from 15-30m (at the widest point). There will be a 5m high earth mound proposed along south western boundary to provide additional screening

which will include a high proportion of advanced nursery stock trees (4-6m high in the year of planting) to provide some initial effect.

#### 7.08 Principle of Development

Within the UDP the site falls under the remit of Policy EM1 (General Employment Land Allocations) which allocates the land for the following employment uses B1 (Business Use), B2 (General Industry) and B8 (Storage and Distribution). The proposed development is considered acceptable in principle as regards the UDP i.e., industrial type development in an area zoned for industry, reuses "brownfield" land and it would enhance the provision of security of supply of electricity. Also the site whilst allocated for B1, B2 & B8 industrial uses, it is considered to have limitations for industrial use due to site constraints e.g. access/electrical infrastructure. The other sites considered by the applicant are within the Deeside Development Zone and the Deeside Enterprise Zone which are considered more strategically important sites in regards to employment potential and which are more likely to be progressed for employment purposes over and beyond that of the application site.

#### 7.09 Design and Appearance

Within the site the applicant considered four possible locations for the siting of the valve halls / linked building as these would be the most visually dominant elements of the scheme. The options were as follows,

Option 1 – south west corner of the site parallel to the railway line / Kelsterton Road.

Option 2 – south west of the site (perpendicular to the railway)

Option 3 - north of the site (parallel to the railway line but some 200 metres from it)

Option 4 – north east of the site (perpendicular to the railway)

Each of these is considered in detail in the Design and Access Statement (DAS), with representations of their relative impact from a physical, visual and acoustic perspective. The DAS concludes that Option 1 is favoured from an architectural perspective for the following reasons :

Option 1 was selected as the preferred option as it responds most positively to all these requirements and considerations:

- Being sited furthest away from the River Dee it positions the largest built form away from the important area of nature conservation – the Dee corridor. It should be noted that a number of environmental bodies have been consulted at various stages in the application and they approve of this location from an ecological perspective.

- In this position the building responds to the site's historic precedent. The building's orientation and position follows the historic position of the large scale brick offices of the former coal fired power station.
- In this orientation and position the Valve Hall buildings also follow the historic grain of Connah's Quay and its linear forces which are created by the railway and Church Street.
- With the Valve Halls located in this location the existing leylandii trees will provide a degree of instant mature screening thereby helping to integrate the buildings into the landscape from the outset.
- In regards to views and visual impact with the building in this position and orientation the working facade of the Valve Halls is facing away from the town.
- Also relating to views in this orientation a significant proportion of the external electrical equipment will be screened by the building.

As regards the visual analysis of the proposal the applicant states

In addition to the architectural design measures, the visual mitigation of permanent effects also includes the following landscape measures:

- The valve halls have been located in the most visually enclosed part of the site, set back from the site boundary as far as possible to reduce the perception of visual enclosure in views from the adjacent settlement in Connah's Quay, and to utilise screening potential of retained vegetation;
- The valve halls have been positioned to appear as an extension to existing, adjacent development in views, to reduce the potential urbanising effect on the Dee Estuary, a key landscape feature in a number of key views;
- The orientation of the valve halls will utilise the buildings as a visual barrier to screen views of the electrical infrastructure in views from the south and west, and will foreshorten the buildings to some degree in oblique views of the site from the closest residential properties in Connah's Quay to the north west (Kelsterton Road) and south east (Dee View) where receptors will face the narrowest elevation to help to reduce potential effects on enclosure and intrusion;
- Creation of a planted buffer on three sides of the development will help to reduce the overall visual prominence of the site, and restrict the potential footprint of the development to an appropriate size for the site;
- The valve halls have been located away from the immediate setting of the A548 road bridge, to avoid the potential for obscuring views of it, particularly in views along or across the Dee Estuary;

- Retention of the row of evergreen trees to the southern boundary of the site to maintain a visual screen in the short term. The existing trees will be supplemented and eventually replaced by a [20-30]m wide belt of native woodland planting on earth mounding to provide a long term visual screen and buffer to the development;
- Proposed planting will contain a mix of sizes, including some evergreen species and a high percentage of advanced nursery stock trees in key areas to provide an instant visual effect. Planting will be undertaken in advance of the development to help establish proposed native planting and provide an immediate impact upon completion of the development;
- Native planting within the ecological buffer will help to visually integrate the site in views in the medium to long term and screen close proximity views from the south east;
- Security fencing will be located behind proposed planting/mounding areas where possible to reduce visual prominence in close proximity views; and
- Lighting will be directional and designed to minimise light spillage and/or glare.

The applicant has provided a series of photomontages to illustrate the potential visual impact of possible structures on the site when viewed from Church Road at Years 1 and 15 of the development.

7.10

#### Design

The proposed development is contemporary in design terms and the applicant has drawn inspiration from the immediate locality to inform that design process and also from the functionality of the development itself. The valve hall building would convert DC electricity into AC electricity. As AC electricity travels in a wave pattern – the roof has been designed to reflect this. The proposed palette of colours takes its inspiration from local contexts, for example, the inspiration for a green coloured roof has come from:

- The existing natural landscaping which is visible in certain parts of Connah's Quay i.e. Wepre Park
- The Welsh national colours echoed in the Connah's Quay Coat of Arms
- Aerial photograph of the salt marshlands to the north of the Dee and to a certain extent the site itself.

The DAS maintains that the regimented roof form breaks free at what would be eaves level on a more conventional building, where it curves over the top of the wall around the southern boundary (facing into Connah's Quay) to avoid a sharp obtrusive eaves line.

The applicant's acoustic specialist has recommended that a number of Acoustic walls are required in order to keep the operational noise from the Converter station below existing background noise

levels. These walls have got to be not only functional but they need to be designed appropriately bearing in mind their height and extent.

As regards the southern wall i.e. facing onto Connah's Quay it will be made of metal cladding with graded colours from green to white and a top 2 metres constructed from a clear Perspex acoustic panel. The southern walls will also have timber fins fitted to provide a sculptural element and to link the acoustic wall to the design of the main building to create a wave form when viewed from a distance.

The northern wall will be located much further into the site and at 10 metres is 2 metres lower than the southern wall. The acoustic wall to the north facing elevation of the valve hall building and to the west of the spare parts building will be 15m high. Both of these walls incorporate the design principles referred to in the paragraph above as applied to the southern wall.

The overall design principles will not be replicated at the lower levels as they will largely be screened by a landscaped mound which extends along the southern boundary of the site, curves to the east and partially follows the eastern boundary. The mound will be approximately 4.5 metres high and planted with vegetation and trees. It is proposed to plant a number of semi-mature trees (4-6 metres high) at appropriate locations on the brow of the mound.

There is an ecologically buffer to the north and east of the site to separate the site from the River Dee. This buffer should enhance existing habitats, improve biodiversity and maintain habitat along the bank of the River Dee.

Currently views from Kelsterton Road/Church Street into the site are dominated by existing vertical features such as electricity pylons/overhead lines and the A546 bridge, both of which are prominent urbanising features. Whilst there is a degree of subjectivity in regards to appraisal of the visual impacts of any development, the applicant's visual analysis and design rationale is considered, on balance, to be a reasonable interpretation of the wider environment and a response which is a form of development which would not appear out of character with this setting. In broad terms the development would be seen against an existing industrial backdrop. Any buildings on the site would benefit from existing landscaping in the form of mature conifers (to be retained by condition) which are located to the southern boundary, and these would be supplemented by further landscape works within the site. The scale of the development means it will be seen from distant views to the north i.e. the Deeside Industrial Park side/estuary however, these views are set against and filtered by existing commercial/industrial development of a similar scale/nature to that proposed.

The scheme was submitted to the Design Commission for Wales



whose principle comments related to the following,

- The design of the acoustic walls (they were deemed overly visually fussy and could have the opposite effect in visual terms to what was envisaged i.e. would draw the observer's eye to them
- The material on the roof of the main structure should be copper due to its patina and visual qualities as it ages
- Landscaping would soften the impact of the proposal however a structure of the scale proposed could never possibly be screened fully.

7.11

#### Effect on Residential Amenity

Whilst the site is located mainly opposite the Church Street park, it does extend over a wider area. The nearest residential properties to the site would be those found along Kelsterton Road/Church Road/Rock Cottages/Bank Road. The buildings on the site would be located behind the existing mature conifer hedging which would also be supplemented by a further landscaped mounded area which would act as a visual buffer between the site and the residential properties. The applicant has stated that landscape works would be undertaken as part of the initial construction programme so that planting is at a more mature stage by the time construction is complete and that within the planting more mature stock would be used to provide rapid visual mitigation - this planting can be secured via an appropriately worded planning condition.

Whilst Members concerns regarding the visual impacts of the previously proposed outline development were subsequently incorporated into the reasons for refusing that particular development, the applicant in this full application has sought to overcome those concerns as detailed above in this report. As explained earlier the visual impacts of any proposal can be subjective and in this instance (on balance) the impact of the proposed development is not considered unduly detrimental to the visual amenities of residential properties located primarily to the southern boundary of the site beyond the existing railway lines.

Members concerns over noise impacts with regards to the previously refused application have been expanded / clarified by the applicant in this detailed proposal. The applicant states that the findings of the acoustic report determined that noise emissions from the proposal needed to be kept below current background levels. The applicant undertook noise monitoring at a number of locations in order to establish existing day and night time background noise levels with a focus on locations to the south and east of the site along Church Street and Kelsterton Road. The applicant also prepared noise models based on predicted noise generated by a converter station.

A range of mitigation measures has been included in the detailed design of the proposed converter station. This includes reducing noise at source through the use of noise enclosures or equipment design, as well as use of acoustic walls or barriers to provide further noise reduction if required. Mitigation measures incorporated in the detailed site design and subsequent noise prediction model include the following:

- Layout and orientation of site infrastructure to maximise the distance between noise sources and receptors and use of site buildings and firewalls as barriers;
- Use of acoustic hoods on converter transformer tanks and shunt reactor tank;
- Use of noise hoods on filter reactors;
- Acoustic screens around filter banks;
- The use of high damping facades where practicable;
- Low noise designs on cooling fans;
- Staged operation of pumps and fans on cooler banks;
- Insulation and sound proofing of building units; and
- Use of acoustic walls or barriers at the site boundary.

The Council's Public Protection Manager has not raised any objections to the proposed development on noise grounds subject to appropriately worded conditions. The submitted noise information indicates that the proposal is not likely to have a significant noise effect on nearby residential properties, nonetheless a noise attenuation scheme should form part of the conditions attached to any planning permission with such a scheme making reference to specific noise generated by all buildings/plant/machines relative to sensitive noise receptors at pre and post construction stages and also to include use of acoustic enclosures/noise hoods/filter reactors / screens /walls /barriers /walls, use of high "damping" facades insulation / sound proofing to buildings, and in particular potential for noise generated along the site's southern boundaries. Lighting of the site does have the potential to affect adjacent residential amenity, however, an appropriately worded planning condition should ensure that unnecessary light spillage is minimised and directed away from residential properties. Therefore, overall, the proposal is not considered detrimental to adjacent residential amenity as the site is considered to be reasonably well distant from those residential properties and would be subject to additional landscape mitigation to reduce the visual impact by way of planting to the boundaries of the site.

7.12

### Ecology

The site is located in close proximity to internationally/nationally designated sites of ecological importance i.e. the Dee Estuary SSSI/SAC/SPA/Ramsar Site and River Dee SAC. The site comprises a variety of habitats ranging from vegetation and improved grassland to scrub and scattered trees with areas of these habitats being lost

due to the footprint of the works, however, areas of each will be retained and enhanced within the landscaping/ecological mitigation areas in addition to new areas of woodland being created. The applicant's Environmental report stated that protected species surveys were undertaken to identify the presence, or potential presence of mammals and/or birds at and close to the proposed site. During construction, the converter station would have potential effects on legally protected faunal species including badger, bats, otters, water voles, breeding and wintering birds, and reptiles. These effects can be mitigated for by programming of the works to avoid working during key parts of the day or year for species such as birds, badger and bats, and adhering to standard guidelines covering issues such as pollution control. The applicant states that in taking mitigation measures into account, there will be no significant effects on species of note during construction. The applicant is of the opinion that no designated sites will be directly adversely affected by the proposed works, however, the adjacent statutory designated sites associated with the Dee Estuary and River Dee have the potential to be indirectly adversely affected. The applicant maintains that appropriate mitigation will be implemented including the creation of a linear mitigation area adjacent to the inter tidal habitats and pollution prevention procedures/treatment of surface water runoff from higher risk areas within the site e.g. diesel generator/car parking and prevention of light spill into the designated sites through lighting design and timing of works. The construction period will be temporary and provided those works are carried out in accordance with mitigation and precautionary measures as stated in the Environmental Report and reinforced in the Council's conditions then any adverse effects will be avoided. It is considered there will be no adverse effects during the operation of the converter station providing the stated mitigation/precautionary measures are carried out and appropriate planning conditions attached. The council's ecologist and the Countryside Council for Wales have not objected to the proposed development. It is reasonable to conclude that the proposal can be sufficiently conditioned to avoid a likely significant effect on the Dee estuary SAC/SPA and River Dee SAC designated features and a more detailed "Appropriate Assessment" is not required.

7.13

#### Highways/Drainage/Contamination

The permanent access would be via the private road which emerges onto the Kelsterton Road at a point roughly opposite the Athletics track. The applicant maintains that operational traffic effects would be minimal post construction and therefore would not be expected to generate vehicular trips other than occasional maintenance trips. As regards construction traffic, it is anticipated a temporary access to the site would be via a private road to the west of the site which links onto the A548 Chester Road via the access road for the Connah's Quay Power Station. The Head of Assets and Transportation has raised no objections to the proposal, however, as regards site construction

traffic a condition should be attached to any permission to control site access/egress arrangements, agreed delivery routes/times and emergency access arrangements. A public footpath (and the proposed All Wales Coastal Path/Sustains Route) has been indicated to run to the southern boundary of the site - it should be conditioned that surfacing, boundary and lighting details along with a timeframe for implementation be submitted for approval prior to the commencement of development.

As regards drainage, neither Welsh Water, nor the Environment Agency have objected to the proposal and therefore subject to conditions the proposal is considered acceptable from a drainage perspective.

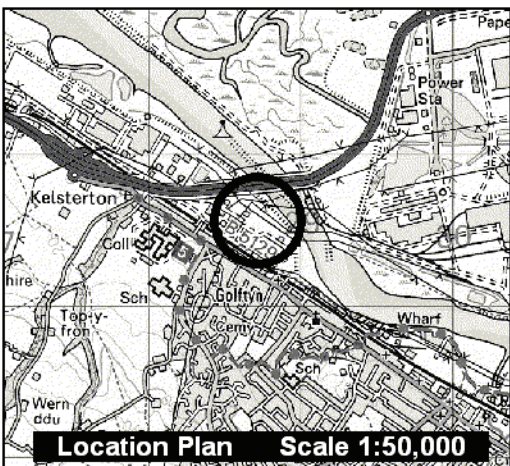
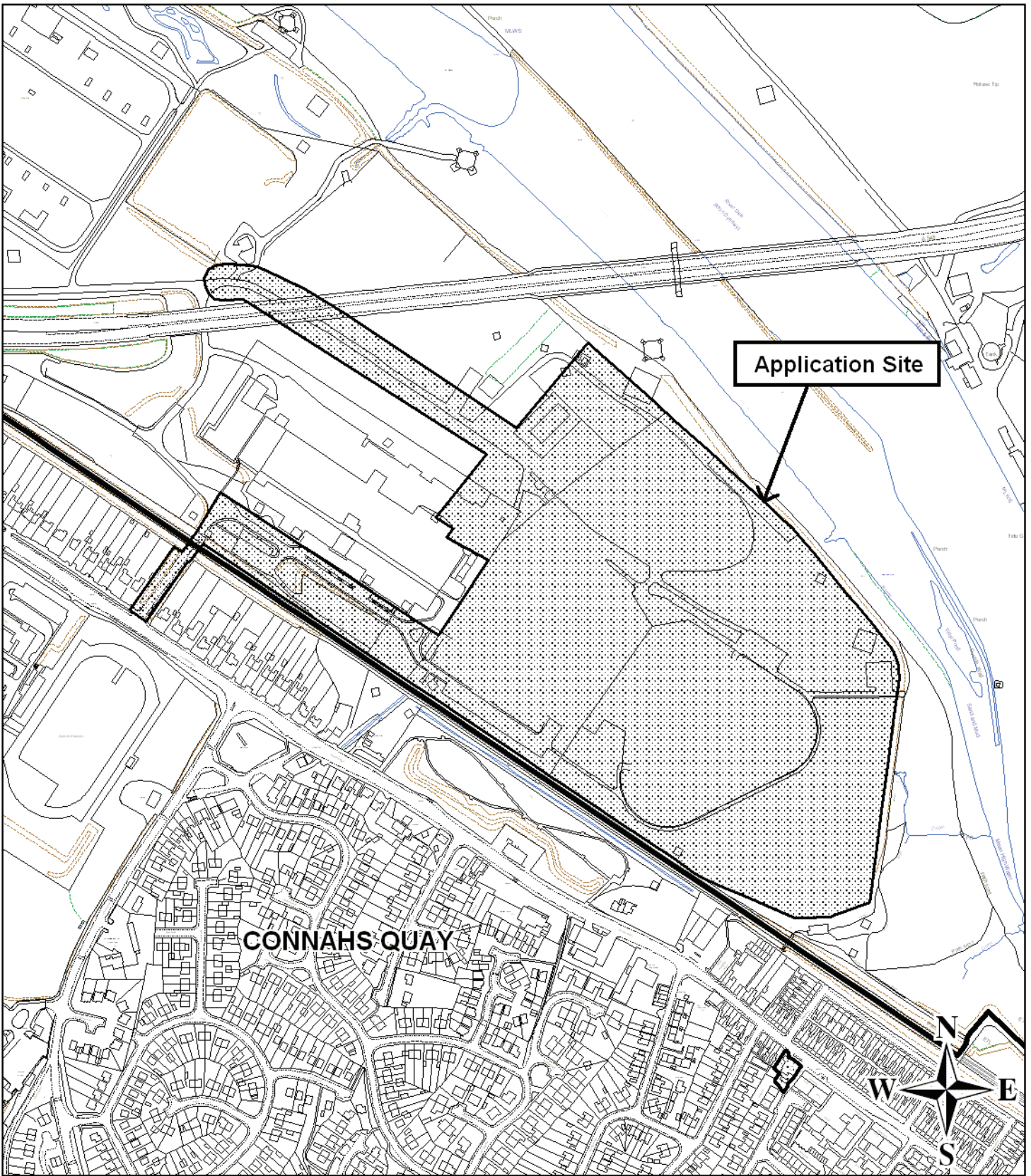
Whilst objections have been raised as regards the potential for pollution, nonetheless, the Head of Public protection has raised no objections to the proposal on contamination grounds subject to a standard condition being imposed which should address this issue.

## **8.00 CONCLUSION**

- 8.01 The proposal is presented in the application as an important strategic infrastructure development in a national context. There is no doubting its significance in this context but the planning system must address its impacts (as well as its benefits), particularly on a local scale. The previous outline application was refused on the basis of its potential impact on residential properties from the perspective of its scale in visual terms and on amenity from any noise generated.
- 8.02 This full application provides the detail which addresses these issues and whereas there is no taking away from the scale of elements of the development, the careful and detailed design proposals are considered to provide a satisfactory solution in this location, whereby it has been shown that any adverse effects have been mitigated. The development is acceptable in principle and subject to appropriately worded planning conditions it is recommended for approval.

In considering this planning application 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.

**Contact Officer:** Declan Beggan  
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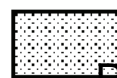


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 2870

Planning Application 49981

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **10<sup>TH</sup> OCTOBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **RETROSPECTIVE APPLICATION - CHANGE OF USE FROM AGRICULTURAL LAND TO TOURING CARAVAN AND CAMPING FACILITY WITH ANCILLARY BUILDINGS/STRUCTURES AT "FRON FARM", RHESYCAE ROAD, HENDRE, MOLD**

**APPLICATION NUMBER:** **049756**

**APPLICANT:** **MR DYLAN ROBERTS**

**SITE:** **"FRON FARM", RHESYCAE ROAD, HENDRE, MOLD**

**APPLICATION VALID DATE:** **29.05.2012**

**LOCAL MEMBERS:** **COUNCILLOR C. LEGG**

**TOWN/COMMUNITY COUNCIL:** **HALKYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **Due to the nature of development**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 The proposed development is a full planning application for the retrospective change of use of agricultural land to a touring caravan/camping facility including ancillary building structures. The site measures approximately 5.2 hectares and is set within open countryside off the A541. The main issues for consideration are the principle of development and impact on visual/residential amenities and highway impacts.

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



- 2.01
1. Development to be carried out in accordance with the submitted details as revised.
  2. Submission for approval of landscaping details.
  3. Implementation of landscaping conditions.
  4. Passing bays to be provided within 3 months of the planning permission being granted
  5. Submission for approval of a travel plan
  6. Submission/approval of details indicating route of public footpath
  7. Restriction on all year round occupancy/use
  8. Restriction on caravan storage on the site
  9. Submission/approval of lighting for the site

### 3.00 CONSULTATIONS

#### 3.01 Local Members:

##### Councillor C. Legg

Agrees to determination under delegated powers. Heartily endorses the application. Is a much needed facility in the area and is vital to the rural economy. Moreover, it is hidden away from sight and an excellent example of farm diversity.

##### Adjacent Ward Member Councillor W.O. Thomas

No objection to proposal. Requests the application be determined by Committee due to its nature and there be a site inspection.

##### Halkyn Community Council

Fully supports the application. The site is an asset to the community in general and in particular to tourism in the area together with the ancillary benefits to local businesses.

##### Adjacent Cilcain Community Council

Fully supports the application.

##### Head of Highways and Transportation

No objections subjects to conditions.

##### Environment Directorate (Rights of Way)

Public footpath 23 crosses the site and must be marked out and must not be disturbed.

##### Public Protection Officer

No objections.

##### Campaign for the Protection of rural Wales

No objection and support the proposal to increase the separation distance to 150 metres between the boundary of the property known



as “Penbronwiski” and the area used for camping. Requests in the interests of visual amenity that caravans are removed outside the operating season and no part of the site is used for storage purposes.

SP Powersystems Ltd

Note to applicant highlighting potential for plant/apparatus in the locality the location of which should be identified prior to commencement of development.

Environment Agency Wales

No objection. Note to applicant.

Clwyd-Powys Archaeological Trust

No archaeological implications for this application.

Clwydian Range and Dee Valley AONB Joint Advisory Committee

Acknowledged the site is some distance outside the AONB although visible in distant views from higher ground. The impact on the AONB is minimal. Would suggest supplementary tree planting to further reduce the impact from distant views and that all external lighting be carefully controlled and minimised.

Welsh Water

Advise there are no public sewers in the area but it may be possible to requisition a sewer under the Water Industry Act 1991.

**4.00 PUBLICITY**

**4.01 Press Notice, Site, Notice, Neighbour Notification**

The proposed development has been advertised by way of a press and site notice and neighbour letters.

There has been some 25 letters/emails objecting to the proposed development which are summarized as follows,

- Does not appear to have consulted with neighbours /community as stated on the planning application forms
- The unauthorized works have been undertaken without any regard to the impact of the development on the local community and appears that personal financial gain is the only consideration
- Will have an adverse effect on residential properties. Will cause considerable noise and congestion particularly at peak holiday times with the access/egress poorly controlled with large numbers of vehicles causing concerns

on narrow single track country lanes with no street lighting with restricted space for pedestrians and horses which use the livery at the site. An traffic accident is imminent.

- Queries impact on the wood to the south of the site which has the rare and protected European Dormouse and through which visitors to the application site walk through and the ecological impacts of planting non- native species as landscaping
- Access /egress to the site should be restricted to Hendre Lane which is a good width and has residential properties between the A541 and Fron road
- The site will increase in size over time
- Size and scale of the unauthorized development is out of keeping with the character of the area area due to noise and congestion and is an intrusion
- Detrimental to locality and adjacent properties due to noise from people , dogs barking, odours and general activity on the site and to security of adjacent property and their amenities
- The proposed amendment to the site boundary would make no difference to the disturbance caused to the adjacent property owner (Penbronwiski)and would be ineffective
- Questions why the enforcement notice has not been actioned
- Site visitors divert off local footpaths to access private land
- Other more suitable lad accessed from Hendre Road should have been used
- Due to its exposed and elevated nature the development would be visually be detrimental from the AONB and the public footpath which crosses the site
- Questions the accuracy of information contained in the submitted Design and Access Statement

There have some 31 letters of support for the proposal which are summarized as follows,

- Welcomes the contribution to facility makes to the local economy

which it sustains and it supports a significant number of local employees

- No issues over the years arising from camping , caravanning and farming at Fron Farm the site is clean, in good order and generally well maintained in appearance
- The proposal makes little or no impact adversely on the environment
- No problems with either noise or the access
- The businesses ability to provide service and welcome through the medium of Welsh and English will be in high demand when the National Eisteddfod comes to Denbigh in 2013
- Believes that a small well run caravan site is necessary to supplement the Fron Farm farming income

In addition there has been a letter of support from Mark Isherwood AM which is summarized as follows,

- Highlights policies in the adopted UDP which promote tourism and farm diversification
- Highlights advice in TAN 13 : Tourism, which highlights the major contribution to the Welsh economy of tourism
- His constituent informs him that three people employed on the site could not be retained if the proposal were declined, that £300000 has been spent in ground work in the last five years and that the consented could not live off the farm alone

There has also been a letter from Sandy Mewies AM which is summarized as follows,

- Details the main objections of her constituent Mrs Shelly Lewis
- Questions the content/ reasoning for the previously served planning enforcement notice served against the current development in the planning application
- Asks that Mrs Lewis's objections are taken into full account, the application decision is not delegated to officers and a site inspection with Councilors is held

## **5.00 SITE HISTORY**

5.01 Enforcement Notice served On 24/4/1989 requiring the discontinuance of the land for the purpose of stationing and/or storage of caravans. The Notice was complied with.

0135/92 -Use of land as touring caravan site for 25 caravans between April and October in any year and winter storage (approved 1st February 1993). This application was granted subject conditions restricting the number of winter storage caravans to no more than twelve caravans. Furthermore, the application was subject to a section 106 agreement between the local planning authority and D.H. Roberts and E.P. Roberts which prohibited the siting or stationing of caravans outside of the application site.

039488 - Erection of an agricultural shed (approved 25th May 2005)

043409 - Demolition of existing flat roof extension and erection of a replacement two storey extension (approved 18th July 2007)

044031 - 20m x 40m horse riding manege with rustic post and rail fencing (approved 6th November 2007)

Enforcement Notice served on 5/3/2012 requiring the cessation of the use of the land for a caravan site and the removal of the caravans, amenity blocks, circulation roads, service connections and hardstandings (with the exception of the area of land covered in the 1993 planning permission); the cessation of the use of the livery services and the removal of the large metal clad shed housing the livery stables; and, the cessation of the use of the manege other than in accordance with condition 3 of the 2007 planning permission. The Notice took effect on 4th April 2012 and the notice was to be fully complied with within 3 months from the date of effect. The Notice was not appealed and has yet to be complied with.

049598 - Application for a lawful development certificate for an existing use as a touring caravan park and caravan storage (under determination)

049648 - Retrospective application for a change of use from agricultural to mixed use with private livery stables including repositioning and extensions to the building (large metal clad shed) (under determination)

## **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 TAN13 – Tourism  
Planning Policy Wales

## **7.00 PLANNING APPRAISAL**

7.01 Description of Proposed Development

The proposed development is retrospective in nature and would provide for the change of use from agricultural land to a touring caravan and camping facility with ancillary buildings/structures at Fron Farm, Rhesycae Road, Hendre. The proposed development is further

detailed as follows:

- The site extends to approx. 5.1 hectares
- Would accommodate up to 120 touring caravans and 40 camping pitches
- Two service blocks 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 camping pitches

7.02 As detailed at paragraph 5 of this report, the proposed development has been submitted to partly regularise development which does not have the benefit of planning permission and which has been the subject of a recently served enforcement notice.

#### Principle of Development

7.03 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 however it is in close proximity to the Clwydian Range Area of Outstanding Natural Beauty which is located approximately 3km to the south west.

7.04 It is considered the main issue to be assessed in relation to the proposal is the principle of development in this location, compliance with the tourism policies in the adopted UDP and detailed matters relating to impacts on residential amenity, visual amenity and affect 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 updated detailed guidance on touring caravan proposals contained in the draft 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.

More detailed advice is contained in Policy T6 (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.

7.06 Policy T7 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 for example landscape or nature conservation interests.

7.07 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.

#### Visual Impacts

7.08 The proposed development is located within open countryside and forms part of an overall land holding which includes an existing working farm. The site is located in a gently undulating landscape and benefits from existing landscaped features on/adjacent to the site in the form of trees and hedge boundaries. The site is located approx. 3 Km from the AONB, distant views of which can be seen. I concur with the comments of the AONB JAC in regards to additional landscaping via tree planting on the site to further reduce any potential visual impacts. The two proposed utility blocks are reasonably modest in scale and appropriate for the site and its setting due to the undulating nature of the site. The proposed development is considered on the whole to be relatively well absorbed into the landscape and sufficiently distant from the AONB as to have a minimal visual impact. It is also considered reasonable in the interests of visual amenity to impose conditions restricting storage of caravans on site and occupancy to cease between 15<sup>th</sup> January and 28<sup>th</sup> February in any one calendar year. The proposed northern site boundary as revised should be planted with a mixed native species hedge/trees in addition to supplemental tree planting within the site – such details can be subject of a planning condition (in addition to existing landscapings to the boundaries being retained).

7.09 Residential Impacts  
 Whilst objections to the proposal have been received from a number of properties adjacent to or within the wider locality in regards to noise nuisance, smells/odours and general activity, it is nonetheless significant that the Public Protection Manager has not objected to the proposed development on noise or pollution issues. The applicant has amended the scheme in response to objections received from a

property to the north of the site by reducing the extent of the camping area thereby increasing the distance between the northern boundary of the site and that nearest occupier on the northern boundary. Due to the undulating nature of the site it is considered that the visual impacts of the proposal are minimal when viewed from residential properties in the locality.

7.10 Highway Impacts

Objections have been raised from local residents on grounds such as detriment to highway safety due to the volume of traffic the site already attracts and the inadequacy of the local narrow roads to accommodate cars/caravan traffic and conflict with pedestrians and other road users. Nonetheless the Head of Highways and Transportation is satisfied that subject to an appropriately worded condition relating to the provision of passing bays either within the site or on highway land and the submission of a travel plan for the site would allow for a development which would not be detrimental to highway safety. Due to the retrospective nature of the proposed development these works should be provided within three months of any grant of planning permission.

7.11

A public footpath crosses the north western part of the site and should be marked out and undisturbed by the proposed development. The part of the site the public footpath crosses relates to the proposed camping area and therefore it is not considered it would be unduly detrimental to the right of way; however, the right of way should be marked out with details submitted for approval within 3 months of planning permission being granted.

7.12 Other issues

There has been no objections to the proposed development on drainage grounds. Whilst the issue of the European Doormouse has been referred to in correspondence the reference to its location is removed from the site in woods nearby (however this proximity of the species shall be drawn to the applicants attention should planning permission be granted).

8.00 CONCLUSION

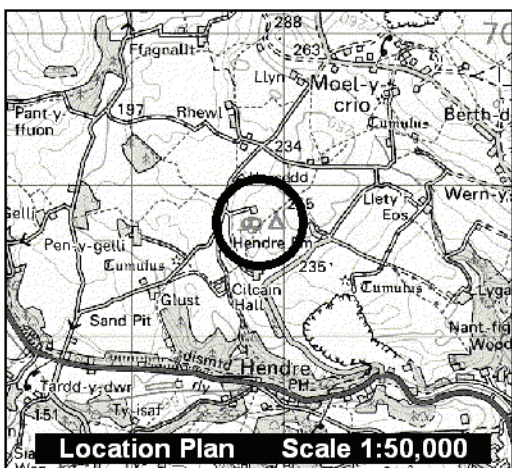
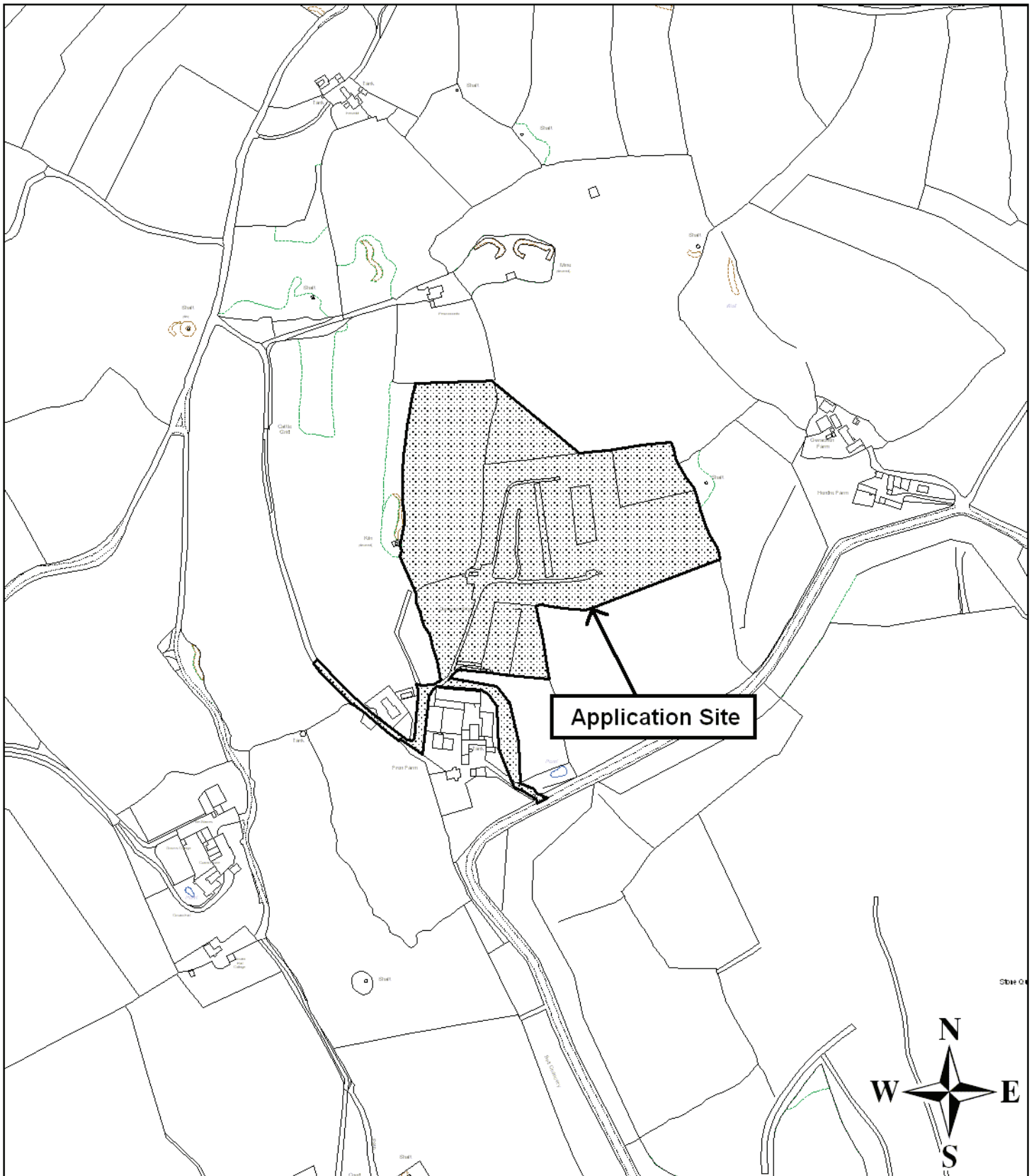
8.01 The proposed development is considered acceptable in principle and detail subject to planning conditions.

In considering this planning application 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.

**Contact Officer: Declan Beggan**  
**Telephone: 01352 703250**

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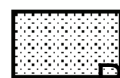


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 1868

Planning Application 49756

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **10 OCTOBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION – CHANGE OF USE FROM AGRICULTURAL TO CARAVAN PARK WITH 27 NO. SPACES INCLUDING THE CONVERSION OF BARN INTO RESIDENTIAL AND AGRICULTURAL SHED INTO CAMPSITE FACILITIES, DEMOLITION OF EXISTING OUTBUILDINGS, FORMATION OF AN ACCESS, CONSTRUCTION OF THREE FISHING POOLS, PARKING AND ANCILLARY WORKS AT STAMFORD WAY FARM, STAMFORD WAY, EWLOE**

**APPLICATION NUMBER:** **049803**

**APPLICANT:** **Mr JAMES WOODCOCK, CASTLE GARAGE, LIVERPOOL RD, EWLOE, DEESIDE**

**SITE:** **LAND OPPOSITE STAMFORD WAY FARM, STAMFORD WAY, EWLOE**

**APPLICATION VALID DATE:** **29.05.2012**

**LOCAL MEMBERS:** **Councillor David Mackie, Councillor Alison Halford**

**COMMUNITY COUNCIL:** **Hawarden**

**REASON FOR COMMITTEE:** **Scale of development relevant to delegation scheme.**

**SITE VISIT:** **Yes – at Chairman’s request**

### **1.00 SUMMARY**

- 1.01 This is a full planning application for a development comprising: new access; demolition of buildings fronting the main road; conversion of barn into a dwelling; conversion of agricultural building into service

accommodation; formation of 3 fishing pools; formation of 27 berth caravan site; driveway and car parking areas. The proposal was the subject of pre-application discussions.

1.02 The issues for consideration are the principle of the development in planning policy terms; the effect on the openness of the green barrier; the effect on the visual appearance and character of the open countryside and the extension to the barn to form a dwelling.

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

- 2.01
1. Time implementation.
  2. Compliance with submitted information and amended plans.
  3. Samples of all external materials
  4. Provision of 2.4m x 160m visibility splays in both directions.
  5. Visibility splays kept free of all obstacles during construction.
  6. Provision and retention of loading, unloading, parking and turning facilities.
  7. Closure of existing access.
  8. Submission, approval and implementation of detailed landscape scheme.
  9. Removal of permitted development rights on all future openings (windows/dormer windows etc).
  10. Removal of permitted development rights on all future extensions, outbuildings, porches etc.
  11. Caravan site operating months between 1<sup>st</sup> March & 31<sup>st</sup> October.
  12. Occupation of house tied to management of caravan site and fishing lakes.
  13. Commercial use to be established prior to conversion/occupation of house.
  14. Mitigation for barn owls and swallows.
  15. Surface details of car parking areas and access track to be submitted.
  16. Submission and approval of lighting scheme.
  17. Caravans used for holiday purposes only.
  18. Submission of details of the caravan waste compound and refuse compound.
  19. Submission of details of the play area.
  20. No external storage except in maintenance area.

**3.00 CONSULTATIONS**

3.01 Local Members

Councillor Alison Halford – no comment.

Councillor David Mackie

Commenting on the original proposals says there is local concern

that this development, particularly the proposal for caravans, will unacceptably harm the openness of the green barrier. Refers to policy GEN4, which carries constraints over types of development to essential facilities for sport and recreation etc or other appropriate uses or development for which a rural location is essential. Questions the amount of bunding referring to another development where there was a requirement to excavate for the foundations of a development so it did not affect the openness of the landscape and conditions about colour and construction were also imposed to minimise the impact on the green barrier.

Also whether a need should be proved before a development in the green barrier can be permitted.

Refers to the recent Magazine Lane Public Inquiry for a gypsy site where it was said that any development in the green barrier, even the creation of a hard standing, is considered to affect the openness of the green barrier.

Councillor Mackie's comments remain for the amended proposals.

- 3.2 Hawarden Community Council  
Concerned about the effect it may have on water supply to existing properties which draw water from the aquifer and also the dealing with foul sewage as there is no main system available for the site.
- 3.3 Head of Assets & Transportation  
No objection subject to conditions.
- 3.4 Head of Public Protection  
No adverse comments. If permission is granted a Site Licence will be required under the Caravan Sites and Control of Development Act 1960.
- 3.5 Dwr Cymru Welsh Water  
No objection.
- 3.6 Environment Agency Wales  
No objection.
- 3.7 Airbus  
No aerodrome safeguarding objection.
- 4.00 PUBLICITY**
- 4.01 Site Notice and Neighbour Notification  
The publicity exercise has resulted in 6 objections on the following grounds:
- i) Open countryside – intrusive development, man made structures, alter character and appearance.

- ii) Business success – if the use fails what further use could be made of the facilities.
- iii) Coalescence – the site is about half way between Ewloe and Northop Hall in a largely open area and if allowed it could lead to further infill between the two settlements.
- iv) Previous planning decisions – have been refused for development of small areas of land between Ewloe and Northop Hall on grounds of maintaining the green barrier.
- v) Caravan park would be out of character in this area.
- vi) Dogs kept in the adjacent kennels business could cause nuisance to caravan occupiers, generating complaints.
- vii) Adjacent dog kennels have been allowed to expand, only under strict controls over size of buildings and materials.
- viii) Green barrier – inappropriate development.
- ix) Contrary to policies in UDP.
- x) Traffic generation and dangerous, fast road.

4.02 The publicity exercise has generated 8 letters of support for the following reasons:

- i) Fishing ponds would bring visitors to the area.
- ii) Enhance local wildlife.
- iii) Boost for tourism and jobs.
- iv) Most fishing ponds are over 60 miles away.
- v) Fishing ponds would give young people something to do.
- vi) First site in Deeside area to have fisheries with caravans together.
- vii) Reduce travel to fisheries elsewhere.
- viii) Will not look out of place as will be screened with trees and shrubs.

4.03 The Campaign for the Protection of Rural Wales objects on these grounds:

1. green barrier and countryside location;
2. harmful to landscape and visual amenity;
3. proposed caravans will be conspicuous in a rural setting;
4. will not harmonise with its surroundings in relation to its siting, scale and layout and proposed earth mounds will change the character of the area.
5. it is a substantial commercial enterprise, not a small scale farm diversification scheme;
6. loss of agricultural land needs to be considered against a proven need;
7. future restoration to agricultural land is unlikely to happen.

4.04 Consultation on the amended plans have generated 4 objection letters:

- replacing earth bunds with fencing will not reduce visibility of caravans;
- development in Green Barrier should only be allowed in exceptional circumstances;

- noise nuisance between occupiers of caravans and adjacent kennels;
- close to SSSI, Ancient woodland, Special Area of Conservation;
- traffic generation, watercourse in adjacent field and tree loss.
- No need for the development, especially the caravan park;
- Contrary to UDP policies;
- Adverse impact on appearance of countryside.
- Uncertainty over capacity of services.

There are also 2 letters of support.

## **5.00 SITE HISTORY**

### 5.01 047414

Permission refused July 2010 for closing up existing access, provision of a new vehicular access and demolition of farm building. Appeal dismissed in Oct 2010. The main issue was the effect on the character and appearance of the surrounding rural area. The Inspector considered that such a wide access would represent an urbanising and incongruent feature that would be harmful to the character and appearance of the surrounding rural area and therefore conflicted with policies in the UDP. This is explored in more detail later in this report.

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Unitary Development Plan policies:

STR1 New Development

STR6 Tourism

GEN1 General Requirements for Development

GEN3 Development in the Open Countryside

GEN4 Green Barriers

D1 Design Quality, Location and Layout

D2 Design

D3 Landscaping

L1 Landscape Character

WB1 Species Protection

AC13 Access and Traffic Impact

AC18 Parking Provision and New Development

HSG7 Change of use to Residential Outside Settlement Boundaries

RE4 Small Scale Rural Enterprises

SR2 Outdoor Activities

T6 Touring Caravan Sites

TWH2 Protection of Hedgerows

Planning Policy Wales

TAN 6 Planning for Sustainable Rural Communities

TAN 13 Tourism

Local Planning Guidance Notes:

- 5 – Conversion of Rural Buildings
- 10 – New housing in the open countryside
- 11 – Parking standards

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Location**

The site is located on the south side of Stamford Way, opposite Stamford Way Farm, between Northop Hall and Ewloe. It lies in open countryside within the green barrier.

### **7.02 Description of the Site and the Proposed Development**

The application site is a field of 2.5ha (6.3 acres), bounded on all sides by hedges containing some trees. The existing access at the eastern end of the frontage would be closed. The site contains 3 buildings, 2 of which would be converted and the third one, nearest the road, would be demolished as it is in a poor condition. The site is not part of a working farm and the buildings are unused. The field slopes down gradually from north to south, away from the road.

### **7.03 The proposed development comprises:**

- creation of a new access;
- demolition of a brick and slate farm building located on the road frontage;
- conversion and extension of a barn to a dwelling;
- conversion of an agricultural building to caravan site facilities;
- access driveway;
- 2 fishing pools with central islands;
- 1 specimen pool and a wildlife pond;
- car park for fishing pools, including disabled spaces;
- play area;
- 27 caravan pitches
- landscaping.

The proposal did include earth bunds but these have been omitted in amended plans.

### **7.04 The development would create 2 full time jobs and 4 part-time jobs. The fishing would be open all year. The caravan park would be open from 1<sup>st</sup> March to 31<sup>st</sup> October.**

### **7.05 The existing barn has a 2 storey element measuring about 8.8m long x 5.7m wide x 6m high and a single storey element measuring about 12m long x 6m wide and about 4.5m high. The conversion would involve new roof lights on the rear elevation. To the rear would be a single storey 9m x 9m x 4.3m high extension for a bedroom, sitting area and living room, facing south.**



- 7.06 The existing agricultural building, measuring approximately 14m x 10.5m x 5m high, with a small projection of 6m x 3m x 4m high, would be extended by 7m x 6m to provide café, reception, toilets, kitchen and maintenance/storage area.
- 7.07 The new access would be formed at the western end of the road frontage and serve a road through the site to the caravan park. Five parking spaces would be provided for the café; 20 spaces for the fishing and 2 disabled parking spaces by the first fishing pool. A private drive off the access road would serve the barn converted to a house.
- 7.08 The application is accompanied by the following supporting documentation - Covering letter; Design and Access Statement; Business plan report; Ecological assessment report; Speed survey; Electrical supply housing unit; Klargest plant report; Structural overview report; Caravan park eurobollard services supply and a letter from North Wales Training agency regarding the applicant's offer of an open day with fishing tuition for student placements.

7.09 Covering Letter

The agent says the proposal will create a facility to provide mainly leisure activities for visitors. The site is near to a major public right of way and will provide facilities for local people as well. The following points are made:

- i) disabled toilets, fishing positions and parking will be provided;
- ii) wildlife will be introduced with ducks to fishing pools;
- iii) enhanced landscaping with hedges, trees and shrubs;
- iv) 6 jobs will be provided;
- v) enhanced tourism;
- vi) caravanners can use the adjacent dog boarding kennels;
- vii) site is close to areas of local interest eg Ewloe Castle, Wepre woods and park;
- viii) the fishing pools will be filled from a borehole drilled and located at the front of the site. This water may be drinkable, therefore allowing the site to have its own water resource.

7.10 Design and Access Statement

The Design and Access Statement says the proposal involves 27 caravan berths, 2 fishery pools with 38 pitches and a specimen pool with 8 pitches. The caravan site will be screened by substantial planting. The fishing pools would be at the southern end of the site which is the lowest and quietest part.

- 7.11 The barn to be converted to a dwelling is segregated from the overall development with its own access from the new entrance. It will have a single story extension.

7.12 The agricultural shed would be extended to incorporate maintenance storage, catering, washing and toilet facilities. It will be reconstructed to give the appearance of an agricultural building, retaining brick walls with vertical timber cladding to gable ends above eaves level and use insulated Kingspan roofing panels.

7.13 Oak trees will be planted between the caravan site and fishing pools. Around the fishing pools will be grassed areas with shrubs.

7.14 Business Plan Report

The business information submitted with the application shows projections for income levels for the first 3 years of trading. The income streams are based on the assumption that there will be 25% occupancy of the caravan site /usage of the fishing pools in the first year; 50% in the second year and 80% in the third year of trading. Full occupancy means 27 caravan rentals per day for 8 months and 42 fishing pegs per day for the whole year.

	Year 1	Year 2	Year 3
Caravan	£51,940	£84,980	£124,740
Fishing	£26,754	£53,508	£85,684
Total	£78,694	£138,488	£210,424

After the 3<sup>rd</sup> year income levels are expected to be fairly static.

7.15 The project is likely to cost £500,000 to set up. The above income levels would be required to fund the set up costs and cover running costs, including wages. Without the caravan site the income generated by the fishing would remain fairly static at £20,000 pa, making the project unfeasible.

7.16 Amendments

The application has been amended at officer request as follows:

1. landscaping – additional planting and wildlife pond at the site entrance.
2. tree planting - provision of a row of oak trees to the north of the existing ditch, between the caravans and the lakes.
3. the barn to be converted to a dwelling – plans amended to show roof lights on rear elevation instead of front. The size of the extension remains the same so as to obtain sufficient funding for the whole enterprise.
4. the bund, fence and planting between the proposed dwelling and caravan site have been removed, to allow better supervision and surveillance from the proposed manager’s accommodation.
5. ponds - specimen pond has been moved to the south west corner of the site, under the electricity cables. Fishing pools

now have curves but have to follow a specific shape to maintain required relationships. Pools need to be 36 metres wide to cater for the rod lengths of the 2 opposing pegs and pegs need to be 10 metres minimum between each other and must be staggered with the opposite pegs at the half way point. A minimum of 15 m is needed between pools.

6. bunds and landscaping – timber fencing with hedging replaces earth bunds. Hawthorn and native species will be used.
7. café/toilet/service building and caravan site – bunding removed, play area relocated adjacent to café for child supervision.
8. parking areas – parking area for fishing pools relocated opposite entrance to caravan park. Disabled parking for fishing now located adjacent to the 2 disabled pegs on fishing pool A.

7.17 Policy Considerations and the Principle of Development

The site lies within the green barrier in open countryside. The most important attribute of a green barrier is its openness and there is a general presumption against any inappropriate development within a green barrier except in very exceptional circumstances. These circumstances should outweigh any harm that may be done to the green barrier and its openness. The visual amenity of the green barrier should not be detrimentally affected by development.

- 7.18 The key to acceptability of this proposal is in the detail, having regard to its green barrier location covered by policy GEN4 Green Barriers and the requirements of policies STR6 Tourism, SR2 Outdoor Activities and T6 Touring Caravan Sites.

- 7.19 *Policy GEN4 'Green Barriers'* says development within green barriers will only be permitted where it comprises (amongst others):

- the re-use of existing buildings; and
- other appropriate rural uses/development for which a rural location is essential,

provided that it would not:

- contribute to the coalescence of settlements; and
- unacceptably harm the open character and appearance of the green barrier.

- 7.20 This proposal involves the re-use of 2 existing buildings – the barn for a house and the agricultural building for a café/toilet/reception/maintenance block. Built development also includes the new access, access drive, car parking areas and caravan hard standings. Built development is therefore minimal and is sited, designed and landscaped so as to not unacceptably harm the openness of the green barrier. The caravans would be sited at the northern end of the site, closest to the buildings, minimising visual impacts. A rural location would be the norm for a caravan site and fishing pools.

- 7.21 An issue is whether the proposal would contribute to the coalescence of Northop Hall and Ewloe. The buildings are existing so there would be little change. The fishing ponds would be at ground level, apart from the islands, so there would be limited impact. The caravans would be seasonal, occupy an area of land approximately 80 metres wide x 70 metres deep therefore it is considered that the space between the two nearby settlements will not be compromised.
- 7.22 The proposal complies with *Policy STR6 'Tourism'* as it will meet the needs of visitors and residents; it will be in scale and type appropriate to the locality particularly as the caravans will be sited for 7 months rather than 12; it involves regeneration of existing buildings and a vacant use for a beneficial economic use contributing to rural diversification.
- 7.23 The proposal complies with *Policy SR2 Outdoor Activities* as it would not unacceptably harm the character and appearance of the site and its surroundings, residential or other amenity, or any landscape, nature or conservation interest, due to the seasonal nature of the caravan site, the additional planting and location of the caravans. The site is accessible by a choice of modes of travel other than the private car, located on a bus route.
- 7.24 The proposal complies with *Policy T6 Touring Caravan Sites* as it would not have a significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community. The nearest dwelling is the house opposite, Stamford Way Farm, about 70m from the nearest caravan. The dwelling associated with boarding kennels is about 150m from the nearest caravan. Because the caravans are located on the part of the site nearest to the buildings and the circulation road has been reduced in length to serve only the caravan site, the proposal is appropriate to this locality. The site is not in an area of landscape or nature conservation protection. Additional planting will provide increased screening from the main road. Mitigating measures for birds are covered by condition. The amended plans remove the bunding which would have given an artificial appearance to the site and replaced it with additional planting at the site entrance, between the caravan site and fishing pools and along the boundaries. The site is adjacent to the B5125 linking westwards to Northop Hall, Northop and the A55 and eastwards to Ewloe, the A494, Hawarden, Broughton and the A55 towards Chester. These routes are suitable for use by vehicles towing caravans and by motorhomes. The recommended condition would ensure caravans are removed from the site between November and February each year. Essential service buildings can be provided within existing building.
- 7.25 *Policy GEN3* allows for developments related to tourism, leisure and recreation to be located in the open countryside, provided there is no unacceptable impact on the social, natural and built environment. In

this case it is considered the caravan park and fishing pools would not be detrimental to the social, natural or built environment.

- 7.26 The application meets the requirements of *Policy HSG7* as:
- a. the building is structurally sound and capable of conversion without significant extension, extensive rebuilding, or external alteration, as evidenced by the submitted structural report of the barn. It does not need rebuilding but there is a proposed rear extension.
  - b. the traditional architectural and historic features are retained.
  - c. adequate privacy and amenity space is provided. The main issue is the effect of the proposed extension on the character and appearance of the area, by virtue of its scale.
  - d. the proposed conversion to residential use would be in connection with use of the whole site for business purposes and was purchased as a unit after a farm was split up.
- 7.27 In this case the traditional existing brick, stone and slate building is in good condition, capable of conversion. The applicant is applying for a single storey rear extension of 9m x 9m x 4.3m high. The curtilage is adequate and the amended scheme shows a 1.5m fence between the dwelling and the caravan park, enabling surveillance of the business.
- 7.28 A substantial amount of new planting is proposed on the site boundaries and within the site, to enhance the landscape and add to screening. It therefore complies with *Policy L1*.
- 7.29 *Policy RE4* is relevant to the proposals for the conversion and extension of the agricultural building a service building for the caravan park and fishing pools. The proposal complies with the policy as the building is structurally sound and capable of conversion without major or complete reconstruction and it is suitable for the specific re-use. The development is of a form, bulk, design and materials and sited so as to respect the character of the site and surroundings. It does not unacceptably harm features or areas of landscape, nature conservation or historic value. The permission can be conditioned to not allow external storage or operations which would be harmful to residential amenity or to the character and appearance of the area. Satisfactory on-site parking, servicing and manoeuvring space for the nature and volume of traffic likely to be generated which should be capable of being served satisfactorily by the highway network is proposed. The site is accessible by a choice of means of travel, particularly by foot, cycle or public transport.
- 7.30 PPW paragraph 7.6.8 in relation to 'supporting the economy', says the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for tourism and recreation. Local planning authorities should adopt a positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes,

provided that:

- a. they are suitable for the specific reuse;
- b. conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- c. their form, bulk and general design are in keeping with their surroundings;
- d. imposing conditions on a planning permission overcomes any planning objections;
- e. if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- f. conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and/or architectural interest.

It is considered that the proposal complies with this WG advice.

7.31 The amended proposal is considered acceptable in planning policy terms.

7.32 Access and highway considerations

The proposed new access is in a similar position to that dismissed on appeal, so it is important to explain the differences between the schemes.

7.33 In dismissing the appeal the Inspector considered the 5m wide access would represent an urbanising and incongruous feature that would be harmful to the character and appearance of the surrounding rural area. The Inspector noted that the area of land to be served by the proposed access amounted to only 2.4 hectares and was not part of an agricultural holding. Therefore there was no need for such a wide entrance as only one vehicle would need to gain access to the field at any one time and another would not be exiting at the same time.

7.34 In this case, the proposed 5m wide access would serve a new commercial enterprise. It therefore needs to be wide enough for 2 vehicles to pass. The Head of Assets and Transportation has no objection, subject to conditions.

7.35 Ecology

The site itself is primarily improved grassland with mixed hedgerows. The site is within 150m of Deeside and Buckley Newt Sites Special Area of Conservation (SAC) and Wepre Wood Site of Special Scientific Interest (SSSI) which are designated for their woodland and great crested newts. The nearest GCN breeding site is over 500m away.

- 7.36 The submitted Ecological Assessment looks at habitats and species. It refers to a Bat and Breeding Bird Survey which found no evidence of bats in any of the buildings but large numbers of nesting swallows. Mitigation measures mentioned in that survey need to be incorporated into the existing proposals. Swallow nesting sites need to be undercover and if the renovated buildings are not suitable the provision of a suitable swallow nesting barn may be required.
- 7.37 Whilst it is considered unlikely that Great Crested Newts will be found on site, it is recommended that features are provided to maintain and enhance connectivity for amphibians in general. A wildlife pond should be created away from the fishing pools and camping area – and this is shown on the amended plans. There are opportunities for other enhancements through the planting of native species and grassland management to benefit native species. There are opportunities to plant oak trees – this is shown on the amended plans.
- 7.38 The proposal involves removal of a mainly hawthorn and gappy roadside hedge to create the appropriate sight lines. A new hedge outside the sight lines could ultimately be beneficial by using a greater variety of native species. The proposed site plan shows scattered shrub planting along the roadside boundary which would not be acceptable in ecological terms. The amended plan shows timber fencing with vertical posts and half round horizontal rails with hedge planting in front, to consist of hawthorn and a mix of variety of native species.
- 7.39 In summary, providing habitat connectivity for amphibians is maintained through native planting and the inclusion of a wildlife pond, the roadside hedge is replaced with a native hedge and there is appropriate mitigation for swallows and barn owls, there is no ecological objection to the proposal. These issues are included in the recommended conditions.

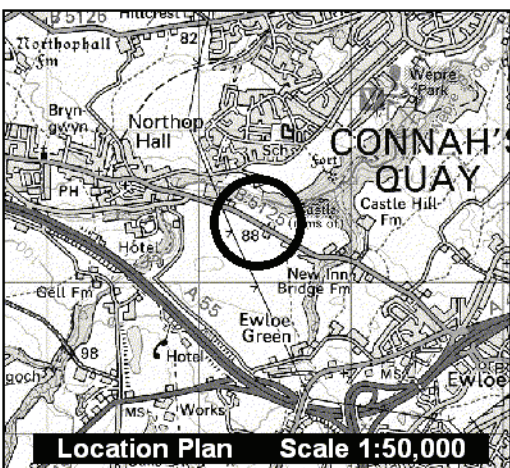
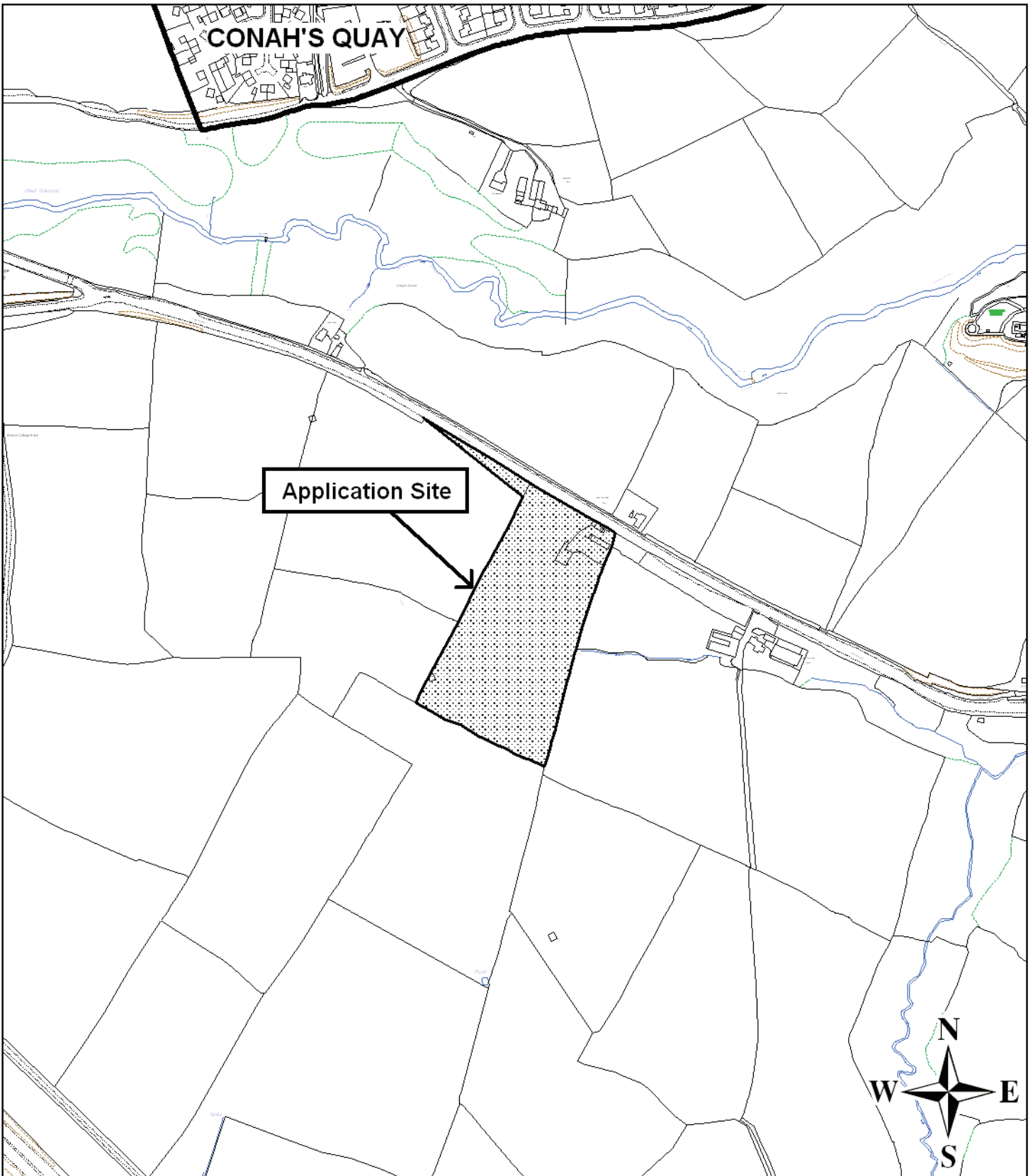
## **8.00 CONCLUSION**

- 8.01 It is considered that the scale, layout, design and intensity of the proposal, as shown on the amended plans, will not cause unacceptable harm to the open character and appearance of the green barrier or the open countryside location. The application is therefore recommended for approval.
- 8.02 In considering this planning application 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.

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Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:5000

OS Map ref SJ 2867

Planning Application 49803

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **10 OCTOBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION – SITING OF 18 NO. STATIC CARAVANS ON LAND AT PENNANT PARK GOLF CLUB, SAITHFYNNON, WHITFORD, HOLYWELL**

**APPLICATION NUMBER:** **049812**

**APPLICANT:** **PENNANT PARK GOLF CLUB**

**SITE:** **LAND AT PENNANT PARK GOLF CLUB, SAITHFYNNON, WHITFORD, HOLYWELL**

**APPLICATION VALID DATE:** **31<sup>ST</sup> JULY, 2012**

**LOCAL MEMBERS:** **COUNCILLOR P. HEESOM**  
**COUNCILLOR C.J. DOLPHIN**

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

**REASON FOR COMMITTEE:** **MEMBER REQUEST- RAISES CONCERNS WITH REGARD TO THERE BEING AN UNDERUSED CARAVAN SITE ALREADY IN EXISTENCE, THE VISUAL IMPACT ON THE LANDSCAPE AND ACCESS PROBLEMS**

**SITE VISIT:** **YES (Undertaken on 3<sup>rd</sup> September, 2012)**

**FOR MEMBERS INFORMATION THIS ITEM WAS DEFERRED FROM PLANNING COMMITTEE ON 5<sup>TH</sup> SEPTEMBER, 2012 IN ORDER FOR CONSULTATIONS WITH WHITFORD COMMUNITY COUNCIL AND COUNCILLOR C.J. DOLPHIN TO BE UNDERTAKEN.**

### **1.00 SUMMARY**

1.01 This application seeks planning permission for the siting of 18 no. static caravans 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:**

#### **Councillor P. Heesom:**

Requests Committee determination and site visit on the application. Raises concern regarding there already being an underused facility on the golf course complex, access problems and the possible visual impact on the landscape

#### **Councillor C.J. Dolphin:**

Requests Committee determination and site visit. Objects and urges refusal of the proposal on the grounds that access is unacceptable with the lanes being too narrow, queries whether the land belongs to the Golf Club for access/exit and concerned regarding the visibility of the site.

#### **Mostyn Community Council:**

The Council are opposed to the proposal as it is an inappropriate development for this location and would have an adverse effect on the highway network.

#### **Whitford Community Council:**

No response received at time of writing report.

#### **Chief Highways & Transportation Engineer:**

Advises that improvements have been made to the three approaching junctions to the site together with the installation of passing spaces along the connecting lane. Also there is an acceptable standard of visibility which is in line with current day standards. On this basis raises no objection to the proposal but recommends the imposition of a condition requiring that parking and turning facilities are provided

and retained within the site.

Chief Environment & Resources Officer:

No adverse comments to make.

Countryside Council for Wales:

Does not wish to comment on the proposal

British Horse Society:

No response received at time of writing report

Environment (Rights of Way):

Public Bridleway 6 crosses the site but appears unaffected by the development. The path must be protected and free from interference from the construction

Economic Development:

Believes that the caravan development would give the potential to attract more visitors to the area and a large proportion of them would use the golf course and club facilities. From a tourism perspective with an objective of boosting the local economy, wishes to support the application

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

3 written representations received from local residents objecting on the grounds of:-

1. Holiday accommodation already well catered for within the area;
2. Impact on bridleway / users of the bridleway;
3. Impact on the highway network due to the increased traffic;
4. Increased noise nuisance;

**5.00 SITE HISTORY**

- 5.01 Ref. 99/1013 – Erection of a two storey clubhouse approved 15.11.99  
Ref. 01/1301 – Change of use to stewards accommodation approved 4.2.02  
Ref 035905 – Extension to clubhouse approved 24.7.03  
Ref. 038988 – Siting of 15 No. timber clad caravans and associated roads approved 19.8.05

**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

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 This application seeks planning permission for the siting of 18 no. static caravans on land at Pennant Park Golf Club, Saithfynnon, Whitford. The main issues for consideration of this proposal are the principle of development at this location, the potential visual impact on the open countryside, impact on residential amenity and access.

### **7.02 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 0.99 hectares (2.45 acres) 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. 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 Saithfynnon. The site has the benefit of existing mature hedgerows and trees which will effectively shield the proposed development from distant views.

### **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 18 no. caravans for holiday use. The site measures approximately 0.99 hectares (2.45 acres) and rises upwards from the road. The golf club has an existing caravan facility for 15 units to the east of the application site which was granted consent in 2005. This existing site houses 6 no. twin unit timber clad lodges which have been sold to private individuals with the remaining plots currently for sale for long term private ownership. The applicant now wishes to attract tourists seeking holiday lets to the site and is seeking permission for a second site to be marketed for a separate fleet letting use with the site being managed by a holiday company for short breaks.

The site plan shows the plots to be laid out in two rows of single units, the majority being on the lower part of the field. A new access is to be created to the rear of the existing farmhouse with parking for one

vehicle being formed alongside each unit. The boundaries of the site already benefit from existing mature planting and this would be enhanced by significant landscaping to provide additional screening. In view of the land contours the caravans are shown to be laid out at different levels and certain caravans being sited onto level plateaus cut into the slope to assist them in assimilating into the landscape. The excavated material would then be used for screen bunding along the site's western boundary and to the rear of the caravans at a higher level. It is proposed that the caravans will be clad in a sustainable and recyclable cladding material, which has the appearance of solid wood. The colours of the external finishes are to be agreed with the Local Planning Authority prior to any units being sited. The existing lane is proposed to facilitate vehicular access to the entrance to the site and requires no alteration or improvement.

#### 7.04 Issues for Consideration

The main issues in relation to this application are the principle of development in this location, compliance with the requirements of planning policies, the visual impact on the landscape, impacts on residential amenity and the effects of the development on the local highway network.

#### 7.05 Principle of Development / 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 UDP Policy STR6 which is generally permissive of schemes which enhance tourism within the county.

Policy GEN3 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.

Policy T4 New Static Caravans 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.

In conclusion, there is no policy objection in principle to this proposal subject to matters of detail being acceptable

#### 7.06 Scale of Development

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. The proposals submitted have been the subject of pre-application discussions and the siting, number of units and the associated landscaping have all been suggested by officers during these discussions. 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.

#### 7.07 Visual 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. 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 and providing additional bunding and landscaping the units will assimilate 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.

#### 7.08 Impact on Highway Network

The site benefits from an existing access which has been the subject of improvements following the granting of permission for the existing caravan site under application reference 038988. These included significant improvements to the three approaching junctions together with the installation of four passing places along the connecting lane.

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.

The Head of Highways and Transportation has examined the



proposals and 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 footpath number 9 and Bridleway No. 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 footpath and bridleway being kept free from obstruction during the course of development works.

#### 7.09 Amenity Considerations

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 other than that of the existing Cae Coch Farmhouse which is also in the ownership of the applicants, Pennant Park Golf Club. It is considered that the additional landscaping proposed at the shared boundary with this property will serve to safeguard any impact on amenity of those occupiers.

In terms of the impact in the community in general, residents have raised the issues of traffic impacts and increased noise. As there are no abutting residential properties apart from Cae Coch Farmhouse which is in the applicant's ownership, 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.

#### 7.10 Other Issues Raised

A number of issues have been raised regarding access rights and site ownership. The Local Planning Authority are satisfied that the correct notices have been served as part of the application and therefore this issue is not a material consideration.

There is also an objection on the grounds that there is an existing under utilised caravan park within the site. This has been considered but what is proposed in the current application is a different form of tourist accommodation tenure being long term private ownership rather than short term holiday lettings and the existing caravan site

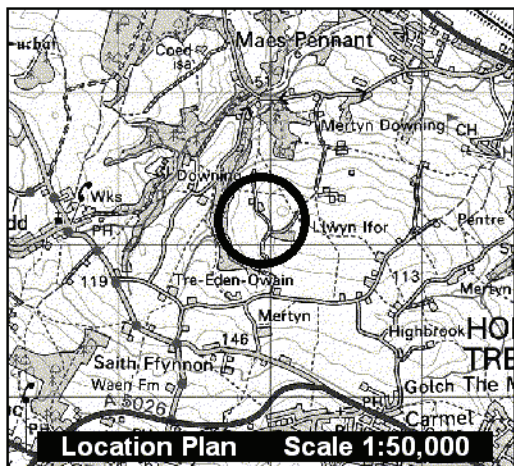
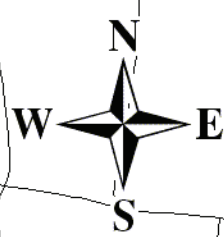
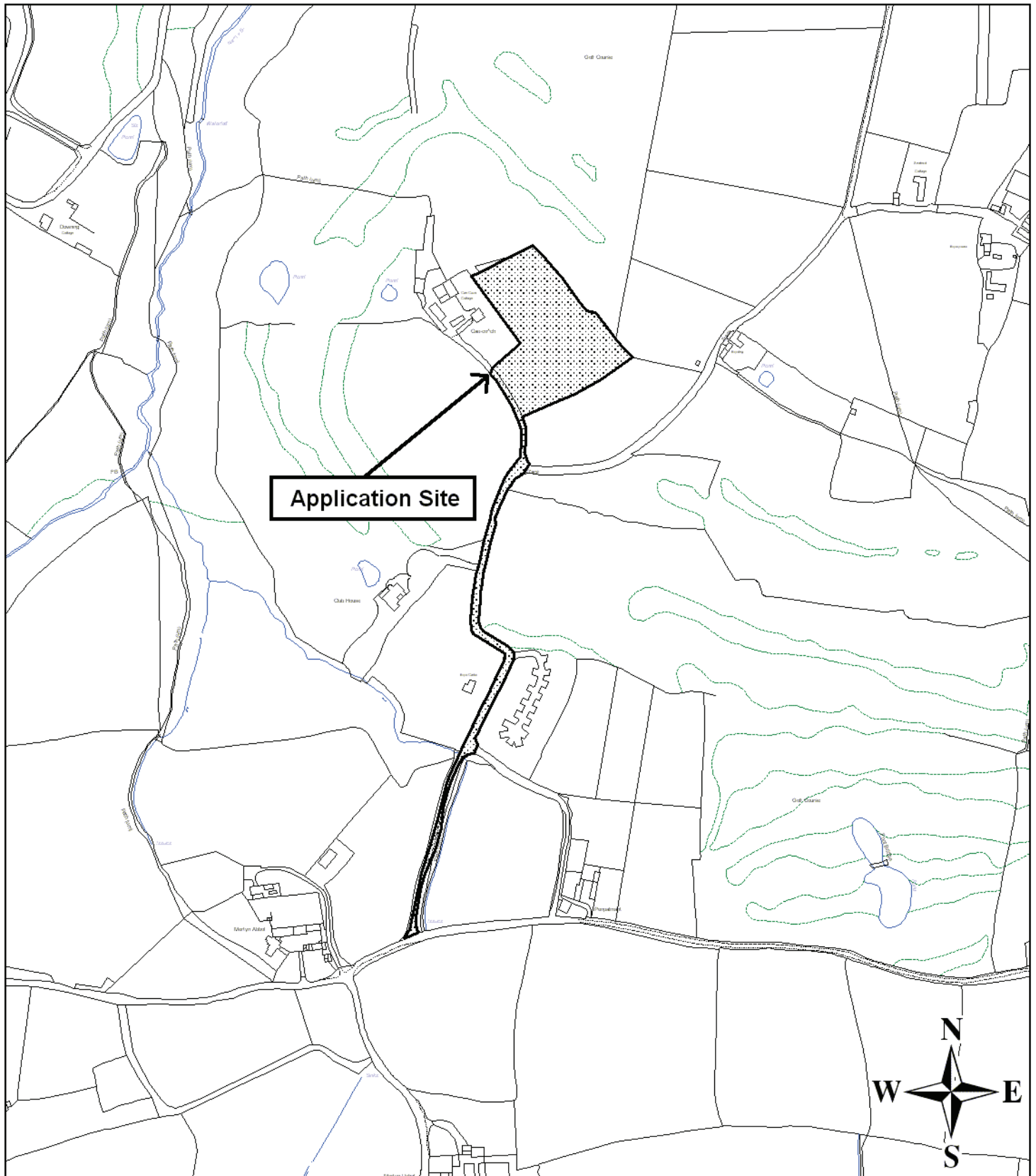
has very little room for expansion given the close proximity to existing golf course greens. It is not therefore unreasonable for a second site to be given consideration as a separate entity and assessed on its own merits and this approach conforms with policy.

## **8.00 CONCLUSION**

- 8.01 It is considered that the proposed development is in an appropriate location close to an existing tourism facility, served by a suitable local highway network. Whilst the site is in open countryside, the sensitive siting of the proposed caravans and additional landscaping would reduce the impact on the landscape. The site is in a sustainable location and gives the potential to attract more visitors to the area with an objective to boosting the local economy. The proposal complies with the development plan policies for this type of development.
- 8.02 In considering this planning application 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.

**Contact Officer:** Pam Roberts  
**Telephone:** 01352 703239  
**Email:** [pam.roberts@flintshire.gov.uk](mailto:pam.roberts@flintshire.gov.uk)

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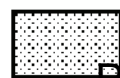


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Planning Application 49812

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**DATE:** **10<sup>TH</sup> OCTOBER 2012**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT:** **FULL APPLICATION - ERECTION OF A PROTECTIVE NET BARRIER AT "MOLD GOLF CLUB", CILCAIN ROAD, PANTYMWYN, MOLD 049694**  
**APPLICATION NUMBER:** **049694**  
**APPLICANT:** **MOLD GOLF CLUB**  
**SITE:** **"MOLD GOLF CLUB", CILCAIN ROAD, PANTYMWYN, MOLD**  
**APPLICATION VALID DATE:** **03.05.2012**  
**LOCAL MEMBERS:** **COUNCILLOR MS A J DAVIES-COOKE**  
**TOWN/COMMUNITY COUNCIL:** **GWERNAFFIELD COMMUNITY COUNCIL**  
**REASON FOR COMMITTEE:** **VISUAL IMPACT IN A RURAL AREA AS PER THE OBJECTIONS FROM LOCAL RESIDENTS**  
**SITE VISIT:** **YES**

### **1.00 SUMMARY**

1.01 This is a full application seeking consent for the erection of a protective net barrier at Mold Gold Club, Pantymwyn. The net barrier as originally submitted, measured 10 metres in height. The planning application has since been amended to propose a 7.5 metre high net. The main issues under consideration are visual impact and residential amenity.

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

- 2.01
1. Time limit on commencement.
  2. In accordance with plans and particulars.
  3. Net support to be box steel posts in a colour to be agreed.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### Councillor Ms A J Davies-Cooke

Requests Planning Committee determination with a site visit due to the visual impact in a rural area as per the objections from local residents.

##### Gwernaffield Community Council

Objects due to the proposed high fencing being visually obtrusive and totally out of keeping with the location. It would also present a hazard to wildlife (birds, bats, etc).

##### Head of Public Protection

No adverse comments.

##### Environment Agency

Assessed as having a low environmental risk, with just standard advice being relevant.

##### Airbus

No aerodrome safeguarding objection to the proposal.

##### CCW

No response received at time of writing.

### **4.00 PUBLICITY**

#### **4.01 Site Notice and Neighbour Notifications**

In response to the original submission of the 10 metre high net there were eight objections received on the following grounds:

- Visual impact;
- Impact on the environment/wildlife;
- The possibility of a more environmentally friendly option;
- Health and safety;
- Net will quickly deteriorate;
- The nearest neighbouring residential property suggests permanent relocation of the 14<sup>th</sup> green; and
- The height is inadequate to prevent golf balls going onto the property of 'Innisfree'.

In response to re-consultations following receipt of the amended proposal reducing the height to 7.5 metres high there were eight objections (from differing local residents to the above) on the same grounds as previously listed with the addition of the following:

- The net will serve no purpose due to the terrain;
- The need for such a barrier is questioned;
- Visual impact, specifically for public footpath users; and

- Other residential properties adjoining the golf course must face the same problem so question whether more nets will be proposed in the future.

## **5.00 SITE HISTORY**

5.01 No relevant planning history.

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
Policy GEN1 – General Requirements for Development  
Policy SR3 – Golf Facilities

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full application seeking consent for the erection of a protective net barrier at Mold Golf Club, Pantymwyn. The net barrier as originally submitted, measured 10 metres in height. The planning application has since been amended to propose a 7.5 metre high net. The golf club has received complaints about golf balls entering into the garden of the property known as 'Innisfree', which is located beyond the 14<sup>th</sup> green and the protective barrier is proposed in order to overcome this problem.

### **7.02 Site Description**

The golf course lies between Pantymwyn, Gwernaffield and Pant-y-buarth with the area of land concerned being at the Pant-y-buarth end of the golf course, accessed from the Cadole Road. The 14<sup>th</sup> green, where the proposed protective net is positioned, backs on to a residential property.

### **7.03 Proposed Development**

The protective barrier has been proposed by the Golf Club in an attempt to overcome a problem with stray golf balls landing within the garden of a residential property that is adjacent to the 14<sup>th</sup> green of the golf course. The original submission of a 10 metre high protective net would have been visually intrusive and was therefore discouraged, hence the submission of an amended proposal to reduce the height to 7.5 metres. The amended height is far more acceptable given that trees around the site will screen the net and reduce any potential impact.

7.04 The proposed net will be supported by posts on either side, which the golf club has suggested could be box steel posts or reclaimed telegraph poles. I recommend that we condition the use of box steel posts with the colour of those posts to be agreed, ie, a suitable shade

of green.

7.05 The golf club has previously relocated the 14<sup>th</sup> green on a temporary basis, which local residents favour and would like to see happen on a permanent basis. This is a matter for the golf club to consider if they wish and the matter under consideration at present, is whether or not the proposed net barrier complies with planning policy or not.

7.06 Issues

The objections received largely relate to visual impact and any potential harm to the environment, particularly wildlife. The net and its specifications have been considered by the Biodiversity Officer who is satisfied that the net poses no threat to local wildlife and therefore raises no objection to the scheme.

7.07 The issues differ slightly for the nearest neighbouring residential property insofar as the proposed net is considered to be too low at 7.5 metres to overcome the current problem (as was the 10 metre high proposal).

**8.00 CONCLUSION**

8.01 In conclusion, I consider it reasonable to grant consent for the protective net barrier in order for Mold Golf Club to overcome a potential health and safety issue that they have been made aware of by local residents as it is a normal feature of a golf course where golf clubs have been faced with similar problems. For this reason, it is considered that the application complies with planning policy and is recommended accordingly.

8.02 In considering this planning application 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.

**Contact Officer:** Lauren Eaton-Jones  
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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **10<sup>th</sup> OCTOBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION - ERECTION OF A SINGLE 5KW DOMESTIC-SCALE MICRO WIND TURBINE AT "MOSS GIEL", CALCOED LANE, BABELL, HOLYWELL 050014**

**APPLICATION NUMBER:** **050014**

**APPLICANT:** **MR J BARLOW**

**SITE:** **"MOSS GIEL", CALCOED LANE, BABELL, HOLYWELL**

**APPLICATION VALID DATE:** **06.08.2012**

**LOCAL MEMBERS:** **Councillor J E Falshaw**

**TOWN/COMMUNITY COUNCIL:** **Ysceifiog Community Council**

**REASON FOR COMMITTEE:** **The proposed wind turbine inclusive of the blade height exceeds 15m and therefore falls outside the delegated powers by which to determine the application**

**SITE VISIT:** **No**

### **1.00 SUMMARY**

1.01 This full application seeks consent for the erection of one wind turbine on land at Moss Giel, Calcoed Lane, Babell. The proposed turbine is 15 metres to the hub height, with an additional 5.5 metres further projection for the blades. The proposal will be located within the open countryside, with the nearest other residence (Pant Llwyn Ifan) located approximately 130 metres to the north. The primary considerations relevant to the proposal are the principle of development, visual impact on the landscape and residential amenity.

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

- 2.01 1. Time limit  
2. In accordance with approved plans  
3. When the turbine is no longer used for generation of electricity it shall be removed from the site and the land restored in accordance with details to be agreed  
4. Maximum noise levels to be no higher than detailed in submitted specifications

### **3.00 CONSULTATIONS**

- 3.01 Local Member  
Councillor J E Falshaw: No response at time of writing report

Ysceifiog Community Council: The LPA should ensure they are satisfied that all relevant guidelines and recommendations for the construction and siting of the turbine have been complied with and that there would be no detrimental impact on any adjacent dwellings.

Head of Pollution Control: No objection

BHP Petroleum: No response at time of writing report

CCW: No objection to the proposal

Environment Agency: No response at time of writing report

Airbus: No response at time of writing report

### **4.00 PUBLICITY**

- 4.01 Site Notice & Neighbour Notification

3 objections (2 letters, 1 email) have been received on the following grounds:

Proximity of the proposed turbine to neighbouring properties

Height of turbine would impact on neighbouring properties

Out of character with the area/visual impact

Noise

Impact on Bats

Applicant could use alternative renewable schemes such as solar panels

(Other issues raised but are not planning material considerations)

### **5.00 SITE HISTORY**

- 5.01 578/88 – Replacement Dwelling. Planning permission granted 12/09/1988

## **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
Policy GEN1 - General Requirements for Development  
Policy GEN3 - Development in the Open Countryside  
Policy EWP1 - Sustainable Energy Generation  
Policy EWP4 - Wind Turbine Development  
Technical Advice Note 8 - Renewable Energy  
Planning Policy Wales 2011

## **7.00 PLANNING APPRAISAL**

### **7.01 Site and Proposed Development**

The proposed turbine will be located within the open countryside on land to the north of Moss Giel, Babell, which is a working livestock and arable farm. The site is off Ffordd Calcoed, a short distance from the junction off Racecourse Lane, where residential development is sporadic in nature. The site has no specific relevant designation within the adopted Unitary Development Plan other than being within the open countryside.

- 7.02 This full application seeks consent for the erection of one 5kW domestic scale micro wind turbine on land to the north east of Moss Giel (15 metres high to the hub height, with an additional 5.5 metres further projection for the blades). Full details of the proposed wind turbine, including an Acoustic Noise Assessment, have been submitted with the application.

- 7.03 The proposed turbine is to contribute to the energy needs of the dwelling at Moss Giel and the working farm, enabling carbon emissions of the site to be reduced. It is to be mounted on a free standing tapered galvanised steel mast, in dull grey, with composite head and blades, again grey in colour, with underground cabling from the turbine to the electrical supply.

### **7.04 Principle of Development**

The most relevant policies in the Unitary Development Plan (UDP) are EWP 1 Sustainable Energy Generation; EWP4 Wind Turbine Development and GEN 3 Development in the Open Countryside. The proposed wind turbine would provide a source of renewable energy for dwelling and farm at Moss Giel. The relevant Development Plan policies and national planning advice seeks to promote sustainable energy whenever reasonably possible. The issues with this application are residential amenity, the impact on the character of the area and open nature of the countryside in this location.

- 7.05 Planning Policy Wales states that local planning authorities should facilitate the development of all forms of renewable and low carbon energy and ensure that development control decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations. This

though needs to be balanced against ensuring that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed.

7.06 Policy EWP4 of the Unitary Development Plan refers to the cumulative impact of wind turbines. As far as I am aware there are no other wind turbines (proposed or existing) in the near vicinity of the application site.

7.07 **Visual Impact**

The application site is accessed off Ffordd Calcoed and forms part of the sporadic development within the Babell area, which includes residential buildings, agricultural buildings, electricity pylons and telegraph poles.

7.08 The site is set within a rural landscape with mature hedgerows forming the western boundary to the parcel of land on which the proposed turbine is to be located. To the northern boundary there is post and wire fencing with hedgerow beyond which is the nearest property. To the east there is mature hedgerow with intermittent trees, beyond which is an electricity pylon. Hedgerow also forms the boundary to the south. Although the site is in a slightly elevated position in regard to Ffordd Calcoed, the surrounding trees and hedgerows provide some screening to the site.

7.09 The Design and Access statement submitted with the application includes photomontages of the proposed turbine from several view points. When seen in relation to the existing landscape the turbine is not visually intrusive.

7.10 The area is rated as 'moderate' in terms of its landscape, visual/sensory and geological importance and 'high' in terms of its visual and sensory, landscape habitats, historic and cultural landscape importance on LANDMAP. It is therefore in a fairly sensitive landscape area.

7.11 However, whilst the site is within such a landscape, the topography of the land and the natural landscaping within creates some screening which would reduce the visual impact of the proposed domestic scale micro turbine. There are existing linear structures in the landscape such as telegraph poles and electricity pylons. In addition the scale of the proposed turbine together with the grey matt finish has been chosen in order to lessen the visual impact within the landscape.

7.12 **Shadow Flicker and Noise Generation**

The manufacturer's reference material and acoustic noise assessment submitted with the application has been studied by the Council's Public Protection Section. The information provided indicates that a turbine of this design, size and position will not be audible by any neighbouring property at this location. In addition shadow flicker will

not be an issue at this location.

7.13 **Residential Amenity**

An objection has been received in regard to necessity of the proposed turbine and the proximity to the neighbouring property, which is some 130 metres from the property.

7.14 The siting of the wind turbine has been considered in relation to:

- It being some 100 and 200 metres north and east respectively from the nearest passing roads, whilst still being practical for connection to the farm supply on site.
- When viewed from beyond the site, the turbine is seen in conjunction with surrounding buildings, telegraph poles and mature trees.
- On site the turbine is to the foreground of electricity pylons, which are larger in scale and more visually intrusive.

7.15 The turbine is to enable the farm to produce energy from a renewal source and the siting of the turbine benefits from an unhindered south-westerly aspect with good wind velocity, exceeding minimum requirements, thus enabling the production of renewable energy and reducing carbon emissions for the site. A larger turbine would have provided more energy, however the smaller turbine was chosen in order to reduce the visual impact of the development.

7.16 The turbine has been sited in regard to allowing a minimum distance of 50 metres from any hedgerow to avoid foraging bats and 50 metres from any form of water to avoid any issues with newts or aquatic life.

7.17 **Ecology**

Countryside Council for Wales having made the following comments do not object to the proposal:

1. The proposal will not affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.
2. The proposed scheme will not affect the character or integrity of any statutory protected or nationally important landscapes.
3. We understand the proposal is located c.50m away from hedgerows and is not located in the immediate vicinity of known bat roosts. We therefore consider the proposal is not likely be detrimental to the maintenance of the favourable conservation status of any populations of European or British protected species that may be present at the application site.

7.18 In regard to the Natural Environment and Rural Communities

(NERC)Act2006, the Council's Ecologist has been consulted and has responded as follows:

- 7.19 The best current guidance (Bat Conservation Trust) recommends that micro turbines should not be situated in areas where it is likely or known that relatively large numbers of bats forage. Unless it can be demonstrated otherwise, stand alone turbines should not be located within 50m from linear features such as hedgerows, woodland edges and water courses which may be used as bat commuting routes and foraging habitat; or located within 50m mature trees or other features such as buildings that have the potential to be used by roosting bats. Providing the application follows these guidelines then there is no objection to the erection of the turbine.

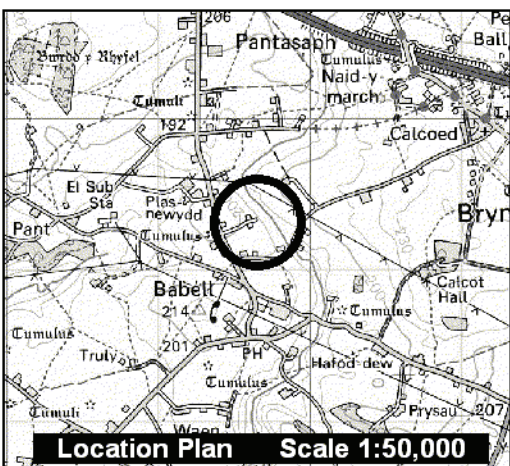
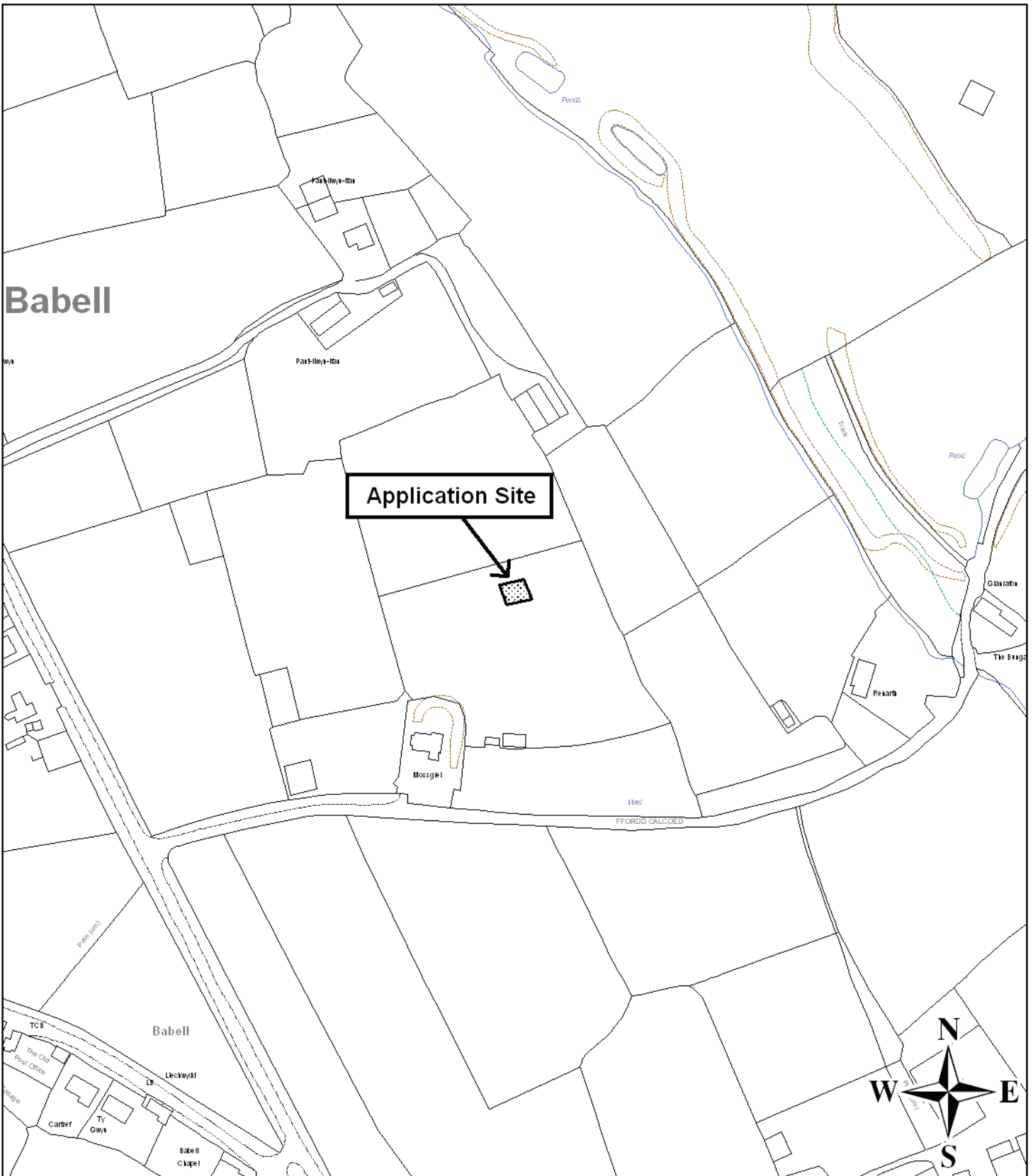
## **8.00 CONCLUSION**

- 8.01 Having considered all matters in regard to this application, the proposed 5kW domestic scale micro wind turbine is acceptable in principle and detail subject to appropriately worded conditions. It is important to ensure that schemes which facilitate the development of renewable and low carbon energy come forward in line with National Policy.

In considering this planning application 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.

**Contact Officer:** Celeste Ringrose  
**Telephone:** 01352 703235  
**Email:** celeste\_ringrose@flintshire.gov.uk



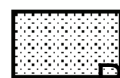


Environment Directorate,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.  
Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary



Application Site Extent

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Planning Application **50014**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **10<sup>TH</sup> OCTOBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **FULL APPLICATION - PLACEMENT OF A TELECOMS MAST FOR A PERIOD OF SIX MONTHS AT "TELEPHONE MASTS", BRIDGE STREET, SHOTTON**

**APPLICATION NUMBER:** **050016**

**APPLICANT:** **EVERYTHING EVERYWHERE**

**SITE:** **"TELEPHONE MASTS", BRIDGE STREET, SHOTTON**

**APPLICATION VALID DATE:** **01.08.2012**

**LOCAL MEMBERS:** **COUNCILLOR MRS A MINSHULL**

**TOWN/COMMUNITY COUNCIL:** **SHOTTON TOWN COUNCIL**

**REASON FOR COMMITTEE:** **THE MAST WAS FIRST SITED FOR SIX MONTHS SO THIS NOW RENEGES ON THE LAST APPLICATION**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 This full application seeks consent for the retention of a temporary telecommunications mast for a further period of six months. This temporary mast was erected under emergency legislation, which allows such works to take place and remain in place for a period of six months. This application seeks consent for the retention of the mast for a further period of six months whilst a permanent site is sourced. The main issue is the impact upon residential amenity.

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

2.01 1. Temporary consent for six months or until new site is ready –

- whichever is the sooner.
2. In accordance with plans and particulars.
  3. All apparatus shall be removed from the land and the land restored to its previous condition at the expiry of the relevant period.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### **Councillor Mrs A Minshull**

Requests Planning Committee determination as the mast should be for the emergency six months only.

##### **Shotton Town Council**

Object to the application on the grounds of health and safety and over accumulation.

##### **Head of Public Protection**

No adverse comments.

##### **Environment Agency**

The application site lies entirely within zone C1 as defined by the development advice map referred to under TAN15 Development and Flood Risk (July 2004). Given the scale of the proposed development, and in the absence of a flood consequence assessment, the risk is considered to be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

### **4.00 PUBLICITY**

#### **4.01 Site Notice and Neighbour Notifications**

No responses received at time of writing.

### **5.00 SITE HISTORY**

#### **5.01 9600780**

Upgrade of existing telecommunications cell site by replacing existing 12m pole mast with 20m pole mast and new equipment cabinet – Approved 3/1/1997

#### **5525078**

Installation of telecommunications equipment including a 20 metre telecommunications pole – Approved 30/4/1996

### **6.00 PLANNING POLICIES**

#### **6.01 Flintshire Unitary Development Plan**

Policy GEN1 - General Requirements for Development

**7.00 PLANNING APPRAISAL**

7.01 Introduction

The application seeks consent for the temporary siting of a telecommunications mast on land at Groves Community Centre, Bridge Street, Shotton. The mast was previously sited at Shotton Lane Social Club, as a rooftop mast originally and a temporary mast once the Social Club had burnt down. The applicant, 'Everything Everywhere' has been looking for a permanent site ever since the fire and are hopeful that they have now found one. The retention of this temporary mast for six months allows them time to secure the new site and obtain the relevant permissions.

7.02 Site Description

The land to the rear of the Community Centre houses three other telecommunications masts at the present time. The site is bound by railway to the rear, open land to the side (housing a substation), a car park to one side and residential properties to the front. The masts, including the temporary mast concerned, are located to the rear of the Community Centre building in between the building itself and the railway line.

7.03 Proposed Development

The temporary mast is currently on site and the six months allowed under emergency legislation has now lapsed and Everything Everywhere are seeking consent for the masts retention until a new site is secured that they envisage taking six months. The supplementary information submitted states that there have been considerable difficulties in gaining a permanent solution in this area and advises that steps have now been taken to secure a location at Colomendy Farm, Wepre Lane, Northop Hall. The temporary legislation has allowed the applicant to have temporary masts for six month periods at several locations in order to ensure that they can continue to provide coverage until the permanent solution is secured.

Issues

7.04 There have been no objections raised by local residents and given that the site already houses three other telecommunications masts, I consider this temporary mast to be unobtrusive. It is for the reasons above; that I am of the opinion that it is reasonable for the Council to agree a six month extension of time for the temporary mast to allow Everything Everywhere to relocate to a permanent site.

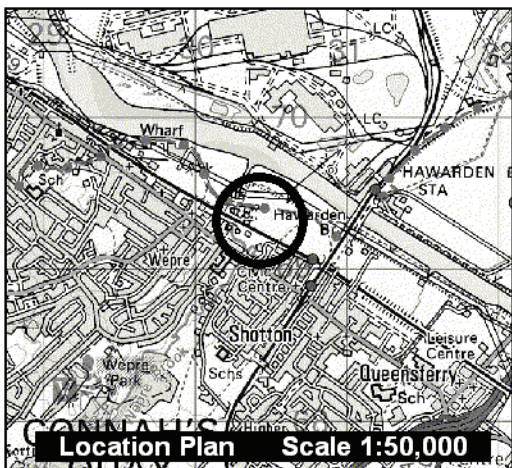
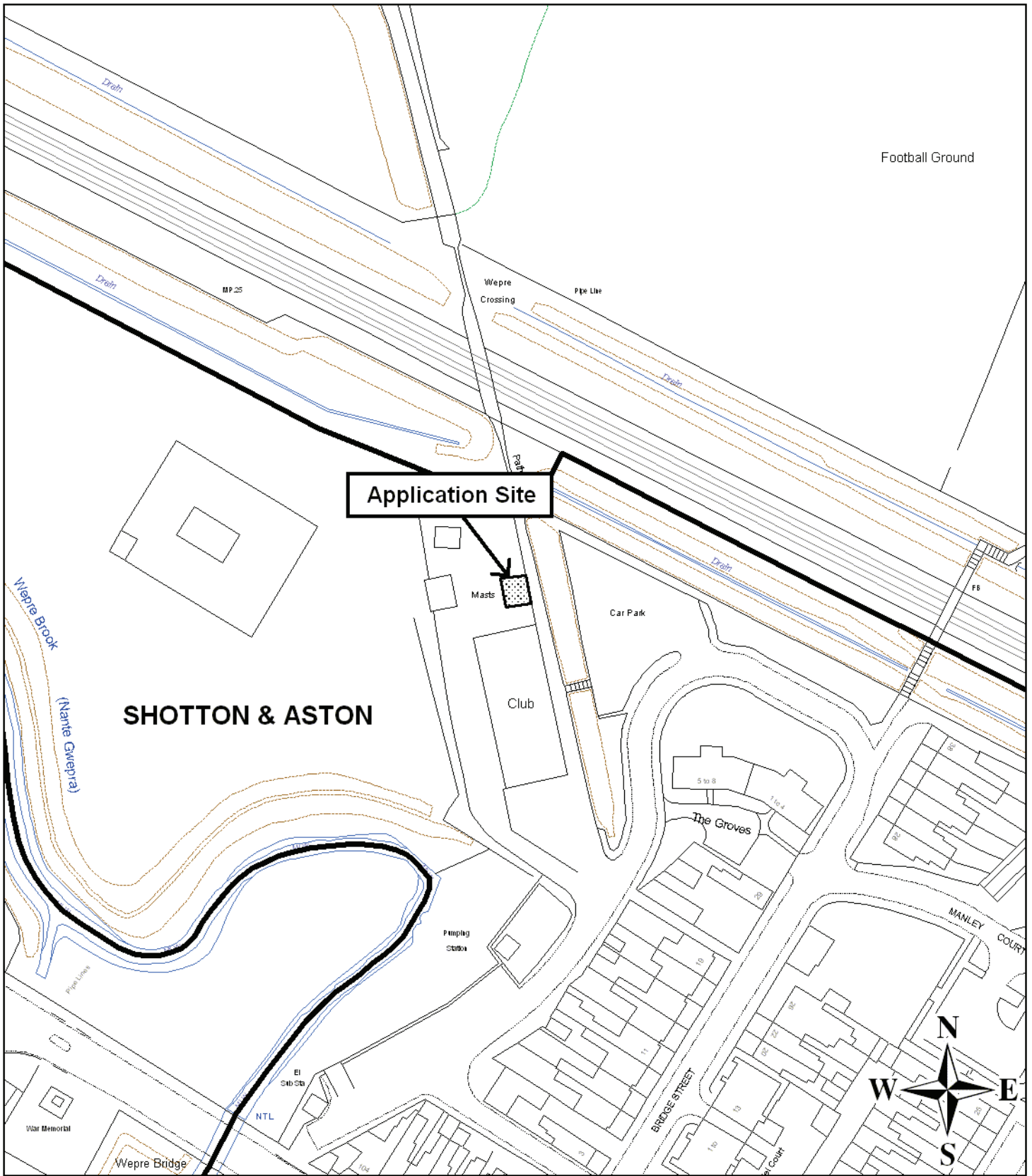
**8.00 CONCLUSION**

8.01 In conclusion, I consider it reasonable to grant temporary consent for the retention of the mast for a period of six months to allow its relocation to a permanent site. For this reason, it is considered that

the application complies with planning policy and is recommended accordingly.

- 8.02 In considering this planning application 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.

**Contact Officer:** Lauren Eaton-Jones  
**Telephone:** 01352 703299  
**Email:** Lauren\_Eaton-Jones@flintshire.gov.uk



Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**

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

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Map Scale	1:1250
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Planning Application	<b>50016</b>

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **10<sup>TH</sup> OCTOBER 2012**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **APPEAL BY J.T. HEWITT & SON LIMITED AGAINST FLINTSHIRE COUNTY COUNCIL'S DECISION TO REFUSE AN APPLICATION FOR FULL PLANNING PERMISSION FOR 8 NO. DWELLINGS AT A BUILDERS YARD, MAUDE STREET, CONNAH'S QUAY**

**1.00 APPLICATION NUMBER**

1.01 **048550**

**2.00 APPLICANT**

2.01 **J.T. HEWITT & SON LIMITED**

**3.00 SITE**

3.01 **BUILDERS YARD, MAUDE STREET, CONNAH'S QUAY**

**4.00 APPLICATION VALID DATE**

4.01 **11<sup>TH</sup> MAY 2011**

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal of full planning permission for 8 No. dwellings at a Builders Yard, Maude Street, Connah's Quay. The proposal was refused planning permission under delegated powers on flooding grounds. The appeal was dealt with by way of informal Hearing and was **DISMISSED**.

**6.00 REPORT**

6.01 **Issues**

The Inspector considered the main issue was whether the risks and consequences of flooding on the site could be acceptably managed over the lifetime of the development.

- 6.02 The Inspector referred to Appendix 1 of TAN15 which explains how the potential consequences of a flooding event should be assessed and provides guidance on the technical requirements for undertaking such an assessment. TAN15 gives indicative guidance as to the frequency threshold below which flooding of development should not be allowed. For residential development, the appropriate value for tidal flooding is the 0.5% (i.e. 200 to 1 chance in any year) event. The Inspector went on to state that the threshold given in TAN15 did not mention climate change, however, at a previous appeal decision relating to the site, the Inspector indicated that climate change impacts should be considered when assessing whether development would be flood free during this threshold event.
- 6.03 The Inspector referred to the “75 year scenario” where the ground floor of the dwellings would be flooded to a depth that would be within acceptable limits but the depth and velocity of the floodwater on the site/Maude Street would be well above the tolerable conditions given in the guidance (and significantly beyond tolerable levels in the 10 year scenario).
- 6.04 The Inspector explained that neither TAN15, nor the UDP Policy EWP17 defined lifetime of development, however, it was accepted at the hearing that it was reasonable to expect the proposed residential development to have a lifetime well in excess of 50 years. The Inspector referred to the appellant’s argument that the development would be acceptable since it satisfies the 50 year climate change scenario and, since the flood defences protect a significant amount of urban development, the defences would be raised in the future to take account of climate change, however, the Inspector nonetheless, referred to the previous appeal decision which stated there was no guarantee whatsoever that this would be to a standard at best equivalent to the no flooding below the 0.5% probability frequency threshold.
- 6.05 The Inspector was satisfied that in a flooding event, that residents could try to escape through floodwaters, however given the possible depth and velocity of such waters, this would pose an unacceptable risk to these people and to rescuers.
- 6.06 The Inspector explained that Planning Policy Wales and TAN15 advocates a precautionary approach in respect of new development in areas of high flood risk with the overarching aim of the approach to direct new development away from these areas. The Inspector was of the view that the potential depth and velocity of floodwater over the lifetime of the development would not satisfy the criteria set out in TAN15 and it would fail to satisfy national policy and that the risk and

consequences of flooding could not be acceptably managed.

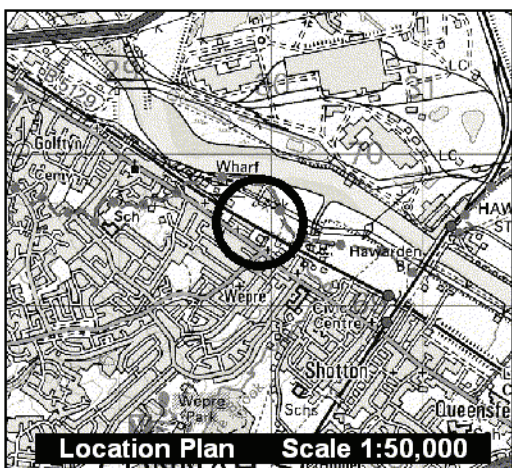
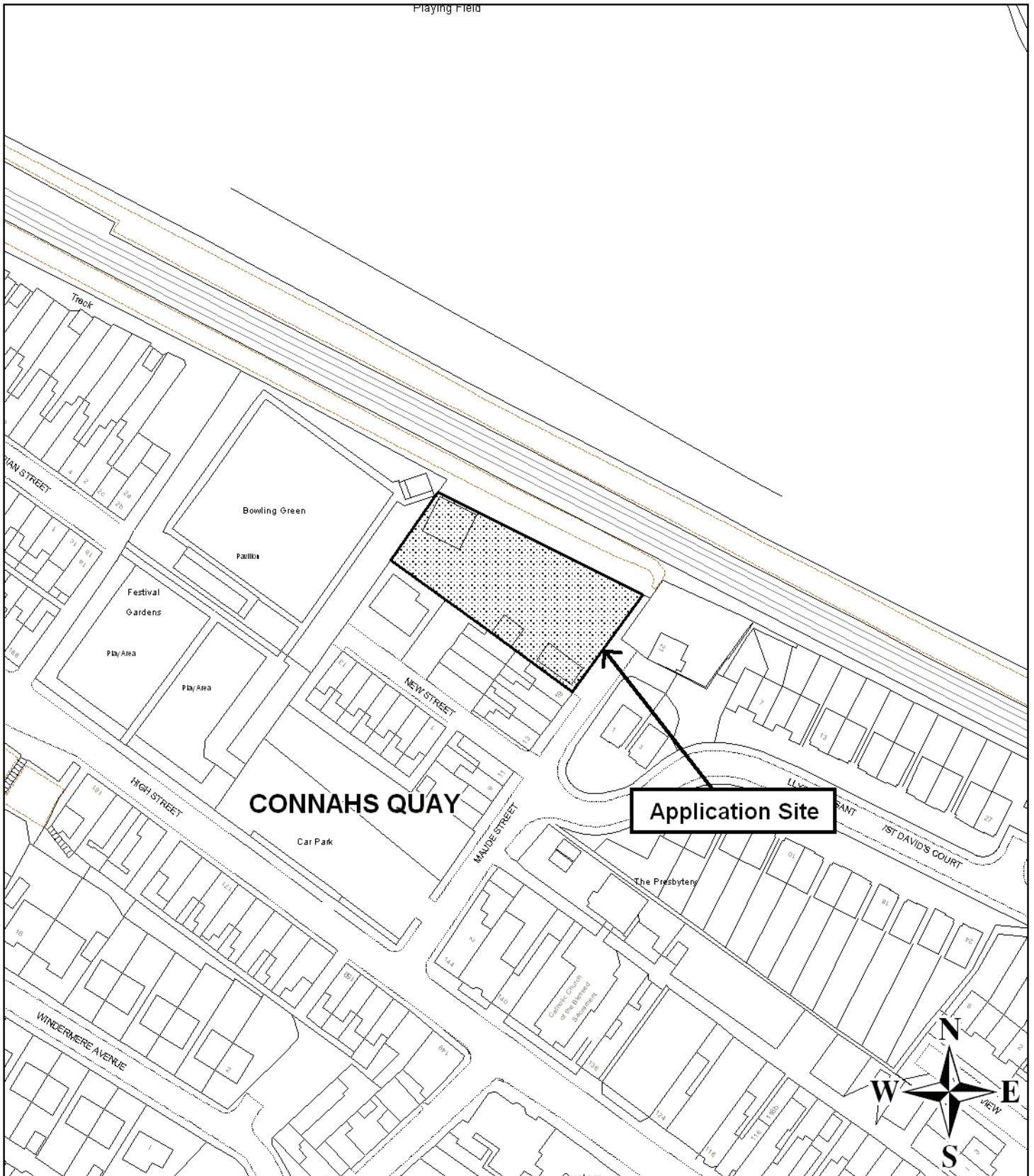
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**7.00 CONCLUSION**

7.01 For the reasons given above and having regard to all matters raised, the Inspector concluded that the appeal should be **DISMISSED**.

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**Location Plan Scale 1:50,000**

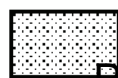


Environment Directorate,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Director: Mr. Carl Longland

**Legend**



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary



Application Site Extent

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Map Scale 1:1250

OS Map ref SJ 2969

Planning Application **48550**

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